

AMENDMENTS TO HOUSE BILL NO. 106

Sponsor: REPRESENTATIVE TURZAI

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1 Amend Bill, page 1, lines 1 through 7, by striking out all of
2 said lines and inserting

3 Amending Titles 74 (Transportation) and 75 (Vehicles) of the
4 Pennsylvania Consolidated Statutes, in Title 74, providing
5 for organization; in sustainable mobility options, further
6 providing for fund, for asset improvement program and for
7 programs of Statewide significance; providing for multimodal
8 transportation funding; in turnpike, further providing for
9 definitions and for electronic toll collection; in public-
10 private transportation partnerships, further providing for
11 public-private transportation partnership agreement;
12 providing for traffic signals, for the bridge bundling
13 program, for local bridge maintenance and for public utility
14 facilities; in Title 75, in registration of vehicles, further
15 providing for period of registration and for display of
16 registration plates; and providing for suspension of
17 registration upon unpaid tolls; in fees, further providing
18 for collection and disposition of fees and moneys and for
19 annual registration fees; in size, weight and load, further
20 providing for restrictions on use of highways and bridges; in
21 powers of department and local authorities, further providing
22 for regulation of traffic on Pennsylvania Turnpike; in
23 Pennsylvania Turnpike, further providing for definitions; in
24 liquid fuels and fuels tax, making editorial changes and
25 further providing for definitions, providing for electric
26 vehicle road fee; in State highway maintenance, further
27 providing for dirt and gravel road maintenance and for
28 supplemental funding for municipal highway maintenance; in
29 taxes for highway maintenance and construction, further
30 providing for imposition of tax and for allocation of
31 proceeds; and making a related repeal.

32 Amend Bill, page 2, lines 22 through 24, by striking out all
33 of said lines and inserting

34 Section 1. Title 74 of the Pennsylvania Consolidated
35 Statutes is amended by adding a chapter to read:

36 CHAPTER 2

ORGANIZATION

Sec.

201. Definitions.

202. Deputy secretaries.

§ 201. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Transportation of the Commonwealth.

"Secretary." The Secretary of Transportation of the Commonwealth.

§ 202. Deputy secretaries.

(a) Appointment.--The secretary shall appoint the following deputy secretaries:

- (1) Deputy Secretary for Administration.
- (2) Deputy Secretary for Driver and Vehicle Services.
- (3) Deputy Secretary for Highway Administration.
- (4) Deputy Secretary for Multimodal Transportation.
- (5) Deputy Secretary for Planning.

(b) Administration.--The Deputy Secretary for Administration has the powers and duties of the department under law relating to all of the following:

- (1) Fiscal affairs.
- (2) Operations analysis and improvement.
- (3) Information services.
- (4) Office services.
- (5) Human resources.
- (6) Equal opportunity.

(c) Driver and vehicle services.--The Deputy Secretary for Driver and Vehicle Services has the powers and duties of the department under law relating to all of the following:

- (1) Drivers.
- (2) Vehicles.
- (3) Vehicle and driver safety.
- (4) Services for other modes of transportation.

(d) Highway administration.--The Deputy Secretary for Highway Administration has the powers and duties of the department under law relating to all of the following:

- (1) Design of highways and bridges.
- (2) Land acquisition for highways and bridges.
- (3) Construction and reconstruction of highways and bridges.
- (4) Maintenance and operation of highways and bridges.
- (5) Highway and bridge safety.

(e) Multimodal transportation.--The Deputy Secretary for Multimodal Transportation has the powers and duties of the department under law relating to modes of transportation other than highways, except recreational boating and ferry licensing, including all of the following:

- (1) Local and public transportation.

- 1 (2) Rail freight.
- 2 (3) Ports and waterways.
- 3 (4) Aviation and airports.

4 (f) Planning.--The Deputy Secretary of Planning has the
5 powers and duties of the department under law relating to all of
6 the following:

- 7 (1) Planning and research.
- 8 (2) Program development and management.
- 9 (3) Services to municipalities.

10 Section 1.1. Section 1506(b) (1) and (c) of Title 74 are
11 amended to read:

12 § 1506. Fund.

13 * * *

14 (b) Deposits to fund by department.--

15 (1) The following apply:

16 (i) [Except as provided under subparagraph (ii),
17 upon] Upon receipt, the department shall deposit into the
18 fund the revenues received by the department under 75
19 Pa.C.S. Ch. 89 (relating to Pennsylvania Turnpike) and
20 the lease agreement executed between the department and
21 the Pennsylvania Turnpike Commission under 75 Pa.C.S. §
22 8915.3 (relating to lease of Interstate 80; related
23 agreements) as follows:

24 (A) For fiscal year 2007-2008, \$250,000,000.

25 (B) For fiscal year 2008-2009, \$250,000,000.

26 (C) For fiscal year 2009-2010, \$250,000,000.

27 (D) For fiscal year 2010-2011 and each fiscal
28 year thereafter[, the amount calculated for the
29 previous fiscal year, increased by 2.5%] through
30 fiscal year 2020-2021, \$250,000,000.

31 (ii) The deposits made to the fund under this
32 subsection shall equal \$250,000,000 [annually for each
33 fiscal year commencing after the expiration of the
34 conversion period if the conversion notice is not
35 received by the secretary prior to expiration of the
36 conversion period as set forth under 75 Pa.C.S. §
37 8915.3(3).] for fiscal years 2013-2014 through 2020-2021.
38 No additional payments shall be due following fiscal year
39 2020-2021.

40 * * *

41 (c) Other deposits.--The following shall be deposited into
42 the fund annually at the following rates:

43 (1) 4.4% of the amount collected under Article II of the
44 Tax Reform Code. Revenues under this paragraph shall be
45 deposited into the fund by the 20th day of each month for the
46 preceding month. The amount deposited under this paragraph is
47 estimated to be equivalent to the money available to the
48 department from the following sources:

49 (i) The Supplemental Public Transportation Account
50 established under former section 1310.1 (relating to
51 supplemental public transportation assistance funding).

1 (ii) The amount appropriated annually by the
2 Commonwealth from the General Fund for mass transit
3 programs pursuant to a General Appropriations Act.

4 (2) An amount of proceeds of Commonwealth capital bonds
5 as determined annually by the Secretary of the Budget.

6 (3) [Revenue in the Public Transportation Assistance
7 Fund established under Article XXIII of the Tax Reform Code
8 not otherwise dedicated pursuant to law.] Fees collected
9 under section 1505.1 (relating to fees and taxes).

10 (3.1) If, by July 1, 2021, legislation is not enacted to
11 replace the revenue deposited in the fund under subsection
12 (b)(1), in fiscal year 2021-2022 and in each fiscal year
13 thereafter, the following shall apply:

14 (i) An amount equal to that revenue shall be
15 deposited in the fund.

16 (ii) Notwithstanding any other provision of law, the
17 source of the revenue deposited in the fund under this
18 paragraph shall be the receipts from the tax collected
19 under section 238 of the Tax Reform Code on motor
20 vehicles, trailers and semi-trailers.

21 (3.2) The revenue deposited in the fund in accordance
22 with 75 Pa.C.S. § 3111(a.1)(2)(ii) (relating to obedience to
23 traffic control devices).

24 (4) Other appropriations, deposits or transfers to the
25 fund.

26 * * *

27 Section 2. Sections 1514 and 1516 of Title 74 are amended by
28 adding subsections to read:

29 § 1514. Asset improvement program.

30 * * *

31 (e.1) Public transportation.--The department is authorized
32 to distribute \$25,000,000 annually of the funds deposited to the
33 fund pursuant to 75 Pa.C.S. § 1904(b)(1) (relating to collection
34 and disposition of fees and moneys) for public transportation
35 capital projects. Effective July 1, 2015, the department shall
36 be authorized to distribute \$50,000,000 annually under this
37 subsection for public transportation capital projects.

38 * * *

39 § 1516. Programs of Statewide significance.

40 * * *

41 (c.1) Intercity rail.--The department is authorized to
42 expend up to \$6,000,000 annually of the funds deposited to the
43 fund pursuant to 75 Pa.C.S. § 1904(b)(1) (relating to collection
44 and disposition of fees and moneys) for operating assistance to
45 intercity passenger rail service between Philadelphia and
46 Pittsburgh.

47 * * *

48 (f) Continuation special transit services.--The department
49 is authorized to award \$4,000,000 annually of the funds
50 deposited to the fund pursuant to 75 Pa.C.S. § 1904(b)(1) for
51 the continuation of special transit services.

1 Section 3. Title 74 is amended by adding a chapter to read:

2 CHAPTER 21

3 MULTIMODAL TRANSPORTATION FUNDING

4 Sec.

5 2101. Multimodal Transportation Fund.

6 2102. Deposits to fund.

7 2103. Use of revenue.

8 2104. Distribution of revenue.

9 2105. Project selection criteria and agreement.

10 2106. Local match.

11 § 2101. Multimodal Transportation Fund.

12 A special fund is established within the State Treasury to be
13 known as the Multimodal Transportation Fund. Money in the fund
14 is appropriated to the department for the purposes authorized
15 under this chapter.

16 § 2102. Deposits to fund.

17 The following shall be deposited in the Multimodal
18 Transportation Fund:

19 (1) Twenty-three percent of the revenue deposited in the
20 fund in accordance with 75 Pa.C.S. § 1904(b)(2) (relating to
21 collection and disposition of fees and moneys).

22 (2) For fiscal year 2015-2016 and each fiscal year
23 thereafter, an amount authorized by the secretary from the
24 oil company franchise tax imposed under 75 Pa.C.S. § 9502
25 (relating to imposition of tax) to be expended in accordance
26 with section 11 of Article VIII of the Constitution of
27 Pennsylvania.

28 (3) Other appropriations, deposits or transfers to the
29 fund.

30 (4) The interest earned on money in the fund.

31 § 2103. Use of revenue.

32 Money in the fund shall be used by the Department of
33 Transportation as follows:

34 (1) To provide grants through the department's programs
35 relating to aviation, rail freight, passenger rail, port and
36 waterway, bicycle and pedestrian facilities, road and bridge
37 and other transportation modes.

38 (2) For costs incurred by the department in the
39 administration of programs specified under paragraph (1).

40 (3) To incur costs for activities initiated or
41 undertaken directly by the department related to the programs
42 under paragraph (1).

43 § 2104. Distribution of revenue.

44 For fiscal year 2013-2014, the revenue deposited in the fund
45 shall be designated for eligible programs under this chapter.
46 Starting in fiscal year 2014-2015, the revenue deposited in the
47 fund shall be distributed as follows:

48 (1) Six million dollars shall be designated for programs
49 related to aviation.

50 (2) Six million dollars shall be designated for programs
51 related to rail freight.

1 (3) Four million dollars shall be designated for
2 programs related to rail passengers.

3 (4) Four million dollars shall be designated for
4 programs related to ports and waterways.

5 (5) The remaining revenues shall be designated for
6 eligible programs under this chapter.

7 § 2105. Project selection criteria and agreement.

8 The Department of Transportation shall award grants under
9 this chapter on a competitive basis. The department may not
10 reserve, designate or set aside a specific level of funds or
11 percentage of funds to an applicant prior to the completion of
12 the application process, nor may the department designate a set
13 percentage of funds to an applicant.

14 § 2106. Local match.

15 Financial assistance under this section shall be matched by
16 county, municipal or private funding in an amount not less than
17 30% of the non-Federal share of the project cost. Matching funds
18 from a county or municipality shall only consist of cash
19 contributions provided by one or more counties or
20 municipalities.

21 Section 4. The definitions of "electronic toll collection,"
22 "owner" and "violation enforcement system" in section 8102 of
23 Title 74 are amended and the section is amended by adding
24 definitions to read:

25 § 8102. Definitions.

26 The following words and phrases when used in this chapter
27 shall have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 "Automated toll collection." A system of collecting tolls or
30 charges by a device that is capable of accepting coin, currency,
31 cards or tokens for payment of the prescribed toll or charge.

32 "Certificate of passage." A document signed and certified by
33 a vehicle owner, operator or lessee evidencing agreement to pay
34 the prescribed toll plus a processing fee to the commission
35 within a prescribed period.

36 "Certificate of passage toll collection." A system of
37 collecting a toll or charge by providing a vehicle owner,
38 operator or lessee with a certificate of passage at a toll
39 collection facility if the owner, operator or lessee does not
40 have sufficient funds to pay the prescribed toll at the time the
41 owner, operator or lessee passes through the toll collection
42 facility.

43 * * *

44 "Electronic toll collection." A system of collecting tolls
45 or charges [that is capable of charging an account holder for
46 the prescribed toll] by electronic transmission of information
47 [between], including by use of a device on a vehicle and a
48 device [in a toll lane] at a toll collection facility, open road
49 tolling, video tolling system or other similar structural or
50 technological enhancements related to tolling.

51 * * *

1 "Owner." Except as provided under section [8117(e)] 8117
2 (relating to [electronic] toll collection), [an individual] a
3 person, copartnership, association or corporation having title
4 or interest in a property right, easement or franchise
5 authorized to be acquired under this chapter.

6 * * *

7 "Toll collection." A system of collecting tolls or charges
8 that is capable of charging an account holder or vehicle owner,
9 operator or lessee for the prescribed toll by automated toll
10 collection, certificate of passage toll collection or electronic
11 toll collection.

12 * * *

13 "Video tolling system." As follows:

14 (1) A vehicle sensor or other electronic toll collection
15 device, placed in a location to work in conjunction with a
16 toll collection facility, which automatically produces a
17 videotape or photograph, microphotograph or other recorded
18 image of the vehicle or vehicle license plate at the time the
19 vehicle is used or operated on the tolled facility in order
20 to collect tolls or detect violations of the toll collection
21 regulations or rules.

22 (2) The term includes technology other than identified
23 under paragraph (1) which identifies a vehicle by
24 photographic, electronic or other method.

25 "Violation." The failure to pay the prescribed toll as
26 provided under section 8117(a)(1) (relating to toll collection).

27 ["Violation enforcement system." A vehicle sensor, placed in
28 a location to work in conjunction with a toll collection
29 facility, which automatically produces a videotape or
30 photograph, microphotograph or other recorded image of the rear
31 portion of each vehicle at the time the vehicle is used or
32 operated in violation of the toll collection regulations. The
33 term includes any other technology which identifies a vehicle by
34 photographic, electronic or other method.]

35 Section 5. Sections 8117 and 9110(f)(5) of Title 74 are
36 amended to read:

37 § 8117. [Electronic toll] Toll collection.

38 (a) Liability of owner.--

39 [(1) If an operator of a vehicle fails to pay the
40 prescribed toll at any location where tolls are collected by
41 means of electronic toll collection, the owner of the vehicle
42 shall be liable to the commission for failure of the operator
43 of the vehicle to comply with this section if the violation
44 is evidenced by information obtained from a violation
45 enforcement system.

46 (2) If a violation of this section is committed, the
47 registration plate number of the vehicle as recorded by a
48 violation enforcement system shall establish an inference
49 that the owner of the vehicle was then operating the vehicle.
50 The inference shall be overcome if the owner does all of the
51 following:

1 (i) Testifies that the owner was not operating the
2 vehicle at the time of the violation.

3 (ii) Submits to an examination as to who at the time
4 was operating the vehicle.

5 (iii) Reveals the name and residence address, if
6 known, of the operator of the vehicle.

7 (3) If an action or proceeding is commenced in a county
8 other than that of the residence of the owner, a verified
9 written statement setting forth the facts prescribed under
10 paragraph (2)(i), (ii) and (iii) shall suffice to overcome
11 the inference.

12 (4) If the inference is overcome, the operator of the
13 vehicle may be held liable under this section for failure to
14 pay the prescribed toll in the same manner as if the operator
15 were the owner of the vehicle.

16 (b) Imposition of liability.--Liability under this section
17 shall be imposed upon an owner for a violation of this section
18 or the regulations of the commission occurring within the
19 territorial limits of this Commonwealth. If a violation is
20 committed as evidenced by a violation enforcement system, the
21 following shall apply:

22 (1) The commission or an authorized agent or employee
23 must prepare and mail a notice of violation as follows:

24 (i) The notice of violation must be sent by first
25 class mail to each person alleged to be liable as an
26 owner for a violation of this section.

27 (ii) The notice must be mailed at the address shown
28 on the vehicle registration or at the address of the
29 operator, as applicable. Notice must be mailed no later
30 than 60 days after:

31 (A) the alleged conduct; or

32 (B) the date the inference is overcome under
33 subsection (a)(2).

34 (iii) Personal service is not required.

35 (iv) The notice must contain all of the following:

36 (A) Information advising the person charged of
37 the manner and time in which the liability alleged in
38 the notice may be contested.

39 (B) A warning advising the person charged that
40 failure to contest in the manner and time provided
41 shall be deemed an admission of liability and that a
42 default judgment may be entered on the notice.]

43 (1) Notwithstanding any other provision of law, if an
44 operator of a vehicle fails to pay the prescribed toll at a
45 prescribed location by means of toll collection or as
46 directed by official signs posted on the tolled facility in
47 accordance with the rules or regulations instituted for toll
48 collection by the tolling entity, the owner of the vehicle
49 shall be liable to the tolling entity or its authorized agent
50 for failure of the operator of the vehicle to comply with
51 this section if the violation is evidenced by any of the

1 following:

2 (i) Information obtained from a video tolling
3 system.

4 (ii) A certificate of passage that has not been paid
5 within the prescribed time period.

6 (2) Except for an operator who utilizes certificates of
7 passage toll collection, if an operator of a vehicle fails to
8 pay the prescribed toll as provided under paragraph (1), the
9 registration plate number of the vehicle as recorded by a
10 video tolling system shall establish an inference that the
11 owner of the vehicle was operating the vehicle at the time of
12 the violation. The inference shall be overcome if the owner
13 does all of the following:

14 (i) Testifies that the owner was not operating the
15 vehicle at the toll collection facility at the time of
16 the violation.

17 (ii) Submits to an examination as to who was
18 operating the vehicle at the time of the violation.

19 (iii) Reveals the name and residence address, if
20 known, of the operator of the vehicle or demonstrates to
21 the reasonable satisfaction of the commission that the
22 vehicle was misidentified.

23 (3) If an action or proceeding is commenced in a county
24 other than that of the residence of the owner, a verified
25 written statement under 18 Pa.C.S. § 4904 (relating to
26 unsworn falsifications to authorities) setting forth the
27 facts prescribed under paragraph (2) shall suffice to
28 overcome the inference.

29 (4) A court of competent jurisdiction shall admit as
30 prima facie evidence the verified statement relied upon under
31 paragraph (3). The operator of the vehicle may be held liable
32 under this section for failure to pay the prescribed toll in
33 the same manner as if the operator were the owner of the
34 vehicle if any of the following apply:

35 (i) The inference is overcome.

36 (ii) The operator of the vehicle utilized
37 certificate of passage toll collection.

38 (b) Imposition of liability.--Liability under this section
39 shall be imposed upon an owner, including a person, lessee or
40 operator who becomes liable in the same manner as if the person
41 was an owner under this section, for a violation of this section
42 or the regulations or rules of the commission occurring within
43 the territorial limits of this Commonwealth. If a violation is
44 committed as evidenced by information obtained from a video
45 tolling system or certificate of passage, the following shall
46 apply:

47 (1) The commission or an authorized agent or employee
48 shall prepare and mail a notice of violation as follows:

49 (i) The notice of violation shall be sent by first
50 class mail to each person alleged to be liable as an
51 owner for a violation of this section.

1 (ii) The notice shall be mailed to the address shown
2 on the vehicle registration or to the address of the
3 operator, as applicable. Notice shall be mailed no later
4 than 120 days after one of the following:

5 (A) The date of the alleged conduct.

6 (B) The date the inference is overcome in
7 subsection (a)(2).

8 (C) The date that a lessor provides the
9 information required under paragraph (3) in a manner
10 that the lessee of the vehicle on the date of
11 violation is deemed to be the owner of the vehicle
12 for purposes of this section.

13 (iii) Personal service of the notice shall not be
14 required.

15 (iv) The notice shall include all of the following:

16 (A) The date, time and location of the alleged
17 violation and, if available, the license plate number
18 of the vehicle.

19 (B) Information advising the owner charged of
20 the manner and time in which the liability alleged in
21 the notice may be contested.

22 (C) A warning advising the owner charged that
23 failure to contest in the manner and time provided
24 shall be deemed an admission of liability, that a
25 default judgment may be entered on the notice and
26 that the failure to pay all unpaid tolls,
27 administrative fees and costs may result in
28 suspension of registration of a vehicle registered to
29 the person by the department.

30 (v) A single notice with respect to multiple
31 violations may be sent if the notice meets the
32 requirements of this paragraph.

33 (1.1) A manual or automatic record of mailing prepared
34 in the ordinary course of business shall be prima facie
35 evidence of the mailing of notice.

36 (2) If an owner of a vehicle or an owner that is a
37 lessor of a vehicle receives a notice of violation under this
38 section for any time period during which the vehicle was
39 reported to a police department as having been stolen, it
40 shall be a defense to the allegation of liability that the
41 vehicle had been reported to the police as having been stolen
42 prior to the time the violation occurred and that the vehicle
43 had not been recovered by the time of the violation. For
44 purposes of asserting the defense under this paragraph, it
45 shall be sufficient that a certified copy of the police
46 report on the stolen vehicle be sent by first class mail to
47 the commission or its authorized agent within 30 days after
48 receiving the original notice of violation. Failure to send
49 the information within the time limit under this paragraph
50 shall render the owner or lessor liable for the penalty
51 prescribed by this section.

1 (3) An owner that is a lessor of a vehicle as to which a
2 notice of violation was issued under paragraph (1) shall not
3 be liable for a violation if the owner sends to the
4 commission or its authorized agent a copy of the rental,
5 lease or other contract document covering the vehicle on the
6 date of the violation, with the name and address of the
7 lessee clearly legible to the commission, within 30 days
8 after receiving the original notice of violation. Failure to
9 send the information within the time limit under this
10 paragraph shall render the lessor liable for the penalty
11 prescribed by this section. If the lessor complies with the
12 provisions of this section, the lessee of the vehicle on the
13 date of the violation shall be deemed to be the owner of the
14 vehicle for purposes of this section and shall be subject to
15 liability for the penalty under this section.

16 (4) A certified report or a facsimile report of an
17 authorized agent or employee of the commission reporting a
18 violation of this section or rules or regulations of the
19 commission based upon [the recorded information obtained from
20 a violation enforcement system] any of the following shall be
21 prima facie evidence of the facts contained in the report and
22 shall be admissible as an official record of regularly
23 conducted activity of the commission kept in the ordinary
24 course of business in any proceeding charging a violation of
25 this section or the toll collection rules or regulations of
26 the commission:

27 (i) The recorded information obtained from a video
28 tolling system.

29 (ii) A certificate of passage.

30 (5) Notwithstanding any other provision of law,
31 videotapes, photographs, microphotographs, other recorded
32 images, written records, reports or facsimiles prepared
33 pursuant to this section shall be for the exclusive use of
34 the commission, its authorized agents, its employees and law
35 enforcement officials for the purpose of discharging duties
36 under this section and the rules or regulations of the
37 commission. The information shall not be deemed a public
38 record under the act of [June 21, 1957 (P.L.390, No.212),
39 referred to as the Right-to-Know Law] February 14, 2008
40 (P.L.6, No.3), known as the Right-to-Know Law. The
41 information shall not be discoverable by court order or
42 otherwise; nor shall it be offered in evidence in any action
43 or proceeding which is not directly related to a violation of
44 this section, the rules or regulations of the commission or
45 indemnification for liability imposed pursuant to this
46 section. The restrictions set forth in this paragraph:

47 (i) shall not be deemed to preclude a court of
48 competent jurisdiction from issuing an order directing
49 that the information be provided to law enforcement
50 officials if the information is reasonably described and
51 is requested solely in connection with a criminal law

1 enforcement action;

2 (ii) shall not be deemed to preclude the exchange of
3 the information between any entities with jurisdiction
4 over or which operate [an electronic] a toll collection
5 system in this Commonwealth or any other jurisdiction;
6 and

7 (iii) shall not be deemed to prohibit the use of
8 information exclusively for the purpose of billing
9 electronic toll collection account holders and other
10 users of toll collection, deducting toll charges from the
11 account of an account holder, enforcing toll collection
12 laws and related rules and regulations or enforcing the
13 provisions of an account holder agreement.

14 (6) An imposition of liability under this section must
15 be based upon a preponderance of evidence.

16 (7) An imposition of liability pursuant to this section
17 shall not be deemed a conviction of an owner and shall not be
18 made part of the motor vehicle operating record of the person
19 upon whom the liability is imposed, nor shall it be
20 considered in the provision of motor vehicle insurance
21 coverage.

22 (8) An owner that admits, is found liable or fails to
23 respond to the notice of violation for a violation of this
24 section shall be civilly liable to the commission or tolling
25 entity as defined in 75 Pa.C.S. § 1380(j) (relating to
26 suspension of registration upon unpaid tolls) for [all of]
27 the following:

28 (i) Either:

29 (A) the amount of the toll evaded or attempted
30 to be evaded if the amount can be determined; or

31 (B) the maximum toll from the farthest point of
32 entry on the [Pennsylvania Turnpike] tolled facility
33 to the actual point of exit if the amount of the toll
34 evaded or attempted to be evaded cannot be
35 determined.

36 (ii) [A reasonable administrative fee not to exceed
37 \$35 per notification.] Fees and costs in an amount
38 sufficient to cover the reasonable costs of collecting
39 the amounts under subparagraph (i) but no greater than an
40 amount set by the commission or its authorized agent or
41 tolling entity as defined in 75 Pa.C.S. § 1380(j).

42 (8.1) The following shall apply:

43 (i) Upon failure of an owner, operator or lessee to
44 pay the amount, fee and cost imposed under paragraph (8),
45 the commission or its authorized agent shall send to the
46 owner, operator or lessee a notice of any toll evasion
47 violation setting forth the outstanding unpaid tolls and
48 administrative fees and costs due to the commission and
49 meeting the requirements of paragraph (1).

50 (ii) The department shall suspend the registration
51 of a vehicle upon the notification from the commission or

1 its authorized agent that the statutory owner or
2 registrant of the vehicle has failed to pay or defaulted
3 in the payment of six or more violations issued under
4 subsection (a)(1) or incurred unpaid tolls or
5 administrative fees or costs that total a minimum of
6 \$500. The suspension shall not be construed to limit the
7 commission's or its authorized agent's ability to recoup
8 tolls, administrative fees or costs.

9 (iii) Prior to notifying the department under
10 subparagraph (iv), the commission or its authorized agent
11 shall provide the statutory owner or registrant written
12 notice by first class mail of its intent to seek
13 suspension of the vehicle registration under this section
14 and afford the statutory owner or registrant with the
15 opportunity to be heard during an administrative
16 proceeding.

17 (iv) The following shall apply:

18 (A) No sooner than 30 days after mailing the
19 notice required under subparagraph (iii), the
20 commission or its authorized agent may notify the
21 department electronically, in a format prescribed by
22 the department, if a statutory owner or registrant
23 fails to respond, fails to pay, defaults in payment
24 of six or more violations issued under subsection (a)
25 (1) or incurs unpaid tolls or administrative fees or
26 costs that total a minimum of \$500.

27 (B) If a notice has been provided under clause
28 (A) and all of the violations are subsequently paid,
29 dismissed, reversed on appeal or canceled, the
30 commission or its authorized agent shall notify the
31 department electronically, in a format prescribed by
32 the department, of the disposition of the violations
33 and shall provide the statutory owner or registrant
34 with a release from the suspension.

35 (v) A suspension under subparagraph (ii) shall
36 continue until the department receives notice from the
37 commission or its authorized agent that all of the
38 violations are paid, dismissed, reversed on appeal or
39 canceled or the defendant enters into an agreement with
40 the commission or its authorized agent to make
41 installment payments for the tolls, administrative fees
42 and costs imposed and pays the fee prescribed under 75
43 Pa.C.S. § 1960 (relating to reinstatement of operating
44 privilege or vehicle registration), except that the
45 suspension may be reimposed by the department if the
46 defendant fails to make regular installment payments.

47 (vi) The department shall impose an additional
48 period of registration suspension if, subsequent to the
49 issuance of a suspension under subparagraph (ii) and
50 prior to the restoration of the registration, the
51 department is notified by the commission or its

1 authorized agent that the statutory owner or registrant
2 has failed to respond, failed to pay or defaulted in the
3 payment of an additional violation issued under
4 subsection (a)(1).

5 (vii) A suspension may not be imposed based upon a
6 violation of subsection (a)(1) more than three years
7 after the violation is committed.

8 (9) Nothing in this section shall be construed to limit
9 the liability of the operator of a vehicle for a violation of
10 this section or of the rules or regulations of the
11 commission.

12 (c) Placement of electronic toll collection device.--An
13 electronic toll collection device which is affixed to the front
14 windshield of a vehicle in accordance with the rules or
15 regulations of the commission shall not be deemed to constitute
16 a violation of 75 Pa.C.S. § 4524 (relating to windshield
17 obstructions and wipers).

18 (d) Privacy of electronic toll collection account holder
19 information.--

20 (1) Except as set forth under paragraph (2),
21 notwithstanding any other provision of law, all of the
22 following apply to information kept by the commission, its
23 authorized agents or its employees which is related to the
24 account of an electronic toll collection system account
25 holder:

26 (i) The information shall be for the exclusive use
27 of the commission, its authorized agents, its employees
28 and law enforcement officials for the purpose of
29 discharging their duties pursuant to this section and the
30 rules or regulations of the commission. This subparagraph
31 includes names, addresses, account numbers, account
32 balances, personal financial information, credit card
33 information, vehicle movement records and other
34 information compiled from transactions with the account
35 holders.

36 (ii) The information shall not be deemed a public
37 record under the Right-to-Know Law, nor shall it be
38 discoverable by court order or otherwise or be offered in
39 evidence in any action or proceeding which is not
40 directly related to the discharge of duties under this
41 section, the rules or regulations of the commission or a
42 violation of an account holder agreement.

43 (2) Paragraph (1) shall not be deemed to do any of the
44 following:

45 (i) Preclude a court of competent jurisdiction from
46 issuing an order directing that the information be
47 provided to law enforcement officials if the information
48 is reasonably described and is requested solely in
49 connection with a criminal law enforcement action.

50 (ii) Preclude the exchange of the information
51 between any entities with jurisdiction over or which

1 operate an electronic toll collection system in this
2 Commonwealth or any other jurisdiction.

3 (iii) Prohibit the use of the information
4 exclusively for the purpose of billing electronic toll
5 collection account holders, deducting toll charges from
6 the account of an account holder, enforcing toll
7 collection laws and related rules or regulations or
8 enforcing the provisions of an account holder agreement.

9 (d.1) Temporary regulations.--Notwithstanding any other law,
10 regulations promulgated by the commission during the two years
11 following the effective date of this subsection shall be deemed
12 temporary regulations which shall expire no later than three
13 years following the effective date of this subsection or upon
14 promulgation of final regulations. The temporary regulations
15 shall not be subject to any of the following:

16 (1) Sections 201, 202 and 203 of the act of July 31,
17 1968 (P.L.769, No.240), referred to as the Commonwealth
18 Documents Law.

19 (2) The act of June 25, 1982 (P.L.633, No.181), known as
20 the Regulatory Review Act.

21 (e) [Definition.--As used in this section, the term "owner"
22 means any person, corporation, firm, partnership, agency,
23 association, organization or lessor that, at the time a vehicle
24 is operated in violation of this section or regulations of the
25 commission:

26 (1) is the beneficial or equitable owner of the vehicle;

27 (2) has title to the vehicle; or

28 (3) is the registrant or coregistrant of the vehicle
29 registered with the department or a comparable agency of
30 another jurisdiction or uses the vehicle in its vehicle
31 renting or leasing business. The term includes a person
32 entitled to the use and possession of a vehicle subject to a
33 security interest in another person.] Definitions.--As used
34 in this section, the following words and phrases shall have
35 the meanings given to them in this subsection unless the
36 context clearly indicates otherwise:

37 "Owner." As follows:

38 (1) A person, corporation, firm, partnership, agency,
39 association, organization, governmental entity or lessor
40 that, at the time a vehicle is operated in violation of this
41 section or rules or regulations of the commission, meets any
42 of the following:

43 (i) Is the beneficial or equitable owner of the
44 vehicle.

45 (ii) Has title to the vehicle.

46 (iii) Is the registrant or coregistrant of the
47 vehicle registered with the department or a comparable
48 agency of another jurisdiction or uses the vehicle in its
49 vehicle renting or leasing business.

50 (2) The term includes a person entitled to the use and
51 possession of a vehicle subject to a security interest in

1 another person.
2 "Statutory owner." The term shall have the same meaning as
3 given to the term "owner" in 75 Pa.C.S. § 102 (relating to
4 definitions).

5 § 9110. Public-private transportation partnership agreement.
6 * * *

7 (f) User fees.--A provision establishing whether user fees
8 will be imposed for use of the public-private transportation
9 project and the basis by which any user fees will be imposed and
10 collected shall be determined in the public-private
11 transportation partnership agreement. If a user fee is proposed
12 as part of the public-private transportation project, a
13 proprietary public entity shall include provisions in the
14 agreement that authorize the collection of user fees, tolls,
15 fares or similar charges, including provisions that:

16 * * *

17 (5) In the event an operator of a vehicle fails to pay
18 the prescribed toll or user fee at any location on a public-
19 private transportation project where tolls or user fees are
20 collected by means of an electronic or other automated or
21 remote form of collection, the collection provisions of
22 section 8117 (relating to [electronic] toll collection) shall
23 apply except that the development entity shall possess all of
24 the rights, roles, limitations and responsibilities of the
25 Pennsylvania Turnpike Commission.

26 * * *

27 Section 6. Title 74 is amended by adding chapters to read:

28 CHAPTER 92
29 TRAFFIC SIGNALS

30 Sec.

31 9201. Definitions.

32 9202. Maintenance agreement.

33 § 9201. Definitions.

34 The following words and phrases when used in this chapter
35 shall have the meanings given to them in this section unless the
36 context clearly indicates otherwise:

37 "Critical corridor." A State highway segment intersecting
38 with a limited access ramp or with bi-directional average annual
39 daily traffic greater than 10,000 vehicles per day. The
40 department's Roadway Management System shall identify the
41 current average annual daily traffic.

42 "Department." The Department of Transportation of the
43 Commonwealth.

44 "Existing agreement." An agreement between the department
45 and a municipality on the maintenance of a traffic signal
46 existing prior to the effective date of this section.

47 "Municipality." A city, borough, town or township.

48 "Maintenance." The activity of keeping a traffic signal in
49 proper working condition during the useful life of the traffic
50 signal.

51 "Replace." The modernization of an existing traffic signal

1 within a designated traffic corridor.

2 "Synchronize." The coordination of all traffic signals
3 within a designated traffic corridor for the purpose of
4 operating as a single system.

5 "Timing." The programming of traffic signals within a
6 designated traffic corridor in order to synchronize the signals.
7 § 9202. Maintenance agreement.

8 (a) Agreement.--A municipality may enter into an agreement
9 with the department to replace, synchronize and time traffic
10 signals located within a designated traffic corridor. The terms
11 of the agreement may specify that the municipality provide
12 services to the department. The agreement shall not exceed the
13 time period of the useful life of the traffic signals. The
14 municipality shall, during the duration of the agreement,
15 properly maintain and time the traffic signals in accordance
16 with the agreement.

17 (b) Critical corridors.--A municipality shall enter into an
18 agreement with the department under terms specified under
19 subsection (a) for critical corridors. A municipality shall
20 provide to the department in a timely manner all traffic and
21 intersection data that the municipality maintains for critical
22 corridors and establish and agree to an operations plan with the
23 department on critical corridors.

24 (c) Prioritization.--The department shall prioritize
25 corridors where proper signalization will provide the most
26 benefit to the traveling public and reduce congestion.
27 Priorities shall be reevaluated and updated as part of the
28 Planning Partner Transportation Improvement Plan cycle.

29 (d) Intergovernmental cooperation.--Two or more
30 municipalities may enter into an agreement with the department
31 if a designated corridor is located in two or more
32 municipalities.

33 (e) Maintenance.--If the department determines that one or
34 more traffic signals are not being maintained or timed in
35 accordance with an agreement under subsection (a) or an existing
36 agreement, the department shall provide written notice to all
37 municipalities subject to the agreement no less than 60 days
38 prior to taking any action to correct the improper maintenance
39 and timing. The written notice shall specify the maintenance and
40 timing deficiencies that are to be corrected. The following
41 apply:

42 (1) A municipality subject to the agreement under
43 subsection (a) shall have 60 days to correct the deficiencies
44 contained in the written notice or to contest, in writing,
45 the findings of the department within 30 days of receipt of
46 the written notice.

47 (2) The requirement that the municipality correct the
48 deficiencies within 60 days of receipt of the written notice
49 shall be temporarily stayed if the municipality timely
50 contests the department's findings in writing.

51 (3) A municipality that contests the deficiencies

1 specified in the written notice shall have 30 days to reach a
2 written understanding with the department related to the
3 deficiencies specified in the written notice.

4 (4) If the department and the municipality do not reach
5 a written understanding under paragraph (3), the department
6 and the municipality shall select a civil engineer licensed
7 by the Commonwealth who has substantial experience in traffic
8 engineering to mediate the dispute. The engineer may not be
9 under contract with the department or municipality or
10 municipalities unless the contract is specifically related to
11 traffic signal mediation.

12 (f) Failure of municipality to perform.--If a municipality
13 that has entered into an agreement with the department under
14 subsection (a) fails to meet the requirements of subsection (e)
15 (1) or (2), the department may take action to correct the
16 deficiencies specified in the notice under subsection (e).

17 (g) Payment for failure to correct deficiencies.--If the
18 department takes action under subsection (f), the department may
19 deduct the actual costs of correcting the deficiencies in
20 maintenance and timing from the payments made to the
21 municipality under the act of June 1, 1956 (1955 P.L.1944,
22 No.655), referred to as the Liquid Fuels Tax Municipal
23 Allocation Law, and 75 Pa.C.S. Chs. 89 (relating to Pennsylvania
24 Turnpike) and 95 (relating to taxes for highway maintenance and
25 construction).

26 CHAPTER 93

27 BRIDGE BUNDLING PROGRAM

28 Sec.

29 9301. Definitions.

30 9302. Bundling authorization.

31 9303. Bridge Bundling Program.

32 9304. Grant limitation exceptions.

33 § 9301. Definitions.

34 The following words and phrases when used in this chapter
35 shall have the meanings given to them in this section unless the
36 context clearly indicates otherwise:

37 "Bridge budget act." The act of December 8, 1982 (P.L.848,
38 No. 235), known as the Highway-Railroad and Highway Bridge
39 Capital Budget Act for 1982-1983.

40 "Department." The Department of Transportation of the
41 Commonwealth.

42 "Determination." A decision by the department as to the
43 eligibility, recommendation and inclusion in the program.

44 "Local government." A county, city, borough, town or
45 township.

46 "Program." The Bridge Bundling Program.

47 § 9302. Bundling authorization.

48 Notwithstanding any other law, the department is authorized
49 to bundle the design and construction of highway bridges owned
50 by the Commonwealth or local governments as provided under this
51 chapter.

1 § 9303. Bridge Bundling Program.

2 (a) Establishment.--The Bridge Bundling Program is
3 established within the department.

4 (b) Purpose.--The purpose of the program is to save costs
5 and time by allowing multiple highway bridges to be replaced or
6 rehabilitated as one project for design and construction
7 purposes.

8 (c) Eligibility.--Bridges shall be eligible for the program
9 if multiple bridges meet all of the following:

10 (1) Are within geographical proximity to each other.

11 (2) Are of similar size or design.

12 (3) Inclusion in the program will meet the purpose of
13 the program.

14 (d) Implementation.--The department shall implement the
15 program as follows:

16 (1) The department shall annually develop a preliminary
17 list from different regions of this Commonwealth, on a
18 rotating basis, of bridges meeting eligibility requirements.

19 (2) The department shall notify local governments owning
20 bridges recommended for inclusion in that year's program.

21 (3) Following receipt of notification from the
22 department, the governing body of a local government shall
23 have 60 days to agree or refuse participation in the program.
24 Failure to respond in writing within 60 days shall be
25 considered a refusal to participate in the program.

26 (4) Based on the response from local governments under
27 paragraph (3), the department shall make a final
28 determination of bridges to be designed and constructed under
29 the program and provide a list to the appropriate planning
30 organizations for inclusion in lists of funded projects.

31 (4.1) A determination shall not be:

32 (i) considered to an adjudication under 2 Pa.C.S.
33 Chs. 5 Subch. A (relating to practice and procedure of
34 Commonwealth agencies) and 7 Subch. A (relating to
35 judicial review of Commonwealth agency action); and

36 (ii) appealable to the department or a court of law.

37 (5) The following shall apply:

38 (i) A local government that agrees to participate in
39 the program for one or more of its bridges that qualify
40 for the program must enter into an agreement with the
41 department. The agreement shall define the department's
42 responsibility for the design and construction of the
43 bridges and the continuing ownership and maintenance
44 responsibilities of the local government for the local
45 bridges replaced or rehabilitated under this program.

46 (ii) The local government shall have 90 days from
47 receipt of the agreement to execute the agreement.

48 (iii) Failure to return an agreement executed by
49 authorized local government officials shall be deemed a
50 refusal to participate in the program.

51 (6) Upon full execution of an agreement under the

1 program, the department shall manage the project design and
2 construction in a manner consistent with the purpose of the
3 program.

4 (f) Itemization.--Notwithstanding any other law, bridges
5 determined to be eligible and recommended for the program by the
6 department shall not require specific itemization in a capital
7 budget.

8 § 9304. Grant limitation exceptions.

9 (a) Exceptions.--Notwithstanding section 2(c) of the bridge
10 budget act, the department shall agree to reimburse a local
11 government that participates in the program up to 100% of the
12 costs associated with the design and construction of the bridge.

13 (b) Nonparticipation.--Notwithstanding section 2(c) of the
14 bridge budget act, a local government with bridges that are
15 recommended for participation in the program which refuses to
16 participate in the program shall be required to pay 30% of the
17 non-Federal share of the costs for those local bridges.

18 CHAPTER 94

19 LOCAL BRIDGE MAINTENANCE

20 Sec.

21 9401. Definitions.

22 9402. Maintenance of bridges under jurisdiction of municipality
23 on State highway.

24 § 9401. Definitions.

25 The following words and phrases when used in this chapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Department." The Department of Transportation of the
29 Commonwealth.

30 "Municipality." A city, borough, town or township.

31 "Maintenance." The activity of keeping a bridge in proper
32 working condition during the useful life of the bridge.

33 § 9402. Maintenance of bridges under jurisdiction of
34 municipality on State highway.

35 (a) Maintenance.--If the department determines that a bridge
36 on a State highway and under the jurisdiction of a municipality
37 by agreement, court order or operation of law is not being
38 maintained in accordance with the applicable agreement, order or
39 law, the department shall provide written notice to each
40 municipality subject to the maintenance responsibility no less
41 than 60 days prior to taking action to correct the improper
42 maintenance. The written notice shall specify the maintenance
43 deficiencies that are to be corrected. The following shall
44 apply:

45 (1) A municipality with maintenance responsibility for a
46 bridge on a State highway shall have 60 days to correct the
47 deficiencies contained in the written notice or to contest,
48 in writing, the findings of the department within 30 days of
49 receipt of the written notice.

50 (2) The requirement that the municipality correct the
51 deficiencies within 60 days of receipt of the written notice

1 shall be temporarily stayed if the municipality timely
2 contests the department's findings in writing.

3 (3) A municipality that contests the deficiencies
4 specified in the written notice shall have 30 days to reach a
5 resolution with the department related to the deficiencies
6 specified in the written notice.

7 (4) If the department and the municipality do not reach
8 a resolution under paragraph (3), the department and the
9 municipality shall select a civil engineer licensed by the
10 Commonwealth who has substantial experience in traffic
11 engineering to mediate the dispute. The engineer may not be
12 under contract with the department or municipality or
13 municipalities unless that contract is specifically related
14 to traffic signal mediation.

15 (b) Failure of municipality to perform.--If a municipality
16 with maintenance responsibility for a bridge on a State highway
17 fails to meet the requirements of subsection (a)(1) or (2), the
18 department may take action to correct the deficiencies specified
19 in the notice under subsection (a).

20 (c) Payment for failure to correct deficiencies.--If the
21 department takes action under subsection (a), the department may
22 deduct the actual costs of correcting the deficiencies in
23 maintenance from the payments made to the municipality under the
24 act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the
25 Liquid Fuels Tax Municipal Allocation Law, and 75 Pa.C.S. Chs.
26 89 (relating to Pennsylvania Turnpike) and 95 (relating to taxes
27 for highway maintenance and construction), if the payments made
28 to the municipality for a fiscal year is not less than the
29 payments made to the municipality for fiscal year 2012-2013.

30 CHAPTER 95

31 PUBLIC UTILITY FACILITIES

32 Sec.

33 9501. Adjustment.

34 § 9501. Adjustment

35 (a) General rule.--The following shall apply:

36 (1) If, in the construction, reconstruction, widening or
37 relocation of a State highway, bridge or tunnel or a part of
38 a State highway, bridge or tunnel, it becomes necessary, in
39 the opinion of the department, to change, alter, adjust or
40 relocate a water line or sanitary sewer owned and operated by
41 a public utility, as defined in 66 Pa.C.S. § 102 (relating to
42 definitions), the Department of Transportation may make the
43 change, alteration, adjustment or relocation as may be
44 required as a part of the construction, reconstruction,
45 widening or relocation.

46 (2) In addition to paragraph (1), the department may
47 also enter into agreements with the public utility for the
48 sharing of costs of the change, alteration, adjustment or
49 relocation. If, in the opinion of the department, the costs
50 should be shared by the department and a public utility and
51 the department is unable to agree with the public utility to

1 a division of costs, the department may proceed with the work
2 and petition the Pennsylvania Public Utility Commission for a
3 determination of the costs to be borne by each party.

4 (b) Declaration of policy.--A public utility under
5 subsection (a) shall be entitled to a reimbursement in a similar
6 manner and shall be subject to the same standards and methods of
7 reimbursement as a city, borough, incorporated town, township
8 and municipal authority under section 412.1 of the act of June
9 1, 1945 (P.L.1242, No.428), known as the State Highway Law.

10 Section 6.1. Sections 1307 and 1332 of Title 75 are amended
11 by adding subsections to read:

12 Amend Bill, page 3, lines 8 and 9, by striking out all of
13 said lines and inserting

14 Section 7. Title 75 is amended by adding a section to read:
15 § 1380. Suspension of registration upon unpaid tolls.

16 (a) Suspension of registration.--

17 (1) The department shall suspend the registration of a
18 vehicle upon the notification from a tolling entity that the
19 owner or registrant of the vehicle has either:

20 (i) failed to pay or defaulted in the payment of six
21 or more violations issued pursuant to 74 Pa.C.S. §
22 8117(a)(1) (relating to toll collection) or other laws,
23 regulations, ordinances or other standards applicable to
24 the toll collection or payment requirements for a tolling
25 entity; or

26 (ii) incurred unpaid tolls or administrative fees or
27 costs that collectively total a minimum of \$500,
28 regardless of the number of violations.

29 (2) The suspension under paragraph (1) may not be
30 construed to limit the tolling entity's ability to recoup
31 tolls, administrative fees or costs by any other means
32 available under the law.

33 (b) Notice.--Prior to notifying the department under
34 subsection (c), the tolling entity shall provide the owner or
35 registrant written notice by first class mail of its intent to
36 seek suspension of the vehicle registration pursuant to this
37 section and afford the owner or registrant with the opportunity
38 to be heard during an administrative proceeding.

39 (c) Notice to the department.--Not sooner than 30 days after
40 mailing the notice under subsection (b), the tolling entity,
41 provided that it has entered into an agreement with the
42 department to enforce the provisions of this section, may notify
43 the department electronically, in a format prescribed by the
44 department, whenever an owner or registrant meets the
45 requirements for suspension under subsection (a)(1). When a
46 tolling entity has provided notice under this subsection and all
47 of the violations are subsequently paid, dismissed, reversed on
48 appeal or canceled, the tolling entity shall notify the
49 department electronically, in a format prescribed by the

1 department, of the disposition of the violation and shall
2 provide the owner or registrant with a release from the
3 suspension.

4 (d) Period of suspension.--A suspension under subsection (a)
5 shall continue until the department receives notice from the
6 tolling entity that the violations are paid, dismissed, reversed
7 on appeal or canceled or the owner or registrant enters into an
8 agreement with the tolling entity to make installment payments
9 for tolls, administrative fees and costs imposed and pays the
10 fee prescribed in section 1960 (relating to reinstatement of
11 operating privilege or vehicle registration), provided that the
12 suspension may be reimposed by the department if the owner or
13 registrant fails to make regular installment payments.

14 (e) Additional suspension.--The department shall impose an
15 additional period of registration suspension if, subsequent to
16 the issuance of a suspension under subsection (a) but prior to
17 the restoration of the registration, the department is notified
18 by the tolling entity that the owner or registrant has failed to
19 pay, failed to respond or defaulted in the payment of an
20 additional violation issued pursuant to 74 Pa.C.S. § 8117(a)(1).

21 (f) Violations outside Commonwealth.--The department shall
22 suspend the registration of a vehicle upon the notification from
23 a tolling entity that has entered into an enforcement agreement
24 with the department as authorized under section 6146 (relating
25 to enforcement agreements) for any toll violation of that state
26 or an authority or for failure to pay any fine or costs imposed
27 in accordance with the laws of the jurisdiction in which the
28 violation occurred. A person who provides proof satisfactory to
29 the department that the full amount of the fine and costs has
30 been forwarded to and received by the other state may not be
31 regarded as having failed to pay for the purposes of this
32 subsection.

33 (g) Documentation.--In any proceeding under this section,
34 documents obtained by the department from a tolling entity or
35 from the appropriate agency of the Commonwealth or another state
36 shall be admissible into evidence to support the department's
37 case. In addition, the department may treat the documents and
38 reports as documents of the department and use any of the
39 methods of storage permitted under the provisions of 42 Pa.C.S.
40 § 6109 (relating to photographic copies of business and public
41 records) and may reproduce the documents in accordance with the
42 provisions of 42 Pa.C.S. § 6103 (relating to proof of official
43 records). The department may certify that it has received or
44 obtained documents and reports from a tolling entity, the
45 Commonwealth or other states, and the certification shall be
46 prima facie proof of the facts contained in the documents and
47 reports.

48 (h) Three-year statute of limitations.--No suspension may be
49 imposed based upon a violation of 74 Pa.C.S. § 8117(a)(1) or
50 similar provision from another state more than three years after
51 the violation is committed.

1 (i) Collection of out-of-State tolls.--The department or a
2 tolling entity may collect the civil penalties and tolls imposed
3 by an out-of-State tolling entity if the department or tolling
4 entity has entered into a reciprocity agreement that confirms
5 all of the following:

6 (1) The other state or tolling entity has its own
7 effective reciprocal procedures for collecting penalties and
8 tolls imposed by a Commonwealth tolling entity and agrees to
9 collect penalties and tolls of the Commonwealth tolling
10 entity by employing sanctions that include denial of a
11 person's right to register or reregister a motor vehicle.

12 (2) The penalties, exclusive of tolls, claimed by the
13 other state or tolling entity against an owner of a motor
14 vehicle registered in this Commonwealth do not exceed \$100
15 for a first violation or \$600 for all pending violations.

16 (3) The other state or tolling entity provides due
17 process and appeal protections to avoid the likelihood that a
18 false, mistaken or unjustified claim will be pursued against
19 an owner.

20 (4) An owner of a motor vehicle registered in this
21 Commonwealth may present evidence to the other state or
22 tolling entity by mail, telephone, electronic means or other
23 means to invoke rights of due process, without having to
24 appear personally in the jurisdiction where the violation is
25 alleged to have occurred.

26 (5) The reciprocal collection agreement between the
27 department or a tolling entity and the other state or tolling
28 entity provides that each party may charge the other a fee
29 sufficient to cover the costs of collection services,
30 including costs incurred by the agency that registers motor
31 vehicles.

32 (j) Definition.--As used in this section, the term "tolling
33 entity" means the Pennsylvania Turnpike Commission, an entity
34 authorized to impose and collect tolls in accordance with the
35 laws of Pennsylvania, including 74 Pa.C.S. Ch. 91 (relating to
36 public-private transportation partnerships), or the laws of
37 another state or states and any authorized agent of such an
38 entity.

39 Section 8. Sections 1904 and 1911 heading and (a) of Title
40 75 are amended to read:

41 § 1904. Collection and disposition of fees and moneys.

42 [The] (a) General rule.--Except as provided under subsection
43 (b), the department shall collect all fees payable under this
44 title and all other moneys received in connection with the
45 administration of this title and transmit them to the State
46 Treasurer for deposit in the Motor License Fund. Moneys paid in
47 error may be refunded by the department.

48 (b) Disposition.--Fees collected under sections 1951(c)
49 (relating to driver's license and learner's permit), 1952
50 (relating to certificate of title), 1953 (relating to security
51 interest), 1955 (relating to information concerning drivers and

1 vehicles), 1956 (relating to certified copies of records) and
2 1958 (relating to certificate of inspection) shall be
3 transmitted to the State Treasurer for deposit as follows:

4 (1) To the Public Transportation Trust Fund:

5 (i) For fiscal years 2013-2014 and 2014-2015,
6 \$35,000,000.

7 (ii) For fiscal years beginning on or after July 1,
8 2015, \$60,000,000.

9 (2) The remainder to the Motor License Fund.

10 Amend Bill, page 3, line 16, by striking out all of said line
11 and inserting

12 Section 9. Section 4902(a) and (c) of Title 75 are amended
13 and the section is amended by adding subsections to read:

14 § 4902. Restrictions on use of highways and bridges.

15 (a) Restrictions based on condition of highway or bridge.--

16 (1) The Commonwealth and local authorities with respect
17 to highways and bridges under their jurisdictions may
18 prohibit the operation of vehicles and may impose
19 restrictions as to the weight or size of vehicles operated
20 upon a highway or bridge only when they determine by
21 conducting an engineering and traffic study as provided for
22 in department regulations that the highway or bridge may be
23 damaged or destroyed unless use by vehicles is prohibited or
24 the permissible size or weight of vehicles is reduced.

25 (2) The following shall apply:

26 (i) School buses, emergency vehicles and vehicles
27 making local deliveries or pickups may be exempted from
28 restrictions on the use of highways imposed under this
29 subsection.

30 (ii) The department may issue a statement of policy,
31 which shall take effect upon publication in the
32 Pennsylvania Bulletin, adopting an appropriate
33 methodology to provide letters of local determination
34 that identify particular vehicles, routes or uses as
35 local in nature.

36 (iii) The methodology under subparagraph (ii) may
37 allow for exemptions from 67 Pa. Code Ch. 189 (relating
38 to hauling in excess of posted weight limit) related to
39 at-risk industry sectors experiencing a 20% decline in
40 Statewide employment between March 2002 and March 2011.

41 (iv) The exemptions and related requirements under
42 subparagraph (iii) may remain in existence until December
43 31, 2018. Exemptions for local delivery or pickup may not
44 include traffic going to or coming from a site at which
45 minerals, gas or natural resources are developed,
46 harvested or extracted, notwithstanding whether the site
47 is located at a residence, a commercial site or on
48 farmland.

49 * * *

1 (c) Permits and security.--The Commonwealth and local
2 authorities may issue permits for movement of vehicles of size
3 and weight in excess of restrictions promulgated under
4 subsections (a) and (b) with respect to highways and bridges
5 under their jurisdiction and may require such undertaking or
6 security as they deem necessary to cover the cost of repairs and
7 restoration necessitated by the permitted movement of vehicles.
8 In reference to subsection (a), the Commonwealth and local
9 authorities shall not refuse to issue a permit with respect to a
10 highway under their jurisdiction if there is no reasonable
11 alternate route available. For purposes of this section,
12 "reasonable alternate route" shall mean a route meeting the
13 criteria set forth in department regulations relating to traffic
14 and engineering studies. The department may establish the types
15 of permits and agreements that may be issued. The following
16 shall apply:

17 (1) Permits may be for long-term or short-term use of
18 the posted highways.

19 (2) The department may require multiple vehicles
20 traveling to or from a single destination to operate pursuant
21 to a single permit.

22 (3) The department may establish a permit type allowing
23 the posting authority to determine that damage to the posted
24 highway covered by the permit will be minimal. This type of
25 permit may include categories based on the number and kinds
26 of loads expected, including a category providing that use of
27 the posted highway under a single minimum use permit of less
28 than 700 loads per year shall not require an agreement or
29 security. The department may alter the 700 loads per year
30 minimum use threshold if it determines the structural
31 capacity of the State highways can accept a higher or lower
32 amount of over-posted weight traffic. The department may
33 express the threshold as a loads-per-day, loads-per-week or
34 loads-per-month number.

35 (4) The department may restrict use of permits during
36 thaw periods as determined by the department.

37 (5) The department may determine that hauling related to
38 unconventional oil and gas development is excluded from
39 minimum use status based on its disproportionate and
40 qualitatively different impact upon highways and bridges.

41 (6) The department shall promulgate regulations to
42 implement this section. Regulations promulgated by the
43 department under this section shall not be subject to the
44 proposed rulemaking provisions of the act of July 31, 1968
45 (P.L.769, No.240) referred to as the Commonwealth Documents
46 Law, or the act of June 25, 1982 (P.L.633, No.181) known as
47 the Regulatory Review Act.

48 * * *

49 (h) (Reserved).

50 (i) Authority to conduct investigations and audits.--The
51 Commonwealth and local authorities may conduct or cause to be

1 conducted investigations and audits of a person or entity to
2 determine if there has been a violation of this section,
3 pertinent regulations or agreements.

4 (j) Authority to suspend, revoke or deny permits.--The
5 Commonwealth and local authorities may suspend, revoke or deny
6 permits and agreements if it is determined by the Commonwealth
7 or a local authority that there has been a violation of this
8 section, pertinent regulations or agreements, notwithstanding
9 any other provision of this section.

10 Section 10. Section 6110(b) of Title 75 is amended to read:
11 § 6110. Regulation of traffic on Pennsylvania Turnpike.

12 * * *

13 (b) Penalties.--

14 (1) Except as otherwise provided in this subsection, any
15 person violating any of the rules and regulations of the
16 Pennsylvania Turnpike Commission for which no penalty has
17 otherwise been provided by statute commits a summary offense
18 and shall, upon conviction, be sentenced to pay a fine of
19 \$25.

20 (2) Any person violating any of the rules and
21 regulations of the commission prohibiting fare evasion or
22 attempted fare evasion commits a summary offense and shall,
23 upon conviction for the first time, be sentenced to pay a
24 fine according to the classification by the commission of the
25 vehicle driven by that person at the time of violation as
26 follows:

- 27 (i) Class 1 through 2: \$100.
- 28 (ii) Class 3 through 6: \$500.
- 29 (iii) Class 7 and higher: \$1,000.

30 (3) In addition to the fines imposed under this
31 subsection, restitution shall be made to the commission in an
32 amount equal to the full fare, for the appropriate vehicle
33 class, from the farthest point of entry on the turnpike to
34 the actual point of exit.

35 (3.1) (i) A person who, while traveling upon the
36 Pennsylvania Turnpike or a road under its control, takes
37 an affirmative action in an attempt to evade tolls
38 commits a misdemeanor of the third degree and shall, upon
39 conviction, be sentenced to pay a fine of \$6,500 and to
40 undergo imprisonment for not less than 60 days. For the
41 purposes of this subsection, affirmative action shall
42 include any of the following:

43 (A) Removal of license plates from the vehicle
44 to impede electronic toll collection.

45 (B) Installation of a mechanism that rotates,
46 changes, blocks or otherwise mechanically alters the
47 ability of a license plate to be read by a violation
48 enforcement system as defined under 74 Pa.C.S. § 8102
49 (relating to definitions).

50 (C) Installation of a mechanical apparatus upon
51 the vehicle that serves the sole purpose of masking,

1 hiding or manipulating the true weight of the vehicle
2 as it appears to a mechanical scale.

3 (D) Conspiring with an individual or group of
4 individuals in an attempt to alter, lower or evade
5 payment of correct tolls.

6 (E) Unauthorized use of Pennsylvania Turnpike
7 private gate access or otherwise unauthorized
8 movement entering or exiting the turnpike other than
9 at approved interchanges.

10 (F) Any other action taken for the purpose of
11 evading the payment of a toll.

12 (ii) A violation of this paragraph may not preclude
13 prosecution under section 1332 (relating to display of
14 registration plate), 7122 (relating to altered, forged or
15 counterfeit documents and plates) or 7124 (relating to
16 fraudulent use or removal of registration plate).

17 Section 10.1. The definitions of "annual additional
18 payments," "annual base payments" and "scheduled annual
19 commission contributions" in section 8901 of Title 75 are
20 amended to read:

21 § 8901. Definitions.

22 The following words and phrases when used in this chapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Annual additional payments." As follows:

26 (1) During the conversion period and after the
27 conversion date, an amount equal to the scheduled annual
28 commission contribution, minus the sum of:

29 [(i) \$200,000,000 paid as annual base payments;]

30 (ii) any Interstate 80 savings for that fiscal year.

31 (2) If the conversion period has expired and a
32 conversion notice has not been received by the secretary, in
33 each subsequent fiscal year [until the end of the term of the
34 lease agreement] through fiscal year 2020-2021, the annual
35 additional payments shall be \$250,000,000. No annual
36 additional payments shall be due after fiscal year 2020-2021.

37 "Annual base payments." An amount equal to the sum of the
38 following:

39 (1) Annual debt service on outstanding bonds issued
40 under section 9511.2 (relating to special revenue bonds)
41 payable as required pursuant to the bonds.

42 [(2) Two hundred million dollars payable annually in
43 four equal installments each due the last business day of
44 each July, October, January and April.] No annual base
45 payments shall be due after fiscal year 2012-2013.

46 * * *

47 "Scheduled annual commission contribution." The following
48 amounts:

49 (1) \$750,000,000 in fiscal year 2007-2008.

50 (2) \$850,000,000 in fiscal year 2008-2009.

51 (3) \$900,000,000 in fiscal year 2009-2010.

1 (4) For fiscal year 2010-2011 and each fiscal year
2 thereafter, the amount shall be the amount calculated for the
3 previous year increased by 2.5%, except that the amount shall
4 be equal to the annual base payments plus \$250,000,000 if the
5 conversion notice is not received by the secretary prior to
6 the expiration of the conversion period. No scheduled annual
7 commission contribution shall be due after fiscal year 2020-
8 2021.

9 Section 11. Chapter 90 heading of Title 75 is amended to
10 read:

11 CHAPTER 90
12 LIQUID FUELS [AND], FUELS TAX
13 AND ELECTRIC VEHICLE ROAD FEE

14 Section 12. Chapter 90 of Title 75 is amended by adding a
15 subchapter heading immediately preceding section 9001 to read:

16 SUBCHAPTER A
17 PRELIMINARY PROVISIONS

18 Section 13. The definition of "average wholesale price" in
19 section 9002 of Title 75 is amended to read:

20 § 9002. Definitions.

21 The following words and phrases when used in this chapter
22 shall have the meanings given to them in this section unless the
23 context clearly indicates otherwise:

24 * * *

25 "Average wholesale price." [The average wholesale price per
26 gallon of all taxable liquid fuels and fuels, excluding the
27 Federal excise tax and all liquid fuels taxes, as determined by
28 the Department of Revenue for the 12-month period ending on the
29 September 30 immediately prior to January 1 of the year for
30 which the rate is to be set. In no case shall the average
31 wholesale price be less than 90¢ nor more than \$1.25 per
32 gallon.] The average wholesale price per gallon of all taxable
33 liquid fuels and fuels, excluding the Federal excise tax and all
34 liquid fuels taxes, shall be:

35 (1) \$1.48 for calendar year beginning January 1, 2014,
36 and ending December 31, 2014.

37 (2) \$1.71 for the calendar year beginning January 1,
38 2015, and each calendar year thereafter.

39 * * *

40 Section 14. Chapter 90 of Title 75 is amended by adding a
41 subchapter heading immediately preceding section 9003 to read:

42 SUBCHAPTER B
43 LIQUID FUELS AND FUELS TAX

44 Section 15. Chapter 90 of Title 75 is amended by adding a
45 subchapter to read:

46 SUBCHAPTER C
47 ELECTRIC VEHICLE ROAD FEE

48 Sec.

49 9031. Short title of subchapter.

50 9032. Road use fee imposed on electric vehicles.

51 9033. Electricity not motor fuel.

1 9034. (Reserved).
2 9035. (Reserved).
3 9036. Refunds.
4 9037. Motor carriers road tax and the International Fuel Tax
5 Agreement.
6 § 9031. Short title of subchapter.
7 This subchapter shall be known and may be cited as the
8 Electric Vehicle Road Fee Act.
9 § 9032. Road use fee imposed on electric vehicles.
10 (a) Fee required for registration.--Concurrent with
11 submitting an annual vehicle registration application and fee to
12 the Department of Transportation under section 1301 (relating to
13 registration and certificate of title required), an owner of an
14 electric vehicle shall submit the electric vehicle road fee. The
15 following shall apply:
16 (1) Normal vehicle registration shall not be considered
17 complete without payment in full of the electric vehicle road
18 fee.
19 (2) The electric vehicle road fee shall be paid by each
20 new owner registering the vehicle with the Commonwealth.
21 (b) Computation of electric vehicle road use fee.--
22 (1) The Department of Revenue shall compute the electric
23 vehicle road fee for each major vehicle class defined in the
24 CAFE standards.
25 (2) The electric vehicle road fee shall equal the
26 average annual vehicle fuel tax within each vehicle class.
27 (3) The average annual vehicle fuel fee computation
28 shall be as follows:
29 (i) The vehicle average miles driven divided by the
30 miles per gallon equivalent per vehicle as determined by
31 the department.
32 (ii) The quotient under subparagraph (i) shall be
33 multiplied by the sum of liquid fuels and oil company
34 franchise tax rates for gasoline and the product shall be
35 the average annual vehicle fuel fee.
36 (4) The department shall annually determine the electric
37 vehicle road fee for each vehicle class, to be published in
38 the Pennsylvania Bulletin on or before December 15 of each
39 year.
40 (c) Regulations.--The department shall promulgate
41 regulations to address new vehicle technology.
42 § 9033. Electricity not motor fuel.
43 (a) General rule.--Electricity used in an electric motor
44 that propels a vehicle on the highways of this Commonwealth is
45 not considered a motor fuel as defined under this chapter.
46 (b) Electric vehicles exempt from motor fuel taxes.--An
47 electric vehicle shall not pay a motor fuel tax under this
48 chapter unless the tax is assessed upon motor fuel that may also
49 be used in the vehicle.
50 § 9034. (Reserved).
51 § 9035. (Reserved).

1 § 9036. Refunds.

2 A person may be entitled to a refund of the electric vehicle
3 road fee paid for a vehicle that would otherwise have been
4 exempt under section 9006 (relating to distributor's report and
5 payment of tax). A person entitled to a refund of the electric
6 vehicle road fee shall apply for an annual refund in a manner
7 similar to the refund process used for motor fuels under section
8 9017 (relating to refunds).

9 § 9037. Motor carriers road tax and the International Fuel Tax
10 Agreement.

11 The department shall promulgate regulations as necessary for
12 compliance with the motor carriers road tax and International
13 Fuel Tax Agreement.

14 Section 16. Section 9106 heading, (a) and (b) of Title 75
15 are amended to read:

16 § 9106. Dirt [and], gravel and low-volume road maintenance.

17 (a) Statement of purpose.--It is the intent and purpose of
18 this section:

19 (1) To fund safe, efficient and environmentally sound
20 maintenance of sections of dirt and gravel roads which have
21 been identified as sources of dust and sediment pollution.

22 (2) To establish a dedicated and earmarked funding
23 mechanism that provides streamlined appropriation to the
24 county level and enables local officials to establish fiscal
25 and environmental controls.

26 (3) To fund safe, efficient and environmentally sound
27 maintenance of sections of low-volume roads that are sealed
28 or paved with an average daily traffic count of 500 vehicles
29 or less.

30 (b) General rule.--Of the funds available under section
31 9502(a)(1) (relating to imposition of tax), [~~\$1,000,000~~
32 \$4,000,000] shall be annually distributed to the Department of
33 Conservation and Natural Resources for the maintenance and
34 mitigation of dust and sediment pollution from parks and
35 forestry roads. Funds in the amount of [~~\$4,000,000~~] \$16,000,000
36 shall be appropriated annually to the State Conservation
37 Commission and administered in a nonlapsing, nontransferable
38 account restricted to maintenance and improvement of dirt [and],
39 gravel and low-volume State and municipal roads. The State
40 Conservation Commission shall apportion the funds based on
41 written criteria it develops to establish priorities based on
42 preventing dust and sediment pollution. In the first fiscal
43 year, top priority shall be given to specific trouble spot
44 locations already mapped by the Task Force on Dirt and Gravel
45 Roads and available from the department. A minimum of \$8,000,000
46 of the total appropriated annually shall be for maintenance and
47 improvement of low-volume roads.

48 * * *

49 Section 16.1. Section 9301 of Title 75 is amended to read:

50 § 9301. Supplemental funding for municipal highway maintenance.

51 (a) Annual appropriation.--The General Assembly shall

1 annually appropriate, beginning with the 1980-1981 fiscal year,
2 the sum of \$5,000,000 for supplemental payments to
3 municipalities to assist in the maintenance and construction
4 costs of municipal roads. The moneys appropriated by authority
5 of this section shall be distributed to municipalities in
6 accordance with the provisions of the act of June 1, 1956 (1955
7 P.L.1944, No.655), entitled "An act providing a permanent
8 allocation of a part of the fuels and liquids fuels tax proceeds
9 to cities, boroughs, incorporated towns and townships, for their
10 road, street and bridge purposes; conferring powers and imposing
11 duties on local officers and the Department of Highways; and
12 making an appropriation out of the Motor License Fund; and
13 repealing existing legislation."

14 (b) County allocation supplement.--The amount of \$5,000,000
15 is hereby appropriated out of the Motor License Fund to counties
16 annually. The following shall apply:

17 (1) The distribution shall be in the ratio of:

18 (i) the square footage of deck area of a county's
19 county-owned bridges; to

20 (ii) the total square footage of deck area of
21 county-owned bridges throughout this Commonwealth.

22 (2) The amount of square footage under subparagraph (i)
23 shall be that reported as part of the National Bridge
24 Inspection Standards Program.

25 (c) Additional allocation to municipalities.--An amount of
26 \$30,000,000 is hereby appropriated out of the Motor License Fund
27 and shall be distributed to municipalities pursuant to the act
28 of June 1, 1956 (1955 P.L.1944, No.655), referred to as the
29 Liquid Fuels Tax Municipal Allocation Law.

30 Section 17. Section 9502(a) of Title 75 is amended by adding
31 a paragraph and the section is amended by adding a subsection to
32 read:

33 § 9502. Imposition of tax.

34 (a) General rule.--

35 * * *

36 (5) Notwithstanding any other provision of law to the
37 contrary, the following shall apply:

38 (i) Subject to subparagraph (ii), the Department of
39 Revenue shall deposit into a newly established restricted
40 account in the Motor License Fund the revenue generated
41 from the difference between:

42 (A) the maximum "average wholesale price" under
43 section 9002 (relating to definitions) on June 30,
44 2013; and

45 (B) the "average wholesale price" under section
46 9002 on the effective date of this paragraph.

47 (ii) When the total amount of revenue reaches
48 \$480,000,000 in any given fiscal year, the excess amount
49 of revenue for that fiscal year shall be transferred to
50 the Motor License Fund to be used as unrestricted
51 revenue.

1 (iii) The money in the account shall be allocated as
2 follows:

3 (A) To replace any moneys redirected from the
4 Motor License Fund pursuant to 74 Pa.C.S. § 2102(1)
5 (relating to deposits to funds) and section 1904(b)
6 (1) (relating to collection and disposition of fees
7 and moneys).

8 (B) Following the allocation under clause (A):

9 (I) For repair and maintenance of
10 structurally deficient and posted State bridges,
11 89%. A total of \$40,000,000 annually of the
12 amount allocated under this subclause shall be
13 used by the department for public-private
14 transportation partnership bridge projects under
15 the provisions of 74 Pa.C.S. Ch. 91 (relating to
16 public-private transportation partnerships).

17 (II) For repair and maintenance of
18 structurally deficient and posted local bridges,
19 11%.

20 (C) Any funds deposited under this paragraph
21 shall be distributed in accordance with needs-based
22 formulas that are developed and subject to periodic
23 revision based on consultation and collaboration
24 among metropolitan planning organizations, rural
25 planning organizations and the department.

26 (D) Revisions proposed by the metropolitan
27 planning organizations and rural planning
28 organizations shall be for critical transportation
29 needs and shall be adopted upon a majority vote of
30 the State Transportation Commission.

31 (6) An additional 25 mills in calendar year 2014,
32 reduced to 18 mills in calendar year 2015 and thereafter, is
33 hereby imposed upon all fuels as defined and provided in
34 Chapter 90, and such tax shall also be collected as provided
35 in section 9004(b) upon such fuels, the proceeds of which
36 shall be distributed to the department.

37 * * *

38 (c.1) Definitions.--The following words and phrases when
39 used in this section shall have the meanings given to them in
40 this subsection unless the context clearly indicates otherwise:

41 "Metropolitan planning organization." The policy board of an
42 organization created and designated to carry out the
43 metropolitan transportation planning process.

44 "Rural planning organization." The organization of counties
45 with populations of less than 50,000 created and designated as
46 local development districts and which carry out the rural
47 transportation planning process.

48 "State Transportation Commission." The commission created in
49 section 2011 of the act of April 9, 1929 (P.L.177, No.175),
50 known as The Administrative Code of 1929, or any successor
51 organization.

1 Section 18. Section 9511 of Title 75 is amended by adding a
2 subsection to read:

3 § 9511. Allocation of proceeds.

4 * * *

5 (i) Refund to Pennsylvania Fish and Boat Commission.--

6 (1) When the tax imposed by this chapter has been paid
7 and the fuel on which the tax has been imposed has been
8 consumed in the operation of motorboats or watercraft upon
9 the waters of this Commonwealth, including waterways
10 bordering on this Commonwealth, the full amount of the tax
11 shall be refunded to the Boat Fund on petition to the Board
12 of Finance and Revenue in accordance with prescribed
13 procedures.

14 (2) In accordance with such procedures, the Pennsylvania
15 Fish and Boat Commission shall biannually calculate the
16 amount of liquid fuels consumed by the motorcraft and furnish
17 the information relating to its calculations and data as
18 required by the Board of Finance and Revenue. The board shall
19 review the petition and motorboat fuel consumption
20 calculations of the commission, determine the amount of the
21 oil company franchise tax paid and certify to the State
22 Treasurer to refund annually to the Boat Fund the amount so
23 determined. The department shall be accorded the right to
24 appear at the proceedings and make its views known.

25 (3) For the fiscal years commencing July 1, 2013, July
26 1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the
27 money under paragraph (2) shall be used by the commission
28 acting by itself or by agreement with other Federal and State
29 agencies only for the improvement of hazardous dams
30 impounding waters of this Commonwealth on which boating is
31 permitted, including the development and construction of
32 boating areas and the dredging and clearing of water areas
33 where boats can be used. The commission shall present its
34 plan no later than September 30 of each year through
35 September 30, 2017, to the chairman and minority chairman of
36 the Transportation and Game and Fisheries Committees of the
37 Senate and the chairman and minority chairman of the
38 Transportation and Game and Fisheries Committees of the House
39 of Representatives regarding the use of the funds. For the
40 fiscal year commencing July 1, 2018, and for each fiscal year
41 thereafter, this money shall be used by the commission acting
42 by itself or by agreement with other Federal and State
43 agencies only for the improvement of the waters of this
44 Commonwealth on which motorboats are permitted to operate and
45 may be used for the development and construction of motorboat
46 areas; the dredging and clearing of water areas where
47 motorboats can be used; the placement and replacement of
48 navigational aids; the purchase, development and maintenance
49 of public access sites and facilities to and on waters where
50 motorboating is permitted; the patrolling of motorboating
51 waters; the publishing of nautical charts in those areas of

1 this Commonwealth not covered by nautical charts published by
2 the United States Coast and Geodetic Survey or the United
3 States Army Corps of Engineers and the administrative
4 expenses arising out of such activities; and other similar
5 purposes.

6 Section 19. The addition of 74 Pa.C.S. § 9402 shall apply to
7 contracts entered into on or after the effective date of this
8 section.

9 Section 20. Repeals are as follows:

10 (1) The General Assembly finds and declares that the
11 repeal under paragraph (2) is necessary to effectuate the
12 addition of 74 Pa.C.S. Ch. 2.

13 (2) Section 2001.3 of the act of April 9, 1929 (P.L.177,
14 No.175), known as The Administrative Code of 1929, is
15 repealed.

16 Section 21. This act shall take effect as follows:

17 (1) The amendment or addition of 75 Pa.C.S. §§ 1307(g),
18 1332(d) and 1911 heading and (a) shall take effect December
19 31, 2016.

20 (2) This section shall take effect immediately.

21 (3) The remainder of this act shall take effect in 60
22 days.

AMENDMENTS TO HOUSE BILL NO. 106

Sponsor: REPRESENTATIVE MICOZZIE

Printer's No. 2654

1 Amend Bill, page 1, lines 1 through 7, by striking out all of
2 said lines and inserting

3 Amending Titles 74 (Transportation) and 75 (Vehicles) of the
4 Pennsylvania Consolidated Statutes by:

5 --In Title 74:

6 Providing for organization.

7 In administrative practice and procedure, further
8 providing for minority and women-owned business
9 participation.

10 In sustainable mobility options:

11 further providing for definitions, for department
12 authorization, for the Public Transportation Trust
13 Fund, for application and approval process, for
14 executive and legislative reports, for coordination,
15 for asset improvement program, for Statewide programs
16 and for capital improvements program.

17 Providing for multimodal transportation funding.

18 In airport operation and zoning, providing for first
19 class city consolidated car rental facilities.

20 In Turnpike:

21 further providing for commission; and
22 providing for annual hearing.

23 In Turnpike Commission standards of conduct, further
24 providing for code of conduct.

25 Providing for traffic signals.

26 Establishing the Bridge Bundling Program.

27 Providing for public utility facilities.

28 Providing for steel painting.

29 In Public/Private Transportation Partnerships,
30 further providing for applicability of other laws.

31 --In Title 75:

32 In registration of vehicles:

33 further providing for period of registration, for
34 display of registration plate and for certain special
35 plates.

36 In licensing of drivers, further providing for
37 judicial review, for occupational limited license and for
38 probationary license.

1 In commercial drivers, further providing for fees.
2 In financial responsibility, further providing for
3 required financial responsibility.

4 In fees:

5 further providing for limitation on local license
6 fees and taxes, for collection and disposition of
7 fees and money, for motor homes, for annual
8 registration fees, for trucks and truck tractors, for
9 motor buses and limousines, for school buses and
10 school vehicles, for trailers, for special mobile
11 equipment, for implements of husbandry, for farm
12 vehicles, for ambulances, taxis and hearses, for
13 dealers and miscellaneous motor vehicle business, for
14 farm equipment vehicle dealers, for transfer of
15 registration, for temporary and electronically issued
16 registration plates, for replacement registration
17 plates, for legislative registration plates, for
18 personal registration plates, for street rod
19 registration plates, for duplicate registration cards
20 and for commercial implements of husbandry;

21 providing for fee for local use; and

22 further providing for special hauling permits as
23 to weight and size, for annual hauling permits, for
24 mobile homes, modular housing units and modular
25 housing undercarriages, for books of permits, for
26 refund of certain fees, for driver's license and
27 learner's permit, for certificate of title, for
28 security interest, for information concerning drivers
29 and vehicles, for certified copies of records, for
30 uncollectible checks, for certificate of inspection,
31 for messenger service, for reinstatement of operating
32 privilege or vehicle registration and for secure
33 power of attorney.

34 In motor carriers road tax identification markers:

35 further providing for identification markers and
36 license or road tax registration card required.

37 In general provisions, further providing for
38 obedience to traffic-control devices.

39 In rules of the road, further providing for maximum
40 speed limits and for alteration of maximum limits.

41 In size, weight and load, further providing for
42 restrictions on use of highways and bridges, for
43 conditions of permits and security for damages and for
44 permit for movement during course of manufacturing.

45 In powers of department and local authorities:

46 further providing for regulation of traffic on
47 Turnpike; and

48 providing for fare evasion and for municipal
49 police officer education and training.

50 In penalties and disposition of fines, further
51 providing for surcharge.

1 In the Pennsylvania Turnpike, further providing for
2 definitions and for deposit and distribution of funds.

3 In liquid fuels and fuels tax:

4 further providing for definitions, for
5 imposition, exemptions and deductions, for
6 distributor's report and payment, for disposition and
7 use and for refunds; and

8 providing for application of Prevailing Wage Act
9 to locally funded highway and bridge projects.

10 In State highway maintenance, further providing for
11 dirt and gravel road maintenance.

12 In supplemental funding for municipal highway
13 maintenance, making further provisions.

14 In taxes for highway maintenance and construction,
15 further providing for imposition and for allocation of
16 proceeds.

17 --Providing for permits for movement of raw milk.

18 --Providing for amendment of lease agreements.

19 --Providing for authorization to incur additional debt
20 and appropriations.

21 --Making an appropriation.

22 --Making repeals.

23 The General Assembly finds and declares as follows:

24 (1) It is the purpose of this act to ensure that a safe
25 and reliable system of transportation is available to the
26 residents of this Commonwealth.

27 (2) The Commonwealth's transportation system includes
28 nearly 40,000 miles of roads and 25,000 bridges owned by the
29 Commonwealth, nearly 77,000 miles of roads and 12,000 bridges
30 owned by counties and municipal governments, 36 fixed-route
31 public transportation agencies, 67 railroads, 133 public use
32 airports, the Ports of Erie, Philadelphia and Pittsburgh, and
33 numerous bicycle and pedestrian facilities.

34 (3) The Commonwealth's transportation system provides
35 for access to employment, educational services, medical care
36 and other life-sustaining services for all residents of this
37 Commonwealth, including senior citizens and people with
38 disabilities.

39 (4) The Department of Transportation of the Commonwealth
40 has indicated that 9,000 miles of roads owned by the
41 Commonwealth are in poor condition and that 4,400 bridges
42 owned by the Commonwealth are rated structurally deficient.
43 The State Transportation Advisory Committee has indicated
44 that 2,189 bridges exceeding 20 feet in length owned by
45 counties and municipalities are rated structurally deficient.

46 (5) There is urgent public need to reduce congestion,
47 increase capacity, improve safety and promote economic
48 efficiency of transportation facilities throughout this
49 Commonwealth.

50 (6) The Commonwealth has limited resources to fund the
51 maintenance and expansion of its transportation facilities.

1 (7) The State Transportation Advisory Committee reported
2 in 2010 that the Commonwealth's transportation system is
3 underfunded by \$3,500,000,000 and projected that amount will
4 grow to \$6,700,000,000 by 2020 without additional financial
5 investment by the Commonwealth.

6 (8) To ensure the needs of the public are adequately
7 addressed, funding mechanisms must be enhanced to sustain the
8 Commonwealth's transportation system in the future.

9 (9) The utilization of user fees establishes a funding
10 source for transportation needs that spreads the costs across
11 those who benefit from the Commonwealth's transportation
12 system.

13 (10) Pursuant to section 11 of Article VIII of the
14 Constitution of Pennsylvania, all highway and bridge user
15 fees must be used solely for construction, reconstruction,
16 maintenance and repair of and safety on public highways and
17 bridges and costs and expenses incident thereto.

18 (11) In order to ensure a safe and reliable system of
19 public transportation, aviation, ports, rail and bicycle and
20 pedestrian facilities, other transportation-related user fees
21 must be deposited in the Public Transportation Trust Fund and
22 the Multimodal Transportation Fund.

23 (12) In furtherance of the Commonwealth's energy policy,
24 which includes becoming independent from overreliance on
25 foreign energy sources, programs must be established to
26 promote reliance on or conversion to alternative energy
27 sources, including the vast natural gas supply of this
28 Commonwealth.

29 (13) Recognition and furtherance of all these elements
30 is essential to promoting the health, safety and welfare of
31 the citizens of this Commonwealth.

32 Amend Bill, page 2, lines 22 through 30; page 3, lines 1
33 through 16, by striking out all of said lines on said pages and
34 inserting

35 Section 1. Title 74 of the Pennsylvania Consolidated
36 Statutes is amended by adding a chapter to read:

37 CHAPTER 2
38 ORGANIZATION

39 Sec.

40 201. Definitions.

41 202. Deputy secretaries.

42 § 201. Definitions.

43 The following words and phrases when used in this chapter
44 shall have the meanings given to them in this section unless the
45 context clearly indicates otherwise:

46 "Department." The Department of Transportation of the
47 Commonwealth.

48 "Secretary." The Secretary of Transportation of the

1 Commonwealth.

2 § 202. Deputy secretaries.

3 (a) Appointment.--The secretary shall appoint the following
4 deputy secretaries:

5 (1) Deputy Secretary for Administration.

6 (2) Deputy Secretary for Driver and Vehicle Services.

7 (3) Deputy Secretary for Highway Administration.

8 (4) Deputy Secretary for Multimodal Transportation.

9 (5) Deputy Secretary for Planning.

10 (b) Administration.--The Deputy Secretary for Administration
11 has the powers and duties of the department under law relating
12 to all of the following:

13 (1) Fiscal affairs.

14 (2) Operations analysis and improvement.

15 (3) Information services.

16 (4) Office services.

17 (5) Human resources.

18 (6) Equal opportunity.

19 (c) Driver and vehicle services.--The Deputy Secretary for
20 Driver and Vehicle Services has the powers and duties of the
21 department under law relating to all of the following:

22 (1) Drivers.

23 (2) Vehicles.

24 (3) Vehicle and driver safety.

25 (4) Services for other modes of transportation.

26 (d) Highway administration.--The Deputy Secretary for
27 Highway Administration has the powers and duties of the
28 department under law relating to all of the following:

29 (1) Design of highways and bridges.

30 (2) Land acquisition for highways and bridges.

31 (3) Construction and reconstruction of highways and
32 bridges.

33 (4) Maintenance and operation of highways and bridges.

34 (5) Highway and bridge safety.

35 (e) Multimodal transportation.--The Deputy Secretary for
36 Multimodal Transportation has the powers and duties of the
37 department under law relating to modes of transportation other
38 than highways, except recreational boating and ferry licensing,
39 including all of the following:

40 (1) Local and public transportation.

41 (2) Rail freight.

42 (3) Ports and waterways.

43 (4) Aviation and airports.

44 (f) Planning.--The Deputy Secretary of Planning has the
45 powers and duties of the department under law relating to all of
46 the following:

47 (1) Planning and research.

48 (2) Program development and management.

49 (3) Services to municipalities.

50 Section 2. Section 303 of Title 74 is amended to read:

51 § 303. [Minority and women-owned] Diverse business

1 participation.

2 (a) General rule.--In administering contracts for
3 construction and professional services relating to
4 transportation projects which are funded pursuant to the
5 provisions of this title or 75 Pa.C.S. (relating to vehicles),
6 the [department and any local transportation organization]
7 contracting entities shall:

8 (1) Be responsible for ensuring that all competitive
9 contract opportunities subject to this section which are
10 issued by the [department or local transportation
11 organization] contracting entities seek to maximize
12 participation by [minority-owned and women-owned businesses
13 and other disadvantaged] diverse businesses.

14 (1.1) Include in solicitations for bids and requests for
15 proposals on all competitive contracting opportunities
16 subject to this section notice to the bidder or offeror that:

17 (i) The bidder or offeror shall document and submit
18 to the applicable contracting entity all good faith
19 efforts to solicit subcontractors that are diverse
20 businesses during the bidding or proposal process.

21 (ii) The bidder or offeror shall provide within
22 seven days of being declared the low bidder or successful
23 offeror the name and business address of each
24 subcontractor that is a diverse business that will
25 provide the contractor with construction or professional
26 services in connection with the performance of the
27 contract.

28 (2) [Give] Include in the solicitations for bids and
29 requests for proposals under paragraph (1.1), language
30 encouraging bidders and offerors to utilize and give
31 consideration[, when possible and cost effective,] to
32 contractors offering to utilize [minority-owned and women-
33 owned businesses and disadvantaged] diverse businesses in the
34 selection and award of contracts.

35 (3) Ensure that the [department's and local
36 transportation organizations' commitment to the minority-
37 owned and women-owned business program] contracting entities'
38 commitment to participation by diverse businesses is clearly
39 understood and appropriately implemented and enforced by all
40 [department and local transportation organization employees]
41 the contracting entities.

42 (4) Designate a responsible official to supervise the
43 [department and local transportation organization minority-
44 owned and women-owned] contracting entities' diverse business
45 program and ensure compliance within the [department or local
46 transportation organization] contracting entities.

47 (5) [Furnish the Department of General Services, upon
48 request, all requested information or assistance.]
49 (Reserved).

50 (6) [Recommend sanctions to the Secretary of General
51 Services,] Impose sanctions as may be appropriate under 62

1 Pa.C.S. § 531 (relating to debarment or suspension), against
2 businesses that fail to comply with this section or the
3 policies of the Commonwealth [minority-owned and women-owned
4 business program] related to diverse businesses. This
5 paragraph shall not apply to a local transportation
6 organization.

7 (7) Ensure that each contract entered into with a
8 contractor under this section includes provisions prohibiting
9 discrimination in accordance with 62 Pa.C.S. § 3701 (relating
10 to contract provisions prohibiting discrimination).

11 (a.1) Additional duties of department.--The department, with
12 the assistance of a diverse business enterprise supportive
13 services center, shall have the following duties:

14 (1) Conduct the necessary and appropriate outreach,
15 including using the database available on the Internet
16 website of the Department of General Services and the Federal
17 Government's system of award management database, for
18 purposes of identifying diverse businesses in general
19 construction or professional services capable of performing
20 contracts subject to this section.

21 (2) By October 1, 2014, and each October 1 thereafter,
22 submit a report to the chairman and minority chairman of the
23 Transportation Committee of the Senate and the chairman and
24 minority chairman of the Transportation Committee of the
25 House of Representatives summarizing the participation level
26 of diverse businesses in all competitive contract
27 opportunities issued by contracting entities. The commission
28 and local transportation organizations shall cooperate with
29 the department to complete the report. The report shall
30 include:

31 (i) The percentage of participation by diverse
32 businesses.

33 (ii) The total value of all contracts executed which
34 include participation by diverse businesses pursuant to
35 this section in the prior year.

36 (iii) The number of businesses penalized for
37 violating this section.

38 (3) Transmit the report under paragraph (2) to the
39 Minority Business Development Authority, established under
40 the act of July 22, 1974 (P.L.598, No.206), known as the
41 Pennsylvania Minority Business Development Authority Act. The
42 authority shall review the report to assess the effectiveness
43 in advancing this section and to make any recommendations for
44 changes in this section deemed necessary or desirable to the
45 secretary and the chairman and minority chairman of the
46 Transportation Committee of the Senate and the chairman and
47 minority chairman of the Transportation Committee of the
48 House of Representatives.

49 (a.2) Replacement of diverse business.--If, at any time
50 during the evaluation of a bid or proposal, or the construction
51 of a project or the performance of a professional service

1 pursuant to a bid, proposal or contract subject to this section,
2 it becomes necessary to replace a subcontractor that is a
3 diverse business, the bidder, offeror or contractor, as
4 appropriate, shall immediately notify the contracting entity of
5 the need to replace the diverse business. The notice shall
6 include the reasons for the replacement.

7 (a.3) Applicability.--The following shall apply to a
8 contractor and contract subject to subsection (a):

9 (1) The provisions of 62 Pa.C.S. § 2108 (relating to
10 compliance with Federal requirements).

11 (2) Prompt payment policies between a contractor and
12 subcontractor adopted by the Department of General Services
13 pursuant to 62 Pa.C.S. Pt. II (relating to general
14 procurement provisions).

15 (a.4) Construction.--Nothing in this section shall be
16 construed to supersede, nullify or otherwise affect 51 Pa.C.S. §
17 9603 (relating to participation goals). In the case of an
18 inconsistency between this section and 51 Pa.C.S. Ch. 96
19 (relating to veteran-owned small businesses), the provisions of
20 51 Pa.C.S. Ch. 96 shall prevail.

21 (b) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection:

24 "Commission." As defined in section 8102 (relating to
25 definitions).

26 "Contract." As defined in 62 Pa.C.S. § 103 (relating to
27 definitions).

28 "Contracting entities." The following:

29 (1) The Department of Transportation.

30 (2) The commission.

31 (3) A local transportation organization.

32 "Disadvantaged business." A business that is owned or
33 controlled by a majority of persons, not limited to members of
34 minority groups, who are subject to racial or ethnic prejudice
35 or cultural bias.

36 "Diverse business." A disadvantaged business, minority-owned
37 or women-owned business or service-disabled veteran-owned or
38 veteran-owned small business that has been certified by a third-
39 party certifying organization.

40 "Local transportation organization." Any of the following:

41 (1) A political subdivision or a public transportation
42 authority, port authority or redevelopment authority
43 organized under the laws of this Commonwealth or pursuant to
44 an interstate compact or otherwise empowered to render,
45 contract for the rendering of or assist in the rendering of
46 transportation service in a limited area in this
47 Commonwealth, even though it may also render or assist in
48 rendering transportation service in adjacent states.

49 (2) A nonprofit association that directly or indirectly
50 provides public transportation service.

51 (3) A nonprofit association of public transportation

1 providers operating within this Commonwealth.

2 "Minority-owned business." A business owned and controlled
3 by a majority of individuals who are African Americans, Hispanic
4 Americans, Native Americans, Asian Americans, Alaskans or
5 Pacific Islanders.

6 "Professional services." An industry of infrequent,
7 technical or unique functions performed by independent
8 contractors or consultants whose occupation is the rendering of
9 the services. The term includes:

10 (1) Design professional services as defined in 62
11 Pa.C.S. § 901 (relating to definitions).

12 (2) Legal services.

13 (3) Advertising or public relations services.

14 (4) Accounting, auditing or actuarial services.

15 (5) Security consultant services.

16 (6) Computer and information technology services.

17 (7) Insurance underwriting services.

18 "Service-disabled veteran-owned small business." As defined
19 in 51 Pa.C.S. § 9601 (relating to definitions).

20 "Third-party certifying organization." An organization that
21 certifies a small business, minority-owned business, women-owned
22 business or veteran-owned small business as a diverse business.
23 The term includes:

24 (1) The National Minority Supplier Development Council.

25 (2) The Women's Business Development Enterprise National
26 Council.

27 (3) The Small Business Administration.

28 (4) The Department of Veterans Affairs.

29 (5) The Pennsylvania Unified Certification Program.

30 "Veteran-owned small business." As defined in 51 Pa.C.S. §
31 9601 (relating to definitions).

32 "Women-owned business." A business owned and controlled by a
33 majority of individuals who are women.

34 Section 3. The definitions of "base operating allocation"
35 and "capital expenditures" in section 1503 of Title 74 are
36 amended to read:

37 § 1503. Definitions.

38 The following words and phrases when used in this chapter
39 shall have the meanings given to them in this section unless the
40 context clearly indicates otherwise:

41 * * *

42 "Base operating allocation." The total amount of State
43 operating assistance, reimbursement in lieu of fares for senior
44 passengers and other assistance which was used for operating
45 assistance as determined by the department in [fiscal year 2005-
46 2006.] the last full fiscal year that the qualifying local
47 transportation organization received the assistance, including
48 the funds received under section 1517.1(c) (relating to
49 Alternative Energy Capital Investment Program).

50 "Capital expenditures." All costs of capital projects,
51 including, but not limited to, the costs of acquisition,

1 construction, installation, start-up of operations, improvements
2 and all work and materials incident thereto. Preventive
3 maintenance expenses, as defined by the Federal Transit
4 Administration, may be deemed eligible as a capital expenditure
5 based on written approval by the department at its discretion.

6 * * *

7 Section 4. Section 1504(a) of Title 74 is amended to read:
8 § 1504. Department authorization.

9 (a) General.--

10 (1) The department may, within the limitations provided
11 in this chapter, incur costs directly and provide financial
12 assistance for the purposes and activities enumerated in this
13 chapter.

14 (2) In the event of imminent service termination, the
15 department shall make every effort to contract with a local
16 transportation organization to provide the programs,
17 activities and services enumerated in this chapter. After all
18 local transportation organization contracting options are
19 exhausted, the department may contract with a transportation
20 company to provide the programs, activities and services
21 enumerated in this chapter. The operation of the programs,
22 activities and services administered by the department and
23 provided by the local transportation organization or
24 transportation company under this subsection shall not be
25 subject to the jurisdiction of the Pennsylvania Public
26 Utility Commission.

27 * * *

28 Section 5. (Reserved).

29 Section 6. Section 1506(b) (1), (c) and (e) of Title 74 are
30 amended to read:

31 § 1506. Fund.

32 * * *

33 (b) Deposits to fund by department.--

34 (1) The following apply:

35 (i) [Except as provided under subparagraph (ii),
36 upon] Upon receipt, the department shall deposit into the
37 fund the revenues received by the department under 75
38 Pa.C.S. Ch. 89 (relating to Pennsylvania Turnpike) and
39 the lease agreement executed between the department and
40 the Pennsylvania Turnpike Commission under 75 Pa.C.S. §
41 8915.3 (relating to lease of Interstate 80; related
42 agreements). [as follows:

43 (A) For fiscal year 2007-2008, \$250,000,000.

44 (B) For fiscal year 2008-2009, \$250,000,000.

45 (C) For fiscal year 2009-2010, \$250,000,000.

46 (D) For fiscal year 2010-2011 and each fiscal
47 year thereafter, the amount calculated for the
48 previous fiscal year, increased by 2.5%.]

49 (ii) The deposits made to the fund under this
50 subsection shall equal [\$250,000,000 annually for each
51 fiscal year commencing after the expiration of the

1 conversion period if the conversion notice is not
2 received by the secretary prior to expiration of the
3 conversion period as set forth under 75 Pa.C.S. §
4 8915.3(3).] \$450,000,000 annually for each fiscal year
5 for fiscal years 2014-2015 through 2021-2022.

6 (iii) The deposits made to the fund under this
7 subsection shall equal \$50,000,000 annually for fiscal
8 year 2022-2023 and each fiscal year thereafter.

9 * * *

10 (c) Other deposits.--The following shall be deposited into
11 the fund annually:

12 (1) 4.4% of the amount collected under Article II of the
13 Tax Reform Code. Revenues under this paragraph shall be
14 deposited into the fund by the 20th day of each month for the
15 preceding month. The amount deposited under this paragraph is
16 estimated to be equivalent to the money available to the
17 department from the following sources:

18 (i) The Supplemental Public Transportation Account
19 established under former section 1310.1 (relating to
20 supplemental public transportation assistance funding).

21 (ii) The amount appropriated annually by the
22 Commonwealth from the General Fund for mass transit
23 programs pursuant to a General Appropriations Act.

24 (2) An amount of proceeds of Commonwealth capital bonds
25 as determined annually by the Secretary of the Budget.

26 (3) Revenue in the Public Transportation Assistance Fund
27 established under Article XXIII of the Tax Reform Code not
28 otherwise dedicated pursuant to law.

29 (3.1) (Reserved).

30 (3.2) The revenues deposited in the fund in accordance
31 with 75 Pa.C.S. § 1786 (relating to required financial
32 responsibility).

33 (3.3) The revenues deposited in the fund in accordance
34 with 75 Pa.C.S. § 3111(a.1)(2)(ii) (relating to obedience to
35 traffic-control devices).

36 (3.4) For fiscal year 2022-2023 and each fiscal year
37 thereafter, an amount equal to the amount collected under
38 Article II of the Tax Reform Code, multiplied by the ratio
39 that \$450,000,000 is to the total amount collected under
40 Article II of the Tax Reform Code in the fiscal year ending
41 June 30, 2021, or \$450,000,000, whichever is greater, shall
42 be transferred to the fund. The source of the transfer shall
43 be the revenue collected under section 238 of the Tax Reform
44 Code on motor vehicles, trailers and semi-trailers.

45 (4) Other appropriations, deposits or transfers to the
46 fund.

47 * * *

48 (e) Program funding amounts.--Subject to available funds,
49 the programs established under this chapter shall be funded
50 annually as follows:

51 (1) For the program established under section 1513

1 (relating to operating program), the following amounts shall
2 be allocated from the fund:

3 (i) [All] From the revenues deposited in the fund
4 under subsection (b)(1) [.]:

5 (A) For fiscal year 2013-2014, \$209,000,000 and
6 for fiscal year 2014-2015, \$187,000,000.

7 (B) For fiscal years 2015-2016 and 2016-2017,
8 \$110,000,000.

9 (C) For fiscal years 2017-2018 and each fiscal
10 year thereafter, \$25,000,000.

11 (ii) All revenues deposited in the fund under
12 subsection (b)(2).

13 (iii) [69.99%] 86.76% of the revenues deposited in
14 the fund under subsection (c)(1).

15 (iv) All revenues deposited into the fund under
16 subsection (c)(3).

17 (v) The following percentages of the revenue
18 deposited in the fund in accordance with 75 Pa.C.S. §
19 1904 (relating to collection and disposition of fees and
20 moneys):

21 (A) For fiscal year 2013-2014, 5.8%.

22 (A.1) For fiscal year 2014-2015, 8.8%.

23 (B) For fiscal years 2015-2016 and 2016-2017,
24 46.6%.

25 (C) For fiscal year 2017-2018 and each fiscal
26 year thereafter, 69.3%.

27 (vi) All revenue deposited into the fund under
28 subsection (c)(3.2).

29 (vii) Twenty-five million from the revenue deposited
30 into the fund under subsection (c)(3.4).

31 (2) [(i) Except as provided under subparagraph (ii),
32 for] For the program established under section 1514 (relating
33 to asset improvement program):

34 (A) By the proceeds of Commonwealth capital
35 bonds deposited into the fund under subsection (c)
36 (2).

37 [(A.1) For fiscal year 2007-2008, \$50,000,000
38 from the revenues received by the department under 75
39 Pa.C.S. Ch. 89 and the lease agreement executed
40 between the department and the Pennsylvania Turnpike
41 Commission under 75 Pa.C.S. § 8915.3. The amount
42 received by the department under this section shall
43 be deposited into the fund prior to distribution and
44 shall be in addition to the amounts received under
45 subsection (b)(1).

46 (B) For fiscal year 2008-2009, \$100,000,000 from
47 the revenues received by the department under 75
48 Pa.C.S. Ch. 89 and the lease agreement executed
49 between the department and the Pennsylvania Turnpike
50 Commission under 75 Pa.C.S. § 8915.3. The amount
51 received by the department under this section shall

1 be deposited into the fund prior to distribution and
2 shall be in addition to the amounts received under
3 subsection (b) (1).

4 (C) For fiscal year 2009-2010, \$150,000,000 from
5 the revenues received by the department under 75
6 Pa.C.S. Ch. 89 and the lease agreement executed
7 between the department and the Pennsylvania Turnpike
8 Commission under 75 Pa.C.S. § 8915.3. The amount
9 received by the department under this section shall
10 be deposited into the fund prior to distribution and
11 shall be in addition to the amounts received under
12 subsection (b) (1).

13 (D) For fiscal year 2010-2011 and each fiscal
14 year thereafter, the amount calculated for the prior
15 fiscal year increased by 2.5% from the revenues
16 received by the department under 75 Pa.C.S. Ch. 89
17 and the lease agreement executed between the
18 department and the Pennsylvania Turnpike Commission
19 under 75 Pa.C.S. § 8915.3. The amount received by the
20 department under this section shall be deposited into
21 the fund prior to distribution and shall be in
22 addition to the amounts received under subsection (b)
23 (1).]

24 (E) Ninety-five percent of the remaining revenue
25 deposited in the fund under subsection (b) (1) and
26 (c) (3.4), after the transfer of \$30,000,000 to the
27 Multimodal Transportation Fund under paragraph (6).

28 (F) The revenue deposited in the fund under
29 subsection (c) (3.3).

30 (G) The following percentages of revenue
31 deposited in the fund in accordance with 75 Pa.C.S. §
32 1904 (relating to collection and disposition of fees
33 and moneys):

34 (I) For fiscal year 2013-2014, 28.1%.

35 (II) For fiscal year 2014-2015, 35.1%.

36 (III) For fiscal years 2015-2016 and 2016-
37 2017, 20%.

38 (IV) For fiscal year 2017-2018 and each
39 fiscal year thereafter, 7.7%.

40 [(ii) If the conversion notice is not received by
41 the secretary prior to the end of the conversion period
42 as set forth in 75 Pa.C.S. § 8915.3(3), no additional
43 allocation shall be made under subparagraph (i).]

44 (3) For the program established under section 1516
45 (relating to programs of Statewide significance),

46 (i) 13.24% of the revenues deposited in the fund
47 under subsection (c) (1). [shall be allocated from the
48 fund.]

49 (ii) The revenue deposited in the fund under
50 subsection (b) (1) and (c) (3.4) remaining after the
51 allocation under paragraph (2) (E).

1 [(4) For the program established under section 1517
2 (relating to capital improvements program), 16.77% of the
3 revenues deposited in the fund under subsection (c)(1).
4 Additional funds for this program may be provided from the
5 funds allocated but not distributed based on the limitation
6 set forth under section 1513(c)(3).]

7 (5) For the program established under section 1517.1
8 (relating to Alternative Energy Capital Investments Program),
9 no more than \$60,000,000 of the revenue deposited in the fund
10 under subsection (c) may be allocated from the fund.

11 (6) Thirty million dollars of the revenue deposited in
12 the fund under subsection (b)(1) and (c)(3.4) shall be
13 transferred to the Multimodal Transportation Fund.

14 Section 7. Section 1507(a)(6) and (c) of Title 74 are
15 amended and subsection (a) is amended by adding a paragraph to
16 read:

17 § 1507. Application and approval process.

18 (a) Application.--An eligible applicant that wishes to
19 receive financial assistance under this chapter shall submit a
20 written application to the department on a form developed by the
21 department, which shall include the following:

22 * * *

23 (6) Evidence satisfactory to the department of the
24 commitment for matching funds required under this chapter
25 sufficient to match the projected financial assistance
26 payments [at the same times that the financial assistance
27 payments are to be provided.], provided no later than June 30
28 of the applicable fiscal year. If the evidence required under
29 this paragraph is not provided to the satisfaction of the
30 department, subsequent funding under section 1513 (relating
31 to operating program) shall be withheld until the applicant
32 meets the requirements of this paragraph.

33 (6.1) A statement of policy outlining the basic
34 principles for the adjustment of fare growth to meet the rate
35 of inflation.

36 * * *

37 (c) Restriction on use of funds.--[Financial] Unless the
38 department grants the award recipient a waiver allowing the
39 funds to be used for a different purpose, financial assistance
40 under this chapter shall be used only for activities set forth
41 under the financial assistance agreement [unless the department
42 grants the award recipient a waiver allowing the funds to be
43 used for a different purpose]. The department's regulations
44 shall describe circumstances under which it will consider waiver
45 requests and shall set forth all information to be included in a
46 waiver request. The [maximum duration of a waiver shall be one
47 year, and a] waiver request shall include a plan of corrective
48 action to demonstrate that the award recipient does not have an
49 ongoing need to use financial assistance funds for activities
50 other than those for which funds were originally awarded. The
51 duration of the waiver may not exceed the duration of the plan

1 of corrective action. The department shall monitor
2 implementation of the plan of corrective action. If the plan of
3 corrective action is not implemented by the local transportation
4 organization, the department shall rescind the waiver approval.

5 Section 8. Sections 1511 and 1512 of Title 74 are amended to
6 read:

7 § 1511. Report to Governor and General Assembly.

8 [The following shall apply:

9 (1) Except as provided in paragraph (2), the] The
10 department shall submit a public passenger transportation
11 performance report to the Governor and the General Assembly
12 by April 30 of each year, covering the prior fiscal year.

13 [(2) The report covering the 2005-2006 fiscal year shall
14 be submitted by July 31, 2007.]

15 § 1512. Coordination and consolidation.

16 (a) Coordination.--Coordination is required in regions where
17 two or more award recipients have services or activities for
18 which financial assistance is being provided under this chapter
19 to assure that the services or activities are provided
20 efficiently and effectively.

21 (b) Consolidation and mutual cooperation.--

22 (1) The department, in consultation with local
23 governments and local transportation organizations, shall
24 study the feasibility of consolidation and mutual cooperation
25 among local transportation organizations as a means of
26 reducing annual expenses without loss of service to the
27 communities they serve. The study shall examine the creation
28 of service regions or mutual cooperation pacts to determine
29 whether either method would reduce annual expenses. The
30 feasibility analysis is to include a cost-benefit analysis
31 and operational analysis.

32 (2) If the results of a feasibility analysis under
33 paragraph (1) estimate an annual net savings at the time of
34 completion of the study, the transportation organization and
35 local government may implement the recommended action.

36 (3) The department shall waive the match requirement
37 under sections 1513 (relating to operating program) and 1514
38 (relating to asset improvement program) for five fiscal years
39 for the transportation organization's participation in the
40 recommended action under paragraph (2) in an amount not to
41 exceed the estimated annual net savings of the implemented
42 recommendations.

43 (c) Funding for merger and consolidation incentives and
44 mutual cooperation pacts.--A capital project that is needed to
45 support a local transportation organization that has agreed to
46 merge and consolidate operations and administration or share
47 facilities or staff through a mutual cooperation pact to achieve
48 cost and service efficiencies shall be eligible for financial
49 assistance under this chapter. The application for financial
50 assistance must do all the following:

51 (1) Identify the efficiencies in a merger and

1 consolidation plan or mutual cooperation pact.

2 (2) Include the expected net dollar savings that will
3 result from the merger, consolidation or pact.

4 Section 9. Sections 1514(c) and 1516(b)(1) and (e) of Title
5 74 are amended and the sections are amended by adding
6 subsections to read:

7 § 1514. Asset improvement program.

8 * * *

9 (c) Local match requirements.--

10 (1) Financial assistance under this section shall be
11 matched by local or private cash funding in an amount not
12 less than 3.33% of the amount of the financial assistance
13 being provided. The source of funds for the local match shall
14 be subject to the requirements of section 1513(d)(3)
15 (relating to operating program).

16 (2) The secretary may waive up to 75% of the local match
17 required under paragraph (1), upon the written request of an
18 applicant accompanied by the applicant's justification for
19 the waiver.

20 * * *

21 (e.1) Distribution.--The department shall allocate financial
22 assistance under this section on a percentage basis of available
23 funds each fiscal year as follows:

24 (1) The local transportation organization organized and
25 existing under Chapter 17 (relating to metropolitan
26 transportation authorities) as the primary provider of public
27 passenger transportation for the counties of Bucks, Chester,
28 Delaware, Montgomery and Philadelphia shall receive 69.4% of
29 the funds available for distribution under this section.

30 (2) The local transportation organization organized and
31 existing under the act of April 6, 1956 (1955 P.L.1414,
32 No.465), known as the Second Class County Port Authority Act,
33 as the primary provider of public transportation for the
34 county of Allegheny shall receive 22.6% of the funds
35 available for distribution under this section.

36 (3) Other local transportation organizations organized
37 and existing as the primary providers of public passenger
38 transportation for the counties of this Commonwealth not
39 identified under paragraph (1) or (2) shall receive 8% of the
40 funds available for distribution under this section. The
41 department shall allocate the funds under this paragraph
42 among the local transportation organizations.

43 (4) Notwithstanding paragraphs (1), (2) and (3) and
44 before distributing the funds under paragraph (1), (2) or
45 (3), the department shall set aside 5% of the funds available
46 for distribution under this section for discretionary use and
47 distribution by the secretary.

48 * * *

49 § 1516. Programs of Statewide significance.

50 * * *

51 (b) Persons with disabilities.--The department shall

1 establish and administer a program providing reduced fares to
2 persons with disabilities on community transportation services
3 and to provide financial assistance for start-up, administrative
4 and capital expenses related to reduced fares for persons with
5 disabilities. All of the following shall apply:

6 (1) A community transportation system operating in the
7 Commonwealth other than in [counties of the first and second
8 class] a county of the first class may apply for financial
9 assistance under this subsection.

10 * * *

11 (e) Technical assistance [and demonstration], demonstration
12 and emergency.--The department is authorized to provide
13 financial assistance under this section for technical
14 assistance, research and short-term demonstration or emergency
15 projects. All of the following shall apply:

16 (1) A local transportation organization or an agency or
17 instrumentality of the Commonwealth may apply to the
18 department for financial assistance under this subsection.

19 (2) Financial assistance provided under this subsection
20 may be used for reimbursement for any approved operating or
21 capital costs related to technical assistance and
22 demonstration program projects. Financial assistance for
23 short-term demonstration projects may be provided at the
24 department's discretion on an annual basis based on the level
25 of financial commitment provided by the award recipient to
26 provide ongoing future funding for the project as soon as the
27 project meets the criteria established by the department and
28 the award recipient. Financial assistance for this purpose
29 shall not be provided for more than three fiscal years.
30 Financial assistance may be provided to meet any short-term
31 emergency need that requires immediate attention and cannot
32 be funded through other sources.

33 (3) Financial assistance under this subsection provided
34 to a local transportation organization shall be matched by
35 local or private cash funding in an amount not less than
36 3.33% of the amount of the financial assistance being
37 provided. The sources of funds for the local match shall be
38 subject to the requirements of section 1513(d) (3) (relating
39 to operating program).

40 (4) As follows:

41 (i) For short-term demonstration projects awarded
42 financial assistance under this subsection, the
43 department shall determine if the demonstration project
44 was successful based upon the performance criteria
45 established prior to the commencement of the
46 demonstration project and approved by the department.

47 (ii) If the department determines that the
48 demonstration project was successful, the local
49 transportation organization or agency or instrumentality
50 of the Commonwealth that conducted the demonstration
51 project shall be eligible to apply for and receive funds

1 under section 1513 to sustain and transition the
2 demonstration project into regularly scheduled public
3 passenger transportation service.

4 (iii) During the first year in which the
5 demonstration project is eligible for and applies for
6 financial assistance under section 1513, the local
7 transportation organization or agency or instrumentality
8 of the Commonwealth that conducted the demonstration
9 project and transitioned it to regularly scheduled public
10 passenger transportation service shall be eligible to
11 receive financial assistance up to 65% of the
12 transportation service's prior fiscal year operating
13 costs or expenses for the service as an initial base
14 operating allocation.

15 (iv) The initial base operating allocation shall be
16 taken from the growth under section 1513 over the prior
17 year before distributing the remainder of the formula
18 described in section 1513.

19 (f) Shared Ride Community Transportation Service Delivery
20 Pilot Program.--

21 (1) The department may develop and implement a pilot
22 program to test and evaluate new models of paying for and
23 delivering shared ride and community transportation. The
24 goals of the program are as follows:

25 (i) Develop a community transportation delivery
26 model that can be managed to stay within budget.

27 (ii) Develop community transportation service
28 standards with need-based priorities.

29 (iii) Develop a business model and fare structure
30 that work across funding programs.

31 (iv) Maximize efficiency and effectiveness of the
32 services.

33 (2) The department shall establish an advisory committee
34 to provide guidance and input for pilot planning, start-up,
35 operations, data collection and post pilot evaluation. The
36 committee shall be comprised of the following:

37 (i) A member appointed by the President pro tempore
38 of the Senate.

39 (ii) A member appointed by the Minority Leader of
40 the Senate.

41 (iii) A member appointed by the Speaker of the House
42 of Representatives.

43 (iv) A member appointed by the Minority Leader of
44 the House of Representatives.

45 (v) Two members from the Pennsylvania Public Transit
46 Association appointed by the secretary.

47 (vi) A member appointed by the secretary to
48 represent people with disabilities.

49 (vii) A member appointed by the Secretary of Aging
50 to represent senior citizens.

51 (viii) A member appointed by the Secretary of Public

1 Welfare to represent people using medical assistance
2 transportation.

3 (ix) A member of the County Commissioners
4 Association appointed by the secretary.

5 (x) The secretary or a designee.

6 (xi) The Secretary of Aging or a designee.

7 (xii) The Secretary of the Budget or a designee.

8 (xiii) The Secretary of Public Welfare or a
9 designee.

10 (3) The department shall work with the committee to
11 define potential pilot models within 12 months of the
12 effective date of this subsection.

13 (4) The department shall publish the notice of
14 availability of the program models and framework in the
15 Pennsylvania Bulletin and receive applications from counties
16 and shared-ride community transportation systems interested
17 in participating in the program for the three-month period
18 following the publication of the notice.

19 (5) The department may work with the committee to
20 redefine the basis for payment using lottery and other State
21 funding sources currently used to support community
22 transportation programs for selected pilot counties and
23 shared-ride community transportation systems to test new
24 methods of service delivery and payment. Each project must
25 have a business plan with management controls, service
26 standards and budget controls. The business plan shall be
27 reviewed by the committee prior to being implemented.

28 Section 10. Section 1517 of Title 74 is amended by adding a
29 subsection to read:

30 § 1517. Capital improvements program.

31 * * *

32 (f) Certification ends funding.--Financial assistance under
33 this section shall cease when the secretary certifies that funds
34 are no longer available for the program established under this
35 section.

36 Section 11. Title 74 is amended by adding a section to read:
37 § 1517.1. Alternative Energy Capital Investment Program.

38 (a) Establishment.--The department is authorized to
39 establish a competitive grant program to implement capital
40 improvements deemed necessary to support conversion of a local
41 transportation organization's fleet for use of an alternative
42 energy source, including compressed natural gas.

43 (b) Criteria.--The department shall establish criteria for
44 awarding grants under this section. Criteria shall, at a
45 minimum, include feasibility, cost/benefit analysis and project
46 readiness.

47 (c) Additional authorization.--Notwithstanding any other
48 provisions of this section or other law, the department may use
49 funds designated for the program established under subsection
50 (a) to supplement a local transportation organization's base
51 operating allocation under section 1513 (relating to operating

1 program) if necessary to stabilize an operating budget and
2 ensure that efficient services may be sustained to support
3 economic development and job creation and retention.

4 Section 12. Title 74 is amended by adding a chapter to read:

5 CHAPTER 21
6 MULTIMODAL FUND

7 Sec.

8 2101. Definitions.

9 2102. Multimodal Transportation Fund.

10 2103. Transfers and deposits to the fund.

11 2104. Use of money in the fund.

12 2105. Project selection criteria.

13 2106. Local match.

14 2107. Balanced Multimodal Transportation Policy Commission.

15 § 2101. Definitions.

16 The following terms and phases when used in this chapter
17 shall have the following meanings given to them in this section
18 unless the context clearly indicates otherwise:

19 "Fund." The Multimodal Transportation Fund established in
20 section 2102 (relating to Multimodal Transportation Fund).

21 "Eligible program." Any of the following:

22 (1) A project which coordinates local land use with
23 transportation assets to enhance existing communities.

24 (2) A project related to streetscape, lighting, sidewalk
25 enhancement and pedestrian safety.

26 (3) A project improving connectivity or utilization of
27 existing transportation assets.

28 § 2102. Multimodal Transportation Fund.

29 A special fund is established within the State Treasury to be
30 known as the Multimodal Transportation Fund. Moneys in the fund
31 are hereby appropriated to the department, on a nonlapsing
32 basis.

33 § 2103. Transfers and deposits to the fund.

34 In addition to appropriations, deposits or transfers to the
35 fund, interest earned on money in the fund shall be deposited in
36 the fund.

37 § 2104. Use of money in the fund.

38 (a) Purposes.--Money in the fund shall be used as follows:

39 (1) To annually provide the following grants for
40 programs administered by the department:

41 (i) For programs related to aviation:

42 (A) \$5,000,000 in fiscal year 2013-2014.

43 (B) \$6,000,000 in fiscal year 2014-2015 and each
44 fiscal year thereafter.

45 (ii) For programs related to rail freight:

46 (A) \$8,000,000 in fiscal year 2013-2014.

47 (B) \$10,000,000 in fiscal year 2014-2015 and
48 each fiscal year thereafter.

49 (iii) For programs related to passenger rail:

50 (A) \$6,000,000 in fiscal year 2013-2014.

51 (B) \$8,000,000 in fiscal year 2014-2015 and each

1 fiscal year thereafter.

2 (iv) For programs related to ports and waterways:

3 (A) \$8,000,000 in fiscal year 2013-2014.

4 (B) \$10,000,000 in fiscal year 2014-2015 and
5 each fiscal year thereafter.

6 (v) \$2,000,000 for programs related to bicycle and
7 pedestrian facilities.

8 (2) To annually pay costs incurred by the department for
9 activities directly initiated or undertaken by the department
10 related to eligible programs in accordance with all of the
11 following:

12 (i) Activities shall be initiated or undertaken in
13 consultation with the chairman and minority chairman of
14 the Transportation Committee of the Senate and the
15 chairman and minority chairman of the Transportation
16 Committee of the House of Representatives.

17 (ii) Costs may be incurred as follows:

18 (A) \$0 for fiscal year 2013-2014.

19 (B) Not to exceed \$20,000,000 for fiscal year
20 2014-2015.

21 (C) Not to exceed \$40,000,000 annually in fiscal
22 year 2015-2016 and each fiscal year thereafter,
23 \$35,000,000 of which shall be from revenues deposited
24 into the fund under 75 Pa.C.S. § 9502(a) (relating to
25 imposition of tax).

26 (3) To annually pay costs incurred by the department in
27 the administration of the programs specified in paragraph (1)
28 as appropriated by the General Assembly.

29 (4) Annually, any money not allocated under paragraphs
30 (1), (2) and (3) or as provided in subsection (b) shall be
31 transferred to the Commonwealth Financing Authority and used
32 to fund eligible programs. The authority shall develop
33 guidelines for use of the money for eligible programs, which
34 shall include the requirements of section 2106 (relating to
35 local match).

36 (b) Automatic adjustments.--For the 24-month period
37 beginning July 1, 2015, through June 30, 2017, and each like 24-
38 month period thereafter, the amount of grants to be made for the
39 programs listed in subsection (a) (1) shall be increased by an
40 amount calculated by applying the percentage change in the
41 Consumer Price Index for All Urban Consumers (CPI-U) for the
42 most recent 24-month period, calculated from the first day of
43 March through the last day of February, beginning on the
44 effective date of this section and on each subsequent date that
45 the amount of grants were last increased under this subsection
46 and for which figures have been officially reported by the
47 Bureau of Labor Statistics, immediately prior to the date the
48 adjustment is due to take effect, to the then current grant
49 amounts authorized.

50 § 2105. Project selection criteria.

51 The department shall award grants under section 2104(a)(1)

1 (relating to use of money in the fund) on a competitive basis.
2 The department may not reserve, designate or set aside a
3 specific level of funding or percentage of funds to an applicant
4 prior to the completion of the application process; nor may the
5 department designate a set percentage of funds to an applicant.
6 § 2106. Local match.

7 Unless otherwise specified by law, financial assistance under
8 section 2104(a) (2) and (4) shall be matched by local funding in
9 an amount not less than 30% of the non-Federal share of the
10 project costs. Matching funds from a county or municipality
11 shall only consist of cash contributions provided by one or more
12 counties or municipalities.

13 § 2107. Balanced Multimodal Transportation Policy Commission.

14 (a) Commission.--There is established a Balanced Multimodal
15 Transportation Policy Commission to study and make
16 recommendations on developing and maintaining a balanced
17 multimodal transportation policy for this Commonwealth.

18 (b) Members.--The commission shall consist of the following
19 members:

20 (1) The Secretary of Transportation.

21 (2) The Secretary of Community and Economic Development.

22 (3) The Secretary of Environmental Protection.

23 (4) One appointment from each of the following:

24 (i) the Majority Leader of the Senate;

25 (ii) the Minority Leader of the Senate;

26 (iii) the Majority Leader of the House of
27 Representatives; and

28 (iv) the Minority Leader of the House of
29 Representatives.

30 (5) Two appointments from the Governor, at least one of
31 which must have expertise in regional planning.

32 (6) Six additional members may be appointed by the
33 commission members under paragraphs (1), (2), (3), (4) and
34 (5).

35 (c) Chairperson.--The members of the commission under
36 paragraphs (1), (2), (3), (4) and (5) shall elect a chairperson
37 from among the members.

38 (d) Terms.--Members of the commission may serve on the
39 commission until replaced by an appointing authority under
40 subsection (b).

41 (e) Study.--The commission shall study facets on
42 implementing balanced multimodal transportation policies for
43 metropolitan areas in this Commonwealth, which shall include at
44 least the cities of the first class and second class, but may
45 include other regions as well.

46 (f) Staff.--Upon recommendation of the commission, the
47 Secretary of Transportation may hire independent consultants to
48 aid the work of the commission. The commission shall be staffed
49 by employees of the Department of Transportation. Ordinary
50 expenses shall be paid to members of the commission.

51 (g) Report.--No later than two years after the effective

1 date of this section, the commission shall issue its initial
2 report to the Governor and members of the General Assembly and a
3 report every four years thereafter.

4 Section 13. Chapter 59 of Title 74 is amended by adding a
5 subchapter to read:

6 SUBCHAPTER C

7 FIRST CLASS CITY CONSOLIDATED CAR RENTAL FACILITY

8 Sec.

9 5931. Scope of subchapter.

10 5932. Definitions.

11 5933. Customer facility charge.

12 § 5931. Scope of subchapter.

13 This subchapter relates to consolidated rental car facilities
14 in cities of the first class.

15 § 5932. Definitions.

16 The following words and phrases when used in this subchapter
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Airport." A public international airport located partially
20 in a city of the first class and partially in an adjacent
21 municipality.

22 "Airport owner." Any of the following:

23 (1) A city which owns and operates an airport.

24 (2) An authority created by a city to own and operate an
25 airport or any portion or activities of the airport.

26 "Airport property." Property owned and operated by an
27 airport owner, including property that is leased, licensed or
28 available for use by the airport owner.

29 "City." A city of the first class.

30 "Concession agreement." A regulation, contract, permit,
31 license or other agreement entered into between an airport owner
32 and a vehicle rental company which includes the terms and
33 conditions under which the company may conduct any aspect of its
34 rental vehicle business at the airport or through the use of
35 airport property, including a vehicle rental company which
36 provides a customer access to a vehicle or executes a rental
37 contract on or off airport property.

38 "Customer facility charge." A fee assessed on each motor
39 vehicle rental under this subchapter for the purposes described
40 in section 5933(g) (relating to customer facility charge).

41 "Motor vehicle." A private passenger motor vehicle that
42 meets all of the following:

43 (1) Is designed to transport not more than 15
44 passengers.

45 (2) Is rented for 29 or fewer continuous days without a
46 driver.

47 (3) Is part of a fleet of at least five passenger
48 vehicles used for the purpose under paragraph (2).

49 "Rental facility." A consolidated facility for the use of a
50 vehicle rental company to conduct business on airport property.

51 "Rental facility agreement." A written agreement entered

1 into between an airport owner and vehicle rental companies which
2 includes the following:

3 (1) Location, scope of operations and general design of
4 the rental facility, a rental facility improvement and a
5 transportation system which connects to a terminal or related
6 structure.

7 (2) The manner in which the proceeds of the customer
8 facility charge are to be used as provided in section
9 5933(g).

10 (3) A procedure and requirement for a consultation with
11 vehicle rental companies regarding the implementation of this
12 subchapter and for the disclosure to vehicle rental companies
13 of information relating to the collection and use of the
14 customer facility charge.

15 (4) A methodology and procedure by which the amount of
16 the customer facility charge will be calculated and adjusted.

17 (5) Any other provision agreed to by the airport owner
18 and the vehicle rental companies.

19 "Rental facility improvement." A facility or structure on
20 airport property needed for development or use of the rental
21 facility. The term includes costs necessary for planning,
22 financing, designing, constructing, equipping or furnishing the
23 rental facility improvements.

24 "Rental facility operations and maintenance expenses." The
25 cost of operating and maintaining a rental facility.

26 "Transportation system." A system which transports an
27 arriving or departing vehicle rental customer between a terminal
28 and related structure and the rental facility.

29 "Transportation system costs." The portion of total costs
30 incurred to design, finance, construct, operate and maintain a
31 transportation system which reflects the usage or benefit of the
32 system to vehicle rental companies and their customers.

33 "Vehicle rental company." A person engaged in the business
34 of renting a motor vehicle in this Commonwealth that provides a
35 motor vehicle rental to a customer and utilizes airport property
36 in any aspect of its business, notwithstanding if other aspects
37 of its business are not conducted on airport property, including
38 to do any of the following on an airport property:

39 (1) Contact customers or pick up or drop off customers.

40 (2) Advertise the availability of a vehicle rental
41 service.

42 § 5933. Customer facility charge.

43 (a) Imposition.--

44 (1) Except as set forth in paragraph (2), a city may
45 impose a customer facility charge of not more than \$8 per
46 rental day on a customer renting a motor vehicle from a
47 vehicle rental company doing business at an airport.

48 (2) Notwithstanding paragraph (1), a rental facility
49 agreement may provide for a customer facility charge in
50 excess of \$8 per rental day.

51 (3) A customer facility charge may be imposed

1 notwithstanding the absence of authority in a regulation or
2 concession agreement.

3 (4) A customer facility charge may not affect the
4 validity or enforceability of a concession agreement.

5 (b) Amendment.--The following shall apply:

6 (1) The customer facility charge may be increased beyond
7 \$8 per rental day by written amendment to an existing rental
8 facility agreement signed by the parties to the rental
9 facility agreement or the parties' successors or assigns. An
10 increase to the customer facility charge under this paragraph
11 may only occur one time each year.

12 (2) A city may decrease the amount of the customer
13 facility charge at any time without the requirement of an
14 amendment to an existing rental facility agreement.
15 Following a decrease in the amount of the customer facility
16 charge by the city, the city may increase the amount of the
17 customer facility charge without the requirement of an
18 amendment to an existing rental facility agreement if the
19 amount of the customer facility charge does not exceed the
20 amount that was in effect prior to the decrease. An increase
21 beyond that amount shall require a written amendment to the
22 existing rental facility agreement signed by the parties to
23 the rental facility agreement or the parties' successors or
24 assigns.

25 (c) Rental facility agreement.--

26 (1) A rental facility agreement shall take effect and be
27 enforceable if, at the time it is executed, it is signed by
28 the airport owner and at least 80% of the vehicle rental
29 companies which utilized airport property and which together
30 provided at least 90% of the motor vehicle rentals utilizing
31 airport property in the most recently completed calendar
32 year.

33 (2) The terms of a rental facility agreement may be
34 interpreted and enforced by a court of competent jurisdiction
35 through the imposition of a mandatory or prohibitive
36 injunction. Monetary damages may not be awarded to a vehicle
37 rental company or to a person required to pay the customer
38 facility charge for a violation of the terms and conditions
39 of the rental facility agreement.

40 (d) Limitations.--

41 (1) Notwithstanding the authorization for the use of the
42 proceeds of the customer facility charge under subsection (g)
43 and except as provided in paragraph (2), until a rental
44 facility agreement is executed, the proceeds of the customer
45 facility charge may be used only for planning, design,
46 feasibility studies and other preliminary expenses necessary
47 for the uses authorized in subsection (g).

48 (2) If a rental facility agreement is not executed
49 within two years following the date a vehicle rental company
50 is required to begin collecting the customer facility charge,
51 a city may continue to impose and collect the customer

1 facility charge authorized under this section after notice to
2 the vehicle rental companies. The city may use the proceeds
3 of the customer facility charge in the manner authorized by
4 subsection (g) except that any expenses imposed on vehicle
5 rental companies may not exceed the proceeds of the customer
6 facility charge.

7 (e) Additional cost.--A customer facility charge shall be in
8 addition to other motor vehicle rental fees and taxes imposed
9 under law, except that the customer facility charge may not
10 constitute part of the purchase price of a motor vehicle rental
11 imposed under any of the following:

12 (1) Article II of the act of March 4, 1971 (P.L.6,
13 No.2), known as the Tax Reform Code of 1971.

14 (2) The act of June 5, 1991 (P.L.9, No.6), known as the
15 Pennsylvania Intergovernmental Cooperation Authority Act for
16 Cities of the First Class.

17 (3) A law similar to the statutes under paragraphs (1)
18 and (2).

19 (f) Collection.--The following shall apply:

20 (1) A customer facility charge shall be:

21 (i) collected from a customer by a vehicle rental
22 company and held in a segregated trust fund for the
23 benefit of the airport owner; and

24 (ii) paid to the airport owner:

25 (A) by the last day of the month following the
26 month in which the customer facility charges are
27 collected; or

28 (B) if necessary to facilitate a pledge under
29 subsection (h), at an earlier date as designated by
30 the airport owner, but not sooner than the 15th day
31 of the month following the month in which the
32 customer facility charge is collected.

33 (2) A customer facility charge shall not constitute
34 gross receipts or income of a vehicle rental company for the
35 purpose of tax imposed by the Commonwealth, a city or a
36 municipality.

37 (3) Money in a segregated trust fund under paragraph (1)
38 may not be pledged, subjected to a lien or encumbered by a
39 vehicle rental company.

40 (g) Use.--Proceeds of the customer facility charge shall be
41 deposited by the airport owner into a segregated account to be
42 used solely for:

43 (1) The planning, development, financing, construction
44 and operation of a rental facility and rental facility
45 improvements.

46 (2) Transportation system costs.

47 (3) A rental facility operation and maintenance
48 expenses.

49 (h) Pledge.--An airport owner may pledge customer facility
50 charge revenues for any of the following:

51 (1) To support debt to finance any use authorized under

1 subsection (g).

2 (2) The creation and maintenance of reasonable reserves
3 and for the payment of debt service for any use authorized
4 under subsection (g).

5 (i) Administration.--An airport owner may do any of the
6 following:

7 (1) Require a vehicle rental company to provide periodic
8 statements of account, file returns, authorize payments and
9 maintain records, in accordance with the vehicle rental
10 company's obligations under this subchapter.

11 (2) Conduct an examination to ensure a vehicle rental
12 company's compliance with its obligations under this
13 subchapter and may do the following:

14 (i) Collect an amount due.

15 (ii) Impose a lien and file a suit to recover an
16 amount due.

17 (iii) Grant a refund.

18 (iv) Require the payment of an authorized addition
19 to a customer facility charge, interest and penalty.

20 (v) Adopt rules and regulations to implement this
21 section.

22 (vi) Seek criminal penalties for failure to comply
23 with the requirements of this subchapter in the same
24 manner as a city is authorized to do under law for the
25 collection of taxes.

26 (j) Commonwealth agreement.--The Commonwealth agrees as
27 follows:

28 (1) With any person, firm or corporation, government
29 agency, whether in this Commonwealth or elsewhere, and with
30 any Federal agency subscribing to or acquiring debt
31 obligations secured by customer facility charges, that the
32 Commonwealth will not limit or alter the rights vested in the
33 airport owner under this subchapter in a manner inconsistent
34 with the obligations of an airport owner to the obligees of
35 the airport owner until all debt obligations secured by
36 customer facility charges and interest on the debt
37 obligations are fully paid or provided for.

38 (2) With any Federal agency that, if the Federal agency
39 contributes funds to support any projects needed for the
40 implementation of this subchapter, the Commonwealth will not
41 alter or limit the rights and powers of the airport owner in
42 a manner which would be inconsistent with the due performance
43 of any agreement between the airport owner and a Federal
44 agency of which the Commonwealth has knowledge.

45 Section 14. Sections 8105(b)(2) and 8121 of Title 74 are
46 amended to read:

47 § 8105. Commission.

48 * * *

49 (b) Vacancies and terms.--

50 * * *

51 (2) The appointed member shall serve for a term of four

1 years. Upon the expiration of this term, the appointed member
2 may continue to hold office for 90 days or until his
3 successor shall be duly appointed and qualified, whichever is
4 less. A member may not serve more than two terms.

5 * * *

6 § 8121. [(Reserved).] Annual hearing.

7 Upon request, at least one commission member shall testify at
8 a public hearing before the Appropriations Committee of the
9 Senate and the Appropriations Committee of the House of
10 Representatives each year to present information on turnpike
11 operations and coordination with other State agencies.

12 Section 15. (Reserved).

13 Section 16. (Reserved).

14 Section 17. Sections 8204(b)(1) and 9119(a)(1) of Title 74
15 are amended to read:

16 § 8204. Code of conduct.

17 * * *

18 (b) Audit.--

19 (1) At least once every [four] two years, the Department
20 of the Auditor General shall review the performance,
21 procedures, operating budget, capital budget and debt of the
22 commission and shall audit the accounts of the commission.

23 * * *

24 § 9119. Applicability of other laws.

25 (a) General rule.--Except as provided under subsection (b),
26 all provisions of laws related to the development, construction,
27 operation or financing of a transportation project in effect on
28 the date the public-private transportation partnership agreement
29 is fully executed shall apply to a public-private transportation
30 partnership agreement entered into between a proprietary public
31 entity and a development entity. The provisions shall include:

32 (1) The act of May 1, 1913 (P.L.155, No.104), referred
33 to as the Separations Act[.]; however, the development entity
34 selected under section 9109 (relating to selection of
35 development entities) shall be the person whose duty it is to
36 receive separate bids and award and enter into separate
37 contracts for each of the subject branches of work required
38 for the erection, construction and alteration of a public
39 building under a public-private transportation partnership
40 agreement.

41 * * *

42 Section 18. Title 74 is amended by adding chapters to read:

43 CHAPTER 92

44 TRAFFIC SIGNALS

45 Sec.

46 9201. Definitions.

47 9202. Maintenance agreement.

48 § 9201. Definitions.

49 The following words and phrases when used in this chapter
50 shall have the meanings given to them in this section unless the
51 context clearly indicates otherwise:

1 "Critical corridor." Either of the following:

2 (1) A State highway segment intersecting with a limited
3 access ramp identified by the secretary.

4 (2) A State highway segment with bidirectional average
5 annual daily traffic greater than 10,000 vehicles as
6 determined by the department's Roadway Management System.

7 "Department." The Department of Transportation of the
8 Commonwealth.

9 "Designated traffic corridor." A State highway segment,
10 other than a critical corridor, determined by the secretary to
11 be subject to the provisions of this chapter.

12 "Existing agreement." An agreement between the department
13 and a municipality for the maintenance of a traffic signal
14 existing prior to the effective date of this section.

15 "Municipality." A city, borough, town or township.

16 "Maintenance." The activity of keeping a traffic signal in
17 proper working condition during the useful life of the traffic
18 signal.

19 "Replace." The modernization of an existing traffic signal
20 within a designated traffic corridor.

21 "Synchronize." The coordination of the timing of all traffic
22 signals within a designated traffic corridor for the purpose of
23 operating as a single system.

24 "Timing." The programming of traffic signals within a
25 designated traffic corridor in order to synchronize the signals.
26 § 9202. Maintenance agreement.

27 (a) Agreement.--A municipality may enter into an agreement
28 with the department to replace, synchronize and time traffic
29 signals located within a designated traffic corridor. The terms
30 of the agreement may specify that the municipality provide
31 services to the department. The agreement shall not exceed the
32 time period of the useful life of the traffic signals. The
33 municipality shall, during the duration of the agreement,
34 properly maintain and time the traffic signals in accordance
35 with the agreement.

36 (b) Critical corridors.--A municipality shall enter into an
37 agreement with the department under terms specified under
38 subsection (a) for critical corridors. A municipality shall
39 provide to the department in a timely manner all traffic and
40 intersection data that the municipality maintains for critical
41 corridors and establish and agree to an operations plan with the
42 department for critical corridors.

43 (c) Prioritization.--The department shall prioritize
44 critical corridors and designated traffic corridors where proper
45 signalization will provide the most benefit to the traveling
46 public and reduce congestion. Priorities shall be reevaluated
47 and updated as part of the 12-year transportation improvement
48 plan cycle.

49 (d) Intergovernmental cooperation.--Two or more
50 municipalities may enter into an agreement with the department
51 if a designated traffic corridor is located in two or more

1 municipalities.

2 (e) Maintenance.--If the department determines that one or
3 more traffic signals are not being maintained or timed in
4 accordance with an agreement under subsection (a) or an existing
5 agreement, the department shall provide written notice to all
6 municipalities subject to the agreement no less than 60 days
7 prior to taking any action to correct the deficient maintenance
8 and timing. The written notice shall specify the maintenance and
9 timing deficiencies that are to be corrected.

10 (1) A municipality subject to an agreement under
11 subsection (a) shall have 60 days to correct the deficiencies
12 contained in the written notice or to contest, in writing,
13 the findings of the department within 30 days following
14 receipt of the written notice.

15 (2) The requirement that the municipality correct the
16 deficiencies within 60 days following receipt of the written
17 notice shall be temporarily stayed, if the municipality
18 timely contests the department's findings in writing.

19 (3) A municipality that contests the deficiencies
20 specified in the written notice shall have 30 days to reach a
21 written understanding with the department related to the
22 deficiencies specified in the written notice.

23 (4) If the department and the municipality do not reach
24 a written understanding under paragraph (3), the department
25 and the municipality shall select a civil engineer licensed
26 by the Commonwealth who has substantial experience in traffic
27 engineering to mediate the dispute. The engineer chosen must
28 not be under an existing contract with the department or
29 municipality unless the contract is specifically related to
30 traffic signal mediation.

31 (f) Failure of municipality to perform.--If a municipality
32 that has entered into an agreement with the department under
33 subsection (a) fails to meet the requirements of subsection (e)
34 (1) or (2), the department may take action to correct the
35 deficiencies specified in the notice under subsection (e).

36 (g) Payment for failure to correct deficiencies.--If the
37 department takes action under subsection (f), the department may
38 deduct the actual costs of correcting the deficiencies in
39 maintenance and timing from the payments made to the
40 municipality under the act of June 1, 1956 (1955 P.L.1944,
41 No.655), referred to as the Liquid Fuels Tax Municipal
42 Allocation Law, and 75 Pa.C.S. Chs. 89 (relating to Pennsylvania
43 Turnpike) and 95 (relating to taxes for highway maintenance and
44 construction).

45 CHAPTER 93

46 BRIDGE BUNDLING PROGRAM

47 Sec.

48 9301. Definitions.

49 9302. Bundling authorization.

50 9303. Bridge Bundling Program.

51 9304. Special exceptions.

1 § 9301. Definitions.

2 The following words and phrases when used in this chapter
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Bridge capital budget act." The act of December 8, 1982
6 (P.L.848, No.235), known as the Highway-Railroad and Highway
7 Bridge Capital Budget Act for 1982-1983.

8 "Department." The Department of Transportation of the
9 Commonwealth.

10 "Determination." A decision by the department as to the
11 eligibility, recommendation and inclusion in the program.

12 "Local government." A county, city, borough, town or
13 township.

14 "Program." The Bridge Bundling Program.

15 § 9302. Bundling authorization.

16 Notwithstanding any other law, the department is authorized
17 to bundle the design and construction of bridges owned by the
18 Commonwealth or an instrumentality of the Commonwealth or a
19 local government as provided under this chapter.

20 § 9303. Bridge Bundling Program.

21 (a) Establishment.--The Bridge Bundling Program is
22 established within the department.

23 (b) Purpose.--The purpose of the program is to save costs
24 and time by allowing multiple bridges to be replaced or
25 rehabilitated as one project for design and construction
26 purposes.

27 (c) Eligibility.--Bridges shall be eligible for the program
28 if the bridges meet all of the following:

29 (1) Are within geographical proximity to each other.

30 (2) Are of similar size or design.

31 (3) Inclusion in the program will further the purpose of
32 the program.

33 (d) Implementation.--The department shall implement the
34 program as follows:

35 (1) The department shall annually develop a preliminary
36 list from different regions of this Commonwealth, on a
37 rotating basis, of bridges meeting eligibility requirements.

38 (2) The department shall notify local governments owning
39 bridges recommended for inclusion in that year's program.

40 (3) Following receipt of notification from the
41 department, the governing body of a local government shall
42 have 60 days to agree or refuse to participate in the
43 program. Failure to respond in writing within 60 days shall
44 be considered a refusal to participate in the program.

45 (4) Based on the response from local governments under
46 paragraph (3), the department shall make a determination of
47 bridges to be designed and constructed under the program and
48 provide a list of the bridges to the appropriate planning
49 organizations.

50 (4.1) A determination shall not be:

51 (i) considered to be an adjudication under 2 Pa.C.S.

1 Chs. 5 Subch. A (relating to practice and procedure of
2 Commonwealth agencies) and 7 Subch. A (relating to
3 judicial review of Commonwealth agency action); or

4 (ii) appealable to the department or a court of law.

5 (5) The following shall apply:

6 (i) A local government that agrees to participate in
7 the program for one or more of its bridges shall enter
8 into an agreement with the department. The agreement
9 shall define the department's responsibility for the
10 design and construction of the bridges and the continuing
11 ownership and maintenance responsibilities of the local
12 government for the bridges replaced or rehabilitated
13 under the program.

14 (ii) The local government shall have 90 days
15 following receipt of the agreement to execute and return
16 the agreement to the department.

17 (iii) Failure to return an agreement executed by
18 authorized local government officials under subparagraph
19 (ii) shall be deemed a refusal to participate in the
20 program.

21 (6) Upon full execution of an agreement under the
22 program, the department shall manage the project design and
23 construction in a manner consistent with the purpose of the
24 program.

25 (f) Itemization.--Notwithstanding any other law, bridges
26 determined to be eligible and recommended for the program by the
27 department shall not require specific itemization in a capital
28 budget.

29 § 9304. Special exceptions.

30 Notwithstanding section 2(c) of the bridge capital budget
31 act:

32 (1) A local government that participates in the program
33 shall be eligible for a reduction of up to 100%, as
34 determined by the secretary, of its share of local costs
35 associated with the design and construction of the bridge
36 determined to be eligible for the program by the secretary.

37 (2) A local government that refuses to participate, or
38 has been deemed to have refused to participate, in the
39 program after receiving notification from the department
40 under section 9303(d) (relating to Bridge Bundling Program)
41 shall be responsible for 30% of the non-Federal share of the
42 costs incurred with respect to the local government's bridges
43 replaced or rehabilitated under programs other than the
44 program established in this chapter.

45 CHAPTER 95

46 PUBLIC UTILITY FACILITIES

47 Sec.

48 9501. Adjustment.

49 § 9501. Adjustment.

50 (a) General rule.--The following shall apply:

51 (1) If, in the construction, reconstruction, widening or

1 relocation of a State highway, bridge or tunnel or a part of
2 a State highway, bridge or tunnel, it becomes necessary, in
3 the opinion of the department, to change, alter, adjust or
4 relocate a water line or sanitary sewer owned and operated by
5 a public utility, as defined in 66 Pa.C.S. § 102 (relating to
6 definitions), the department may make the change, alteration,
7 adjustment or relocation as may be required as a part of the
8 construction, reconstruction, widening or relocation.

9 (2) In addition to paragraph (1), the department may
10 also enter into agreements with the public utility for the
11 sharing of costs of the change, alteration, adjustment or
12 relocation. If, in the opinion of the department, the costs
13 should be shared by the department and a public utility and
14 the department is unable to agree with the public utility to
15 a division of costs, the department may proceed with the work
16 and petition the Pennsylvania Public Utility Commission for a
17 determination of the costs to be borne by each party.

18 (b) Declaration of policy.--A public utility under
19 subsection (a) shall be entitled to a reimbursement in a similar
20 manner as a city, borough, incorporated town, township and
21 municipal authority under section 412.1 of the act of June 1,
22 1945 (P.L.1242, No.428), known as the State Highway Law.

23 CHAPTER 96
24 STEEL PAINTING

25 Sec.

26 9601. Definitions.

27 9602. Prequalification of bidders.

28 § 9601. Definitions.

29 The following words and phrases when used in this chapter
30 shall have the meanings given to them in this section unless the
31 context clearly indicated otherwise:

32 "Department." The Department of Transportation of the
33 Commonwealth.

34 "QP1 certification." A painting contractor approval that
35 evaluates a contractor who performs surface preparation and
36 industrial coating application on steel structures in the field
37 to confirm the contractor's ability to provide quality work in
38 accordance with applicable safety, health and environmental
39 standards.

40 "QP2 certification." A painting contractor approval that
41 evaluates a contractor's ability to perform industrial hazardous
42 paint removal in a field operation to confirm the contractor's
43 ability to provide quality work in accordance with applicable
44 safety, health and environmental standards.

45 "Secretary." The Secretary of Transportation of the
46 Commonwealth.

47 § 9602. Prequalification of bidders.

48 (a) Establishment.--Notwithstanding any other provision of
49 law, the department shall establish procedures to authorize
50 third parties to prequalify competent and responsible bidders
51 for high performance and conventional steel painting for highway

1 and bridge projects.

2 (b) Certification.--Bidders eligible for prequalification
3 under subsection (a) shall have obtained a QP1 certification or
4 QP2 certification, as appropriate, as developed by the Society
5 for Protective Coatings, formerly known as the Steel Structures
6 Painting Council, or other certification that is substantially
7 equivalent to a QP1 or QP2 certification, as determined by the
8 secretary.

9 (c) Effectiveness.--The secretary's designation of a third
10 party to prequalify bidders under this section shall be
11 effective for a period not exceeding one year from the date of
12 the designation.

13 (d) Suspension or debarment.--Nothing under this section
14 shall prevent the department from suspending or debarring a
15 contractor, under the terms and conditions set forth in 67 Pa.
16 Code §§ 457.13 (relating to suspension or debarment) and 457.14
17 (relating to debarment appeals procedure), that has been
18 prequalified by a third party under this section.

19 Section 19. Section 1307(f) of Title 75 is amended and the
20 section is amended by adding a subsection to read:
21 § 1307. Period of registration.

22 * * *

23 (f) Optional permanent trailer registration.--[The] Except
24 as set forth in section 1920(c) (relating to trailers), the
25 registration of trailers permanently registered as provided in
26 section 1920(c) [(relating to trailers)] shall expire upon
27 salvaging of the vehicle or transfer of ownership.

28 (g) Election.--Upon application on a form prescribed by the
29 department, the owner or lessee of a motor vehicle, except a
30 motor vehicle registered under the International Registration
31 Plan and a motor vehicle with a seasonal registration or a
32 circus or carnival plate, may elect to pay an annual
33 registration fee for a two-year period. The fee shall be two
34 times the amount of the registration fee otherwise payable for
35 the motor vehicle under this title.

36 Section 19.1. Section 1332 of Title 75 is amended by adding
37 a subsection to read:
38 § 1332. Display of registration plate.

39 * * *

40 (d) Validating registration stickers.--Validating
41 registration stickers shall not be issued or required to be
42 displayed.

43 Section 20. Section 1353 of Title 75 is amended to read:
44 § 1353. Preserve our heritage registration plate.

45 The department, in consultation with the Pennsylvania
46 Historical and Museum Commission, shall design a special
47 preserve our heritage registration plate. Upon receipt of an
48 application, accompanied by a fee of [\$35] \$54 which shall be in
49 addition to the annual registration fee, the department shall
50 issue the plate for a passenger car, motor home, trailer or
51 truck with a registered gross weight of not more than 10,000

1 pounds. The Historical Preservation Fund shall receive \$15 of
2 each additional fee for this plate.

3 Section 21. Section 1354 of Title 75 is repealed:

4 [§ 1354. Flagship Niagara commemorative registration plate.

5 (a) Plate.--The department, in consultation with the
6 Pennsylvania Historical and Museum Commission, shall design a
7 Flagship Niagara commemorative registration plate. Upon
8 application of any person, accompanied by a fee of \$35 which
9 shall be in addition to the annual registration fee, the
10 department shall issue the plate for a passenger car, motor
11 home, trailer or truck with a registered gross weight of not
12 more than 10,000 pounds.

13 (b) Use of fee.--Of each fee paid under subsection (a), \$15
14 shall be deposited into the Flagship Niagara Account, which is
15 established as a special account in the Historical Preservation
16 Fund of the Pennsylvania Historical and Museum Commission. The
17 commission shall administer the account as follows:

18 (1) To preserve, maintain and operate the Flagship
19 Niagara.

20 (2) After making a determination that there has been
21 compliance with paragraph (1) for a fiscal year, to
22 contribute to the fund.]

23 Section 22. Section 1355 of Title 75 is amended to read:
24 § 1355. Zoological plate.

25 The department, in consultation with the Pennsylvania
26 Zoological Council, shall design a special zoological
27 registration plate. Upon application of any person, accompanied
28 by a fee of [~~\$35~~] \$54 which shall be in addition to the annual
29 registration fee, the department shall issue the plate for a
30 passenger car, motor home, trailer or truck with a registered
31 gross weight of not more than 10,000 pounds. The Zoological
32 Enhancement Fund shall receive \$15 of the fee paid by the
33 applicant for the plate.

34 Section 23. Section 1550(d)(2) of Title 75 is reenacted to
35 read:

36 § 1550. Judicial review.

37 * * *

38 (d) Documentation.--

39 * * *

40 (2) In any proceeding under this section, documents
41 received by the department from any other court or from an
42 insurance company shall be admissible into evidence to
43 support the department's case. In addition, if the department
44 receives information from a court by means of electronic
45 transmission or from an insurance company which is complying
46 with its obligation under Subchapter H of Chapter 17
47 (relating to proof of financial responsibility) by means of
48 electronic transmission, it may certify that it has received
49 the information by means of electronic transmission, and that
50 certification shall be prima facie proof of the adjudication
51 and facts contained in such an electronic transmission.

1 Section 24. Sections 1553(c), 1554(c), 1617, 1786(d), 1903,
2 1904, 1911, 1913, 1916(a), 1917, 1918, 1920(a) and (c), 1921,
3 1922, 1924, 1925, 1926(a) (b) and (c), 1926.1, 1927, 1928, 1929,
4 1930, 1931, 1931.1, 1932 and 1933 of Title 75 are amended to
5 read:

6 § 1553. Occupational limited license.

7 * * *

8 (c) Fee.--The fee for applying for an occupational limited
9 license shall be [\$50] \$65. This fee shall be nonrefundable and
10 no other fee shall be required.

11 * * *

12 § 1554. Probationary license.

13 * * *

14 (c) Fee.--The fee for applying for a probationary license
15 shall be [\$25] \$35. The fee shall be nonrefundable. The annual
16 fee for issuance of a probationary license shall be [\$50] \$75,
17 plus the cost of the photograph required in section 1510(a)
18 (relating to issuance and content of driver's license), which
19 shall be in addition to all other licensing fees.

20 * * *

21 § 1617. Fees.

22 Fees relating to commercial drivers' licenses to be collected
23 by the department under this chapter shall be in addition to any
24 other fees imposed under the provisions of this title and are as
25 follows:

26 (1) The annual fee for a commercial driver's license
27 designation shall be [\$10] \$15.

28 (2) In addition to any other restoration fee required by
29 this title, an additional restoration fee of [\$50] \$100 shall
30 be assessed and collected before reinstating a commercial
31 driver's operating privilege following a suspension or
32 revocation under this title or disqualification under this
33 chapter.

34 (3) If the commercial driving privilege of a driver is
35 disqualified, a Class C noncommercial or M license, if the
36 driver possesses the motorcycle qualification, may be
37 obtained upon payment of the fees associated with obtaining a
38 duplicate license.

39 (4) An additional fee of [\$10] \$15 shall be imposed for
40 the initial issuance or renewal of a commercial driver's
41 license with an "H" or "X" endorsement, in addition to the
42 cost of a criminal history background check as required by
43 the USA Patriot Act of 2001 (Public Law 107-56, 115 Stat.
44 272).

45 § 1786. Required financial responsibility.

46 * * *

47 (d) Suspension of registration and operating privilege.--

48 (1) The Department of Transportation shall suspend the
49 registration of a vehicle for a period of three months if it
50 determines the required financial responsibility was not
51 secured as required by this chapter and shall suspend the

1 operating privilege of the owner or registrant for a period
2 of three months if the department determines that the owner
3 or registrant has operated or permitted the operation of the
4 vehicle without the required financial responsibility. The
5 operating privilege shall not be restored until the
6 restoration fee for operating privilege provided by section
7 1960 (relating to reinstatement of operating privilege or
8 vehicle registration) is paid.

9 (1.1) In lieu of serving a registration suspension
10 imposed under this section, an owner or registrant may pay to
11 the department a civil penalty of \$500, the restoration fee
12 prescribed under section 1960 and furnish proof of financial
13 responsibility in a manner determined by the department. An
14 owner or registrant may exercise this option no more than
15 once in a 12-month period.

16 (2) Whenever the department revokes or suspends the
17 registration of any vehicle under this chapter, the
18 department shall not restore or transfer the registration
19 until the suspension has been served or the civil penalty has
20 been paid to the department and the vehicle owner furnishes
21 proof of financial responsibility in a manner determined by
22 the department and submits an application for registration to
23 the department, accompanied by the fee for restoration of
24 registration provided by section 1960. This subsection shall
25 not apply in the following circumstances:

26 (i) The owner or registrant proves to the
27 satisfaction of the department that the lapse in
28 financial responsibility coverage was for a period of
29 less than 31 days and that the owner or registrant did
30 not operate or permit the operation of the vehicle during
31 the period of lapse in financial responsibility.

32 (ii) The owner or registrant is a member of the
33 armed services of the United States, the owner or
34 registrant has previously had the financial
35 responsibility required by this chapter, financial
36 responsibility had lapsed while the owner or registrant
37 was on temporary, emergency duty and the vehicle was not
38 operated during the period of lapse in financial
39 responsibility. The exemption granted by this paragraph
40 shall continue for 30 days after the owner or registrant
41 returns from duty as long as the vehicle is not operated
42 until the required financial responsibility has been
43 established.

44 (iii) The insurance coverage has terminated or
45 financial responsibility has lapsed simultaneously with
46 or subsequent to expiration of a seasonal registration,
47 as provided in section 1307(a.1) (relating to period of
48 registration).

49 (3) An owner whose vehicle registration has been
50 suspended under this subsection shall have the same right of
51 appeal under section 1377 (relating to judicial review) as

1 provided for in cases of the suspension of vehicle
2 registration for other purposes. The filing of the appeal
3 shall act as a supersedeas, and the suspension shall not be
4 imposed until determination of the matter as provided in
5 section 1377. The court's scope of review in an appeal from a
6 vehicle registration suspension shall be limited to
7 determining whether:

8 (i) the vehicle is registered or of a type that is
9 required to be registered under this title; and

10 (ii) there has been either notice to the department
11 of a lapse, termination or cancellation in the financial
12 responsibility coverage as required by law for that
13 vehicle or that the owner, registrant or driver was
14 requested to provide proof of financial responsibility to
15 the department, a police officer or another driver and
16 failed to do so. Notice to the department of the lapse,
17 termination or cancellation or the failure to provide the
18 requested proof of financial responsibility shall create
19 a presumption that the vehicle lacked the requisite
20 financial responsibility. This presumption may be
21 overcome by producing clear and convincing evidence that
22 the vehicle was insured at all relevant times.

23 (4) Where an owner or registrant's operating privilege
24 has been suspended under this subsection, the owner or
25 registrant shall have the same right of appeal under section
26 1550 (relating to judicial review) as provided for in cases
27 of suspension for other reason. The court's scope of review
28 in an appeal from an operating privilege suspension shall be
29 limited to determining whether:

30 (i) the vehicle was registered or of a type required
31 to be registered under this title; and

32 (ii) the owner or registrant operated or permitted
33 the operation of the same vehicle when it was not covered
34 by financial responsibility. The fact that an owner,
35 registrant or operator of the motor vehicle failed to
36 provide competent evidence of insurance or the fact that
37 the department received notice of a lapse, termination or
38 cancellation of insurance for the vehicle shall create a
39 presumption that the vehicle lacked the requisite
40 financial responsibility. This presumption may be
41 overcome by producing clear and convincing evidence that
42 the vehicle was insured at the time that it was driven.

43 (5) An alleged lapse, cancellation or termination of a
44 policy of insurance by an insurer may only be challenged by
45 requesting review by the Insurance Commissioner pursuant to
46 Article XX of the act of May 17, 1921 (P.L.682, No.284),
47 known as The Insurance Company Law of 1921. Proof that a
48 timely request has been made to the Insurance Commissioner
49 for such a review shall act as a supersedeas, staying the
50 suspension of registration or operating privilege under this
51 section pending a determination pursuant to section 2009(a)

1 of The Insurance Company Law of 1921 or, in the event that
2 further review at a hearing is requested by either party, a
3 final order pursuant to section 2009(i) of The Insurance
4 Company Law of 1921.

5 (6) The civil penalty collected under paragraph (1.1)
6 shall be deposited into the Public Transportation Trust Fund.

7 * * *

8 § 1903. Limitation on local license fees and taxes.

9 [No] Except as set forth in section 1935 (relating to fee for
10 local use), no municipality shall require or collect any
11 registration or license fee or tax for any vehicle or driver's
12 license from any person.

13 § 1904. Collection and disposition of fees and moneys.

14 [The] (a) General rule.--Except as provided under this
15 section, the department shall collect all fees payable under
16 this title and all other moneys received in connection with the
17 administration of this title and transmit them to the State
18 Treasurer for deposit in the Motor License Fund. Moneys paid in
19 error may be refunded by the department.

20 (b) Disposition.--Fees collected under sections 1951(c)
21 (relating to driver's license and learner's permit), 1952
22 (relating to certificate of title), 1953 (relating to security
23 interest), 1955 (relating to information concerning drivers and
24 vehicles), 1956 (relating to certified copies of records) and
25 1958 (relating to certificate of inspection) shall be
26 transmitted to the State Treasurer for deposit in the following
27 funds:

28 (1) For fiscal year 2013-2014:

29 (i) 33.9% to the Public Transportation Trust Fund;

30 (ii) 30.7% to the Multimodal Transportation Fund;

31 and

32 (iii) 35.4% to the Motor License Fund.

33 (1.1) For fiscal year 2014-2015:

34 (i) 43.9% to the Public Transportation Trust Fund;

35 (ii) 23% to the Multimodal Transportation Fund; and

36 (iii) 33.1% to the Motor License Fund.

37 (2) For fiscal years 2015-2016 and 2016-2017:

38 (i) 66.6% to the Public Transportation Trust Fund;

39 (ii) 23% to the Multimodal Transportation Fund; and

40 (iii) 10.4% to the Motor License Fund.

41 (3) For fiscal years beginning after June 30, 2017:

42 (i) 77% to the Public Transportation Trust Fund; and

43 (ii) 23% to the Multimodal Transportation Fund.

44 (c) Automatic adjustments.--

45 (1) Except as provided under paragraph (2), for the 24-
46 month period beginning July 1, 2015, through June 30, 2017,
47 and for each like 24-month period thereafter, all fees
48 charged under this title shall be increased by an amount
49 calculated by applying the percentage change in the Consumer
50 Price Index for All Urban Consumers (CPI-U) for the most
51 recent 24-month period, calculated from the first day of

1 March through the last day of February, beginning on the date
2 the fees charged under this title were last increased and for
3 which figures have been officially reported by the United
4 States Department of Labor, Bureau of Labor Statistics,
5 immediately prior to the date the adjustment is due to take
6 effect, to the then current fee amounts authorized. If a fee
7 is increased under this paragraph and results in a fee which
8 is less than a whole dollar, the following apply:

9 (i) Except as set forth in subparagraph (ii), the
10 fee shall be rounded to the nearest whole dollar.

11 (ii) If the fee is prescribed in a section
12 referenced in subsection (b), the fee shall be rounded to
13 the next higher dollar.

14 (2) Fees charged under sections 1916 (relating to trucks
15 and truck tractors), 1917 (relating to motor buses and
16 limousines) and 1918 (relating to school buses and school
17 vehicles) shall be increased on July 1, 2019, for the period
18 beginning on July 1, 2019, through June 30, 2021, and for
19 each like 24-month period thereafter in the same manner and
20 with the same requirements prescribed under paragraph (1). If
21 a fee is increased in accordance with this paragraph and
22 results in a fee which is less than a whole dollar, the fee
23 shall be rounded to the nearest whole dollar.

24 § 1911. [Annual registration] Registration fees.

25 (a) General rule.--[An annual] A fee for the registration of
26 vehicles as provided in Chapter 13 (relating to the registration
27 of vehicles) shall be charged by the department as provided in
28 this title.

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

35 § 1913. Motor homes.

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

Class	Registered Gross Weight in Pounds	Fee
1	8,000 or less	[\$45] <u>\$ 65</u>
2	8,001 - 11,000	[63] <u>90</u>
3	11,001 or more	[81] <u>116</u>

44 § 1916. Trucks and truck tractors.

45 (a) General rule.--

46 (1) The annual fee for registration of a truck or truck
47 tractor shall be determined by its registered gross weight or
48 combination weight in pounds according to the following
49 table:

50 [Registered
51 Gross or Combination

1	Class	Weight in Pounds	Fee
2	1	5,000 or less	\$ 58.50
3	2	5,001 - 7,000	81.00
4	3	7,001 - 9,000	153.00
5	4A	9,001 - 10,000	198.00
6	4B	10,001 - 11,000	198.00
7	5	11,001 - 14,000	243.00
8	6	14,001 - 17,000	288.00
9	7	17,001 - 21,000	355.50
10	8	21,001 - 26,000	405.00
11	9	26,001 - 30,000	472.50
12	10	30,001 - 33,000	567.00
13	11	33,001 - 36,000	621.00
14	12	36,001 - 40,000	657.00
15	13	40,001 - 44,000	697.50
16	14	44,001 - 48,000	751.50
17	15	48,001 - 52,000	828.00
18	16	52,001 - 56,000	882.00
19	17	56,001 - 60,000	999.00
20	18	60,001 - 64,000	1,111.50
21	19	64,001 - 68,000	1,165.50
22	20	68,001 - 73,280	1,251.00
23	21	73,281 - 76,000	1,597.50
24	22	76,001 - 78,000	1,633.50
25	23	78,001 - 78,500	1,651.50
26	24	78,501 - 79,000	1,669.50
27	25	79,001 - 80,000	1,687.50]

Registered Fees

	<u>Gross or</u>	<u>Fiscal</u>	<u>Fiscal</u>	<u>Fiscal</u>	<u>Fiscal</u>	<u>Fiscal</u>
	<u>Combination</u>	<u>Year</u>	<u>Year</u>	<u>Year</u>	<u>Year</u>	<u>Year</u>
	<u>Weight in</u>	<u>2013-</u>	<u>2014-</u>	<u>2015-</u>	<u>2016-</u>	<u>2017-</u>
<u>Class</u>	<u>Pounds</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
33	<u>1</u> 5,000 or less	<u>\$58.50</u>	<u>\$58.50</u>	<u>\$58.50</u>	<u>\$58.50</u>	<u>\$58.50</u>
34	<u>2</u> 5,001 - 7,000	<u>81</u>	<u>81</u>	<u>81</u>	<u>81</u>	<u>81</u>
35	<u>3</u> 7,001 - 9,000	<u>153</u>	<u>153</u>	<u>153</u>	<u>153</u>	<u>153</u>
36	<u>4A</u> 9,001 - 10,000	<u>198</u>	<u>198</u>	<u>198</u>	<u>198</u>	<u>198</u>
37	<u>4B</u> 10,001 - 11,000	<u>198</u>	<u>198</u>	<u>198</u>	<u>198</u>	<u>198</u>
38	<u>5</u> 11,001 - 14,000	<u>243</u>	<u>263</u>	<u>283</u>	<u>303</u>	<u>323</u>
39	<u>6</u> 14,001 - 17,000	<u>288</u>	<u>312</u>	<u>336</u>	<u>359</u>	<u>383</u>
40	<u>7</u> 17,001 - 21,000	<u>355.50</u>	<u>385</u>	<u>414</u>	<u>443</u>	<u>473</u>
41	<u>8</u> 21,001 - 26,000	<u>405</u>	<u>438</u>	<u>472</u>	<u>505</u>	<u>539</u>
42	<u>9</u> 26,001 - 30,000	<u>472.50</u>	<u>511</u>	<u>550</u>	<u>589</u>	<u>628</u>
43	<u>10</u> 30,001 - 33,000	<u>567</u>	<u>614</u>	<u>661</u>	<u>707</u>	<u>754</u>
44	<u>11</u> 33,001 - 36,000	<u>621</u>	<u>672</u>	<u>723</u>	<u>775</u>	<u>826</u>
45	<u>12</u> 36,001 - 40,000	<u>657</u>	<u>711</u>	<u>765</u>	<u>820</u>	<u>874</u>
46	<u>13</u> 40,001 - 44,000	<u>697.50</u>	<u>755</u>	<u>813</u>	<u>870</u>	<u>928</u>
47	<u>14</u> 44,001 - 48,000	<u>751.50</u>	<u>813</u>	<u>875</u>	<u>937</u>	<u>999</u>
48	<u>15</u> 48,001 - 52,000	<u>828</u>	<u>896</u>	<u>965</u>	<u>1,033</u>	<u>1,101</u>
49	<u>16</u> 52,001 - 56,000	<u>882</u>	<u>955</u>	<u>1,028</u>	<u>1,100</u>	<u>1,173</u>
50	<u>17</u> 56,001 - 60,000	<u>999</u>	<u>1,081</u>	<u>1,164</u>	<u>1,246</u>	<u>1,329</u>
51	<u>18</u> 60,001 - 64,000	<u>1,111.50</u>	<u>1,203</u>	<u>1,295</u>	<u>1,387</u>	<u>1,487</u>

1	19	64,001 - 68,000	1,165.50	1,262	1,358	1,454	1,550
2	20	68,001 - 73,280	1,251	1,354	1,457	1,561	1,664
3	21	73,281 - 76,000	1,597.50	1,729	1,861	1,993	2,125
4	22	76,001 - 78,000	1,633.50	1,768	1,903	2,038	2,173
5	23	78,001 - 78,500	1,651.50	1,788	1,924	2,060	2,196
6	24	78,501 - 79,000	1,669.50	1,807	1,945	2,083	2,220
7	25	79,001 - 80,000	1,687.50	1,827	1,966	2,105	2,244

(2) A portion of the registration fee for any truck or truck tractor in Classes 9 through 25 shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund according to the following table:

Amount Deposited in
Highway Bridge Improvement
Restricted Account

Classes

9-12

\$ 72

13-17

108

18-20

144

21-25

180

* * *

§ 1917. Motor buses and limousines.

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

Seating Capacity

Fee

26 or less

\$ 9 per seat

27 - 51

234 plus \$11.25 per seat
in excess of 26

52 or more

540]

following:

(1) If the seating capacity is less than 27:

(i) For fiscal year 2013-2014, \$9 per seat.

(ii) For fiscal year 2014-2015, \$10 per seat.

(iii) For fiscal year 2015-2016, \$11 per seat.

(iv) For fiscal year 2016-2017, \$12 per seat.

(v) For fiscal years beginning after June 30, 2017, \$13 per seat.

(2) If the seating capacity is more than 26 but less than 52:

(i) For fiscal year 2013-2014, \$234 plus \$11.25 for each seat beyond 26.

(ii) For fiscal year 2014-2015, \$259.50 plus \$13 for each seat beyond 26.

(iii) For fiscal year 2015-2016, \$285 plus \$14 for each seat beyond 26.

(iv) For fiscal year 2016-2017, \$310.50 plus \$15 for each seat beyond 26.

(v) For fiscal years beginning after June 30, 2017, \$336 plus \$16 for each seat beyond 26.

(3) If the seating capacity is more than 51:

(i) For fiscal year 2013-2014, \$540.

(ii) For fiscal year 2014-2015, \$600.

1 (iii) For fiscal year 2015-2016, \$660.

2 (iv) For fiscal year 2016-2017, \$720.

3 (v) For fiscal years beginning after June 30, 2017,
4 \$775.

5 § 1918. School buses and school vehicles.

6 The annual fee for registration of a school bus or school
7 vehicle shall be [~~\$24.~~] determined as follows:

8 (1) For fiscal year 2013-2014, \$24.

9 (2) For fiscal year 2014-2015, \$27.

10 (3) For fiscal year 2015-2016, \$30.

11 (4) For fiscal year 2016-2017, \$33.

12 (5) For fiscal years beginning after June 30, 2017, \$35.

13 § 1920. Trailers.

14 (a) General rule.--The annual fee for registration of a
15 trailer shall be determined by its registered gross weight
16 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] <u>35</u>

22 * * *

23 (c) Optional permanent registration.--

24 (1) A trailer with a registered gross weight of 10,001
25 or more pounds may be registered for a one-time fee of [~~\$135~~
26 \$165 in lieu of the annual fee at the option of the
27 registrant.

28 (2) A permanent registration of a trailer under this
29 section may be transferred to another trailer one time upon
30 payment of the fee under section 1927 (relating to transfer
31 of registration).

32 § 1921. Special mobile equipment.

33 The annual fee for registration of special mobile equipment
34 shall be [~~\$36~~] \$52.

35 § 1922. Implements of husbandry.

36 The annual fee for registration of an implement of husbandry
37 not exempt from registration under this title shall be [~~\$18~~]
38 \$26.

39 § 1924. Farm vehicles.

40 (a) General rule.--The annual fee for registration of a farm
41 vehicle shall be [~~\$76.50~~] \$110 or one-third of the regular fee,
42 whichever is greater.

43 (b) Certificate of exemption.--The biennial processing fee
44 for a certificate of exemption issued in lieu of registration of
45 a farm vehicle shall be determined by the type of certificate
46 issued and the gross weight or combination weight or weight
47 rating according to the following table:

Certificate type	Weight in pounds	Fee
Type A	10,000 or less	\$24
Type B	greater than 10,000 and not exceeding 17,000	24

1 Type C greater than 17,000 50
2 Type D greater than 17,000 100
3 § 1925. Ambulances, taxis and hearses.
4 The annual fee for registration of an ambulance, taxi or
5 hearse shall be [~~\$54~~] \$77.
6 § 1926. Dealers and miscellaneous motor vehicle business.
7 (a) General rule.--The annual fee for a dealer registration
8 plate or miscellaneous motor vehicle business plate shall be
9 [~~\$36~~] \$52.
10 (b) Motorcycle dealers.--The annual fee for each dealer
11 registration plate issued to a motorcycle dealer other than a
12 motor-driven cycle dealer shall be [~~\$18~~] \$26.
13 (c) Motor-driven cycle dealers.--The annual fee for each
14 dealer registration plate issued to a motor-driven cycle dealer
15 shall be [~~\$9~~] \$13.
16 * * *
17 § 1926.1. Farm equipment vehicle dealers.
18 The annual fee for registration of a farm equipment dealer
19 truck or truck tractor shall be one-half of the regular fee or
20 [~~\$243~~] \$349, whichever is greater.
21 § 1927. Transfer of registration.
22 The fee for transfer of registration shall be [~~\$6~~] \$9.
23 § 1928. Temporary and electronically issued registration
24 plates.
25 The fee payable by a dealer or other dispensing agent for a
26 temporary registration plate or for a registration plate to be
27 issued for new registration processed electronically with the
28 department shall be [~~\$5~~] \$14. The charge of the agent for
29 providing an applicant with a plate under this section shall not
30 exceed a total of [~~\$10~~] \$14.
31 § 1929. Replacement registration plates.
32 The fee for a replacement registration plate other than a
33 legislative or personal plate shall be [~~\$7.50~~] \$11.
34 § 1930. Legislative registration plates.
35 The fee for issuance of a legislative registration plate
36 shall be [~~\$20~~] \$76 which shall be in addition to the annual
37 registration fee. Only one payment of the issuance fee shall be
38 charged for each legislative registration plate issued or
39 replaced.
40 § 1931. Personal registration plates.
41 The fee for issuance of a personal registration plate shall
42 be [~~\$20~~] \$76 which shall be in addition to the annual
43 registration fee. Only one payment of the issuance fee shall be
44 charged for each personal registration issued or replaced.
45 § 1931.1. Street rod registration plates.
46 The fee for the issuance of a street rod registration plate
47 shall be [~~\$20~~] \$51 which shall be in addition to the annual
48 registration fee. Only one payment of the issuance fee shall be
49 charged for each street rod registration plate issued or
50 replaced.
51 § 1932. Duplicate registration cards.

1 The fee for each duplicate registration card when ordered at
2 the time of vehicle registration, the transfer or renewal of
3 registration or the replacement of a registration plate shall be
4 [\$1.50] \$2. The fee for each duplicate registration card issued
5 at any other time shall be [\$4.50] \$6.

6 § 1933. Commercial implements of husbandry.

7 The annual fee for registration of a commercial implement of
8 husbandry shall be [\$76.50] \$110 or one-half of the regular fee,
9 whichever is greater.

10 Section 25. Title 75 is amended by adding a section to read:
11 § 1935. Fee for local use.

12 (a) Establishment of fund.--A special fund is established
13 within the State Treasury to be known as the Fee for Local Use
14 Fund. Money in the fund is appropriated to the department for
15 the purposes set forth in this section.

16 (b) Levy.--Beginning after December 31, 2014, a county may,
17 in its discretion, by ordinance, impose a fee of \$5 for each
18 vehicle registered to an address located in the county. A county
19 shall notify the department of the passage of the ordinance 90
20 days prior to the effective date of the ordinance.

21 (c) Collection.--The department shall collect fees imposed
22 under subsection (a) at the time a vehicle is registered and
23 shall deposit the money in the Fee for Local Use Fund.

24 (d) Distribution.--Money paid into the Fee for Local Use
25 Fund shall be distributed by the department to each
26 participating county in accordance with the amounts collected
27 from the county. Funds payable to a county under this section
28 shall be added to funds payable to the county under section
29 9010(b) (relating to disposition and use of tax) and shall be
30 allocated by the county in accordance with section 9010(c).

31 Section 26. Sections 1942(a), 1943, 1944, 1945(b), 1947,
32 1951(c) and (d), 1952, 1953, 1955(a), 1956, 1957, 1958(a), 1959,
33 1960 and 1961 of Title 75 are amended to read:
34 § 1942. Special hauling permits as to weight and size.

35 (a) Fee schedule.--The fee for a special hauling permit for
36 each movement of an overweight or oversize vehicle or load, or
37 both, shall be as follows:

38 (1) Oversize vehicle or load, or both, having a width up
39 to 14 feet and not exceeding legal weight limit, [\$25] \$35.

40 (2) Oversize vehicle or load, or both, having a width
41 exceeding 14 feet and not exceeding any legal weight limit,
42 [\$50] \$71.

43 (3) Vehicle and load weighing in excess of legal weight
44 limit, [3¢] 4¢ per mile per ton by which the gross weight
45 exceeds the registered gross weight.

46 * * *

47 § 1943. Annual hauling permits.

48 (a) Quarry equipment and machinery.--The annual fee for
49 operation or movement of each piece of heavy quarry equipment or
50 machinery, as provided for in section 4966 (relating to permit
51 for movement of quarry equipment), shall be [\$500] \$706.

1 (c) Course of manufacture.--The annual fee for operation or
2 movement of loads or vehicles, as provided for in section 4968
3 (relating to permit for movement during course of manufacture),
4 shall be as follows:

5 (1) Oversized movements:

6 (i) Movements limited to daylight hours only -
7 [~~\$100~~] \$130.

8 (ii) Movements that can be conducted 24 hours per
9 day - [~~\$1,000~~] \$1,300.

10 (2) Overweight movements:

11 (i) Movements not exceeding 100,000 pounds gross
12 weight:

13 (A) Not more than one mile in distance - [~~\$50~~]
14 \$69.

15 (B) More than one mile in distance - [~~\$400~~]
16 \$750.

17 (ii) Movements in excess of 100,000 pounds gross
18 weight - [~~\$500~~] \$756, plus [~~\$100~~] \$152 for each mile of
19 highway authorized under the permit.

20 (d) Multiple highway crossings.--The annual fee for a single
21 permit for multiple highway crossings, as provided for in
22 section 4965 (relating to single permits for multiple highway
23 crossings), shall be [~~\$300~~] \$415.

24 (e.1) Special mobile equipment.--The annual fee for hauling
25 or towing each piece of special mobile equipment, as provided
26 for in section 4975 (relating to permit for movement of special
27 mobile equipment), shall be [~~\$200~~] \$300.

28 (f) Containerized cargo.--The annual company fee for
29 movement of any combination with overweight containerized cargo
30 as provided for in section 4974 (relating to permit for movement
31 of containerized cargo) shall be:

32 (1) [~~\$100~~] \$155 for a motor carrier requesting permits
33 for up to 15 truck tractors.

34 (2) [~~\$150~~] \$233 for a motor carrier requesting permits
35 for 16 to 50 truck tractors.

36 (3) [~~\$250~~] \$388 for a motor carrier requesting permits
37 for 51 to 100 truck tractors.

38 (4) [~~\$350~~] \$544 for a motor carrier requesting permits
39 for 101 to 150 truck tractors.

40 (5) [~~\$400~~] \$622 for a motor carrier requesting permits
41 for 151 or more truck tractors.

42 (g) Domestic animal feed.--The annual fee for movement of
43 each vehicle hauling domestic animal feed, in bulk, as provided
44 for in section 4976 (relating to permit for movement of domestic
45 animal feed) shall be [~~\$400~~] \$587.

46 (g.1) Eggs.--The annual fee for movement of each vehicle
47 hauling eggs as provided for in section 4976.2 (relating to
48 permit for movement of eggs) shall be \$400.

49 (h) Movement of wooden structures.--The annual fee for
50 movement of wooden structures as provided for in section 4977
51 (relating to permit for movement of wooden structures) shall be

1 [\$1,000] \$1,468.

2 (i) Live domestic animals.--The annual permit fee for each
3 truck tractor authorized to transport live domestic animals, as
4 provided in section 4976.1 (relating to permit for movement of
5 live domestic animals), shall be [\$400] \$520.

6 (j) Building structural components.--The permit fee for each
7 truck tractor authorized to transport building structural
8 components, as provided in section 4978 (relating to permit for
9 movement of building structural components), shall be [\$100]
10 \$141 for each month the permit is valid.

11 (k) Utility construction equipment.--The permit fee for
12 utility construction equipment, as provided for in section
13 4970(a) (relating to permit for movement of construction
14 equipment), shall be [\$100] \$141 for each month the permit is
15 valid.

16 (l) Particleboard or fiberboard.--The annual fee for
17 movement of particleboard or fiberboard, as provided for in
18 section 4979 (relating to permit for movement of particleboard
19 or fiberboard used for the manufacture of ready-to-assemble
20 furniture), shall be [\$800] \$1,130.

21 (m) Bulk refined oil.--The annual fee for movement of bulk
22 refined oil, as provided for in section 4979.1 (relating to
23 permit for movement of bulk refined oil), shall be:

24 (1) [\$800] \$1,130 for a distance up to 50 miles.

25 (2) [\$1,600] \$1,690 for a distance of more than 50 miles
26 up to 125 miles.

27 (n) Waste coal and beneficial combustion ash.--The annual
28 fee for the movement of waste coal and beneficial combustion
29 ash, as provided for in section 4979.2 (relating to permit for
30 movement of waste coal and beneficial combustion ash), shall be
31 [\$400] \$565.

32 (o) Float glass or flat glass.--The annual fee for the
33 movement of float glass or flat glass, as provided for in
34 section 4979.3 (relating to permit for movement of float glass
35 or flat glass for use in construction and other end uses), shall
36 be [\$800] \$1,209.

37 (p) Self-propelled cranes.--The annual permit fee for each
38 self-propelled crane, as provided for in section 4979.4
39 (relating to permit for movement of self-propelled cranes),
40 shall be as follows:

41 (1) Cranes not exceeding 100,000 pounds gross weight,
42 prorated up to a maximum of [\$400] \$553.

43 (2) Cranes in excess of 100,000 pounds gross weight,
44 prorated up to a maximum of [\$100] \$139 plus [\$50] \$69 for
45 each mile of highway authorized under the permit.

46 (q) Construction equipment.--The annual fee for the movement
47 of construction equipment shall be [\$400] \$520.

48 (q.1) Nonhazardous liquid glue.--The annual fee for the
49 movement of nonhazardous liquid glue, as provided for in section
50 4979.5 (relating to permit for movement of nonhazardous liquid
51 glue), shall be [\$800] \$1,000.

1 (q.2) Waste tires.--The annual fee for the movement of waste
2 tires under section 4979.6 (relating to permit for movement of
3 waste tires) shall be [~~\$800~~] \$845.

4 (r) Excess damage permit.--The annual fee for excess damage
5 permits, as provided for in section 4961(d) (relating to
6 authority to issue permits), shall be [~~\$500~~] \$640 to cover the
7 costs of administering the permit and inspections of the
8 involved highway.

9 § 1944. Mobile homes, modular housing units and modular housing
10 undercarriages.

11 The fee for a special hauling permit for a mobile home,
12 modular housing unit or modular housing undercarriage which
13 exceeds the maximum size prescribed in this title but which does
14 not exceed 14 feet in body width shall be [~~\$25~~] \$39. The fee for
15 a special hauling permit for a mobile home or modular housing
16 unit, as provided in section 4973 (relating to permits for
17 movement of a mobile home or a modular housing unit and modular
18 housing undercarriage), shall be [~~\$50~~] \$76.

19 § 1945. Books of permits.

20 * * *

21 (b) Penalty.--Any person violating any of the provisions of
22 this section is guilty of a summary offense and shall, upon
23 conviction, be sentenced to pay a fine of [~~\$500~~] \$1,000.

24 § 1947. Refund of certain fees.

25 The portion of the fee of an unused overweight permit based
26 on ton-miles or the fee for an unused escort, or both, may be
27 refunded upon payment of a processing fee of [~~\$10~~] \$38.

28 § 1951. Driver's license and learner's permit.

29 * * *

30 (c) Identification card.--The fee for an identification card
31 fee shall be [~~\$5~~] \$19 plus the cost of the photograph.

32 (d) Replacement license or card.--The fee for a replacement
33 driver's license or identification card shall be [~~\$5~~] \$19 plus
34 the cost of the photograph.

35 § 1952. Certificate of title.

36 (a) General rule.--The fee for issuance of a certificate of
37 title shall be [~~\$22.50~~] \$50.

38 (b) Manufacturer's or dealer's notification.--The fee for a
39 manufacturer's or dealer's notification of acquisition of a
40 vehicle from another manufacturer or dealer for resale pursuant
41 to section 1113 (relating to transfer to or from manufacturer or
42 dealer) shall be [~~\$3~~] \$5.

43 § 1953. Security interest.

44 The fee for recording or changing the amount of security
45 interest on a certificate of title shall be [~~\$5~~] \$23.

46 § 1955. Information concerning drivers and vehicles.

47 (a) Drivers, registrations, titles and security interests.--

48 (1) The fee for a copy of written or electronic
49 information relating to a driver, registration, title or
50 security interest shall be [~~\$5.~~] \$8.

51 (2) If a Commonwealth agency has entered into a contract

1 with a third party to deliver driver information to a person
2 that has complied with section 6114(b)(5) (relating to
3 limitation on sale, publication and disclosure of records),
4 the department may impose an additional fee of up to \$2 for
5 the requested record.

6 (3) Upon approval from the department, a person that has
7 received the driver information from the third party under
8 paragraph (2) that has complied with section 6114(b)(5) may
9 provide the information, for a fee, to a third party for the
10 same purposes contained in section 6114(b)(5) without the
11 payment of any additional fees under this subsection to the
12 department.

13 (4) Except as provided in paragraph (3), a person that
14 sells, publishes or discloses or offers to sell, publish or
15 disclose the information received by the person under this
16 subsection commits a summary offense and shall, upon
17 conviction, be sentenced to pay a fine of not less than \$500
18 nor more than \$1,000.

19 (5) The department shall comply with the provisions of
20 section 6114(d) with respect to the information of a driver
21 under 18 years of age whose information is provided to any
22 person under this subsection.

23 * * *

24 § 1956. Certified copies of records.

25 (a) Department records.--The fee for a certified copy of any
26 department record which the department is authorized by law to
27 furnish to the public shall be [~~\$5~~] \$22 for each form or
28 supporting document comprising such record.

29 (b) State Police reports.--The fee for a certified
30 Pennsylvania State Police record of investigation of a vehicle
31 accident which the Pennsylvania State Police are authorized by
32 this title to furnish to the public shall be [~~\$5~~] \$22 for each
33 copy of the Pennsylvania State Police full report of
34 investigation.

35 § 1957. Uncollectible checks.

36 Whenever any check issued in payment of any fee or for any
37 other purpose is returned to the department or a municipality
38 as uncollectible, the department or municipality shall charge a
39 fee of [~~\$10~~] \$38 for each driver's license, registration,
40 replacement of tags, transfer of registration, certificate of
41 title, whether original or duplicate, special hauling permit and
42 each other unit of issue by the department or municipality, plus
43 all protest fees, to the person presenting the check, to cover
44 the cost of collection.

45 § 1958. Certificate of inspection.

46 (a) General rule.--The department shall charge [~~\$2~~] \$5 for
47 each annual certificate of inspection [~~and \$1~~], \$3 for each
48 semiannual certificate of inspection and \$2 for each certificate
49 of exemption.

50 § 1959. Messenger service.

51 (a) Annual registration.--The annual fee for registration of

1 a messenger service as provided for in Chapter 75 (relating to
2 messenger service) shall be [\$50] \$192.

3 (b) Additional places of business.--The annual fee for
4 registration of additional place of business or branch office
5 from which a messenger service may transact business shall be
6 [\$25] \$95.

7 (c) Transfer of location.--The fee for the transfer of
8 location of a registered place of business or branch office of a
9 messenger service during a period of registration shall be [\$5]
10 \$19.

11 § 1960. Reinstatement of operating privilege or vehicle
12 registration.

13 The department shall charge a fee of [\$25] \$70 or, if section
14 1379 (relating to suspension of registration upon sixth unpaid
15 parking violation in cities of the first class) or 1786(d)
16 (relating to required financial responsibility) applies, a fee
17 of [\$50] \$88 to restore a person's operating privilege or the
18 registration of a vehicle following a suspension or revocation.
19 § 1961. Secure power of attorney.

20 The fee for processing a secure power of attorney submitted
21 for the purpose of odometer disclosure when not accompanied by
22 an application for title shall be [\$15] \$23.

23 Section 27. (Reserved).

24 Section 28. Section 2102(b) and (d)(2) and (3) of Title 75
25 are amended to read:

26 § 2102. Identification markers and license or road tax
27 registration card required.

28 * * *

29 (b) Fee.--The fee for issuance of identification markers
30 shall be [\$5] \$12 per vehicle.

31 * * *

32 (d) Operation without identification markers unlawful.--
33 Except as provided in paragraphs (2) and (3), it shall be
34 unlawful to operate or to cause to be operated in this
35 Commonwealth any qualified motor vehicle unless the vehicle
36 bears the identification markers required by this section or
37 valid and unrevoked IFTA identification markers issued by
38 another IFTA jurisdiction.

39 * * *

40 (2) For a period not exceeding 30 days as to any one
41 motor carrier, the Secretary of Revenue by letter or telegram
42 may authorize the operation of a qualified motor vehicle or
43 vehicles without the identification markers required when
44 both the following are applicable:

45 (i) enforcement of this section for that period
46 would cause undue delay and hardship in the operation of
47 such qualified motor vehicle; and

48 (ii) the motor carrier is registered and/or licensed
49 for the motor carriers road tax with the Department of
50 Revenue or has filed an application therefor with the
51 Department of Revenue:

1 (A) The fee for such temporary permits shall be
2 [\$5] \$7 for each qualified motor vehicle which shall
3 be deposited in the Highway Bridge Improvement
4 Restricted Account within the Motor License Fund.

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

8 (C) A temporary permit issued by another IFTA
9 jurisdiction under authority similar to this
10 paragraph shall be accorded the same effect as a
11 temporary permit issued under this paragraph.

12 (3) A motor carrier may, in lieu of paying the tax
13 imposed and filing the tax report required by Chapter 96 and
14 in lieu of complying with any other provisions of this
15 section that would otherwise be applicable as a result of the
16 operation of a particular qualified motor vehicle, obtain
17 from the Department of Revenue a trip permit authorizing the
18 carrier to operate the qualified motor vehicle for a period
19 of five consecutive days. The Department of Revenue shall
20 specify the beginning and ending days on the face of the
21 permit. The fee for a trip permit for each qualified motor
22 vehicle is [\$50] \$73 which shall be deposited in the Highway
23 Bridge Improvement Restricted Account within the Motor
24 License Fund. The report otherwise required under Chapter 96
25 is not required with respect to a vehicle for which a trip
26 permit has been issued under this subsection.

27 * * *

28 Section 29. (Reserved).

29 Section 30. (Reserved).

30 Section 31. Section 3111 of Title 75 is amended by adding a
31 subsection to read:

32 § 3111. Obedience to traffic-control devices.

33 * * *

34 (a.1) Penalty.--

35 (1) A person who violates this section commits a summary
36 offense and shall, upon conviction, pay a fine of \$150. No
37 other costs or surcharges, including those described in 42
38 Pa.C.S. § 1725.1 (relating to costs) and section 6506
39 (relating to surcharge), shall be assessed or imposed upon a
40 conviction under this paragraph.

41 (2) Notwithstanding any other provision of law,
42 including 42 Pa.C.S. § 3733(a) (relating to deposits into
43 account), the fine collected under paragraph (1) shall be
44 deposited as follows:

45 (i) Twenty-five dollars of the fine shall be
46 deposited as provided under 42 Pa.C.S. § 3733(a).

47 (ii) After deposit of the amount under subparagraph
48 (i), the remaining portion of the fine shall be deposited
49 into the Public Transportation Trust Fund.

50 * * *

51 Section 32. Sections 3362(a) and (c) and 3363 of Title 75

1 are amended to read:

2 § 3362. Maximum speed limits.

3 (a) General rule.--Except when a special hazard exists that
4 requires lower speed for compliance with section 3361 (relating
5 to driving vehicle at safe speed), the limits specified in this
6 section or established under this subchapter shall be maximum
7 lawful speeds and no person shall drive a vehicle at a speed in
8 excess of the following maximum limits:

9 (1) 35 miles per hour in any urban district.

10 (1.1) [65] 70 miles per hour for all vehicles on
11 freeways where the department has posted a [65-miles-per-
12 hour] 70-miles-per-hour speed limit.

13 (1.2) 25 miles per hour in a residence district if the
14 highway:

15 (i) is not a numbered traffic route; and

16 (ii) is functionally classified by the department as
17 a local highway.

18 (2) 55 miles per hour in other locations.

19 (3) Any other maximum speed limit established under this
20 subchapter.

21 * * *

22 (c) Penalty.--

23 (1) Any person violating this section is guilty of a
24 summary offense and shall, upon conviction, be sentenced to
25 pay a fine of:

26 (i) \$42.50 for violating a maximum speed limit of 65
27 miles per hour or higher; or

28 (ii) \$35 for violating any other maximum speed
29 limit.

30 (2) Any person exceeding the maximum speed limit by more
31 than five miles per hour shall pay an additional fine of \$2
32 per mile for each mile in excess of five miles per hour over
33 the maximum speed limit.

34 § 3363. Alteration of maximum limits.

35 On highways under their respective jurisdictions, local
36 authorities subject to section 6109(e) (relating to specific
37 powers of department and local authorities) or the department,
38 upon the basis of an engineering and traffic investigation, may
39 determine that the maximum speed permitted under this subchapter
40 is greater or less than is reasonable and safe under the
41 conditions found to exist upon any such highway or part thereof
42 and establish a reasonable and safe maximum limit. The maximum
43 speed limit may be made effective at all times or at times
44 indicated and may vary for different weather conditions and
45 other factors bearing on safe speeds. No maximum speed greater
46 than 55 miles per hour shall be established under this section
47 except on highways listed in section 3362(a)(1.1) (relating to
48 maximum speed limits), where the maximum speed for all vehicles
49 shall not be greater than [65] 70 miles per hour.

50 Section 33. Section 4902(a) and (c) of Title 75 are amended
51 and the section is amended by adding subsections to read:

1 § 4902. Restrictions on use of highways and bridges.

2 (a) Restrictions based on condition of highway or bridge.--

3 (1) The Commonwealth and local authorities with respect
4 to highways and bridges under their jurisdictions may
5 prohibit the operation of vehicles and may impose
6 restrictions as to the weight or size of vehicles operated
7 upon a highway or bridge only when they determine by
8 conducting an engineering and traffic study as provided for
9 in department regulations that the highway or bridge may be
10 damaged or destroyed unless use by vehicles is prohibited or
11 the permissible size or weight of vehicles is reduced.

12 (2) School buses, emergency vehicles and vehicles making
13 local deliveries or pickups may be exempted from restrictions
14 on the use of highways imposed under this subsection.

15 (3) The department may issue a statement of policy,
16 which shall take effect upon publication in the Pennsylvania
17 Bulletin, adopting an appropriate methodology to provide
18 letters of local determination that identify particular
19 vehicles, routes or uses as local in nature.

20 (4) The methodology under paragraph (3) may allow for
21 exemptions from 67 Pa. Code Ch. 189 (relating to hauling in
22 excess of posted weight limit) related to at-risk industry
23 sectors experiencing a 20% decline in Statewide employment
24 between March 2002 and March 2011, as determined by the
25 Department of Labor and Industry.

26 (5) The exemptions and related requirements under
27 paragraph (4) may remain in existence only until December 31,
28 2018. Exemptions for local delivery or pickup may not include
29 traffic going to or coming from a site at which minerals,
30 natural gas or natural resources are developed, harvested or
31 extracted, notwithstanding whether the site is located at a
32 residence, a commercial site or on farmland. Delivery or
33 pickup of logs or other forest products to or from permanent
34 processing mills located on or reachable only through posted
35 highways shall be considered local delivery or pickup.

36 * * *

37 (c) Permits and security.--

38 (1) The Commonwealth and local authorities may issue
39 permits for movement of vehicles of size and weight in excess
40 of restrictions promulgated under subsections (a) and (b)
41 with respect to highways and bridges under their jurisdiction
42 and may require such [undertaking] agreement or security as
43 they deem necessary to cover the cost of repairs and
44 restoration necessitated by the permitted movement of
45 vehicles. In reference to subsection (a), the Commonwealth
46 and local authorities shall not refuse to issue a permit with
47 respect to a highway under their jurisdiction if there is no
48 reasonable alternate route available. For purposes of this
49 section, "reasonable alternate route" shall mean a route
50 meeting the criteria set forth in department regulations
51 relating to traffic and engineering studies.

1 (2) The department may establish the types of permits to
2 be issued and agreements to be entered into, subject to the
3 following:

4 (i) Permits may be for long-term or short-term use
5 of the posted highways.

6 (ii) The department may require multiple vehicles
7 traveling to or from a single destination to operate
8 pursuant to a single permit.

9 (iii) The department may establish a permit type
10 allowing the posting authority to determine that damage
11 to the posted highway covered by the permit will be
12 minimal. This type of permit may include categories based
13 on the number and kinds of loads expected, including a
14 category providing that use of the posted highway under a
15 single minimum use permit of less than 700 loads per year
16 shall not require an agreement or security. The
17 department may alter the 700 loads per year minimum use
18 threshold if it determines the structural capacity of the
19 State highways can accept a higher or lower amount of
20 over-posted weight traffic. The department may express
21 the threshold as a loads-per-day, loads-per-week or
22 loads-per-month number.

23 (iv) The department may restrict use of de minimis
24 and minimum use permits during thaw periods as determined
25 by the department.

26 (v) The department shall exclude hauling related to
27 unconventional oil and gas development from minimum use
28 status based on its disproportionate and qualitatively
29 different impact upon highways and bridges.

30 (3) The department shall promulgate regulations to
31 implement this section. During the two years immediately
32 following the effective date of this section, the department
33 may promulgate temporary regulations, which shall expire no
34 later than three years following the effective date of this
35 paragraph or upon promulgation of final regulations,
36 whichever occurs first. Temporary regulations promulgated by
37 the department under this paragraph shall not be subject to
38 any of the following:

39 (i) Sections 201, 202 and 203 of the Act of July 31,
40 1968 (P.L.769, No.240), referred to as the Commonwealth
41 Documents Law.

42 (ii) The Act of June 25, 1982 (P.L.633, No.181),
43 known as the Regulatory Review Act.

44 * * *

45 (h) (Reserved).

46 (i) Authority to conduct investigations and audits.--The
47 Commonwealth and local authorities may conduct or cause to be
48 conducted an investigation and audit of a person or entity to
49 determine if there has been a violation of this section,
50 pertinent regulation or agreement. Audits shall be limited to
51 proper usage of letters of local determination and de minimis

1 and minimum use permits.

2 (j) Authority to suspend, revoke or deny permits.--The
3 Commonwealth and local authorities may suspend, revoke or deny a
4 permit and agreement if it is determined by the Commonwealth or
5 a local authority that there has been a violation of this
6 section, pertinent regulation or agreement, notwithstanding any
7 other provision of this section.

8 Section 33.1. Section 4962 of Title 75 is amended by adding
9 a subsection to read:

10 § 4962. Conditions of permits and security for damages.

11 * * *

12 (f.3) Additional authorized travel periods.--With respect to
13 oversized vehicles (over-length, over-width, or over-height), a
14 permitted vehicle, combination or load may operate under a
15 permit from sunrise to sunset every day of the week except as
16 follows:

17 (1) During a holiday period specified in department
18 regulations or in the permit.

19 (2) During inclement weather as defined in department
20 regulations.

21 (3) In urbanized areas as specified in department
22 regulations or the permit.

23 (4) As restricted by the permit.

24 * * *

25 Section 34. Section 4968(a.1)(3), (a.2)(4) and (b) of Title
26 75 are amended to read:

27 § 4968. Permit for movement during course of manufacture.

28 (a.1) General rule.--An annual permit may be issued
29 authorizing movement on specified highways of:

30 * * *

31 (3) aircraft refueling vehicles or vehicles and
32 combinations carrying [raw] milk, raw coal, flat-rolled steel
33 coils, steel slabs, hot ingots, a hot box, pulpwood and wood
34 chips, raw water or cryogenic liquid which exceed the maximum
35 weight specified in Subchapter C while they are in the course
36 of manufacture and under contract with or under the direct
37 control of the manufacturer, provided that they do not exceed
38 the maximum height, width or length specified in Subchapter B
39 unless they also qualify under paragraph (1), subject to the
40 provisions in subsection (a.2).

41 (a.2) Specifications.--

42 * * *

43 (4) A combination of vehicles which is hauling [raw]
44 milk to or from a manufacturer may be permitted by the
45 department and local authorities to move upon highways within
46 their respective jurisdictions 24 hours a day, seven days a
47 week, except during inclement weather as defined in
48 department regulations, if the gross weight does not exceed
49 95,000 pounds and the weight of any nonsteering axle does not
50 exceed 21,000 pounds. No permit may be issued for this type
51 of movement upon an interstate highway. An application to the

1 department for the movement of milk, except for raw milk,
2 shall designate the route the applicant requests to use.

3 * * *

4 (b) Definitions.--As used in this section, the following
5 words and phrases shall have the meanings given to them in this
6 subsection:

7 "Bulk milk." The term shall mean milk, as defined in section
8 1 of the act of July 2, 1935 (P.L.589, No.210), referred to as
9 the Milk Sanitation Law, which is not transported in packages.

10 "Condensed milk" and "evaporated milk." The term shall mean
11 manufactured dairy products as defined in section 1 of the Milk
12 Sanitation Law, which is not transported in packages.

13 "Hot box." Consists of an enclosure consisting of welded
14 steel plate chained to a semitrailer with a removable lid lined
15 with refraction for purposes of insulation and retention of
16 heat.

17 "Milk." The term shall mean any of the following:

18 (1) Bulk milk.

19 (2) Evaporated milk.

20 (3) Raw milk.

21 (4) Condensed milk.

22 "Raw milk." Has the meaning given to it in the act of July
23 2, 1935 (P.L.589, No.210), referred to as the Milk Sanitation
24 Law.

25 Section 35. Section 6110 of Title 75 is amended to read:
26 § 6110. Regulation of traffic on Pennsylvania Turnpike.

27 (a) General rule.--The provisions of this title apply upon
28 any turnpike or highway under the supervision and control of the
29 Pennsylvania Turnpike Commission unless specifically modified by
30 rules and regulations promulgated by the commission which shall
31 become effective only upon publication in accordance with law. A
32 copy of the rules and regulations, so long as they are
33 effective, shall be posted at all entrances to the turnpike or
34 highway for the inspection of persons using the turnpike or
35 highway. This section does not authorize the establishment of a
36 maximum speed limit greater than 55 miles per hour, except that
37 a 65-miles-per-hour or 70-miles-per-hour maximum speed limit for
38 all vehicles may be established where the commission has posted
39 a 65-miles-per-hour or 70-miles-per-hour speed limit.

40 (a.1) Posting.--No maximum speed limit established under
41 subsection [(a)(1) or (2)] (a) shall be effective unless posted
42 on fixed or variable official traffic-control devices erected
43 after each interchange on the portion of highway on which the
44 speed limit is in effect and wherever else the commission shall
45 determine.

46 (b) Penalties.--

47 (1) Except as otherwise provided in this subsection, any
48 person violating any of the rules and regulations of the
49 Pennsylvania Turnpike Commission for which no penalty has
50 otherwise been provided by statute commits a summary offense
51 and shall, upon conviction, be sentenced to pay a fine of

1 \$25.

2 [(2) Any person violating any of the rules and
3 regulations of the commission prohibiting fare evasion or
4 attempted fare evasion commits a summary offense and shall,
5 upon conviction, be sentenced to pay a fine according to the
6 classification by the commission of the vehicle driven by
7 that person at the time of violation as follows:

- 8 (i) Class 1 through 2: \$100.
9 (ii) Class 3 through 6: \$500.
10 (iii) Class 7 and higher: \$1,000.

11 (3) In addition to the fines imposed under this
12 subsection, restitution shall be made to the commission in an
13 amount equal to the full fare, for the appropriate vehicle
14 class, from the farthest point of entry on the turnpike to
15 the actual point of exit.]

16 Section 35.1. Title 75 is amended by adding sections to
17 read:

18 § 6110.1. Fare evasion.

19 (a) Penalty.--A person that violates a regulation of the
20 Pennsylvania Turnpike Commission prohibiting fare evasion or
21 attempted fare evasion commits a summary offense and shall, upon
22 conviction, be sentenced to pay a fine according to the
23 classification by the commission of the vehicle driven by that
24 person at the time of violation as follows:

- 25 (1) Class 1 through 2: \$100.
26 (2) Class 3 through 6: \$500.
27 (3) Class 7 and higher: \$1,000.

28 (b) Affirmative action.--A person that intentionally or
29 knowingly takes an affirmative action in an attempt to evade
30 tolls incurred for travel upon the Pennsylvania turnpike or a
31 road under its control commits a misdemeanor of the third degree
32 and shall, upon conviction, be sentenced to:

- 33 (1) pay a fine of \$3,000 for a first offense; and
34 (2) pay a fine of \$6,500 or to imprisonment of not more
35 than six months, or both, for a second or subsequent offense.

36 (c) Construction.--Prosecution of a violation of this
37 section shall not preclude prosecution under section 1332
38 (relating to display of registration plate), section 7122
39 (relating to altered, forged or counterfeit documents and
40 plates) or section 7124 (relating to fraudulent use or removal
41 of registration plate).

42 (d) Restitution.--In addition to the fines imposed under
43 this section, restitution shall be made to the commission in an
44 amount equal to the full fare, for the appropriate vehicle
45 class, from the farthest point of entry on the turnpike to the
46 actual point of exit.

47 (e) Deposit of fines.--Notwithstanding the provision of any
48 other law, the fines collected under subsections (a) and (b)
49 shall be deposited into the Motor License Fund.

50 (f) Definition.--As used in this section, the term
51 "affirmative action" includes:

1 (1) removing a license plate from a vehicle to impede
2 electronic toll collection;

3 (2) installing a mechanism which rotates, changes,
4 blocks or otherwise mechanically alters the ability of a
5 license plate to be read by a violation enforcement system;

6 (3) installing a mechanical apparatus upon a vehicle
7 which serves the sole purpose of masking, hiding or
8 manipulating the true weight of the vehicle as it appears to
9 a mechanical scale;

10 (4) conspiring with an individual or group of
11 individuals to alter, lower or evade payment of correct
12 tolls; and

13 (5) unauthorized use of a Pennsylvania Turnpike private
14 gate access or otherwise unauthorized movement entering or
15 exiting the turnpike other than at approved interchanges.

16 § 6118. Municipal police officer education and training.

17 Beginning July 1, 2014, and each year thereafter, the sum of
18 \$5,000,000 is appropriated annually to the Pennsylvania State
19 Police from the Motor License Fund to make payments under 53
20 Pa.C.S. § 2170 (relating to reimbursement of expenses)
21 consistent with the requirements of section 11 of Article VIII
22 of the Constitution of Pennsylvania. If money is not available
23 to make full payments, the Municipal Police Officers' Education
24 and Training Commission shall make payments on a pro rata basis.

25 Section 35.2. Section 6506 of Title 75 is amended to read:

26 § 6506. Surcharge.

27 (a) Levy and imposition.--In addition to any fines, fees or
28 penalties levied or imposed as provided by law, under this title
29 or any other statute, a surcharge shall be levied for
30 disposition in accordance with subsection (b) as follows:

31 (1) Upon conviction for any violation of the provisions
32 of this title or other statute of the Commonwealth, or
33 regulations promulgated under this title, which is a traffic
34 violation and which is not included within the provisions of
35 paragraphs (2) through (7), exclusive of parking offenses, a
36 surcharge of [\$30] \$45.

37 (2) Upon conviction for a violation of the following
38 provisions of this title, a surcharge of [\$40] \$60:

39 (i) Section 3306(a)(1) (relating to limitations on
40 driving on left side of roadway).

41 (ii) Section 3745 (relating to accidents involving
42 damage to unattended vehicle or property).

43 (3) Upon conviction for a violation of section 3345(a)
44 (relating to meeting or overtaking school bus), a surcharge
45 of [\$50] \$75.

46 (4) Upon conviction for a violation of section 3362
47 (relating to maximum speed limits), the following applicable
48 surcharge:

49 (i) [\$30] \$45 for exceeding the maximum speed limit
50 by 6 to 10 miles per hour or 11 to 15 miles per hour.

51 (ii) [\$40] \$60 for exceeding the maximum speed limit

1 by 16 to 25 miles per hour.

2 (iii) [\$50] \$75 for exceeding the maximum speed
3 limit by at least 26 miles per hour.

4 (5) Upon conviction for violation of section 4902
5 (relating to restrictions on use of highways and bridges),
6 Subchapter C of Chapter 49 (relating to maximum weights of
7 vehicles) or Subchapter E of Chapter 49 (relating to
8 measuring and adjusting vehicle size and weight), a surcharge
9 of [\$150] \$225.

10 (6) Upon conviction for violation of Chapter 47
11 (relating to inspection of vehicles), by the owner or
12 operator or driver of a vehicle which is subject to the
13 provisions of Chapter 49 (relating to size, weight and load),
14 a surcharge of [\$30] \$45.

15 (7) Upon conviction of offenses under section 1543(b)
16 (1.1) (relating to driving while operating privilege is
17 suspended or revoked), 3802 (relating to driving under
18 influence of alcohol or controlled substance) or 3808(a)(2)
19 (relating to illegally operating a motor vehicle not equipped
20 with ignition interlock), or upon admission to programs for
21 Accelerated Rehabilitative Disposition for offenses
22 enumerated in section 1543(b)(1.1), 3802 or 3808(a)(2), a
23 surcharge, respectively, of:

24 (i) [\$50] \$75 for the first offense.

25 (ii) [\$100] \$150 for the second offense.

26 (iii) [\$200] \$300 for the third offense.

27 (iv) [\$300] \$450 for the fourth and subsequent
28 offenses.

29 (8) Upon conviction, in a city of the first class, of
30 any violation of this title, a surcharge of \$10.

31 (9) Upon conviction of any violation of this title in a
32 city of the second class, a surcharge of \$10.

33 The provisions of this subsection shall not apply to any
34 violation committed by the operator of a motorcycle, motor-
35 driven cycle, pedalcycle, motorized pedalcycle or recreational
36 vehicle not intended for highway use.

37 (b) Disposition.--

38 (1) Notwithstanding any other statutory provision:

39 (i) All surcharges levied and collected under
40 subsection (a)(1) by any division of the unified judicial
41 system shall be remitted to the Commonwealth for deposit
42 in the General Fund.

43 (ii) All surcharges levied and collected under
44 subsections (a)(2) through (7) by any division of the
45 unified judicial system shall be remitted to the
46 Commonwealth for deposit in the Pennsylvania
47 Transportation Trust Fund.

48 (iii) All surcharges levied and collected under
49 subsection (a)(8) and (9) by any division of the unified
50 judicial system shall be remitted to the appropriate
51 towing and storage agent as set forth in section

1 6309.2(e) (relating to immobilization, towing and storage
2 of vehicle for driving without operating privileges or
3 registration) for purposes of funding its costs
4 associated with Subchapter A of Chapter 63 (relating to
5 general provisions).

6 (iv) If the fines, fees or penalties are being paid
7 in installments, the surcharge shall be remitted on each
8 installment on a pro rata basis.

9 (2) (Reserved).

10 Section 36. The definition of "annual additional payments,"
11 "annual base payments" and "scheduled annual commission
12 contributions" in section 8901 of Title 75 are amended to read:
13 § 8901. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Annual additional payments." As follows:

18 (1) During the conversion period and after the
19 conversion date, an amount equal to the scheduled annual
20 commission contribution, minus the sum of:

21 (i) \$200,000,000 paid as annual base payments;

22 (ii) any Interstate 80 savings for that fiscal year.

23 (2) If the conversion period has expired and a
24 conversion notice has not been received by the secretary, in
25 each subsequent fiscal year until the end of the term of the
26 lease agreement, the annual additional payments shall be
27 \$250,000,000. No annual additional payments shall be due
28 after fiscal year 2021-2022.

29 "Annual base payments." An amount equal to the sum of the
30 following:

31 (1) Annual debt service on outstanding bonds issued
32 under section 9511.2 (relating to special revenue bonds)
33 payable as required pursuant to the bonds.

34 (2) Two hundred million dollars payable annually through
35 fiscal year 2021-2022 in four equal installments each due the
36 last business day of each July, October, January and April.

37 (3) For fiscal year 2022-2023 and each fiscal year
38 thereafter, the amount shall be \$50,000,000 payable annually
39 from then current revenue.

40 * * *

41 "Scheduled annual commission contribution." The following
42 amounts:

43 (1) \$750,000,000 in fiscal year 2007-2008.

44 (2) \$850,000,000 in fiscal year 2008-2009.

45 (3) \$900,000,000 in fiscal year 2009-2010.

46 (4) For fiscal year 2010-2011 [and each fiscal year
47 thereafter] through fiscal year 2021-2022, the amount shall
48 be the amount calculated for the previous year increased by
49 2.5%, except that the amount shall be equal to the annual
50 base payments plus \$250,000,000 if the conversion notice is
51 not received by the secretary prior to the expiration of the

1 conversion period. For fiscal year 2014-2015 and each fiscal
2 year thereafter through fiscal year 2021-2022, at least
3 \$30,000,000 of this amount shall be paid from then current
4 revenue.

5 (5) For fiscal year 2022-2023 and each fiscal year
6 thereafter, the amount shall be \$50,000,000 payable annually
7 from then current revenue.

8 Section 37. Section 8915.6(a) of Title 75 is amended to
9 read:

10 § 8915.6. Deposit and distribution of funds.

11 (a) Deposits.--Upon receipt by the department, the following
12 amounts from the scheduled annual commission contribution shall
13 be deposited in the Motor License Fund:

14 (1) For fiscal year 2007-2008, \$450,000,000.

15 (2) For fiscal year 2008-2009, \$500,000,000.

16 (3) For fiscal year 2009-2010, \$500,000,000.

17 (4) For fiscal year 2010-2011 [and each fiscal year
18 thereafter], through fiscal year 2013-2014, the amount
19 calculated for the previous year increased by 2.5%.

20 (5) For fiscal year 2014-2015 and each fiscal year
21 thereafter, \$0.

22 * * *

23 Section 38. (Reserved).

24 Section 39. (Reserved).

25 Section 40. The definition of "average wholesale price" in
26 section 9002 of Title 75 is amended to read:

27 § 9002. Definitions.

28 The following words and phrases when used in this chapter
29 shall have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

31 * * *

32 "Average wholesale price." [The average wholesale price per
33 gallon of all taxable liquid fuels and fuels, excluding the
34 Federal excise tax and all liquid fuels taxes, as determined by
35 the Department of Revenue for the 12-month period ending on the
36 September 30 immediately prior to January 1 of the year for
37 which the rate is to be set. In no case shall the average
38 wholesale price be less than 90¢ nor more than \$1.25 per
39 gallon.] The average wholesale price of all taxable liquid fuels
40 and fuels, excluding the Federal excise tax and all liquid fuels
41 taxes shall be as follows:

42 (1) After December 31, 2013, and before January 1, 2015,
43 the average wholesale price shall be \$1.87 per gallon.

44 (2) After December 31, 2014, and before January 1, 2017,
45 the average wholesale price shall be \$2.49 per gallon.

46 (3) After December 31, 2016, the average wholesale price
47 shall be as determined by the Department of Revenue for the
48 12-month period ending on the September 30 immediately prior
49 to January 1 of the year for which the rate is to be set. In
50 no case shall the average wholesale price be less than \$2.99
51 per gallon.

1 * * *

2 Section 40.1. Section 9004(a), (b), (c) introductory
3 paragraph and (e) introductory paragraph of Title 75 are amended
4 to read:

5 § 9004. Imposition of tax, exemptions and deductions.

6 (a) [Liquid fuels and fuels tax.--A permanent State tax of
7 12¢ a gallon or fractional part thereof is imposed and assessed
8 upon all liquid fuels and fuels used or sold and delivered by
9 distributors within this Commonwealth.] (Reserved).

10 (b) Oil company franchise tax for highway maintenance and
11 construction.--[In addition to the tax imposed by subsection
12 (a), the] The tax imposed by Chapter 95 (relating to taxes for
13 highway maintenance and construction) shall [also] be imposed
14 and collected on liquid fuels and fuels, on a cents-per-gallon
15 equivalent basis, upon all gallons of liquid fuels and fuels [as
16 are taxable under subsection (a)] used or sold and delivered by
17 distributors within this Commonwealth.

18 (c) Aviation gasoline tax.--In lieu of the taxes under
19 [subsections (a) and] subsection (b):

20 * * *

21 (e) Exceptions.--The tax imposed under subsections [(a),]
22 (b), (c) and (d) shall not apply to liquid fuels, fuels or
23 alternative fuels:

24 * * *

25 Section 40.2. Section 9006(b)(2) of Title 75 is amended to
26 read:

27 § 9006. Distributor's report and payment of tax.

28 * * *

29 (b) Computation and payment of tax.--

30 * * *

31 (2) The discount under paragraph (1) shall not be
32 computed on any tax imposed and remitted with respect to the
33 oil company franchise tax imposed under sections 9004(b)
34 (relating to imposition of tax, exemptions and deductions)
35 and 9502 (relating to imposition of tax), except with respect
36 to the oil company franchise tax imposed under section
37 9502(a)(5) (relating to imposition of tax).

38 * * *

39 Section 40.3. Section 9010(a), (b)(1) and (e)(3) of Title 75
40 are amended to read:

41 § 9010. Disposition and use of tax.

42 (a) [Payment to Liquid Fuels Tax Fund.--One-half cent per
43 gallon of the tax collected under section 9004(a) (relating to
44 imposition of tax, exemptions and deductions) shall be paid into
45 the Liquid Fuels Tax Fund of the State Treasury. The money paid
46 into that fund is specifically appropriated for the purposes set
47 forth in this chapter.] (Reserved).

48 (b) Payment to counties.--

49 (1) The money paid into the Liquid Fuels Tax Fund under
50 section 9502(a)(5)(i) (relating to imposition of tax), except
51 that which is refunded, shall be paid to the respective

1 counties of this Commonwealth on June 1 and December 1 of
2 each year in the ratio that the average amount returned to
3 each county during the three preceding years bears to the
4 average amount returned to all counties during the three
5 preceding years.

6 * * *

7 (e) Appropriation.--

8 * * *

9 (3) The [remaining tax collected under section 9004(a),
10 the] tax of 1 1/2¢ a gallon imposed and assessed on liquid
11 fuels used or sold and delivered for use as a fuel in
12 propeller-driven aircraft or aircraft engines, the tax of 1
13 1/2¢ a gallon on liquid fuels used or sold and delivered for
14 use as a fuel in jet or turbojet-propelled aircraft or
15 aircraft engines in lieu of other taxes, all penalties and
16 interests and all interest earned on deposits of the Liquid
17 Fuels Tax Fund shall be paid into the Motor License Fund.
18 This money is specifically appropriated for the same purposes
19 for which money in the Motor License Fund is appropriated by
20 law.

21 Section 40.4. Section 9017(c)(1) of Title 75 is amended to
22 read:

23 § 9017. Refunds.

24 * * *

25 (c) Motorboats and watercraft.--

26 (1) When the tax imposed by this chapter and section
27 9502(a)(5) (relating to imposition of tax) has been paid and
28 the fuel on which the tax has been imposed has been consumed
29 in the operation of motorboats or watercraft upon the waters
30 of this Commonwealth, including waterways bordering on this
31 Commonwealth, the full amount of the tax shall be refunded to
32 the Boat Fund on petition to the board in accordance with
33 prescribed procedures.

34 * * *

35 Section 40.5. Title 75 is amended by adding a section to
36 read:

37 § 9024. Application of Prevailing Wage Act to locally funded
38 highway and bridge projects.

39 (a) Public work.--For locally funded highway and bridge
40 projects, the term "public work" as used in the act of August
41 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing
42 Wage Act, shall mean construction, reconstruction, demolition,
43 alteration and repair work, other than maintenance work, done
44 under contract and paid for in whole or in part out of the funds
45 of a public body if the estimated cost of the total project is
46 in excess of \$100,000. The term shall not include work performed
47 under a rehabilitation or manpower training program.

48 (b) Applicability.--This section shall apply to a contract
49 entered on or after the effective date of this section.

50 (c) Definition.--As used in this section, the term "locally
51 funded" means a highway or bridge project that is funded

1 entirely by funds:

2 (1) paid to counties under section 9010(b) (relating to
3 disposition and use of tax), including borrowed funds under
4 section 9010(b)(2)(ii), whether expended by the county or
5 allocated or apportioned to political subdivisions;

6 (2) allocated or appropriated to municipalities under
7 the act of June 1, 1956 (1955 P.L.1944, No.655), referred to
8 as the Liquid Fuels Tax Municipal Allocation Law;

9 (3) made available to municipalities from the Highway
10 Bridge Improvement Restricted Account within the Motor
11 License Fund for expenditure on bridge rehabilitation,
12 replacement and removal projects pursuant to the act of
13 December 8, 1982 (P.L. 848, No.235), known as the Highway-
14 Railroad and Highway Bridge Capital Budget Act for 1982-1983,
15 and its supplements;

16 (4) awarded to municipalities as transportation
17 enhancement grants under section 3116 (relating to automated
18 red light enforcement systems in first class cities) or 3117
19 (relating to automated red light enforcement systems in
20 certain municipalities);

21 (5) allocated from municipal budgetary sources using
22 revenues derived through municipal taxes or fees; or

23 (6) allocated to municipalities under 58 Pa.C.S.
24 (relating to oil and gas).

25 Section 41. Sections 9106 heading, (a) and (b), 9301 and
26 9502(a) of Title 75 are amended to read:

27 § 9106. Dirt [and gravel], gravel and low-volume road
28 maintenance.

29 (a) Statement of purpose.--It is the intent and purpose of
30 this section:

31 (1) To fund safe, efficient and environmentally sound
32 maintenance of sections of dirt and gravel roads which have
33 been identified as sources of dust and sediment pollution.

34 (2) To establish a dedicated and earmarked funding
35 mechanism that provides streamlined appropriation to the
36 county level and enables local officials to establish fiscal
37 and environmental controls.

38 (3) To fund safe, efficient and environmentally sound
39 maintenance of sections of low-volume roads that are sealed
40 or paved with an average daily traffic count of 500 vehicles
41 or less.

42 (b) General rule.--Of the funds available under section
43 9502(a)(1) (relating to imposition of tax), [\$1,000,000]
44 \$7,000,000 shall be annually distributed to the Department of
45 Conservation and Natural Resources for the maintenance and
46 mitigation of dust and sediment pollution from parks and
47 forestry roads. Funds in the amount of [\$4,000,000] \$28,000,000
48 shall be appropriated annually to the State Conservation
49 Commission and administered in a nonlapsing, nontransferable
50 account restricted to maintenance and improvement of dirt [and
51 gravel], gravel and low-volume State and municipal roads. The

1 State Conservation Commission shall apportion the funds based on
2 written criteria it develops to establish priorities based on
3 preventing dust and sediment pollution. In the first fiscal
4 year, top priority shall be given to specific trouble spot
5 locations already mapped by the Task Force on Dirt and Gravel
6 Roads and available from the department. A minimum of \$8,000,000
7 of the total appropriated annually shall be for maintenance and
8 improvement of low-volume roads.

9 * * *

10 § 9301. Supplemental funding for municipal highway maintenance.

11 (a) Annual appropriation.--The General Assembly shall
12 annually appropriate, beginning with the 1980-1981 fiscal year,
13 the sum of \$5,000,000 for supplemental payments to
14 municipalities to assist in the maintenance and construction
15 costs of municipal roads. The moneys appropriated by authority
16 of this section shall be distributed to municipalities in
17 accordance with the provisions of the act of June 1, 1956 (1955
18 P.L.1944, No.655), [entitled "An act providing a permanent
19 allocation of a part of the fuels and liquids fuels tax proceeds
20 to cities, boroughs, incorporated towns and townships, for their
21 road, street and bridge purposes; conferring powers and imposing
22 duties on local officers and the Department of Highways; and
23 making an appropriation out of the Motor License Fund; and
24 repealing existing legislation."] referred to as the Liquid
25 Fuels Tax Municipal Allocation Law.

26 (b) County allocation supplement.--Commencing July 1, 2014,
27 the amount of \$5,000,000 is appropriated out of the Motor
28 License Fund to counties annually. The following shall apply:

29 (1) The distribution shall be in the ratio of:

30 (i) the square footage of deck area of a county's
31 county-owned bridges; to

32 (ii) the total square footage of deck area of
33 county-owned bridges throughout this Commonwealth.

34 (2) The amount of square footage under paragraph (1)(i)
35 shall be the amount reported as part of the National Bridge
36 Inspection Standards Program.

37 (c) Additional allocation to municipalities.--Commencing
38 July 1, 2014, an amount of \$30,000,000 is appropriated out of
39 the Motor License Fund and shall be distributed to
40 municipalities pursuant to the Liquid Fuels Tax Municipal
41 Allocation Law.

42 § 9502. Imposition of tax.

43 (a) General rule.--

44 (1) An "oil company franchise tax for highway
45 maintenance and construction" which shall be an excise tax of
46 60 mills is hereby imposed upon all liquid fuels and fuels as
47 defined and provided in Chapter 90 (relating to liquid fuels
48 and fuels tax), and such tax shall be collected as provided
49 in section 9004(b) (relating to imposition of tax, exemptions
50 and deductions). Of the amount collected in fiscal year 2015-
51 2016, and each fiscal year thereafter, \$35,000,000 shall be

1 deposited in the Multimodal Transportation Fund established
2 under 74 Pa.C.S. § 2101 (relating to Multimodal
3 Transportation Fund), to be expended in accordance with
4 section 11 of Article VIII of the Constitution of
5 Pennsylvania.

6 (2) An additional 55 mills is hereby imposed on all
7 liquid fuels and fuels as defined and provided in Chapter 90
8 and such tax shall also be collected as provided in section
9 9004(b), the proceeds of which shall be distributed as
10 follows:

11 (i) [Forty-two] Forty-five percent to county
12 maintenance districts for highway maintenance for fiscal
13 year 2013-2014, 29% for fiscal year 2014-2015, 25% for
14 fiscal year 2015-2016 and 19% for fiscal year 2016-2017
15 and each year thereafter. This allocation shall be made
16 according to the formula provided in section 9102(b)(2)
17 (relating to distribution of State highway maintenance
18 funds). This allocation shall be made in addition to and
19 not a replacement for amounts normally distributed to
20 county maintenance districts under section 9102.

21 (ii) [Seventeen percent for highway capital
22 projects.] Fourteen percent for highway capital projects
23 for fiscal year 2013-2014, 30% for fiscal year 2014-2015,
24 34% for fiscal year 2015-2016 and 40% for fiscal year
25 2016-2017 and each year thereafter. Annually, until
26 fiscal year 2023-2024, an amount equal to 15% of all
27 appropriations to the department for highway and bridge
28 capital programs shall be distributed at the discretion
29 of the secretary from the amount distributed under this
30 subparagraph.

31 (iii) Thirteen percent for bridges.

32 (iv) Two percent for bridges identified as county or
33 forestry bridges. Distribution under this subparagraph
34 shall be in the ratio of:

35 (A) the square footage of deck areas, as
36 reported as part of the National Bridge Inspection
37 Standards Program, of a county's county-owned
38 bridges; to

39 (B) the total square footage of deck area, as
40 reported as part of the National Bridge Inspection
41 Standards Program, of all county-owned bridges in
42 this Commonwealth.

43 (v) Twelve percent for local roads pursuant to
44 section 9511(c) (relating to basic allocation to
45 municipalities).

46 (vi) Fourteen percent for toll roads designated
47 pursuant to the act of September 30, 1985 (P.L.240,
48 No.61), known as the Turnpike Organization, Extension and
49 Toll Road Conversion Act, to be appropriated under
50 section 9511(h).

51 (3) An additional 38.5 mills is hereby imposed upon all

1 liquid fuels and fuels as defined and provided in Chapter 90,
2 and such tax shall also be collected as provided in section
3 9004(b), the proceeds of which shall be deposited in The
4 Motor License Fund and distributed as follows:

5 (i) Twelve percent to municipalities on the basis of
6 and subject to the provisions of the act of June 1, 1956
7 (1955 P.L.1944, No.655), referred to as the Liquid Fuels
8 Tax Municipal Allocation Law, is appropriated.

9 [(ii) Eighty-eight percent to the department is
10 appropriated as follows:

11 (A) Forty-seven percent for distribution in
12 accordance with section 9102(b)(2) for fiscal year
13 1997-1998.

14 (B) Fifty-three percent for a Statewide highway
15 restoration, betterment and resurfacing program for
16 fiscal year 1997-1998.

17 (C) Fifty-seven percent for distribution in
18 accordance with section 9102(b)(2) for fiscal year
19 1998-1999.

20 (D) Forty-three percent for a Statewide highway
21 restoration, betterment and resurfacing program for
22 fiscal year 1998-1999.

23 (E) Sixty-seven percent for distribution in
24 accordance with section 9102(b)(2) for fiscal year
25 1999-2000.

26 (F) Thirty-three percent for a Statewide highway
27 restoration, betterment and resurfacing program for
28 fiscal year 1999-2000.

29 (G) Seventy-seven percent for distribution in
30 accordance with section 9201(b)(2) for fiscal year
31 2000-2001.

32 (H) Twenty-three percent for a Statewide highway
33 restoration, betterment and resurfacing program for
34 fiscal year 2000-2001.

35 (I) One hundred percent for distribution in
36 accordance with section 9102(b)(2) for fiscal year
37 2001-2002 and each year thereafter.

38 (J) For any fiscal year beginning with 1997-1998
39 through and including fiscal year 2000-2001, the
40 department shall make supplemental maintenance
41 program payments from the Statewide highway
42 restoration betterment program to those county
43 maintenance districts for which the total highway
44 maintenance appropriations and executive
45 authorizations in accordance with section 9102(b)
46 would be less than the amount received in 1996-1997
47 from the highway maintenance appropriation, the
48 Secondary Roads-Maintenance and Resurfacing Executive
49 Authorization, the Highway Maintenance Excise Tax
50 Executive Authorization and the Highway Maintenance
51 Supplemental Appropriation.

1 The words and phrases used in this paragraph shall have the
2 meanings given to them in section 9101 (relating to
3 definitions). This one-time allocation shall be made in
4 addition to and is not a replacement for amounts normally
5 distributed to county maintenance districts under section
6 9102.]

7 (ii) Sixty-eight percent to the department for
8 distribution in accordance with section 9102(b)(2) for
9 fiscal year 2013-2014; 49% for fiscal year 2014-2015 and
10 40% for each fiscal year thereafter.

11 (iii) Twenty percent to the department for expanded
12 highway and bridge maintenance for fiscal year 2013-2014;
13 39% for fiscal year 2014-2015 and 48% for each fiscal
14 year thereafter to be distributed as follows:

15 (A) Annually, 15% of the amount deposited in a
16 fiscal year shall be distributed at the discretion of
17 the secretary.

18 (B) Any funds deposited but not distributed
19 under clause (A) shall be distributed in accordance
20 with the formula under section 9102(b)(2).

21 (C) Temporary transfers of funds may be made
22 between counties if required for project cash flow.

23 (4) An additional 55 mills is hereby imposed upon all
24 fuels as defined and provided in chapter 90 and such tax
25 shall also be collected as provided in section 9004(b) upon
26 such fuels, the proceeds of which shall be deposited in The
27 Highway Bridge Improvement Restricted Account within the
28 Motor License Fund and is hereby appropriated.

29 (5) An additional 64 mills in calendar year 2014, 49
30 mills in calendar year 2015, 48 mills in calendar year 2016,
31 41 mills in calendar year 2017 and 39 mills in each calendar
32 year thereafter, is imposed upon all motor fuels as defined
33 and provided in Chapter 90; and the tax shall also be
34 collected as provided in section 9004(b) upon such fuels. The
35 proceeds of the tax shall be deposited and distributed as
36 follows:

37 (i) Four and seventeen hundredths percent to the
38 Liquid Fuels Tax Fund of the State Treasury. The money
39 paid into that fund is specifically appropriated for the
40 purposes set forth in section 9010 (relating to
41 disposition and use of tax).

42 (ii) Ninety-five and eighty-three hundredths
43 percent to the Motor License Fund. This money is
44 specifically appropriated for the same purposes for which
45 money in the Motor License Fund is appropriated by law.
46 Twenty percent of the money under this subparagraph shall
47 be allocated to municipalities in accordance with section
48 9511(d).

49 * * *

50 Section 42. Section 9511(b) and (g) of Title 75 are amended
51 and the section is amended by adding subsections to read:

1 § 9511. Allocation of proceeds.

2 * * *

3 (b) State Highway Transfer Restoration Restricted Account
4 and local bridges.--

5 (1) The amount of the proceeds deposited in the Motor
6 License Fund pursuant to this chapter which[, in fiscal year
7 1983-1984,] is attributable to [two] three mills of the tax
8 imposed under section 9502(a) (relating to imposition of tax)
9 [and which, in fiscal year 1984-1985 and thereafter, is
10 attributable to three mills of the tax,] shall be deposited
11 as follows:

12 (i) For fiscal years 2013-2014 through fiscal year
13 2016-2017, as follows:

14 (A) Twenty-seven million dollars shall be
15 deposited in the State Highway Transfer Restoration
16 Restricted Account within the Motor License Fund. The
17 funds deposited in the State Highway Transfer
18 Restoration Restricted Account shall be appropriated
19 annually for expenditure as provided under subsection
20 (g).

21 (B) All funds not deposited in accordance with
22 clause (A) shall be deposited in the Highway Bridge
23 Improvement Restricted Account within the Motor
24 License Fund for local bridges, notwithstanding if
25 the project is administered by a county, municipality
26 or the department.

27 (ii) For fiscal year 2017-2018 and each fiscal year
28 thereafter, as follows:

29 (A) One and one-half mill shall be deposited in
30 the State Highway Transfer Restoration Restricted
31 Account within the Motor License Fund, which account
32 is hereby created. The funds deposited in the State
33 Highway Transfer Restoration Restricted Account are
34 hereby annually appropriated out of the account upon
35 authorization by the Governor for expenditure as
36 provided in subsection (g).

37 (B) One and one-half mill shall be deposited in
38 the Highway Bridge Improvement Restricted Account
39 within the Motor License Fund for local bridges,
40 notwithstanding if the project is administered by a
41 county, municipality or the department.

42 (2) If funds are available to make payments under
43 subsection (g) (1), the department may transfer funds
44 deposited under paragraph (1) (i) and (ii) between the State
45 Highway Transfer Restoration Restricted Account and the
46 Highway Bridge Improvement Restricted Account at the
47 discretion of the secretary.

48 * * *

49 (e.1) Allocation to municipalities for traffic signals.--In
50 addition, up to \$10,000,000 for fiscal year 2014-2015, up to
51 \$25,000,000 for fiscal year 2015-2016 and up to \$40,000,000 for

1 fiscal year 2016-2017 and each fiscal year thereafter, is
2 appropriated out of the Motor License Fund to replace,
3 synchronize, time, operate and maintain traffic signals within
4 traffic corridors consistent with 74 Pa.C.S. Ch. 92 (relating to
5 traffic signals). The funds shall be used and allocated in
6 accordance with the following:

7 (1) During fiscal year 2014-2015, up to \$10,000,000 is
8 allocated to municipalities for upgrading traffic signals to
9 light-emitting diode technology and for performing regional
10 operations such as retiming, developing special event plans
11 and monitoring traffic signals.

12 (2) During fiscal year 2015-2016, up to \$25,000,000
13 shall be allocated to municipalities for upgrading traffic
14 signals to light-emitting diode technology, performing
15 regional operations such as retiming, developing special
16 event plans and monitoring traffic signals and for
17 maintaining and operating traffic signals.

18 (3) During fiscal years 2016-2017 and each fiscal year
19 thereafter, up to \$40,000,000 shall be allocated to
20 municipalities for upgrading traffic signals to light-
21 emitting diode technology, performing regional operations
22 such as retiming, developing special event plans and
23 monitoring traffic signals and for maintaining and operating
24 traffic signals.

25 (4) Financial assistance under this section shall be
26 matched by municipal or private cash funding in an amount not
27 less than 50% of the amount of the financial assistance being
28 provided.

29 (5) The department shall establish guidelines for
30 applications and approval of applications from municipalities
31 for the financial assistance being provided. Applicants must
32 enter into agreements provided for under 74 Pa.C.S. Ch. 92.
33 Priority will be given to multi-municipal improvements.

34 (g) Use of funds in the State Highway Transfer Restoration
35 Restricted Account.--The funds appropriated in subsection (b)
36 for deposit in the State Highway Transfer Restoration Restricted
37 Account shall be used to pay for the costs of restoration of
38 such highways as provided in Chapter 92 (relating to transfer of
39 State highways) and annual payments to the municipalities for
40 highway maintenance in accordance with the following:

41 (1) Annual maintenance payments shall be at the rate of
42 \$4,000 per mile for each highway or portion of highway
43 transferred under Chapter 92, section 222 of the act of June
44 1, 1945 (P.L.1242, No.428), known as the State Highway Law,
45 or any statute enacted in 1981.

46 (2) Annual maintenance payments shall be paid at the
47 same time as funds appropriated under the act of June 1, 1956
48 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax
49 Municipal Allocation Law, except that no maintenance payment
50 shall be paid for a highway until after the year following
51 its transfer to the municipality.

1 (3) Annual maintenance payments under this subsection
2 shall be in lieu of annual payments under the Liquid Fuels
3 Tax Municipal Allocation Law.

4 (4) Annual maintenance payments under this subsection
5 shall be deposited into the municipality's liquid fuels tax
6 account and may be used on any streets and highways in the
7 municipality in the same manner and subject to the same
8 restrictions as liquid fuels tax funds paid under the Liquid
9 Fuels Tax Municipal Allocation Law or, in the case of a
10 county, under section 10 of the act of May 21, 1931 (P.L.149,
11 No.105), known as The Liquid Fuels Tax Act.

12 * * *

13 (i) Refund to Pennsylvania Fish and Boat Commission.--

14 (1) When the tax imposed by section 9502(a) (relating to
15 imposition of tax) has been paid and the fuel on which the
16 tax has been imposed has been consumed in the operation of
17 motorboats or watercraft upon the waters of this
18 Commonwealth, including waterways bordering this
19 Commonwealth, the full amount of the tax shall be refunded to
20 the Boat Fund on petition to the Board of Finance and Revenue
21 in accordance with prescribed procedures.

22 (2) In accordance with the procedures, the Pennsylvania
23 Fish and Boat Commission shall biannually calculate the
24 amount of liquid fuels consumed by the motorcraft and furnish
25 the information relating to its calculations and data as
26 required by the Board of Finance and Revenue. The Board of
27 Finance and Revenue shall review the petition and motorboat
28 fuel consumption calculations of the commission, determine
29 the amount of the oil company franchise tax paid and certify
30 to the State Treasurer to refund annually to the Boat Fund
31 the amount so determined. The department shall be accorded
32 the right to appear at the proceedings and make its views
33 known.

34 (3) For the fiscal years commencing July 1, 2013, July
35 1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the
36 money under paragraph (2) shall be used by the commission
37 acting by itself or by agreement with other Federal and State
38 agencies only for the improvement of hazardous dams
39 impounding waters of this Commonwealth on which boating is
40 permitted, including the development and construction of
41 boating areas and the dredging and clearing of water areas
42 where boats can be used. The commission shall present its
43 plan no later than September 30 of each year through
44 September 30, 2017, to the chairman and minority chairman of
45 the Transportation Committee and the chairman and minority
46 chairman of the Game and Fisheries Committee of the Senate
47 and the chairman and minority chairman of the Transportation
48 Committee and the chairman and minority chairman of the Game
49 and Fisheries Committee of the House of Representatives
50 regarding the use of the funds. For the fiscal year
51 commencing July 1, 2018, and for each fiscal year thereafter,

1 this money shall be used by the commission acting by itself
2 or by agreement with other Federal and State agencies only
3 for the improvement of the waters of this Commonwealth on
4 which motorboats are permitted to operate and may be used for
5 the development and construction of motorboat areas; the
6 dredging and clearing of water areas where motorboats can be
7 used; the placement and replacement of navigational aids; the
8 purchase, development and maintenance of public access sites
9 and facilities to and on waters where motorboating is
10 permitted; the patrolling of motorboating waters; the
11 publishing of nautical charts in those areas of this
12 Commonwealth not covered by nautical charts published by the
13 United States Coast and Geodetic Survey or the United States
14 Army Corps of Engineers and the administrative expenses
15 arising out of the activities; and other similar purposes.

16 Section 43. The following shall apply:

17 (1) The amendment of 74 Pa.C.S. § 303 shall apply to
18 competitive contract opportunities issued on or after the
19 effective date of this section.

20 (2) The amendment of 74 Pa.C.S. § 1512 shall apply to
21 feasibility studies performed prior to and after the
22 effective date of this section.

23 (3) The amendments of 74 Pa.C.S. § 8105(b)(2) shall
24 apply to members of the Pennsylvania Turnpike Commission
25 appointed for the first time after the effective date of this
26 section.

27 (4) The addition of 75 Pa.C.S. § 9024 shall apply to
28 contracts entered into on or after January 1, 2014.

29 (5) The addition of 74 Pa.C.S. § 9202 shall apply to
30 contracts entered into on or after the effective date of this
31 section.

32 Section 44. The General Assembly declares that the amendment
33 of 75 Pa.C.S. § 4968(a.2)(4) shall not affect requirements of
34 the Department of Transportation regarding the permit for the
35 movement of raw milk found at 50A on pages 83 and 84 of
36 Publication 31 of the Department of Transportation.

37 Section 45. The Department of Transportation and the
38 Pennsylvania Turnpike Commission may amend the lease agreement
39 entered into by them pursuant to 75 Pa.C.S. § 8915.3 in order to
40 conform the provisions of the lease to the amendments to the
41 rights and obligations of the Department of Transportation and
42 the Pennsylvania Turnpike Commission contained in this act.

43 Section 46. The maximum principal amount of additional debt
44 to be incurred under this act for capital projects specifically
45 itemized in a capital project itemization act pursuant to
46 section 7(a)(4) of Article VIII of the Constitution of
47 Pennsylvania shall be \$500,000,000. Debt shall be incurred in
48 accordance with the act of February 9, 1999 (P.L.1, No.1), known
49 as the Capital Facilities Debt Enabling Act, and the Motor
50 License Fund shall be charged with the repayment of the debt.
51 The net proceeds from the sale of obligations authorized in this

1 section are appropriated to the Department of Transportation to
2 be used exclusively to defray financial costs of capital
3 projects specifically itemized in accordance with the Capital
4 Facilities Debt Enabling Act. The money necessary to pay debt
5 service or to pay arbitrage rebates required under section 148
6 of the Internal Revenue Code of 1986 (Public Law 99-514, 26
7 U.S.C. § 148) due on the obligations under this section in
8 fiscal year 2013-2014 is appropriated to the State Treasurer
9 from the Motor License Fund.

10 Section 47. The sum of \$1,000,000 is appropriated to the
11 Department of Transportation from the Multimodal Transportation
12 Fund for costs incurred by the department in the administration
13 of the programs under 74 Pa.C.S. § 2401(a) (1).

14 Section 48. This act shall take effect as follows:

15 (1) The following provisions shall take effect
16 immediately:

- 17 (i) This section.
- 18 (ii) Sections 43, 44, 45 and 46 of this act.
- 19 (iii) The addition of 74 Pa.C.S. Ch. 2.
- 20 (iv) The amendment of 74 Pa.C.S. § 1504.
- 21 (v) The amendment or addition of 74 Pa.C.S. §
22 1506(c), (e) (1) (i), (vi) and (vii), (2), (3) and (5).
- 23 (vi) The amendment of 74 Pa.C.S. § 1512.
- 24 (vii) The amendment or addition of 74 Pa.C.S. §
25 1514(c) and (e.1).
- 26 (viii) The amendment or addition of 74 Pa.C.S. §
27 1516(b) (1), (e) and (f).
- 28 (ix) The addition of 74 Pa.C.S. § 1517.1.
- 29 (x) The addition of 74 Pa.C.S. Ch. 21.
- 30 (xi) The addition of 74 Pa.C.S. Ch. 59 Subch. C.
- 31 (xii) The amendment of 74 Pa.C.S. § 8105(b) (2).
- 32 (xiii) The addition of 74 Pa.C.S. Ch. 92.
- 33 (xiv) The addition of 74 Pa.C.S. Ch. 93.
- 34 (xv) The reenactment of 75 Pa.C.S. § 1550(d) (2).
- 35 (xv.1) The amendment or addition of 75 Pa.C.S. §
36 1955(a) (2).
- 37 (xv.2) The amendment or addition of 75 Pa.C.S. §§
38 3362(a) and (c) and 3363.
- 39 (xvi) The amendment or addition of 75 Pa.C.S. §§
40 4902 and 4968.
- 41 (xvi.1) The amendment or addition of 75 Pa.C.S. §
42 6110(a) and (a.1).
- 43 (xvii) The amendment of 75 Pa.C.S. § 8915.6.
- 44 (xviii) The amendment of 75 Pa.C.S. § 9002.
- 45 (xix) The amendment or addition of 75 Pa.C.S. §§
46 9502(a) (1), (2) (i) and (ii), (3), (4) and (5) and 9511.
- 47 (2) The following provisions shall take effect January
48 1, 2014, or immediately, whichever occurs later:
 - 49 (i) The amendment or addition of 74 Pa.C.S. §
50 1506(e) (1) (iii) and (v) and (4).
 - 51 (ii) The amendment of 75 Pa.C.S. § 1307(f).

1 (iii) The amendment of 75 Pa.C.S. § 1904.
2 (iv) The amendment of 75 Pa.C.S. § 3111.
3 (v) The amendment of 75 Pa.C.S. § 6506.
4 (vi) The amendment of 75 Pa.C.S. Ch. 90, except §§
5 9002 and 9024.
6 (vii) The addition of 75 Pa.C.S. § 9024.
7 (3) The following provisions shall take effect April 1,
8 2014:
9 (i) The amendment of 75 Pa.C.S. §§ 1951, 1952, 1953,
10 1955 and 1956.
11 (ii) The amendment of 75 Pa.C.S. § 2102.
12 (4) The following provisions shall take effect July 1,
13 2014:
14 (i) The amendment of 74 Pa.C.S. §§ 1503 and 1506(b)
15 and (e)(6).
16 (ii) The amendment of 75 Pa.C.S. §§ 1353 and 1355.
17 (iii) The amendment of 75 Pa.C.S. §§ 1913, 1920(a)
18 and (c)(1), 1921, 1922, 1924, 1925, 1926, 1926.1, 1927,
19 1928, 1929, 1930, 1931, 1931.1, 1933, 1942, 1943, 1944,
20 1945, 1947 and 1958.
21 (iv) The amendment of 75 Pa.C.S. § 8901.
22 (v) The amendment of 75 Pa.C.S. § 9106.
23 (vi) The amendment of 75 Pa.C.S. § 9502(a)(2)(iv).
24 (5) The following provisions shall take effect January
25 1, 2015:
26 (i) The amendment of 75 Pa.C.S. §§ 1553(c) and
27 1554(c).
28 (ii) The amendment of 75 Pa.C.S. § 1617.
29 (iii) The amendment of 75 Pa.C.S. § 1786(d).
30 (iv) The amendment of 75 Pa.C.S. §§ 1916, 1917,
31 1918, 1920(c)(2), 1932, 1935, 1957, 1959, 1960 and 1961.
32 (6) The amendment or addition of 75 Pa.C.S. §§ 1307(g),
33 1332(d) and 1911 shall take effect December 31, 2016.
34 (7) The remainder of this act shall take effect in 60
35 days.

AMENDMENTS TO HOUSE BILL NO. 106

Sponsor: REPRESENTATIVE BRADFORD

Printer's No. 2654

1 Amend Bill, page 1, line 6, by striking out "AND" where it
2 occurs the second time

3 Amend Bill, page 1, line 7, by inserting after "FEES" where
4 it occurs the second time

5 ; and, in Pennsylvania Turnpike, providing for approval of
6 commissions

7 Amend Bill, page 3, by inserting between lines 15 and 16

8 Section 3. Title 75 is amended by adding a section to read:
9 § 8919. Approval of commissioners.

10 Beginning on or after the effective date of this section,
11 before being appointed to the commission, an appointee shall be
12 approved by a majority vote in the Senate and the House of
13 Representatives.

14 Amend Bill, page 3, line 16, by striking out "3" and
15 inserting

16 4

**Regular Session 2013 - 2014
Amendment A04467 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 106

Sponsor: REPRESENTATIVE BRADFORD

Printer's No. 2654

1 Amend Bill, page 1, line 1, by striking out "Title" and
2 inserting

3 Titles 74 (Transportation) and

4 Amend Bill, page 1, line 4, by inserting after "~~tractors~~"
5 in turnpike, providing for toll road and bridge
6 administration;

7 Amend Bill, page 2, lines 22 through 24, by striking out all
8 of said lines and inserting

9 Section 1. Section 8103 of Title 74 of the Pennsylvania
10 Consolidated Statutes is amended to read:

11 [§ 8103. (Reserved).]

12 § 8103. Toll Road and Bridge Administration.

13 (a) Department.--The department shall assume all powers and
14 duties of the Pennsylvania Turnpike Commission that relate to
15 operation, maintenance, construction and reconstruction of the
16 Pennsylvania Turnpike and related highways and shall receive all
17 tolls and other money otherwise payable to the commission. The
18 functions assumed shall include all related functions under the
19 following acts:

20 Act of May 21, 1937 (P.L.774, No.211), referred to as the
21 Pennsylvania Turnpike Commission Act.

22 Act of May 16, 1940 (Sp.Sess., 1941 P.L.949, No.11), known as
23 the Pennsylvania Turnpike Philadelphia Extension Act.

24 Act of June 11, 1941 (P.L.101, No.53), known as the Western
25 Pennsylvania Turnpike Extension Act.

26 Act of June 21, 1947 (P.L.877, No.367), entitled "An act to
27 authorize and empower the Pennsylvania Turnpike Commission to
28 combine the Turnpike, the Eastern Extension, and the Western
29 Extension, or any two thereof, for financing purposes under the
30 provisions of this act; authorizing the issuance of Turnpike
31 revenue bonds of the Commonwealth payable solely from tolls; to
32 pay the cost of the Eastern Extension and the Western Extension;
33 paying the cost of the Eastern Extension, or the cost of the
34 Western Extension, or the cost of both; and refunding any
35 Turnpike revenue bonds or Turnpike refunding bonds which have

1 heretofore been issued by the Commission under the provisions of
2 any act heretofore approved, or under the provisions of this
3 act, and which shall then be outstanding, including the payment
4 of any redemption premiums thereon; refunding any revenue bonds
5 or revenue refunding bonds heretofore issued under the
6 provisions of this act, including the payment of and redemption
7 premiums thereon; authorizing the Commission to fix tolls from
8 time to time for use of the projects so combined; providing for
9 the use of a facsimile of the signature of the Governor, and of
10 the Chairman of the Commission in lieu of their manual
11 signatures, and a facsimile of the official seal of the
12 Commission upon any bonds issued under the provisions of this
13 act, or any other act; authorizing the issuance of bonds for the
14 payment of the construction of any turnpike, and giving certain
15 definitions."

16 Act of May 23, 1951 (P.L.335, No.74), known as the
17 Pennsylvania Turnpike Delaware River Extension Act.

18 Act of August 14, 1951 (P.L.1232, No.282), referred to as the
19 Pennsylvania Turnpike System Financing Act.

20 Act of September 27, 1951 (P.L.1430, No.348), known as the
21 Pennsylvania Turnpike Northeastern Extension Act.

22 Act of January 14, 1952 (1951 P.L.1947, No.547), known as the
23 Pennsylvania Turnpike Gettysburg Extension Act.

24 Act of July 28, 1953 (P.L.706, No.229), known as the
25 Pennsylvania Turnpike Northwestern Extension Act.

26 Act of June 10, 1955 (P.L.157, No.50), known as the
27 Pennsylvania Turnpike Keystone Shortway Act.

28 Act of June 14, 1955 (P.L.174, No.52), known as the
29 Pennsylvania Turnpike Southwestern Extension Act.

30 Act of May 15, 1956 (1955 P.L.1589, No.534), known as the
31 Pennsylvania Turnpike Philadelphia Loop Extension Act.

32 Act of May 17, 1957 (P.L.160, No.73), entitled "An act
33 requiring all tunnels on the Pennsylvania Turnpike to be painted
34 white or lined with a light colored material and be equipped
35 with continuous lighting."

36 Act of September 8, 1959 (P.L.828, No.322), entitled "An act
37 authorizing the Pennsylvania Turnpike Commission to finance and
38 construct certain additional projects on the Pennsylvania
39 Turnpike System."

40 Act of September 15, 1961 (P.L.1305, No.573), entitled "An
41 act requiring the erection and maintenance of medial barriers or
42 guards on the Pennsylvania Turnpike."

43 74 Pa.C.S. Chs. 81 (relating to turnpike) and 82 (relating to
44 turnpike commission standards of conduct).

45 75 Pa.C.S. Chs. 89 (relating to Pennsylvania Turnpike) and 95
46 (relating to taxes for highway maintenance and construction).

47 (b) Establishment.--

48 (1) The Bureau of Toll Administration is hereby
49 established in the department to manage the functions assumed
50 by the department under this section.

51 (2) The bureau shall have the power to acquire, for and

1 on behalf of the Commonwealth, by purchase or otherwise,
2 turnpike or toll roads, or any parts thereof, or toll
3 bridges, in such manner and under and subject to such terms
4 and conditions as provided by law. The powers vested in the
5 bureau shall include:

6 (i) The power to fix or set tolls on any roadway or
7 bridge under the jurisdiction of the department.

8 (ii) The power to take actions authorized under the
9 acts specified in subsection (a).

10 (c) Collective bargaining.--

11 (1) Collective bargaining-level positions created by the
12 establishment of the bureau shall first be offered to
13 bargaining-level personnel employed by the commission who
14 possess the necessary expertise and experience to perform the
15 duties of such position.

16 (2) The department shall honor any collective bargaining
17 agreement in existence between the commission and any employe
18 organization.

19 (3) Any transfers made under this section shall not
20 affect the civil service status of affected employes of the
21 commission, nor that of existing employes of the department.

22 (4) Employes and personal property of the commission
23 utilized in the bonding process are hereby transferred to the
24 State Treasurer.

25 (d) Property.--All land, buildings and personal property, as
26 well as all appropriations, allocations, documents, files,
27 records, contracts, agreements, equipment, materials, orders,
28 rights and obligations of the commission are transferred to the
29 department.

30 (e) Supplies.--The bureau shall continue to use or recycle
31 all forms, stationery, business cards and other office supplies
32 or materials which contain references to the commission until
33 the existing supplies and materials are depleted.

34 (f) Acquisitions.--The department shall have the power to
35 acquire, for and on behalf of the Commonwealth, by purchase or
36 otherwise, turnpike or toll roads, or any parts thereof, or toll
37 bridges, in such manner and under and subject to such terms and
38 conditions as provided by law.

39 (g) Powers and duties.--

40 (1) The department shall have the power and duty to
41 promulgate regulations to administer the respective functions
42 transferred to it under this section.

43 (2) The regulations of the commission for the
44 administration of the functions transferred under this
45 section shall remain in effect until such time as new
46 regulations are promulgated under this section. However, the
47 eligibility requirements for funding within any program
48 subject to review under this section shall not be changed,
49 amended or altered in any way.

50 (3) Any action to fix or to revise the tolls for the use
51 of the turnpike and the different parts or sections thereof

1 or to fix or set tolls on any roadway or bridge under the
2 jurisdiction of the department shall be taken in accordance
3 with the act of June 25, 1982 (P.L.633, No.181), known as the
4 "Regulatory Review Act."

5 (h) Debt.--The Commonwealth shall assume the debt evidenced
6 by outstanding bonds of the Pennsylvania Turnpike Commission and
7 shall draw upon the tolls received by the Department of
8 Transportation for repayment of this debt. The State Treasurer
9 shall assume all powers and duties of the Pennsylvania Turnpike
10 Commission which relate to issuance and payment of bonds for
11 construction, reconstruction and maintenance of the turnpike.

12 (i) Abolishment.--The Pennsylvania Turnpike Commission and
13 the office of Turnpike Commissioner are abolished.

14 (j) Reference.--On and after the effective date of this
15 section, a reference in any statute to the Pennsylvania Turnpike
16 Commission shall be deemed to be a reference to the Department
17 of Transportation.

18 (k) Definitions.--The following words and phrases when used
19 in this section shall have the meanings given to them in this
20 subsection, unless the context clearly indicates otherwise:

21 "Bureau." The Bureau of Toll Administration established
22 under this section.

23 "Commission." The Pennsylvania Turnpike Commission.

24 "Department" The Department of Transportation of the
25 Commonwealth.

26 Section 2. Sections 1307 and 1332 of Title 75 are amended by
27 adding subsections to read:

28 Amend Bill, page 3, line 8, by striking out "2" and inserting

29 3

30 Amend Bill, page 3, by inserting between lines 15 and 16

31 Section 4. (a) The following acts, or portions thereof, are
32 repealed to the extent that they are inconsistent with the
33 amendment of 74 Pa.C.S. § 8103:

34 (1) Act of May 21, 1937 (P.L.774, No.211), referred to
35 as the Pennsylvania Turnpike Commission Act.

36 (2) Act of May 16, 1940 (Sp.Sess., 1941 P.L.949, No.11),
37 known as the Pennsylvania Turnpike Philadelphia Extension
38 Act.

39 (3) Act of June 11, 1941 (P.L.101, No.53), known as the
40 Western Pennsylvania Turnpike Extension Act.

41 (4) Act of June 21, 1947 (P.L.877, No.367), entitled "An
42 act to authorize and empower the Pennsylvania Turnpike
43 Commission to combine the Turnpike, the Eastern Extension,
44 and the Western Extension, or any two thereof, for financing
45 purposes under the provisions of this act; authorizing the
46 issuance of Turnpike revenue bonds of the Commonwealth
47 payable solely from tolls; to pay the cost of the Eastern
48 Extension and the Western Extension; paying the cost of the

1 Eastern Extension, or the cost of the Western Extension, or
2 the cost of both; and refunding any Turnpike revenue bonds or
3 Turnpike refunding bonds which have heretofore been issued by
4 the Commission under the provisions of any act heretofore
5 approved, or under the provisions of this act, and which
6 shall then be outstanding, including the payment of any
7 redemption premiums thereon; refunding any revenue bonds or
8 revenue refunding bonds heretofore issued under the
9 provisions of this act, including the payment of and
10 redemption premiums thereon; authorizing the Commission to
11 fix tolls from time to time for use of the projects so
12 combined; providing for the use of a facsimile of the
13 signature of the Governor, and of the Chairman of the
14 Commission in lieu of their manual signatures, and a
15 facsimile of the official seal of the Commission upon any
16 bonds issued under the provisions of this act, or any other
17 act; authorizing the issuance of bonds for the payment of the
18 construction of any turnpike, and giving certain
19 definitions."

20 (5) Act of May 23, 1951 (P.L.335, No.74), known as the
21 Pennsylvania Turnpike Delaware River Extension Act.

22 (6) Act of August 14, 1951 (P.L.1232, No.282), referred
23 to as the Pennsylvania Turnpike System Financing Act.

24 (7) Act of September 27, 1951 (P.L.1430, No.348), known
25 as the Pennsylvania Turnpike Northeastern Extension Act.

26 (8) Act of January 14, 1952 (1951 P.L.1947, No.547),
27 known as the Pennsylvania Turnpike Gettysburg Extension Act.

28 (9) Act of July 28, 1953 (P.L.706, No.229), known as the
29 Pennsylvania Turnpike Northwestern Extension Act.

30 (10) Act of June 10, 1955 (P.L.157, No.50), known as the
31 Pennsylvania Turnpike Keystone Shortway Act.

32 (11) Act of June 14, 1955 (P.L.174, No.52), known as the
33 Pennsylvania Turnpike Southwestern Extension Act.

34 (12) Act of May 15, 1956 (1955 P.L.1589, No.534), known
35 as the Pennsylvania Turnpike Philadelphia Loop Extension Act.

36 (13) Act of May 17, 1957 (P.L.160, No.73), entitled "An
37 act requiring all tunnels on the Pennsylvania Turnpike to be
38 painted white or lined with a light colored material and be
39 equipped with continuous lighting."

40 (14) Act of September 8, 1959 (P.L.828, No.322),
41 entitled "An act authorizing the Pennsylvania Turnpike
42 Commission to finance and construct certain additional
43 projects on the Pennsylvania Turnpike System."

44 (15) Act of September 15, 1961 (P.L.1305, No.573),
45 entitled "An act requiring the erection and maintenance of
46 medial barriers or guards on the Pennsylvania Turnpike."

47 (16) 74 Pa.C.S. Chs. 81 (relating to turnpike) and 82
48 (relating to turnpike commission standards of conduct).

49 (17) 75 Pa.C.S. Chs. 89 (relating to Pennsylvania
50 Turnpike) and 95 (relating to taxes for highway maintenance
51 and construction).

1 (b) All other acts and parts of acts are repealed insofar as
2 they are inconsistent with the amendment of 74 Pa.C.S. § 8103.

3 Amend Bill, page 3, line 16, by striking out "3" and
4 inserting

5 5

**Regular Session 2013 - 2014
Amendment A04469 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 106

Sponsor: REPRESENTATIVE BRADFORD

Printer's No. 2654

1 Amend Bill, page 1, line 1, by striking out "Title" and
2 inserting

3 Titles 74 (Transportation) and

4 Amend Bill, page 1, line 2, by inserting after "Statutes,"
5 in turnpike, providing for Slip Ramp Fund;

6 Amend Bill, page 2, lines 22 through 24, by striking out all
7 of said lines and inserting

8 Section 1. Section 8122 of Title 74 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 8122. [(Reserved).] Slip Ramp Fund.

11 (a) Establishment.--A special fund is established to be
12 administered by the commission which shall be known as the Slip
13 Ramp Fund and shall be used for the purposes set forth in this
14 section.

15 (b) Purpose.--The commission shall use the money in the Slip
16 Ramp Fund to build new slip ramps on the Pennsylvania Turnpike.

17 (c) Funding.--Starting in fiscal year 2013-2014, and each
18 year thereafter, \$10,000,000 shall be appropriated out of the
19 Motor License Fund for the Slip Ramp Fund.

20 Section 2. Sections 1307 and 1332 of Title 75 are amended by
21 adding subsections to read:

22 Amend Bill, page 3, line 8, by striking out "2" and inserting
23 3

24 Amend Bill, page 3, line 16, by striking out "3" and
25 inserting

26 4

**Regular Session 2013 - 2014
Amendment A04471 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04472 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04473 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04474 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04475 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04476 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04477 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04478 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04479 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04480 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04481 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04482 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04483 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04484 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04485 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04487 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04488 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04489 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04490 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04491 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04492 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 106

Sponsor: REPRESENTATIVE HANNA

Printer's No. 2654

1 Amend Bill, page 1, lines 1 through 7, by striking out all of
2 said lines and inserting

3 Amending Titles 74 (Transportation) and 75 (Vehicles) of the
4 Pennsylvania Consolidated Statutes by:

5 --In Title 74:

6 Providing for organization.

7 In administrative practice and procedure, further
8 providing for minority and women-owned business
9 participation.

10 In sustainable mobility options:

11 further providing for definitions, for department
12 authorization, for the Public Transportation Trust
13 Fund, for application and approval process, for
14 executive and legislative reports, for coordination,
15 for asset improvement program, for Statewide programs
16 and for capital improvements program.

17 Providing for multimodal transportation funding.

18 In airport operation and zoning, providing for first
19 class city consolidated car rental facilities.

20 In Turnpike:

21 further providing for commission; and
22 providing for annual hearing.

23 In Turnpike Commission standards of conduct, further
24 providing for code of conduct.

25 Providing for traffic signals.

26 Establishing the Bridge Bundling Program.

27 Providing for public utility facilities.

28 Providing for steel painting.

29 In Public/Private Transportation Partnerships,
30 further providing for applicability of other laws.

31 --In Title 75:

32 In registration of vehicles:

33 further providing for period of registration, for
34 display of registration plate and for certain special
35 plates.

36 In licensing of drivers, further providing for
37 judicial review, for occupational limited license and for
38 probationary license.

1 In commercial drivers, further providing for fees.
2 In financial responsibility, further providing for
3 required financial responsibility.

4 In fees:

5 further providing for limitation on local license
6 fees and taxes, for collection and disposition of
7 fees and money, for motor homes, for annual
8 registration fees, for trucks and truck tractors, for
9 motor buses and limousines, for school buses and
10 school vehicles, for trailers, for special mobile
11 equipment, for implements of husbandry, for farm
12 vehicles, for ambulances, taxis and hearses, for
13 dealers and miscellaneous motor vehicle business, for
14 farm equipment vehicle dealers, for transfer of
15 registration, for temporary and electronically issued
16 registration plates, for replacement registration
17 plates, for legislative registration plates, for
18 personal registration plates, for street rod
19 registration plates, for duplicate registration cards
20 and for commercial implements of husbandry;

21 providing for fee for local use; and

22 further providing for special hauling permits as
23 to weight and size, for annual hauling permits, for
24 mobile homes, modular housing units and modular
25 housing undercarriages, for books of permits, for
26 refund of certain fees, for driver's license and
27 learner's permit, for certificate of title, for
28 security interest, for information concerning drivers
29 and vehicles, for certified copies of records, for
30 uncollectible checks, for certificate of inspection,
31 for messenger service, for reinstatement of operating
32 privilege or vehicle registration and for secure
33 power of attorney.

34 In motor carriers road tax identification markers:

35 further providing for identification markers and
36 license or road tax registration card required.

37 In general provisions, further providing for
38 obedience to traffic-control devices.

39 In rules of the road, further providing for maximum
40 speed limits and for alteration of maximum limits.

41 In size, weight and load, further providing for
42 restrictions on use of highways and bridges, for
43 conditions of permits and security for damages and for
44 permit for movement during course of manufacturing.

45 In powers of department and local authorities:

46 further providing for regulation of traffic on
47 Turnpike; and

48 providing for fare evasion and for municipal
49 police officer education and training.

50 In penalties and disposition of fines, further
51 providing for surcharge.

1 In the Pennsylvania Turnpike, further providing for
2 definitions and for deposit and distribution of funds.

3 In liquid fuels and fuels tax:

4 further providing for definitions, for
5 imposition, exemptions and deductions, for
6 distributor's report and payment and for disposition
7 and use and for refunds.

8 In State highway maintenance, further providing for
9 dirt and gravel road maintenance.

10 In supplemental funding for municipal highway
11 maintenance, making further provisions.

12 In taxes for highway maintenance and construction,
13 further providing for imposition and for allocation of
14 proceeds.

15 --Providing for permits for movement of raw milk.

16 --Providing for amendment of lease agreements.

17 --Providing for authorization to incur additional debt
18 and appropriations.

19 --Making an appropriation.

20 --Making repeals.

21 The General Assembly finds and declares as follows:

22 (1) It is the purpose of this act to ensure that a safe
23 and reliable system of transportation is available to the
24 residents of this Commonwealth.

25 (2) The Commonwealth's transportation system includes
26 nearly 40,000 miles of roads and 25,000 bridges owned by the
27 Commonwealth, nearly 77,000 miles of roads and 12,000 bridges
28 owned by counties and municipal governments, 36 fixed-route
29 public transportation agencies, 67 railroads, 133 public use
30 airports, the Ports of Erie, Philadelphia and Pittsburgh, and
31 numerous bicycle and pedestrian facilities.

32 (3) The Commonwealth's transportation system provides
33 for access to employment, educational services, medical care
34 and other life-sustaining services for all residents of this
35 Commonwealth, including senior citizens and people with
36 disabilities.

37 (4) The Department of Transportation of the Commonwealth
38 has indicated that 9,000 miles of roads owned by the
39 Commonwealth are in poor condition and that 4,400 bridges
40 owned by the Commonwealth are rated structurally deficient.
41 The State Transportation Advisory Committee has indicated
42 that 2,189 bridges exceeding 20 feet in length owned by
43 counties and municipalities are rated structurally deficient.

44 (5) There is urgent public need to reduce congestion,
45 increase capacity, improve safety and promote economic
46 efficiency of transportation facilities throughout this
47 Commonwealth.

48 (6) The Commonwealth has limited resources to fund the
49 maintenance and expansion of its transportation facilities.

50 (7) The State Transportation Advisory Committee reported
51 in 2010 that the Commonwealth's transportation system is

1 underfunded by \$3,500,000,000 and projected that amount will
2 grow to \$6,700,000,000 by 2020 without additional financial
3 investment by the Commonwealth.

4 (8) To ensure the needs of the public are adequately
5 addressed, funding mechanisms must be enhanced to sustain the
6 Commonwealth's transportation system in the future.

7 (9) The utilization of user fees establishes a funding
8 source for transportation needs that spreads the costs across
9 those who benefit from the Commonwealth's transportation
10 system.

11 (10) Pursuant to section 11 of Article VIII of the
12 Constitution of Pennsylvania, all highway and bridge user
13 fees must be used solely for construction, reconstruction,
14 maintenance and repair of and safety on public highways and
15 bridges and costs and expenses incident thereto.

16 (11) In order to ensure a safe and reliable system of
17 public transportation, aviation, ports, rail and bicycle and
18 pedestrian facilities, other transportation-related user fees
19 must be deposited in the Public Transportation Trust Fund and
20 the Multimodal Transportation Fund.

21 (12) In furtherance of the Commonwealth's energy policy,
22 which includes becoming independent from overreliance on
23 foreign energy sources, programs must be established to
24 promote reliance on or conversion to alternative energy
25 sources, including the vast natural gas supply of this
26 Commonwealth.

27 (13) Recognition and furtherance of all these elements
28 is essential to promoting the health, safety and welfare of
29 the citizens of this Commonwealth.

30 Amend Bill, page 2, lines 22 through 30; page 3, lines 1
31 through 16, by striking out all of said lines on said pages and
32 inserting

33 Section 1. Title 74 of the Pennsylvania Consolidated
34 Statutes is amended by adding a chapter to read:

35 CHAPTER 2
36 ORGANIZATION

37 Sec.

38 201. Definitions.

39 202. Deputy secretaries.

40 § 201. Definitions.

41 The following words and phrases when used in this chapter
42 shall have the meanings given to them in this section unless the
43 context clearly indicates otherwise:

44 "Department." The Department of Transportation of the
45 Commonwealth.

46 "Secretary." The Secretary of Transportation of the
47 Commonwealth.

48 § 202. Deputy secretaries.

1 (a) Appointment.--The secretary shall appoint the following
2 deputy secretaries:

- 3 (1) Deputy Secretary for Administration.
- 4 (2) Deputy Secretary for Driver and Vehicle Services.
- 5 (3) Deputy Secretary for Highway Administration.
- 6 (4) Deputy Secretary for Multimodal Transportation.
- 7 (5) Deputy Secretary for Planning.

8 (b) Administration.--The Deputy Secretary for Administration
9 has the powers and duties of the department under law relating
10 to all of the following:

- 11 (1) Fiscal affairs.
- 12 (2) Operations analysis and improvement.
- 13 (3) Information services.
- 14 (4) Office services.
- 15 (5) Human resources.
- 16 (6) Equal opportunity.

17 (c) Driver and vehicle services.--The Deputy Secretary for
18 Driver and Vehicle Services has the powers and duties of the
19 department under law relating to all of the following:

- 20 (1) Drivers.
- 21 (2) Vehicles.
- 22 (3) Vehicle and driver safety.
- 23 (4) Services for other modes of transportation.

24 (d) Highway administration.--The Deputy Secretary for
25 Highway Administration has the powers and duties of the
26 department under law relating to all of the following:

- 27 (1) Design of highways and bridges.
- 28 (2) Land acquisition for highways and bridges.
- 29 (3) Construction and reconstruction of highways and
30 bridges.
- 31 (4) Maintenance and operation of highways and bridges.
- 32 (5) Highway and bridge safety.

33 (e) Multimodal transportation.--The Deputy Secretary for
34 Multimodal Transportation has the powers and duties of the
35 department under law relating to modes of transportation other
36 than highways, except recreational boating and ferry licensing,
37 including all of the following:

- 38 (1) Local and public transportation.
- 39 (2) Rail freight.
- 40 (3) Ports and waterways.
- 41 (4) Aviation and airports.

42 (f) Planning.--The Deputy Secretary of Planning has the
43 powers and duties of the department under law relating to all of
44 the following:

- 45 (1) Planning and research.
- 46 (2) Program development and management.
- 47 (3) Services to municipalities.

48 Section 2. Section 303 of Title 74 is amended to read:
49 § 303. [Minority and women-owned] Diverse business
50 participation.

51 (a) General rule.--In administering contracts for

1 construction and professional services relating to
2 transportation projects which are funded pursuant to the
3 provisions of this title or 75 Pa.C.S. (relating to vehicles),
4 the [department and any local transportation organization]
5 contracting entities shall:

6 (1) Be responsible for ensuring that all competitive
7 contract opportunities subject to this section which are
8 issued by the [department or local transportation
9 organization] contracting entities seek to maximize
10 participation by [minority-owned and women-owned businesses
11 and other disadvantaged] diverse businesses.

12 (1.1) Include in solicitations for bids and requests for
13 proposals on all competitive contracting opportunities
14 subject to this section notice to the bidder or offeror that:

15 (i) The bidder or offeror shall document and submit
16 to the applicable contracting entity all good faith
17 efforts to solicit subcontractors that are diverse
18 businesses during the bidding or proposal process.

19 (ii) The bidder or offeror shall provide within
20 seven days of being declared the low bidder or successful
21 offeror the name and business address of each
22 subcontractor that is a diverse business that will
23 provide the contractor with construction or professional
24 services in connection with the performance of the
25 contract.

26 (2) [Give] Include in the solicitations for bids and
27 requests for proposals under paragraph (1.1), language
28 encouraging bidders and offerors to utilize and give
29 consideration[, when possible and cost effective,] to
30 contractors offering to utilize [minority-owned and women-
31 owned businesses and disadvantaged] diverse businesses in the
32 selection and award of contracts.

33 (3) Ensure that the [department's and local
34 transportation organizations' commitment to the minority-
35 owned and women-owned business program] contracting entities'
36 commitment to participation by diverse businesses is clearly
37 understood and appropriately implemented and enforced by all
38 [department and local transportation organization employees]
39 the contracting entities.

40 (4) Designate a responsible official to supervise the
41 [department and local transportation organization minority-
42 owned and women-owned] contracting entities' diverse business
43 program and ensure compliance within the [department or local
44 transportation organization] contracting entities.

45 (5) [Furnish the Department of General Services, upon
46 request, all requested information or assistance.]
47 (Reserved).

48 (6) [Recommend sanctions to the Secretary of General
49 Services,] Impose sanctions as may be appropriate under 62
50 Pa.C.S. § 531 (relating to debarment or suspension), against
51 businesses that fail to comply with this section or the

1 policies of the Commonwealth [minority-owned and women-owned
2 business program] related to diverse businesses. This
3 paragraph shall not apply to a local transportation
4 organization.

5 (7) Ensure that each contract entered into with a
6 contractor under this section includes provisions prohibiting
7 discrimination in accordance with 62 Pa.C.S. § 3701 (relating
8 to contract provisions prohibiting discrimination).

9 (a.1) Additional duties of department.--The department, with
10 the assistance of a diverse business enterprise supportive
11 services center, shall have the following duties:

12 (1) Conduct the necessary and appropriate outreach,
13 including using the database available on the Internet
14 website of the Department of General Services and the Federal
15 Government's system of award management database, for
16 purposes of identifying diverse businesses in general
17 construction or professional services capable of performing
18 contracts subject to this section.

19 (2) By October 1, 2014, and each October 1 thereafter,
20 submit a report to the chairman and minority chairman of the
21 Transportation Committee of the Senate and the chairman and
22 minority chairman of the Transportation Committee of the
23 House of Representatives summarizing the participation level
24 of diverse businesses in all competitive contract
25 opportunities issued by contracting entities. The commission
26 and local transportation organizations shall cooperate with
27 the department to complete the report. The report shall
28 include:

29 (i) The percentage of participation by diverse
30 businesses.

31 (ii) The total value of all contracts executed which
32 include participation by diverse businesses pursuant to
33 this section in the prior year.

34 (iii) The number of businesses penalized for
35 violating this section.

36 (3) Transmit the report under paragraph (2) to the
37 Minority Business Development Authority, established under
38 the act of July 22, 1974 (P.L.598, No.206), known as the
39 Pennsylvania Minority Business Development Authority Act. The
40 authority shall review the report to assess the effectiveness
41 in advancing this section and to make any recommendations for
42 changes in this section deemed necessary or desirable to the
43 secretary and the chairman and minority chairman of the
44 Transportation Committee of the Senate and the chairman and
45 minority chairman of the Transportation Committee of the
46 House of Representatives.

47 (a.2) Replacement of diverse business.--If, at any time
48 during the evaluation of a bid or proposal, or the construction
49 of a project or the performance of a professional service
50 pursuant to a bid, proposal or contract subject to this section,
51 it becomes necessary to replace a subcontractor that is a

1 diverse business, the bidder, offeror or contractor, as
2 appropriate, shall immediately notify the contracting entity of
3 the need to replace the diverse business. The notice shall
4 include the reasons for the replacement.

5 (a.3) Applicability.--The following shall apply to a
6 contractor and contract subject to subsection (a):

7 (1) The provisions of 62 Pa.C.S. § 2108 (relating to
8 compliance with Federal requirements).

9 (2) Prompt payment policies between a contractor and
10 subcontractor adopted by the Department of General Services
11 pursuant to 62 Pa.C.S. Pt. II (relating to general
12 procurement provisions).

13 (a.4) Construction.--Nothing in this section shall be
14 construed to supersede, nullify or otherwise affect 51 Pa.C.S. §
15 9603 (relating to participation goals). In the case of an
16 inconsistency between this section and 51 Pa.C.S. Ch. 96
17 (relating to veteran-owned small businesses), the provisions of
18 51 Pa.C.S. Ch. 96 shall prevail.

19 (b) Definitions.--As used in this section, the following
20 words and phrases shall have the meanings given to them in this
21 subsection:

22 "Commission." As defined in section 8102 (relating to
23 definitions).

24 "Contract." As defined in 62 Pa.C.S. § 103 (relating to
25 definitions).

26 "Contracting entities." The following:

27 (1) The Department of Transportation.

28 (2) The commission.

29 (3) A local transportation organization.

30 "Disadvantaged business." A business that is owned or
31 controlled by a majority of persons, not limited to members of
32 minority groups, who are subject to racial or ethnic prejudice
33 or cultural bias.

34 "Diverse business." A disadvantaged business, minority-owned
35 or women-owned business or service-disabled veteran-owned or
36 veteran-owned small business that has been certified by a third-
37 party certifying organization.

38 "Local transportation organization." Any of the following:

39 (1) A political subdivision or a public transportation
40 authority, port authority or redevelopment authority
41 organized under the laws of this Commonwealth or pursuant to
42 an interstate compact or otherwise empowered to render,
43 contract for the rendering of or assist in the rendering of
44 transportation service in a limited area in this
45 Commonwealth, even though it may also render or assist in
46 rendering transportation service in adjacent states.

47 (2) A nonprofit association that directly or indirectly
48 provides public transportation service.

49 (3) A nonprofit association of public transportation
50 providers operating within this Commonwealth.

51 "Minority-owned business." A business owned and controlled

1 by a majority of individuals who are African Americans, Hispanic
2 Americans, Native Americans, Asian Americans, Alaskans or
3 Pacific Islanders.

4 "Professional services." An industry of infrequent,
5 technical or unique functions performed by independent
6 contractors or consultants whose occupation is the rendering of
7 the services. The term includes:

8 (1) Design professional services as defined in 62
9 Pa.C.S. § 901 (relating to definitions).

10 (2) Legal services.

11 (3) Advertising or public relations services.

12 (4) Accounting, auditing or actuarial services.

13 (5) Security consultant services.

14 (6) Computer and information technology services.

15 (7) Insurance underwriting services.

16 "Service-disabled veteran-owned small business." As defined
17 in 51 Pa.C.S. § 9601 (relating to definitions).

18 "Third-party certifying organization." An organization that
19 certifies a small business, minority-owned business, women-owned
20 business or veteran-owned small business as a diverse business.
21 The term includes:

22 (1) The National Minority Supplier Development Council.

23 (2) The Women's Business Development Enterprise National
24 Council.

25 (3) The Small Business Administration.

26 (4) The Department of Veterans Affairs.

27 (5) The Pennsylvania Unified Certification Program.

28 "Veteran-owned small business." As defined in 51 Pa.C.S. §
29 9601 (relating to definitions).

30 "Women-owned business." A business owned and controlled by a
31 majority of individuals who are women.

32 Section 3. The definitions of "base operating allocation"
33 and "capital expenditures" in section 1503 of Title 74 are
34 amended to read:

35 § 1503. Definitions.

36 The following words and phrases when used in this chapter
37 shall have the meanings given to them in this section unless the
38 context clearly indicates otherwise:

39 * * *

40 "Base operating allocation." The total amount of State
41 operating assistance, reimbursement in lieu of fares for senior
42 passengers and other assistance which was used for operating
43 assistance as determined by the department in [fiscal year 2005-
44 2006.] the last full fiscal year that the qualifying local
45 transportation organization received the assistance, including
46 the funds received under section 1517.1(c) (relating to
47 Alternative Energy Capital Investment Program).

48 "Capital expenditures." All costs of capital projects,
49 including, but not limited to, the costs of acquisition,
50 construction, installation, start-up of operations, improvements
51 and all work and materials incident thereto. Preventive

1 maintenance expenses, as defined by the Federal Transit
2 Administration, may be deemed eligible as a capital expenditure
3 based on written approval by the department at its discretion.

4 * * *

5 Section 4. Section 1504(a) of Title 74 is amended to read:
6 § 1504. Department authorization.

7 (a) General.--

8 (1) The department may, within the limitations provided
9 in this chapter, incur costs directly and provide financial
10 assistance for the purposes and activities enumerated in this
11 chapter.

12 (2) In the event of imminent service termination, the
13 department shall make every effort to contract with a local
14 transportation organization to provide the programs,
15 activities and services enumerated in this chapter. After all
16 local transportation organization contracting options are
17 exhausted, the department may contract with a transportation
18 company to provide the programs, activities and services
19 enumerated in this chapter. The operation of the programs,
20 activities and services administered by the department and
21 provided by the local transportation organization or
22 transportation company under this subsection shall not be
23 subject to the jurisdiction of the Pennsylvania Public
24 Utility Commission.

25 * * *

26 Section 5. (Reserved).

27 Section 6. Section 1506(b) (1), (c) and (e) of Title 74 are
28 amended to read:

29 § 1506. Fund.

30 * * *

31 (b) Deposits to fund by department.--

32 (1) The following apply:

33 (i) [Except as provided under subparagraph (ii),
34 upon] Upon receipt, the department shall deposit into the
35 fund the revenues received by the department under 75
36 Pa.C.S. Ch. 89 (relating to Pennsylvania Turnpike) and
37 the lease agreement executed between the department and
38 the Pennsylvania Turnpike Commission under 75 Pa.C.S. §
39 8915.3 (relating to lease of Interstate 80; related
40 agreements). [as follows:

41 (A) For fiscal year 2007-2008, \$250,000,000.

42 (B) For fiscal year 2008-2009, \$250,000,000.

43 (C) For fiscal year 2009-2010, \$250,000,000.

44 (D) For fiscal year 2010-2011 and each fiscal
45 year thereafter, the amount calculated for the
46 previous fiscal year, increased by 2.5%.]

47 (ii) The deposits made to the fund under this
48 subsection shall equal [\$250,000,000 annually for each
49 fiscal year commencing after the expiration of the
50 conversion period if the conversion notice is not
51 received by the secretary prior to expiration of the

1 conversion period as set forth under 75 Pa.C.S. §
2 8915.3(3).] \$450,000,000 annually for each fiscal year
3 for fiscal years 2014-2015 through 2021-2022.

4 (iii) The deposits made to the fund under this
5 subsection shall equal \$50,000,000 annually for fiscal
6 year 2022-2023 and each fiscal year thereafter.

7 * * *

8 (c) Other deposits.--The following shall be deposited into
9 the fund annually:

10 (1) 4.4% of the amount collected under Article II of the
11 Tax Reform Code. Revenues under this paragraph shall be
12 deposited into the fund by the 20th day of each month for the
13 preceding month. The amount deposited under this paragraph is
14 estimated to be equivalent to the money available to the
15 department from the following sources:

16 (i) The Supplemental Public Transportation Account
17 established under former section 1310.1 (relating to
18 supplemental public transportation assistance funding).

19 (ii) The amount appropriated annually by the
20 Commonwealth from the General Fund for mass transit
21 programs pursuant to a General Appropriations Act.

22 (2) An amount of proceeds of Commonwealth capital bonds
23 as determined annually by the Secretary of the Budget.

24 (3) Revenue in the Public Transportation Assistance Fund
25 established under Article XXIII of the Tax Reform Code not
26 otherwise dedicated pursuant to law.

27 (3.1) (Reserved).

28 (3.2) The revenues deposited in the fund in accordance
29 with 75 Pa.C.S. § 1786 (relating to required financial
30 responsibility).

31 (3.3) The revenues deposited in the fund in accordance
32 with 75 Pa.C.S. § 3111(a.1)(2)(ii) (relating to obedience to
33 traffic-control devices).

34 (3.4) For fiscal year 2022-2023 and each fiscal year
35 thereafter, an amount equal to the amount collected under
36 Article II of the Tax Reform Code, multiplied by the ratio
37 that \$450,000,000 is to the total amount collected under
38 Article II of the Tax Reform Code in the fiscal year ending
39 June 30, 2021, or \$450,000,000, whichever is greater, shall
40 be transferred to the fund. The source of the transfer shall
41 be the revenue collected under section 238 of the Tax Reform
42 Code on motor vehicles, trailers and semi-trailers.

43 (4) Other appropriations, deposits or transfers to the
44 fund.

45 * * *

46 (e) Program funding amounts.--Subject to available funds,
47 the programs established under this chapter shall be funded
48 annually as follows:

49 (1) For the program established under section 1513

50 (relating to operating program), the following amounts shall
51 be allocated from the fund:

1 (i) [All] From the revenues deposited in the fund
2 under subsection (b) (1) [.]:

3 (A) For fiscal year 2013-2014, \$209,000,000 and
4 for fiscal year 2014-2015, \$187,000,000.

5 (B) For fiscal years 2015-2016 and 2016-2017,
6 \$110,000,000.

7 (C) For fiscal years 2017-2018 and each fiscal
8 year thereafter, \$25,000,000.

9 (ii) All revenues deposited in the fund under
10 subsection (b) (2).

11 (iii) [69.99%] 86.76% of the revenues deposited in
12 the fund under subsection (c) (1).

13 (iv) All revenues deposited into the fund under
14 subsection (c) (3).

15 (v) The following percentages of the revenue
16 deposited in the fund in accordance with 75 Pa.C.S. §
17 1904 (relating to collection and disposition of fees and
18 moneys):

19 (A) For fiscal year 2013-2014, 5.8%.

20 (A.1) For fiscal year 2014-2015, 8.8%.

21 (B) For fiscal years 2015-2016 and 2016-2017,
22 46.6%.

23 (C) For fiscal year 2017-2018 and each fiscal
24 year thereafter, 69.3%.

25 (vi) All revenue deposited into the fund under
26 subsection (c) (3.2).

27 (vii) Twenty-five million from the revenue deposited
28 into the fund under subsection (c) (3.4).

29 (2) [(i) Except as provided under subparagraph (ii),
30 for] For the program established under section 1514 (relating
31 to asset improvement program):

32 (A) By the proceeds of Commonwealth capital
33 bonds deposited into the fund under subsection (c)
34 (2).

35 [(A.1) For fiscal year 2007-2008, \$50,000,000
36 from the revenues received by the department under 75
37 Pa.C.S. Ch. 89 and the lease agreement executed
38 between the department and the Pennsylvania Turnpike
39 Commission under 75 Pa.C.S. § 8915.3. The amount
40 received by the department under this section shall
41 be deposited into the fund prior to distribution and
42 shall be in addition to the amounts received under
43 subsection (b) (1).

44 (B) For fiscal year 2008-2009, \$100,000,000 from
45 the revenues received by the department under 75
46 Pa.C.S. Ch. 89 and the lease agreement executed
47 between the department and the Pennsylvania Turnpike
48 Commission under 75 Pa.C.S. § 8915.3. The amount
49 received by the department under this section shall
50 be deposited into the fund prior to distribution and
51 shall be in addition to the amounts received under

1 subsection (b)(1).

2 (C) For fiscal year 2009-2010, \$150,000,000 from
3 the revenues received by the department under 75
4 Pa.C.S. Ch. 89 and the lease agreement executed
5 between the department and the Pennsylvania Turnpike
6 Commission under 75 Pa.C.S. § 8915.3. The amount
7 received by the department under this section shall
8 be deposited into the fund prior to distribution and
9 shall be in addition to the amounts received under
10 subsection (b)(1).

11 (D) For fiscal year 2010-2011 and each fiscal
12 year thereafter, the amount calculated for the prior
13 fiscal year increased by 2.5% from the revenues
14 received by the department under 75 Pa.C.S. Ch. 89
15 and the lease agreement executed between the
16 department and the Pennsylvania Turnpike Commission
17 under 75 Pa.C.S. § 8915.3. The amount received by the
18 department under this section shall be deposited into
19 the fund prior to distribution and shall be in
20 addition to the amounts received under subsection (b)
21 (1).]

22 (E) Ninety-five percent of the remaining revenue
23 deposited in the fund under subsection (b)(1) and
24 (c)(3.4), after the transfer of \$30,000,000 to the
25 Multimodal Transportation Fund under paragraph (6).

26 (F) The revenue deposited in the fund under
27 subsection (c)(3.3).

28 (G) The following percentages of revenue
29 deposited in the fund in accordance with 75 Pa.C.S. §
30 1904 (relating to collection and disposition of fees
31 and moneys):

32 (I) For fiscal year 2013-2014, 28.1%.

33 (II) For fiscal year 2014-2015, 35.1%.

34 (III) For fiscal years 2015-2016 and 2016-
35 2017, 20%.

36 (IV) For fiscal year 2017-2018 and each
37 fiscal year thereafter, 7.7%.

38 [(ii) If the conversion notice is not received by
39 the secretary prior to the end of the conversion period
40 as set forth in 75 Pa.C.S. § 8915.3(3), no additional
41 allocation shall be made under subparagraph (i).]

42 (3) For the program established under section 1516
43 (relating to programs of Statewide significance),

44 (i) 13.24% of the revenues deposited in the fund
45 under subsection (c)(1). [shall be allocated from the
46 fund.]

47 (ii) The revenue deposited in the fund under
48 subsection (b)(1) and (c)(3.4) remaining after the
49 allocation under paragraph (2)(E).

50 [(4) For the program established under section 1517
51 (relating to capital improvements program), 16.77% of the

1 revenues deposited in the fund under subsection (c)(1).
2 Additional funds for this program may be provided from the
3 funds allocated but not distributed based on the limitation
4 set forth under section 1513(c)(3).]

5 (5) For the program established under section 1517.1
6 (relating to Alternative Energy Capital Investments Program),
7 no more than \$60,000,000 of the revenue deposited in the fund
8 under subsection (c) may be allocated from the fund.

9 (6) Thirty million dollars of the revenue deposited in
10 the fund under subsection (b)(1) and (c)(3.4) shall be
11 transferred to the Multimodal Transportation Fund.

12 Section 7. Section 1507(a)(6) and (c) of Title 74 are
13 amended and subsection (a) is amended by adding a paragraph to
14 read:

15 § 1507. Application and approval process.

16 (a) Application.--An eligible applicant that wishes to
17 receive financial assistance under this chapter shall submit a
18 written application to the department on a form developed by the
19 department, which shall include the following:

20 * * *

21 (6) Evidence satisfactory to the department of the
22 commitment for matching funds required under this chapter
23 sufficient to match the projected financial assistance
24 payments [at the same times that the financial assistance
25 payments are to be provided.], provided no later than June 30
26 of the applicable fiscal year. If the evidence required under
27 this paragraph is not provided to the satisfaction of the
28 department, subsequent funding under section 1513 (relating
29 to operating program) shall be withheld until the applicant
30 meets the requirements of this paragraph.

31 (6.1) A statement of policy outlining the basic
32 principles for the adjustment of fare growth to meet the rate
33 of inflation.

34 * * *

35 (c) Restriction on use of funds.--[Financial] Unless the
36 department grants the award recipient a waiver allowing the
37 funds to be used for a different purpose, financial assistance
38 under this chapter shall be used only for activities set forth
39 under the financial assistance agreement [unless the department
40 grants the award recipient a waiver allowing the funds to be
41 used for a different purpose]. The department's regulations
42 shall describe circumstances under which it will consider waiver
43 requests and shall set forth all information to be included in a
44 waiver request. The [maximum duration of a waiver shall be one
45 year, and a] waiver request shall include a plan of corrective
46 action to demonstrate that the award recipient does not have an
47 ongoing need to use financial assistance funds for activities
48 other than those for which funds were originally awarded. The
49 duration of the waiver may not exceed the duration of the plan
50 of corrective action. The department shall monitor
51 implementation of the plan of corrective action. If the plan of

1 corrective action is not implemented by the local transportation
2 organization, the department shall rescind the waiver approval.

3 Section 8. Sections 1511 and 1512 of Title 74 are amended to
4 read:

5 § 1511. Report to Governor and General Assembly.

6 [The following shall apply:

7 (1) Except as provided in paragraph (2), the] The
8 department shall submit a public passenger transportation
9 performance report to the Governor and the General Assembly
10 by April 30 of each year, covering the prior fiscal year.

11 [(2) The report covering the 2005-2006 fiscal year shall
12 be submitted by July 31, 2007.]

13 § 1512. Coordination and consolidation.

14 (a) Coordination.--Coordination is required in regions where
15 two or more award recipients have services or activities for
16 which financial assistance is being provided under this chapter
17 to assure that the services or activities are provided
18 efficiently and effectively.

19 (b) Consolidation and mutual cooperation.--

20 (1) The department, in consultation with local
21 governments and local transportation organizations, shall
22 study the feasibility of consolidation and mutual cooperation
23 among local transportation organizations as a means of
24 reducing annual expenses without loss of service to the
25 communities they serve. The study shall examine the creation
26 of service regions or mutual cooperation pacts to determine
27 whether either method would reduce annual expenses. The
28 feasibility analysis is to include a cost-benefit analysis
29 and operational analysis.

30 (2) If the results of a feasibility analysis under
31 paragraph (1) estimate an annual net savings at the time of
32 completion of the study, the transportation organization and
33 local government may implement the recommended action.

34 (3) The department shall waive the match requirement
35 under sections 1513 (relating to operating program) and 1514
36 (relating to asset improvement program) for five fiscal years
37 for the transportation organization's participation in the
38 recommended action under paragraph (2) in an amount not to
39 exceed the estimated annual net savings of the implemented
40 recommendations.

41 (c) Funding for merger and consolidation incentives and
42 mutual cooperation pacts.--A capital project that is needed to
43 support a local transportation organization that has agreed to
44 merge and consolidate operations and administration or share
45 facilities or staff through a mutual cooperation pact to achieve
46 cost and service efficiencies shall be eligible for financial
47 assistance under this chapter. The application for financial
48 assistance must do all the following:

49 (1) Identify the efficiencies in a merger and
50 consolidation plan or mutual cooperation pact.

51 (2) Include the expected net dollar savings that will

1 result from the merger, consolidation or pact.

2 Section 9. Sections 1514(c) and 1516(b)(1) and (e) of Title
3 74 are amended and the sections are amended by adding
4 subsections to read:

5 § 1514. Asset improvement program.

6 * * *

7 (c) Local match requirements.--

8 (1) Financial assistance under this section shall be
9 matched by local or private cash funding in an amount not
10 less than 3.33% of the amount of the financial assistance
11 being provided. The source of funds for the local match shall
12 be subject to the requirements of section 1513(d)(3)
13 (relating to operating program).

14 (2) The secretary may waive up to 75% of the local match
15 required under paragraph (1), upon the written request of an
16 applicant accompanied by the applicant's justification for
17 the waiver.

18 * * *

19 (e.1) Distribution.--The department shall allocate financial
20 assistance under this section on a percentage basis of available
21 funds each fiscal year as follows:

22 (1) The local transportation organization organized and
23 existing under Chapter 17 (relating to metropolitan
24 transportation authorities) as the primary provider of public
25 passenger transportation for the counties of Bucks, Chester,
26 Delaware, Montgomery and Philadelphia shall receive 69.4% of
27 the funds available for distribution under this section.

28 (2) The local transportation organization organized and
29 existing under the act of April 6, 1956 (1955 P.L.1414,
30 No.465), known as the Second Class County Port Authority Act,
31 as the primary provider of public transportation for the
32 county of Allegheny shall receive 22.6% of the funds
33 available for distribution under this section.

34 (3) Other local transportation organizations organized
35 and existing as the primary providers of public passenger
36 transportation for the counties of this Commonwealth not
37 identified under paragraph (1) or (2) shall receive 8% of the
38 funds available for distribution under this section. The
39 department shall allocate the funds under this paragraph
40 among the local transportation organizations.

41 (4) Notwithstanding paragraphs (1), (2) and (3) and
42 before distributing the funds under paragraph (1), (2) or
43 (3), the department shall set aside 5% of the funds available
44 for distribution under this section for discretionary use and
45 distribution by the secretary.

46 * * *

47 § 1516. Programs of Statewide significance.

48 * * *

49 (b) Persons with disabilities.--The department shall
50 establish and administer a program providing reduced fares to
51 persons with disabilities on community transportation services

1 and to provide financial assistance for start-up, administrative
2 and capital expenses related to reduced fares for persons with
3 disabilities. All of the following shall apply:

4 (1) A community transportation system operating in the
5 Commonwealth other than in [counties of the first and second
6 class] a county of the first class may apply for financial
7 assistance under this subsection.

8 * * *

9 (e) Technical assistance [and demonstration], demonstration
10 and emergency.--The department is authorized to provide
11 financial assistance under this section for technical
12 assistance, research and short-term demonstration or emergency
13 projects. All of the following shall apply:

14 (1) A local transportation organization or an agency or
15 instrumentality of the Commonwealth may apply to the
16 department for financial assistance under this subsection.

17 (2) Financial assistance provided under this subsection
18 may be used for reimbursement for any approved operating or
19 capital costs related to technical assistance and
20 demonstration program projects. Financial assistance for
21 short-term demonstration projects may be provided at the
22 department's discretion on an annual basis based on the level
23 of financial commitment provided by the award recipient to
24 provide ongoing future funding for the project as soon as the
25 project meets the criteria established by the department and
26 the award recipient. Financial assistance for this purpose
27 shall not be provided for more than three fiscal years.
28 Financial assistance may be provided to meet any short-term
29 emergency need that requires immediate attention and cannot
30 be funded through other sources.

31 (3) Financial assistance under this subsection provided
32 to a local transportation organization shall be matched by
33 local or private cash funding in an amount not less than
34 3.33% of the amount of the financial assistance being
35 provided. The sources of funds for the local match shall be
36 subject to the requirements of section 1513(d)(3) (relating
37 to operating program).

38 (4) As follows:

39 (i) For short-term demonstration projects awarded
40 financial assistance under this subsection, the
41 department shall determine if the demonstration project
42 was successful based upon the performance criteria
43 established prior to the commencement of the
44 demonstration project and approved by the department.

45 (ii) If the department determines that the
46 demonstration project was successful, the local
47 transportation organization or agency or instrumentality
48 of the Commonwealth that conducted the demonstration
49 project shall be eligible to apply for and receive funds
50 under section 1513 to sustain and transition the
51 demonstration project into regularly scheduled public

1 passenger transportation service.

2 (iii) During the first year in which the
3 demonstration project is eligible for and applies for
4 financial assistance under section 1513, the local
5 transportation organization or agency or instrumentality
6 of the Commonwealth that conducted the demonstration
7 project and transitioned it to regularly scheduled public
8 passenger transportation service shall be eligible to
9 receive financial assistance up to 65% of the
10 transportation service's prior fiscal year operating
11 costs or expenses for the service as an initial base
12 operating allocation.

13 (iv) The initial base operating allocation shall be
14 taken from the growth under section 1513 over the prior
15 year before distributing the remainder of the formula
16 described in section 1513.

17 (f) Shared Ride Community Transportation Service Delivery
18 Pilot Program.--

19 (1) The department may develop and implement a pilot
20 program to test and evaluate new models of paying for and
21 delivering shared ride and community transportation. The
22 goals of the program are as follows:

23 (i) Develop a community transportation delivery
24 model that can be managed to stay within budget.

25 (ii) Develop community transportation service
26 standards with need-based priorities.

27 (iii) Develop a business model and fare structure
28 that work across funding programs.

29 (iv) Maximize efficiency and effectiveness of the
30 services.

31 (2) The department shall establish an advisory committee
32 to provide guidance and input for pilot planning, start-up,
33 operations, data collection and post pilot evaluation. The
34 committee shall be comprised of the following:

35 (i) A member appointed by the President pro tempore
36 of the Senate.

37 (ii) A member appointed by the Minority Leader of
38 the Senate.

39 (iii) A member appointed by the Speaker of the House
40 of Representatives.

41 (iv) A member appointed by the Minority Leader of
42 the House of Representatives.

43 (v) Two members from the Pennsylvania Public Transit
44 Association appointed by the secretary.

45 (vi) A member appointed by the secretary to
46 represent people with disabilities.

47 (vii) A member appointed by the Secretary of Aging
48 to represent senior citizens.

49 (viii) A member appointed by the Secretary of Public
50 Welfare to represent people using medical assistance
51 transportation.

1 (ix) A member of the County Commissioners
2 Association appointed by the secretary.

3 (x) The secretary or a designee.

4 (xi) The Secretary of Aging or a designee.

5 (xii) The Secretary of the Budget or a designee.

6 (xiii) The Secretary of Public Welfare or a
7 designee.

8 (3) The department shall work with the committee to
9 define potential pilot models within 12 months of the
10 effective date of this subsection.

11 (4) The department shall publish the notice of
12 availability of the program models and framework in the
13 Pennsylvania Bulletin and receive applications from counties
14 and shared-ride community transportation systems interested
15 in participating in the program for the three-month period
16 following the publication of the notice.

17 (5) The department may work with the committee to
18 redefine the basis for payment using lottery and other State
19 funding sources currently used to support community
20 transportation programs for selected pilot counties and
21 shared-ride community transportation systems to test new
22 methods of service delivery and payment. Each project must
23 have a business plan with management controls, service
24 standards and budget controls. The business plan shall be
25 reviewed by the committee prior to being implemented.

26 Section 10. Section 1517 of Title 74 is amended by adding a
27 subsection to read:

28 § 1517. Capital improvements program.

29 * * *

30 (f) Certification ends funding.--Financial assistance under
31 this section shall cease when the secretary certifies that funds
32 are no longer available for the program established under this
33 section.

34 Section 11. Title 74 is amended by adding a section to read:
35 § 1517.1. Alternative Energy Capital Investment Program.

36 (a) Establishment.--The department is authorized to
37 establish a competitive grant program to implement capital
38 improvements deemed necessary to support conversion of a local
39 transportation organization's fleet for use of an alternative
40 energy source, including compressed natural gas.

41 (b) Criteria.--The department shall establish criteria for
42 awarding grants under this section. Criteria shall, at a
43 minimum, include feasibility, cost/benefit analysis and project
44 readiness.

45 (c) Additional authorization.--Notwithstanding any other
46 provisions of this section or other law, the department may use
47 funds designated for the program established under subsection
48 (a) to supplement a local transportation organization's base
49 operating allocation under section 1513 (relating to operating
50 program) if necessary to stabilize an operating budget and
51 ensure that efficient services may be sustained to support

1 economic development and job creation and retention.

2 Section 12. Title 74 is amended by adding a chapter to read:

3 CHAPTER 21

4 MULTIMODAL FUND

5 Sec.

6 2101. Definitions.

7 2102. Multimodal Transportation Fund.

8 2103. Transfers and deposits to the fund.

9 2104. Use of money in the fund.

10 2105. Project selection criteria.

11 2106. Local match.

12 2107. Balanced Multimodal Transportation Policy Commission.

13 § 2101. Definitions.

14 The following terms and phrases when used in this chapter
15 shall have the following meanings given to them in this section
16 unless the context clearly indicates otherwise:

17 "Fund." The Multimodal Transportation Fund established in
18 section 2102 (relating to Multimodal Transportation Fund).

19 "Eligible program." Any of the following:

20 (1) A project which coordinates local land use with
21 transportation assets to enhance existing communities.

22 (2) A project related to streetscape, lighting, sidewalk
23 enhancement and pedestrian safety.

24 (3) A project improving connectivity or utilization of
25 existing transportation assets.

26 § 2102. Multimodal Transportation Fund.

27 A special fund is established within the State Treasury to be
28 known as the Multimodal Transportation Fund. Moneys in the fund
29 are hereby appropriated to the department, on a nonlapsing
30 basis.

31 § 2103. Transfers and deposits to the fund.

32 In addition to appropriations, deposits or transfers to the
33 fund, interest earned on money in the fund shall be deposited in
34 the fund.

35 § 2104. Use of money in the fund.

36 (a) Purposes.--Money in the fund shall be used as follows:

37 (1) To annually provide the following grants for
38 programs administered by the department:

39 (i) For programs related to aviation:

40 (A) \$5,000,000 in fiscal year 2013-2014.

41 (B) \$6,000,000 in fiscal year 2014-2015 and each
42 fiscal year thereafter.

43 (ii) For programs related to rail freight:

44 (A) \$8,000,000 in fiscal year 2013-2014.

45 (B) \$10,000,000 in fiscal year 2014-2015 and
46 each fiscal year thereafter.

47 (iii) For programs related to passenger rail:

48 (A) \$6,000,000 in fiscal year 2013-2014.

49 (B) \$8,000,000 in fiscal year 2014-2015 and each
50 fiscal year thereafter.

51 (iv) For programs related to ports and waterways:

1 (A) \$8,000,000 in fiscal year 2013-2014.
2 (B) \$10,000,000 in fiscal year 2014-2015 and
3 each fiscal year thereafter.
4 (v) \$2,000,000 for programs related to bicycle and
5 pedestrian facilities.
6 (2) To annually pay costs incurred by the department for
7 activities directly initiated or undertaken by the department
8 related to eligible programs in accordance with all of the
9 following:
10 (i) Activities shall be initiated or undertaken in
11 consultation with the chairman and minority chairman of
12 the Transportation Committee of the Senate and the
13 chairman and minority chairman of the Transportation
14 Committee of the House of Representatives.
15 (ii) Costs may be incurred as follows:
16 (A) \$0 for fiscal year 2013-2014.
17 (B) Not to exceed \$20,000,000 for fiscal year
18 2014-2015.
19 (C) Not to exceed \$40,000,000 annually in fiscal
20 year 2015-2016 and each fiscal year thereafter,
21 \$35,000,000 of which shall be from revenues deposited
22 into the fund under 75 Pa.C.S. § 9502(a) (relating to
23 imposition of tax).
24 (3) To annually pay costs incurred by the department in
25 the administration of the programs specified in paragraph (1)
26 as appropriated by the General Assembly.
27 (4) Annually, any money not allocated under paragraphs
28 (1), (2) and (3) or as provided in subsection (b) shall be
29 transferred to the Commonwealth Financing Authority and used
30 to fund eligible programs. The authority shall develop
31 guidelines for use of the money for eligible programs, which
32 shall include the requirements of section 2106 (relating to
33 local match).
34 (b) Automatic adjustments.--For the 24-month period
35 beginning July 1, 2015, through June 30, 2017, and each like 24-
36 month period thereafter, the amount of grants to be made for the
37 programs listed in subsection (a)(1) shall be increased by an
38 amount calculated by applying the percentage change in the
39 Consumer Price Index for All Urban Consumers (CPI-U) for the
40 most recent 24-month period, calculated from the first day of
41 March through the last day of February, beginning on the
42 effective date of this section and on each subsequent date that
43 the amount of grants were last increased under this subsection
44 and for which figures have been officially reported by the
45 Bureau of Labor Statistics, immediately prior to the date the
46 adjustment is due to take effect, to the then current grant
47 amounts authorized.
48 § 2105. Project selection criteria.
49 The department shall award grants under section 2104(a)(1)
50 (relating to use of money in the fund) on a competitive basis.
51 The department may not reserve, designate or set aside a

1 specific level of funding or percentage of funds to an applicant
2 prior to the completion of the application process; nor may the
3 department designate a set percentage of funds to an applicant.
4 § 2106. Local match.

5 Unless otherwise specified by law, financial assistance under
6 section 2104(a) (2) and (4) shall be matched by local funding in
7 an amount not less than 30% of the non-Federal share of the
8 project costs. Matching funds from a county or municipality
9 shall only consist of cash contributions provided by one or more
10 counties or municipalities.

11 § 2107. Balanced Multimodal Transportation Policy Commission.

12 (a) Commission.--There is established a Balanced Multimodal
13 Transportation Policy Commission to study and make
14 recommendations on developing and maintaining a balanced
15 multimodal transportation policy for this Commonwealth.

16 (b) Members.--The commission shall consist of the following
17 members:

18 (1) The Secretary of Transportation.

19 (2) The Secretary of Community and Economic Development.

20 (3) The Secretary of Environmental Protection.

21 (4) One appointment from each of the following:

22 (i) the Majority Leader of the Senate;

23 (ii) the Minority Leader of the Senate;

24 (iii) the Majority Leader of the House of
25 Representatives; and

26 (iv) the Minority Leader of the House of
27 Representatives.

28 (5) Two appointments from the Governor, at least one of
29 which must have expertise in regional planning.

30 (6) Six additional members may be appointed by the
31 commission members under paragraphs (1), (2), (3), (4) and
32 (5).

33 (c) Chairperson.--The members of the commission under
34 paragraphs (1), (2), (3), (4) and (5) shall elect a chairperson
35 from among the members.

36 (d) Terms.--Members of the commission may serve on the
37 commission until replaced by an appointing authority under
38 subsection (b).

39 (e) Study.--The commission shall study facets on
40 implementing balanced multimodal transportation policies for
41 metropolitan areas in this Commonwealth, which shall include at
42 least the cities of the first class and second class, but may
43 include other regions as well.

44 (f) Staff.--Upon recommendation of the commission, the
45 Secretary of Transportation may hire independent consultants to
46 aid the work of the commission. The commission shall be staffed
47 by employees of the Department of Transportation. Ordinary
48 expenses shall be paid to members of the commission.

49 (g) Report.--No later than two years after the effective
50 date of this section, the commission shall issue its initial
51 report to the Governor and members of the General Assembly and a

1 report every four years thereafter.

2 Section 13. Chapter 59 of Title 74 is amended by adding a
3 subchapter to read:

4 SUBCHAPTER C

5 FIRST CLASS CITY CONSOLIDATED CAR RENTAL FACILITY

6 Sec.

7 5931. Scope of subchapter.

8 5932. Definitions.

9 5933. Customer facility charge.

10 § 5931. Scope of subchapter.

11 This subchapter relates to consolidated rental car facilities
12 in cities of the first class.

13 § 5932. Definitions.

14 The following words and phrases when used in this subchapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Airport." A public international airport located partially
18 in a city of the first class and partially in an adjacent
19 municipality.

20 "Airport owner." Any of the following:

21 (1) A city which owns and operates an airport.

22 (2) An authority created by a city to own and operate an
23 airport or any portion or activities of the airport.

24 "Airport property." Property owned and operated by an
25 airport owner, including property that is leased, licensed or
26 available for use by the airport owner.

27 "City." A city of the first class.

28 "Concession agreement." A regulation, contract, permit,
29 license or other agreement entered into between an airport owner
30 and a vehicle rental company which includes the terms and
31 conditions under which the company may conduct any aspect of its
32 rental vehicle business at the airport or through the use of
33 airport property, including a vehicle rental company which
34 provides a customer access to a vehicle or executes a rental
35 contract on or off airport property.

36 "Customer facility charge." A fee assessed on each motor
37 vehicle rental under this subchapter for the purposes described
38 in section 5933(g) (relating to customer facility charge).

39 "Motor vehicle." A private passenger motor vehicle that
40 meets all of the following:

41 (1) Is designed to transport not more than 15
42 passengers.

43 (2) Is rented for 29 or fewer continuous days without a
44 driver.

45 (3) Is part of a fleet of at least five passenger
46 vehicles used for the purpose under paragraph (2).

47 "Rental facility." A consolidated facility for the use of a
48 vehicle rental company to conduct business on airport property.

49 "Rental facility agreement." A written agreement entered
50 into between an airport owner and vehicle rental companies which
51 includes the following:

1 (1) Location, scope of operations and general design of
2 the rental facility, a rental facility improvement and a
3 transportation system which connects to a terminal or related
4 structure.

5 (2) The manner in which the proceeds of the customer
6 facility charge are to be used as provided in section
7 5933(g).

8 (3) A procedure and requirement for a consultation with
9 vehicle rental companies regarding the implementation of this
10 subchapter and for the disclosure to vehicle rental companies
11 of information relating to the collection and use of the
12 customer facility charge.

13 (4) A methodology and procedure by which the amount of
14 the customer facility charge will be calculated and adjusted.

15 (5) Any other provision agreed to by the airport owner
16 and the vehicle rental companies.

17 "Rental facility improvement." A facility or structure on
18 airport property needed for development or use of the rental
19 facility. The term includes costs necessary for planning,
20 financing, designing, constructing, equipping or furnishing the
21 rental facility improvements.

22 "Rental facility operations and maintenance expenses." The
23 cost of operating and maintaining a rental facility.

24 "Transportation system." A system which transports an
25 arriving or departing vehicle rental customer between a terminal
26 and related structure and the rental facility.

27 "Transportation system costs." The portion of total costs
28 incurred to design, finance, construct, operate and maintain a
29 transportation system which reflects the usage or benefit of the
30 system to vehicle rental companies and their customers.

31 "Vehicle rental company." A person engaged in the business
32 of renting a motor vehicle in this Commonwealth that provides a
33 motor vehicle rental to a customer and utilizes airport property
34 in any aspect of its business, notwithstanding if other aspects
35 of its business are not conducted on airport property, including
36 to do any of the following on an airport property:

37 (1) Contact customers or pick up or drop off customers.

38 (2) Advertise the availability of a vehicle rental
39 service.

40 § 5933. Customer facility charge.

41 (a) Imposition.--

42 (1) Except as set forth in paragraph (2), a city may
43 impose a customer facility charge of not more than \$8 per
44 rental day on a customer renting a motor vehicle from a
45 vehicle rental company doing business at an airport.

46 (2) Notwithstanding paragraph (1), a rental facility
47 agreement may provide for a customer facility charge in
48 excess of \$8 per rental day.

49 (3) A customer facility charge may be imposed
50 notwithstanding the absence of authority in a regulation or
51 concession agreement.

1 (4) A customer facility charge may not affect the
2 validity or enforceability of a concession agreement.

3 (b) Amendment.--The following shall apply:

4 (1) The customer facility charge may be increased beyond
5 \$8 per rental day by written amendment to an existing rental
6 facility agreement signed by the parties to the rental
7 facility agreement or the parties' successors or assigns. An
8 increase to the customer facility charge under this paragraph
9 may only occur one time each year.

10 (2) A city may decrease the amount of the customer
11 facility charge at any time without the requirement of an
12 amendment to an existing rental facility agreement.
13 Following a decrease in the amount of the customer facility
14 charge by the city, the city may increase the amount of the
15 customer facility charge without the requirement of an
16 amendment to an existing rental facility agreement if the
17 amount of the customer facility charge does not exceed the
18 amount that was in effect prior to the decrease. An increase
19 beyond that amount shall require a written amendment to the
20 existing rental facility agreement signed by the parties to
21 the rental facility agreement or the parties' successors or
22 assigns.

23 (c) Rental facility agreement.--

24 (1) A rental facility agreement shall take effect and be
25 enforceable if, at the time it is executed, it is signed by
26 the airport owner and at least 80% of the vehicle rental
27 companies which utilized airport property and which together
28 provided at least 90% of the motor vehicle rentals utilizing
29 airport property in the most recently completed calendar
30 year.

31 (2) The terms of a rental facility agreement may be
32 interpreted and enforced by a court of competent jurisdiction
33 through the imposition of a mandatory or prohibitive
34 injunction. Monetary damages may not be awarded to a vehicle
35 rental company or to a person required to pay the customer
36 facility charge for a violation of the terms and conditions
37 of the rental facility agreement.

38 (d) Limitations.--

39 (1) Notwithstanding the authorization for the use of the
40 proceeds of the customer facility charge under subsection (g)
41 and except as provided in paragraph (2), until a rental
42 facility agreement is executed, the proceeds of the customer
43 facility charge may be used only for planning, design,
44 feasibility studies and other preliminary expenses necessary
45 for the uses authorized in subsection (g).

46 (2) If a rental facility agreement is not executed
47 within two years following the date a vehicle rental company
48 is required to begin collecting the customer facility charge,
49 a city may continue to impose and collect the customer
50 facility charge authorized under this section after notice to
51 the vehicle rental companies. The city may use the proceeds

1 of the customer facility charge in the manner authorized by
2 subsection (g) except that any expenses imposed on vehicle
3 rental companies may not exceed the proceeds of the customer
4 facility charge.

5 (e) Additional cost.--A customer facility charge shall be in
6 addition to other motor vehicle rental fees and taxes imposed
7 under law, except that the customer facility charge may not
8 constitute part of the purchase price of a motor vehicle rental
9 imposed under any of the following:

10 (1) Article II of the act of March 4, 1971 (P.L.6,
11 No.2), known as the Tax Reform Code of 1971.

12 (2) The act of June 5, 1991 (P.L.9, No.6), known as the
13 Pennsylvania Intergovernmental Cooperation Authority Act for
14 Cities of the First Class.

15 (3) A law similar to the statutes under paragraphs (1)
16 and (2).

17 (f) Collection.--The following shall apply:

18 (1) A customer facility charge shall be:

19 (i) collected from a customer by a vehicle rental
20 company and held in a segregated trust fund for the
21 benefit of the airport owner; and

22 (ii) paid to the airport owner:

23 (A) by the last day of the month following the
24 month in which the customer facility charges are
25 collected; or

26 (B) if necessary to facilitate a pledge under
27 subsection (h), at an earlier date as designated by
28 the airport owner, but not sooner than the 15th day
29 of the month following the month in which the
30 customer facility charge is collected.

31 (2) A customer facility charge shall not constitute
32 gross receipts or income of a vehicle rental company for the
33 purpose of tax imposed by the Commonwealth, a city or a
34 municipality.

35 (3) Money in a segregated trust fund under paragraph (1)
36 may not be pledged, subjected to a lien or encumbered by a
37 vehicle rental company.

38 (g) Use.--Proceeds of the customer facility charge shall be
39 deposited by the airport owner into a segregated account to be
40 used solely for:

41 (1) The planning, development, financing, construction
42 and operation of a rental facility and rental facility
43 improvements.

44 (2) Transportation system costs.

45 (3) A rental facility operation and maintenance
46 expenses.

47 (h) Pledge.--An airport owner may pledge customer facility
48 charge revenues for any of the following:

49 (1) To support debt to finance any use authorized under
50 subsection (g).

51 (2) The creation and maintenance of reasonable reserves

1 and for the payment of debt service for any use authorized
2 under subsection (g).

3 (i) Administration.--An airport owner may do any of the
4 following:

5 (1) Require a vehicle rental company to provide periodic
6 statements of account, file returns, authorize payments and
7 maintain records, in accordance with the vehicle rental
8 company's obligations under this subchapter.

9 (2) Conduct an examination to ensure a vehicle rental
10 company's compliance with its obligations under this
11 subchapter and may do the following:

12 (i) Collect an amount due.

13 (ii) Impose a lien and file a suit to recover an
14 amount due.

15 (iii) Grant a refund.

16 (iv) Require the payment of an authorized addition
17 to a customer facility charge, interest and penalty.

18 (v) Adopt rules and regulations to implement this
19 section.

20 (vi) Seek criminal penalties for failure to comply
21 with the requirements of this subchapter in the same
22 manner as a city is authorized to do under law for the
23 collection of taxes.

24 (j) Commonwealth agreement.--The Commonwealth agrees as
25 follows:

26 (1) With any person, firm or corporation, government
27 agency, whether in this Commonwealth or elsewhere, and with
28 any Federal agency subscribing to or acquiring debt
29 obligations secured by customer facility charges, that the
30 Commonwealth will not limit or alter the rights vested in the
31 airport owner under this subchapter in a manner inconsistent
32 with the obligations of an airport owner to the obligees of
33 the airport owner until all debt obligations secured by
34 customer facility charges and interest on the debt
35 obligations are fully paid or provided for.

36 (2) With any Federal agency that, if the Federal agency
37 contributes funds to support any projects needed for the
38 implementation of this subchapter, the Commonwealth will not
39 alter or limit the rights and powers of the airport owner in
40 a manner which would be inconsistent with the due performance
41 of any agreement between the airport owner and a Federal
42 agency of which the Commonwealth has knowledge.

43 Section 14. Sections 8105(b) (2) and 8121 of Title 74 are
44 amended to read:

45 § 8105. Commission.

46 * * *

47 (b) Vacancies and terms.--

48 * * *

49 (2) The appointed member shall serve for a term of four
50 years. Upon the expiration of this term, the appointed member
51 may continue to hold office for 90 days or until his

1 successor shall be duly appointed and qualified, whichever is
2 less. A member may not serve more than two terms.

3 * * *

4 § 8121. [(Reserved).] Annual hearing.

5 Upon request, at least one commission member shall testify at
6 a public hearing before the Appropriations Committee of the
7 Senate and the Appropriations Committee of the House of
8 Representatives each year to present information on turnpike
9 operations and coordination with other State agencies.

10 Section 15. (Reserved).

11 Section 16. (Reserved).

12 Section 17. Sections 8204(b)(1) and 9119(a)(1) of Title 74
13 are amended to read:

14 § 8204. Code of conduct.

15 * * *

16 (b) Audit.--

17 (1) At least once every [four] two years, the Department
18 of the Auditor General shall review the performance,
19 procedures, operating budget, capital budget and debt of the
20 commission and shall audit the accounts of the commission.

21 * * *

22 § 9119. Applicability of other laws.

23 (a) General rule.--Except as provided under subsection (b),
24 all provisions of laws related to the development, construction,
25 operation or financing of a transportation project in effect on
26 the date the public-private transportation partnership agreement
27 is fully executed shall apply to a public-private transportation
28 partnership agreement entered into between a proprietary public
29 entity and a development entity. The provisions shall include:

30 (1) The act of May 1, 1913 (P.L.155, No.104), referred
31 to as the Separations Act[.]; however, the development entity
32 selected under section 9109 (relating to selection of
33 development entities) shall be the person whose duty it is to
34 receive separate bids and award and enter into separate
35 contracts for each of the subject branches of work required
36 for the erection, construction and alteration of a public
37 building under a public-private transportation partnership
38 agreement.

39 * * *

40 Section 18. Title 74 is amended by adding chapters to read:

41 CHAPTER 92

42 TRAFFIC SIGNALS

43 Sec.

44 9201. Definitions.

45 9202. Maintenance agreement.

46 § 9201. Definitions.

47 The following words and phrases when used in this chapter
48 shall have the meanings given to them in this section unless the
49 context clearly indicates otherwise:

50 "Critical corridor." Either of the following:

51 (1) A State highway segment intersecting with a limited

1 access ramp identified by the secretary.

2 (2) A State highway segment with bidirectional average
3 annual daily traffic greater than 10,000 vehicles as
4 determined by the department's Roadway Management System.

5 "Department." The Department of Transportation of the
6 Commonwealth.

7 "Designated traffic corridor." A State highway segment,
8 other than a critical corridor, determined by the secretary to
9 be subject to the provisions of this chapter.

10 "Existing agreement." An agreement between the department
11 and a municipality for the maintenance of a traffic signal
12 existing prior to the effective date of this section.

13 "Municipality." A city, borough, town or township.

14 "Maintenance." The activity of keeping a traffic signal in
15 proper working condition during the useful life of the traffic
16 signal.

17 "Replace." The modernization of an existing traffic signal
18 within a designated traffic corridor.

19 "Synchronize." The coordination of the timing of all traffic
20 signals within a designated traffic corridor for the purpose of
21 operating as a single system.

22 "Timing." The programming of traffic signals within a
23 designated traffic corridor in order to synchronize the signals.
24 § 9202. Maintenance agreement.

25 (a) Agreement.--A municipality may enter into an agreement
26 with the department to replace, synchronize and time traffic
27 signals located within a designated traffic corridor. The terms
28 of the agreement may specify that the municipality provide
29 services to the department. The agreement shall not exceed the
30 time period of the useful life of the traffic signals. The
31 municipality shall, during the duration of the agreement,
32 properly maintain and time the traffic signals in accordance
33 with the agreement.

34 (b) Critical corridors.--A municipality shall enter into an
35 agreement with the department under terms specified under
36 subsection (a) for critical corridors. A municipality shall
37 provide to the department in a timely manner all traffic and
38 intersection data that the municipality maintains for critical
39 corridors and establish and agree to an operations plan with the
40 department for critical corridors.

41 (c) Prioritization.--The department shall prioritize
42 critical corridors and designated traffic corridors where proper
43 signalization will provide the most benefit to the traveling
44 public and reduce congestion. Priorities shall be reevaluated
45 and updated as part of the 12-year transportation improvement
46 plan cycle.

47 (d) Intergovernmental cooperation.--Two or more
48 municipalities may enter into an agreement with the department
49 if a designated traffic corridor is located in two or more
50 municipalities.

51 (e) Maintenance.--If the department determines that one or

1 more traffic signals are not being maintained or timed in
2 accordance with an agreement under subsection (a) or an existing
3 agreement, the department shall provide written notice to all
4 municipalities subject to the agreement no less than 60 days
5 prior to taking any action to correct the deficient maintenance
6 and timing. The written notice shall specify the maintenance and
7 timing deficiencies that are to be corrected.

8 (1) A municipality subject to an agreement under
9 subsection (a) shall have 60 days to correct the deficiencies
10 contained in the written notice or to contest, in writing,
11 the findings of the department within 30 days following
12 receipt of the written notice.

13 (2) The requirement that the municipality correct the
14 deficiencies within 60 days following receipt of the written
15 notice shall be temporarily stayed, if the municipality
16 timely contests the department's findings in writing.

17 (3) A municipality that contests the deficiencies
18 specified in the written notice shall have 30 days to reach a
19 written understanding with the department related to the
20 deficiencies specified in the written notice.

21 (4) If the department and the municipality do not reach
22 a written understanding under paragraph (3), the department
23 and the municipality shall select a civil engineer licensed
24 by the Commonwealth who has substantial experience in traffic
25 engineering to mediate the dispute. The engineer chosen must
26 not be under an existing contract with the department or
27 municipality unless the contract is specifically related to
28 traffic signal mediation.

29 (f) Failure of municipality to perform.--If a municipality
30 that has entered into an agreement with the department under
31 subsection (a) fails to meet the requirements of subsection (e)
32 (1) or (2), the department may take action to correct the
33 deficiencies specified in the notice under subsection (e).

34 (g) Payment for failure to correct deficiencies.--If the
35 department takes action under subsection (f), the department may
36 deduct the actual costs of correcting the deficiencies in
37 maintenance and timing from the payments made to the
38 municipality under the act of June 1, 1956 (1955 P.L.1944,
39 No.655), referred to as the Liquid Fuels Tax Municipal
40 Allocation Law, and 75 Pa.C.S. Chs. 89 (relating to Pennsylvania
41 Turnpike) and 95 (relating to taxes for highway maintenance and
42 construction).

43 CHAPTER 93

44 BRIDGE BUNDLING PROGRAM

45 Sec.

46 9301. Definitions.

47 9302. Bundling authorization.

48 9303. Bridge Bundling Program.

49 9304. Special exceptions.

50 § 9301. Definitions.

51 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Bridge capital budget act." The act of December 8, 1982
4 (P.L.848, No.235), known as the Highway-Railroad and Highway
5 Bridge Capital Budget Act for 1982-1983.

6 "Department." The Department of Transportation of the
7 Commonwealth.

8 "Determination." A decision by the department as to the
9 eligibility, recommendation and inclusion in the program.

10 "Local government." A county, city, borough, town or
11 township.

12 "Program." The Bridge Bundling Program.
13 § 9302. Bundling authorization.

14 Notwithstanding any other law, the department is authorized
15 to bundle the design and construction of bridges owned by the
16 Commonwealth or an instrumentality of the Commonwealth or a
17 local government as provided under this chapter.

18 § 9303. Bridge Bundling Program.

19 (a) Establishment.--The Bridge Bundling Program is
20 established within the department.

21 (b) Purpose.--The purpose of the program is to save costs
22 and time by allowing multiple bridges to be replaced or
23 rehabilitated as one project for design and construction
24 purposes.

25 (c) Eligibility.--Bridges shall be eligible for the program
26 if the bridges meet all of the following:

27 (1) Are within geographical proximity to each other.

28 (2) Are of similar size or design.

29 (3) Inclusion in the program will further the purpose of
30 the program.

31 (d) Implementation.--The department shall implement the
32 program as follows:

33 (1) The department shall annually develop a preliminary
34 list from different regions of this Commonwealth, on a
35 rotating basis, of bridges meeting eligibility requirements.

36 (2) The department shall notify local governments owning
37 bridges recommended for inclusion in that year's program.

38 (3) Following receipt of notification from the
39 department, the governing body of a local government shall
40 have 60 days to agree or refuse to participate in the
41 program. Failure to respond in writing within 60 days shall
42 be considered a refusal to participate in the program.

43 (4) Based on the response from local governments under
44 paragraph (3), the department shall make a determination of
45 bridges to be designed and constructed under the program and
46 provide a list of the bridges to the appropriate planning
47 organizations.

48 (4.1) A determination shall not be:

49 (i) considered to be an adjudication under 2 Pa.C.S.
50 Chs. 5 Subch. A (relating to practice and procedure of
51 Commonwealth agencies) and 7 Subch. A (relating to

1 judicial review of Commonwealth agency action); or
2 (ii) appealable to the department or a court of law.

3 (5) The following shall apply:

4 (i) A local government that agrees to participate in
5 the program for one or more of its bridges shall enter
6 into an agreement with the department. The agreement
7 shall define the department's responsibility for the
8 design and construction of the bridges and the continuing
9 ownership and maintenance responsibilities of the local
10 government for the bridges replaced or rehabilitated
11 under the program.

12 (ii) The local government shall have 90 days
13 following receipt of the agreement to execute and return
14 the agreement to the department.

15 (iii) Failure to return an agreement executed by
16 authorized local government officials under subparagraph
17 (ii) shall be deemed a refusal to participate in the
18 program.

19 (6) Upon full execution of an agreement under the
20 program, the department shall manage the project design and
21 construction in a manner consistent with the purpose of the
22 program.

23 (f) Itemization.--Notwithstanding any other law, bridges
24 determined to be eligible and recommended for the program by the
25 department shall not require specific itemization in a capital
26 budget.

27 § 9304. Special exceptions.

28 Notwithstanding section 2(c) of the bridge capital budget
29 act:

30 (1) A local government that participates in the program
31 shall be eligible for a reduction of up to 100%, as
32 determined by the secretary, of its share of local costs
33 associated with the design and construction of the bridge
34 determined to be eligible for the program by the secretary.

35 (2) A local government that refuses to participate, or
36 has been deemed to have refused to participate, in the
37 program after receiving notification from the department
38 under section 9303(d) (relating to Bridge Bundling Program)
39 shall be responsible for 30% of the non-Federal share of the
40 costs incurred with respect to the local government's bridges
41 replaced or rehabilitated under programs other than the
42 program established in this chapter.

43 CHAPTER 95

44 PUBLIC UTILITY FACILITIES

45 Sec.

46 9501. Adjustment.

47 § 9501. Adjustment.

48 (a) General rule.--The following shall apply:

49 (1) If, in the construction, reconstruction, widening or
50 relocation of a State highway, bridge or tunnel or a part of
51 a State highway, bridge or tunnel, it becomes necessary, in

1 the opinion of the department, to change, alter, adjust or
2 relocate a water line or sanitary sewer owned and operated by
3 a public utility, as defined in 66 Pa.C.S. § 102 (relating to
4 definitions), the department may make the change, alteration,
5 adjustment or relocation as may be required as a part of the
6 construction, reconstruction, widening or relocation.

7 (2) In addition to paragraph (1), the department may
8 also enter into agreements with the public utility for the
9 sharing of costs of the change, alteration, adjustment or
10 relocation. If, in the opinion of the department, the costs
11 should be shared by the department and a public utility and
12 the department is unable to agree with the public utility to
13 a division of costs, the department may proceed with the work
14 and petition the Pennsylvania Public Utility Commission for a
15 determination of the costs to be borne by each party.

16 (b) Declaration of policy.--A public utility under
17 subsection (a) shall be entitled to a reimbursement in a similar
18 manner as a city, borough, incorporated town, township and
19 municipal authority under section 412.1 of the act of June 1,
20 1945 (P.L.1242, No.428), known as the State Highway Law.

21 CHAPTER 96
22 STEEL PAINTING

23 Sec.

24 9601. Definitions.

25 9602. Prequalification of bidders.

26 § 9601. Definitions.

27 The following words and phrases when used in this chapter
28 shall have the meanings given to them in this section unless the
29 context clearly indicated otherwise:

30 "Department." The Department of Transportation of the
31 Commonwealth.

32 "QP1 certification." A painting contractor approval that
33 evaluates a contractor who performs surface preparation and
34 industrial coating application on steel structures in the field
35 to confirm the contractor's ability to provide quality work in
36 accordance with applicable safety, health and environmental
37 standards.

38 "QP2 certification." A painting contractor approval that
39 evaluates a contractor's ability to perform industrial hazardous
40 paint removal in a field operation to confirm the contractor's
41 ability to provide quality work in accordance with applicable
42 safety, health and environmental standards.

43 "Secretary." The Secretary of Transportation of the
44 Commonwealth.

45 § 9602. Prequalification of bidders.

46 (a) Establishment.--Notwithstanding any other provision of
47 law, the department shall establish procedures to authorize
48 third parties to prequalify competent and responsible bidders
49 for high performance and conventional steel painting for highway
50 and bridge projects.

51 (b) Certification.--Bidders eligible for prequalification

1 under subsection (a) shall have obtained a OP1 certification or
2 OP2 certification, as appropriate, as developed by the Society
3 for Protective Coatings, formerly known as the Steel Structures
4 Painting Council, or other certification that is substantially
5 equivalent to a OP1 or OP2 certification, as determined by the
6 secretary.

7 (c) Effectiveness.--The secretary's designation of a third
8 party to prequalify bidders under this section shall be
9 effective for a period not exceeding one year from the date of
10 the designation.

11 (d) Suspension or debarment.--Nothing under this section
12 shall prevent the department from suspending or debarring a
13 contractor, under the terms and conditions set forth in 67 Pa.
14 Code §§ 457.13 (relating to suspension or debarment) and 457.14
15 (relating to debarment appeals procedure), that has been
16 prequalified by a third party under this section.

17 Section 19. Section 1307(f) of Title 75 is amended and the
18 section is amended by adding a subsection to read:
19 § 1307. Period of registration.

20 * * *

21 (f) Optional permanent trailer registration.--[The] Except
22 as set forth in section 1920(c) (relating to trailers), the
23 registration of trailers permanently registered as provided in
24 section 1920(c) [(relating to trailers)] shall expire upon
25 salvaging of the vehicle or transfer of ownership.

26 (g) Election.--Upon application on a form prescribed by the
27 department, the owner or lessee of a motor vehicle, except a
28 motor vehicle registered under the International Registration
29 Plan and a motor vehicle with a seasonal registration or a
30 circus or carnival plate, may elect to pay an annual
31 registration fee for a two-year period. The fee shall be two
32 times the amount of the registration fee otherwise payable for
33 the motor vehicle under this title.

34 Section 19.1. Section 1332 of Title 75 is amended by adding
35 a subsection to read:
36 § 1332. Display of registration plate.

37 * * *

38 (d) Validating registration stickers.--Validating
39 registration stickers shall not be issued or required to be
40 displayed.

41 Section 20. Section 1353 of Title 75 is amended to read:
42 § 1353. Preserve our heritage registration plate.

43 The department, in consultation with the Pennsylvania
44 Historical and Museum Commission, shall design a special
45 preserve our heritage registration plate. Upon receipt of an
46 application, accompanied by a fee of [\$35] \$54 which shall be in
47 addition to the annual registration fee, the department shall
48 issue the plate for a passenger car, motor home, trailer or
49 truck with a registered gross weight of not more than 10,000
50 pounds. The Historical Preservation Fund shall receive \$15 of
51 each additional fee for this plate.

1 Section 21. Section 1354 of Title 75 is repealed:
2 [§ 1354. Flagship Niagara commemorative registration plate.

3 (a) Plate.--The department, in consultation with the
4 Pennsylvania Historical and Museum Commission, shall design a
5 Flagship Niagara commemorative registration plate. Upon
6 application of any person, accompanied by a fee of \$35 which
7 shall be in addition to the annual registration fee, the
8 department shall issue the plate for a passenger car, motor
9 home, trailer or truck with a registered gross weight of not
10 more than 10,000 pounds.

11 (b) Use of fee.--Of each fee paid under subsection (a), \$15
12 shall be deposited into the Flagship Niagara Account, which is
13 established as a special account in the Historical Preservation
14 Fund of the Pennsylvania Historical and Museum Commission. The
15 commission shall administer the account as follows:

16 (1) To preserve, maintain and operate the Flagship
17 Niagara.

18 (2) After making a determination that there has been
19 compliance with paragraph (1) for a fiscal year, to
20 contribute to the fund.]

21 Section 22. Section 1355 of Title 75 is amended to read:
22 § 1355. Zoological plate.

23 The department, in consultation with the Pennsylvania
24 Zoological Council, shall design a special zoological
25 registration plate. Upon application of any person, accompanied
26 by a fee of [\$35] \$54 which shall be in addition to the annual
27 registration fee, the department shall issue the plate for a
28 passenger car, motor home, trailer or truck with a registered
29 gross weight of not more than 10,000 pounds. The Zoological
30 Enhancement Fund shall receive \$15 of the fee paid by the
31 applicant for the plate.

32 Section 23. Section 1550(d)(2) of Title 75 is reenacted to
33 read:

34 § 1550. Judicial review.

35 * * *

36 (d) Documentation.--

37 * * *

38 (2) In any proceeding under this section, documents
39 received by the department from any other court or from an
40 insurance company shall be admissible into evidence to
41 support the department's case. In addition, if the department
42 receives information from a court by means of electronic
43 transmission or from an insurance company which is complying
44 with its obligation under Subchapter H of Chapter 17
45 (relating to proof of financial responsibility) by means of
46 electronic transmission, it may certify that it has received
47 the information by means of electronic transmission, and that
48 certification shall be prima facie proof of the adjudication
49 and facts contained in such an electronic transmission.

50 Section 24. Sections 1553(c), 1554(c), 1617, 1786(d), 1903,
51 1904, 1911, 1913, 1916(a), 1917, 1918, 1920(a) and (c), 1921,

1 1922, 1924, 1925, 1926(a) (b) and (c), 1926.1, 1927, 1928, 1929,
2 1930, 1931, 1931.1, 1932 and 1933 of Title 75 are amended to
3 read:

4 § 1553. Occupational limited license.

5 * * *

6 (c) Fee.--The fee for applying for an occupational limited
7 license shall be [\$50] \$65. This fee shall be nonrefundable and
8 no other fee shall be required.

9 * * *

10 § 1554. Probationary license.

11 * * *

12 (c) Fee.--The fee for applying for a probationary license
13 shall be [\$25] \$35. The fee shall be nonrefundable. The annual
14 fee for issuance of a probationary license shall be [\$50] \$75,
15 plus the cost of the photograph required in section 1510(a)
16 (relating to issuance and content of driver's license), which
17 shall be in addition to all other licensing fees.

18 * * *

19 § 1617. Fees.

20 Fees relating to commercial drivers' licenses to be collected
21 by the department under this chapter shall be in addition to any
22 other fees imposed under the provisions of this title and are as
23 follows:

24 (1) The annual fee for a commercial driver's license
25 designation shall be [\$10] \$15.

26 (2) In addition to any other restoration fee required by
27 this title, an additional restoration fee of [\$50] \$100 shall
28 be assessed and collected before reinstating a commercial
29 driver's operating privilege following a suspension or
30 revocation under this title or disqualification under this
31 chapter.

32 (3) If the commercial driving privilege of a driver is
33 disqualified, a Class C noncommercial or M license, if the
34 driver possesses the motorcycle qualification, may be
35 obtained upon payment of the fees associated with obtaining a
36 duplicate license.

37 (4) An additional fee of [\$10] \$15 shall be imposed for
38 the initial issuance or renewal of a commercial driver's
39 license with an "H" or "X" endorsement, in addition to the
40 cost of a criminal history background check as required by
41 the USA Patriot Act of 2001 (Public Law 107-56, 115 Stat.
42 272).

43 § 1786. Required financial responsibility.

44 * * *

45 (d) Suspension of registration and operating privilege.--

46 (1) The Department of Transportation shall suspend the
47 registration of a vehicle for a period of three months if it
48 determines the required financial responsibility was not
49 secured as required by this chapter and shall suspend the
50 operating privilege of the owner or registrant for a period
51 of three months if the department determines that the owner

1 or registrant has operated or permitted the operation of the
2 vehicle without the required financial responsibility. The
3 operating privilege shall not be restored until the
4 restoration fee for operating privilege provided by section
5 1960 (relating to reinstatement of operating privilege or
6 vehicle registration) is paid.

7 (1.1) In lieu of serving a registration suspension
8 imposed under this section, an owner or registrant may pay to
9 the department a civil penalty of \$500, the restoration fee
10 prescribed under section 1960 and furnish proof of financial
11 responsibility in a manner determined by the department. An
12 owner or registrant may exercise this option no more than
13 once in a 12-month period.

14 (2) Whenever the department revokes or suspends the
15 registration of any vehicle under this chapter, the
16 department shall not restore or transfer the registration
17 until the suspension has been served or the civil penalty has
18 been paid to the department and the vehicle owner furnishes
19 proof of financial responsibility in a manner determined by
20 the department and submits an application for registration to
21 the department, accompanied by the fee for restoration of
22 registration provided by section 1960. This subsection shall
23 not apply in the following circumstances:

24 (i) The owner or registrant proves to the
25 satisfaction of the department that the lapse in
26 financial responsibility coverage was for a period of
27 less than 31 days and that the owner or registrant did
28 not operate or permit the operation of the vehicle during
29 the period of lapse in financial responsibility.

30 (ii) The owner or registrant is a member of the
31 armed services of the United States, the owner or
32 registrant has previously had the financial
33 responsibility required by this chapter, financial
34 responsibility had lapsed while the owner or registrant
35 was on temporary, emergency duty and the vehicle was not
36 operated during the period of lapse in financial
37 responsibility. The exemption granted by this paragraph
38 shall continue for 30 days after the owner or registrant
39 returns from duty as long as the vehicle is not operated
40 until the required financial responsibility has been
41 established.

42 (iii) The insurance coverage has terminated or
43 financial responsibility has lapsed simultaneously with
44 or subsequent to expiration of a seasonal registration,
45 as provided in section 1307(a.1) (relating to period of
46 registration).

47 (3) An owner whose vehicle registration has been
48 suspended under this subsection shall have the same right of
49 appeal under section 1377 (relating to judicial review) as
50 provided for in cases of the suspension of vehicle
51 registration for other purposes. The filing of the appeal

1 shall act as a supersedeas, and the suspension shall not be
2 imposed until determination of the matter as provided in
3 section 1377. The court's scope of review in an appeal from a
4 vehicle registration suspension shall be limited to
5 determining whether:

6 (i) the vehicle is registered or of a type that is
7 required to be registered under this title; and

8 (ii) there has been either notice to the department
9 of a lapse, termination or cancellation in the financial
10 responsibility coverage as required by law for that
11 vehicle or that the owner, registrant or driver was
12 requested to provide proof of financial responsibility to
13 the department, a police officer or another driver and
14 failed to do so. Notice to the department of the lapse,
15 termination or cancellation or the failure to provide the
16 requested proof of financial responsibility shall create
17 a presumption that the vehicle lacked the requisite
18 financial responsibility. This presumption may be
19 overcome by producing clear and convincing evidence that
20 the vehicle was insured at all relevant times.

21 (4) Where an owner or registrant's operating privilege
22 has been suspended under this subsection, the owner or
23 registrant shall have the same right of appeal under section
24 1550 (relating to judicial review) as provided for in cases
25 of suspension for other reason. The court's scope of review
26 in an appeal from an operating privilege suspension shall be
27 limited to determining whether:

28 (i) the vehicle was registered or of a type required
29 to be registered under this title; and

30 (ii) the owner or registrant operated or permitted
31 the operation of the same vehicle when it was not covered
32 by financial responsibility. The fact that an owner,
33 registrant or operator of the motor vehicle failed to
34 provide competent evidence of insurance or the fact that
35 the department received notice of a lapse, termination or
36 cancellation of insurance for the vehicle shall create a
37 presumption that the vehicle lacked the requisite
38 financial responsibility. This presumption may be
39 overcome by producing clear and convincing evidence that
40 the vehicle was insured at the time that it was driven.

41 (5) An alleged lapse, cancellation or termination of a
42 policy of insurance by an insurer may only be challenged by
43 requesting review by the Insurance Commissioner pursuant to
44 Article XX of the act of May 17, 1921 (P.L.682, No.284),
45 known as The Insurance Company Law of 1921. Proof that a
46 timely request has been made to the Insurance Commissioner
47 for such a review shall act as a supersedeas, staying the
48 suspension of registration or operating privilege under this
49 section pending a determination pursuant to section 2009(a)
50 of The Insurance Company Law of 1921 or, in the event that
51 further review at a hearing is requested by either party, a

1 final order pursuant to section 2009(i) of The Insurance
2 Company Law of 1921.

3 (6) The civil penalty collected under paragraph (1.1)
4 shall be deposited into the Public Transportation Trust Fund.

5 * * *

6 § 1903. Limitation on local license fees and taxes.

7 [No] Except as set forth in section 1935 (relating to fee for
8 local use), no municipality shall require or collect any
9 registration or license fee or tax for any vehicle or driver's
10 license from any person.

11 § 1904. Collection and disposition of fees and moneys.

12 [The] (a) General rule.--Except as provided under this
13 section, the department shall collect all fees payable under
14 this title and all other moneys received in connection with the
15 administration of this title and transmit them to the State
16 Treasurer for deposit in the Motor License Fund. Moneys paid in
17 error may be refunded by the department.

18 (b) Disposition.--Fees collected under sections 1951(c)
19 (relating to driver's license and learner's permit), 1952
20 (relating to certificate of title), 1953 (relating to security
21 interest), 1955 (relating to information concerning drivers and
22 vehicles), 1956 (relating to certified copies of records) and
23 1958 (relating to certificate of inspection) shall be
24 transmitted to the State Treasurer for deposit in the following
25 funds:

26 (1) For fiscal year 2013-2014:

27 (i) 33.9% to the Public Transportation Trust Fund;

28 (ii) 30.7% to the Multimodal Transportation Fund;

29 and

30 (iii) 35.4% to the Motor License Fund.

31 (1.1) For fiscal year 2014-2015:

32 (i) 43.9% to the Public Transportation Trust Fund;

33 (ii) 23% to the Multimodal Transportation Fund; and

34 (iii) 33.1% to the Motor License Fund.

35 (2) For fiscal years 2015-2016 and 2016-2017:

36 (i) 66.6% to the Public Transportation Trust Fund;

37 (ii) 23% to the Multimodal Transportation Fund; and

38 (iii) 10.4% to the Motor License Fund.

39 (3) For fiscal years beginning after June 30, 2017:

40 (i) 77% to the Public Transportation Trust Fund; and

41 (ii) 23% to the Multimodal Transportation Fund.

42 (c) Automatic adjustments.--

43 (1) Except as provided under paragraph (2), for the 24-
44 month period beginning July 1, 2015, through June 30, 2017,
45 and for each like 24-month period thereafter, all fees
46 charged under this title shall be increased by an amount
47 calculated by applying the percentage change in the Consumer
48 Price Index for All Urban Consumers (CPI-U) for the most
49 recent 24-month period, calculated from the first day of
50 March through the last day of February, beginning on the date
51 the fees charged under this title were last increased and for

1 which figures have been officially reported by the United
2 States Department of Labor, Bureau of Labor Statistics,
3 immediately prior to the date the adjustment is due to take
4 effect, to the then current fee amounts authorized. If a fee
5 is increased under this paragraph and results in a fee which
6 is less than a whole dollar, the following apply:

7 (i) Except as set forth in subparagraph (ii), the
8 fee shall be rounded to the nearest whole dollar.

9 (ii) If the fee is prescribed in a section
10 referenced in subsection (b), the fee shall be rounded to
11 the next higher dollar.

12 (2) Fees charged under sections 1916 (relating to trucks
13 and truck tractors), 1917 (relating to motor buses and
14 limousines) and 1918 (relating to school buses and school
15 vehicles) shall be increased on July 1, 2019, for the period
16 beginning on July 1, 2019, through June 30, 2021, and for
17 each like 24-month period thereafter in the same manner and
18 with the same requirements prescribed under paragraph (1). If
19 a fee is increased in accordance with this paragraph and
20 results in a fee which is less than a whole dollar, the fee
21 shall be rounded to the nearest whole dollar.

22 § 1911. [Annual registration] Registration fees.

23 (a) General rule.--[An annual] A fee for the registration of
24 vehicles as provided in Chapter 13 (relating to the registration
25 of vehicles) shall be charged by the department as provided in
26 this title.

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

33 § 1913. Motor homes.

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

Class	Registered Gross Weight in Pounds	Fee
1	8,000 or less	[\$45] <u>\$ 65</u>
2	8,001 - 11,000	[63] <u>90</u>
3	11,001 or more	[81] <u>116</u>

42 § 1916. Trucks and truck tractors.

43 (a) General rule.--

44 (1) The annual fee for registration of a truck or truck
45 tractor shall be determined by its registered gross weight or
46 combination weight in pounds according to the following
47 table:

Class	[Registered Gross or Combination Weight in Pounds	Fee
1	5,000 or less	\$ 58.50

1	2	5,001 - 7,000	81.00
2	3	7,001 - 9,000	153.00
3	4A	9,001 - 10,000	198.00
4	4B	10,001 - 11,000	198.00
5	5	11,001 - 14,000	243.00
6	6	14,001 - 17,000	288.00
7	7	17,001 - 21,000	355.50
8	8	21,001 - 26,000	405.00
9	9	26,001 - 30,000	472.50
10	10	30,001 - 33,000	567.00
11	11	33,001 - 36,000	621.00
12	12	36,001 - 40,000	657.00
13	13	40,001 - 44,000	697.50
14	14	44,001 - 48,000	751.50
15	15	48,001 - 52,000	828.00
16	16	52,001 - 56,000	882.00
17	17	56,001 - 60,000	999.00
18	18	60,001 - 64,000	1,111.50
19	19	64,001 - 68,000	1,165.50
20	20	68,001 - 73,280	1,251.00
21	21	73,281 - 76,000	1,597.50
22	22	76,001 - 78,000	1,633.50
23	23	78,001 - 78,500	1,651.50
24	24	78,501 - 79,000	1,669.50
25	25	79,001 - 80,000	1,687.50]

Registered Fees

	<u>Gross or</u>	<u>Fiscal</u>	<u>Fiscal</u>	<u>Fiscal</u>	<u>Fiscal</u>	<u>Fiscal</u>
	<u>Combination</u>	<u>Year</u>	<u>Year</u>	<u>Year</u>	<u>Year</u>	<u>Year</u>
	<u>Weight in</u>	<u>2013-</u>	<u>2014-</u>	<u>2015-</u>	<u>2016-</u>	<u>2017-</u>
<u>Class</u>	<u>Pounds</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
31	<u>1</u> 5,000 or less	<u>\$58.50</u>	<u>\$58.50</u>	<u>\$58.50</u>	<u>\$58.50</u>	<u>\$58.50</u>
32	<u>2</u> 5,001 - 7,000	<u>81</u>	<u>81</u>	<u>81</u>	<u>81</u>	<u>81</u>
33	<u>3</u> 7,001 - 9,000	<u>153</u>	<u>153</u>	<u>153</u>	<u>153</u>	<u>153</u>
34	<u>4A</u> 9,001 - 10,000	<u>198</u>	<u>198</u>	<u>198</u>	<u>198</u>	<u>198</u>
35	<u>4B</u> 10,001 - 11,000	<u>198</u>	<u>198</u>	<u>198</u>	<u>198</u>	<u>198</u>
36	<u>5</u> 11,001 - 14,000	<u>243</u>	<u>263</u>	<u>283</u>	<u>303</u>	<u>323</u>
37	<u>6</u> 14,001 - 17,000	<u>288</u>	<u>312</u>	<u>336</u>	<u>359</u>	<u>383</u>
38	<u>7</u> 17,001 - 21,000	<u>355.50</u>	<u>385</u>	<u>414</u>	<u>443</u>	<u>473</u>
39	<u>8</u> 21,001 - 26,000	<u>405</u>	<u>438</u>	<u>472</u>	<u>505</u>	<u>539</u>
40	<u>9</u> 26,001 - 30,000	<u>472.50</u>	<u>511</u>	<u>550</u>	<u>589</u>	<u>628</u>
41	<u>10</u> 30,001 - 33,000	<u>567</u>	<u>614</u>	<u>661</u>	<u>707</u>	<u>754</u>
42	<u>11</u> 33,001 - 36,000	<u>621</u>	<u>672</u>	<u>723</u>	<u>775</u>	<u>826</u>
43	<u>12</u> 36,001 - 40,000	<u>657</u>	<u>711</u>	<u>765</u>	<u>820</u>	<u>874</u>
44	<u>13</u> 40,001 - 44,000	<u>697.50</u>	<u>755</u>	<u>813</u>	<u>870</u>	<u>928</u>
45	<u>14</u> 44,001 - 48,000	<u>751.50</u>	<u>813</u>	<u>875</u>	<u>937</u>	<u>999</u>
46	<u>15</u> 48,001 - 52,000	<u>828</u>	<u>896</u>	<u>965</u>	<u>1,033</u>	<u>1,101</u>
47	<u>16</u> 52,001 - 56,000	<u>882</u>	<u>955</u>	<u>1,028</u>	<u>1,100</u>	<u>1,173</u>
48	<u>17</u> 56,001 - 60,000	<u>999</u>	<u>1,081</u>	<u>1,164</u>	<u>1,246</u>	<u>1,329</u>
49	<u>18</u> 60,001 - 64,000	<u>1,111.50</u>	<u>1,203</u>	<u>1,295</u>	<u>1,387</u>	<u>1,487</u>
50	<u>19</u> 64,001 - 68,000	<u>1,165.50</u>	<u>1,262</u>	<u>1,358</u>	<u>1,454</u>	<u>1,550</u>
51	<u>20</u> 68,001 - 73,280	<u>1,251</u>	<u>1,354</u>	<u>1,457</u>	<u>1,561</u>	<u>1,664</u>

1	21	73,281 - 76,000	1,597.50	1,729	1,861	1,993	2,125
2	22	76,001 - 78,000	1,633.50	1,768	1,903	2,038	2,173
3	23	78,001 - 78,500	1,651.50	1,788	1,924	2,060	2,196
4	24	78,501 - 79,000	1,669.50	1,807	1,945	2,083	2,220
5	25	79,001 - 80,000	1,687.50	1,827	1,966	2,105	2,244

(2) A portion of the registration fee for any truck or truck tractor in Classes 9 through 25 shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund according to the following table:

Classes	Amount Deposited in Highway Bridge Improvement Restricted Account
9-12	\$ 72
13-17	108
18-20	144
21-25	180

* * *

§ 1917. Motor buses and limousines.

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

Seating Capacity	Fee
26 or less	\$ 9 per seat
27 - 51	234 plus \$11.25 per seat in excess of 26
52 or more	540]

following:

(1) If the seating capacity is less than 27:

(i) For fiscal year 2013-2014, \$9 per seat.

(ii) For fiscal year 2014-2015, \$10 per seat.

(iii) For fiscal year 2015-2016, \$11 per seat.

(iv) For fiscal year 2016-2017, \$12 per seat.

(v) For fiscal years beginning after June 30, 2017, \$13 per seat.

(2) If the seating capacity is more than 26 but less than 52:

(i) For fiscal year 2013-2014, \$234 plus \$11.25 for each seat beyond 26.

(ii) For fiscal year 2014-2015, \$259.50 plus \$13 for each seat beyond 26.

(iii) For fiscal year 2015-2016, \$285 plus \$14 for each seat beyond 26.

(iv) For fiscal year 2016-2017, \$310.50 plus \$15 for each seat beyond 26.

(v) For fiscal years beginning after June 30, 2017, \$336 plus \$16 for each seat beyond 26.

(3) If the seating capacity is more than 51:

(i) For fiscal year 2013-2014, \$540.

(ii) For fiscal year 2014-2015, \$600.

(iii) For fiscal year 2015-2016, \$660.

(iv) For fiscal year 2016-2017, \$720.

1 (v) For fiscal years beginning after June 30, 2017,
 2 \$775.
 3 § 1918. School buses and school vehicles.
 4 The annual fee for registration of a school bus or school
 5 vehicle shall be [~~\$24.~~] determined as follows:
 6 (1) For fiscal year 2013-2014, \$24.
 7 (2) For fiscal year 2014-2015, \$27.
 8 (3) For fiscal year 2015-2016, \$30.
 9 (4) For fiscal year 2016-2017, \$33.
 10 (5) For fiscal years beginning after June 30, 2017, \$35.

11 § 1920. Trailers.
 12 (a) General rule.--The annual fee for registration of a
 13 trailer shall be determined by its registered gross weight
 14 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] <u>35</u>

15 * * *

21 (c) Optional permanent registration.--
 22 (1) A trailer with a registered gross weight of 10,001
 23 or more pounds may be registered for a one-time fee of [~~\$135~~
 24 \$165] in lieu of the annual fee at the option of the
 25 registrant.

26 (2) A permanent registration of a trailer under this
 27 section may be transferred to another trailer one time upon
 28 payment of the fee under section 1927 (relating to transfer
 29 of registration).

30 § 1921. Special mobile equipment.
 31 The annual fee for registration of special mobile equipment
 32 shall be [~~\$36~~] \$52.

33 § 1922. Implements of husbandry.
 34 The annual fee for registration of an implement of husbandry
 35 not exempt from registration under this title shall be [~~\$18~~]
 36 \$26.

37 § 1924. Farm vehicles.
 38 (a) General rule.--The annual fee for registration of a farm
 39 vehicle shall be [~~\$76.50~~] \$110 or one-third of the regular fee,
 40 whichever is greater.

41 (b) Certificate of exemption.--The biennial processing fee
 42 for a certificate of exemption issued in lieu of registration of
 43 a farm vehicle shall be determined by the type of certificate
 44 issued and the gross weight or combination weight or weight
 45 rating according to the following table:

Certificate type	Weight in pounds	Fee
Type A	10,000 or less	\$24
Type B	greater than 10,000 and not exceeding 17,000	24
Type C	greater than 17,000	50
Type D	greater than 17,000	100

1 § 1925. Ambulances, taxis and hearses.
2 The annual fee for registration of an ambulance, taxi or
3 hearse shall be [~~\$54~~] \$77.
4 § 1926. Dealers and miscellaneous motor vehicle business.
5 (a) General rule.--The annual fee for a dealer registration
6 plate or miscellaneous motor vehicle business plate shall be
7 [~~\$36~~] \$52.
8 (b) Motorcycle dealers.--The annual fee for each dealer
9 registration plate issued to a motorcycle dealer other than a
10 motor-driven cycle dealer shall be [~~\$18~~] \$26.
11 (c) Motor-driven cycle dealers.--The annual fee for each
12 dealer registration plate issued to a motor-driven cycle dealer
13 shall be [~~\$9~~] \$13.
14 * * *
15 § 1926.1. Farm equipment vehicle dealers.
16 The annual fee for registration of a farm equipment dealer
17 truck or truck tractor shall be one-half of the regular fee or
18 [~~\$243~~] \$349, whichever is greater.
19 § 1927. Transfer of registration.
20 The fee for transfer of registration shall be [~~\$6~~] \$9.
21 § 1928. Temporary and electronically issued registration
22 plates.
23 The fee payable by a dealer or other dispensing agent for a
24 temporary registration plate or for a registration plate to be
25 issued for new registration processed electronically with the
26 department shall be [~~\$5~~] \$14. The charge of the agent for
27 providing an applicant with a plate under this section shall not
28 exceed a total of [~~\$10~~] \$14.
29 § 1929. Replacement registration plates.
30 The fee for a replacement registration plate other than a
31 legislative or personal plate shall be [~~\$7.50~~] \$11.
32 § 1930. Legislative registration plates.
33 The fee for issuance of a legislative registration plate
34 shall be [~~\$20~~] \$76 which shall be in addition to the annual
35 registration fee. Only one payment of the issuance fee shall be
36 charged for each legislative registration plate issued or
37 replaced.
38 § 1931. Personal registration plates.
39 The fee for issuance of a personal registration plate shall
40 be [~~\$20~~] \$76 which shall be in addition to the annual
41 registration fee. Only one payment of the issuance fee shall be
42 charged for each personal registration issued or replaced.
43 § 1931.1. Street rod registration plates.
44 The fee for the issuance of a street rod registration plate
45 shall be [~~\$20~~] \$51 which shall be in addition to the annual
46 registration fee. Only one payment of the issuance fee shall be
47 charged for each street rod registration plate issued or
48 replaced.
49 § 1932. Duplicate registration cards.
50 The fee for each duplicate registration card when ordered at
51 the time of vehicle registration, the transfer or renewal of

1 registration or the replacement of a registration plate shall be
2 [\$1.50] \$2. The fee for each duplicate registration card issued
3 at any other time shall be [\$4.50] \$6.

4 § 1933. Commercial implements of husbandry.

5 The annual fee for registration of a commercial implement of
6 husbandry shall be [\$76.50] \$110 or one-half of the regular fee,
7 whichever is greater.

8 Section 25. Title 75 is amended by adding a section to read:
9 § 1935. Fee for local use.

10 (a) Establishment of fund.--A special fund is established
11 within the State Treasury to be known as the Fee for Local Use
12 Fund. Money in the fund is appropriated to the department for
13 the purposes set forth in this section.

14 (b) Levy.--Beginning after December 31, 2014, a county may,
15 in its discretion, by ordinance, impose a fee of \$5 for each
16 vehicle registered to an address located in the county. A county
17 shall notify the department of the passage of the ordinance 90
18 days prior to the effective date of the ordinance.

19 (c) Collection.--The department shall collect fees imposed
20 under subsection (a) at the time a vehicle is registered and
21 shall deposit the money in the Fee for Local Use Fund.

22 (d) Distribution.--Money paid into the Fee for Local Use
23 Fund shall be distributed by the department to each
24 participating county in accordance with the amounts collected
25 from the county. Funds payable to a county under this section
26 shall be added to funds payable to the county under section
27 9010(b) (relating to disposition and use of tax) and shall be
28 allocated by the county in accordance with section 9010(c).

29 Section 26. Sections 1942(a), 1943, 1944, 1945(b), 1947,
30 1951(c) and (d), 1952, 1953, 1955(a), 1956, 1957, 1958(a), 1959,
31 1960 and 1961 of Title 75 are amended to read:

32 § 1942. Special hauling permits as to weight and size.

33 (a) Fee schedule.--The fee for a special hauling permit for
34 each movement of an overweight or oversize vehicle or load, or
35 both, shall be as follows:

36 (1) Oversize vehicle or load, or both, having a width up
37 to 14 feet and not exceeding legal weight limit, [\$25] \$35.

38 (2) Oversize vehicle or load, or both, having a width
39 exceeding 14 feet and not exceeding any legal weight limit,
40 [\$50] \$71.

41 (3) Vehicle and load weighing in excess of legal weight
42 limit, [3¢] 4¢ per mile per ton by which the gross weight
43 exceeds the registered gross weight.

44 * * *

45 § 1943. Annual hauling permits.

46 (a) Quarry equipment and machinery.--The annual fee for
47 operation or movement of each piece of heavy quarry equipment or
48 machinery, as provided for in section 4966 (relating to permit
49 for movement of quarry equipment), shall be [\$500] \$706.

50 (c) Course of manufacture.--The annual fee for operation or
51 movement of loads or vehicles, as provided for in section 4968

1 (relating to permit for movement during course of manufacture),
2 shall be as follows:

3 (1) Oversized movements:

4 (i) Movements limited to daylight hours only -
5 [\$100] \$130.

6 (ii) Movements that can be conducted 24 hours per
7 day - [\$1,000] \$1,300.

8 (2) Overweight movements:

9 (i) Movements not exceeding 100,000 pounds gross
10 weight:

11 (A) Not more than one mile in distance - [\$50]
12 \$69.

13 (B) More than one mile in distance - [\$400]
14 \$750.

15 (ii) Movements in excess of 100,000 pounds gross
16 weight - [\$500] \$756, plus [\$100] \$152 for each mile of
17 highway authorized under the permit.

18 (d) Multiple highway crossings.--The annual fee for a single
19 permit for multiple highway crossings, as provided for in
20 section 4965 (relating to single permits for multiple highway
21 crossings), shall be [\$300] \$415.

22 (e.1) Special mobile equipment.--The annual fee for hauling
23 or towing each piece of special mobile equipment, as provided
24 for in section 4975 (relating to permit for movement of special
25 mobile equipment), shall be [\$200] \$300.

26 (f) Containerized cargo.--The annual company fee for
27 movement of any combination with overweight containerized cargo
28 as provided for in section 4974 (relating to permit for movement
29 of containerized cargo) shall be:

30 (1) [\$100] \$155 for a motor carrier requesting permits
31 for up to 15 truck tractors.

32 (2) [\$150] \$233 for a motor carrier requesting permits
33 for 16 to 50 truck tractors.

34 (3) [\$250] \$388 for a motor carrier requesting permits
35 for 51 to 100 truck tractors.

36 (4) [\$350] \$544 for a motor carrier requesting permits
37 for 101 to 150 truck tractors.

38 (5) [\$400] \$622 for a motor carrier requesting permits
39 for 151 or more truck tractors.

40 (g) Domestic animal feed.--The annual fee for movement of
41 each vehicle hauling domestic animal feed, in bulk, as provided
42 for in section 4976 (relating to permit for movement of domestic
43 animal feed) shall be [\$400] \$587.

44 (g.1) Eggs.--The annual fee for movement of each vehicle
45 hauling eggs as provided for in section 4976.2 (relating to
46 permit for movement of eggs) shall be \$400.

47 (h) Movement of wooden structures.--The annual fee for
48 movement of wooden structures as provided for in section 4977
49 (relating to permit for movement of wooden structures) shall be
50 [\$1,000] \$1,468.

51 (i) Live domestic animals.--The annual permit fee for each

1 truck tractor authorized to transport live domestic animals, as
2 provided in section 4976.1 (relating to permit for movement of
3 live domestic animals), shall be [\$400] \$520.

4 (j) Building structural components.--The permit fee for each
5 truck tractor authorized to transport building structural
6 components, as provided in section 4978 (relating to permit for
7 movement of building structural components), shall be [\$100]
8 \$141 for each month the permit is valid.

9 (k) Utility construction equipment.--The permit fee for
10 utility construction equipment, as provided for in section
11 4970(a) (relating to permit for movement of construction
12 equipment), shall be [\$100] \$141 for each month the permit is
13 valid.

14 (l) Particleboard or fiberboard.--The annual fee for
15 movement of particleboard or fiberboard, as provided for in
16 section 4979 (relating to permit for movement of particleboard
17 or fiberboard used for the manufacture of ready-to-assemble
18 furniture), shall be [\$800] \$1,130.

19 (m) Bulk refined oil.--The annual fee for movement of bulk
20 refined oil, as provided for in section 4979.1 (relating to
21 permit for movement of bulk refined oil), shall be:

22 (1) [\$800] \$1,130 for a distance up to 50 miles.

23 (2) [\$1,600] \$1,690 for a distance of more than 50 miles
24 up to 125 miles.

25 (n) Waste coal and beneficial combustion ash.--The annual
26 fee for the movement of waste coal and beneficial combustion
27 ash, as provided for in section 4979.2 (relating to permit for
28 movement of waste coal and beneficial combustion ash), shall be
29 [\$400] \$565.

30 (o) Float glass or flat glass.--The annual fee for the
31 movement of float glass or flat glass, as provided for in
32 section 4979.3 (relating to permit for movement of float glass
33 or flat glass for use in construction and other end uses), shall
34 be [\$800] \$1,209.

35 (p) Self-propelled cranes.--The annual permit fee for each
36 self-propelled crane, as provided for in section 4979.4
37 (relating to permit for movement of self-propelled cranes),
38 shall be as follows:

39 (1) Cranes not exceeding 100,000 pounds gross weight,
40 prorated up to a maximum of [\$400] \$553.

41 (2) Cranes in excess of 100,000 pounds gross weight,
42 prorated up to a maximum of [\$100] \$139 plus [\$50] \$69 for
43 each mile of highway authorized under the permit.

44 (q) Construction equipment.--The annual fee for the movement
45 of construction equipment shall be [\$400] \$520.

46 (q.1) Nonhazardous liquid glue.--The annual fee for the
47 movement of nonhazardous liquid glue, as provided for in section
48 4979.5 (relating to permit for movement of nonhazardous liquid
49 glue), shall be [\$800] \$1,000.

50 (q.2) Waste tires.--The annual fee for the movement of waste
51 tires under section 4979.6 (relating to permit for movement of

1 waste tires) shall be [\$800] \$845.

2 (r) Excess damage permit.--The annual fee for excess damage
3 permits, as provided for in section 4961(d) (relating to
4 authority to issue permits), shall be [\$500] \$640 to cover the
5 costs of administering the permit and inspections of the
6 involved highway.

7 § 1944. Mobile homes, modular housing units and modular housing
8 undercarriages.

9 The fee for a special hauling permit for a mobile home,
10 modular housing unit or modular housing undercarriage which
11 exceeds the maximum size prescribed in this title but which does
12 not exceed 14 feet in body width shall be [\$25] \$39. The fee for
13 a special hauling permit for a mobile home or modular housing
14 unit, as provided in section 4973 (relating to permits for
15 movement of a mobile home or a modular housing unit and modular
16 housing undercarriage), shall be [\$50] \$76.

17 § 1945. Books of permits.

18 * * *

19 (b) Penalty.--Any person violating any of the provisions of
20 this section is guilty of a summary offense and shall, upon
21 conviction, be sentenced to pay a fine of [\$500] \$1,000.

22 § 1947. Refund of certain fees.

23 The portion of the fee of an unused overweight permit based
24 on ton-miles or the fee for an unused escort, or both, may be
25 refunded upon payment of a processing fee of [\$10] \$38.

26 § 1951. Driver's license and learner's permit.

27 * * *

28 (c) Identification card.--The fee for an identification card
29 fee shall be [\$5] \$19 plus the cost of the photograph.

30 (d) Replacement license or card.--The fee for a replacement
31 driver's license or identification card shall be [\$5] \$19 plus
32 the cost of the photograph.

33 § 1952. Certificate of title.

34 (a) General rule.--The fee for issuance of a certificate of
35 title shall be [\$22.50] \$50.

36 (b) Manufacturer's or dealer's notification.--The fee for a
37 manufacturer's or dealer's notification of acquisition of a
38 vehicle from another manufacturer or dealer for resale pursuant
39 to section 1113 (relating to transfer to or from manufacturer or
40 dealer) shall be [\$3] \$5.

41 § 1953. Security interest.

42 The fee for recording or changing the amount of security
43 interest on a certificate of title shall be [\$5] \$23.

44 § 1955. Information concerning drivers and vehicles.

45 (a) Drivers, registrations, titles and security interests.--

46 (1) The fee for a copy of written or electronic
47 information relating to a driver, registration, title or
48 security interest shall be [\$5.] \$8.

49 (2) If a Commonwealth agency has entered into a contract
50 with a third party to deliver driver information to a person
51 that has complied with section 6114(b)(5) (relating to

1 limitation on sale, publication and disclosure of records),
2 the department may impose an additional fee of up to \$2 for
3 the requested record.

4 (3) Upon approval from the department, a person that has
5 received the driver information from the third party under
6 paragraph (2) that has complied with section 6114(b) (5) may
7 provide the information, for a fee, to a third party for the
8 same purposes contained in section 6114(b) (5) without the
9 payment of any additional fees under this subsection to the
10 department.

11 (4) Except as provided in paragraph (3), a person that
12 sells, publishes or discloses or offers to sell, publish or
13 disclose the information received by the person under this
14 subsection commits a summary offense and shall, upon
15 conviction, be sentenced to pay a fine of not less than \$500
16 nor more than \$1,000.

17 (5) The department shall comply with the provisions of
18 section 6114(d) with respect to the information of a driver
19 under 18 years of age whose information is provided to any
20 person under this subsection.

21 * * *

22 § 1956. Certified copies of records.

23 (a) Department records.--The fee for a certified copy of any
24 department record which the department is authorized by law to
25 furnish to the public shall be [\$5] \$22 for each form or
26 supporting document comprising such record.

27 (b) State Police reports.--The fee for a certified
28 Pennsylvania State Police record of investigation of a vehicle
29 accident which the Pennsylvania State Police are authorized by
30 this title to furnish to the public shall be [\$5] \$22 for each
31 copy of the Pennsylvania State Police full report of
32 investigation.

33 § 1957. Uncollectible checks.

34 Whenever any check issued in payment of any fee or for any
35 other purpose is returned to the department or a municipality
36 as uncollectible, the department or municipality shall charge a
37 fee of [\$10] \$38 for each driver's license, registration,
38 replacement of tags, transfer of registration, certificate of
39 title, whether original or duplicate, special hauling permit and
40 each other unit of issue by the department or municipality, plus
41 all protest fees, to the person presenting the check, to cover
42 the cost of collection.

43 § 1958. Certificate of inspection.

44 (a) General rule.--The department shall charge [\$2] \$5 for
45 each annual certificate of inspection [and \$1], \$3 for each
46 semiannual certificate of inspection and \$2 for each certificate
47 of exemption.

48 § 1959. Messenger service.

49 (a) Annual registration.--The annual fee for registration of
50 a messenger service as provided for in Chapter 75 (relating to
51 messenger service) shall be [\$50] \$192.

1 (b) Additional places of business.--The annual fee for
2 registration of additional place of business or branch office
3 from which a messenger service may transact business shall be
4 [\$25] \$95.

5 (c) Transfer of location.--The fee for the transfer of
6 location of a registered place of business or branch office of a
7 messenger service during a period of registration shall be [\$5]
8 \$19.

9 § 1960. Reinstatement of operating privilege or vehicle
10 registration.

11 The department shall charge a fee of [\$25] \$70 or, if section
12 1379 (relating to suspension of registration upon sixth unpaid
13 parking violation in cities of the first class) or 1786(d)
14 (relating to required financial responsibility) applies, a fee
15 of [\$50] \$88 to restore a person's operating privilege or the
16 registration of a vehicle following a suspension or revocation.
17 § 1961. Secure power of attorney.

18 The fee for processing a secure power of attorney submitted
19 for the purpose of odometer disclosure when not accompanied by
20 an application for title shall be [\$15] \$23.

21 Section 27. (Reserved).

22 Section 28. Section 2102(b) and (d) (2) and (3) of Title 75
23 are amended to read:

24 § 2102. Identification markers and license or road tax
25 registration card required.

26 * * *

27 (b) Fee.--The fee for issuance of identification markers
28 shall be [\$5] \$12 per vehicle.

29 * * *

30 (d) Operation without identification markers unlawful.--
31 Except as provided in paragraphs (2) and (3), it shall be
32 unlawful to operate or to cause to be operated in this
33 Commonwealth any qualified motor vehicle unless the vehicle
34 bears the identification markers required by this section or
35 valid and unrevoked IFTA identification markers issued by
36 another IFTA jurisdiction.

37 * * *

38 (2) For a period not exceeding 30 days as to any one
39 motor carrier, the Secretary of Revenue by letter or telegram
40 may authorize the operation of a qualified motor vehicle or
41 vehicles without the identification markers required when
42 both the following are applicable:

43 (i) enforcement of this section for that period
44 would cause undue delay and hardship in the operation of
45 such qualified motor vehicle; and

46 (ii) the motor carrier is registered and/or licensed
47 for the motor carriers road tax with the Department of
48 Revenue or has filed an application therefor with the
49 Department of Revenue:

50 (A) The fee for such temporary permits shall be
51 [\$5] \$7 for each qualified motor vehicle which shall

1 be deposited in the Highway Bridge Improvement
2 Restricted Account within the Motor License Fund.

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

6 (C) A temporary permit issued by another IFTA
7 jurisdiction under authority similar to this
8 paragraph shall be accorded the same effect as a
9 temporary permit issued under this paragraph.

10 (3) A motor carrier may, in lieu of paying the tax
11 imposed and filing the tax report required by Chapter 96 and
12 in lieu of complying with any other provisions of this
13 section that would otherwise be applicable as a result of the
14 operation of a particular qualified motor vehicle, obtain
15 from the Department of Revenue a trip permit authorizing the
16 carrier to operate the qualified motor vehicle for a period
17 of five consecutive days. The Department of Revenue shall
18 specify the beginning and ending days on the face of the
19 permit. The fee for a trip permit for each qualified motor
20 vehicle is [\$50] \$73 which shall be deposited in the Highway
21 Bridge Improvement Restricted Account within the Motor
22 License Fund. The report otherwise required under Chapter 96
23 is not required with respect to a vehicle for which a trip
24 permit has been issued under this subsection.

25 * * *

26 Section 29. (Reserved).

27 Section 30. (Reserved).

28 Section 31. Section 3111 of Title 75 is amended by adding a
29 subsection to read:

30 § 3111. Obedience to traffic-control devices.

31 * * *

32 (a.1) Penalty.--

33 (1) A person who violates this section commits a summary
34 offense and shall, upon conviction, pay a fine of \$150. No
35 other costs or surcharges, including those described in 42
36 Pa.C.S. § 1725.1 (relating to costs) and section 6506
37 (relating to surcharge), shall be assessed or imposed upon a
38 conviction under this paragraph.

39 (2) Notwithstanding any other provision of law,
40 including 42 Pa.C.S. § 3733(a) (relating to deposits into
41 account), the fine collected under paragraph (1) shall be
42 deposited as follows:

43 (i) Twenty-five dollars of the fine shall be
44 deposited as provided under 42 Pa.C.S. § 3733(a).

45 (ii) After deposit of the amount under subparagraph
46 (i), the remaining portion of the fine shall be deposited
47 into the Public Transportation Trust Fund.

48 * * *

49 Section 32. Sections 3362(a) and (c) and 3363 of Title 75
50 are amended to read:

51 § 3362. Maximum speed limits.

1 (a) General rule.--Except when a special hazard exists that
2 requires lower speed for compliance with section 3361 (relating
3 to driving vehicle at safe speed), the limits specified in this
4 section or established under this subchapter shall be maximum
5 lawful speeds and no person shall drive a vehicle at a speed in
6 excess of the following maximum limits:

7 (1) 35 miles per hour in any urban district.

8 (1.1) [65] 70 miles per hour for all vehicles on
9 freeways where the department has posted a [65-miles-per-
10 hour] 70-miles-per-hour speed limit.

11 (1.2) 25 miles per hour in a residence district if the
12 highway:

13 (i) is not a numbered traffic route; and

14 (ii) is functionally classified by the department as
15 a local highway.

16 (2) 55 miles per hour in other locations.

17 (3) Any other maximum speed limit established under this
18 subchapter.

19 * * *

20 (c) Penalty.--

21 (1) Any person violating this section is guilty of a
22 summary offense and shall, upon conviction, be sentenced to
23 pay a fine of:

24 (i) \$42.50 for violating a maximum speed limit of 65
25 miles per hour or higher; or

26 (ii) \$35 for violating any other maximum speed
27 limit.

28 (2) Any person exceeding the maximum speed limit by more
29 than five miles per hour shall pay an additional fine of \$2
30 per mile for each mile in excess of five miles per hour over
31 the maximum speed limit.

32 § 3363. Alteration of maximum limits.

33 On highways under their respective jurisdictions, local
34 authorities subject to section 6109(e) (relating to specific
35 powers of department and local authorities) or the department,
36 upon the basis of an engineering and traffic investigation, may
37 determine that the maximum speed permitted under this subchapter
38 is greater or less than is reasonable and safe under the
39 conditions found to exist upon any such highway or part thereof
40 and establish a reasonable and safe maximum limit. The maximum
41 speed limit may be made effective at all times or at times
42 indicated and may vary for different weather conditions and
43 other factors bearing on safe speeds. No maximum speed greater
44 than 55 miles per hour shall be established under this section
45 except on highways listed in section 3362(a)(1.1) (relating to
46 maximum speed limits), where the maximum speed for all vehicles
47 shall not be greater than [65] 70 miles per hour.

48 Section 33. Section 4902(a) and (c) of Title 75 are amended
49 and the section is amended by adding subsections to read:

50 § 4902. Restrictions on use of highways and bridges.

51 (a) Restrictions based on condition of highway or bridge.--

1 (1) The Commonwealth and local authorities with respect
2 to highways and bridges under their jurisdictions may
3 prohibit the operation of vehicles and may impose
4 restrictions as to the weight or size of vehicles operated
5 upon a highway or bridge only when they determine by
6 conducting an engineering and traffic study as provided for
7 in department regulations that the highway or bridge may be
8 damaged or destroyed unless use by vehicles is prohibited or
9 the permissible size or weight of vehicles is reduced.

10 (2) School buses, emergency vehicles and vehicles making
11 local deliveries or pickups may be exempted from restrictions
12 on the use of highways imposed under this subsection.

13 (3) The department may issue a statement of policy,
14 which shall take effect upon publication in the Pennsylvania
15 Bulletin, adopting an appropriate methodology to provide
16 letters of local determination that identify particular
17 vehicles, routes or uses as local in nature.

18 (4) The methodology under paragraph (3) may allow for
19 exemptions from 67 Pa. Code Ch. 189 (relating to hauling in
20 excess of posted weight limit) related to at-risk industry
21 sectors experiencing a 20% decline in Statewide employment
22 between March 2002 and March 2011, as determined by the
23 Department of Labor and Industry.

24 (5) The exemptions and related requirements under
25 paragraph (4) may remain in existence only until December 31,
26 2018. Exemptions for local delivery or pickup may not include
27 traffic going to or coming from a site at which minerals,
28 natural gas or natural resources are developed, harvested or
29 extracted, notwithstanding whether the site is located at a
30 residence, a commercial site or on farmland. Delivery or
31 pickup of logs or other forest products to or from permanent
32 processing mills located on or reachable only through posted
33 highways shall be considered local delivery or pickup.

34 * * *

35 (c) Permits and security.--

36 (1) The Commonwealth and local authorities may issue
37 permits for movement of vehicles of size and weight in excess
38 of restrictions promulgated under subsections (a) and (b)
39 with respect to highways and bridges under their jurisdiction
40 and may require such [undertaking] agreement or security as
41 they deem necessary to cover the cost of repairs and
42 restoration necessitated by the permitted movement of
43 vehicles. In reference to subsection (a), the Commonwealth
44 and local authorities shall not refuse to issue a permit with
45 respect to a highway under their jurisdiction if there is no
46 reasonable alternate route available. For purposes of this
47 section, "reasonable alternate route" shall mean a route
48 meeting the criteria set forth in department regulations
49 relating to traffic and engineering studies.

50 (2) The department may establish the types of permits to
51 be issued and agreements to be entered into, subject to the

1 following:

2 (i) Permits may be for long-term or short-term use
3 of the posted highways.

4 (ii) The department may require multiple vehicles
5 traveling to or from a single destination to operate
6 pursuant to a single permit.

7 (iii) The department may establish a permit type
8 allowing the posting authority to determine that damage
9 to the posted highway covered by the permit will be
10 minimal. This type of permit may include categories based
11 on the number and kinds of loads expected, including a
12 category providing that use of the posted highway under a
13 single minimum use permit of less than 700 loads per year
14 shall not require an agreement or security. The
15 department may alter the 700 loads per year minimum use
16 threshold if it determines the structural capacity of the
17 State highways can accept a higher or lower amount of
18 over-posted weight traffic. The department may express
19 the threshold as a loads-per-day, loads-per-week or
20 loads-per-month number.

21 (iv) The department may restrict use of de minimis
22 and minimum use permits during thaw periods as determined
23 by the department.

24 (v) The department shall exclude hauling related to
25 unconventional oil and gas development from minimum use
26 status based on its disproportionate and qualitatively
27 different impact upon highways and bridges.

28 (3) The department shall promulgate regulations to
29 implement this section. During the two years immediately
30 following the effective date of this section, the department
31 may promulgate temporary regulations, which shall expire no
32 later than three years following the effective date of this
33 paragraph or upon promulgation of final regulations,
34 whichever occurs first. Temporary regulations promulgated by
35 the department under this paragraph shall not be subject to
36 any of the following:

37 (i) Sections 201, 202 and 203 of the Act of July 31,
38 1968 (P.L.769, No.240), referred to as the Commonwealth
39 Documents Law.

40 (ii) The Act of June 25, 1982 (P.L.633, No.181),
41 known as the Regulatory Review Act.

42 * * *

43 (h) (Reserved).

44 (i) Authority to conduct investigations and audits.--The
45 Commonwealth and local authorities may conduct or cause to be
46 conducted an investigation and audit of a person or entity to
47 determine if there has been a violation of this section,
48 pertinent regulation or agreement. Audits shall be limited to
49 proper usage of letters of local determination and de minimis
50 and minimum use permits.

51 (j) Authority to suspend, revoke or deny permits.--The

1 Commonwealth and local authorities may suspend, revoke or deny a
2 permit and agreement if it is determined by the Commonwealth or
3 a local authority that there has been a violation of this
4 section, pertinent regulation or agreement, notwithstanding any
5 other provision of this section.

6 Section 33.1. Section 4962 of Title 75 is amended by adding
7 a subsection to read:

8 § 4962. Conditions of permits and security for damages.

9 * * *

10 (f.3) Additional authorized travel periods.--With respect to
11 oversized vehicles (over-length, over-width, or over-height), a
12 permitted vehicle, combination or load may operate under a
13 permit from sunrise to sunset every day of the week except as
14 follows:

15 (1) During a holiday period specified in department
16 regulations or in the permit.

17 (2) During inclement weather as defined in department
18 regulations.

19 (3) In urbanized areas as specified in department
20 regulations or the permit.

21 (4) As restricted by the permit.

22 * * *

23 Section 34. Section 4968(a.1)(3), (a.2)(4) and (b) of Title
24 75 are amended to read:

25 § 4968. Permit for movement during course of manufacture.

26 (a.1) General rule.--An annual permit may be issued
27 authorizing movement on specified highways of:

28 * * *

29 (3) aircraft refueling vehicles or vehicles and
30 combinations carrying [raw] milk, raw coal, flat-rolled steel
31 coils, steel slabs, hot ingots, a hot box, pulpwood and wood
32 chips, raw water or cryogenic liquid which exceed the maximum
33 weight specified in Subchapter C while they are in the course
34 of manufacture and under contract with or under the direct
35 control of the manufacturer, provided that they do not exceed
36 the maximum height, width or length specified in Subchapter B
37 unless they also qualify under paragraph (1), subject to the
38 provisions in subsection (a.2).

39 (a.2) Specifications.--

40 * * *

41 (4) A combination of vehicles which is hauling [raw]
42 milk to or from a manufacturer may be permitted by the
43 department and local authorities to move upon highways within
44 their respective jurisdictions 24 hours a day, seven days a
45 week, except during inclement weather as defined in
46 department regulations, if the gross weight does not exceed
47 95,000 pounds and the weight of any nonsteering axle does not
48 exceed 21,000 pounds. No permit may be issued for this type
49 of movement upon an interstate highway. An application to the
50 department for the movement of milk, except for raw milk,
51 shall designate the route the applicant requests to use.

1 * * *

2 (b) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection:

5 "Bulk milk." The term shall mean milk, as defined in section
6 1 of the act of July 2, 1935 (P.L.589, No.210), referred to as
7 the Milk Sanitation Law, which is not transported in packages.

8 "Condensed milk" and "evaporated milk." The term shall mean
9 manufactured dairy products as defined in section 1 of the Milk
10 Sanitation Law, which is not transported in packages.

11 "Hot box." Consists of an enclosure consisting of welded
12 steel plate chained to a semitrailer with a removable lid lined
13 with refraction for purposes of insulation and retention of
14 heat.

15 "Milk." The term shall mean any of the following:

16 (1) Bulk milk.

17 (2) Evaporated milk.

18 (3) Raw milk.

19 (4) Condensed milk.

20 "Raw milk." Has the meaning given to it in the act of July
21 2, 1935 (P.L.589, No.210), referred to as the Milk Sanitation
22 Law.

23 Section 35. Section 6110 of Title 75 is amended to read:
24 § 6110. Regulation of traffic on Pennsylvania Turnpike.

25 (a) General rule.--The provisions of this title apply upon
26 any turnpike or highway under the supervision and control of the
27 Pennsylvania Turnpike Commission unless specifically modified by
28 rules and regulations promulgated by the commission which shall
29 become effective only upon publication in accordance with law. A
30 copy of the rules and regulations, so long as they are
31 effective, shall be posted at all entrances to the turnpike or
32 highway for the inspection of persons using the turnpike or
33 highway. This section does not authorize the establishment of a
34 maximum speed limit greater than 55 miles per hour, except that
35 a 65-miles-per-hour or 70-miles-per-hour maximum speed limit for
36 all vehicles may be established where the commission has posted
37 a 65-miles-per-hour or 70-miles-per-hour speed limit.

38 (a.1) Posting.--No maximum speed limit established under
39 subsection [(a)(1) or (2)] (a) shall be effective unless posted
40 on fixed or variable official traffic-control devices erected
41 after each interchange on the portion of highway on which the
42 speed limit is in effect and wherever else the commission shall
43 determine.

44 (b) Penalties.--

45 (1) Except as otherwise provided in this subsection, any
46 person violating any of the rules and regulations of the
47 Pennsylvania Turnpike Commission for which no penalty has
48 otherwise been provided by statute commits a summary offense
49 and shall, upon conviction, be sentenced to pay a fine of
50 \$25.

51 [(2) Any person violating any of the rules and

1 regulations of the commission prohibiting fare evasion or
2 attempted fare evasion commits a summary offense and shall,
3 upon conviction, be sentenced to pay a fine according to the
4 classification by the commission of the vehicle driven by
5 that person at the time of violation as follows:

- 6 (i) Class 1 through 2: \$100.
- 7 (ii) Class 3 through 6: \$500.
- 8 (iii) Class 7 and higher: \$1,000.

9 (3) In addition to the fines imposed under this
10 subsection, restitution shall be made to the commission in an
11 amount equal to the full fare, for the appropriate vehicle
12 class, from the farthest point of entry on the turnpike to
13 the actual point of exit.]

14 Section 35.1. Title 75 is amended by adding sections to
15 read:

16 § 6110.1. Fare evasion.

17 (a) Penalty.--A person that violates a regulation of the
18 Pennsylvania Turnpike Commission prohibiting fare evasion or
19 attempted fare evasion commits a summary offense and shall, upon
20 conviction, be sentenced to pay a fine according to the
21 classification by the commission of the vehicle driven by that
22 person at the time of violation as follows:

- 23 (1) Class 1 through 2: \$100.
- 24 (2) Class 3 through 6: \$500.
- 25 (3) Class 7 and higher: \$1,000.

26 (b) Affirmative action.--A person that intentionally or
27 knowingly takes an affirmative action in an attempt to evade
28 tolls incurred for travel upon the Pennsylvania turnpike or a
29 road under its control commits a misdemeanor of the third degree
30 and shall, upon conviction, be sentenced to:

- 31 (1) pay a fine of \$3,000 for a first offense; and
- 32 (2) pay a fine of \$6,500 or to imprisonment of not more
33 than six months, or both, for a second or subsequent offense.

34 (c) Construction.--Prosecution of a violation of this
35 section shall not preclude prosecution under section 1332
36 (relating to display of registration plate), section 7122
37 (relating to altered, forged or counterfeit documents and
38 plates) or section 7124 (relating to fraudulent use or removal
39 of registration plate).

40 (d) Restitution.--In addition to the fines imposed under
41 this section, restitution shall be made to the commission in an
42 amount equal to the full fare, for the appropriate vehicle
43 class, from the farthest point of entry on the turnpike to the
44 actual point of exit.

45 (e) Deposit of fines.--Notwithstanding the provision of any
46 other law, the fines collected under subsections (a) and (b)
47 shall be deposited into the Motor License Fund.

48 (f) Definition.--As used in this section, the term
49 "affirmative action" includes:

- 50 (1) removing a license plate from a vehicle to impede
51 electronic toll collection;

1 (2) installing a mechanism which rotates, changes,
2 blocks or otherwise mechanically alters the ability of a
3 license plate to be read by a violation enforcement system;

4 (3) installing a mechanical apparatus upon a vehicle
5 which serves the sole purpose of masking, hiding or
6 manipulating the true weight of the vehicle as it appears to
7 a mechanical scale;

8 (4) conspiring with an individual or group of
9 individuals to alter, lower or evade payment of correct
10 tolls; and

11 (5) unauthorized use of a Pennsylvania Turnpike private
12 gate access or otherwise unauthorized movement entering or
13 exiting the turnpike other than at approved interchanges.
14 § 6118. Municipal police officer education and training.

15 Beginning July 1, 2014, and each year thereafter, the sum of
16 \$5,000,000 is appropriated annually to the Pennsylvania State
17 Police from the Motor License Fund to make payments under 53
18 Pa.C.S. § 2170 (relating to reimbursement of expenses)
19 consistent with the requirements of section 11 of Article VIII
20 of the Constitution of Pennsylvania. If money is not available
21 to make full payments, the Municipal Police Officers' Education
22 and Training Commission shall make payments on a pro rata basis.

23 Section 35.2. Section 6506 of Title 75 is amended to read:
24 § 6506. Surcharge.

25 (a) Levy and imposition.--In addition to any fines, fees or
26 penalties levied or imposed as provided by law, under this title
27 or any other statute, a surcharge shall be levied for
28 disposition in accordance with subsection (b) as follows:

29 (1) Upon conviction for any violation of the provisions
30 of this title or other statute of the Commonwealth, or
31 regulations promulgated under this title, which is a traffic
32 violation and which is not included within the provisions of
33 paragraphs (2) through (7), exclusive of parking offenses, a
34 surcharge of [~~\$30~~] \$45.

35 (2) Upon conviction for a violation of the following
36 provisions of this title, a surcharge of [~~\$40~~] \$60:

37 (i) Section 3306(a)(1) (relating to limitations on
38 driving on left side of roadway).

39 (ii) Section 3745 (relating to accidents involving
40 damage to unattended vehicle or property).

41 (3) Upon conviction for a violation of section 3345(a)
42 (relating to meeting or overtaking school bus), a surcharge
43 of [~~\$50~~] \$75.

44 (4) Upon conviction for a violation of section 3362
45 (relating to maximum speed limits), the following applicable
46 surcharge:

47 (i) [~~\$30~~] \$45 for exceeding the maximum speed limit
48 by 6 to 10 miles per hour or 11 to 15 miles per hour.

49 (ii) [~~\$40~~] \$60 for exceeding the maximum speed limit
50 by 16 to 25 miles per hour.

51 (iii) [~~\$50~~] \$75 for exceeding the maximum speed

1 limit by at least 26 miles per hour.

2 (5) Upon conviction for violation of section 4902
3 (relating to restrictions on use of highways and bridges),
4 Subchapter C of Chapter 49 (relating to maximum weights of
5 vehicles) or Subchapter E of Chapter 49 (relating to
6 measuring and adjusting vehicle size and weight), a surcharge
7 of [\$150] \$225.

8 (6) Upon conviction for violation of Chapter 47
9 (relating to inspection of vehicles), by the owner or
10 operator or driver of a vehicle which is subject to the
11 provisions of Chapter 49 (relating to size, weight and load),
12 a surcharge of [\$30] \$45.

13 (7) Upon conviction of offenses under section 1543(b)
14 (1.1) (relating to driving while operating privilege is
15 suspended or revoked), 3802 (relating to driving under
16 influence of alcohol or controlled substance) or 3808(a)(2)
17 (relating to illegally operating a motor vehicle not equipped
18 with ignition interlock), or upon admission to programs for
19 Accelerated Rehabilitative Disposition for offenses
20 enumerated in section 1543(b)(1.1), 3802 or 3808(a)(2), a
21 surcharge, respectively, of:

22 (i) [\$50] \$75 for the first offense.

23 (ii) [\$100] \$150 for the second offense.

24 (iii) [\$200] \$300 for the third offense.

25 (iv) [\$300] \$450 for the fourth and subsequent
26 offenses.

27 (8) Upon conviction, in a city of the first class, of
28 any violation of this title, a surcharge of \$10.

29 (9) Upon conviction of any violation of this title in a
30 city of the second class, a surcharge of \$10.

31 The provisions of this subsection shall not apply to any
32 violation committed by the operator of a motorcycle, motor-
33 driven cycle, pedalcycle, motorized pedalcycle or recreational
34 vehicle not intended for highway use.

35 (b) Disposition.--

36 (1) Notwithstanding any other statutory provision:

37 (i) All surcharges levied and collected under
38 subsection (a)(1) by any division of the unified judicial
39 system shall be remitted to the Commonwealth for deposit
40 in the General Fund.

41 (ii) All surcharges levied and collected under
42 subsections (a)(2) through (7) by any division of the
43 unified judicial system shall be remitted to the
44 Commonwealth for deposit in the Pennsylvania
45 Transportation Trust Fund.

46 (iii) All surcharges levied and collected under
47 subsection (a)(8) and (9) by any division of the unified
48 judicial system shall be remitted to the appropriate
49 towing and storage agent as set forth in section
50 6309.2(e) (relating to immobilization, towing and storage
51 of vehicle for driving without operating privileges or

1 registration) for purposes of funding its costs
2 associated with Subchapter A of Chapter 63 (relating to
3 general provisions).

4 (iv) If the fines, fees or penalties are being paid
5 in installments, the surcharge shall be remitted on each
6 installment on a pro rata basis.

7 (2) (Reserved).

8 Section 36. The definition of "annual additional payments,"
9 "annual base payments" and "scheduled annual commission
10 contributions" in section 8901 of Title 75 are amended to read:
11 § 8901. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Annual additional payments." As follows:

16 (1) During the conversion period and after the
17 conversion date, an amount equal to the scheduled annual
18 commission contribution, minus the sum of:

19 (i) \$200,000,000 paid as annual base payments;

20 (ii) any Interstate 80 savings for that fiscal year.

21 (2) If the conversion period has expired and a
22 conversion notice has not been received by the secretary, in
23 each subsequent fiscal year until the end of the term of the
24 lease agreement, the annual additional payments shall be
25 \$250,000,000. No annual additional payments shall be due
26 after fiscal year 2021-2022.

27 "Annual base payments." An amount equal to the sum of the
28 following:

29 (1) Annual debt service on outstanding bonds issued
30 under section 9511.2 (relating to special revenue bonds)
31 payable as required pursuant to the bonds.

32 (2) Two hundred million dollars payable annually through
33 fiscal year 2021-2022 in four equal installments each due the
34 last business day of each July, October, January and April.

35 (3) For fiscal year 2022-2023 and each fiscal year
36 thereafter, the amount shall be \$50,000,000 payable annually
37 from then current revenue.

38 * * *

39 "Scheduled annual commission contribution." The following
40 amounts:

41 (1) \$750,000,000 in fiscal year 2007-2008.

42 (2) \$850,000,000 in fiscal year 2008-2009.

43 (3) \$900,000,000 in fiscal year 2009-2010.

44 (4) For fiscal year 2010-2011 [and each fiscal year
45 thereafter] through fiscal year 2021-2022, the amount shall
46 be the amount calculated for the previous year increased by
47 2.5%, except that the amount shall be equal to the annual
48 base payments plus \$250,000,000 if the conversion notice is
49 not received by the secretary prior to the expiration of the
50 conversion period. For fiscal year 2014-2015 and each fiscal
51 year thereafter through fiscal year 2021-2022, at least

1 \$30,000,000 of this amount shall be paid from then current
2 revenue.

3 (5) For fiscal year 2022-2023 and each fiscal year
4 thereafter, the amount shall be \$50,000,000 payable annually
5 from then current revenue.

6 Section 37. Section 8915.6(a) of Title 75 is amended to
7 read:

8 § 8915.6. Deposit and distribution of funds.

9 (a) Deposits.--Upon receipt by the department, the following
10 amounts from the scheduled annual commission contribution shall
11 be deposited in the Motor License Fund:

12 (1) For fiscal year 2007-2008, \$450,000,000.

13 (2) For fiscal year 2008-2009, \$500,000,000.

14 (3) For fiscal year 2009-2010, \$500,000,000.

15 (4) For fiscal year 2010-2011 [and each fiscal year
16 thereafter], through fiscal year 2013-2014, the amount
17 calculated for the previous year increased by 2.5%.

18 (5) For fiscal year 2014-2015 and each fiscal year
19 thereafter, \$0.

20 * * *

21 Section 38. (Reserved).

22 Section 39. (Reserved).

23 Section 40. The definition of "average wholesale price" in
24 section 9002 of Title 75 is amended to read:

25 § 9002. Definitions.

26 The following words and phrases when used in this chapter
27 shall have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 * * *

30 "Average wholesale price." [The average wholesale price per
31 gallon of all taxable liquid fuels and fuels, excluding the
32 Federal excise tax and all liquid fuels taxes, as determined by
33 the Department of Revenue for the 12-month period ending on the
34 September 30 immediately prior to January 1 of the year for
35 which the rate is to be set. In no case shall the average
36 wholesale price be less than 90¢ nor more than \$1.25 per
37 gallon.] The average wholesale price of all taxable liquid fuels
38 and fuels, excluding the Federal excise tax and all liquid fuels
39 taxes shall be as follows:

40 (1) After December 31, 2013, and before January 1, 2015,
41 the average wholesale price shall be \$1.87 per gallon.

42 (2) After December 31, 2014, and before January 1, 2017,
43 the average wholesale price shall be \$2.49 per gallon.

44 (3) After December 31, 2016, the average wholesale price
45 shall be as determined by the Department of Revenue for the
46 12-month period ending on the September 30 immediately prior
47 to January 1 of the year for which the rate is to be set. In
48 no case shall the average wholesale price be less than \$2.99
49 per gallon.

50 * * *

51 Section 40.1. Section 9004(a), (b), (c) introductory

1 paragraph and (e) introductory paragraph of Title 75 are amended
2 to read:

3 § 9004. Imposition of tax, exemptions and deductions.

4 (a) [Liquid fuels and fuels tax.--A permanent State tax of
5 12¢ a gallon or fractional part thereof is imposed and assessed
6 upon all liquid fuels and fuels used or sold and delivered by
7 distributors within this Commonwealth.] (Reserved).

8 (b) Oil company franchise tax for highway maintenance and
9 construction.--[In addition to the tax imposed by subsection
10 (a), the] The tax imposed by Chapter 95 (relating to taxes for
11 highway maintenance and construction) shall [also] be imposed
12 and collected on liquid fuels and fuels, on a cents-per-gallon
13 equivalent basis, upon all gallons of liquid fuels and fuels [as
14 are taxable under subsection (a)] used or sold and delivered by
15 distributors within this Commonwealth.

16 (c) Aviation gasoline tax.--In lieu of the taxes under
17 [subsections (a) and] subsection (b):

18 * * *

19 (e) Exceptions.--The tax imposed under subsections [(a),]
20 (b), (c) and (d) shall not apply to liquid fuels, fuels or
21 alternative fuels:

22 * * *

23 Section 40.2. Section 9006(b)(2) of Title 75 is amended to
24 read:

25 § 9006. Distributor's report and payment of tax.

26 * * *

27 (b) Computation and payment of tax.--

28 * * *

29 (2) The discount under paragraph (1) shall not be
30 computed on any tax imposed and remitted with respect to the
31 oil company franchise tax imposed under sections 9004(b)
32 (relating to imposition of tax, exemptions and deductions)
33 and 9502 (relating to imposition of tax), except with respect
34 to the oil company franchise tax imposed under section
35 9502(a)(5) (relating to imposition of tax).

36 * * *

37 Section 40.3. Section 9010(a), (b)(1) and (e)(3) of Title 75
38 are amended to read:

39 § 9010. Disposition and use of tax.

40 (a) [Payment to Liquid Fuels Tax Fund.--One-half cent per
41 gallon of the tax collected under section 9004(a) (relating to
42 imposition of tax, exemptions and deductions) shall be paid into
43 the Liquid Fuels Tax Fund of the State Treasury. The money paid
44 into that fund is specifically appropriated for the purposes set
45 forth in this chapter.] (Reserved).

46 (b) Payment to counties.--

47 (1) The money paid into the Liquid Fuels Tax Fund under
48 section 9502(a)(5)(i) (relating to imposition of tax), except
49 that which is refunded, shall be paid to the respective
50 counties of this Commonwealth on June 1 and December 1 of
51 each year in the ratio that the average amount returned to

1 each county during the three preceding years bears to the
2 average amount returned to all counties during the three
3 preceding years.

4 * * *

5 (e) Appropriation.--

6 * * *

7 (3) The [remaining tax collected under section 9004(a),
8 the] tax of 1 1/2¢ a gallon imposed and assessed on liquid
9 fuels used or sold and delivered for use as a fuel in
10 propeller-driven aircraft or aircraft engines, the tax of 1
11 1/2¢ a gallon on liquid fuels used or sold and delivered for
12 use as a fuel in jet or turbojet-propelled aircraft or
13 aircraft engines in lieu of other taxes, all penalties and
14 interests and all interest earned on deposits of the Liquid
15 Fuels Tax Fund shall be paid into the Motor License Fund.
16 This money is specifically appropriated for the same purposes
17 for which money in the Motor License Fund is appropriated by
18 law.

19 Section 40.4. Section 9017(c) (1) of Title 75 is amended to
20 read:

21 § 9017. Refunds.

22 * * *

23 (c) Motorboats and watercraft.--

24 (1) When the tax imposed by this chapter and section
25 9502(a) (5) (relating to imposition of tax) has been paid and
26 the fuel on which the tax has been imposed has been consumed
27 in the operation of motorboats or watercraft upon the waters
28 of this Commonwealth, including waterways bordering on this
29 Commonwealth, the full amount of the tax shall be refunded to
30 the Boat Fund on petition to the board in accordance with
31 prescribed procedures.

32 * * *

33 Section 41. Sections 9106 heading, (a) and (b), 9301 and
34 9502(a) of Title 75 are amended to read:

35 § 9106. Dirt [and gravel], gravel and low-volume road
36 maintenance.

37 (a) Statement of purpose.--It is the intent and purpose of
38 this section:

39 (1) To fund safe, efficient and environmentally sound
40 maintenance of sections of dirt and gravel roads which have
41 been identified as sources of dust and sediment pollution.

42 (2) To establish a dedicated and earmarked funding
43 mechanism that provides streamlined appropriation to the
44 county level and enables local officials to establish fiscal
45 and environmental controls.

46 (3) To fund safe, efficient and environmentally sound
47 maintenance of sections of low-volume roads that are sealed
48 or paved with an average daily traffic count of 500 vehicles
49 or less.

50 (b) General rule.--Of the funds available under section
51 9502(a) (1) (relating to imposition of tax), [\$1,000,000]

1 \$7,000,000 shall be annually distributed to the Department of
2 Conservation and Natural Resources for the maintenance and
3 mitigation of dust and sediment pollution from parks and
4 forestry roads. Funds in the amount of [\$4,000,000] \$28,000,000
5 shall be appropriated annually to the State Conservation
6 Commission and administered in a nonlapsing, nontransferable
7 account restricted to maintenance and improvement of dirt [and
8 gravel], gravel and low-volume State and municipal roads. The
9 State Conservation Commission shall apportion the funds based on
10 written criteria it develops to establish priorities based on
11 preventing dust and sediment pollution. In the first fiscal
12 year, top priority shall be given to specific trouble spot
13 locations already mapped by the Task Force on Dirt and Gravel
14 Roads and available from the department. A minimum of \$8,000,000
15 of the total appropriated annually shall be for maintenance and
16 improvement of low-volume roads.

17 * * *

18 § 9301. Supplemental funding for municipal highway maintenance.

19 (a) Annual appropriation.--The General Assembly shall
20 annually appropriate, beginning with the 1980-1981 fiscal year,
21 the sum of \$5,000,000 for supplemental payments to
22 municipalities to assist in the maintenance and construction
23 costs of municipal roads. The moneys appropriated by authority
24 of this section shall be distributed to municipalities in
25 accordance with the provisions of the act of June 1, 1956 (1955
26 P.L.1944, No.655), [entitled "An act providing a permanent
27 allocation of a part of the fuels and liquids fuels tax proceeds
28 to cities, boroughs, incorporated towns and townships, for their
29 road, street and bridge purposes; conferring powers and imposing
30 duties on local officers and the Department of Highways; and
31 making an appropriation out of the Motor License Fund; and
32 repealing existing legislation."] referred to as the Liquid
33 Fuels Tax Municipal Allocation Law.

34 (b) County allocation supplement.--Commencing July 1, 2014,
35 the amount of \$5,000,000 is appropriated out of the Motor
36 License Fund to counties annually. The following shall apply:

37 (1) The distribution shall be in the ratio of:

38 (i) the square footage of deck area of a county's
39 county-owned bridges; to

40 (ii) the total square footage of deck area of
41 county-owned bridges throughout this Commonwealth.

42 (2) The amount of square footage under paragraph (1)(i)
43 shall be the amount reported as part of the National Bridge
44 Inspection Standards Program.

45 (c) Additional allocation to municipalities.--Commencing
46 July 1, 2014, an amount of \$30,000,000 is appropriated out of
47 the Motor License Fund and shall be distributed to
48 municipalities pursuant to the Liquid Fuels Tax Municipal
49 Allocation Law.

50 § 9502. Imposition of tax.

51 (a) General rule.--

1 (1) An "oil company franchise tax for highway
2 maintenance and construction" which shall be an excise tax of
3 60 mills is hereby imposed upon all liquid fuels and fuels as
4 defined and provided in Chapter 90 (relating to liquid fuels
5 and fuels tax), and such tax shall be collected as provided
6 in section 9004(b) (relating to imposition of tax, exemptions
7 and deductions). Of the amount collected in fiscal year 2015-
8 2016, and each fiscal year thereafter, \$35,000,000 shall be
9 deposited in the Multimodal Transportation Fund established
10 under 74 Pa.C.S. § 2101 (relating to Multimodal
11 Transportation Fund), to be expended in accordance with
12 section 11 of Article VIII of the Constitution of
13 Pennsylvania.

14 (2) An additional 55 mills is hereby imposed on all
15 liquid fuels and fuels as defined and provided in Chapter 90
16 and such tax shall also be collected as provided in section
17 9004(b), the proceeds of which shall be distributed as
18 follows:

19 (i) [Forty-two] Forty-five percent to county
20 maintenance districts for highway maintenance for fiscal
21 year 2013-2014, 29% for fiscal year 2014-2015, 25% for
22 fiscal year 2015-2016 and 19% for fiscal year 2016-2017
23 and each year thereafter. This allocation shall be made
24 according to the formula provided in section 9102(b)(2)
25 (relating to distribution of State highway maintenance
26 funds). This allocation shall be made in addition to and
27 not a replacement for amounts normally distributed to
28 county maintenance districts under section 9102.

29 (ii) [Seventeen percent for highway capital
30 projects.] Fourteen percent for highway capital projects
31 for fiscal year 2013-2014, 30% for fiscal year 2014-2015,
32 34% for fiscal year 2015-2016 and 40% for fiscal year
33 2016-2017 and each year thereafter. Annually, until
34 fiscal year 2023-2024, an amount equal to 15% of all
35 appropriations to the department for highway and bridge
36 capital programs shall be distributed at the discretion
37 of the secretary from the amount distributed under this
38 subparagraph.

39 (iii) Thirteen percent for bridges.

40 (iv) Two percent for bridges identified as county or
41 forestry bridges. Distribution under this subparagraph
42 shall be in the ratio of:

43 (A) the square footage of deck areas, as
44 reported as part of the National Bridge Inspection
45 Standards Program, of a county's county-owned
46 bridges; to

47 (B) the total square footage of deck area, as
48 reported as part of the National Bridge Inspection
49 Standards Program, of all county-owned bridges in
50 this Commonwealth.

51 (v) Twelve percent for local roads pursuant to

1 section 9511(c) (relating to basic allocation to
2 municipalities).

3 (vi) Fourteen percent for toll roads designated
4 pursuant to the act of September 30, 1985 (P.L.240,
5 No.61), known as the Turnpike Organization, Extension and
6 Toll Road Conversion Act, to be appropriated under
7 section 9511(h).

8 (3) An additional 38.5 mills is hereby imposed upon all
9 liquid fuels and fuels as defined and provided in Chapter 90,
10 and such tax shall also be collected as provided in section
11 9004(b), the proceeds of which shall be deposited in The
12 Motor License Fund and distributed as follows:

13 (i) Twelve percent to municipalities on the basis of
14 and subject to the provisions of the act of June 1, 1956
15 (1955 P.L.1944, No.655), referred to as the Liquid Fuels
16 Tax Municipal Allocation Law, is appropriated.

17 [(ii) Eighty-eight percent to the department is
18 appropriated as follows:

19 (A) Forty-seven percent for distribution in
20 accordance with section 9102(b)(2) for fiscal year
21 1997-1998.

22 (B) Fifty-three percent for a Statewide highway
23 restoration, betterment and resurfacing program for
24 fiscal year 1997-1998.

25 (C) Fifty-seven percent for distribution in
26 accordance with section 9102(b)(2) for fiscal year
27 1998-1999.

28 (D) Forty-three percent for a Statewide highway
29 restoration, betterment and resurfacing program for
30 fiscal year 1998-1999.

31 (E) Sixty-seven percent for distribution in
32 accordance with section 9102(b)(2) for fiscal year
33 1999-2000.

34 (F) Thirty-three percent for a Statewide highway
35 restoration, betterment and resurfacing program for
36 fiscal year 1999-2000.

37 (G) Seventy-seven percent for distribution in
38 accordance with section 9201(b)(2) for fiscal year
39 2000-2001.

40 (H) Twenty-three percent for a Statewide highway
41 restoration, betterment and resurfacing program for
42 fiscal year 2000-2001.

43 (I) One hundred percent for distribution in
44 accordance with section 9102(b)(2) for fiscal year
45 2001-2002 and each year thereafter.

46 (J) For any fiscal year beginning with 1997-1998
47 through and including fiscal year 2000-2001, the
48 department shall make supplemental maintenance
49 program payments from the Statewide highway
50 restoration betterment program to those county
51 maintenance districts for which the total highway

1 maintenance appropriations and executive
2 authorizations in accordance with section 9102(b)
3 would be less than the amount received in 1996-1997
4 from the highway maintenance appropriation, the
5 Secondary Roads-Maintenance and Resurfacing Executive
6 Authorization, the Highway Maintenance Excise Tax
7 Executive Authorization and the Highway Maintenance
8 Supplemental Appropriation.

9 The words and phrases used in this paragraph shall have the
10 meanings given to them in section 9101 (relating to
11 definitions). This one-time allocation shall be made in
12 addition to and is not a replacement for amounts normally
13 distributed to county maintenance districts under section
14 9102.]

15 (ii) Sixty-eight percent to the department for
16 distribution in accordance with section 9102(b)(2) for
17 fiscal year 2013-2014; 49% for fiscal year 2014-2015 and
18 40% for each fiscal year thereafter.

19 (iii) Twenty percent to the department for expanded
20 highway and bridge maintenance for fiscal year 2013-2014;
21 39% for fiscal year 2014-2015 and 48% for each fiscal
22 year thereafter to be distributed as follows:

23 (A) Annually, 15% of the amount deposited in a
24 fiscal year shall be distributed at the discretion of
25 the secretary.

26 (B) Any funds deposited but not distributed
27 under clause (A) shall be distributed in accordance
28 with the formula under section 9102(b)(2).

29 (C) Temporary transfers of funds may be made
30 between counties if required for project cash flow.

31 (4) An additional 55 mills is hereby imposed upon all
32 fuels as defined and provided in chapter 90 and such tax
33 shall also be collected as provided in section 9004(b) upon
34 such fuels, the proceeds of which shall be deposited in The
35 Highway Bridge Improvement Restricted Account within the
36 Motor License Fund and is hereby appropriated.

37 (5) An additional 64 mills in calendar year 2014, 49
38 mills in calendar year 2015, 48 mills in calendar year 2016,
39 41 mills in calendar year 2017 and 39 mills in each calendar
40 year thereafter, is imposed upon all motor fuels as defined
41 and provided in Chapter 90; and the tax shall also be
42 collected as provided in section 9004(b) upon such fuels. The
43 proceeds of the tax shall be deposited and distributed as
44 follows:

45 (i) Four and seventeen hundredths percent to the
46 Liquid Fuels Tax Fund of the State Treasury. The money
47 paid into that fund is specifically appropriated for the
48 purposes set forth in section 9010 (relating to
49 disposition and use of tax).

50 (ii) Ninety-five and eighty-three hundredths
51 percent to the Motor License Fund. This money is

1 specifically appropriated for the same purposes for which
2 money in the Motor License Fund is appropriated by law.
3 Twenty percent of the money under this subparagraph shall
4 be allocated to municipalities in accordance with section
5 9511(d).

6 * * *

7 Section 42. Section 9511(b) and (g) of Title 75 are amended
8 and the section is amended by adding subsections to read:
9 § 9511. Allocation of proceeds.

10 * * *

11 (b) State Highway Transfer Restoration Restricted Account
12 and local bridges.--

13 (1) The amount of the proceeds deposited in the Motor
14 License Fund pursuant to this chapter which[, in fiscal year
15 1983-1984,] is attributable to [two] three mills of the tax
16 imposed under section 9502(a) (relating to imposition of tax)
17 [and which, in fiscal year 1984-1985 and thereafter, is
18 attributable to three mills of the tax,] shall be deposited
19 as follows:

20 (i) For fiscal years 2013-2014 through fiscal year
21 2016-2017, as follows:

22 (A) Twenty-seven million dollars shall be
23 deposited in the State Highway Transfer Restoration
24 Restricted Account within the Motor License Fund. The
25 funds deposited in the State Highway Transfer
26 Restoration Restricted Account shall be appropriated
27 annually for expenditure as provided under subsection
28 (g).

29 (B) All funds not deposited in accordance with
30 clause (A) shall be deposited in the Highway Bridge
31 Improvement Restricted Account within the Motor
32 License Fund for local bridges, notwithstanding if
33 the project is administered by a county, municipality
34 or the department.

35 (ii) For fiscal year 2017-2018 and each fiscal year
36 thereafter, as follows:

37 (A) One and one-half mill shall be deposited in
38 the State Highway Transfer Restoration Restricted
39 Account within the Motor License Fund, which account
40 is hereby created. The funds deposited in the State
41 Highway Transfer Restoration Restricted Account are
42 hereby annually appropriated out of the account upon
43 authorization by the Governor for expenditure as
44 provided in subsection (g).

45 (B) One and one-half mill shall be deposited in
46 the Highway Bridge Improvement Restricted Account
47 within the Motor License Fund for local bridges,
48 notwithstanding if the project is administered by a
49 county, municipality or the department.

50 (2) If funds are available to make payments under
51 subsection (g)(1), the department may transfer funds

1 deposited under paragraph (1)(i) and (ii) between the State
2 Highway Transfer Restoration Restricted Account and the
3 Highway Bridge Improvement Restricted Account at the
4 discretion of the secretary.

5 * * *

6 (e.1) Allocation to municipalities for traffic signals.--In
7 addition, up to \$10,000,000 for fiscal year 2014-2015, up to
8 \$25,000,000 for fiscal year 2015-2016 and up to \$40,000,000 for
9 fiscal year 2016-2017 and each fiscal year thereafter, is
10 appropriated out of the Motor License Fund to replace,
11 synchronize, time, operate and maintain traffic signals within
12 traffic corridors consistent with 74 Pa.C.S. Ch. 92 (relating to
13 traffic signals). The funds shall be used and allocated in
14 accordance with the following:

15 (1) During fiscal year 2014-2015, up to \$10,000,000 is
16 allocated to municipalities for upgrading traffic signals to
17 light-emitting diode technology and for performing regional
18 operations such as retiming, developing special event plans
19 and monitoring traffic signals.

20 (2) During fiscal year 2015-2016, up to \$25,000,000
21 shall be allocated to municipalities for upgrading traffic
22 signals to light-emitting diode technology, performing
23 regional operations such as retiming, developing special
24 event plans and monitoring traffic signals and for
25 maintaining and operating traffic signals.

26 (3) During fiscal years 2016-2017 and each fiscal year
27 thereafter, up to \$40,000,000 shall be allocated to
28 municipalities for upgrading traffic signals to light-
29 emitting diode technology, performing regional operations
30 such as retiming, developing special event plans and
31 monitoring traffic signals and for maintaining and operating
32 traffic signals.

33 (4) Financial assistance under this section shall be
34 matched by municipal or private cash funding in an amount not
35 less than 50% of the amount of the financial assistance being
36 provided.

37 (5) The department shall establish guidelines for
38 applications and approval of applications from municipalities
39 for the financial assistance being provided. Applicants must
40 enter into agreements provided for under 74 Pa.C.S. Ch. 92.
41 Priority will be given to multi-municipal improvements.

42 (g) Use of funds in the State Highway Transfer Restoration
43 Restricted Account.--The funds appropriated in subsection (b)
44 for deposit in the State Highway Transfer Restoration Restricted
45 Account shall be used to pay for the costs of restoration of
46 such highways as provided in Chapter 92 (relating to transfer of
47 State highways) and annual payments to the municipalities for
48 highway maintenance in accordance with the following:

49 (1) Annual maintenance payments shall be at the rate of
50 \$4,000 per mile for each highway or portion of highway
51 transferred under Chapter 92, section 222 of the act of June

1 1, 1945 (P.L.1242, No.428), known as the State Highway Law,
2 or any statute enacted in 1981.

3 (2) Annual maintenance payments shall be paid at the
4 same time as funds appropriated under the act of June 1, 1956
5 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax
6 Municipal Allocation Law, except that no maintenance payment
7 shall be paid for a highway until after the year following
8 its transfer to the municipality.

9 (3) Annual maintenance payments under this subsection
10 shall be in lieu of annual payments under the Liquid Fuels
11 Tax Municipal Allocation Law.

12 (4) Annual maintenance payments under this subsection
13 shall be deposited into the municipality's liquid fuels tax
14 account and may be used on any streets and highways in the
15 municipality in the same manner and subject to the same
16 restrictions as liquid fuels tax funds paid under the Liquid
17 Fuels Tax Municipal Allocation Law or, in the case of a
18 county, under section 10 of the act of May 21, 1931 (P.L.149,
19 No.105), known as The Liquid Fuels Tax Act.

20 * * *

21 (i) Refund to Pennsylvania Fish and Boat Commission.--

22 (1) When the tax imposed by section 9502(a) (relating to
23 imposition of tax) has been paid and the fuel on which the
24 tax has been imposed has been consumed in the operation of
25 motorboats or watercraft upon the waters of this
26 Commonwealth, including waterways bordering this
27 Commonwealth, the full amount of the tax shall be refunded to
28 the Boat Fund on petition to the Board of Finance and Revenue
29 in accordance with prescribed procedures.

30 (2) In accordance with the procedures, the Pennsylvania
31 Fish and Boat Commission shall biannually calculate the
32 amount of liquid fuels consumed by the motorcraft and furnish
33 the information relating to its calculations and data as
34 required by the Board of Finance and Revenue. The Board of
35 Finance and Revenue shall review the petition and motorboat
36 fuel consumption calculations of the commission, determine
37 the amount of the oil company franchise tax paid and certify
38 to the State Treasurer to refund annually to the Boat Fund
39 the amount so determined. The department shall be accorded
40 the right to appear at the proceedings and make its views
41 known.

42 (3) For the fiscal years commencing July 1, 2013, July
43 1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the
44 money under paragraph (2) shall be used by the commission
45 acting by itself or by agreement with other Federal and State
46 agencies only for the improvement of hazardous dams
47 impounding waters of this Commonwealth on which boating is
48 permitted, including the development and construction of
49 boating areas and the dredging and clearing of water areas
50 where boats can be used. The commission shall present its
51 plan no later than September 30 of each year through

1 September 30, 2017, to the chairman and minority chairman of
2 the Transportation Committee and the chairman and minority
3 chairman of the Game and Fisheries Committee of the Senate
4 and the chairman and minority chairman of the Transportation
5 Committee and the chairman and minority chairman of the Game
6 and Fisheries Committee of the House of Representatives
7 regarding the use of the funds. For the fiscal year
8 commencing July 1, 2018, and for each fiscal year thereafter,
9 this money shall be used by the commission acting by itself
10 or by agreement with other Federal and State agencies only
11 for the improvement of the waters of this Commonwealth on
12 which motorboats are permitted to operate and may be used for
13 the development and construction of motorboat areas; the
14 dredging and clearing of water areas where motorboats can be
15 used; the placement and replacement of navigational aids; the
16 purchase, development and maintenance of public access sites
17 and facilities to and on waters where motorboating is
18 permitted; the patrolling of motorboating waters; the
19 publishing of nautical charts in those areas of this
20 Commonwealth not covered by nautical charts published by the
21 United States Coast and Geodetic Survey or the United States
22 Army Corps of Engineers and the administrative expenses
23 arising out of the activities; and other similar purposes.

24 Section 43. The following shall apply:

25 (1) The amendment of 74 Pa.C.S. § 303 shall apply to
26 competitive contract opportunities issued on or after the
27 effective date of this section.

28 (2) The amendment of 74 Pa.C.S. § 1512 shall apply to
29 feasibility studies performed prior to and after the
30 effective date of this section.

31 (3) The amendments of 74 Pa.C.S. § 8105(b)(2) shall
32 apply to members of the Pennsylvania Turnpike Commission
33 appointed for the first time after the effective date of this
34 section.

35 (4) The addition of 74 Pa.C.S. § 9202 shall apply to
36 contracts entered into on or after the effective date of this
37 section.

38 Section 44. The General Assembly declares that the amendment
39 of 75 Pa.C.S. § 4968(a.2)(4) shall not affect requirements of
40 the Department of Transportation regarding the permit for the
41 movement of raw milk found at 50A on pages 83 and 84 of
42 Publication 31 of the Department of Transportation.

43 Section 45. The Department of Transportation and the
44 Pennsylvania Turnpike Commission may amend the lease agreement
45 entered into by them pursuant to 75 Pa.C.S. § 8915.3 in order to
46 conform the provisions of the lease to the amendments to the
47 rights and obligations of the Department of Transportation and
48 the Pennsylvania Turnpike Commission contained in this act.

49 Section 46. The maximum principal amount of additional debt
50 to be incurred under this act for capital projects specifically
51 itemized in a capital project itemization act pursuant to

1 section 7(a)(4) of Article VIII of the Constitution of
2 Pennsylvania shall be \$500,000,000. Debt shall be incurred in
3 accordance with the act of February 9, 1999 (P.L.1, No.1), known
4 as the Capital Facilities Debt Enabling Act, and the Motor
5 License Fund shall be charged with the repayment of the debt.
6 The net proceeds from the sale of obligations authorized in this
7 section are appropriated to the Department of Transportation to
8 be used exclusively to defray financial costs of capital
9 projects specifically itemized in accordance with the Capital
10 Facilities Debt Enabling Act. The money necessary to pay debt
11 service or to pay arbitrage rebates required under section 148
12 of the Internal Revenue Code of 1986 (Public Law 99-514, 26
13 U.S.C. § 148) due on the obligations under this section in
14 fiscal year 2013-2014 is appropriated to the State Treasurer
15 from the Motor License Fund.

16 Section 47. The sum of \$1,000,000 is appropriated to the
17 Department of Transportation from the Multimodal Transportation
18 Fund for costs incurred by the department in the administration
19 of the programs under 74 Pa.C.S. § 2401(a)(1).

20 Section 48. This act shall take effect as follows:

21 (1) The following provisions shall take effect
22 immediately:

- 23 (i) This section.
24 (ii) Sections 43, 44, 45 and 46 of this act.
25 (iii) The addition of 74 Pa.C.S. Ch. 2.
26 (iv) The amendment of 74 Pa.C.S. § 1504.
27 (v) The amendment or addition of 74 Pa.C.S. §
28 1506(c), (e)(1)(i), (vi) and (vii), (2), (3) and (5).
29 (vi) The amendment of 74 Pa.C.S. § 1512.
30 (vii) The amendment or addition of 74 Pa.C.S. §
31 1514(c) and (e.1).
32 (viii) The amendment or addition of 74 Pa.C.S. §
33 1516(b)(1), (e) and (f).
34 (ix) The addition of 74 Pa.C.S. § 1517.1.
35 (x) The addition of 74 Pa.C.S. Ch. 21.
36 (xi) The addition of 74 Pa.C.S. Ch. 59 Subch. C.
37 (xii) The amendment of 74 Pa.C.S. § 8105(b)(2).
38 (xiii) The addition of 74 Pa.C.S. Ch. 92.
39 (xiv) The addition of 74 Pa.C.S. Ch. 93.
40 (xv) The reenactment of 75 Pa.C.S. § 1550(d)(2).
41 (xv.1) The amendment or addition of 75 Pa.C.S. §
42 1955(a)(2).
43 (xv.2) The amendment or addition of 75 Pa.C.S. §§
44 3362(a) and (c) and 3363.
45 (xvi) The amendment or addition of 75 Pa.C.S. §§
46 4902 and 4968.
47 (xvi.1) The amendment or addition of 75 Pa.C.S. §
48 6110(a) and (a.1).
49 (xvii) The amendment of 75 Pa.C.S. § 8915.6.
50 (xviii) The amendment of 75 Pa.C.S. § 9002.
51 (xix) The amendment or addition of 75 Pa.C.S. §§

1 9502(a)(1), (2)(i) and (ii), (3), (4) and (5) and 9511.
2 (2) The following provisions shall take effect January
3 1, 2014, or immediately, whichever occurs later:
4 (i) The amendment or addition of 74 Pa.C.S. §
5 1506(e)(1)(iii) and (v) and (4).
6 (ii) The amendment of 75 Pa.C.S. § 1307(f).
7 (iii) The amendment of 75 Pa.C.S. § 1904.
8 (iv) The amendment of 75 Pa.C.S. § 3111.
9 (v) The amendment of 75 Pa.C.S. § 6506.
10 (vi) The amendment of 75 Pa.C.S. Ch. 90, except §
11 9002.
12 (3) The following provisions shall take effect April 1,
13 2014:
14 (i) The amendment of 75 Pa.C.S. §§ 1951, 1952, 1953,
15 1955 and 1956.
16 (ii) The amendment of 75 Pa.C.S. § 2102.
17 (4) The following provisions shall take effect July 1,
18 2014:
19 (i) The amendment of 74 Pa.C.S. §§ 1503 and 1506(b)
20 and (e)(6).
21 (ii) The amendment of 75 Pa.C.S. §§ 1353 and 1355.
22 (iii) The amendment of 75 Pa.C.S. §§ 1913, 1920(a)
23 and (c)(1), 1921, 1922, 1924, 1925, 1926, 1926.1, 1927,
24 1928, 1929, 1930, 1931, 1931.1, 1933, 1942, 1943, 1944,
25 1945, 1947 and 1958.
26 (iv) The amendment of 75 Pa.C.S. § 8901.
27 (v) The amendment of 75 Pa.C.S. § 9106.
28 (vi) The amendment of 75 Pa.C.S. § 9502(a)(2)(iv).
29 (5) The following provisions shall take effect January
30 1, 2015:
31 (i) The amendment of 75 Pa.C.S. §§ 1553(c) and
32 1554(c).
33 (ii) The amendment of 75 Pa.C.S. § 1617.
34 (iii) The amendment of 75 Pa.C.S. § 1786(d).
35 (iv) The amendment of 75 Pa.C.S. §§ 1916, 1917,
36 1918, 1920(c)(2), 1932, 1935, 1957, 1959, 1960 and 1961.
37 (6) The amendment or addition of 75 Pa.C.S. §§ 1307(g),
38 1332(d) and 1911 shall take effect December 31, 2016.
39 (7) The remainder of this act shall take effect in 60
40 days.

AMENDMENTS TO HOUSE BILL NO. 106

Sponsor: REPRESENTATIVE TURZAI

Printer's No. 2654

1 Amend Bill, page 1, lines 1 through 7, by striking out all of
2 said lines and inserting
3 Amending Titles 74 (Transportation) and 75 (Vehicles) of the
4 Pennsylvania Consolidated Statutes, in Title 74, providing
5 for organization; in sustainable mobility options, further
6 providing for the Public Transportation Trust Fund, for asset
7 improvement program and for programs of Statewide
8 significance; providing for multimodal transportation
9 funding; in turnpike, further providing for definitions and
10 for electronic toll collection; in public-private
11 transportation partnerships, further providing for public-
12 private transportation partnership agreement; providing for
13 traffic signals, for the bridge bundling program, for local
14 bridge maintenance and for public utility facilities; in
15 Title 75, in registration of vehicles, further providing for
16 period of registration and for display of registration plate;
17 providing for suspension of registration upon unpaid tolls;
18 in rules of the road in general, further providing for speed
19 timing devices; in licensing of drivers, further providing
20 for occupational limited license; in commercial drivers,
21 further providing for fees; in fees, further providing for
22 collection and disposition of fees and money, for annual
23 registration fee, for passenger cars, for motor homes, for
24 motorcycles, for motor-driven cycles, for trucks and truck
25 tractors, for motor buses and limousines, for school buses
26 and school vehicles, for trailers, for special mobile
27 equipment, for implements of husbandry, for antique, classic
28 and collectable vehicles, for farm vehicles, for ambulances,
29 taxis and hearses, for dealers and miscellaneous motor
30 vehicle business, for farm equipment vehicle dealers, for
31 fleet owner transporter plate, for replacement registration
32 plates, for legislative registration plates, for personal
33 registration plates, for street rod registration plates, for
34 duplicate registration cards and for commercial implements of
35 husbandry, for special hauling permits, for annual hauling
36 permits, for mobile homes, modular housing units and modular
37 housing undercarriages, for driver's licenses and learner's
38 permit, for certificate of title, for security interest, for

1 information concerning driver's and vehicles, for certified
2 copies and for reinstatement of operating privileges; in size,
3 weight and load, further providing for restrictions on use of
4 highways and bridges; in powers of department and local
5 authorities, further providing for regulation of traffic on
6 Pennsylvania Turnpike; in Pennsylvania Turnpike, further
7 providing for definitions; in liquid fuels and fuels tax,
8 making editorial changes and further providing for
9 definitions, for imposition, for distributor's report, for
10 disposition and for refunds; providing for electric vehicle
11 road fee; in State highway maintenance, further providing for
12 dirt and gravel road maintenance; in taxes for highway
13 maintenance and construction, further providing for
14 imposition of tax and for allocation of proceeds; and making
15 a related repeal.

16 Amend Bill, page 2, lines 22 through 30; page 3, lines 1
17 through 16, by striking out all of said lines on said pages and
18 inserting

19 Section 1. Title 74 of the Pennsylvania Consolidated
20 Statutes is amended by adding a chapter to read:

21 CHAPTER 2
22 ORGANIZATION

23 Sec.

24 201. Definitions.

25 202. Deputy secretaries.

26 § 201. Definitions.

27 The following words and phrases when used in this chapter
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Department." The Department of Transportation of the
31 Commonwealth.

32 "Secretary." The Secretary of Transportation of the
33 Commonwealth.

34 § 202. Deputy secretaries.

35 (a) Appointment.--The secretary shall appoint the following
36 deputy secretaries:

37 (1) Deputy Secretary for Administration.

38 (2) Deputy Secretary for Driver and Vehicle Services.

39 (3) Deputy Secretary for Highway Administration.

40 (4) Deputy Secretary for Multimodal Transportation.

41 (5) Deputy Secretary for Planning.

42 (b) Administration.--The Deputy Secretary for Administration
43 has the powers and duties of the department under law relating
44 to all of the following:

45 (1) Fiscal affairs.

46 (2) Operations analysis and improvement.

47 (3) Information services.

48 (4) Office services.

1 (5) Human resources.
2 (6) Equal opportunity.
3 (c) Driver and vehicle services.--The Deputy Secretary for
4 Driver and Vehicle Services has the powers and duties of the
5 department under law relating to all of the following:

- 6 (1) Drivers.
7 (2) Vehicles.
8 (3) Vehicle and driver safety.
9 (4) Services for other modes of transportation.

10 (d) Highway administration.--The Deputy Secretary for
11 Highway Administration has the powers and duties of the
12 department under law relating to all of the following:

- 13 (1) Design of highways and bridges.
14 (2) Land acquisition for highways and bridges.
15 (3) Construction and reconstruction of highways and
16 bridges.
17 (4) Maintenance and operation of highways and bridges.
18 (5) Highway and bridge safety.

19 (e) Multimodal transportation.--The Deputy Secretary for
20 Multimodal Transportation has the powers and duties of the
21 department under law relating to modes of transportation other
22 than highways, except recreational boating and ferry licensing,
23 including all of the following:

- 24 (1) Local and public transportation.
25 (2) Rail freight.
26 (3) Ports and waterways.
27 (4) Aviation and airports.

28 (f) Planning.--The Deputy Secretary of Planning has the
29 powers and duties of the department under law relating to all of
30 the following:

- 31 (1) Planning and research.
32 (2) Program development and management.
33 (3) Services to municipalities.

34 Section 1.1. Section 1506(b)(1) and (c) of Title 74 are
35 amended to read:

36 § 1506. Fund.

37 * * *

38 (b) Deposits to fund by department.--

- 39 (1) The following apply:
40 (i) [Except as provided under subparagraph (ii),
41 upon] Upon receipt, the department shall deposit into the
42 fund the revenues received by the department under 75
43 Pa.C.S. Ch. 89 (relating to Pennsylvania Turnpike) and
44 the lease agreement executed between the department and
45 the Pennsylvania Turnpike Commission under 75 Pa.C.S. §
46 8915.3 (relating to lease of Interstate 80; related
47 agreements) as follows:
48 (A) For fiscal year 2007-2008, \$250,000,000.
49 (B) For fiscal year 2008-2009, \$250,000,000.
50 (C) For fiscal year 2009-2010, \$250,000,000.
51 (D) For fiscal year 2010-2011 and each fiscal

1 year thereafter[, the amount calculated for the
2 previous fiscal year, increased by 2.5%] through
3 fiscal year 2020-2021, \$250,000,000.

4 (ii) The deposits made to the fund under this
5 subsection shall equal \$250,000,000 [annually for each
6 fiscal year commencing after the expiration of the
7 conversion period if the conversion notice is not
8 received by the secretary prior to expiration of the
9 conversion period as set forth under 75 Pa.C.S. §
10 8915.3(3)] for fiscal years 2013-2014 through 2020-2021.
11 No additional payments shall be due following fiscal year
12 2020-2021.

13 * * *

14 (c) Other deposits.--The following shall be deposited into
15 the fund annually:

16 (1) 4.4% of the amount collected under Article II of the
17 Tax Reform Code. Revenues under this paragraph shall be
18 deposited into the fund by the 20th day of each month for the
19 preceding month. The amount deposited under this paragraph is
20 estimated to be equivalent to the money available to the
21 department from the following sources:

22 (i) The Supplemental Public Transportation Account
23 established under former section 1310.1 (relating to
24 supplemental public transportation assistance funding).

25 (ii) The amount appropriated annually by the
26 Commonwealth from the General Fund for mass transit
27 programs pursuant to a General Appropriations Act.

28 (2) An amount of proceeds of Commonwealth capital bonds
29 as determined annually by the Secretary of the Budget.

30 (3) Revenue in the Public Transportation Assistance Fund
31 established under Article XXIII of the Tax Reform Code not
32 otherwise dedicated pursuant to law.

33 (3.1) If, by July 1, 2021, legislation is not enacted to
34 replace the revenue deposited in the fund under subsection
35 (b)(1), in fiscal year 2021-2022 and in each fiscal year
36 thereafter, the following shall apply:

37 (i) An amount equal to that revenue shall be
38 deposited in the fund.

39 (ii) Notwithstanding any other provision of law, the
40 source of the revenue deposited in the fund under this
41 paragraph shall be the receipts from the tax collected
42 under section 238 of the Tax Reform Code on motor
43 vehicles, trailers and semi-trailers.

44 * * *

45 Section 2. Sections 1514 and 1516 of Title 74 are amended by
46 adding subsections to read:

47 § 1514. Asset improvement program.

48 * * *

49 (e.1) Public transportation.--The department is authorized
50 to annually distribute the following for public transportation
51 capital projects:

1 (1) All revenue deposited into the fund under 75 Pa.C.S.
2 § 1786(d)(6).

3 (2) The revenues deposited in the Motor License Fund in
4 accordance with 75 Pa.C.S. § 3368(s)(2) (relating to speed
5 timing devices).

6 * * *

7 § 1516. Programs of Statewide significance.

8 * * *

9 (c.1) Intercity rail.--The department is authorized to
10 expend up to \$6,000,000 annually of the funds deposited to the
11 fund pursuant to 75 Pa.C.S. § 1904(b)(1) (relating to collection
12 and disposition of fees and moneys) for operating assistance to
13 intercity passenger rail service between Philadelphia and
14 Pittsburgh.

15 * * *

16 (f) Continuation special transit services.--The department
17 is authorized to award \$4,000,000 annually of the funds
18 deposited to the fund pursuant to 75 Pa.C.S. § 1904(b)(1) for
19 the continuation of special transit services.

20 Section 3. Title 74 is amended by adding a chapter to read:

21 CHAPTER 21

22 MULTIMODAL TRANSPORTATION FUNDING

23 Sec.

24 2101. Multimodal Transportation Fund.

25 2102. Deposits to fund.

26 2103. Use of revenue.

27 2104. Distribution of revenue.

28 2105. Project selection criteria and agreement.

29 2106. Local match.

30 § 2101. Multimodal Transportation Fund.

31 A special fund is established within the State Treasury to be
32 known as the Multimodal Transportation Fund. Money in the fund
33 is appropriated to the department for the purposes authorized
34 under this chapter.

35 § 2102. Deposits to fund.

36 The following shall be deposited in the Multimodal
37 Transportation Fund:

38 (1) For fiscal year 2013-2014, \$26,000,000 of the
39 revenue deposited in the fund in accordance with 75 Pa.C.S. §
40 1904(b)(2) (relating to collection and disposition of fees
41 and moneys). For fiscal year 2014-2015 and each fiscal year
42 thereafter, 20% of the revenue deposited in the fund in
43 accordance with 75 Pa.C.S. § 1904(b)(2).

44 (2) For fiscal year 2015-2016 and each fiscal year
45 thereafter, \$30,000,000 from the oil company franchise tax
46 imposed under 75 Pa.C.S. § 9502 (relating to imposition of
47 tax) to be expended in accordance with section 11 of Article
48 VIII of the Constitution of Pennsylvania.

49 (3) Other appropriations, deposits or transfers to the
50 fund.

51 (4) The interest earned on money in the fund.

1 § 2103. Use of revenue.

2 Money in the fund shall be used by the Department of
3 Transportation as follows:

4 (1) To provide grants through the department's programs
5 relating to aviation, rail freight, passenger rail, port and
6 waterway, bicycle and pedestrian facilities, road and bridge
7 and other transportation modes.

8 (2) For costs incurred by the department in the
9 administration of programs specified under paragraph (1).

10 (3) To incur costs for activities initiated or
11 undertaken directly by the department related to the programs
12 under paragraph (1).

13 § 2104. Distribution of revenue.

14 For fiscal year 2013-2014, the revenue deposited in the fund
15 shall be designated for eligible programs under this chapter.
16 Starting in fiscal year 2014-2015, the revenue deposited in the
17 fund shall be distributed as follows:

18 (1) Six million dollars shall be designated for programs
19 related to aviation.

20 (2) Six million dollars shall be designated for programs
21 related to rail freight.

22 (3) Four million dollars shall be designated for
23 programs related to rail passengers.

24 (4) Four million dollars shall be designated for
25 programs related to ports and waterways.

26 (5) The remaining revenues shall be designated for
27 eligible programs under this chapter.

28 § 2105. Project selection criteria and agreement.

29 The Department of Transportation shall award grants under
30 this chapter on a competitive basis. The department may not
31 reserve, designate or set aside a specific level of funds or
32 percentage of funds to an applicant prior to the completion of
33 the application process, nor may the department designate a set
34 percentage of funds to an applicant.

35 § 2106. Local match.

36 Financial assistance under this section shall be matched by
37 county, municipal or private funding in an amount not less than
38 30% of the non-Federal share of the project cost. Matching funds
39 from a county or municipality shall only consist of cash
40 contributions provided by one or more counties or
41 municipalities.

42 Section 4. The definitions of "electronic toll collection,"
43 "owner" and "violation enforcement system" in section 8102 of
44 Title 74 are amended and the section is amended by adding
45 definitions to read:

46 § 8102. Definitions.

47 The following words and phrases when used in this chapter
48 shall have the meanings given to them in this section unless the
49 context clearly indicates otherwise:

50 "Automated toll collection." A system of collecting tolls or
51 charges by a device that is capable of accepting coin, currency,

1 cards or tokens for payment of the prescribed toll or charge.

2 "Certificate of passage." A document signed and certified by
3 a vehicle owner, operator or lessee evidencing agreement to pay
4 the prescribed toll plus a processing fee to the commission
5 within a prescribed period.

6 "Certificate of passage toll collection." A system of
7 collecting a toll or charge by providing a vehicle owner,
8 operator or lessee with a certificate of passage at a toll
9 collection facility if the owner, operator or lessee does not
10 have sufficient funds to pay the prescribed toll at the time the
11 owner, operator or lessee passes through the toll collection
12 facility.

13 * * *

14 "Electronic toll collection." A system of collecting tolls
15 or charges [that is capable of charging an account holder for
16 the prescribed toll] by electronic transmission of information
17 [between], including by use of a device on a vehicle and a
18 device [in a toll lane] at a toll collection facility, open road
19 tolling, video tolling system or other similar structural or
20 technological enhancements related to tolling.

21 * * *

22 "Owner." Except as provided under section [8117(e)] 8117
23 (relating to [electronic] toll collection), [an individual] a
24 person, copartnership, association or corporation having title
25 or interest in a property right, easement or franchise
26 authorized to be acquired under this chapter.

27 * * *

28 "Toll collection." A system of collecting tolls or charges
29 that is capable of charging an account holder or vehicle owner,
30 operator or lessee for the prescribed toll by automated toll
31 collection, certificate of passage toll collection or electronic
32 toll collection.

33 * * *

34 "Video tolling system." As follows:

35 (1) A vehicle sensor or other electronic toll collection
36 device, placed in a location to work in conjunction with a
37 toll collection facility, which automatically produces a
38 videotape or photograph, microphotograph or other recorded
39 image of the vehicle or vehicle license plate at the time the
40 vehicle is used or operated on the tolled facility in order
41 to collect tolls or detect violations of the toll collection
42 regulations or rules.

43 (2) The term includes technology other than identified
44 under paragraph (1) which identifies a vehicle by
45 photographic, electronic or other method.

46 "Violation." The failure to pay the prescribed toll as
47 provided under section 8117(a) (1) (relating to toll collection).

48 ["Violation enforcement system." A vehicle sensor, placed in
49 a location to work in conjunction with a toll collection
50 facility, which automatically produces a videotape or
51 photograph, microphotograph or other recorded image of the rear

1 portion of each vehicle at the time the vehicle is used or
2 operated in violation of the toll collection regulations. The
3 term includes any other technology which identifies a vehicle by
4 photographic, electronic or other method.]

5 Section 5. Sections 8117 and 9110(f)(5) of Title 74 are
6 amended to read:

7 § 8117. [Electronic toll] Toll collection.

8 (a) Liability of owner.--

9 [(1) If an operator of a vehicle fails to pay the
10 prescribed toll at any location where tolls are collected by
11 means of electronic toll collection, the owner of the vehicle
12 shall be liable to the commission for failure of the operator
13 of the vehicle to comply with this section if the violation
14 is evidenced by information obtained from a violation
15 enforcement system.

16 (2) If a violation of this section is committed, the
17 registration plate number of the vehicle as recorded by a
18 violation enforcement system shall establish an inference
19 that the owner of the vehicle was then operating the vehicle.
20 The inference shall be overcome if the owner does all of the
21 following:

22 (i) Testifies that the owner was not operating the
23 vehicle at the time of the violation.

24 (ii) Submits to an examination as to who at the time
25 was operating the vehicle.

26 (iii) Reveals the name and residence address, if
27 known, of the operator of the vehicle.

28 (3) If an action or proceeding is commenced in a county
29 other than that of the residence of the owner, a verified
30 written statement setting forth the facts prescribed under
31 paragraph (2)(i), (ii) and (iii) shall suffice to overcome
32 the inference.

33 (4) If the inference is overcome, the operator of the
34 vehicle may be held liable under this section for failure to
35 pay the prescribed toll in the same manner as if the operator
36 were the owner of the vehicle.

37 (b) Imposition of liability.--Liability under this section
38 shall be imposed upon an owner for a violation of this section
39 or the regulations of the commission occurring within the
40 territorial limits of this Commonwealth. If a violation is
41 committed as evidenced by a violation enforcement system, the
42 following shall apply:

43 (1) The commission or an authorized agent or employee
44 must prepare and mail a notice of violation as follows:

45 (i) The notice of violation must be sent by first
46 class mail to each person alleged to be liable as an
47 owner for a violation of this section.

48 (ii) The notice must be mailed at the address shown
49 on the vehicle registration or at the address of the
50 operator, as applicable. Notice must be mailed no later
51 than 60 days after:

1 (A) the alleged conduct; or
2 (B) the date the inference is overcome under
3 subsection (a)(2).

4 (iii) Personal service is not required.

5 (iv) The notice must contain all of the following:

6 (A) Information advising the person charged of
7 the manner and time in which the liability alleged in
8 the notice may be contested.

9 (B) A warning advising the person charged that
10 failure to contest in the manner and time provided
11 shall be deemed an admission of liability and that a
12 default judgment may be entered on the notice.]

13 (1) Notwithstanding any other provision of law, if an
14 operator of a vehicle fails to pay the prescribed toll at a
15 prescribed location by means of toll collection or as
16 directed by official signs posted on the tolled facility in
17 accordance with the rules or regulations instituted for toll
18 collection by the tolling entity, the owner of the vehicle
19 shall be liable to the tolling entity or its authorized agent
20 for failure of the operator of the vehicle to comply with
21 this section if the violation is evidenced by any of the
22 following:

23 (i) Information obtained from a video tolling
24 system.

25 (ii) A certificate of passage that has not been paid
26 within the prescribed time period.

27 (2) Except for an operator who utilizes certificates of
28 passage toll collection, if an operator of a vehicle fails to
29 pay the prescribed toll as provided under paragraph (1), the
30 registration plate number of the vehicle as recorded by a
31 video tolling system shall establish an inference that the
32 owner of the vehicle was operating the vehicle at the time of
33 the violation. The inference shall be overcome if the owner
34 does all of the following:

35 (i) Testifies that the owner was not operating the
36 vehicle at the toll collection facility at the time of
37 the violation.

38 (ii) Submits to an examination as to who was
39 operating the vehicle at the time of the violation.

40 (iii) Reveals the name and residence address, if
41 known, of the operator of the vehicle or demonstrates to
42 the reasonable satisfaction of the commission that the
43 vehicle was misidentified.

44 (3) If an action or proceeding is commenced in a county
45 other than that of the residence of the owner, a verified
46 written statement under 18 Pa.C.S. § 4904 (relating to
47 unsworn falsifications to authorities) setting forth the
48 facts prescribed under paragraph (2) shall suffice to
49 overcome the inference.

50 (4) A court of competent jurisdiction shall admit as
51 prima facie evidence the verified statement relied upon under

1 paragraph (3). The operator of the vehicle may be held liable
2 under this section for failure to pay the prescribed toll in
3 the same manner as if the operator were the owner of the
4 vehicle if any of the following apply:

5 (i) The inference is overcome.

6 (ii) The operator of the vehicle utilized
7 certificate of passage toll collection.

8 (b) Imposition of liability.--Liability under this section
9 shall be imposed upon an owner, including a person, lessee or
10 operator who becomes liable in the same manner as if the person
11 was an owner under this section, for a violation of this section
12 or the regulations or rules of the commission occurring within
13 the territorial limits of this Commonwealth. If a violation is
14 committed as evidenced by information obtained from a video
15 tolling system or certificate of passage, the following shall
16 apply:

17 (1) The commission or an authorized agent or employee
18 shall prepare and mail a notice of violation as follows:

19 (i) The notice of violation shall be sent by first
20 class mail to each person alleged to be liable as an
21 owner for a violation of this section.

22 (ii) The notice shall be mailed to the address shown
23 on the vehicle registration or to the address of the
24 operator, as applicable. Notice shall be mailed no later
25 than 120 days after one of the following:

26 (A) The date of the alleged conduct.

27 (B) The date the inference is overcome in
28 subsection (a)(2).

29 (C) The date that a lessor provides the
30 information required under paragraph (3) in a manner
31 that the lessee of the vehicle on the date of
32 violation is deemed to be the owner of the vehicle
33 for purposes of this section.

34 (iii) Personal service of the notice shall not be
35 required.

36 (iv) The notice shall include all of the following:

37 (A) The date, time and location of the alleged
38 violation and, if available, the license plate number
39 of the vehicle.

40 (B) Information advising the owner charged of
41 the manner and time in which the liability alleged in
42 the notice may be contested.

43 (C) A warning advising the owner charged that
44 failure to contest in the manner and time provided
45 shall be deemed an admission of liability, that a
46 default judgment may be entered on the notice and
47 that the failure to pay all unpaid tolls,
48 administrative fees and costs may result in
49 suspension of registration of a vehicle registered to
50 the person by the department.

51 (v) A single notice with respect to multiple

1 violations may be sent if the notice meets the
2 requirements of this paragraph.

3 (1.1) A manual or automatic record of mailing prepared
4 in the ordinary course of business shall be prima facie
5 evidence of the mailing of notice.

6 (2) If an owner of a vehicle or an owner that is a
7 lessor of a vehicle receives a notice of violation under this
8 section for any time period during which the vehicle was
9 reported to a police department as having been stolen, it
10 shall be a defense to the allegation of liability that the
11 vehicle had been reported to the police as having been stolen
12 prior to the time the violation occurred and that the vehicle
13 had not been recovered by the time of the violation. For
14 purposes of asserting the defense under this paragraph, it
15 shall be sufficient that a certified copy of the police
16 report on the stolen vehicle be sent by first class mail to
17 the commission or its authorized agent within 30 days after
18 receiving the original notice of violation. Failure to send
19 the information within the time limit under this paragraph
20 shall render the owner or lessor liable for the penalty
21 prescribed by this section.

22 (3) An owner that is a lessor of a vehicle as to which a
23 notice of violation was issued under paragraph (1) shall not
24 be liable for a violation if the owner sends to the
25 commission or its authorized agent a copy of the rental,
26 lease or other contract document covering the vehicle on the
27 date of the violation, with the name and address of the
28 lessee clearly legible to the commission, within 30 days
29 after receiving the original notice of violation. Failure to
30 send the information within the time limit under this
31 paragraph shall render the lessor liable for the penalty
32 prescribed by this section. If the lessor complies with the
33 provisions of this section, the lessee of the vehicle on the
34 date of the violation shall be deemed to be the owner of the
35 vehicle for purposes of this section and shall be subject to
36 liability for the penalty under this section.

37 (4) A certified report or a facsimile report of an
38 authorized agent or employee of the commission reporting a
39 violation of this section or rules or regulations of the
40 commission based upon [the recorded information obtained from
41 a violation enforcement system] any of the following shall be
42 prima facie evidence of the facts contained in the report and
43 shall be admissible as an official record of regularly
44 conducted activity of the commission kept in the ordinary
45 course of business in any proceeding charging a violation of
46 this section or the toll collection rules or regulations of
47 the commission:

48 (i) The recorded information obtained from a video
49 tolling system.

50 (ii) A certificate of passage.

51 (5) Notwithstanding any other provision of law,

1 videotapes, photographs, microphotographs, other recorded
2 images, written records, reports or facsimiles prepared
3 pursuant to this section shall be for the exclusive use of
4 the commission, its authorized agents, its employees and law
5 enforcement officials for the purpose of discharging duties
6 under this section and the rules or regulations of the
7 commission. The information shall not be deemed a public
8 record under the act of [June 21, 1957 (P.L.390, No.212),
9 referred to as the Right-to-Know Law] February 14, 2008
10 (P.L.6, No.3), known as the Right-to-Know Law. The
11 information shall not be discoverable by court order or
12 otherwise; nor shall it be offered in evidence in any action
13 or proceeding which is not directly related to a violation of
14 this section, the rules or regulations of the commission or
15 indemnification for liability imposed pursuant to this
16 section. The restrictions set forth in this paragraph:

17 (i) shall not be deemed to preclude a court of
18 competent jurisdiction from issuing an order directing
19 that the information be provided to law enforcement
20 officials if the information is reasonably described and
21 is requested solely in connection with a criminal law
22 enforcement action;

23 (ii) shall not be deemed to preclude the exchange of
24 the information between any entities with jurisdiction
25 over or which operate [an electronic] a toll collection
26 system in this Commonwealth or any other jurisdiction;
27 and

28 (iii) shall not be deemed to prohibit the use of
29 information exclusively for the purpose of billing
30 electronic toll collection account holders and other
31 users of toll collection, deducting toll charges from the
32 account of an account holder, enforcing toll collection
33 laws and related rules and regulations or enforcing the
34 provisions of an account holder agreement.

35 (6) An imposition of liability under this section must
36 be based upon a preponderance of evidence.

37 (7) An imposition of liability pursuant to this section
38 shall not be deemed a conviction of an owner and shall not be
39 made part of the motor vehicle operating record of the person
40 upon whom the liability is imposed, nor shall it be
41 considered in the provision of motor vehicle insurance
42 coverage.

43 (8) An owner that admits, is found liable or fails to
44 respond to the notice of violation for a violation of this
45 section shall be civilly liable to the commission or tolling
46 entity as defined in 75 Pa.C.S. § 1380(j) (relating to
47 suspension of registration upon unpaid tolls) for [all of]
48 the following:

49 (i) Either:

50 (A) the amount of the toll evaded or attempted
51 to be evaded if the amount can be determined; or

1 (B) the maximum toll from the farthest point of
2 entry on the [Pennsylvania Turnpike] tolled facility
3 to the actual point of exit if the amount of the toll
4 evaded or attempted to be evaded cannot be
5 determined.

6 (ii) [A reasonable administrative fee not to exceed
7 \$35 per notification.] Fees and costs in an amount
8 sufficient to cover the reasonable costs of collecting
9 the amounts under subparagraph (i) but no greater than an
10 amount set by the commission or its authorized agent or
11 tolling entity as defined in 75 Pa.C.S. § 1380(j).

12 (8.1) The following shall apply:

13 (i) Upon failure of an owner, operator or lessee to
14 pay the amount, fee and cost imposed under paragraph (8),
15 the commission or its authorized agent shall send to the
16 owner, operator or lessee a notice of any toll evasion
17 violation setting forth the outstanding unpaid tolls and
18 administrative fees and costs due to the commission and
19 meeting the requirements of paragraph (1).

20 (ii) The department shall suspend the registration
21 of a vehicle upon the notification from the commission or
22 its authorized agent that the statutory owner or
23 registrant of the vehicle has failed to pay or defaulted
24 in the payment of six or more violations issued under
25 subsection (a)(1) or incurred unpaid tolls or
26 administrative fees or costs that total a minimum of
27 \$500. The suspension shall not be construed to limit the
28 commission's or its authorized agent's ability to recoup
29 tolls, administrative fees or costs.

30 (iii) Prior to notifying the department under
31 subparagraph (iv), the commission or its authorized agent
32 shall provide the statutory owner or registrant written
33 notice by first class mail of its intent to seek
34 suspension of the vehicle registration under this section
35 and afford the statutory owner or registrant with the
36 opportunity to be heard during an administrative
37 proceeding.

38 (iv) The following shall apply:

39 (A) No sooner than 30 days after mailing the
40 notice required under subparagraph (iii), the
41 commission or its authorized agent may notify the
42 department electronically, in a format prescribed by
43 the department, if a statutory owner or registrant
44 fails to respond, fails to pay, defaults in payment
45 of six or more violations issued under subsection (a)
46 (1) or incurs unpaid tolls or administrative fees or
47 costs that total a minimum of \$500.

48 (B) If a notice has been provided under clause
49 (A) and all of the violations are subsequently paid,
50 dismissed, reversed on appeal or canceled, the
51 commission or its authorized agent shall notify the

1 department electronically, in a format prescribed by
2 the department, of the disposition of the violations
3 and shall provide the statutory owner or registrant
4 with a release from the suspension.

5 (v) A suspension under subparagraph (ii) shall
6 continue until the department receives notice from the
7 commission or its authorized agent that all of the
8 violations are paid, dismissed, reversed on appeal or
9 canceled or the defendant enters into an agreement with
10 the commission or its authorized agent to make
11 installment payments for the tolls, administrative fees
12 and costs imposed and pays the fee prescribed under 75
13 Pa.C.S. § 1960 (relating to reinstatement of operating
14 privilege or vehicle registration), except that the
15 suspension may be reimposed by the department if the
16 defendant fails to make regular installment payments.

17 (vi) The department shall impose an additional
18 period of registration suspension if, subsequent to the
19 issuance of a suspension under subparagraph (ii) and
20 prior to the restoration of the registration, the
21 department is notified by the commission or its
22 authorized agent that the statutory owner or registrant
23 has failed to respond, failed to pay or defaulted in the
24 payment of an additional violation issued under
25 subsection (a)(1).

26 (vii) A suspension may not be imposed based upon a
27 violation of subsection (a)(1) more than three years
28 after the violation is committed.

29 (9) Nothing in this section shall be construed to limit
30 the liability of the operator of a vehicle for a violation of
31 this section or of the rules or regulations of the
32 commission.

33 (c) Placement of electronic toll collection device.--An
34 electronic toll collection device which is affixed to the front
35 windshield of a vehicle in accordance with the rules or
36 regulations of the commission shall not be deemed to constitute
37 a violation of 75 Pa.C.S. § 4524 (relating to windshield
38 obstructions and wipers).

39 (d) Privacy of electronic toll collection account holder
40 information.--

41 (1) Except as set forth under paragraph (2),
42 notwithstanding any other provision of law, all of the
43 following apply to information kept by the commission, its
44 authorized agents or its employees which is related to the
45 account of an electronic toll collection system account
46 holder:

47 (i) The information shall be for the exclusive use
48 of the commission, its authorized agents, its employees
49 and law enforcement officials for the purpose of
50 discharging their duties pursuant to this section and the
51 rules or regulations of the commission. This subparagraph

1 includes names, addresses, account numbers, account
2 balances, personal financial information, credit card
3 information, vehicle movement records and other
4 information compiled from transactions with the account
5 holders.

6 (ii) The information shall not be deemed a public
7 record under the Right-to-Know Law, nor shall it be
8 discoverable by court order or otherwise or be offered in
9 evidence in any action or proceeding which is not
10 directly related to the discharge of duties under this
11 section, the rules or regulations of the commission or a
12 violation of an account holder agreement.

13 (2) Paragraph (1) shall not be deemed to do any of the
14 following:

15 (i) Preclude a court of competent jurisdiction from
16 issuing an order directing that the information be
17 provided to law enforcement officials if the information
18 is reasonably described and is requested solely in
19 connection with a criminal law enforcement action.

20 (ii) Preclude the exchange of the information
21 between any entities with jurisdiction over or which
22 operate an electronic toll collection system in this
23 Commonwealth or any other jurisdiction.

24 (iii) Prohibit the use of the information
25 exclusively for the purpose of billing electronic toll
26 collection account holders, deducting toll charges from
27 the account of an account holder, enforcing toll
28 collection laws and related rules or regulations or
29 enforcing the provisions of an account holder agreement.

30 (d.1) Temporary regulations.--Notwithstanding any other law,
31 regulations promulgated by the commission during the two years
32 following the effective date of this subsection shall be deemed
33 temporary regulations which shall expire no later than three
34 years following the effective date of this subsection or upon
35 promulgation of final regulations. The temporary regulations
36 shall not be subject to any of the following:

37 (1) Sections 201, 202 and 203 of the act of July 31,
38 1968 (P.L.769, No.240), referred to as the Commonwealth
39 Documents Law.

40 (2) The act of June 25, 1982 (P.L.633, No.181), known as
41 the Regulatory Review Act.

42 (e) [Definition.--As used in this section, the term "owner"
43 means any person, corporation, firm, partnership, agency,
44 association, organization or lessor that, at the time a vehicle
45 is operated in violation of this section or regulations of the
46 commission:

- 47 (1) is the beneficial or equitable owner of the vehicle;
48 (2) has title to the vehicle; or
49 (3) is the registrant or coregistrant of the vehicle
50 registered with the department or a comparable agency of
51 another jurisdiction or uses the vehicle in its vehicle

1 renting or leasing business. The term includes a person
2 entitled to the use and possession of a vehicle subject to a
3 security interest in another person.] Definitions.--As used
4 in this section, the following words and phrases shall have
5 the meanings given to them in this subsection unless the
6 context clearly indicates otherwise:

7 "Owner." As follows:

8 (1) A person, corporation, firm, partnership, agency,
9 association, organization, governmental entity or lessor
10 that, at the time a vehicle is operated in violation of this
11 section or rules or regulations of the commission, meets any
12 of the following:

13 (i) Is the beneficial or equitable owner of the
14 vehicle.

15 (ii) Has title to the vehicle.

16 (iii) Is the registrant or coregistrant of the
17 vehicle registered with the department or a comparable
18 agency of another jurisdiction or uses the vehicle in its
19 vehicle renting or leasing business.

20 (2) The term includes a person entitled to the use and
21 possession of a vehicle subject to a security interest in
22 another person.

23 "Statutory owner." The term shall have the same meaning as
24 given to the term "owner" in 75 Pa.C.S. § 102 (relating to
25 definitions).

26 § 9110. Public-private transportation partnership agreement.

27 * * *

28 (f) User fees.--A provision establishing whether user fees
29 will be imposed for use of the public-private transportation
30 project and the basis by which any user fees will be imposed and
31 collected shall be determined in the public-private
32 transportation partnership agreement. If a user fee is proposed
33 as part of the public-private transportation project, a
34 proprietary public entity shall include provisions in the
35 agreement that authorize the collection of user fees, tolls,
36 fares or similar charges, including provisions that:

37 * * *

38 (5) In the event an operator of a vehicle fails to pay
39 the prescribed toll or user fee at any location on a public-
40 private transportation project where tolls or user fees are
41 collected by means of an electronic or other automated or
42 remote form of collection, the collection provisions of
43 section 8117 (relating to [electronic] toll collection) shall
44 apply except that the development entity shall possess all of
45 the rights, roles, limitations and responsibilities of the
46 Pennsylvania Turnpike Commission.

47 * * *

48 Section 6. Title 74 is amended by adding chapters to read:

49 CHAPTER 92

50 TRAFFIC SIGNALS

51 Sec.

1 9201. Definitions.

2 9202. Maintenance agreement.

3 § 9201. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Critical corridor." A State highway segment intersecting
8 with a limited access ramp or with bi-directional average annual
9 daily traffic greater than 10,000 vehicles per day. The
10 department's Roadway Management System shall identify the
11 current average annual daily traffic.

12 "Department." The Department of Transportation of the
13 Commonwealth.

14 "Existing agreement." An agreement between the department
15 and a municipality on the maintenance of a traffic signal
16 existing prior to the effective date of this section.

17 "Municipality." A city, borough, town or township.

18 "Maintenance." The activity of keeping a traffic signal in
19 proper working condition during the useful life of the traffic
20 signal.

21 "Replace." The modernization of an existing traffic signal
22 within a designated traffic corridor.

23 "Synchronize." The coordination of all traffic signals
24 within a designated traffic corridor for the purpose of
25 operating as a single system.

26 "Timing." The programming of traffic signals within a
27 designated traffic corridor in order to synchronize the signals.

28 § 9202. Maintenance agreement.

29 (a) Agreement.--A municipality may enter into an agreement
30 with the department to replace, synchronize and time traffic
31 signals located within a designated traffic corridor. The terms
32 of the agreement may specify that the municipality provide
33 services to the department. The agreement shall not exceed the
34 time period of the useful life of the traffic signals. The
35 municipality shall, during the duration of the agreement,
36 properly maintain and time the traffic signals in accordance
37 with the agreement.

38 (b) Critical corridors.--A municipality shall enter into an
39 agreement with the department under terms specified under
40 subsection (a) for critical corridors. A municipality shall
41 provide to the department in a timely manner all traffic and
42 intersection data that the municipality maintains for critical
43 corridors and establish and agree to an operations plan with the
44 department on critical corridors.

45 (c) Prioritization.--The department shall prioritize
46 corridors where proper signalization will provide the most
47 benefit to the traveling public and reduce congestion.
48 Priorities shall be reevaluated and updated as part of the
49 Planning Partner Transportation Improvement Plan cycle.

50 (d) Intergovernmental cooperation.--Two or more
51 municipalities may enter into an agreement with the department

1 if a designated corridor is located in two or more
2 municipalities.

3 (e) Maintenance.--If the department determines that one or
4 more traffic signals are not being maintained or timed in
5 accordance with an agreement under subsection (a) or an existing
6 agreement, the department shall provide written notice to all
7 municipalities subject to the agreement no less than 60 days
8 prior to taking any action to correct the improper maintenance
9 and timing. The written notice shall specify the maintenance and
10 timing deficiencies that are to be corrected. The following
11 apply:

12 (1) A municipality subject to the agreement under
13 subsection (a) shall have 60 days to correct the deficiencies
14 contained in the written notice or to contest, in writing,
15 the findings of the department within 30 days of receipt of
16 the written notice.

17 (2) The requirement that the municipality correct the
18 deficiencies within 60 days of receipt of the written notice
19 shall be temporarily stayed if the municipality timely
20 contests the department's findings in writing.

21 (3) A municipality that contests the deficiencies
22 specified in the written notice shall have 30 days to reach a
23 written understanding with the department related to the
24 deficiencies specified in the written notice.

25 (4) If the department and the municipality do not reach
26 a written understanding under paragraph (3), the department
27 and the municipality shall select a civil engineer licensed
28 by the Commonwealth who has substantial experience in traffic
29 engineering to mediate the dispute. The engineer may not be
30 under contract with the department or municipality or
31 municipalities unless the contract is specifically related to
32 traffic signal mediation.

33 (f) Failure of municipality to perform.--If a municipality
34 that has entered into an agreement with the department under
35 subsection (a) fails to meet the requirements of subsection (e)
36 (1) or (2), the department may take action to correct the
37 deficiencies specified in the notice under subsection (e).

38 (g) Payment for failure to correct deficiencies.--If the
39 department takes action under subsection (f), the department may
40 deduct the actual costs of correcting the deficiencies in
41 maintenance and timing from the payments made to the
42 municipality under the act of June 1, 1956 (1955 P.L.1944,
43 No.655), referred to as the Liquid Fuels Tax Municipal
44 Allocation Law, and 75 Pa.C.S. Chs. 89 (relating to Pennsylvania
45 Turnpike) and 95 (relating to taxes for highway maintenance and
46 construction).

47 CHAPTER 93

48 BRIDGE BUNDLING PROGRAM

49 Sec.

50 9301. Definitions.

51 9302. Bundling authorization.

1 9303. Bridge Bundling Program.

2 9304. Grant limitation exceptions.

3 § 9301. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Bridge budget act." The act of December 8, 1982 (P.L.848,
8 No. 235), known as the Highway-Railroad and Highway Bridge
9 Capital Budget Act for 1982-1983.

10 "Department." The Department of Transportation of the
11 Commonwealth.

12 "Determination." A decision by the department as to the
13 eligibility, recommendation and inclusion in the program.

14 "Local government." A county, city, borough, town or
15 township.

16 "Program." The Bridge Bundling Program.

17 § 9302. Bundling authorization.

18 Notwithstanding any other law, the department is authorized
19 to bundle the design and construction of highway bridges owned
20 by the Commonwealth or local governments as provided under this
21 chapter.

22 § 9303. Bridge Bundling Program.

23 (a) Establishment.--The Bridge Bundling Program is
24 established within the department.

25 (b) Purpose.--The purpose of the program is to save costs
26 and time by allowing multiple highway bridges to be replaced or
27 rehabilitated as one project for design and construction
28 purposes.

29 (c) Eligibility.--Bridges shall be eligible for the program
30 if multiple bridges meet all of the following:

31 (1) Are within geographical proximity to each other.

32 (2) Are of similar size or design.

33 (3) Inclusion in the program will meet the purpose of
34 the program.

35 (d) Implementation.--The department shall implement the
36 program as follows:

37 (1) The department shall annually develop a preliminary
38 list from different regions of this Commonwealth, on a
39 rotating basis, of bridges meeting eligibility requirements.

40 (2) The department shall notify local governments owning
41 bridges recommended for inclusion in that year's program.

42 (3) Following receipt of notification from the
43 department, the governing body of a local government shall
44 have 60 days to agree or refuse participation in the program.
45 Failure to respond in writing within 60 days shall be
46 considered a refusal to participate in the program.

47 (4) Based on the response from local governments under
48 paragraph (3), the department shall make a final
49 determination of bridges to be designed and constructed under
50 the program and provide a list to the appropriate planning
51 organizations for inclusion in lists of funded projects.

1 (4.1) A determination shall not be:
2 (i) considered to an adjudication under 2 Pa.C.S.
3 Chs. 5 Subch. A (relating to practice and procedure of
4 Commonwealth agencies) and 7 Subch. A (relating to
5 judicial review of Commonwealth agency action); and
6 (ii) appealable to the department or a court of law.

7 (5) The following shall apply:

8 (i) A local government that agrees to participate in
9 the program for one or more of its bridges that qualify
10 for the program must enter into an agreement with the
11 department. The agreement shall define the department's
12 responsibility for the design and construction of the
13 bridges and the continuing ownership and maintenance
14 responsibilities of the local government for the local
15 bridges replaced or rehabilitated under this program.

16 (ii) The local government shall have 90 days from
17 receipt of the agreement to execute the agreement.

18 (iii) Failure to return an agreement executed by
19 authorized local government officials shall be deemed a
20 refusal to participate in the program.

21 (6) Upon full execution of an agreement under the
22 program, the department shall manage the project design and
23 construction in a manner consistent with the purpose of the
24 program.

25 (f) Itemization.--Notwithstanding any other law, bridges
26 determined to be eligible and recommended for the program by the
27 department shall not require specific itemization in a capital
28 budget.

29 § 9304. Grant limitation exceptions.

30 (a) Exceptions.--Notwithstanding section 2(c) of the bridge
31 budget act, the department shall agree to reimburse a local
32 government that participates in the program up to 100% of the
33 costs associated with the design and construction of the bridge.

34 (b) Nonparticipation.--Notwithstanding section 2(c) of the
35 bridge budget act, a local government with bridges that are
36 recommended for participation in the program which refuses to
37 participate in the program shall be required to pay 30% of the
38 non-Federal share of the costs for those local bridges.

39 CHAPTER 94

40 LOCAL BRIDGE MAINTENANCE

41 Sec.

42 9401. Definitions.

43 9402. Maintenance of bridges under jurisdiction of municipality
44 on State highway.

45 § 9401. Definitions.

46 The following words and phrases when used in this chapter
47 shall have the meanings given to them in this section unless the
48 context clearly indicates otherwise:

49 "Department." The Department of Transportation of the
50 Commonwealth.

51 "Municipality." A city, borough, town or township.

1 "Maintenance." The activity of keeping a bridge in proper
2 working condition during the useful life of the bridge.
3 § 9402. Maintenance of bridges under jurisdiction of
4 municipality on State highway.

5 (a) Maintenance.--If the department determines that a bridge
6 on a State highway and under the jurisdiction of a municipality
7 by agreement, court order or operation of law is not being
8 maintained in accordance with the applicable agreement, order or
9 law, the department shall provide written notice to each
10 municipality subject to the maintenance responsibility no less
11 than 60 days prior to taking action to correct the improper
12 maintenance. The written notice shall specify the maintenance
13 deficiencies that are to be corrected. The following shall
14 apply:

15 (1) A municipality with maintenance responsibility for a
16 bridge on a State highway shall have 60 days to correct the
17 deficiencies contained in the written notice or to contest,
18 in writing, the findings of the department within 30 days of
19 receipt of the written notice.

20 (2) The requirement that the municipality correct the
21 deficiencies within 60 days of receipt of the written notice
22 shall be temporarily stayed if the municipality timely
23 contests the department's findings in writing.

24 (3) A municipality that contests the deficiencies
25 specified in the written notice shall have 30 days to reach a
26 resolution with the department related to the deficiencies
27 specified in the written notice.

28 (4) If the department and the municipality do not reach
29 a resolution under paragraph (3), the department and the
30 municipality shall select a civil engineer licensed by the
31 Commonwealth who has substantial experience in traffic
32 engineering to mediate the dispute. The engineer may not be
33 under contract with the department or municipality or
34 municipalities unless that contract is specifically related
35 to traffic signal mediation.

36 (b) Failure of municipality to perform.--If a municipality
37 with maintenance responsibility for a bridge on a State highway
38 fails to meet the requirements of subsection (a)(1) or (2), the
39 department may take action to correct the deficiencies specified
40 in the notice under subsection (a).

41 (c) Payment for failure to correct deficiencies.--If the
42 department takes action under subsection (a), the department may
43 deduct the actual costs of correcting the deficiencies in
44 maintenance from the payments made to the municipality under the
45 act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the
46 Liquid Fuels Tax Municipal Allocation Law, and 75 Pa.C.S. Chs.
47 89 (relating to Pennsylvania Turnpike) and 95 (relating to taxes
48 for highway maintenance and construction), if the payments made
49 to the municipality for a fiscal year is not less than the
50 payments made to the municipality for fiscal year 2012-2013.

51 CHAPTER 95

PUBLIC UTILITY FACILITIES

Sec.

9501. Adjustment.

§ 9501. Adjustment

(a) General rule.--The following shall apply:

(1) If, in the construction, reconstruction, widening or relocation of a State highway, bridge or tunnel or a part of a State highway, bridge or tunnel, it becomes necessary, in the opinion of the department, to change, alter, adjust or relocate a water line or sanitary sewer owned and operated by a public utility, as defined in 66 Pa.C.S. § 102 (relating to definitions), the Department of Transportation may make the change, alteration, adjustment or relocation as may be required as a part of the construction, reconstruction, widening or relocation.

(2) In addition to paragraph (1), the department may also enter into agreements with the public utility for the sharing of costs of the change, alteration, adjustment or relocation. If, in the opinion of the department, the costs should be shared by the department and a public utility and the department is unable to agree with the public utility to a division of costs, the department may proceed with the work and petition the Pennsylvania Public Utility Commission for a determination of the costs to be borne by each party.

(b) Declaration of policy.--A public utility under subsection (a) shall be entitled to a reimbursement in a similar manner and shall be subject to the same standards and methods of reimbursement as a city, borough, incorporated town, township and municipal authority under section 412.1 of the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law.

Section 6.1. Sections 1307 and 1332 of Title 75 are amended by adding subsections to read:

§ 1307. Period of registration.

* * *

(g) Optional biennial registration.--Upon application on a form prescribed by the department, the owner or lessee of a motor vehicle, except those registered under the International Registration Plan and those with a seasonal registration or a circus or carnival plate, may elect to pay annual registration fees for a two-year period.

§ 1332. Display of registration plate.

* * *

(d) Validating registration stickers.--Validating registration stickers shall no longer be issued or required to be displayed.

Section 7. Title 75 is amended by adding a section to read: § 1380. Suspension of registration upon unpaid tolls.

(a) Suspension of registration.--

(1) The department shall suspend the registration of a vehicle upon the notification from a tolling entity that the owner or registrant of the vehicle has either:

1 (i) failed to pay or defaulted in the payment of six
2 or more violations issued pursuant to 74 Pa.C.S. §
3 8117(a)(1) (relating to toll collection) or other laws,
4 regulations, ordinances or other standards applicable to
5 the toll collection or payment requirements for a tolling
6 entity; or

7 (ii) incurred unpaid tolls or administrative fees or
8 costs that collectively total a minimum of \$500,
9 regardless of the number of violations.

10 (2) The suspension under paragraph (1) may not be
11 construed to limit the tolling entity's ability to recoup
12 tolls, administrative fees or costs by any other means
13 available under the law.

14 (b) Notice.--Prior to notifying the department under
15 subsection (c), the tolling entity shall provide the owner or
16 registrant written notice by first class mail of its intent to
17 seek suspension of the vehicle registration pursuant to this
18 section and afford the owner or registrant with the opportunity
19 to be heard during an administrative proceeding.

20 (c) Notice to the department.--Not sooner than 30 days after
21 mailing the notice under subsection (b), the tolling entity,
22 provided that it has entered into an agreement with the
23 department to enforce the provisions of this section, may notify
24 the department electronically, in a format prescribed by the
25 department, whenever an owner or registrant meets the
26 requirements for suspension under subsection (a)(1). When a
27 tolling entity has provided notice under this subsection and all
28 of the violations are subsequently paid, dismissed, reversed on
29 appeal or canceled, the tolling entity shall notify the
30 department electronically, in a format prescribed by the
31 department, of the disposition of the violation and shall
32 provide the owner or registrant with a release from the
33 suspension.

34 (d) Period of suspension.--A suspension under subsection (a)
35 shall continue until the department receives notice from the
36 tolling entity that the violations are paid, dismissed, reversed
37 on appeal or canceled or the owner or registrant enters into an
38 agreement with the tolling entity to make installment payments
39 for tolls, administrative fees and costs imposed and pays the
40 fee prescribed in section 1960 (relating to reinstatement of
41 operating privilege or vehicle registration), provided that the
42 suspension may be reimposed by the department if the owner or
43 registrant fails to make regular installment payments.

44 (e) Additional suspension.--The department shall impose an
45 additional period of registration suspension if, subsequent to
46 the issuance of a suspension under subsection (a) but prior to
47 the restoration of the registration, the department is notified
48 by the tolling entity that the owner or registrant has failed to
49 pay, failed to respond or defaulted in the payment of an
50 additional violation issued pursuant to 74 Pa.C.S. § 8117(a)(1).

51 (f) Violations outside Commonwealth.--The department shall

1 suspend the registration of a vehicle upon the notification from
2 a tolling entity that has entered into an enforcement agreement
3 with the department as authorized under section 6146 (relating
4 to enforcement agreements) for any toll violation of that state
5 or an authority or for failure to pay any fine or costs imposed
6 in accordance with the laws of the jurisdiction in which the
7 violation occurred. A person who provides proof satisfactory to
8 the department that the full amount of the fine and costs has
9 been forwarded to and received by the other state may not be
10 regarded as having failed to pay for the purposes of this
11 subsection.

12 (g) Documentation.--In any proceeding under this section,
13 documents obtained by the department from a tolling entity or
14 from the appropriate agency of the Commonwealth or another state
15 shall be admissible into evidence to support the department's
16 case. In addition, the department may treat the documents and
17 reports as documents of the department and use any of the
18 methods of storage permitted under the provisions of 42 Pa.C.S.
19 § 6109 (relating to photographic copies of business and public
20 records) and may reproduce the documents in accordance with the
21 provisions of 42 Pa.C.S. § 6103 (relating to proof of official
22 records). The department may certify that it has received or
23 obtained documents and reports from a tolling entity, the
24 Commonwealth or other states, and the certification shall be
25 prima facie proof of the facts contained in the documents and
26 reports.

27 (h) Three-year statute of limitations.--No suspension may be
28 imposed based upon a violation of 74 Pa.C.S. § 8117(a) (1) or
29 similar provision from another state more than three years after
30 the violation is committed.

31 (i) Collection of out-of-State tolls.--The department or a
32 tolling entity may collect the civil penalties and tolls imposed
33 by an out-of-State tolling entity if the department or tolling
34 entity has entered into a reciprocity agreement that confirms
35 all of the following:

36 (1) The other state or tolling entity has its own
37 effective reciprocal procedures for collecting penalties and
38 tolls imposed by a Commonwealth tolling entity and agrees to
39 collect penalties and tolls of the Commonwealth tolling
40 entity by employing sanctions that include denial of a
41 person's right to register or reregister a motor vehicle.

42 (2) The penalties, exclusive of tolls, claimed by the
43 other state or tolling entity against an owner of a motor
44 vehicle registered in this Commonwealth do not exceed \$100
45 for a first violation or \$600 for all pending violations.

46 (3) The other state or tolling entity provides due
47 process and appeal protections to avoid the likelihood that a
48 false, mistaken or unjustified claim will be pursued against
49 an owner.

50 (4) An owner of a motor vehicle registered in this
51 Commonwealth may present evidence to the other state or

1 tolling entity by mail, telephone, electronic means or other
2 means to invoke rights of due process, without having to
3 appear personally in the jurisdiction where the violation is
4 alleged to have occurred.

5 (5) The reciprocal collection agreement between the
6 department or a tolling entity and the other state or tolling
7 entity provides that each party may charge the other a fee
8 sufficient to cover the costs of collection services,
9 including costs incurred by the agency that registers motor
10 vehicles.

11 (j) Definition.--As used in this section, the term "tolling
12 entity" means the Pennsylvania Turnpike Commission, an entity
13 authorized to impose and collect tolls in accordance with the
14 laws of Pennsylvania, including 74 Pa.C.S. Ch. 91 (relating to
15 public-private transportation partnerships), or the laws of
16 another state or states and any authorized agent of such an
17 entity.

18 Section 7.1. Sections 1553(c), 1617, 1786(d) and 1904 of
19 Title 75 are amended to read:

20 § 1553. Occupational limited license.

21 * * *

22 (c) Fee.--The fee for applying for an occupational limited
23 license shall be [\$50] \$65. This fee shall be nonrefundable and
24 no other fee shall be required.

25 * * *

26 § 1617. Fees.

27 Fees relating to commercial drivers' licenses to be collected
28 by the department under this chapter shall be in addition to any
29 other fees imposed under the provisions of this title and are as
30 follows:

31 (1) The annual fee for a commercial driver's license
32 designation shall be [\$10] \$15.

33 (2) In addition to any other restoration fee required by
34 this title, an additional restoration fee of [\$50] \$100 shall
35 be assessed and collected before reinstating a commercial
36 driver's operating privilege following a suspension or
37 revocation under this title or disqualification under this
38 chapter.

39 (3) If the commercial driving privilege of a driver is
40 disqualified, a Class C noncommercial or M license, if the
41 driver possesses the motorcycle qualification, may be
42 obtained upon payment of the fees associated with obtaining a
43 duplicate license.

44 (4) An additional fee of [\$10] \$15 shall be imposed for
45 the initial issuance or renewal of a commercial driver's
46 license with an "H" or "X" endorsement, in addition to the
47 cost of a criminal history background check as required by
48 the USA Patriot Act of 2001 (Public Law 107-56, 115 Stat.
49 272).

50 § 1786. Required financial responsibility.

51 * * *

1 (d) Suspension of registration and operating privilege.--

2 (1) The Department of Transportation shall suspend the
3 registration of a vehicle for a period of three months if it
4 determines the required financial responsibility was not
5 secured as required by this chapter and shall suspend the
6 operating privilege of the owner or registrant for a period
7 of three months if the department determines that the owner
8 or registrant has operated or permitted the operation of the
9 vehicle without the required financial responsibility. The
10 operating privilege shall not be restored until the
11 restoration fee for operating privilege provided by section
12 1960 (relating to reinstatement of operating privilege or
13 vehicle registration) is paid.

14 (1.1) In lieu of serving a registration suspension
15 imposed under this section, an owner or registrant may pay to
16 the department a civil penalty of \$500, the restoration fee
17 prescribed under section 1960 and furnish proof of financial
18 responsibility in a manner determined by the department.

19 (2) Whenever the department revokes or suspends the
20 registration of any vehicle under this chapter, the
21 department shall not restore or transfer the registration
22 until the suspension has been served or the civil penalty has
23 been paid to the department and the vehicle owner furnishes
24 proof of financial responsibility in a manner determined by
25 the department and submits an application for registration to
26 the department, accompanied by the fee for restoration of
27 registration provided by section 1960. This subsection shall
28 not apply in the following circumstances:

29 (i) The owner or registrant proves to the
30 satisfaction of the department that the lapse in
31 financial responsibility coverage was for a period of
32 less than 31 days and that the owner or registrant did
33 not operate or permit the operation of the vehicle during
34 the period of lapse in financial responsibility.

35 (ii) The owner or registrant is a member of the
36 armed services of the United States, the owner or
37 registrant has previously had the financial
38 responsibility required by this chapter, financial
39 responsibility had lapsed while the owner or registrant
40 was on temporary, emergency duty and the vehicle was not
41 operated during the period of lapse in financial
42 responsibility. The exemption granted by this paragraph
43 shall continue for 30 days after the owner or registrant
44 returns from duty as long as the vehicle is not operated
45 until the required financial responsibility has been
46 established.

47 (iii) The insurance coverage has terminated or
48 financial responsibility has lapsed simultaneously with
49 or subsequent to expiration of a seasonal registration,
50 as provided in section 1307(a.1) (relating to period of
51 registration).

1 (3) An owner whose vehicle registration has been
2 suspended under this subsection shall have the same right of
3 appeal under section 1377 (relating to judicial review) as
4 provided for in cases of the suspension of vehicle
5 registration for other purposes. The filing of the appeal
6 shall act as a supersedeas, and the suspension shall not be
7 imposed until determination of the matter as provided in
8 section 1377. The court's scope of review in an appeal from a
9 vehicle registration suspension shall be limited to
10 determining whether:

11 (i) the vehicle is registered or of a type that is
12 required to be registered under this title; and

13 (ii) there has been either notice to the department
14 of a lapse, termination or cancellation in the financial
15 responsibility coverage as required by law for that
16 vehicle or that the owner, registrant or driver was
17 requested to provide proof of financial responsibility to
18 the department, a police officer or another driver and
19 failed to do so. Notice to the department of the lapse,
20 termination or cancellation or the failure to provide the
21 requested proof of financial responsibility shall create
22 a presumption that the vehicle lacked the requisite
23 financial responsibility. This presumption may be
24 overcome by producing clear and convincing evidence that
25 the vehicle was insured at all relevant times.

26 (4) Where an owner or registrant's operating privilege
27 has been suspended under this subsection, the owner or
28 registrant shall have the same right of appeal under section
29 1550 (relating to judicial review) as provided for in cases
30 of suspension for other reason. The court's scope of review
31 in an appeal from an operating privilege suspension shall be
32 limited to determining whether:

33 (i) the vehicle was registered or of a type required
34 to be registered under this title; and

35 (ii) the owner or registrant operated or permitted
36 the operation of the same vehicle when it was not covered
37 by financial responsibility. The fact that an owner,
38 registrant or operator of the motor vehicle failed to
39 provide competent evidence of insurance or the fact that
40 the department received notice of a lapse, termination or
41 cancellation of insurance for the vehicle shall create a
42 presumption that the vehicle lacked the requisite
43 financial responsibility. This presumption may be
44 overcome by producing clear and convincing evidence that
45 the vehicle was insured at the time that it was driven.

46 (5) An alleged lapse, cancellation or termination of a
47 policy of insurance by an insurer may only be challenged by
48 requesting review by the Insurance Commissioner pursuant to
49 Article XX of the act of May 17, 1921 (P.L.682, No.284),
50 known as The Insurance Company Law of 1921. Proof that a
51 timely request has been made to the Insurance Commissioner

1 for such a review shall act as a supersedeas, staying the
2 suspension of registration or operating privilege under this
3 section pending a determination pursuant to section 2009(a)
4 of The Insurance Company Law of 1921 or, in the event that
5 further review at a hearing is requested by either party, a
6 final order pursuant to section 2009(i) of The Insurance
7 Company Law of 1921.

8 (6) The civil penalty collected under paragraph (1.1)
9 shall be deposited into the Public Transportation Trust Fund.

10 * * *

11 § 1904. Collection and disposition of fees and moneys.

12 [The] (a) General rule.--Except as provided under subsection
13 (b), the department shall collect all fees payable under this
14 title and all other moneys received in connection with the
15 administration of this title and transmit them to the State
16 Treasurer for deposit in the Motor License Fund. Moneys paid in
17 error may be refunded by the department.

18 (b) Disposition.--Fees collected under sections 1951(c)
19 (relating to driver's license and learner's permit), 1952
20 (relating to certificate of title), 1953 (relating to security
21 interest), 1955 (relating to information concerning drivers and
22 vehicles), 1956 (relating to certified copies of records) and
23 1958 (relating to certificate of inspection) shall be
24 transmitted to the State Treasurer for deposit as follows:

25 (1) For fiscal year 2013-2014:

26 (i) \$32,000,000 to the Public Transportation Trust
27 Fund;

28 (ii) \$26,000,000 to the Multimodal Transportation
29 Fund; and

30 (iii) the remainder to the Motor License Fund.

31 (2) For fiscal year 2014-2015:

32 (i) 23% to the Public Transportation Trust Fund;

33 (ii) 20% to the Multimodal Transportation Fund; and

34 (iii) the remainder to the Motor License Fund.

35 (2) For fiscal years 2015-2016 and 2016-2017:

36 (i) 57% to the Public Transportation Trust Fund;

37 (ii) 20% to the Multimodal Transportation Fund; and

38 (iii) 33.4% to the Motor License Fund.

39 (3) For fiscal year 2017-2018 and each fiscal year
40 thereafter:

41 (i) 80% to the Public Transportation Trust Fund; and

42 (ii) 20% to the Multimodal Transportation Fund.

43 Section 7.2. Section 1911 heading and (a) of Title 75 are
44 amended to read:

45 § 1911. [Annual registration] Registration fees.

46 (a) General rule.--[An annual] A fee for the registration of
47 vehicles as provided in Chapter 13 (relating to the registration
48 of vehicles) shall be charged by the department as provided in
49 this title.

50 * * *

51 Section 7.3. Sections 1912, 1913, 1914, 1915, 1916(a), 1917,

1 1918, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1926.1, 1926.2,
2 1929, 1930, 1931, 1931.1, 1932, 1933, 1942, 1943, 1944, 1951,
3 1952, 1953(a), 1956, 1958 and 1960 of Title 75 are amended to
4 read:

5 § 1912. Passenger cars.

6 The annual fee for registration of a passenger car shall be
7 [\$36] \$43.

8 § 1913. Motor homes.

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

Class	Registered Gross Weight in Pounds	Fee
1	8,000 or less	[\$45] <u>\$ 65</u>
2	8,001 - 11,000	[63] <u>90</u>
3	11,001 or more	[81] <u>116</u>

17 § 1914. Motorcycles.

18 The annual fee for registration of a motorcycle other than a
19 motor-driven cycle shall be [\$18] \$22.

20 § 1915. Motor-driven cycles.

21 The annual fee for registration of a motor-driven cycle shall
22 be [\$9] \$11.

23 § 1916. Trucks and truck tractors.

24 (a) General rule.--

25 (1) The annual fee for registration of a truck or truck
26 tractor shall be determined by its registered gross weight or
27 combination weight in pounds according to the following
28 table:

Class	[Registered Gross or Combination Weight in Pounds	Fee
1	5,000 or less	\$ 58.50
2	5,001 - 7,000	81.00
3	7,001 - 9,000	153.00
4A	9,001 - 10,000	198.00
4B	10,001 - 11,000	198.00
5	11,001 - 14,000	243.00
6	14,001 - 17,000	288.00
7	17,001 - 21,000	355.50
8	21,001 - 26,000	405.00
9	26,001 - 30,000	472.50
10	30,001 - 33,000	567.00
11	33,001 - 36,000	621.00
12	36,001 - 40,000	657.00
13	40,001 - 44,000	697.50
14	44,001 - 48,000	751.50
15	48,001 - 52,000	828.00
16	52,001 - 56,000	882.00
17	56,001 - 60,000	999.00
18	60,001 - 64,000	1,111.50
19	64,001 - 68,000	1,165.50

1	20	68,001 - 73,280	1,251.00
2	21	73,281 - 76,000	1,597.50
3	22	76,001 - 78,000	1,633.50
4	23	78,001 - 78,500	1,651.50
5	24	78,501 - 79,000	1,669.50
6	25	79,001 - 80,000	1,687.50]

Registered Fees

<u>Class</u>	<u>Gross or Combination Weight in Pounds</u>	<u>Fiscal Year 2013-2014</u>	
12	<u>1</u>	<u>5,000 or less</u>	<u>\$ 63</u>
13	<u>2</u>	<u>5,001 - 7,000</u>	<u>88</u>
14	<u>3</u>	<u>7,001 - 9,000</u>	<u>166</u>
15	<u>4A</u>	<u>9,001 - 10,000</u>	<u>214</u>
16	<u>4B</u>	<u>10,001 - 11,000</u>	<u>214</u>
17	<u>5</u>	<u>11,001 - 14,000</u>	<u>263</u>
18	<u>6</u>	<u>14,001 - 17,000</u>	<u>312</u>
19	<u>7</u>	<u>17,001 - 21,000</u>	<u>385</u>
20	<u>8</u>	<u>21,001 - 26,000</u>	<u>438</u>
21	<u>9</u>	<u>26,001 - 30,000</u>	<u>511</u>
22	<u>10</u>	<u>30,001 - 33,000</u>	<u>614</u>
23	<u>11</u>	<u>33,001 - 36,000</u>	<u>672</u>
24	<u>12</u>	<u>36,001 - 40,000</u>	<u>711</u>
25	<u>13</u>	<u>40,001 -- 44,000</u>	<u>755</u>
26	<u>14</u>	<u>44,001 -- 48,000</u>	<u>813</u>
27	<u>15</u>	<u>48,001 -- 52,000</u>	<u>896</u>
28	<u>16</u>	<u>52,001 -- 56,000</u>	<u>955</u>
29	<u>17</u>	<u>56,001 - 60,000</u>	<u>1,081</u>
30	<u>18</u>	<u>60,001 -- 64,000</u>	<u>1,203</u>
31	<u>19</u>	<u>64,001 -- 68,000</u>	<u>1,262</u>
32	<u>20</u>	<u>68,001 -- 73,280</u>	<u>1,354</u>
33	<u>21</u>	<u>73,281 -- 76,000</u>	<u>1,729</u>
34	<u>22</u>	<u>76,001 - 78,000</u>	<u>1,768</u>
35	<u>23</u>	<u>78,001 - 78,500</u>	<u>1,788</u>
36	<u>24</u>	<u>78,501 - 79,000</u>	<u>1,807</u>
37	<u>25</u>	<u>79,001 - 80,000</u>	<u>1,827</u>

(2) A portion of the registration fee for any truck or truck tractor in Classes 9 through 25 shall be deposited in the Highway Bridge Improvement Restricted Account within the Motor License Fund according to the following table:

<u>Classes</u>	<u>Amount Deposited in Highway Bridge Improvement Restricted Account</u>
9-12	\$ 72
13-17	108
18-20	144
21-25	180

* * *

§ 1917. Motor buses and limousines.

The annual fee for registration of a motor bus or a limousine

1 shall be determined by its seating capacity according to the
2 [following table:

3 Seating Capacity	Fee
4 26 or less	\$ 9 per seat
5 27 - 51	234 plus \$11.25 per seat 6 in excess of 26
7 52 or more	540]

8 following:

9 (1) If the seating capacity is less than 27, \$10 per
10 seat.

11 (2) If the seating capacity is more than 26 but less
12 than 52, \$259.50 per seat.

13 (3) If the seating capacity is more than 51, \$600 per
14 seat.

15 § 1918. School buses and school vehicles.

16 The annual fee for registration of a school bus or school
17 vehicle shall be [~~\$24.~~] \$27.

18 § 1920. Trailers.

19 (a) General rule.--The annual fee for registration of a
20 trailer shall be determined by its registered gross weight
21 according to the following table:

22 Registered Gross	Fee
23 Weight in Pounds	
24 3,000 or less	\$ [6] <u>7</u>
25 3,001 - 10,000	[12] <u>14</u>
26 10,001 or more	[27] <u>35</u>

27 (b) Optional five-year registration.--A trailer with a
28 registered gross weight of 10,000 pounds or less may be
29 registered for a period of five years upon payment by the
30 registrant of the applicable fee for such period.

31 (c) Optional permanent registration.--A trailer with a
32 registered gross weight of 10,001 or more pounds may be
33 registered for a one-time fee of [~~\$135~~] \$165 in lieu of the
34 annual fee at the option of the registrant. A permanent
35 registration of a trailer under this section may be transferred
36 to another trailer one time upon payment of the fee under
37 section 1927 (relating to transfer of registration).

38 § 1921. Special mobile equipment.

39 The annual fee for registration of special mobile equipment
40 shall be [~~\$36~~] \$52.

41 § 1922. Implements of husbandry.

42 The annual fee for registration of an implement of husbandry
43 not exempt from registration under this title shall be [~~\$18~~]
44 \$26.

45 § 1923. Antique, classic and collectible vehicles.

46 The fee for registration of an antique, classic or
47 collectible motor vehicle shall be [~~\$75~~] \$90.

48 § 1924. Farm vehicles.

49 (a) General rule.--The annual fee for registration of a farm
50 vehicle shall be [~~\$76.50~~] \$110 or one-third of the regular fee,
51 whichever is greater.

1 (b) Certificate of exemption.--The biennial processing fee
2 for a certificate of exemption issued in lieu of registration of
3 a farm vehicle shall be determined by the type of certificate
4 issued and the gross weight or combination weight or weight
5 rating according to the following table:

Certificate type	Weight in pounds	Fee
7 Type A	10,000 or less	\$24
8 Type B	greater than 10,000 and 9 not exceeding 17,000	24
10 Type C	greater than 17,000	50
11 Type D	greater than 17,000	100

12 § 1925. Ambulances, taxis and hearses.

13 The annual fee for registration of an ambulance, taxi or
14 hearse shall be [~~\$54~~] \$77.

15 § 1926. Dealers and miscellaneous motor vehicle business.

16 (a) General rule.--The annual fee for a dealer registration
17 plate or miscellaneous motor vehicle business plate shall be
18 [~~\$36~~] \$52.

19 (b) Motorcycle dealers.--The annual fee for each dealer
20 registration plate issued to a motorcycle dealer other than a
21 motor-driven cycle dealer shall be [~~\$18~~] \$26.

22 (c) Motor-driven cycle dealers.--The annual fee for each
23 dealer registration plate issued to a motor-driven cycle dealer
24 shall be [~~\$9~~] \$13.

25 (d) Multipurpose dealer registration plate.--The annual fee
26 for a multipurpose dealer registration plate shall be [the] as
27 follows:

28 (1) The appropriate fee specified in section 1913
29 (relating to motor homes) for motor homes, [the] except that
30 the fee for a Class 2 motor home shall be \$91.

31 (2) The appropriate fee specified in section 1916
32 (relating to trucks and truck tractors) for trucks and truck
33 tractors [and the appropriate fee specified in section
34 1920(a) (relating to trailers) for trailers].

35 (3) For trailers, a fee determined by its registered
36 gross weight according to the following table:

<u>Registered Gross</u>	<u>Fee</u>
38 <u>Weight in Pounds</u>	
39 <u>3,000 or less</u>	<u>\$ 23</u>
40 <u>3,001 - 10,000</u>	<u>46</u>
41 <u>10,001 or more</u>	<u>103</u>

42 § 1926.1. Farm equipment vehicle dealers.

43 The annual fee for registration of a farm equipment dealer
44 truck or truck tractor shall be one-half of the regular fee or
45 [~~\$243~~] \$349, whichever is greater.

46 § 1926.2. Fleet owner transporter plate.

47 The annual fee for a fleet owner transporter plate shall be
48 [the] as follows:

49 (1) The appropriate fee specified in section 1912
50 (relating to passenger cars)[,].

51 (2) The appropriate fee specified in section 1916

1 (relating to trucks and truck tractors) [or 1920(a) (relating
2 to trailers)].

3 (3) For trailers, a fee determined by its registered
4 gross weight according to the following table:

<u>Registered Gross</u>	<u>Fee</u>
<u>Weight in Pounds</u>	
<u>3,000 or less</u>	<u>\$ 23</u>
<u>3,001 - 10,000</u>	<u>46</u>
<u>10,001 or more</u>	<u>103</u>

10 § 1929. Replacement registration plates.

11 The fee for a replacement registration plate other than a
12 legislative or personal plate shall be [\$7.50] \$11.

13 § 1930. Legislative registration plates.

14 The fee for issuance of a legislative registration plate
15 shall be [\$20] \$76 which shall be in addition to the annual
16 registration fee. Only one payment of the issuance fee shall be
17 charged for each legislative registration plate issued or
18 replaced.

19 § 1931. Personal registration plates.

20 The fee for issuance of a personal registration plate shall
21 be [\$20] \$76 which shall be in addition to the annual
22 registration fee. Only one payment of the issuance fee shall be
23 charged for each personal registration issued or replaced.

24 § 1931.1. Street rod registration plates.

25 The fee for the issuance of a street rod registration plate
26 shall be [\$20] \$51 which shall be in addition to the annual
27 registration fee. Only one payment of the issuance fee shall be
28 charged for each street rod registration plate issued or
29 replaced.

30 § 1932. Duplicate registration cards.

31 The fee for each duplicate registration card when ordered at
32 the time of vehicle registration, the transfer or renewal of
33 registration or the replacement of a registration plate shall be
34 [\$1.50] \$2. The fee for each duplicate registration card issued
35 at any other time shall be [\$4.50] \$6.

36 § 1933. Commercial implements of husbandry.

37 The annual fee for registration of a commercial implement of
38 husbandry shall be [\$76.50] \$110 or one-half of the regular fee,
39 whichever is greater.

40 § 1942. Special hauling permits as to weight and size.

41 (a) Fee schedule.--The fee for a special hauling permit for
42 each movement of an overweight or oversize vehicle or load, or
43 both, shall be as follows:

44 (1) Oversize vehicle or load, or both, having a width up
45 to 14 feet and not exceeding legal weight limit, [\$25] \$35.

46 (2) Oversize vehicle or load, or both, having a width
47 exceeding 14 feet and not exceeding any legal weight limit,
48 [\$50] \$71.

49 (3) Vehicle and load weighing in excess of legal weight
50 limit, [3¢] 4¢ per mile per ton by which the gross weight
51 exceeds the registered gross weight.

1 * * *

2 § 1943. Annual hauling permits.

3 (a) Quarry equipment and machinery.--The annual fee for
4 operation or movement of each piece of heavy quarry equipment or
5 machinery, as provided for in section 4966 (relating to permit
6 for movement of quarry equipment), shall be [\$500] \$706.

7 (c) Course of manufacture.--The annual fee for operation or
8 movement of loads or vehicles, as provided for in section 4968
9 (relating to permit for movement during course of manufacture),
10 shall be as follows:

11 (1) Oversized movements:

12 (i) Movements limited to daylight hours only -
13 [\$100] \$130.

14 (ii) Movements that can be conducted 24 hours per
15 day - [\$1,000] \$1,300.

16 (2) Overweight movements:

17 (i) Movements not exceeding 100,000 pounds gross
18 weight:

19 (A) Not more than one mile in distance - [\$50]
20 \$69.

21 (B) More than one mile in distance - [\$400]
22 \$750.

23 (ii) Movements in excess of 100,000 pounds gross
24 weight - [\$500] \$756, plus [\$100] \$152 for each mile of
25 highway authorized under the permit.

26 (d) Multiple highway crossings.--The annual fee for a single
27 permit for multiple highway crossings, as provided for in
28 section 4965 (relating to single permits for multiple highway
29 crossings), shall be [\$300] \$415.

30 (e.1) Special mobile equipment.--The annual fee for hauling
31 or towing each piece of special mobile equipment, as provided
32 for in section 4975 (relating to permit for movement of special
33 mobile equipment), shall be [\$200] \$300.

34 (f) Containerized cargo.--The annual company fee for
35 movement of any combination with overweight containerized cargo
36 as provided for in section 4974 (relating to permit for movement
37 of containerized cargo) shall be:

38 (1) [\$100] \$155 for a motor carrier requesting permits
39 for up to 15 truck tractors.

40 (2) [\$150] \$233 for a motor carrier requesting permits
41 for 16 to 50 truck tractors.

42 (3) [\$250] \$388 for a motor carrier requesting permits
43 for 51 to 100 truck tractors.

44 (4) [\$350] \$544 for a motor carrier requesting permits
45 for 101 to 150 truck tractors.

46 (5) [\$400] \$622 for a motor carrier requesting permits
47 for 151 or more truck tractors.

48 (g) Domestic animal feed.--The annual fee for movement of
49 each vehicle hauling domestic animal feed, in bulk, as provided
50 for in section 4976 (relating to permit for movement of domestic
51 animal feed) shall be [\$400] \$587.

1 (g.1) Eggs.--The annual fee for movement of each vehicle
2 hauling eggs as provided for in section 4976.2 (relating to
3 permit for movement of eggs) shall be \$400.

4 (h) Movement of wooden structures.--The annual fee for
5 movement of wooden structures as provided for in section 4977
6 (relating to permit for movement of wooden structures) shall be
7 [\$1,000] \$1,468.

8 (i) Live domestic animals.--The annual permit fee for each
9 truck tractor authorized to transport live domestic animals, as
10 provided in section 4976.1 (relating to permit for movement of
11 live domestic animals), shall be [\$400] \$520.

12 (j) Building structural components.--The permit fee for each
13 truck tractor authorized to transport building structural
14 components, as provided in section 4978 (relating to permit for
15 movement of building structural components), shall be [\$100]
16 \$141 for each month the permit is valid.

17 (k) Utility construction equipment.--The permit fee for
18 utility construction equipment, as provided for in section
19 4970(a) (relating to permit for movement of construction
20 equipment), shall be [\$100] \$141 for each month the permit is
21 valid.

22 (l) Particleboard or fiberboard.--The annual fee for
23 movement of particleboard or fiberboard, as provided for in
24 section 4979 (relating to permit for movement of particleboard
25 or fiberboard used for the manufacture of ready-to-assemble
26 furniture), shall be [\$800] \$1,130.

27 (m) Bulk refined oil.--The annual fee for movement of bulk
28 refined oil, as provided for in section 4979.1 (relating to
29 permit for movement of bulk refined oil), shall be:

30 (1) [\$800] \$1,130 for a distance up to 50 miles.

31 (2) [\$1,600] \$1,690 for a distance of more than 50 miles
32 up to 125 miles.

33 (n) Waste coal and beneficial combustion ash.--The annual
34 fee for the movement of waste coal and beneficial combustion
35 ash, as provided for in section 4979.2 (relating to permit for
36 movement of waste coal and beneficial combustion ash), shall be
37 [\$400] \$565.

38 (o) Float glass or flat glass.--The annual fee for the
39 movement of float glass or flat glass, as provided for in
40 section 4979.3 (relating to permit for movement of float glass
41 or flat glass for use in construction and other end uses), shall
42 be [\$800] \$1,209.

43 (p) Self-propelled cranes.--The annual permit fee for each
44 self-propelled crane, as provided for in section 4979.4
45 (relating to permit for movement of self-propelled cranes),
46 shall be as follows:

47 (1) Cranes not exceeding 100,000 pounds gross weight,
48 prorated up to a maximum of [\$400] \$553.

49 (2) Cranes in excess of 100,000 pounds gross weight,
50 prorated up to a maximum of [\$100] \$139 plus [\$50] \$69 for
51 each mile of highway authorized under the permit.

1 (q) Construction equipment.--The annual fee for the movement
2 of construction equipment shall be [\$400] \$520.

3 (q.1) Nonhazardous liquid glue.--The annual fee for the
4 movement of nonhazardous liquid glue, as provided for in section
5 4979.5 (relating to permit for movement of nonhazardous liquid
6 glue), shall be [\$800] \$1,000.

7 (q.2) Waste tires.--The annual fee for the movement of waste
8 tires under section 4979.6 (relating to permit for movement of
9 waste tires) shall be [\$800] \$845.

10 (r) Excess damage permit.--The annual fee for excess damage
11 permits, as provided for in section 4961(d) (relating to
12 authority to issue permits), shall be [\$500] \$640 to cover the
13 costs of administering the permit and inspections of the
14 involved highway.

15 § 1944. Mobile homes, modular housing units and modular housing
16 undercarriages.

17 The fee for a special hauling permit for a mobile home,
18 modular housing unit or modular housing undercarriage which
19 exceeds the maximum size prescribed in this title but which does
20 not exceed 14 feet in body width shall be [\$25] \$39. The fee for
21 a special hauling permit for a mobile home or modular housing
22 unit, as provided in section 4973 (relating to permits for
23 movement of a mobile home or a modular housing unit and modular
24 housing undercarriage), shall be [\$50] \$76.

25 § 1951. Driver's license and learner's permit.

26 (a) Driver's license.--The driver's license fee for each
27 year or partial year shall be [\$5.25] \$6.25 plus the cost of the
28 photograph required in section 1510(a) (relating to issuance and
29 content of driver's license).

30 (b) Learner's permit.--The fee for a learner's permit shall
31 be [\$5] \$6.

32 (c) Identification card.--The fee for an identification card
33 fee shall be [\$5] \$19 plus the cost of the photograph.

34 (d) Replacement license or card.--The fee for a replacement
35 driver's license or identification card shall be [\$5] \$23 plus
36 the cost of the photograph.

37 § 1952. Certificate of title.

38 (a) General rule.--The fee for issuance of a certificate of
39 title shall be [\$22.50] \$34.

40 (b) Manufacturer's or dealer's notification.--The fee for a
41 manufacturer's or dealer's notification of acquisition of a
42 vehicle from another manufacturer or dealer for resale pursuant
43 to section 1113 (relating to transfer to or from manufacturer or
44 dealer) shall be [\$3] \$5.

45 § 1953. Security interest.

46 The fee for recording or changing the amount of security
47 interest on a certificate of title shall be [\$5] \$23.

48 § 1955. Information concerning drivers and vehicles.

49 (a) Drivers, registrations, titles and security interests.--
50 The fee for a copy of written or electronic information relating
51 to a driver, registration, title or security interest shall be

1 [\$5.] \$8.

2 * * *

3 § 1956. Certified copies of records.

4 (a) Department records.--The fee for a certified copy of any
5 department record which the department is authorized by law to
6 furnish to the public shall be [\$5] \$19 for each form or
7 supporting document comprising such record.

8 (b) State Police reports.--The fee for a certified
9 Pennsylvania State Police record of investigation of a vehicle
10 accident which the Pennsylvania State Police are authorized by
11 this title to furnish to the public shall be [\$5] \$22 for each
12 copy of the Pennsylvania State Police full report of
13 investigation.

14 § 1958. Certificate of inspection.

15 (a) General rule.--The department shall charge [\$2] \$5 for
16 each annual certificate of inspection [and \$1], \$2 for each
17 semiannual certificate of inspection.

18 § 1960. Reinstatement of operating privilege or vehicle
19 registration.

20 The department shall charge a fee of \$25 or, if section 1379
21 (relating to suspension of registration upon sixth unpaid
22 parking violation in cities of the first class) or 1786(d)
23 (relating to required financial responsibility) applies, a fee
24 of [\$50] \$88 to restore a person's operating privilege or the
25 registration of a vehicle following a suspension or revocation.

26 Section 8. Section 3368(c), (d) and (e) of Title 75 are
27 amended and the section is amended by adding subsections to
28 read:

29 § 3368. Speed timing devices.

30 * * *

31 (c) Mechanical, electrical and electronic devices
32 authorized.--

33 (1) Except as otherwise provided in this section, the
34 rate of speed of any vehicle may be timed on any highway by a
35 police officer using a mechanical or electrical speed timing
36 device.

37 (2) Except as otherwise provided in [paragraph (3)]
38 paragraphs (3) and (3.1), electronic devices such as radio-
39 microwave devices (commonly referred to as electronic speed
40 meters or radar) may be used only by members of the
41 Pennsylvania State Police.

42 (3) Electronic devices which calculate speed by
43 measuring elapsed time between measured road surface points
44 by using two sensors and devices which measure and calculate
45 the average speed of a vehicle between any two points may be
46 used by any police officer.

47 (3.1) The department and the commission, or their
48 respective agents or contractors, may install automated speed
49 enforcement systems incorporating electronic devices for the
50 following purposes:

51 (i) Measuring and calculating the rate of speed

1 of vehicles in work zones on highways under their
2 respective jurisdictions.

3 (ii) Providing documentation of speed violations
4 to an agent or contractor hired by the department or
5 the commission to certify that the electronic device
6 was operating correctly at the time of the violation
7 and to provide notice of violations. The person
8 certifying the electronic device and providing the
9 notice of violation may not be the system
10 administrator or an agent or contractor who installed
11 the automated speed enforcement system and shall not
12 be required to be present or to witness the
13 violation.

14 (4) The following shall apply:

15 (i) No person may be convicted upon evidence obtained
16 through the use of devices authorized by paragraphs (2) and
17 (3) unless the speed recorded is six or more miles per hour
18 in excess of the legal speed limit. [Furthermore, no]

19 (ii) No person may be convicted upon evidence obtained
20 through the use of devices authorized by paragraph (3) in an
21 area where the legal speed limit is less than 55 miles per
22 hour if the speed recorded is less than ten miles per hour in
23 excess of the legal speed limit.

24 (iii) No person may be convicted by evidence obtained
25 through the use of systems authorized by paragraph (3.1) in
26 any of the following:

27 (A) A work zone with a posted speed of less than
28 45 miles per hour.

29 (B) A work zone when the speed recorded is less
30 than 12 miles per hour in excess of the legal speed
31 limit.

32 (iv) [This paragraph] Subparagraphs (ii) and (iii) shall
33 not apply to evidence obtained through the use of devices
34 authorized by paragraph (2) or (3) within a school zone or an
35 active work zone.

36 (d) Classification, approval and testing of mechanical,
37 electrical and electronic devices.--The department may, by
38 regulation, classify specific devices as being mechanical,
39 electrical or electronic. All mechanical, electrical or
40 electronic devices shall be of a type approved by the
41 department, which shall appoint stations for calibrating and
42 testing the devices and may prescribe regulations as to the
43 manner in which calibrations and tests shall be made. The
44 certification and calibration of electronic devices under
45 subsection (c) (3), including those utilized in an automated
46 speed enforcement system under (c) (3.1), shall also include the
47 certification and calibration of all equipment, timing strips
48 and other devices which are actually used with the particular
49 electronic device being certified and calibrated. Electronic
50 devices commonly referred to as electronic speed meters or radar
51 shall have been tested for accuracy within a period of one year

1 prior to the alleged violation. Other devices shall have been
2 tested for accuracy within a period of 60 days prior to the
3 alleged violation. A certificate from the station showing that
4 the calibration and test were made within the required period
5 and that the device was accurate shall be competent and prima
6 facie evidence of those facts in every proceeding in which a
7 violation of this title is charged.

8 (e) Distance requirements for use of mechanical, electrical
9 and electronic devices.--Mechanical, electrical or electronic
10 devices may not be used to time the rate of speed of vehicles
11 within 500 feet after a speed limit sign indicating a decrease
12 of speed. This limitation on the use of speed timing devices
13 shall not apply to speed limit signs indicating school zones,
14 bridge and elevated structure speed limits, hazardous grade
15 speed limits and work zone speed limits. This paragraph shall
16 not apply to the use of systems under subsection (c) (3.1).

17 (f) Owner liability.--For each speed violation determined
18 through the use of an automated speed enforcement system under
19 subsection (c) (3.1), the owner of the vehicle shall be liable
20 for the penalty imposed unless the owner is convicted of the
21 same violation under another section of this title or has a
22 defense under subsection (j).

23 (g) Certificate as evidence.--A certificate, or a facsimile
24 of a certificate, based upon inspection of measurements recorded
25 by a device operated under subsection (c) (3.1) and sworn to or
26 affirmed by an agent or contractor hired by the department or
27 the commission shall be prima facie evidence of the facts
28 contained in it. The certificate must include written
29 documentation that the electronic device was operating correctly
30 at the time of the alleged violation. A recorded image
31 evidencing a speed violation determined through the use of an
32 automated speed enforcement system under subsection (c) (3.1)
33 shall be admissible in any judicial or administrative proceeding
34 to adjudicate the liability for the violation.

35 (h) Civil penalty.--The penalty for a speed violation
36 determined through the use of an automated speed enforcement
37 system under subsection (c) (3.1) shall be a fine of \$100. This
38 penalty shall be imposed for violations occurring in all work
39 zones, whether active or not at the time of the violation. In
40 addition the penalty under this subsection:

41 (1) Shall apply in place of the penalty imposed for
42 violation of subsection 3365(c.1) (relating to special speed
43 limitations).

44 (2) Shall not be deemed a criminal conviction and shall
45 not be made part of the operating record under section 1535
46 (relating to schedule of convictions and points) of the
47 individual upon whom the penalty is imposed, nor may the
48 imposition of the penalty be subject to merit rating for
49 insurance purposes.

50 (3) Shall not impose surcharge points in the provision
51 of motor vehicle insurance coverage. Fines collected under

1 this subsection shall not be subject to 42 Pa.C.S. § 3571
2 (relating to Commonwealth portion of fines, etc.) or 3573
3 (relating to municipal corporation portion of fines, etc.).

4 (i) Limitations.--The following limitations shall apply:

5 (1) No automated speed enforcement systems shall be
6 utilized in such a manner as to take a frontal view recorded
7 image of the vehicle as evidence of having committed a
8 violation.

9 (2) Notwithstanding any other provision of law, camera
10 equipment deployed as part of the automated speed enforcement
11 system under this section must be incapable of automated or
12 user-controlled remote work zone surveillance by means of
13 recorded video images. Recorded images collected as part of
14 the automated speed enforcement system must only record
15 traffic violations and may not be used for any other
16 surveillance purposes. The restrictions set forth in this
17 paragraph shall not be deemed to preclude a court of
18 competent jurisdiction from issuing an order directing the
19 information to be provided to law enforcement officials if
20 the information is reasonably described and is requested
21 solely in connection with a criminal law enforcement action.

22 (3) The following shall apply:

23 (i) Notwithstanding any other provision of law,
24 information prepared under subsection (c)(3.1) and
25 information related to violations under this section
26 which are kept by the department, the commission, or
27 their authorized contractors, agents or employees,
28 including recorded images, written records, reports or
29 facsimiles, names, addresses and the number of violations
30 under this section, shall be for the exclusive use of the
31 department, the commission, or their authorized
32 contractors, agents, or employees, and law enforcement
33 officials for the purpose of discharging their duties
34 under this section. The information shall not:

35 (A) Be deemed a public record under the act of
36 February 14, 2008 (P.L.6, No.3), known as the Right-
37 to-Know Law.

38 (B) Be discoverable by court order or otherwise,
39 nor shall it be offered in evidence in any action or
40 proceeding which is not directly related to a
41 violation of this section.

42 (ii) The restrictions set forth in this paragraph
43 shall not be deemed to preclude a court of competent
44 jurisdiction from issuing an order directing that the
45 information be provided to law enforcement officials if
46 the information is reasonably described and is requested
47 solely in connection with a criminal law enforcement
48 action.

49 (4) Recorded images obtained through the use of
50 automated speed enforcement systems deployed as a means of
51 promoting traffic safety shall be destroyed within one year

1 of final disposition of any recorded event. The department
2 and the commission shall file notice with the Department of
3 State that the records have been destroyed in accordance with
4 this section.

5 (5) Notwithstanding any other provision of law,
6 registered vehicle owner information obtained as a result of
7 the operation of an automated speed enforcement system under
8 this section shall not be the property of the manufacturer or
9 vendor of the automated speed enforcement system and may not
10 be used for any purpose other than prescribed in this
11 section.

12 (j) Defenses to violations determined through the use of
13 automated speed enforcement systems.--The following are defenses
14 to a speeding violation determined through the use of an
15 automated speed enforcement system under subsection (c)(3.1):

16 (1) The person named in the notice of the violation was
17 not operating the vehicle at the time of the violation. The
18 owner may be required to submit evidence that the owner was
19 not the driver at the time of the alleged violation. To
20 invoke this defense, the owner of the vehicle shall be
21 required to disclose the identity of the operator of the
22 vehicle at the time of the violation and the operator's
23 address. Upon disclosure of the identity of the operator and
24 the operator's address, notice of a speed violation shall be
25 given to the operator in accordance with subsections (n) and
26 (o), and the operator shall have the options of paying the
27 fine, in accordance with subsection (p), or requesting a
28 hearing, in accordance with subsection (q).

29 (2) The vehicle was reported to a police department as
30 stolen prior to the time the violation occurred and had not
31 been recovered prior to that time.

32 (3) The person receiving the notice of violation was not
33 the owner of the vehicle at the time of the offense.

34 (k) Department or commission approval and duty.--The
35 following shall apply:

36 (1) The department and the commission shall each
37 designate or appoint a system administrator to supervise and
38 coordinate the administration of the automated speed
39 enforcement system on highways under their respective
40 jurisdictions and notices of speed violations determined
41 through the use of an automated speed enforcement system
42 under subsection (c)(3.1).

43 (2) No automated speed enforcement system may be used
44 without the approval of the department, which shall have the
45 authority to promulgate regulations for the certification and
46 use of such systems.

47 (3) No automated speed enforcement system may be used
48 unless appropriate signs are provided before the area in
49 which automated speed enforcement system is to be used
50 notifying the public that an automated speed enforcement
51 system is in use immediately ahead.

1 (4) The system administrator shall prepare a notice of a
2 speed violation determined through the use of an automated
3 speed enforcement system to the registered owner of a vehicle
4 identified in a recorded image produced by the automated
5 speed enforcement system as evidence of such violation. The
6 issuance of this notice of violation must be done by the
7 agent or contractor hired by the department or commission to
8 certify the electronic device. The notice of violation shall
9 have attached to it a copy of the recorded image showing the
10 vehicle, the registration number and state of issuance of the
11 vehicle registration, the date, time and place of the alleged
12 violation, a statement that the violation charged is based on
13 the use of an automated speed enforcement system under
14 subsection (c) (3.1) and instructions for return of the notice
15 of violation. The text of the notice must be as follows:

16 This notice shall be returned personally, by mail or by an
17 agent duly authorized in writing within 30 days of issuance. A
18 hearing may be obtained upon the written request of the
19 registered owner.

20 (1) System administrator.--The system administrator:

21 (1) May hire and designate personnel as necessary or
22 contract for services to implement an automated speed
23 enforcement program.

24 (2) Shall process fines issued pursuant to an automated
25 speed enforcement program.

26 (3) Shall submit an annual report to the chairman and
27 the minority chairman of the Transportation Committee of the
28 Senate and the chairman and minority chairman of the
29 Transportation Committee of the House of Representatives. The
30 report shall include all of the following for the prior year:

31 (i) The number of violations and fines issued.

32 (ii) A compilation of fines paid and outstanding.

33 (iii) The amount of money paid under this section to
34 a vendor or manufacturer.

35 (m) Notice to owner for a violation under subsection (c)
36 (3.1).--In the case of a speed violation determined through the
37 use of an automated speed enforcement system under subsection
38 (c) (3.1), notice must be mailed in one of the following manners:

39 (1) When the violation involves a motor vehicle
40 registered under the laws of this Commonwealth, the notice of
41 violation must be mailed to the address of the registered
42 owner as listed in the records of the department by the later
43 of the following:

44 (i) Within 30 days after the discovery of the
45 identity of the registered owner.

46 (ii) Within 90 days after the commission of the
47 violation.

48 (2) When the violation involves a motor vehicle
49 registered in a jurisdiction other than this Commonwealth,
50 the notice of violation must be mailed to the address of the
51 registered owner as listed in the records of the official in

1 the jurisdiction having charge of the registration of the
2 vehicle by the later of the following:

3 (i) Within 30 days after the discovery of the
4 identity of the registered owner.

5 (ii) Within 90 days from the commission of the
6 violation.

7 (n) Notice to operator other than owner.--Where the operator
8 of the motor vehicle at the time of the violation is identified
9 as someone other than the owner, the notice of violation must be
10 mailed within 30 days after the disclosure to the department or
11 the commission of the identity of the operator.

12 (o) Mailing of notice and records.--Notice under subsection
13 (m) must be sent by first class mail. A manual or automatic
14 record of mailing prepared in the ordinary course of business
15 shall be prima facie evidence of mailing and shall be admissible
16 in any judicial or administrative proceeding as to the facts
17 contained in it.

18 (p) Payment of fine.--The following shall apply:

19 (1) An owner to whom a notice under subsection (m) has
20 been issued may admit responsibility for the violation and
21 pay the fine provided in the notice.

22 (2) Payment made for a speed violation determined
23 through the use of an automated speed enforcement
24 system under subsection (c) (3.1) must be made personally,
25 through an authorized agent or by mailing both payment and
26 the notice of violation to the system administrator. Payment
27 by mail must be made only by money order, credit card or
28 check made payable to the system administrator. For speed
29 violations occurring in work zones on highways under the
30 jurisdiction of the department, the system administrator
31 shall remit the fine, less the system administrator's
32 operation and maintenance costs necessitated by this section,
33 to the department for deposit into a restricted revenue
34 account within the Motor License Fund as provided in
35 subsection (s) (2). For speed violations occurring in work
36 zones on highways under the jurisdiction of the commission,
37 the system administrator shall remit the fine, less the
38 system administrator's operation and maintenance costs
39 necessitated by the section, to the commission for deposit
40 into its treasury as provided in subsection (s) (3).

41 (3) Payment of the established fine and applicable
42 penalties shall operate as a final disposition of the case.

43 (q) Hearing.--The following shall apply:

44 (1) An owner to whom a notice under subsection (m) has
45 been issued may, within 30 days of the mailing of the notice,
46 request a hearing to contest the liability alleged in the
47 notice. A hearing request must be made by appearing before
48 the system administrator during regular office hours either
49 personally or by an authorized agent or by mailing a request
50 in writing.

51 (2) Upon receipt of a hearing request, the system

1 administrator shall in a timely manner schedule the matter
2 before a hearing officer. The hearing officer shall be
3 designated by the department or the commission, depending
4 upon the entity with jurisdiction over the highway where the
5 violation occurred. Written notice of the date, time and
6 place of hearing must be sent by first class mail to the
7 owner.

8 (3) The hearing shall be informal, the rules of evidence
9 shall not apply and the decision of the hearing officer shall
10 be final, subject to the right of the owner to appeal the
11 decision to the traffic court, in cities of the first class,
12 or the magisterial district judge.

13 (4) If the owner requests in writing that the decision
14 of the hearing officer be appealed to the traffic court, in
15 cities of the first class, or the magisterial district judge,
16 the system administrator shall file the notice of violation
17 and supporting documents with the traffic court, in cities of
18 the first class, or the magisterial district judge, who shall
19 hear and decide the matter de novo.

20 (r) Compensation to manufacturer or vendor.--The
21 compensation paid to the manufacturer or vendor of any automated
22 speed enforcement system may not be based upon the number of
23 traffic citations issued or a portion or percentage of the fines
24 generated by the citations. The compensation paid to the
25 manufacturer or vendor of the equipment shall be based upon the
26 value of the equipment and the services provided or rendered in
27 support of the automated speed enforcement system.

28 (s) Revenue.--The following shall apply:

29 (1) The department and the commission are each
30 authorized to use revenue generated from the automated speed
31 enforcement program to cover the respective costs incurred by
32 each of them in operating and administering the program.

33 (2) After deducting its operational and administrative
34 costs, including any costs incurred by the system
35 administrator under subsection (p) (2), the department shall
36 deposit all remaining revenue into a restricted revenue
37 account within the Motor License Fund under the control of
38 the secretary, to be used exclusively for safety-related
39 initiatives.

40 (3) After deducting its operational and administrative
41 costs, including any costs incurred by the system
42 administrator under subsection (p) (2), the commission shall
43 deposit all remaining revenue into a restricted receipts
44 account within its treasury, to be used exclusively for
45 safety-related initiatives.

46 (t) Definitions.---The following words and phrases when used
47 in this section shall have the meanings given to them in this
48 subsection unless the context clearly indicates otherwise:

49 "Automated speed enforcement program." The activities
50 involved in the department's or the commission's deployment,
51 use, operation and administration of an automated speed

1 enforcement system, including but not limited to enforcement
2 activities and collection of fines, and otherwise in furtherance
3 the powers and duties of the department or the commission under
4 this section.

5 "Automated speed enforcement system." A system incorporating
6 an electronic device that evaluates a vehicle's speed and
7 automatically provides a documented rear vehicle image while a
8 driver is violating posted speed limits in work zones. The
9 system also documents a vehicle image, location identification,
10 date, time, speed limit, vehicle violation speed and owner
11 identification information.

12 "Commission." The Pennsylvania Turnpike Commission or any
13 successor organization.

14 Section 9. Section 4902(a) and (c) of Title 75 are amended
15 and the section is amended by adding subsections to read:

16 § 4902. Restrictions on use of highways and bridges.

17 (a) Restrictions based on condition of highway or bridge.--

18 (1) The Commonwealth and local authorities with respect
19 to highways and bridges under their jurisdictions may
20 prohibit the operation of vehicles and may impose
21 restrictions as to the weight or size of vehicles operated
22 upon a highway or bridge only when they determine by
23 conducting an engineering and traffic study as provided for
24 in department regulations that the highway or bridge may be
25 damaged or destroyed unless use by vehicles is prohibited or
26 the permissible size or weight of vehicles is reduced.

27 (2) The following shall apply:

28 (i) School buses, emergency vehicles and vehicles
29 making local deliveries or pickups may be exempted from
30 restrictions on the use of highways imposed under this
31 subsection.

32 (ii) The department may issue a statement of policy,
33 which shall take effect upon publication in the
34 Pennsylvania Bulletin, adopting an appropriate
35 methodology to provide letters of local determination
36 that identify particular vehicles, routes or uses as
37 local in nature.

38 (iii) The methodology under subparagraph (ii) may
39 allow for exemptions from 67 Pa. Code Ch. 189 (relating
40 to hauling in excess of posted weight limit) related to
41 at-risk industry sectors experiencing a 20% decline in
42 Statewide employment between March 2002 and March 2011.

43 (iv) The exemptions and related requirements under
44 subparagraph (iii) may remain in existence until December
45 31, 2018. Exemptions for local delivery or pickup may not
46 include traffic going to or coming from a site at which
47 minerals, gas or natural resources are developed,
48 harvested or extracted, notwithstanding whether the site
49 is located at a residence, a commercial site or on
50 farmland.

51 * * *

1 (c) Permits and security.--The Commonwealth and local
2 authorities may issue permits for movement of vehicles of size
3 and weight in excess of restrictions promulgated under
4 subsections (a) and (b) with respect to highways and bridges
5 under their jurisdiction and may require such undertaking or
6 security as they deem necessary to cover the cost of repairs and
7 restoration necessitated by the permitted movement of vehicles.
8 In reference to subsection (a), the Commonwealth and local
9 authorities shall not refuse to issue a permit with respect to a
10 highway under their jurisdiction if there is no reasonable
11 alternate route available. For purposes of this section,
12 "reasonable alternate route" shall mean a route meeting the
13 criteria set forth in department regulations relating to traffic
14 and engineering studies. The department may establish the types
15 of permits and agreements that may be issued. The following
16 shall apply:

17 (1) Permits may be for long-term or short-term use of
18 the posted highways.

19 (2) The department may require multiple vehicles
20 traveling to or from a single destination to operate pursuant
21 to a single permit.

22 (3) The department may establish a permit type allowing
23 the posting authority to determine that damage to the posted
24 highway covered by the permit will be minimal. This type of
25 permit may include categories based on the number and kinds
26 of loads expected, including a category providing that use of
27 the posted highway under a single minimum use permit of less
28 than 700 loads per year shall not require an agreement or
29 security. The department may alter the 700 loads per year
30 minimum use threshold if it determines the structural
31 capacity of the State highways can accept a higher or lower
32 amount of over-posted weight traffic. The department may
33 express the threshold as a loads-per-day, loads-per-week or
34 loads-per-month number.

35 (4) The department may restrict use of permits during
36 thaw periods as determined by the department.

37 (5) The department may determine that hauling related to
38 unconventional oil and gas development is excluded from
39 minimum use status based on its disproportionate and
40 qualitatively different impact upon highways and bridges.

41 (6) The department shall promulgate regulations to
42 implement this section. Regulations promulgated by the
43 department under this section shall not be subject to the
44 proposed rulemaking provisions of the act of July 31, 1968
45 (P.L.769, No.240) referred to as the Commonwealth Documents
46 Law, or the act of June 25, 1982 (P.L.633, No.181) known as
47 the Regulatory Review Act.

48 * * *

49 (h) (Reserved).

50 (i) Authority to conduct investigations and audits.--The
51 Commonwealth and local authorities may conduct or cause to be

1 conducted investigations and audits of a person or entity to
2 determine if there has been a violation of this section,
3 pertinent regulations or agreements.

4 (j) Authority to suspend, revoke or deny permits.--The
5 Commonwealth and local authorities may suspend, revoke or deny
6 permits and agreements if it is determined by the Commonwealth
7 or a local authority that there has been a violation of this
8 section, pertinent regulations or agreements, notwithstanding
9 any other provision of this section.

10 Section 10. Section 6110(b) of Title 75 is amended to read:
11 § 6110. Regulation of traffic on Pennsylvania Turnpike.

12 * * *

13 (b) Penalties.--

14 (1) Except as otherwise provided in this subsection, any
15 person violating any of the rules and regulations of the
16 Pennsylvania Turnpike Commission for which no penalty has
17 otherwise been provided by statute commits a summary offense
18 and shall, upon conviction, be sentenced to pay a fine of
19 \$25.

20 (2) Any person violating any of the rules and
21 regulations of the commission prohibiting fare evasion or
22 attempted fare evasion commits a summary offense and shall,
23 upon conviction for the first time, be sentenced to pay a
24 fine according to the classification by the commission of the
25 vehicle driven by that person at the time of violation as
26 follows:

27 (i) Class 1 through 2: \$100.

28 (ii) Class 3 through 6: \$500.

29 (iii) Class 7 and higher: \$1,000.

30 (3) In addition to the fines imposed under this
31 subsection, restitution shall be made to the commission in an
32 amount equal to the full fare, for the appropriate vehicle
33 class, from the farthest point of entry on the turnpike to
34 the actual point of exit.

35 (3.1) (i) A person who, while traveling upon the
36 Pennsylvania Turnpike or a road under its control, takes
37 an affirmative action in an attempt to evade tolls
38 commits a misdemeanor of the third degree and shall, upon
39 conviction, be sentenced to pay a fine of \$6,500 and to
40 undergo imprisonment for not less than 60 days. For the
41 purposes of this subsection, affirmative action shall
42 include any of the following:

43 (A) Removal of license plates from the vehicle
44 to impede electronic toll collection.

45 (B) Installation of a mechanism that rotates,
46 changes, blocks or otherwise mechanically alters the
47 ability of a license plate to be read by a violation
48 enforcement system as defined under 74 Pa.C.S. § 8102
49 (relating to definitions).

50 (C) Installation of a mechanical apparatus upon
51 the vehicle that serves the sole purpose of masking,

1 hiding or manipulating the true weight of the vehicle
2 as it appears to a mechanical scale.

3 (D) Conspiring with an individual or group of
4 individuals in an attempt to alter, lower or evade
5 payment of correct tolls.

6 (E) Unauthorized use of Pennsylvania Turnpike
7 private gate access or otherwise unauthorized
8 movement entering or exiting the turnpike other than
9 at approved interchanges.

10 (F) Any other action taken for the purpose of
11 evading the payment of a toll.

12 (ii) A violation of this paragraph may not preclude
13 prosecution under section 1332 (relating to display of
14 registration plate), 7122 (relating to altered, forged or
15 counterfeit documents and plates) or 7124 (relating to
16 fraudulent use or removal of registration plate).

17 Section 10.1. The definitions of "annual additional
18 payments," "annual base payments" and "scheduled annual
19 commission contributions" in section 8901 of Title 75 are
20 amended to read:

21 § 8901. Definitions.

22 The following words and phrases when used in this chapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Annual additional payments." As follows:

26 (1) During the conversion period and after the
27 conversion date, an amount equal to the scheduled annual
28 commission contribution, minus the sum of:

29 (i) \$200,000,000 paid as annual base payments
30 through fiscal year 2020-2021;

31 (ii) any Interstate 80 savings for that fiscal year.

32 (2) If the conversion period has expired and a
33 conversion notice has not been received by the secretary, in
34 each subsequent fiscal year [until the end of the term of the
35 lease agreement] through fiscal year 2020-2021, the annual
36 additional payments shall be \$250,000,000. No annual
37 additional payments shall be due after fiscal year 2020-2021.

38 "Annual base payments." An amount equal to the sum of the
39 following:

40 (1) Annual debt service on outstanding bonds issued
41 under section 9511.2 (relating to special revenue bonds)
42 payable as required pursuant to the bonds.

43 (2) Two hundred million dollars payable annually in four
44 equal installments each due the last business day of each
45 July, October, January and April. No annual base payments
46 shall be due after fiscal year 2020-2021.

47 * * *

48 "Scheduled annual commission contribution." The following
49 amounts:

50 (1) \$750,000,000 in fiscal year 2007-2008.

51 (2) \$850,000,000 in fiscal year 2008-2009.

1 (3) \$900,000,000 in fiscal year 2009-2010.

2 (4) For fiscal year 2010-2011 and each fiscal year
3 thereafter, the amount shall be the amount calculated for the
4 previous year increased by 2.5%, except that the amount shall
5 be equal to the annual base payments plus \$250,000,000 if the
6 conversion notice is not received by the secretary prior to
7 the expiration of the conversion period. No scheduled annual
8 commission contribution shall be due after fiscal year 2020-
9 2021.

10 Section 11. Chapter 90 heading of Title 75 is amended to
11 read:

12 CHAPTER 90
13 LIQUID FUELS [AND] FUELS TAX
14 AND ELECTRIC VEHICLE ROAD FEE

15 Section 12. Chapter 90 of Title 75 is amended by adding a
16 subchapter heading immediately preceding section 9001 to read:

17 SUBCHAPTER A
18 PRELIMINARY PROVISIONS

19 Section 13. The definition of "average wholesale price" in
20 section 9002 of Title 75 is amended to read:

21 § 9002. Definitions.

22 The following words and phrases when used in this chapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 * * *

26 "Average wholesale price." [The average wholesale price per
27 gallon of all taxable liquid fuels and fuels, excluding the
28 Federal excise tax and all liquid fuels taxes, as determined by
29 the Department of Revenue for the 12-month period ending on the
30 September 30 immediately prior to January 1 of the year for
31 which the rate is to be set. In no case shall the average
32 wholesale price be less than 90¢ nor more than \$1.25 per
33 gallon.] The average wholesale price per gallon of all taxable
34 liquid fuels and fuels, excluding the Federal excise tax and all
35 liquid fuels taxes, shall be:

36 (1) \$1.45 for calendar year beginning January 1, 2014,
37 and ending December 31, 2014.

38 (2) \$1.58 for the calendar year beginning January 1,
39 2015, and ending December 31, 2015.

40 (3) \$1.71 for calendar year beginning January 1, 2016,
41 and ending December 31, 2016.

42 (4) \$1.84 for the calendar year beginning January 1,
43 2017, and ending December 31, 2017.

44 (5) \$1.97 for calendar year beginning January 1, 2018,
45 and each calendar year thereafter.

46 * * *

47 Section 13.1. Section 9004(a), (b), (c) introductory
48 paragraph and (e) introductory paragraph of Title 75 are amended
49 to read:

50 § 9004. Imposition of tax, exemptions and deductions.

51 (a) [Liquid fuels and fuels tax.--A permanent State tax of

1 12¢ a gallon or fractional part thereof is imposed and assessed
2 upon all liquid fuels and fuels used or sold and delivered by
3 distributors within this Commonwealth.] (Reserved).

4 (b) Oil company franchise tax for highway maintenance and
5 construction.--[In addition to the tax imposed by subsection
6 (a), the] The tax imposed by Chapter 95 (relating to taxes for
7 highway maintenance and construction) shall [also] be imposed
8 and collected on liquid fuels and fuels, on a cents-per-gallon
9 equivalent basis, upon all gallons of liquid fuels and fuels [as
10 are taxable under subsection (a)] used or sold and delivered by
11 distributors within this Commonwealth.

12 (c) Aviation gasoline tax.--In lieu of the taxes under
13 [subsections (a) and] subsection (b):

14 * * *

15 (e) Exceptions.--The tax imposed under subsections [(a),]
16 (b), (c) and (d) shall not apply to liquid fuels, fuels or
17 alternative fuels:

18 * * *

19 Section 13.2. Section 9006(b)(2) of Title 75 is amended to
20 read:

21 § 9006. Distributor's report and payment of tax.

22 * * *

23 (b) Computation and payment of tax.--

24 * * *

25 (2) The discount under paragraph (1) shall not be
26 computed on any tax imposed and remitted with respect to the
27 oil company franchise tax imposed under sections 9004(b)
28 (relating to imposition of tax, exemptions and deductions)
29 and 9502 (relating to imposition of tax), except with respect
30 to the oil company franchise tax imposed under section
31 9502(a)(5) (relating to imposition of tax).

32 * * *

33 Section 13.3. Section 9010(a), (b)(1) and (e)(3) of Title 75
34 are amended to read:

35 § 9010. Disposition and use of tax.

36 (a) [Payment to Liquid Fuels Tax Fund.--One-half cent per
37 gallon of the tax collected under section 9004(a) (relating to
38 imposition of tax, exemptions and deductions) shall be paid into
39 the Liquid Fuels Tax Fund of the State Treasury. The money paid
40 into that fund is specifically appropriated for the purposes set
41 forth in this chapter.] (Reserved).

42 (b) Payment to counties.--

43 (1) The money paid into the Liquid Fuels Tax Fund under
44 section 9502(a)(5)(i) (relating to imposition of tax), except
45 that which is refunded, shall be paid to the respective
46 counties of this Commonwealth on June 1 and December 1 of
47 each year in the ratio that the average amount returned to
48 each county during the three preceding years bears to the
49 average amount returned to all counties during the three
50 preceding years.

51 * * *

1 (e) Appropriation.--

2 * * *

3 (3) The [remaining tax collected under section 9004(a),
4 the] tax of 1 1/2¢ a gallon imposed and assessed on liquid
5 fuels used or sold and delivered for use as a fuel in
6 propeller-driven aircraft or aircraft engines, the tax of 1
7 1/2¢ a gallon on liquid fuels used or sold and delivered for
8 use as a fuel in jet or turbojet-propelled aircraft or
9 aircraft engines in lieu of other taxes, all penalties and
10 interests and all interest earned on deposits of the Liquid
11 Fuels Tax Fund shall be paid into the Motor License Fund.
12 This money is specifically appropriated for the same purposes
13 for which money in the Motor License Fund is appropriated by
14 law.

15 Section 13.4. Section 9017(c) (1) of Title 75 is amended to
16 read:

17 § 9017. Refunds.

18 * * *

19 (c) Motorboats and watercraft.--

20 (1) When the tax imposed by this chapter and section
21 9502(a) (5) (relating to imposition of tax) has been paid and
22 the fuel on which the tax has been imposed has been consumed
23 in the operation of motorboats or watercraft upon the waters
24 of this Commonwealth, including waterways bordering on this
25 Commonwealth, the full amount of the tax shall be refunded to
26 the Boat Fund on petition to the board in accordance with
27 prescribed procedures.

28 * * *

29 Section 14. Chapter 90 of Title 75 is amended by adding a
30 subchapter heading immediately preceding section 9003 to read:

31 SUBCHAPTER B

32 LIQUID FUELS AND FUELS TAX

33 Section 15. Chapter 90 of Title 75 is amended by adding a
34 subchapter to read:

35 SUBCHAPTER C

36 ELECTRIC VEHICLE ROAD FEE

37 Sec.

38 9031. Short title of subchapter.

39 9032. Road use fee imposed on electric vehicles.

40 9033. Electricity not motor fuel.

41 9034. (Reserved).

42 9035. (Reserved).

43 9036. Refunds.

44 9037. Motor carriers road tax and the International Fuel Tax
45 Agreement.

46 § 9031. Short title of subchapter.

47 This subchapter shall be known and may be cited as the
48 Electric Vehicle Road Fee Act.

49 § 9032. Road use fee imposed on electric vehicles.

50 (a) Fee required for registration.--Concurrent with
51 submitting an annual vehicle registration application and fee to

1 the Department of Transportation under section 1301 (relating to
2 registration and certificate of title required), an owner of an
3 electric vehicle shall submit the electric vehicle road fee. The
4 following shall apply:

5 (1) Normal vehicle registration shall not be considered
6 complete without payment in full of the electric vehicle road
7 fee.

8 (2) The electric vehicle road fee shall be paid by each
9 new owner registering the vehicle with the Commonwealth.

10 (b) Computation of electric vehicle road use fee.--

11 (1) The Department of Revenue shall compute the electric
12 vehicle road fee for each major vehicle class defined in the
13 CAFE standards.

14 (2) The electric vehicle road fee shall equal the
15 average annual vehicle fuel tax within each vehicle class.

16 (3) The average annual vehicle fuel fee computation
17 shall be as follows:

18 (i) The vehicle average miles driven divided by the
19 miles per gallon equivalent per vehicle as determined by
20 the department.

21 (ii) The quotient under subparagraph (i) shall be
22 multiplied by the sum of liquid fuels and oil company
23 franchise tax rates for gasoline and the product shall be
24 the average annual vehicle fuel fee.

25 (4) The department shall annually determine the electric
26 vehicle road fee for each vehicle class, to be published in
27 the Pennsylvania Bulletin on or before December 15 of each
28 year.

29 (c) Regulations.--The department shall promulgate
30 regulations to address new vehicle technology.

31 § 9033. Electricity not motor fuel.

32 (a) General rule.--Electricity used in an electric motor
33 that propels a vehicle on the highways of this Commonwealth is
34 not considered a motor fuel as defined under this chapter.

35 (b) Electric vehicles exempt from motor fuel taxes.--An
36 electric vehicle shall not pay a motor fuel tax under this
37 chapter unless the tax is assessed upon motor fuel that may also
38 be used in the vehicle.

39 § 9034. (Reserved).

40 § 9035. (Reserved).

41 § 9036. Refunds.

42 A person may be entitled to a refund of the electric vehicle
43 road fee paid for a vehicle that would otherwise have been
44 exempt under section 9006 (relating to distributor's report and
45 payment of tax). A person entitled to a refund of the electric
46 vehicle road fee shall apply for an annual refund in a manner
47 similar to the refund process used for motor fuels under section
48 9017 (relating to refunds).

49 § 9037. Motor carriers road tax and the International Fuel Tax
50 Agreement.

51 The department shall promulgate regulations as necessary for

1 compliance with the motor carriers road tax and International
2 Fuel Tax Agreement.

3 Section 16. Section 9106 heading, (a) and (b) of Title 75
4 are amended to read:

5 § 9106. Dirt [and], gravel and low-volume road maintenance.

6 (a) Statement of purpose.--It is the intent and purpose of
7 this section:

8 (1) To fund safe, efficient and environmentally sound
9 maintenance of sections of dirt and gravel roads which have
10 been identified as sources of dust and sediment pollution.

11 (2) To establish a dedicated and earmarked funding
12 mechanism that provides streamlined appropriation to the
13 county level and enables local officials to establish fiscal
14 and environmental controls.

15 (3) To fund safe, efficient and environmentally sound
16 maintenance of sections of low-volume roads that are sealed
17 or paved with an average daily traffic count of 500 vehicles
18 or less.

19 (b) General rule.--Of the funds available under section
20 9502(a)(1) (relating to imposition of tax), [\$1,000,000]
21 \$4,000,000 shall be annually distributed to the Department of
22 Conservation and Natural Resources for the maintenance and
23 mitigation of dust and sediment pollution from parks and
24 forestry roads. Funds in the amount of [\$4,000,000] \$16,000,000
25 shall be appropriated annually to the State Conservation
26 Commission and administered in a nonlapsing, nontransferable
27 account restricted to maintenance and improvement of dirt [and],
28 gravel and low-volume State and municipal roads. The State
29 Conservation Commission shall apportion the funds based on
30 written criteria it develops to establish priorities based on
31 preventing dust and sediment pollution. In the first fiscal
32 year, top priority shall be given to specific trouble spot
33 locations already mapped by the Task Force on Dirt and Gravel
34 Roads and available from the department. A minimum of \$8,000,000
35 of the total appropriated annually shall be for maintenance and
36 improvement of low-volume roads.

37 * * *

38 Section 17. Section 9502(a) of Title 75 is amended by adding
39 paragraphs and the section is amended by adding a subsection to
40 read:

41 § 9502. Imposition of tax.

42 (a) General rule.--

43 * * *

44 (5) Notwithstanding any other provision of law to the
45 contrary, the following shall apply:

46 (i) Subject to subparagraph (ii), the Department of
47 Revenue shall deposit into a newly established restricted
48 account in the Motor License Fund the revenue generated
49 from the difference between:

50 (A) the maximum "average wholesale price" under
51 section 9002 (relating to definitions) on June 30,

1 2013; and

2 (B) the "average wholesale price" under section
3 9002 on the effective date of this paragraph.

4 (ii) When the total amount of revenue reaches
5 \$480,000,000 in any given fiscal year, the excess amount
6 of revenue for that fiscal year shall be transferred to
7 the Motor License Fund to be used as unrestricted
8 revenue.

9 (iii) The money in the account shall be allocated as
10 follows:

11 (A) To replace any moneys redirected from the
12 Motor License Fund pursuant to 74 Pa.C.S. § 2102(1)
13 (relating to deposits to funds) and section 1904(b)
14 (1) (relating to collection and disposition of fees
15 and moneys).

16 (B) Following the allocation under clause (A):

17 (I) For repair and maintenance of
18 structurally deficient and posted State bridges,
19 89%. A total of \$40,000,000 annually of the
20 amount allocated under this subclause shall be
21 used by the department for public-private
22 transportation partnership bridge projects under
23 the provisions of 74 Pa.C.S. Ch. 91 (relating to
24 public-private transportation partnerships).

25 (II) For repair and maintenance of
26 structurally deficient and posted local bridges,
27 11%.

28 (C) Any funds deposited under this paragraph
29 shall be distributed in accordance with needs-based
30 formulas that are developed and subject to periodic
31 revision based on consultation and collaboration
32 among metropolitan planning organizations, rural
33 planning organizations and the department.

34 (D) Revisions proposed by the metropolitan
35 planning organizations and rural planning
36 organizations shall be for critical transportation
37 needs and shall be adopted upon a majority vote of
38 the State Transportation Commission.

39 (6) An additional 85 mills in calendar year 2014, 77
40 mills in calendar year 2015, 69 mills in calendar year 2016,
41 63 mills in calendar year 2017, and 58 mills in calendar year
42 2018 and each calendar year thereafter, is imposed on all
43 motor fuels as defined and provided in Chapter 90 and the tax
44 shall be collected as provided in section 9004(b) upon the
45 fuels. The proceeds of the tax shall be deposited and
46 distributed as follows:

47 (i) Four and seventeen hundredths percent to the
48 Liquid Fuels Tax Fund. The money paid into the Liquid
49 Fuels Tax Fund is specifically appropriated for the
50 purposes set forth in section 9010 (relating to
51 disposition and use of tax).

1 (ii) Ninety-five and eighty-three hundredths percent
2 to the Motor License Fund. The money is specifically
3 appropriated for the same purposes for which money in the
4 Motor License Fund is appropriated by law. Twenty percent
5 of the money under this subparagraph shall be allocated
6 to municipalities in accordance with section 9511(d).

7 * * *

8 (c.1) Definitions.--The following words and phrases when
9 used in this section shall have the meanings given to them in
10 this subsection unless the context clearly indicates otherwise:

11 "Metropolitan planning organization." The policy board of an
12 organization created and designated to carry out the
13 metropolitan transportation planning process.

14 "Rural planning organization." The organization of counties
15 with populations of less than 50,000 created and designated as
16 local development districts and which carry out the rural
17 transportation planning process.

18 "State Transportation Commission." The commission created in
19 section 2011 of the act of April 9, 1929 (P.L.177, No.175),
20 known as The Administrative Code of 1929, or any successor
21 organization.

22 Section 18. Section 9511 of Title 75 is amended by adding a
23 subsection to read:

24 § 9511. Allocation of proceeds.

25 * * *

26 (i) Refund to Pennsylvania Fish and Boat Commission.--

27 (1) When the tax imposed by this chapter has been paid
28 and the fuel on which the tax has been imposed has been
29 consumed in the operation of motorboats or watercraft upon
30 the waters of this Commonwealth, including waterways
31 bordering on this Commonwealth, the full amount of the tax
32 shall be refunded to the Boat Fund on petition to the Board
33 of Finance and Revenue in accordance with prescribed
34 procedures.

35 (2) In accordance with such procedures, the Pennsylvania
36 Fish and Boat Commission shall biannually calculate the
37 amount of liquid fuels consumed by the motorcraft and furnish
38 the information relating to its calculations and data as
39 required by the Board of Finance and Revenue. The board shall
40 review the petition and motorboat fuel consumption
41 calculations of the commission, determine the amount of the
42 oil company franchise tax paid and certify to the State
43 Treasurer to refund annually to the Boat Fund the amount so
44 determined. The department shall be accorded the right to
45 appear at the proceedings and make its views known.

46 (3) For the fiscal years commencing July 1, 2013, July
47 1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the
48 money under paragraph (2) shall be used by the commission
49 acting by itself or by agreement with other Federal and State
50 agencies only for the improvement of hazardous dams
51 impounding waters of this Commonwealth on which boating is

1 permitted, including the development and construction of
2 boating areas and the dredging and clearing of water areas
3 where boats can be used. The commission shall present its
4 plan no later than September 30 of each year through
5 September 30, 2017, to the chairman and minority chairman of
6 the Transportation and Game and Fisheries Committees of the
7 Senate and the chairman and minority chairman of the
8 Transportation and Game and Fisheries Committees of the House
9 of Representatives regarding the use of the funds. For the
10 fiscal year commencing July 1, 2018, and for each fiscal year
11 thereafter, this money shall be used by the commission acting
12 by itself or by agreement with other Federal and State
13 agencies only for the improvement of the waters of this
14 Commonwealth on which motorboats are permitted to operate and
15 may be used for the development and construction of motorboat
16 areas; the dredging and clearing of water areas where
17 motorboats can be used; the placement and replacement of
18 navigational aids; the purchase, development and maintenance
19 of public access sites and facilities to and on waters where
20 motorboating is permitted; the patrolling of motorboating
21 waters; the publishing of nautical charts in those areas of
22 this Commonwealth not covered by nautical charts published by
23 the United States Coast and Geodetic Survey or the United
24 States Army Corps of Engineers and the administrative
25 expenses arising out of such activities; and other similar
26 purposes.

27 Section 19. The addition of 74 Pa.C.S. § 9402 shall apply to
28 contracts entered into on or after the effective date of this
29 section.

30 Section 20. Repeals are as follows:

31 (1) The General Assembly finds and declares that the
32 repeal under paragraph (2) is necessary to effectuate the
33 addition of 74 Pa.C.S. Ch. 2.

34 (2) Section 2001.3 of the act of April 9, 1929 (P.L.177,
35 No.175), known as The Administrative Code of 1929, is
36 repealed.

37 Section 21. This act shall take effect as follows:

38 (1) This section shall take effect immediately.

39 (2) The amendment or addition of 75 Pa.C.S. §§ 1307(g),
40 1332(d) and 1911 heading and (a) shall take effect December
41 31, 2016.

42 (3) The remainder of this act shall take effect in 60
43 days.

AMENDMENTS TO HOUSE BILL NO. 106 (As amended by A04465)

Sponsor: REPRESENTATIVE HANNA

Printer's No. 2654

1 Amend Bill, page 3, line 6 (A04465), by striking out the
2 comma after "payment" and inserting

3 and

4 Amend Bill, page 3, line 7 (A04465), by striking out "; and"
5 and inserting a period

6 Amend Bill, page 3, lines 8 and 9 (A04465), by striking out
7 all of said lines

8 Amend Bill, page 63, lines 35 through 51; page 64, lines 1
9 through 24 (A04465), by striking out all of said lines on said
10 pages

11 Amend Bill, page 72 lines 27 through 29 (A04465), by striking
12 out all of lines 27 and 28 and "(5)" in line 29 and inserting

13 (4)

14 Amend Bill, page 74, lines 4 and 5 (A04465), striking out "\$S
15 9002 and 9024" and inserting

16 § 9002

17 Amend Bill, page 74, line 6 (A04465), by striking out all of
18 said line

AMENDMENTS TO HOUSE BILL NO. 106

Sponsor: REPRESENTATIVE DiGIROLAMO

Printer's No. 2654

1 Amend Bill, page 1, lines 1 through 7, by striking out all of
2 said lines and inserting
3 Amending Titles 74 (Transportation) and 75 (Vehicles) of the
4 Pennsylvania Consolidated Statutes, in Title 74, providing
5 for organization; in sustainable mobility options, further
6 providing for definitions and for department authorization;
7 providing for fees and taxes; further providing for the
8 Public Transportation Trust Fund, for application and
9 approval process, for report to Governor and General
10 Assembly, for coordination and consolidation, for operating
11 program, for asset improvement program, for programs of
12 Statewide significance and for capital improvements program;
13 establishing the Alternative Energy Capital Investment
14 Program; providing for local tax for mass transportation and
15 for multimodal transportation funding; in airport operation
16 and zoning, providing for first class city consolidated car
17 rental facility; in aviation development, further providing
18 for tax on jet fuels; in turnpike, further providing for
19 definitions and for electronic toll collection; in turnpike
20 commission standards of conduct, further providing for annual
21 report and for code of conduct; in public-private
22 transportation partnerships, further providing for public-
23 private transportation partnership agreement; providing for
24 traffic signals, for the bridge bundling program, for local
25 bridge maintenance and for public utility facilities; in
26 Title 75, in registration of vehicles, providing for
27 suspension of registration upon unpaid tolls; in financial
28 responsibility, further providing for required financial
29 responsibility; in fees, further providing for limitation on
30 local license fees and taxes and for collection and
31 disposition of fees and moneys; providing for fee for local
32 use; further providing for driver's license and learner's
33 permit, for certificate of title, for security interest, for
34 information concerning drivers and vehicles, for certified
35 copies of records and for certificate of inspection; in motor
36 carriers road tax identification markers, further providing
37 for definitions, for identification markers and license or
38 road tax registration card required, for false statements and

1 penalties and for exemptions; providing for uncollectible
2 payments and for emergency proclamations; in general
3 provisions, further providing for obedience to traffic-
4 control devices; in size, weight and load, further providing
5 for restrictions on use of highways and bridges and for
6 permit for movement during course of manufacture; in powers
7 of department and local authorities, further providing for
8 regulation of traffic on Pennsylvania Turnpike; in
9 Pennsylvania Turnpike, further providing for definitions, for
10 lease of Interstate 80 and related agreements and for deposit
11 and distribution of funds; in liquid fuels and fuels tax,
12 making editorial changes, further providing for definitions,
13 for liquid fuels and fuels permits, bond or deposit of
14 securities, for imposition of tax, exemptions and deductions,
15 for taxpayer, for distributor's report and payment of tax,
16 for determination and redetermination of tax, penalties and
17 interest due, for examination of records and equipment, for
18 retention of records by distributors and dealers, for
19 discontinuance or transfer of business, for suspension or
20 revocation of permits, for lien of taxes, penalties and
21 interest, for collection of unpaid taxes, for reports from
22 common carriers, for reward for detection of violations, for
23 refunds, for violations and for diesel fuel importers and
24 transporters; prohibiting use of dyed diesel fuel on
25 highways; violations and penalties, for uncollectible checks;
26 providing for emergency assistance in a timely manner and for
27 an electric vehicle road fee; in State highway maintenance,
28 further providing for dirt and gravel road maintenance; in
29 supplemental funding for municipal highway maintenance,
30 further providing for supplemental funding for municipal
31 highway maintenance; in taxes for highway maintenance and
32 construction, further providing for imposition of tax and for
33 allocation of proceeds; in motor carriers road tax, further
34 providing for definitions and for records; providing for
35 recordkeeping; further providing for surety bond for payment
36 of taxes, for penalty and interest for failure to report or
37 pay tax, for manner of payment and recovery of taxes,
38 penalties and interest, for determination, redetermination
39 and review, for timely mailing treated as timely filing and
40 payment; providing for method of filing and timeliness, for
41 uncollectible payments, for emergency assistance in a timely
42 manner; providing for the permit for the movement of raw
43 milk; and making a related repeals.

44 The General Assembly finds and declares as follows:

45 (1) It is the purpose of this act to ensure that a safe
46 and reliable system of transportation is available to the
47 residents of this Commonwealth.

48 (2) The Commonwealth's transportation system includes
49 nearly 40,000 miles of roads and 25,000 bridges owned by the
50 Commonwealth, nearly 77,000 miles of roads and 12,000 bridges
51 owned by counties and municipal governments, 36 fixed-route

1 public transportation agencies, 67 railroads, 133 public use
2 airports, the Ports of Erie, Philadelphia and Pittsburgh, and
3 numerous bicycle and pedestrian facilities.

4 (3) The Commonwealth's transportation system provides
5 for access to employment, educational services, medical care
6 and other life-sustaining services for all residents of this
7 Commonwealth, including senior citizens and people with
8 disabilities.

9 (4) The Department of Transportation of the Commonwealth
10 has indicated that 9,000 miles of roads owned by the
11 Commonwealth are in poor condition and that 4,400 bridges
12 owned by the Commonwealth are rated structurally deficient.
13 The State Transportation Advisory Committee has indicated
14 that 2,189 bridges exceeding 20 feet in length owned by
15 counties and municipalities are rated structurally deficient.

16 (5) There is urgent public need to reduce congestion,
17 increase capacity, improve safety and promote economic
18 efficiency of transportation facilities throughout this
19 Commonwealth.

20 (6) The Commonwealth has limited resources to fund the
21 maintenance and expansion of its transportation facilities.

22 (7) The State Transportation Advisory Committee reported
23 in 2010 that the Commonwealth's transportation system is
24 underfunded by \$3,500,000,000 and projected that amount will
25 grow to \$6,700,000,000 by 2020 without additional financial
26 investment by the Commonwealth.

27 (8) To ensure the needs of the public are adequately
28 addressed, funding mechanisms must be enhanced to sustain the
29 Commonwealth's transportation system in the future.

30 (9) The utilization of user fees establishes a funding
31 source for transportation needs that spreads the costs across
32 those who benefit from the Commonwealth's transportation
33 system.

34 (10) Pursuant to section 11 of Article VIII of the
35 Constitution of Pennsylvania, all highway and bridge user
36 fees must be used solely for construction, reconstruction,
37 maintenance and repair of and safety on public highways and
38 bridges and costs and expenses incident thereto.

39 (11) In order to ensure a safe and reliable system of
40 public transportation, aviation, ports, rail and bicycle and
41 pedestrian facilities, other transportation-related user fees
42 must be deposited in the Public Transportation Trust Fund and
43 the Multimodal Transportation Fund.

44 (12) In furtherance of the Commonwealth's energy policy,
45 which includes becoming independent from overreliance on
46 foreign energy sources, programs must be established to
47 promote reliance on or conversion to alternative energy
48 sources, including the vast natural gas supply of this
49 Commonwealth.

50 (13) Recognition and furtherance of all these elements
51 is essential to promoting the health, safety and welfare of

1 the citizens of this Commonwealth.

2 Amend Bill, page 2, lines 22 through 30; page 3, lines 1
3 through 16, by striking out all of said lines on said pages and
4 inserting

5 Section 1. Title 74 of the Pennsylvania Consolidated
6 Statutes is amended by adding a chapter to read:

7 CHAPTER 2
8 ORGANIZATION

9 Sec.

10 201. Definitions.

11 202. Deputy secretaries.

12 § 201. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Department." The Department of Transportation of the
17 Commonwealth.

18 "Secretary." The Secretary of Transportation of the
19 Commonwealth.

20 § 202. Deputy secretaries.

21 (a) Appointment.--The secretary shall appoint the following
22 deputy secretaries:

23 (1) Deputy Secretary for Administration.

24 (2) Deputy Secretary for Driver and Vehicle Services.

25 (3) Deputy Secretary for Highway Administration.

26 (4) Deputy Secretary for Multimodal Transportation.

27 (5) Deputy Secretary for Planning.

28 (b) Administration.--The Deputy Secretary for Administration
29 has the powers and duties of the department under law relating
30 to all of the following:

31 (1) Fiscal affairs.

32 (2) Operations analysis and improvement.

33 (3) Information services.

34 (4) Office services.

35 (5) Human resources.

36 (6) Equal opportunity.

37 (c) Driver and vehicle services.--The Deputy Secretary for
38 Driver and Vehicle Services has the powers and duties of the
39 department under law relating to all of the following:

40 (1) Drivers.

41 (2) Vehicles.

42 (3) Vehicle and driver safety.

43 (4) Services for other modes of transportation.

44 (d) Highway administration.--The Deputy Secretary for
45 Highway Administration has the powers and duties of the
46 department under law relating to all of the following:

47 (1) Design of highways and bridges.

48 (2) Land acquisition for highways and bridges.

1 (3) Construction and reconstruction of highways and
2 bridges.

3 (4) Maintenance and operation of highways and bridges.

4 (5) Highway and bridge safety.

5 (e) Multimodal transportation.--The Deputy Secretary for
6 Multimodal Transportation has the powers and duties of the
7 department under law relating to modes of transportation other
8 than highways, except recreational boating and ferry licensing,
9 including all of the following:

10 (1) Local and public transportation.

11 (2) Rail freight.

12 (3) Ports and waterways.

13 (4) Aviation and airports.

14 (f) Planning.--The Deputy Secretary of Planning has the
15 powers and duties of the department under law relating to all of
16 the following:

17 (1) Planning and research.

18 (2) Program development and management.

19 (3) Services to municipalities.

20 Section 2. (Reserved.)

21 Section 3. The definitions of "base operating allocation"
22 and "capital expenditures" in section 1503 of Title 74 are
23 amended to read:

24 § 1503. Definitions.

25 The following words and phrases when used in this chapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 * * *

29 "Base operating allocation." The total amount of State
30 operating assistance, reimbursement in lieu of fares for senior
31 passengers and other assistance which was used for operating
32 assistance as determined by the department in [fiscal year 2005-
33 2006] the last full fiscal year that the qualifying local
34 transportation organization received the assistance, including
35 the funds received under section 1517.1 (relating to Alternative
36 Energy Capital Investment Program).

37 "Capital expenditures." All costs of capital projects,
38 including, but not limited to, the costs of acquisition,
39 construction, installation, start-up of operations, improvements
40 and all work and materials incident thereto. At the discretion
41 of the department, preventive maintenance expenses, as defined
42 by the Federal Transit Administration, may be deemed eligible as
43 a capital expenditure based on written approval by the
44 department.

45 * * *

46 Section 4. Section 1504(a) of Title 74 is amended to read:
47 § 1504. Department authorization.

48 (a) General.--

49 (1) The department may, within the limitations provided
50 in this chapter, incur costs directly and provide financial
51 assistance for the purposes and activities enumerated in this

1 chapter.

2 (2) The department may either by contract or with its
3 own personnel, directly provide the programs, activities and
4 services enumerated in this chapter. The operation of the
5 programs, activities and services by the department is not
6 subject to the jurisdiction of the Pennsylvania Public
7 Utility Commission.

8 * * *

9 Section 4.1. Title 74 is amended by adding a section to
10 read:

11 § 1505.1. Fees and taxes.

12 (a) Deposit.--Funds received under this section, as
13 estimated and certified by the Secretary of Revenue, shall be
14 deposited within five days of the end of each month into the
15 fund.

16 (b) Applicability.--Except as specifically provided, the
17 provisions of Article II of the act of March 4, 1971 (P.L.6,
18 No.2), known as the Tax Reform Code of 1971, shall apply to the
19 fees and taxes imposed under subsections (c), (d) and (e).

20 (c) Tire fee.--A fee on each sale in this Commonwealth of a
21 new tire for highway use is imposed at the rate of \$2 per tire.
22 The fee shall be collected by the seller from the purchaser and
23 remitted to the Department of Revenue.

24 (d) Lease tax.--The following shall apply:

25 (1) An additional tax of 6% of the total lease price
26 charged is imposed on a lease of a motor vehicle which is
27 subject to a tax under Article II of the Tax Reform Code.

28 (2) As used in this subsection on and after April 1,
29 1995, the term "motor vehicle" shall not include trucks in
30 Class 4 or higher as defined in 75 Pa.C.S. § 1916(a)(1)
31 (relating to trucks and truck tractors).

32 (e) Rental tax.--A fee of \$2 for each day or part of a day
33 for which a vehicle is rented is imposed on a rental of a motor
34 vehicle which is subject to a tax under Article II of the Tax
35 Reform Code.

36 (f) Exclusions or exemptions.--No exclusion or exemption,
37 except for an exclusion or exemption provided for a governmental
38 entity under Article II of the Tax Reform Code, shall apply to
39 the fees and taxes imposed under this section.

40 Section 4.2. Section 1506(b)(1), (c) and (e) of Title 74 are
41 amended to read:

42 § 1506. Fund.

43 * * *

44 (b) Deposits to fund by department.--

45 (1) The following apply:

46 (i) [Except as provided under subparagraph (ii),
47 upon] Upon receipt, the department shall deposit into the
48 fund the revenues received by the department under 75
49 Pa.C.S. Ch. 89 (relating to Pennsylvania Turnpike) and
50 the lease agreement executed between the department and
51 the Pennsylvania Turnpike Commission under 75 Pa.C.S. §

1 8915.3 (relating to lease of Interstate 80; related
2 agreements) as follows:

3 (A) For fiscal year 2007-2008, \$250,000,000.

4 (B) For fiscal year 2008-2009, \$250,000,000.

5 (C) For fiscal year 2009-2010, \$250,000,000.

6 (D) For fiscal year 2010-2011 and each fiscal
7 year thereafter[, the amount calculated for the
8 previous fiscal year, increased by 2.5%] through
9 fiscal year 2020-2021, \$250,000,000.

10 (ii) The deposits made to the fund under this
11 subsection shall equal \$250,000,000 [annually for each
12 fiscal year commencing after the expiration of the
13 conversion period if the conversion notice is not
14 received by the secretary prior to expiration of the
15 conversion period as set forth under 75 Pa.C.S. §
16 8915.3(3).] for fiscal years 2013-2014 through 2020-2021.
17 No additional payments shall be due following fiscal year
18 2020-2021.

19 * * *

20 (c) Other deposits.--The following shall be deposited into
21 the fund annually at the following rates:

22 (1) 4.4% of the amount collected under Article II of the
23 Tax Reform Code. Revenues under this paragraph shall be
24 deposited into the fund by the 20th day of each month for the
25 preceding month. The amount deposited under this paragraph is
26 estimated to be equivalent to the money available to the
27 department from the following sources:

28 (i) The Supplemental Public Transportation Account
29 established under former section 1310.1 (relating to
30 supplemental public transportation assistance funding).

31 (ii) The amount appropriated annually by the
32 Commonwealth from the General Fund for mass transit
33 programs pursuant to a General Appropriations Act.

34 (2) An amount of proceeds of Commonwealth capital bonds
35 as determined annually by the Secretary of the Budget.

36 (3) [Revenue in the Public Transportation Assistance
37 Fund established under Article XXIII of the Tax Reform Code
38 not otherwise dedicated pursuant to law.] Fees collected
39 under section 1505.1 (relating to fees and taxes).

40 (3.1) If, by July 1, 2021, legislation is not enacted to
41 replace the revenue deposited in the fund under subsection
42 (b)(1), in fiscal year 2021-2022 and in each fiscal year
43 thereafter, the following shall apply:

44 (i) An amount equal to that revenue shall be
45 deposited in the fund.

46 (ii) Notwithstanding any other provision of law, the
47 source of the revenue deposited in the fund under this
48 paragraph shall be the receipts from the tax collected
49 under section 238 of the Tax Reform Code on motor
50 vehicles, trailers and semi-trailers.

51 (3.2) The revenue deposited in the fund in accordance

1 with 75 Pa.C.S. § 3111(a.1)(2)(ii) (relating to obedience to
2 traffic control devices).

3 (4) Other appropriations, deposits or transfers to the
4 fund.

5 * * *

6 (e) Program funding amounts.--Subject to available funds,
7 the programs established under this chapter shall be funded
8 annually as follows:

9 (1) For the program established under section 1513
10 (relating to operating program), the following amounts shall
11 be allocated from the fund:

12 (i) [All] From the revenues deposited in the fund
13 under subsection (b) (1) [.]:

14 (A) For fiscal years 2013-2014 and 2014-2015,
15 \$121,000,000.

16 (B) For fiscal years 2015-2016 and 2016-2017,
17 \$30,000,000.

18 (c) For each fiscal year beginning after June
19 30, 2017, %0.00.

20 (ii) All revenues deposited in the fund under
21 subsection (b) (2).

22 (iii) [69.99%] 86.76% of the revenues deposited in
23 the fund under subsection (c) (1).

24 (iv) All revenues deposited into the fund under
25 subsection (c) (3).

26 (v) From the revenues deposited in the fund received
27 by the department under 75 Pa.C.S. § 1904 (relating to
28 collection and disposition of fees and moneys) after the
29 allocation of 23% to the Multimodal Transportation Fund:

30 (A) For fiscal years 2013-2014, 2014-2015, 2015-
31 2016, and 2016-2017, all of the revenue.

32 (B) For each fiscal year beginning after June
33 30, 2017, two-thirds of the revenue.

34 (2) (i) [Except as provided under subparagraph (ii),
35 for] For the program established under section 1514 (relating
36 to asset improvement program):

37 (A) By the proceeds of Commonwealth capital
38 bonds deposited into the fund under subsection (c)
39 (2).

40 [(A.1) For fiscal year 2007-2008, \$50,000,000
41 from the revenues received by the department under 75
42 Pa.C.S. Ch. 89 and the lease agreement executed
43 between the department and the Pennsylvania Turnpike
44 Commission under 75 Pa.C.S. § 8915.3. The amount
45 received by the department under this section shall
46 be deposited into the fund prior to distribution and
47 shall be in addition to the amounts received under
48 subsection (b) (1).

49 (B) For fiscal year 2008-2009, \$100,000,000 from
50 the revenues received by the department under 75
51 Pa.C.S. Ch. 89 and the lease agreement executed

1 between the department and the Pennsylvania Turnpike
2 Commission under 75 Pa.C.S. § 8915.3. The amount
3 received by the department under this section shall
4 be deposited into the fund prior to distribution and
5 shall be in addition to the amounts received under
6 subsection (b)(1).

7 (C) For fiscal year 2009-2010, \$150,000,000 from
8 the revenues received by the department under 75
9 Pa.C.S. Ch. 89 and the lease agreement executed
10 between the department and the Pennsylvania Turnpike
11 Commission under 75 Pa.C.S. § 8915.3. The amount
12 received by the department under this section shall
13 be deposited into the fund prior to distribution and
14 shall be in addition to the amounts received under
15 subsection (b)(1).

16 (D) For fiscal year 2010-2011 and each fiscal
17 year thereafter, the amount calculated for the prior
18 fiscal year increased by 2.5% from the revenues
19 received by the department under 75 Pa.C.S. Ch. 89
20 and the lease agreement executed between the
21 department and the Pennsylvania Turnpike Commission
22 under 75 Pa.C.S. § 8915.3. The amount received by the
23 department under this section shall be deposited into
24 the fund prior to distribution and shall be in
25 addition to the amounts received under subsection (b)
26 (1).]

27 (E) Ninety-five percent of the remaining revenue
28 deposited in the fund under subsection (b)(1).

29 (F) The revenue deposited in the fund under
30 subsection (c)(3.1) and (3.2).

31 (G) For each fiscal year beginning after June
32 30, 2017, from the revenues deposited in the fund
33 received by the department under 75 Pa.C.S. § 1904
34 after the allocation of 23% to the Multimodal
35 Transportation Fund, one-third of the revenue.

36 [(ii) If the conversion notice is not received by
37 the secretary prior to the end of the conversion period
38 as set forth in 75 Pa.C.S. § 8915.3(3), no additional
39 allocation shall be made under subparagraph (i).]

40 (3) For the program established under section 1516
41 (relating to programs of Statewide significance), 13.24% of
42 the revenues deposited in the fund under subsection (c)(1)
43 shall be allocated from the fund in addition to the remaining
44 revenue deposited in the fund under subsection (b)(1).

45 [(4) For the program established under section 1517
46 (relating to capital improvements program), 16.77% of the
47 revenues deposited in the fund under subsection (c)(1).
48 Additional funds for this program may be provided from the
49 funds allocated but not distributed based on the limitation
50 set forth under section 1513(c)(3).]

51 (5) For the program established under section 1517.1

1 (relating to Alternative Energy Capital Investments Program),
2 no more than \$60,000,000 of the revenues deposited in the
3 fund under subsection (c) may be allocated from the fund.

4 Section 5. Section 1507(a)(6) and (c) of Title 74 are
5 amended and subsection (a) is amended by adding a paragraph to
6 read:

7 § 1507. Application and approval process.

8 (a) Application.--An eligible applicant that wishes to
9 receive financial assistance under this chapter shall submit a
10 written application to the department on a form developed by the
11 department, which shall include the following:

12 * * *

13 (6) Evidence satisfactory to the department of the
14 commitment for matching funds required under this chapter
15 sufficient to match the projected financial assistance
16 payments [at the same times that the financial assistance
17 payments are to be provided.], provided no later than June 30
18 of the applicable fiscal year. If the evidence required under
19 this paragraph is not provided to the satisfaction of the
20 department, subsequent funding under section 1513 (relating
21 to operating program) shall be withheld until the applicant
22 meets the requirements of this paragraph.

23 (6.1) A statement of policy outlining the basic
24 principles for the adjustment of fare growth to meet the rate
25 of inflation.

26 * * *

27 (c) Restriction on use of funds.--[Financial] Unless the
28 department grants the award recipient a waiver allowing the
29 funds to be used for a different purpose, financial assistance
30 under this chapter shall be used only for activities set forth
31 under the financial assistance agreement [unless the department
32 grants the award recipient a waiver allowing the funds to be
33 used for a different purpose]. The department's regulations
34 shall describe circumstances under which it will consider waiver
35 requests and shall set forth all information to be included in a
36 waiver request. The maximum duration of a waiver shall be one
37 year, and a waiver request shall include a plan of corrective
38 action to demonstrate that the award recipient does not have an
39 ongoing need to use financial assistance funds for activities
40 other than those for which funds were originally awarded. The
41 duration of the waiver may not exceed the duration of the plan
42 of corrective action. The department shall monitor
43 implementation of the plan of corrective action. If the plan of
44 corrective action is not implemented by the local transportation
45 organization, the department shall rescind the waiver approval.

46 Section 6. Sections 1511, 1512 and 1513(d)(1) and (2) of
47 Title 74 are amended to read:

48 § 1511. Report to Governor and General Assembly.

49 [The following shall apply:

50 (1) Except as provided in paragraph (2), the] The
51 department shall submit a public passenger transportation

1 performance report to the Governor and the General Assembly
2 by April 30 of each year, covering the prior fiscal year.

3 [(2) The report covering the 2005-2006 fiscal year shall
4 be submitted by July 31, 2007.]

5 § 1512. Coordination and consolidation.

6 (a) Coordination.--Coordination is required in regions where
7 two or more award recipients have services or activities for
8 which financial assistance is being provided under this chapter
9 to assure that the services or activities are provided
10 efficiently and effectively.

11 (b) Consolidation and mutual cooperation.--

12 (1) The department shall study the feasibility of
13 consolidation and mutual cooperation of local transportation
14 organizations as a means of reducing annual expense without
15 loss of service to the communities. The study shall examine
16 the creation of service regions or mutual cooperation pacts
17 to determine whether either method would reduce annual
18 expenses. The feasibility analysis is to include a cost-
19 benefit analysis and operational analysis.

20 (2) If the results of the feasibility analysis begun
21 after the effective date of this subsection under paragraph
22 (1) estimate a net annual savings of at least \$2,000,000,
23 including all costs associated with any merger, or 25% of the
24 local match contribution under section 1513 (relating to
25 operating program) at the time of completion of the study,
26 the transportation organization and local government may
27 implement the recommended action.

28 (3) The department shall waive the match increase under
29 section 1513 for five fiscal years for the transportation
30 organization's participation in the recommended action under
31 paragraph (2).

32 (c) Funding for merger and consolidation incentives and
33 mutual cooperation pacts.--A capital project that is needed to
34 support a local transportation organization that has agreed to
35 merge and consolidate operations and administration or share
36 facilities or staff through a mutual cooperation pact to achieve
37 cost and service efficiencies shall be eligible for financial
38 assistance under this chapter. The application for financial
39 assistance must:

40 (1) identify the efficiencies in a merger and
41 consolidation plan or mutual cooperation pact; and

42 (2) include the expected net dollar savings that will
43 result from the merger, consolidation or pact.

44 § 1513. Operating program.

45 * * *

46 (d) Local match requirements.--

47 (1) For fiscal year 2007-2008 and each fiscal year
48 thereafter, except as provided under paragraph (2), financial
49 assistance provided under this section shall be matched by
50 local or private cash funding in an amount not less than the
51 greater of:

- 1 (i) [15%] 20% of the amount of the financial
2 assistance being provided; or
3 (ii) the amount required under former section
4 1311(d) (relating to use of funds distributed) for fiscal
5 year 2006-2007.

6 (2) Beginning in fiscal year [2007-2008] 2014-2015 and
7 each fiscal year thereafter, if the local matching funds
8 provided are less than [15%] 20% of the amount of financial
9 assistance received, the local transportation organization's
10 required local matching funds shall increase annually in
11 order to meet the [15%] 20% requirement set forth under
12 paragraph (1)(i). The local matching funds shall be increased
13 annually by a minimum of 5% above the amount of local
14 matching funds provided in the previous fiscal year unless a
15 lesser amount is necessary to meet the [15%] 20% requirement
16 set forth under paragraph (1)(i).

17 * * *

18 Section 7. Section 1514(c) of Title 74 is amended and the
19 section is amended by adding a subsection to read:
20 § 1514. Asset improvement program.

21 * * *

22 (c) Local match requirements.--Financial assistance under
23 this section shall be matched by local or private cash funding
24 in an amount not less than 3.33% of the amount of the financial
25 assistance being provided. The local match requirement shall be
26 increased annually by a minimum of 5% above the match
27 requirement of the previous year to a maximum of 10% of the
28 amount of the financial assistance being provided. The source of
29 funds for the local match shall be subject to the requirements
30 of section 1513(d) (3) (relating to operating program).

31 * * *

32 (e.1) Distribution.--The department shall allocate financial
33 assistance under this section on a percentage basis of available
34 funds each fiscal year as follows:

35 (1) The local transportation organization organized and
36 existing under Chapter 17 (relating to metropolitan
37 transportation authorities) as the primary provider of public
38 passenger transportation for the counties of Philadelphia,
39 Bucks, Chester, Delaware and Montgomery shall receive 69.4%
40 of the funds available for distribution under this section.

41 (2) The local transportation organization organized and
42 existing under the act of April 6, 1956 (1955 P.L.1414,
43 No.465), known as the Second Class County Port Authority Act,
44 as the primary provider of public transportation for the
45 county of Allegheny, shall receive 22.6% of the funds
46 available for distribution under this section.

47 (3) Other local transportation organizations organized
48 and existing as the primary providers of public passenger
49 transportation for the counties of this Commonwealth not
50 identified under paragraph (1) or (2) shall receive 8% of the
51 funds available for distribution under this section. The

1 department shall allocate the funds under this paragraph
2 among the local transportation organizations.

3 (4) Notwithstanding paragraphs (1), (2) and (3) and
4 before distributing the funds under paragraph (1), (2) or
5 (3), the department shall set aside 5% of the funds available
6 for distribution under this section for discretionary use and
7 distribution by the secretary.

8 * * *

9 Section 8. Section 1516(b) and (e) and of Title 74 are
10 amended and the section is amended by adding subsections to
11 read:

12 § 1516. Programs of Statewide significance.

13 * * *

14 (b) Persons with disabilities.--The department shall
15 establish and administer a program providing reduced fares to
16 persons with disabilities on community transportation services
17 and to provide financial assistance for start-up, administrative
18 and capital expenses related to reduced fares for persons with
19 disabilities. All of the following shall apply:

20 (1) A community transportation system operating in the
21 Commonwealth other than in [counties of the first and second
22 class] a county of the first class may apply for financial
23 assistance under this subsection.

24 (2) The department may award financial assistance under
25 this subsection for program start-up and for continuing
26 capital expenses to offset administrative and capital
27 expenses. For community transportation trips made by eligible
28 persons with disabilities, financial assistance may be
29 awarded to an eligible community transportation system to
30 reimburse the system for up to 85% of the fare established
31 for the general public for each trip which is outside of
32 fixed-route and paratransit service areas and not eligible
33 for funding from any other program or funding source. The
34 person making the trip or an approved third-party sponsor
35 shall contribute the greater of 15% of the fare established
36 for the general public or the Americans with Disabilities Act
37 complementary paratransit fare.

38 * * *

39 (e) Technical assistance [and], demonstration and
40 emergency.--The department is authorized to provide financial
41 assistance under this section for technical assistance, research
42 and short-term demonstration or emergency projects. All of the
43 following shall apply:

44 (1) A local transportation organization or an agency or
45 instrumentality of the Commonwealth may apply to the
46 department for financial assistance under this subsection.

47 (2) Financial assistance provided under this subsection
48 may be used for reimbursement for any approved operating or
49 capital costs related to technical assistance and
50 demonstration program projects. Financial assistance for
51 short-term demonstration projects may be provided at the

1 department's discretion on an annual basis based on the level
2 of financial commitment provided by the award recipient to
3 provide ongoing future funding for the project as soon as the
4 project meets the criteria established by the department and
5 the award recipient. Financial assistance for this purpose
6 shall not be provided for more than three fiscal years.
7 Financial assistance may be provided to meet any short-term
8 emergency need that requires immediate attention and cannot
9 be funded through other sources.

10 (3) Financial assistance under this subsection provided
11 to a local transportation organization shall be matched by
12 local or private cash funding in an amount not less than
13 3.33% of the amount of the financial assistance being
14 provided. The sources of funds for the local match shall be
15 subject to the requirements of section 1513(d) (3) (relating
16 to operating program).

17 (4) As follows:

18 (i) For short-term demonstration projects awarded
19 financial assistance under this subsection, the
20 department shall determine if the demonstration project
21 was successful based upon the performance criteria
22 established prior to the commencement of the
23 demonstration project and approved by the department.

24 (ii) If the department determines that the
25 demonstration project was successful, the local
26 transportation organization or agency or instrumentality
27 of the Commonwealth that conducted the demonstration
28 project shall be eligible to apply for and receive funds
29 under section 1513 to sustain and transition the
30 demonstration project into regular public passenger
31 transportation service.

32 (iii) During the first year in which the
33 demonstration project is eligible for and applies for
34 financial assistance under section 1513, the local
35 transportation organization or agency or instrumentality
36 of the Commonwealth that conducted the demonstration
37 project and transitioned it to regular public passenger
38 transportation service shall be eligible to receive
39 financial assistance up to 65% of the transportation
40 service's prior fiscal year operating costs or expenses
41 for the service as an initial base operating allocation.

42 (iv) The initial base operating allocation shall be
43 taken from the growth under section 1513 over the prior
44 year before distributing the remainder of the formula
45 described in section 1513.

46 (f) Shared Ride Community Transportation Service Delivery
47 Pilot Program.--

48 (1) The department may develop and implement a pilot
49 program to test and evaluate new models of paying for and
50 delivering shared ride and community transportation. The
51 goals of the program are as follows:

1 (i) Develop a community transportation delivery
2 model that can be managed to stay within budget.

3 (ii) Develop community transportation service
4 standards with need based priorities.

5 (iii) Develop a business model and fare structure
6 that work across funding programs.

7 (iv) Maximize efficiency and effectiveness of the
8 services.

9 (2) The department shall establish a pilot advisory
10 committee to provide guidance and input for pilot planning,
11 start up, operations, data collection and post pilot
12 evaluation. The committee shall be comprised of the
13 following:

14 (i) A member appointed by Majority Chair of the
15 Transportation Committee of the Senate.

16 (ii) A member appointed by Minority Chair of the
17 Transportation Committee of the Senate.

18 (iii) A member appointed by Majority Chair of
19 the Transportation Committee of the House of
20 Representatives.

21 (iv) A member appointed by Minority Chair of the
22 Transportation Committee of the House of
23 Representatives.

24 (v) Two members from the Pennsylvania Public
25 Transit Association appointed by the secretary.

26 (vi) A member appointed by the secretary to
27 represent people with disabilities .

28 (vii) A member appointed by the Secretary of
29 Aging to represent senior citizens.

30 (viii) A member appointed by the Secretary of
31 Public Welfare to represent people using medical
32 assistance transportation.

33 (ix) A member of the County Commissioners
34 Association appointed by the secretary.

35 (x) The secretary or a designee.

36 (xi) The Secretary of Aging or a designee.

37 (xii) The Secretary of the Office of the Budget
38 or a designee.

39 (xiii) The Secretary of Public Welfare or a
40 designee.

41 (3) The department shall work with the committee to
42 define potential pilot models within 12 months of the
43 effective date of this subsection.

44 (4) The department shall publish the notice of
45 availability of the program models and framework in the
46 Pennsylvania Bulletin and receive applications from counties
47 and shared-ride community transportation systems interested
48 in participating in the program within three months of the
49 defining potential pilot models.

50 (5) The department may work with the committee to
51 redefine the basis for payment using lottery and other State

1 funding sources currently used to support community
2 transportation programs for selected pilot counties and
3 shared-ride community transportation systems to test new
4 methods of service delivery and payment. Each project must
5 have a business plan with management controls, service
6 standards and budget controls. The business plan shall be
7 reviewed by the committee prior to being implemented.

8 Section 9. Section 1517 of Title 74 is amended to read:
9 § 1517. Capital improvements program.

10 (a) Eligibility.--A local transportation organization may
11 apply for financial assistance under this section.

12 (b) Applications.--The department shall establish the
13 contents of the application for the program established under
14 this section. The information shall be in addition to
15 information required under section 1507 (relating to application
16 and approval process).

17 (c) Distribution formula.--The department shall award
18 financial assistance under this section based on the number of
19 passengers. The actual amount awarded to a local transportation
20 organization under this subsection shall be calculated as
21 follows:

22 (1) Multiply the local transportation organization's
23 passengers by the total amount of funding available under
24 this section.

25 (2) Divide the product under paragraph (1) by the sum of
26 the passengers for all qualifying local transportation
27 organizations.

28 (d) Payments.--Financial assistance under this section shall
29 be paid to local transportation organizations at least
30 quarterly.

31 (e) Reduction in financial assistance.--Financial assistance
32 provided to a local transportation organization under this
33 section shall be reduced by any financial assistance received
34 previously under this section which has not been spent or
35 committed in a contract within three years of its receipt.

36 (f) Certification ends funding.--Financial assistance under
37 this section shall cease when the secretary certifies that funds
38 are no longer available for the program established under this
39 section.

40 Section 10. Title 74 is amended by adding sections to read:
41 § 1517.1. Alternative Energy Capital Investment Program.

42 (a) Establishment.--The department is authorized to
43 establish a competitive grant program to implement capital
44 improvements deemed necessary to support conversion of a local
45 transportation organization's fleet to an alternative energy
46 source, including compressed natural gas.

47 (b) Criteria.--The department shall establish criteria for
48 awarding grants under this section. Criteria shall, at a
49 minimum, include feasibility, cost/benefit analysis and project
50 readiness.

51 (c) Additional authorization.--Notwithstanding any other

1 provisions of this section or other law, the department may use
2 funds designated for the program established under subsection
3 (a) to supplement a local transit organization's base operating
4 allocation under section 1513 (relating to operating program) if
5 necessary to stabilize an operating budget and ensure that
6 efficient services may be sustained to support economic
7 development and job creation and retention.

8 § 1521.1. Local tax for mass transportation.

9 (a) Taxes imposed.--Municipalities may, in their discretion,
10 by ordinance or resolution, for mass transportation revenue
11 purposes for local transportation organizations, levy, assess
12 and collect or provide for the levying, assessment and
13 collection of a tax or taxes described as follows:

14 (1) Upon a transfer of real property or an interest in
15 real property within the limits of the municipality,
16 regardless of where the instruments making the transfers are
17 made, executed or delivered or where the actual settlements
18 on the transfer take place, to the extent that the
19 transactions are subject to the tax imposed by Article XI-C
20 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax
21 Reform Code of 1971. A tax imposed under this paragraph shall
22 not exceed 0.5% of rate limitations provided by sections 307,
23 311 and 320 of the act of December 31, 1965 (P.L.1257,
24 No.511), known as The Local Tax Enabling Act.

25 (2) In addition to the tax imposed under Article III of
26 the Tax Reform Code of 1971, a surtax not to exceed 0.2% of
27 the tax imposed on the taxable income of resident and
28 nonresident individuals as provided for under Article III of
29 the Tax Reform Code of 1971. The surtax shall be in addition
30 to any tax imposed under Article III of the Tax Reform Code
31 of 1971.

32 (3) In addition to the tax imposed under Article II of
33 the Tax Reform Code of 1971, a surtax equal to 0.25% imposed
34 on the purchase price of tangible personal property and
35 services subject to taxation under Article II of the Tax
36 Reform Code of 1971. The surtax shall be in addition to any
37 tax imposed under Article II of the Tax Reform Code of 1971.

38 (b) Computation of sales and use tax.--Within 30 days of the
39 notification of a municipality of the adoption of a tax under
40 subsection (a), the Department of Revenue shall establish a
41 combined schedule for the computation of the State sales and use
42 tax and the State sales and use surtax as established under this
43 section. The Department of Revenue shall collect the surtax and
44 remit the surtax proceeds quarterly to the appropriate taxing
45 authority. The Department of Revenue shall publish the schedule
46 providing for the combined computation of the State sales and
47 use tax and the State sales and use surtax in the next
48 succeeding publication of the Pennsylvania Bulletin.

49 (c) Administration.--The taxes authorized under subsection
50 (a) (1) and (2) shall be administered, collected and enforced
51 under The Local Tax Enabling Act. The taxes authorized under

1 subsection (a)(3) shall be administered, collected and enforced
2 under the Tax Reform Code of 1971. The Department of Revenue may
3 promulgate and enforce regulations not inconsistent with the
4 provisions of this section.

5 (d) Construction.--The provisions of Articles II, III and
6 XI-C of the Tax Reform Code of 1971 shall apply to the taxes
7 imposed under subsection (a) except as inconsistent with this
8 section.

9 (e) Grants by municipalities.--A municipality in any area
10 which is a member of a local transportation organization is
11 authorized to make annual grants from current revenues or from
12 revenue derived from taxes levied under this section to local
13 transportation organizations to assist in defraying the costs of
14 operations, maintenance and debt service of a local
15 transportation organization or of a particular mass
16 transportation project of a local transportation organization
17 and to enter into long-term agreements providing for the payment
18 of the same. The obligation of a municipality under the
19 agreement shall not be considered to be a part of its
20 indebtedness, nor shall the obligation be deemed to impair the
21 status of any indebtedness of the municipality which would
22 otherwise be considered as self-sustaining.

23 Section 11. Title 74 is amended by adding a chapter to read:

24 CHAPTER 21

25 MULTIMODAL TRANSPORTATION FUNDING

26 Sec.

27 2101. Multimodal Transportation Fund.

28 2102. Deposits to fund.

29 2103. Use of revenue.

30 2104. Distribution of revenue.

31 2105. Project selection criteria and agreement.

32 2106. Local match.

33 § 2101. Multimodal Transportation Fund.

34 A special fund is established within the State Treasury to be
35 known as the Multimodal Transportation Fund. Money in the fund
36 is appropriated to the department for the purposes authorized
37 under this chapter.

38 § 2102. Deposits to fund.

39 The following shall be deposited in the Multimodal
40 Transportation Fund:

41 (1) Ten million dollars of the revenue deposited in the
42 Public Transportation Trust Fund under section 1506(b)(1)
43 (relating to fund).

44 (2) Twenty three percent of the revenue deposited in the
45 fund in accordance with 75 Pa.C.S. § 1904 (b)(2) (relating to
46 collection and disposition of fees and moneys).

47 (3) For fiscal year 2015-2016 and each fiscal year
48 thereafter, the amount authorized from the oil company
49 franchise tax imposed under 75 Pa.C.S. § 9502 (relating to
50 imposition of tax) to be expended in accordance with section
51 11 of Article VIII of the Constitution of Pennsylvania.

1 (4) Other appropriations, deposits or transfers to the
2 fund.

3 (5) The interest earned on money in the fund.

4 § 2103. Use of revenue.

5 Money in the fund shall be used by the department as follows:

6 (1) To provide grants through the department's programs
7 relating to aviation, rail freight, passenger rail, port and
8 waterway, bicycle and pedestrian facilities, road and bridge
9 and other transportation modes.

10 (2) For costs incurred by the department in the
11 administration of programs specified under paragraph (1).

12 (3) To incur costs for activities initiated or
13 undertaken directly by the department related to the programs
14 under paragraph (1).

15 § 2104. Distribution of revenue.

16 The revenue deposited in the fund shall be distributed as
17 follows:

18 (1) Three million dollars shall be designated for
19 programs related to aviation.

20 (2) Six million dollars shall be designated for programs
21 related to rail freight.

22 (3) Six million dollars shall be designated for programs
23 related to rail passengers.

24 (4) Eight million dollars shall be designated for
25 programs related to ports and waterways.

26 (5) Two million dollars for programs related to bicycle
27 and pedestrian facilities.

28 (6) The remaining revenues shall be designated for
29 eligible programs under this chapter upon agreement of a
30 majority among the chairman and minority chairman of the
31 Transportation Committee of the Senate and of the chairman
32 and minority chairman of the Transportation Committee of the
33 House of Representatives.

34 § 2105. Project selection criteria and agreement.

35 The department shall award grants under this chapter on a
36 competitive basis. The department may not reserve, designate or
37 set aside a specific level of funds or percentage of funds to an
38 applicant prior to the completion of the application process,
39 nor may the department designate a set percentage of funds to an
40 applicant.

41 § 2106. Local match.

42 Financial assistance under section 2104(6) (relating to
43 distribution of revenues) shall be matched by county, municipal
44 or private funding in an amount not less than 30% of the non-
45 Federal share of the project cost. Matching funds from a county
46 or municipality shall only consist of cash contributions
47 provided by one or more counties or municipalities.

48 Section 12. Chapter 59 of Title 74 is amended by adding a
49 subchapter to read:

50 SUBCHAPTER C

51 FIRST CLASS CITY CONSOLIDATED

CAR RENTAL FACILITY

Sec.

5931. Scope of subchapter.

5932. Definitions.

5933. Customer facility charge and rental facility agreement.

§ 5931. Scope of subchapter.

This subchapter relates to first class city consolidated rental car facilities.

§ 5932. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Airport." A public international airport located partially in a city of the first class and partially in an adjacent municipality.

"Airport owner." Any of the following:

(1) A city which owns and operates an airport.

(2) An authority created by a city of the first class to own and operate an airport or any portion or activity of the airport.

"Airport property." Property owned and operated by an airport owner, including property that is leased, licensed or made available for use by the airport owner.

"City." A city of the first class.

"Concession agreement." A regulation, contract, permit, license or other agreement entered into between an airport owner and a vehicle rental company which includes the terms and conditions under which the company may conduct any aspect of its rental vehicle business at the airport or through the use of airport property, including a vehicle rental company which provides a customer access to a vehicle or executes a rental contract either on or off of airport property.

"Customer facility charge." A fee assessed on each motor vehicle rental under this subchapter used for the purposes described under section 5933(i) (relating to customer facility charge and rental facility agreement).

"Motor vehicle." A private passenger motor vehicle that meets all of the following:

(1) Is designed to transport not more than 15 passengers.

(2) Is rented for not more than 30 days without a driver.

(3) Is part of a fleet of at least five passenger vehicles used for the purpose under paragraph (2).

"Rental facility." A consolidated facility for the use of a vehicle rental company to conduct business on airport property.

"Rental facility agreement." A written agreement entered into between an airport owner and a vehicle rental company which shall include:

(1) The location, scope of operations and general design of the rental facility, a rental facility improvement and a

1 transportation system which connects to a terminal or related
2 structure.

3 (2) The manner in which the proceeds of the customer
4 facility charge are to be used as provided under section
5 5933(i).

6 (3) A procedure and requirement for a consultation
7 regarding the implementation of this chapter for the
8 disclosure to a vehicle rental company of information
9 relating to the collection and use of the customer facility
10 charge.

11 (4) A methodology and procedure by which the amount of
12 the customer facility charge will be calculated and adjusted.
13 "Rental facility improvement." A facility or structure on
14 airport property needed for development or use of the rental
15 facility. The term shall include a cost necessary for planning,
16 finance, design, construction, equipping or furnishing of a
17 rental facility improvement.

18 "Rental facility operations and maintenance expenses." The
19 cost of operating and maintaining the rental facility, including
20 day-to-day costs.

21 "Transportation system." A system which transports an
22 arriving or departing vehicle rental customer between a terminal
23 or related structure and the rental facility.

24 "Transportation system costs." The portion of total cost
25 incurred to design, finance, construct, operate and maintain a
26 transportation system which reflects the usage or benefit of the
27 system to vehicle rental companies and their customers.

28 "Vehicle rental company." A person engaged in the business
29 of renting a motor vehicle in this Commonwealth that provides a
30 motor vehicle rental to a customer which utilizes airport
31 property in any aspect of its business, including to do any of
32 the following:

33 (1) Contact customers or pick up or drop off customers
34 on airport property.

35 (2) Advertise the availability of a vehicle rental
36 service, notwithstanding if other aspects of the rental
37 company business are not conducted on airport property.

38 § 5933. Customer facility charge and rental facility agreement.

39 (a) Rental facility agreement.--A rental facility agreement
40 shall be enforceable if it is executed by the airport owner and
41 at least 80% of the vehicle rental companies which utilized
42 airport property and which provided at least 90% of the motor
43 vehicle rentals conducted utilizing airport property in the most
44 recently completed calendar year.

45 (b) Imposition of customer facility charge.--

46 (1) Except as provided under paragraph (2), a city may
47 impose a customer facility charge of not more than \$8 per
48 rental day on a customer renting a motor vehicle from a
49 vehicle rental company doing business at an airport. The
50 charge may:

51 (i) be imposed notwithstanding the absence of

1 authority in a regulation or concession agreement; and
2 (ii) not affect the validity or enforceability of a
3 concession agreement.

4 (2) Notwithstanding paragraph (1), a rental facility
5 agreement may provide for a customer facility charge which
6 exceeds \$8 per rental day.

7 (3) A city may unilaterally decrease the customer
8 facility charge provided in a rental facility agreement or
9 otherwise provided. An increase in the customer facility
10 charge, decreased under this paragraph, shall require an
11 amendment of the rental facility agreement if the increase
12 will cause the customer facility charge to exceed the
13 original amount.

14 (c) Amendment of rental facility agreement.--The following
15 shall apply:

16 (1) An amendment to a rental facility agreement must be
17 executed by the vehicle rental companies or their successors,
18 which are a party to the original rental facility agreement.

19 (2) The terms of the rental facility agreement may be
20 amended no more than one time per calendar year to authorize
21 the increase of the amount of the customer facility charge to
22 fund the current costs authorized under the rental facility
23 agreement.

24 (d) Enforcement.--The terms of a rental facility agreement
25 may be interpreted and enforced by a court of competent
26 jurisdiction through the imposition of a mandatory or
27 prohibitive injunction. A monetary damage may not be awarded to
28 a vehicle rental company or to a person required to pay the
29 customer facility charge for a violation of the terms and
30 conditions of the rental facility agreement.

31 (e) Limitation on use.--Notwithstanding the authorization
32 for the use of the proceeds of the customer facility charge
33 imposed under subsection (b)(1)(i) and, except as provided under
34 subsection (f), until a rental facility agreement is executed,
35 the proceeds of the customer facility charge may be used only
36 for planning, design, feasibility studies and other preliminary
37 expenses necessary for the uses authorized under subsection
38 (b)(1)(i).

39 (f) Time limitation.--If a rental facility agreement is not
40 executed within two years of the date a vehicle rental company
41 is required to begin collecting the customer facility charge, a
42 city may continue to impose and collect the customer facility
43 charge authorized under subsection (b)(1). After notice to the
44 vehicle rental companies, the city may use the proceeds of the
45 customer facility charge in the manner authorized under
46 subsection (b)(1)(i), except that an expense imposed on a
47 vehicle rental company for the purposes under subsection (e) may
48 not exceed the proceeds of the customer facility charge.

49 (g) Additional cost.--A customer facility charge shall be in
50 addition to other motor vehicle rental fees and taxes imposed by
51 law, except that the customer facility charge may not constitute

1 part of the purchase price of a motor vehicle rental imposed
2 under any of the following:

3 (1) Article II of the act of March 4, 1971 (P.L.6,
4 No.2), known as the Tax Reform Code of 1971.

5 (2) The act of June 5, 1991 (P.L.9, No.6), known as the
6 Pennsylvania Intergovernmental Cooperation Authority Act for
7 Cities of the First Class.

8 (3) A law similar to the statutes under paragraphs (1)
9 and (2).

10 (h) Collection.--The following shall apply:

11 (1) A customer facility charge shall be:

12 (i) collected from a customer by a vehicle rental
13 company and held in a segregated trust fund for the
14 benefit of the airport owner; and

15 (ii) paid to the airport owner no later than the
16 last day of the month following the month in which
17 customer facility charge revenues are collected, or if
18 necessary to facilitate a pledge of customer facility
19 charge revenues under subsection (j), at an earlier date
20 as designated by the airport owner, but not sooner than
21 the 15th day of the month following the month in which
22 the customer facility charges are collected.

23 (2) A customer facility charge may not constitute gross
24 receipts or income of a vehicle rental company for purposes
25 of a tax imposed by the Commonwealth, the city or any other
26 municipality.

27 (3) A vehicle rental company may not pledge, subject to
28 a lien, or encumber funds in a segregated trust fund under
29 paragraph (1)(i).

30 (i) Use.--The proceeds of the customer facility charge shall
31 be deposited by the airport owner into a segregated account to
32 be used for the planning, development, financing, construction
33 and operation of:

34 (1) a rental facility;

35 (2) a rental facility improvement;

36 (3) transportation system costs; or

37 (4) a rental facility operation and maintenance expense.

38 (j) Pledge.--An airport owner may pledge customer facility
39 charge revenues for any of the following:

40 (1) Any use authorized under subsection (i).

41 (2) The creation and maintenance of a reasonable reserve
42 and for the payment of debt service for any use authorized
43 under subsection (i).

44 (k) Administration.--An airport owner may do any of the
45 following:

46 (1) Require a vehicle rental company to provide it with
47 periodic statements of account, file returns, authorize
48 payments and maintain records, in accordance with its
49 obligations under this subchapter.

50 (2) Conduct an examination to ensure a vehicle rental
51 company's compliance with its obligations under this

1 subchapter and may do any of the following:

2 (i) Collect an amount due.

3 (ii) Impose a lien and file a suit to recover an
4 amount due.

5 (iii) Grant a refund.

6 (iv) Require the payment of an authorized addition
7 to a customer facility charge, interest and penalty.

8 (v) Adopt reasonable rules and regulations to
9 implement this section.

10 (vi) Seek criminal penalties, as provided for a city
11 of the first class for the collection of taxes, for
12 failure to comply with the requirements of this
13 subchapter.

14 (1) Commonwealth pledge.--The Commonwealth pledges to and
15 agrees with:

16 (1) Any person, firm or corporation, government agency,
17 whether in this Commonwealth or elsewhere, or Federal agency
18 subscribing to or acquiring debt obligations secured by
19 customer facility charges to be issued by an airport that the
20 Commonwealth will not limit or alter the rights vested in the
21 airport owner under this subchapter in a manner inconsistent
22 with the obligations of the airport owner to the obligees of
23 the airport owner until all debt obligations secured by
24 customer facility charges and interest on the debt
25 obligations are fully paid or provided for.

26 (2) Any Federal agency that, if the Federal Agency
27 contributes funds for the airport owner or project, the
28 Commonwealth will not alter or limit the rights and powers of
29 the airport owner in a manner which would be inconsistent
30 with the due performance of an agreement between the airport
31 owner and a Federal agency.

32 Section 13. Section 6131(a) and (b) of Title 74 are amended
33 to read:

34 § 6131. Tax on jet fuels.

35 (a) Imposition.--There is hereby imposed, effective [July 1,
36 1984] immediately, a State tax of [1.1¢] 3¢ per gallon, or
37 fractional part thereof, on all fuels used or sold and delivered
38 by distributors within this Commonwealth for use as fuel in
39 turbine-propeller jet, turbojet and jet-driven aircraft and
40 aircraft engines. [The tax shall be increased by 0.2¢ per
41 gallon, or fractional part thereof, effective January 1, 1985,
42 and by 0.2¢ per gallon, or fractional part thereof, effective
43 July 1, 1985.] Distributors shall be liable to the Commonwealth
44 for the collection and payment of the tax imposed by this
45 section. The tax shall be collected by the distributor and shall
46 be paid to the Commonwealth only once with respect to any fuels.

47 [(b) Annual adjustment.--Beginning on January 1, 1986, and
48 each January 1 thereafter, the tax imposed under this section
49 shall be adjusted annually and shall be set for that calendar
50 year. The adjustment shall be based upon the percentage change
51 of the Producer Price Index for Jet Fuel, as determined by the

1 Bureau of Labor Statistics for the United States Department of
2 Labor, for the most recent 12-month period available as of the
3 immediately preceding November 1. For every 10% increase or
4 decrease in the Producer Price Index, as determined by comparing
5 the index for the first month of the 12-month period with the
6 index for the last month of the period, there shall be a 0.1¢
7 per gallon, or fractional part thereof, increase or decrease in
8 the rate of tax. The rate of tax shall be determined by the
9 Secretary of Revenue, who shall cause such rate to be published
10 as a notice pursuant to 45 Pa.C.S. § 725(a)(3) (relating to
11 additional contents of Pennsylvania Bulletin) in the
12 Pennsylvania Bulletin on or before December 15 of each year. The
13 tax, as adjusted, shall never exceed 2¢ per gallon, or
14 fractional part thereof, nor shall it be less than 1.5¢ per
15 gallon, or fractional part thereof.]

16 * * *

17 Section 14. The definitions of "electronic toll collection,"
18 "owner" and "violation enforcement system" in section 8102 of
19 Title 74 are amended and the section is amended by adding
20 definitions to read:
21 § 8102. Definitions.

22 The following words and phrases when used in this chapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Automated toll collection." A system of collecting tolls or
26 charges by a device that is capable of accepting coin, currency,
27 cards or tokens for payment of the prescribed toll or charge.

28 "Certificate of passage." A document signed and certified by
29 a vehicle owner, operator or lessee evidencing his or her
30 agreement to pay the prescribed toll plus a processing fee to
31 the commission within a prescribed period.

32 "Certificate of passage toll collection." A system of
33 collecting a toll or charge by providing a vehicle owner,
34 operator or lessee with a certificate of passage at a toll
35 collection facility if the owner, operator or lessee does not
36 have sufficient funds to pay the prescribed toll at the time he
37 or she passes through the toll collection facility.

38 * * *

39 "Electronic toll collection." A system of collecting tolls
40 or charges [that is capable of charging an account holder for
41 the prescribed toll] by electronic transmission of information
42 [between], including by use of a device on a vehicle and a
43 device [in a toll lane] at a toll collection facility, open road
44 tolling, video tolling system or other similar structural or
45 technological enhancements related to tolling.

46 * * *

47 "Owner." Except as provided under section [8117(e)] 8117
48 (relating to [electronic] toll collection), [an individual] a
49 person, copartnership, association or corporation having title
50 or interest in a property right, easement or franchise
51 authorized to be acquired under this chapter.

1 * * *

2 "Toll collection." A system of collecting tolls or charges
3 that is capable of charging an account holder or vehicle owner,
4 operator or lessee for the prescribed toll by automated toll
5 collection, certificate of passage toll collection or electronic
6 toll collection.

7 * * *

8 "Video tolling system." As follows:

9 (1) A vehicle sensor or other electronic toll collection
10 device, placed in a location to work in conjunction with a
11 toll collection facility, which automatically produces a
12 videotape or photograph, microphotograph or other recorded
13 image of the vehicle or vehicle license plate at the time the
14 vehicle is used or operated on the tolled facility in order
15 to collect tolls or detect violations of the toll collection
16 regulations or rules.

17 (2) The term includes technology other than identified
18 under paragraph (1) which identifies a vehicle by
19 photographic, electronic or other method.

20 "Violation." The failure to pay the prescribed toll as
21 provided under section 8117 (a) (1) (relating to toll
22 collection).

23 ["Violation enforcement system." A vehicle sensor, placed in
24 a location to work in conjunction with a toll collection
25 facility, which automatically produces a videotape or
26 photograph, microphotograph or other recorded image of the rear
27 portion of each vehicle at the time the vehicle is used or
28 operated in violation of the toll collection regulations. The
29 term includes any other technology which identifies a vehicle by
30 photographic, electronic or other method.]

31 Section 15. Sections 8117 and 8121 of Title 74 are amended
32 to read:

33 § 8117. [Electronic toll] Toll collection.

34 (a) Liability of owner.--

35 [(1) If an operator of a vehicle fails to pay the
36 prescribed toll at any location where tolls are collected by
37 means of electronic toll collection, the owner of the vehicle
38 shall be liable to the commission for failure of the operator
39 of the vehicle to comply with this section if the violation
40 is evidenced by information obtained from a violation
41 enforcement system.

42 (2) If a violation of this section is committed, the
43 registration plate number of the vehicle as recorded by a
44 violation enforcement system shall establish an inference
45 that the owner of the vehicle was then operating the vehicle.
46 The inference shall be overcome if the owner does all of the
47 following:

48 (i) Testifies that the owner was not operating the
49 vehicle at the time of the violation.

50 (ii) Submits to an examination as to who at the time
51 was operating the vehicle.

1 (iii) Reveals the name and residence address, if
2 known, of the operator of the vehicle.

3 (3) If an action or proceeding is commenced in a county
4 other than that of the residence of the owner, a verified
5 written statement setting forth the facts prescribed under
6 paragraph (2)(i), (ii) and (iii) shall suffice to overcome
7 the inference.

8 (4) If the inference is overcome, the operator of the
9 vehicle may be held liable under this section for failure to
10 pay the prescribed toll in the same manner as if the operator
11 were the owner of the vehicle.

12 (b) Imposition of liability.--Liability under this section
13 shall be imposed upon an owner for a violation of this section
14 or the regulations of the commission occurring within the
15 territorial limits of this Commonwealth. If a violation is
16 committed as evidenced by a violation enforcement system, the
17 following shall apply:

18 (1) The commission or an authorized agent or employee
19 must prepare and mail a notice of violation as follows:

20 (i) The notice of violation must be sent by first
21 class mail to each person alleged to be liable as an
22 owner for a violation of this section.

23 (ii) The notice must be mailed at the address shown
24 on the vehicle registration or at the address of the
25 operator, as applicable. Notice must be mailed no later
26 than 60 days after:

27 (A) the alleged conduct; or

28 (B) the date the inference is overcome under
29 subsection (a)(2).

30 (iii) Personal service is not required.

31 (iv) The notice must contain all of the following:

32 (A) Information advising the person charged of
33 the manner and time in which the liability alleged in
34 the notice may be contested.

35 (B) A warning advising the person charged that
36 failure to contest in the manner and time provided
37 shall be deemed an admission of liability and that a
38 default judgment may be entered on the notice.]

39 (1) Notwithstanding any other provision of law, if an
40 operator of a vehicle fails to pay the prescribed toll at a
41 prescribed location by means of toll collection or as
42 directed by official signs posted on the tolled facility in
43 accordance with the rules or regulations instituted for toll
44 collection by the tolling entity, the owner of the vehicle
45 shall be liable to the tolling entity or its authorized agent
46 for failure of the operator of the vehicle to comply with
47 this section if the violation is evidenced by any of the
48 following:

49 (i) Information obtained from a video tolling
50 system.

51 (ii) A certificate of passage that has not been paid

1 within the prescribed time period.

2 (2) Except for an operator who utilizes certificates of
3 passage toll collection, if an operator of a vehicle fails to
4 pay the prescribed toll as provided under paragraph (1), the
5 registration plate number of the vehicle as recorded by a
6 video tolling system shall establish an inference that the
7 owner of the vehicle was operating the vehicle at the time of
8 the violation. The inference shall be overcome if the owner
9 does all of the following:

10 (i) Testifies that the owner was not operating the
11 vehicle at the toll collection facility at the time of
12 the violation.

13 (ii) Submits to an examination as to who was
14 operating the vehicle at the time of the violation.

15 (iii) Reveals the name and residence address, if
16 known, of the operator of the vehicle or demonstrates to
17 the reasonable satisfaction of the commission that the
18 vehicle was misidentified.

19 (3) If an action or proceeding is commenced in a county
20 other than that of the residence of the owner, a verified
21 written statement under 18 Pa.C.S. § 4904 (relating to
22 unsworn falsifications to authorities) setting forth the
23 facts prescribed under paragraph (2) shall suffice to
24 overcome the inference.

25 (4) A court of competent jurisdiction shall admit as
26 prima facie evidence the verified statement relied upon under
27 paragraph (3). The operator of the vehicle may be held liable
28 under this section for failure to pay the prescribed toll in
29 the same manner as if the operator were the owner of the
30 vehicle if any of the following apply:

31 (i) The inference is overcome.

32 (ii) The operator of the vehicle utilized
33 certificate of passage toll collection.

34 (b) Imposition of liability.--Liability under this section
35 shall be imposed upon an owner, including a person, lessee or
36 operator who becomes liable in the same manner as if the person
37 was an owner under this section, for a violation of this section
38 or the regulations or rules of the commission occurring within
39 the territorial limits of this Commonwealth. If a violation is
40 committed as evidenced by information obtained from a video
41 tolling system or certificate of passage, the following shall
42 apply:

43 (1) The commission or an authorized agent or employee
44 shall prepare and mail a notice of violation as follows:

45 (i) The notice of violation shall be sent by first
46 class mail to each person alleged to be liable as an
47 owner for a violation of this section.

48 (ii) The notice shall be mailed to the address shown
49 on the vehicle registration or to the address of the
50 operator, as applicable. Notice shall be mailed no later
51 than 120 days after one of the following:

1 (A) The date of the alleged conduct.

2 (B) The date the inference is overcome in
3 subsection (a) (2).

4 (C) The date that a lessor provides the
5 information required under subsection (b) (3) in a
6 manner that the lessee of the vehicle on the date of
7 violation is deemed to be the owner of the vehicle
8 for purposes of this section.

9 (iii) Personal service of the notice shall not be
10 required.

11 (iv) The notice shall include all of the following:

12 (A) The date, time and location of the alleged
13 violation and, if available, the license plate number
14 of the vehicle.

15 (B) Information advising the owner charged of
16 the manner and time in which the liability alleged in
17 the notice may be contested.

18 (C) A warning advising the owner charged that
19 failure to contest in the manner and time provided
20 shall be deemed an admission of liability, that a
21 default judgment may be entered on the notice and
22 that the failure to pay all unpaid tolls,
23 administrative fees and costs may result in
24 suspension of registration of a vehicle registered to
25 the person by the department.

26 (v) A single notice with respect to multiple
27 violations may be sent if the notice meets the
28 requirements of this paragraph.

29 (1.1) A manual or automatic record of mailing prepared
30 in the ordinary course of business shall be prima facie
31 evidence of the mailing of notice.

32 (2) If an owner of a vehicle or an owner that is a
33 lessor of a vehicle receives a notice of violation under this
34 section for any time period during which the vehicle was
35 reported to a police department as having been stolen, it
36 shall be a defense to the allegation of liability that the
37 vehicle had been reported to the police as having been stolen
38 prior to the time the violation occurred and that the vehicle
39 had not been recovered by the time of the violation. For
40 purposes of asserting the defense under this paragraph, it
41 shall be sufficient that a certified copy of the police
42 report on the stolen vehicle be sent by first class mail to
43 the commission or its authorized agent within 30 days after
44 receiving the original notice of violation. Failure to send
45 the information within the time limit under this paragraph
46 shall render the owner or lessor liable for the penalty
47 prescribed by this section.

48 (3) An owner that is a lessor of a vehicle as to which a
49 notice of violation was issued under paragraph (1) shall not
50 be liable for a violation if the owner sends to the
51 commission or its authorized agent a copy of the rental,

1 lease or other contract document covering the vehicle on the
2 date of the violation, with the name and address of the
3 lessee clearly legible to the commission, within 30 days
4 after receiving the original notice of violation. Failure to
5 send the information within the time limit under this
6 paragraph shall render the lessor liable for the penalty
7 prescribed by this section. If the lessor complies with the
8 provisions of this section, the lessee of the vehicle on the
9 date of the violation shall be deemed to be the owner of the
10 vehicle for purposes of this section and shall be subject to
11 liability for the penalty under this section.

12 (4) A certified report or a facsimile report of an
13 authorized agent or employee of the commission reporting a
14 violation of this section or rules or regulations of the
15 commission based upon [the recorded information obtained from
16 a violation enforcement system] any of the following shall be
17 prima facie evidence of the facts contained in the report and
18 shall be admissible as an official record of regularly
19 conducted activity of the commission kept in the ordinary
20 course of business in any proceeding charging a violation of
21 this section or the toll collection rules or regulations of
22 the commission:

23 (i) The recorded information obtained from a video
24 tolling system.

25 (ii) A certificate of passage.

26 (5) Notwithstanding any other provision of law,
27 videotapes, photographs, microphotographs, other recorded
28 images, written records, reports or facsimiles prepared
29 pursuant to this section shall be for the exclusive use of
30 the commission, its authorized agents, its employees and law
31 enforcement officials for the purpose of discharging duties
32 under this section and the rules or regulations of the
33 commission. The information shall not be deemed a public
34 record under the act of [June 21, 1957 (P.L.390, No.212),
35 referred to as the Right-to-Know Law] February 14, 2008
36 (P.L.6, No.3), known as the Right-to-Know Law. The
37 information shall not be discoverable by court order or
38 otherwise; nor shall it be offered in evidence in any action
39 or proceeding which is not directly related to a violation of
40 this section, the rules or regulations of the commission or
41 indemnification for liability imposed pursuant to this
42 section. The restrictions set forth in this paragraph:

43 (i) shall not be deemed to preclude a court of
44 competent jurisdiction from issuing an order directing
45 that the information be provided to law enforcement
46 officials if the information is reasonably described and
47 is requested solely in connection with a criminal law
48 enforcement action;

49 (ii) shall not be deemed to preclude the exchange of
50 the information between any entities with jurisdiction
51 over or which operate [an electronic] a toll collection

1 system in this Commonwealth or any other jurisdiction;
2 and

3 (iii) shall not be deemed to prohibit the use of
4 information exclusively for the purpose of billing
5 electronic toll collection account holders and other
6 users of toll collection, deducting toll charges from the
7 account of an account holder, enforcing toll collection
8 laws and related rules and regulations or enforcing the
9 provisions of an account holder agreement.

10 (6) An imposition of liability under this section must
11 be based upon a preponderance of evidence.

12 (7) An imposition of liability pursuant to this section
13 shall not be deemed a conviction of an owner and shall not be
14 made part of the motor vehicle operating record of the person
15 upon whom the liability is imposed, nor shall it be
16 considered in the provision of motor vehicle insurance
17 coverage.

18 (8) An owner that admits, is found liable or fails to
19 respond to the notice of violation for a violation of this
20 section shall be civilly liable to the commission or tolling
21 entity as defined in 75 Pa.C.S. § 1380(j) (relating to
22 suspension of registration upon unpaid tolls) for [all of]
23 the following:

24 (i) Either:

25 (A) the amount of the toll evaded or attempted
26 to be evaded if the amount can be determined; or

27 (B) the maximum toll from the farthest point of
28 entry on the [Pennsylvania Turnpike] tolled facility
29 to the actual point of exit if the amount of the toll
30 evaded or attempted to be evaded cannot be
31 determined.

32 (ii) [A reasonable administrative fee not to exceed
33 \$35 per notification.] Fees and costs in an amount
34 sufficient to cover the reasonable costs of collecting
35 the amounts under subparagraph (i) but no greater than an
36 amount set by the commission or its authorized agent or
37 tolling entity as defined in 75 Pa.C.S. § 1380(j).

38 (8.1) The following shall apply:

39 (i) Upon failure of an owner, operator or lessee to
40 pay the amount, fee and cost imposed under paragraph (8),
41 the commission or its authorized agent shall send to the
42 owner, operator or lessee a notice of any toll evasion
43 violation setting forth the outstanding unpaid tolls and
44 administrative fees and costs due to the commission and
45 meeting the requirements of paragraph (1).

46 (ii) The department shall suspend the registration
47 of a vehicle upon the notification from the commission or
48 its authorized agent that the statutory owner or
49 registrant of the vehicle has failed to pay or defaulted
50 in the payment of six or more violations issued under
51 subsection (a)(1) or incurred unpaid tolls or

1 administrative fees or costs that total a minimum of
2 \$500. The suspension shall not be construed to limit the
3 commission's or its authorized agent's ability to recoup
4 tolls, administrative fees or costs.

5 (iii) Prior to notifying the department under
6 subparagraph (iv), the commission or its authorized agent
7 shall provide the statutory owner or registrant written
8 notice by first class mail of its intent to seek
9 suspension of the vehicle registration under this section
10 and afford the statutory owner or registrant with the
11 opportunity to be heard during an administrative
12 proceeding.

13 (iv) The following shall apply:

14 (A) No sooner than 30 days after mailing the
15 notice required under subparagraph (iii), the
16 commission or its authorized agent may notify the
17 department electronically, in a format prescribed by
18 the department, if a statutory owner or registrant
19 fails to respond, fails to pay, defaults in payment
20 of six or more violations issued under subsection (a)
21 (1) or incurs unpaid tolls or administrative fees or
22 costs that total a minimum of \$500.

23 (B) If a notice has been provided under clause
24 (A) and all of the violations are subsequently paid,
25 dismissed, reversed on appeal or canceled, the
26 commission or its authorized agent shall notify the
27 department electronically, in a format prescribed by
28 the department, of the disposition of the violations
29 and shall provide the statutory owner or registrant
30 with a release from the suspension.

31 (v) A suspension under subparagraph (ii) shall
32 continue until the department receives notice from the
33 commission or its authorized agent that all of the
34 violations are paid, dismissed, reversed on appeal or
35 canceled or the defendant enters into an agreement with
36 the commission or its authorized agent to make
37 installment payments for the tolls, administrative fees
38 and costs imposed and pays the fee prescribed under 75
39 Pa.C.S. § 1960 (relating to reinstatement of operating
40 privilege or vehicle registration), except that the
41 suspension may be reimposed by the department if the
42 defendant fails to make regular installment payments.

43 (vi) The department shall impose an additional
44 period of registration suspension if, subsequent to the
45 issuance of a suspension under subparagraph (ii), and
46 prior to the restoration of the registration, the
47 department is notified by the commission or its
48 authorized agent that the statutory owner or registrant
49 has failed to respond, failed to pay or defaulted in the
50 payment of an additional violation issued under
51 subsection (a)(1).

1 (vii) A suspension may not be imposed based upon a
2 violation of subsection (a)(1) more than three years
3 after the violation is committed.

4 (9) Nothing in this section shall be construed to limit
5 the liability of the operator of a vehicle for a violation of
6 this section or of the rules or regulations of the
7 commission.

8 (c) Placement of electronic toll collection device.--An
9 electronic toll collection device which is affixed to the front
10 windshield of a vehicle in accordance with the rules or
11 regulations of the commission shall not be deemed to constitute
12 a violation of 75 Pa.C.S. § 4524 (relating to windshield
13 obstructions and wipers).

14 (d) Privacy of electronic toll collection account holder
15 information.--

16 (1) Except as set forth under paragraph (2),
17 notwithstanding any other provision of law, all of the
18 following apply to information kept by the commission, its
19 authorized agents or its employees which is related to the
20 account of an electronic toll collection system account
21 holder:

22 (i) The information shall be for the exclusive use
23 of the commission, its authorized agents, its employees
24 and law enforcement officials for the purpose of
25 discharging their duties pursuant to this section and the
26 rules or regulations of the commission. This subparagraph
27 includes names, addresses, account numbers, account
28 balances, personal financial information, credit card
29 information, vehicle movement records and other
30 information compiled from transactions with the account
31 holders.

32 (ii) The information shall not be deemed a public
33 record under the Right-to-Know Law, nor shall it be
34 discoverable by court order or otherwise or be offered in
35 evidence in any action or proceeding which is not
36 directly related to the discharge of duties under this
37 section, the rules or regulations of the commission or a
38 violation of an account holder agreement.

39 (2) Paragraph (1) shall not be deemed to do any of the
40 following:

41 (i) Preclude a court of competent jurisdiction from
42 issuing an order directing that the information be
43 provided to law enforcement officials if the information
44 is reasonably described and is requested solely in
45 connection with a criminal law enforcement action.

46 (ii) Preclude the exchange of the information
47 between any entities with jurisdiction over or which
48 operate an electronic toll collection system in this
49 Commonwealth or any other jurisdiction.

50 (iii) Prohibit the use of the information
51 exclusively for the purpose of billing electronic toll

1 collection account holders, deducting toll charges from
2 the account of an account holder, enforcing toll
3 collection laws and related rules or regulations or
4 enforcing the provisions of an account holder agreement.

5 (d.1) Temporary regulations.--Notwithstanding any other law,
6 regulations promulgated by the commission during the two years
7 following the effective date of this subsection shall be deemed
8 temporary regulations which shall expire no later than three
9 years following the effective date of this subsection or upon
10 promulgation of final regulations. The temporary regulations
11 shall not be subject to any of the following:

12 (1) Sections 201, 202 and 203 of the act of July 31,
13 1968 (P.L.769, No.240), referred to as the Commonwealth
14 Documents Law.

15 (2) The act of June 25, 1982 (P.L.633, No.181), known as
16 the Regulatory Review Act.

17 (e) [Definition.--As used in this section, the term "owner"
18 means any person, corporation, firm, partnership, agency,
19 association, organization or lessor that, at the time a vehicle
20 is operated in violation of this section or regulations of the
21 commission:

22 (1) is the beneficial or equitable owner of the vehicle;

23 (2) has title to the vehicle; or

24 (3) is the registrant or coregistrant of the vehicle
25 registered with the department or a comparable agency of
26 another jurisdiction or uses the vehicle in its vehicle
27 renting or leasing business. The term includes a person
28 entitled to the use and possession of a vehicle subject to a
29 security interest in another person.] Definitions.--As used
30 in this section, the following words and phrases shall have
31 the meanings given to them in this subsection unless the
32 context clearly indicates otherwise:

33 "Owner." As follows:

34 (1) A person, corporation, firm, partnership, agency,
35 association, organization, governmental entity or lessor
36 that, at the time a vehicle is operated in violation of this
37 section or rules or regulations of the commission, meets any
38 of the following:

39 (i) Is the beneficial or equitable owner of the
40 vehicle.

41 (ii) Has title to the vehicle.

42 (iii) Is the registrant or coregistrant of the
43 vehicle registered with the department or a comparable
44 agency of another jurisdiction or uses the vehicle in its
45 vehicle renting or leasing business.

46 (2) The term includes a person entitled to the use and
47 possession of a vehicle subject to a security interest in
48 another person.

49 "Statutory owner." The term shall have the same meaning as
50 given to the term "owner" in 75 Pa.C.S. § 102 (relating to
51 definitions).

1 § 8121. [(Reserved).] Annual report.
2 At least one commission member shall testify at a public
3 hearing before the Appropriations Committee of the Senate and
4 the Appropriations Committee of the House of Representatives in
5 June of each year to present information on turnpike operations
6 and coordination with other State agencies.

7 Section 16. (Reserved).

8 Section 17. Sections 8204(b)(1) and 9110(f)(5) of Title 74
9 are amended to read:

10 § 8204. Code of conduct.

11 * * *

12 (b) Audit.--

13 (1) At least once every [four] two years, the Department
14 of the Auditor General shall review the performance,
15 procedures, operating budget, capital budget and debt of the
16 commission and shall audit the accounts of the commission.

17 * * *

18 § 9110. Public-private transportation partnership agreement.

19 * * *

20 (f) User fees.--A provision establishing whether user fees
21 will be imposed for use of the public-private transportation
22 project and the basis by which any user fees will be imposed and
23 collected shall be determined in the public-private
24 transportation partnership agreement. If a user fee is proposed
25 as part of the public-private transportation project, a
26 proprietary public entity shall include provisions in the
27 agreement that authorize the collection of user fees, tolls,
28 fares or similar charges, including provisions that:

29 * * *

30 (5) In the event an operator of a vehicle fails to pay
31 the prescribed toll or user fee at any location on a public-
32 private transportation project where tolls or user fees are
33 collected by means of an electronic or other automated or
34 remote form of collection, the collection provisions of
35 section 8117 (relating to [electronic] toll collection) shall
36 apply except that the development entity shall possess all of
37 the rights, roles, limitations and responsibilities of the
38 Pennsylvania Turnpike Commission.

39 * * *

40 Section 18. Title 74 is amended by adding chapters to read:

41 CHAPTER 92

42 TRAFFIC SIGNALS

43 Sec.

44 9201. Definitions.

45 9202. Maintenance agreement.

46 § 9201. Definitions.

47 The following words and phrases when used in this chapter
48 shall have the meanings given to them in this section unless the
49 context clearly indicates otherwise:

50 "Critical corridor." A State highway segment intersecting
51 with a limited access ramp or with bi-directional average annual

1 daily traffic greater than 10,000 vehicles per day. The
2 department's Roadway Management System shall identify the
3 current average annual daily traffic.

4 "Department." The Department of Transportation of the
5 Commonwealth.

6 "Existing agreement." An agreement between the department
7 and a municipality on the maintenance of a traffic signal
8 existing prior to the effective date of this section.

9 "Municipality." A city, borough, town or township.

10 "Maintenance." The activity of keeping a traffic signal in
11 proper working condition during the useful life of the traffic
12 signal.

13 "Replace." The modernization of an existing traffic signal
14 within a designated traffic corridor.

15 "Synchronize." The coordination of all traffic signals
16 within a designated traffic corridor for the purpose of
17 operating as a single system.

18 "Timing." The programming of traffic signals within a
19 designated traffic corridor in order to synchronize the signals.
20 § 9202. Maintenance agreement.

21 (a) Agreement.--A municipality may enter into an agreement
22 with the department to replace, synchronize and time traffic
23 signals located within a designated traffic corridor. The terms
24 of the agreement may specify that the municipality provide
25 services to the department. The agreement shall not exceed the
26 time period of the useful life of the traffic signals. The
27 municipality shall, during the duration of the agreement,
28 properly maintain and time the traffic signals in accordance
29 with the agreement.

30 (b) Critical corridors.--A municipality shall enter into an
31 agreement with the department under terms specified under
32 subsection (a) for critical corridors. A municipality shall
33 provide to the department in a timely manner all traffic and
34 intersection data that the municipality maintains for critical
35 corridors and establish and agree to an operations plan with the
36 department on critical corridors.

37 (c) Prioritization.--The department shall prioritize
38 corridors where proper signalization will provide the most
39 benefit to the traveling public and reduce congestion.
40 Priorities shall be reevaluated and updated as part of the
41 Planning Partner Transportation Improvement Plan cycle.

42 (d) Intergovernmental cooperation.--Two or more
43 municipalities may enter into an agreement with the department
44 if a designated corridor is located in two or more
45 municipalities.

46 (e) Maintenance.--If the department determines that one or
47 more traffic signals is not being maintained or timed in
48 accordance with an agreement under subsection (a) or an existing
49 agreement, the department shall provide written notice to all
50 municipalities subject to the agreement no less than 60 days
51 prior to taking any action to correct the improper maintenance

1 and timing. The written notice shall specify the maintenance and
2 timing deficiencies that are to be corrected.

3 (1) A municipality subject to the agreement under
4 subsection (a) shall have 60 days to correct the deficiencies
5 contained in the written notice or to contest, in writing,
6 the findings of the department within 30 days of receipt of
7 the written notice.

8 (2) The requirement that the municipality correct the
9 deficiencies within 60 days of receipt of the written notice
10 shall be temporarily stayed, if the municipality timely
11 contests the department's findings in writing.

12 (3) A municipality that contests the deficiencies
13 specified in the written notice shall have 30 days to reach a
14 written understanding with the department related to the
15 deficiencies specified in the written notice.

16 (4) If the department and the municipality do not reach
17 a written understanding under paragraph (3), the department
18 and the municipality shall select a civil engineer licensed
19 by the Commonwealth who has substantial experience in traffic
20 engineering to mediate the dispute. The engineer may not be
21 under contract with the department or municipality or
22 municipalities unless the contract is specifically related to
23 traffic signal mediation.

24 (f) Failure of municipality to perform.--If a municipality
25 that has entered into an agreement with the department under
26 subsection (a) fails to meet the requirements of subsection (c)
27 (1) or (2), the department may take action to correct the
28 deficiencies specified in the notice under subsection (c).

29 (g) Payment for failure to correct deficiencies.--If the
30 department takes action under subsection (c), the department may
31 deduct the actual costs of correcting the deficiencies in
32 maintenance and timing from the payments made to the
33 municipality under the act of June 1, 1956 (1955 P.L.1944,
34 No.655), referred to as the Liquid Fuels Tax Municipal
35 Allocation Law, and 75 Pa.C.S. Chs. 89 (relating to Pennsylvania
36 Turnpike) and 95 (relating to taxes for highway maintenance and
37 construction).

38 CHAPTER 93

39 BRIDGE BUNDLING PROGRAM

40 Sec.

41 9301. Definitions.

42 9302. Bundling authorization.

43 9303. Bridge Bundling Program.

44 9304. Grant limitation exceptions.

45 § 9301. Definitions.

46 The following words and phrases when used in this chapter
47 shall have the meanings given to them in this section unless the
48 context clearly indicates otherwise:

49 "Bridge budget act." The act of December 8, 1982 (P.L.848,
50 No. 235), known as the Highway-Railroad and Highway Bridge
51 Capital Budget Act for 1982-1983.

1 "Department." The Department of Transportation of the
2 Commonwealth.

3 "Determination." A decision by the department as to the
4 eligibility, recommendation and inclusion in the program.

5 "Local government." A county, city, borough, town or
6 township.

7 "Program." The Bridge Bundling Program.
8 § 9302. Bundling authorization.

9 Notwithstanding any other law, the department is authorized
10 to bundle the design and construction of highway bridges owned
11 by the Commonwealth or local governments as provided under this
12 chapter.

13 § 9303. Bridge Bundling Program.

14 (a) Establishment.--The Bridge Bundling Program is
15 established within the department.

16 (b) Purpose.--The purpose of the program is to save costs
17 and time by allowing multiple highway bridges to be replaced or
18 rehabilitated as one project for design and construction
19 purposes.

20 (c) Eligibility.--Bridges shall be eligible for the program
21 if multiple bridges meet all of the following:

22 (1) Are within geographical proximity to each other.

23 (2) Are of similar size or design.

24 (3) Inclusion in the program will meet the purpose of
25 the program.

26 (d) Implementation.--The department shall implement the
27 program as follows:

28 (1) The department shall annually develop a preliminary
29 list from different regions of this Commonwealth, on a
30 rotating basis, of bridges meeting eligibility requirements.

31 (2) The department shall notify local governments owning
32 bridges recommended for inclusion in that year's program.

33 (3) Following receipt of notification from the
34 department, the governing body of a local government shall
35 have 60 days to agree or refuse participation in the program.
36 Failure to respond in writing within 60 days shall be
37 considered a refusal to participate in the program.

38 (4) Based on the response from local governments under
39 paragraph (3), the department shall make a final
40 determination of bridges to be designed and constructed under
41 the program and provide a list to the appropriate planning
42 organizations for inclusion in lists of funded projects.

43 (4.1) A determination shall not be:

44 (i) considered to an adjudication under 2 Pa.C.S.
45 Chs. 5 Subch. A (relating to practice and procedure of
46 Commonwealth agencies) and 7 Subch. A (relating to
47 judicial review of Commonwealth agency action); and

48 (ii) appealable to the department or a court of law.

49 (5) The following shall apply:

50 (i) A local government that agrees to participate in
51 the program for one or more of its bridges that qualify

1 for the program must enter into an agreement with the
2 department. The agreement shall define the department's
3 responsibility for the design and construction of the
4 bridges and the continuing ownership and maintenance
5 responsibilities of the local government for the local
6 bridges replaced or rehabilitated under this program.

7 (ii) The local government shall have 90 days from
8 receipt of the agreement to execute the agreement.

9 (iii) Failure to return an agreement executed by
10 authorized local government officials shall be deemed a
11 refusal to participate in the program.

12 (6) Upon full execution of an agreement under the
13 program, the department shall manage the project design and
14 construction in a manner consistent with the purpose of the
15 program.

16 (f) Itemization.--Notwithstanding any other law, bridges
17 determined to be eligible and recommended for the program by the
18 department shall not require specific itemization in a capital
19 budget.

20 § 9304. Grant limitation exceptions.

21 (a) Exceptions.--Notwithstanding section 2(c) of the bridge
22 budget act, the department shall agree to a reduction of the
23 local share of costs associated with the design and construction
24 of the bridge of up to 100% for a local government that
25 participates in the program.

26 (b) Nonparticipation.--Notwithstanding section 2(c) of the
27 bridge budget act, a local government with bridges that are
28 recommended for participation in the program which refuses to
29 participate in the program shall be required to pay 30% of the
30 non-Federal share of the costs for those local bridges.

31 CHAPTER 94

32 LOCAL BRIDGE MAINTENANCE

33 Sec.

34 9401. Definitions.

35 9402. Maintenance of bridges under jurisdiction of municipality
36 on State designated highway.

37 § 9401. Definitions.

38 The following words and phrases when used in this chapter
39 shall have the meanings given to them in this section unless the
40 context clearly indicates otherwise:

41 "Department." The Department of Transportation of the
42 Commonwealth.

43 "Municipality." A county, city, borough, town or township.

44 "Maintenance." The activity of keeping a bridge in proper
45 working condition during the useful life of the bridge.

46 "State designated highway." A highway on the system of
47 highways over which the department has assumed or has been
48 legislatively given jurisdiction.

49 § 9402. Maintenance of bridges under jurisdiction of
50 municipality on State designated highway.

51 (a) Maintenance.--If the department determines that a bridge

1 on a State designated highway and under the jurisdiction of a
2 municipality by agreement, court order or operation of law is
3 not being maintained in accordance with the applicable
4 agreement, order or law, the department shall provide written
5 notice to each municipality subject to the maintenance
6 responsibility no less than 60 days prior to taking action to
7 correct the improper maintenance. The written notice shall
8 specify the maintenance deficiencies that are to be corrected.
9 The following shall apply:

10 (1) A municipality with maintenance responsibility for a
11 bridge on a State highway shall have 60 days to correct the
12 deficiencies contained in the written notice or to contest,
13 in writing, the findings of the department within 30 days of
14 receipt of the written notice.

15 (2) The requirement that the municipality correct the
16 deficiencies within 60 days of receipt of the written notice
17 shall be temporarily stayed if the municipality timely
18 contests the department's findings in writing.

19 (3) A municipality that contests the deficiencies
20 specified in the written notice shall have 30 days to reach a
21 resolution with the department related to the deficiencies
22 specified in the written notice.

23 (4) If the department and the municipality do not reach
24 a resolution under paragraph (3), the department and the
25 municipality shall select a civil engineer licensed by the
26 Commonwealth who has substantial experience in bridge
27 engineering to mediate the dispute. The engineer may not be
28 under contract with the department or municipality or
29 municipalities unless that contract is specifically related
30 to bridge maintenance mediation.

31 (b) Failure of municipality to perform.--If a municipality
32 with maintenance responsibility for a bridge on a State highway
33 fails to meet the requirements of subsection (a)(1) or (2), the
34 department may take action to correct the deficiencies specified
35 in the notice under subsection (a).

36 (c) Payment for failure to correct deficiencies.--If the
37 department takes action under subsection (a), the department may
38 deduct the actual costs of correcting the deficiencies in
39 maintenance from the payments made to the municipality under the
40 act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the
41 Liquid Fuels Tax Municipal Allocation Law, and 75 Pa.C.S. Chs.
42 89 (relating to Pennsylvania Turnpike) and 95 (relating to taxes
43 for highway maintenance and construction), if the payments made
44 to the municipality for a fiscal year is not less than the
45 payments made to the municipality for fiscal year 2012-2013.

CHAPTER 95

PUBLIC UTILITY FACILITIES

48 Sec.

49 9501. Adjustment.

50 § 9501. Adjustment

51 (a) General rule.--The following shall apply:

1 (1) If, in the construction, reconstruction, widening or
2 relocation of a State highway, bridge or tunnel or a part of
3 a State highway, bridge or tunnel, it becomes necessary, in
4 the opinion of the department, to change, alter, adjust or
5 relocate a water line or sanitary sewer owned and operated by
6 a public utility, as defined in 66 Pa.C.S. § 102 (relating to
7 definitions), the department may make the change, alteration,
8 adjustment or relocation as may be required as a part of the
9 construction, reconstruction, widening or relocation.

10 (2) In addition to paragraph (1), the department may
11 also enter into agreements with the public utility for the
12 sharing of costs of the change, alteration, adjustment or
13 relocation. If, in the opinion of the department, the costs
14 should be shared by the department and a public utility and
15 the department is unable to agree with the public utility to
16 a division of costs, the department may proceed with the work
17 and petition the Pennsylvania Public Utility Commission for a
18 determination of the costs to be borne by each party.

19 (b) Declaration of policy.--A public utility under
20 subsection (a) shall be entitled to a reimbursement in a similar
21 manner and shall be subject to the same standards and methods of
22 reimbursement as a city, borough, incorporated town, township
23 and municipal authority under section 412.1 of the act of June
24 1, 1945 (P.L.1242, No.428), known as the State Highway Law.

25 Section 19. Title 75 is amended by adding a section to read:
26 § 1380. Suspension of registration upon unpaid tolls.

27 (a) Suspension of registration.--

28 (1) The department shall suspend the registration of a
29 vehicle upon the notification from a tolling entity that the
30 owner or registrant of the vehicle has either:

31 (i) failed to pay or defaulted in the payment of six
32 or more violations issued pursuant to 74 Pa.C.S. §
33 8117(a)(1) (relating to electronic toll collection) or
34 other laws, regulations, ordinances or other standards
35 applicable to the toll collection or payment requirements
36 for a tolling entity; or

37 (ii) incurred unpaid tolls or administrative fees or
38 costs that collectively total a minimum of \$500,
39 regardless of the number of violations.

40 (2) The suspension under paragraph (1) may not be
41 construed to limit the tolling entity's ability to recoup
42 tolls, administrative fees or costs by any other means
43 available under the law.

44 (b) Notice.--Prior to notifying the department under
45 subsection (c), the tolling entity shall provide the owner or
46 registrant written notice by first class mail of its intent to
47 seek suspension of the vehicle registration pursuant to this
48 section and afford the owner or registrant with the opportunity
49 to be heard during an administrative proceeding.

50 (c) Notice to the department.--Not sooner than 30 days after
51 mailing the notice under subsection (b), the tolling entity,

1 provided it has entered into an agreement with the department to
2 enforce the provisions of this section, may notify the
3 department electronically in a format prescribed by the
4 department whenever an owner or registrant meets the
5 requirements for suspension under subsection (a)(1). When a
6 tolling entity has provided notice under this subsection and all
7 of the violations are subsequently paid, dismissed, reversed on
8 appeal or canceled, the tolling entity shall notify the
9 department electronically in a format prescribed by the
10 department of the disposition of the violation and shall provide
11 the owner or registrant with a release from the suspension.

12 (d) Period of suspension.--A suspension under subsection (a)
13 shall continue until the department receives notice from the
14 tolling entity that the violations are paid, dismissed, reversed
15 on appeal or canceled or the owner or registrant enters into an
16 agreement with the tolling entity to make installment payments
17 for tolls, administrative fees and costs imposed and pays the
18 fee prescribed in section 1960 (relating to reinstatement of
19 operating privilege or vehicle registration), provided that the
20 suspension may be reimposed by the department if the owner or
21 registrant fails to make regular installment payments.

22 (e) Additional suspension.--The department shall impose an
23 additional period of registration suspension if, subsequent to
24 the issuance of a suspension under subsection (a) but prior to
25 the restoration of the registration, the department is notified
26 by the tolling entity that the owner or registrant has failed to
27 pay, failed to respond or defaulted in the payment of an
28 additional violation issued pursuant to 74 Pa.C.S. § 8117(a)(1).

29 (f) Violations outside Commonwealth.--The department shall
30 suspend the registration of a vehicle upon the notification from
31 a tolling entity that has entered into an enforcement agreement
32 with the department as authorized under section 6146 (relating
33 to enforcement agreements) for any toll violation of that state
34 or an authority or for failure to pay any fine or costs imposed
35 in accordance with the laws of the jurisdiction in which the
36 violation occurred. A person who provides proof satisfactory to
37 the department that the full amount of the fine and costs has
38 been forwarded to and received by the other state may not be
39 regarded as having failed to pay for the purposes of this
40 subsection.

41 (g) Documentation.--In any proceeding under this section,
42 documents obtained by the department from a tolling entity or
43 from the appropriate agency of the Commonwealth or another state
44 shall be admissible into evidence to support the department's
45 case. In addition, the department may treat the documents and
46 reports as documents of the department and use any of the
47 methods of storage permitted under the provisions of 42 Pa.C.S.
48 § 6109 (relating to photographic copies of business and public
49 records) and may reproduce the documents in accordance with the
50 provisions of 42 Pa.C.S. § 6103 (relating to proof of official
51 records). The department may certify that it has received or

1 obtained documents and reports from a tolling entity, the
2 Commonwealth or other states, and the certification shall be
3 prima facie proof of the facts contained in the documents and
4 reports.

5 (h) Three-year statute of limitations.--No suspension may be
6 imposed based upon a violation of 74 Pa.C.S. § 8117(a) (1) or
7 similar provision from another state more than three years after
8 the violation is committed.

9 (i) Collection of out-of-State tolls.--The department or a
10 tolling entity may collect the civil penalties and tolls imposed
11 by an out-of-State tolling entity if the department or tolling
12 entity has entered into a reciprocity agreement that confirms
13 all of the following:

14 (1) The other state or tolling entity has its own
15 effective reciprocal procedures for collecting penalties and
16 tolls imposed by a Commonwealth tolling entity and agrees to
17 collect penalties and tolls of the Commonwealth tolling
18 entity by employing sanctions that include denial of a
19 person's right to register or reregister a motor vehicle.

20 (2) The penalties, exclusive of tolls, claimed by the
21 other state or tolling entity against an owner of a motor
22 vehicle registered in Pennsylvania do not exceed \$100 for a
23 first violation or \$600 for all pending violations.

24 (3) The other state or tolling entity provides due
25 process and appeal protections to avoid the likelihood that a
26 false, mistaken or unjustified claim will be pursued against
27 an owner.

28 (4) An owner of a motor vehicle registered in this
29 Commonwealth may present evidence to the other state or
30 tolling entity by mail, telephone, electronic means or other
31 means to invoke rights of due process, without having to
32 appear personally in the jurisdiction where the violation is
33 alleged to have occurred.

34 (5) The reciprocal collection agreement between the
35 department or a tolling entity and the other state or tolling
36 entity provides that each party may charge the other a fee
37 sufficient to cover the costs of collection services,
38 including costs incurred by the agency that registers motor
39 vehicles.

40 (j) Definition.--As used in this section, the term "tolling
41 entity" means the Pennsylvania Turnpike Commission, an entity
42 authorized to impose and collect tolls in accordance with the
43 laws of Pennsylvania, including 74 Pa.C.S. Ch. 91 (relating to
44 public-private transportation partnerships) or the laws of
45 another state or states and any authorized agent of such an
46 entity.

47 Section 20. Sections 1786(d), 1903 and 1904(a) of Title 75
48 are amended to read:

49 § 1786. Required financial responsibility.

50 * * *

51 (d) Suspension of registration and operating privilege.--

1 (1) The Department of Transportation shall suspend the
2 registration of a vehicle for a period of three months if it
3 determines the required financial responsibility was not
4 secured as required by this chapter and shall suspend the
5 operating privilege of the owner or registrant for a period
6 of three months if the department determines that the owner
7 or registrant has operated or permitted the operation of the
8 vehicle without the required financial responsibility. The
9 operating privilege shall not be restored until the
10 restoration fee for operating privilege provided by section
11 1960 (relating to reinstatement of operating privilege or
12 vehicle registration) is paid.

13 (1.1) In lieu of serving a registration suspension
14 imposed under this section, an owner or registrant may pay to
15 the department a civil penalty of \$500, the restoration fee
16 prescribed under section 1960 and furnish proof of financial
17 responsibility in a manner determined by the department. An
18 owner or registrant may exercise this option no more than
19 once in a 12-month period.

20 (2) Whenever the department revokes or suspends the
21 registration of any vehicle under this chapter, the
22 department shall not restore or transfer the registration
23 until the suspension has been served or the civil penalty has
24 been paid to the department and the vehicle owner furnishes
25 proof of financial responsibility in a manner determined by
26 the department and submits an application for registration to
27 the department, accompanied by the fee for restoration of
28 registration provided by section 1960. This subsection shall
29 not apply in the following circumstances:

30 (i) The owner or registrant proves to the
31 satisfaction of the department that the lapse in
32 financial responsibility coverage was for a period of
33 less than 31 days and that the owner or registrant did
34 not operate or permit the operation of the vehicle during
35 the period of lapse in financial responsibility.

36 (ii) The owner or registrant is a member of the
37 armed services of the United States, the owner or
38 registrant has previously had the financial
39 responsibility required by this chapter, financial
40 responsibility had lapsed while the owner or registrant
41 was on temporary, emergency duty and the vehicle was not
42 operated during the period of lapse in financial
43 responsibility. The exemption granted by this paragraph
44 shall continue for 30 days after the owner or registrant
45 returns from duty as long as the vehicle is not operated
46 until the required financial responsibility has been
47 established.

48 (iii) The insurance coverage has terminated or
49 financial responsibility has lapsed simultaneously with
50 or subsequent to expiration of a seasonal registration,
51 as provided in section 1307(a.1) (relating to period of

1 registration).

2 (3) An owner whose vehicle registration has been
3 suspended under this subsection shall have the same right of
4 appeal under section 1377 (relating to judicial review) as
5 provided for in cases of the suspension of vehicle
6 registration for other purposes. The filing of the appeal
7 shall act as a supersedeas, and the suspension shall not be
8 imposed until determination of the matter as provided in
9 section 1377. The court's scope of review in an appeal from a
10 vehicle registration suspension shall be limited to
11 determining whether:

12 (i) the vehicle is registered or of a type that is
13 required to be registered under this title; and

14 (ii) there has been either notice to the department
15 of a lapse, termination or cancellation in the financial
16 responsibility coverage as required by law for that
17 vehicle or that the owner, registrant or driver was
18 requested to provide proof of financial responsibility to
19 the department, a police officer or another driver and
20 failed to do so. Notice to the department of the lapse,
21 termination or cancellation or the failure to provide the
22 requested proof of financial responsibility shall create
23 a presumption that the vehicle lacked the requisite
24 financial responsibility. This presumption may be
25 overcome by producing clear and convincing evidence that
26 the vehicle was insured at all relevant times.

27 (4) Where an owner or registrant's operating privilege
28 has been suspended under this subsection, the owner or
29 registrant shall have the same right of appeal under section
30 1550 (relating to judicial review) as provided for in cases
31 of suspension for other reason. The court's scope of review
32 in an appeal from an operating privilege suspension shall be
33 limited to determining whether:

34 (i) the vehicle was registered or of a type required
35 to be registered under this title; and

36 (ii) the owner or registrant operated or permitted
37 the operation of the same vehicle when it was not covered
38 by financial responsibility. The fact that an owner,
39 registrant or operator of the motor vehicle failed to
40 provide competent evidence of insurance or the fact that
41 the department received notice of a lapse, termination or
42 cancellation of insurance for the vehicle shall create a
43 presumption that the vehicle lacked the requisite
44 financial responsibility. This presumption may be
45 overcome by producing clear and convincing evidence that
46 the vehicle was insured at the time that it was driven.

47 (5) An alleged lapse, cancellation or termination of a
48 policy of insurance by an insurer may only be challenged by
49 requesting review by the Insurance Commissioner pursuant to
50 Article XX of the act of May 17, 1921 (P.L.682, No.284),
51 known as The Insurance Company Law of 1921. Proof that a

1 timely request has been made to the Insurance Commissioner
2 for such a review shall act as a supersedeas, staying the
3 suspension of registration or operating privilege under this
4 section pending a determination pursuant to section 2009(a)
5 of The Insurance Company Law of 1921 or, in the event that
6 further review at a hearing is requested by either party, a
7 final order pursuant to section 2009(i) of The Insurance
8 Company Law of 1921.

9 (6) The civil penalty under paragraph (1.1) shall be
10 deposited into the Public Transportation Trust Fund.

11 * * *

12 § 1903. Limitation on local license fees and taxes.

13 [No] Except as set forth in section 1935 (relating to fee for
14 local use), no municipality shall require or collect any
15 registration or license fee or tax for any vehicle or driver's
16 license from any person.

17 § 1904. Collection and disposition of fees and moneys.

18 [The] (a) General rule.--Except as provided under subsection
19 (b), the department shall collect all fees payable under this
20 title and all other moneys received in connection with the
21 administration of this title and transmit them to the State
22 Treasurer for deposit in the Motor License Fund. Moneys paid in
23 error may be refunded by the department.

24 (b) Disposition.--Fees collected under sections 1951(c)
25 (relating to driver's license and learner's permit), 1952
26 (relating to certificate of title), 1953 (relating to security
27 interest), 1955 (relating to information concerning drivers and
28 vehicles), 1956 (relating to certified copies of records) and
29 1958 (relating to certificate of inspection) shall be
30 transmitted to the State Treasurer for deposit as follows:

31 (1) For fiscal years 2013-2014 and 2014-2015:

32 (i) 10% to the Public Transportation Trust Fund;

33 (ii) 23% to the Multimodal Transportation Fund; and

34 (iii) 67% to the Motor License Fund.

35 (2) For fiscal years 2015-2016 and 2016-2017:

36 (i) 43.6% to the Public Transportation Trust Fund;

37 (ii) 23% to the Multimodal Transportation Fund; and

38 (iii) 33.4% to the Motor License Fund.

39 (3) For each fiscal year beginning after June 30, 2017:

40 (i) 77% to the Public Transportation Trust Fund; and

41 (ii) 23% to the Multimodal Transportation Fund.

42 (c) Automatic four-year adjustment.--For the 48-month period
43 beginning July 1, 2017, through June 30, 2021 and for each like
44 48-month period thereafter, fees collected under sections
45 1951(c) (relating to driver's license and learner's permit),
46 1952 (relating to certificate of title), 1953 (relating to
47 security interest), 1955 (relating to information concerning
48 drivers and vehicles), 1956 (relating to certified copies of
49 records) and 1958 (relating to certificate of inspection) shall
50 be increased by an amount calculated by applying the percentage
51 change in the Consumer Price Index for All Urban Consumers (CPI-

1 U) for the most recent 48-month period, calculated from March 1
2 through February 28, beginning on the date the fees charged
3 under this title were last increased and for which figures have
4 been officially reported by the United States Department of
5 Labor, Bureau of Labor Statistics, immediately prior to the date
6 the adjustment is due to take effect, to the then current fee
7 amounts authorized.

8 Section 20.1. Title 75 is amended by adding a section to
9 read:

10 § 1935. Fee for local use.

11 (a) Levy.--A county, by ordinance, may impose a fee of \$5
12 for each vehicle registered to an address located in the county.
13 A county shall notify the department of the passage of the
14 ordinance 90 days prior to the effective date of the ordinance.

15 (b) Collection.--The department shall collect fees imposed
16 under subsection (a) at the time a vehicle is registered and
17 shall deposit the money in the Fee for Local Use Fund.

18 (c) Distribution.--Money paid into the Fee for Local Use
19 Fund shall be distributed in accordance with the amounts
20 collected for each participating county. Funds received by the
21 county shall be added to funds received under section 9010(b)
22 (relating to disposition and use of tax) and shall be
23 distributed in accordance with section 9010(c).

24 Section 21. Sections 1951(c), 1952, 1953, 1955, 1956(a) and
25 1958(a) of Title 75 are amended to read:

26 § 1951. Driver's license and learner's permit.

27 * * *

28 (c) Identification card.--The [fee for an] identification
29 card fee shall be [\$5] \$19 plus the cost of the photograph.

30 * * *

31 § 1952. Certificate of title.

32 (a) General rule.--The fee for issuance of a certificate of
33 title shall be [\$22.50] \$45.

34 (b) Manufacturer's or dealer's notification.--The fee for a
35 manufacturer's or dealer's notification of acquisition of a
36 vehicle from another manufacturer or dealer for resale pursuant
37 to section 1113 (relating to transfer to or from manufacturer or
38 dealer) shall be [\$3] \$5.

39 § 1953. Security interest.

40 The fee for recording or changing the amount of security
41 interest on a certificate of title shall be [\$5] \$23.

42 § 1955. Information concerning drivers and vehicles.

43 (a) Drivers, registrations, titles and security interests.--
44 The fee for a copy of written or electronic information relating
45 to a driver, registration, title or security interest shall be
46 [\$5.] \$6. If it has entered into a contract with a third party
47 to handle the delivery of driver information to wholesale
48 distributors, the department may impose a cost of up to \$2 per
49 record in addition to the statutory fee. A wholesale distributor
50 of driver information may resell or redisclose the information
51 for lawful purposes without another payment of the statutory fee

1 upon approval from the department.

2 (b) Other data and information.--The department may charge
3 to any person or governmental or quasi-governmental entity a
4 reasonable fee based on the cost to the department of compiling
5 data and statistical information upon request. The department
6 may also sell Statewide basic driver information for lawful
7 purposes at a reasonable fee to be published by the department
8 in the Pennsylvania Bulletin. Basic driver information shall be
9 first and last name, address, driver license number, date of
10 birth, license issue date, license expiration date, original
11 date of issue and license class and type.

12 § 1956. Certified copies of records.

13 (a) Department records.--The fee for a certified copy of any
14 department record which the department is authorized by law to
15 furnish to the public shall be [\$5] \$20 for each form or
16 supporting document comprising such record.

17 * * *

18 § 1958. Certificate of inspection.

19 (a) General rule.--The department shall charge [\$2] \$5 for
20 each annual certificate of inspection [and \$1], \$3 for each
21 semiannual certificate of inspection and \$2 for each certificate
22 of exemption.

23 * * *

24 Section 21.1. The definition of "qualified motor vehicle" in
25 section 2101.1 of Title 75 is amended and the section is amended
26 by adding definitions to read:

27 § 2101.1. Definitions.

28 The following words and phrases when used in this chapter and
29 in Chapter 96 (relating to motor carriers road tax) shall have
30 the meanings given to them in this section unless the context
31 clearly indicates otherwise:

32 "Department." The Department of Revenue of the Commonwealth.

33 * * *

34 "IFTA vehicle." A vehicle subject to the International Fuel
35 Tax Agreement, notwithstanding an exemption for the vehicle
36 provided by the law of an IFTA jurisdiction, including this
37 Commonwealth.

38 * * *

39 "Qualified motor vehicle." A motor vehicle, other than a
40 recreational vehicle, which is used, designed or maintained for
41 transportation of persons or property and:

42 (1) Having two axles and a gross weight or registered
43 gross weight exceeding 26,000 pounds.

44 (2) Having three or more axles regardless of weight.

45 (3) Used in combination, when the gross weight or
46 registered gross weight of the combination exceeds 26,000
47 pounds.

48 If there is no registered gross weight, then the gross vehicle
49 weight rating (GVWR) or gross combination weight rating (GCWR)
50 of the motor vehicle shall be used. Special mobile equipment
51 that would otherwise qualify under only paragraph (1), (2) or

1 (3) is considered a qualified motor vehicle. The term includes a
2 vehicle exempt from the motor carrier road tax under section
3 2105 (relating to exemptions) and a vehicle exempt from motor
4 fuel taxes under Chapter 90 (relating to liquid fuels, fuels tax
5 and electric vehicle road fee).

6 "Special mobile equipment." The term includes the special
7 mobile equipment registered and plated as such by the Department
8 of Transportation under Chapter 13 (relating to registration of
9 vehicles).

10 Section 21.2. Sections 2102(b) and (d)(2) and 2103(a) and
11 (a.1) of Title 75 are amended and the sections are amended by
12 adding subsections to read:

13 § 2102. Identification markers and license or road tax
14 registration card required.

15 * * *

16 (a.1) IFTA decals, changes in disposition, tax liability and
17 recordkeeping.--

18 (1) An IFTA licensee is responsible for notifying the
19 department in writing of a change to the licensee's IFTA
20 account including, but not limited to, an account
21 cancellation, address change and change to the use of issued
22 decals.

23 (i) When a vehicle to which IFTA decals have been
24 affixed is sold, traded or otherwise disposed of by the
25 operator or passes from control of the operator through
26 lease or otherwise, the motor carrier must notify the
27 department within 30 days after the vehicle leaves the
28 licensee's service. Proper notification must include the
29 taxpayer's or carrier's account number, tractor
30 registration plate number, the date of disposition change
31 and the name and address of the person in possession of
32 the vehicle. This notification must be mailed, faxed or
33 e-mailed to the department.

34 (ii) Canceled decals, if recoverable, must remain in
35 the licensee's files for at least four years for auditing
36 purposes.

37 (2) A licensee to whom an identification card and decals
38 were issued shall be liable for taxes applicable to the
39 operations of the vehicles licensed until the date the
40 department receives proper notification of disposition or
41 loss of control of the vehicles licensed. The licensee's
42 liability for such vehicles will terminate upon the date of
43 disposition or loss of control if the carrier provides the
44 department notification of vehicle disposition or loss of
45 control of the licensed vehicles within 30 days of
46 disposition or loss of control.

47 (3) For carriers using independent contractors under
48 long-term leases that are 30 days or longer, the lessor and
49 lessee may designate which party will report and pay fuel use
50 tax. In the absence of a written agreement or contract or if
51 the document is silent regarding responsibility for reporting

1 and paying fuel use tax, the lessee will be responsible for
2 reporting and paying fuel use tax.

3 (4) Decals cannot be transferred from one vehicle to
4 another or from one company to another.

5 (5) Unless otherwise provided for by statute, once a
6 decaled or licensed vehicle passes control from a taxpayer to
7 another, the decal and license are void immediately.

8 (6) A decal purchased but unused during a registration
9 year must be kept in the licensee's files for four years for
10 auditing purposes.

11 (7) If the carrier fails to notify the department of
12 changes in disposition of decals, the carrier may provide the
13 department with:

14 (i) evidence of the carrier's written policy
15 requiring canceled decals to be returned; and

16 (ii) physical evidence that the decals were removed.
17 The department may consider the evidence in lieu of timely
18 notification as required in this section.

19 (7.1) A vehicle bearing an IFTA decal is considered an
20 IFTA vehicle.

21 (8) The provisions of this subsection do not apply if
22 the vehicle has been stolen and a report of the theft has
23 been made to an appropriate law enforcement agency.

24 (a.2) Application.--The application must set forth the names
25 and addresses of the principal officers or owners of the entity
26 and other information prescribed by the department for purposes
27 of identification. The application must be signed and verified
28 by oath or affirmation by:

29 (1) the owner, if the applicant is an individual;

30 (2) a member or partner, if the applicant is an
31 association; or

32 (3) an officer or an individual authorized in writing
33 attached to the application, if the applicant is a
34 corporation.

35 (b) Fee.--[The fee for issuance of identification markers
36 shall be \$5 per vehicle.] The department may charge an
37 administrative fee for issuance of identification markers for
38 each qualified motor vehicle.

39 * * *

40 (d) Operation without identification markers unlawful.--
41 Except as provided in paragraphs (2) and (3), it shall be
42 unlawful to operate or to cause to be operated in this
43 Commonwealth any qualified motor vehicle unless the vehicle
44 bears the identification markers required by this section or
45 valid and unrevoked IFTA identification markers issued by
46 another IFTA jurisdiction.

47 * * *

48 (2) For a period not exceeding 30 days as to any one
49 motor carrier, the Secretary of Revenue by letter or telegram
50 may authorize the operation of a qualified motor vehicle or
51 vehicles without the identification markers required when

1 both the following are applicable:

2 (i) enforcement of this section for that period
3 would cause undue delay and hardship in the operation of
4 such qualified motor vehicle; and

5 (ii) the motor carrier is registered and/or licensed
6 for the motor carriers road tax with the Department of
7 Revenue or has filed an application therefor with the
8 Department of Revenue:

9 (A) The department may charge an administrative
10 fee for such temporary permits [shall be \$5] for each
11 qualified motor vehicle which shall be deposited in
12 the Highway Bridge Improvement Restricted Account
13 within the Motor License Fund.

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

17 (C) A temporary permit issued by another IFTA
18 jurisdiction under authority similar to this
19 paragraph shall be accorded the same effect as a
20 temporary permit issued under this paragraph.

21 * * *

22 § 2103. False statements and penalties.

23 (a) False statements.--Any person who willfully and
24 knowingly makes, publishes, delivers or utters a false statement
25 orally, or in writing, or in the form of a receipt for the sale
26 of motor fuel, for the purpose of obtaining or attempting to
27 obtain, or to assist any person to obtain or attempt to obtain,
28 a credit or refund or reduction of liability for taxes under
29 this chapter or Chapter 96 (relating to motor carriers road tax)
30 shall be guilty of a summary offense and, upon conviction
31 thereof, for a first offense shall be sentenced to pay a fine of
32 not less than \$100 nor more than [~~\$500~~] \$1,000; and for each
33 subsequent or additional offense, a fine of not less than \$200
34 nor more than [~~\$500~~] \$2,000, or undergo imprisonment for a term
35 not exceeding 90 days, or both.

36 (a.1) Operation without identification marker.--
37 Notwithstanding the provisions of subsection (b), any person who
38 violates section 2102(d) (relating to identification markers
39 required) and who can adequately establish an absence of knowing
40 and willful intent shall be guilty of a summary offense [and
41 shall be sentenced to pay a fine of \$25].

42 (a.2) Accountability for decals.--Notwithstanding the
43 provisions of subsection (b), a person who, upon inspection,
44 examination or audit by the department, cannot account for the
45 IFTA decals issued to the person commits a summary offense and
46 shall be sentenced to pay a fine of not less than \$500 nor more
47 than \$1,000 per each unaccounted decal.

48 * * *

49 Section 21.3. Section 2105 of Title 75 is amended to read:

50 § 2105. Exemptions.

51 [(a) General rule.--The requirements of this chapter and

1 Chapter 96 (relating to motor carriers road tax) do not apply to
2 the following vehicles:

3 (1) A qualified motor vehicle bearing a Pennsylvania
4 farm vehicle registration plate and operated in accordance
5 with the restrictions of section 1344 (relating to use of
6 farm vehicle plates) or a qualified motor vehicle registered
7 and operated under provisions of another jurisdiction
8 determined by the Department of Revenue to be similar to
9 those restrictions.

10 (2) A qualified motor vehicle exempt from registration
11 as a farm vehicle and operated in accordance with the
12 restrictions of section 1302(10) (relating to vehicles exempt
13 from registration) or a qualified motor vehicle operated
14 under provisions of another jurisdiction determined by the
15 Department of Revenue to be similar to those restrictions.

16 (3) An emergency vehicle as defined by section 102
17 (relating to definitions).

18 (4) A qualified motor vehicle operated by or on behalf
19 of any department, board or commission of the Commonwealth,
20 or any political subdivision thereof, or any quasi-
21 governmental authority of which this Commonwealth is a
22 participating member, or any agency of the Federal Government
23 or the District of Columbia, any foreign country, or of any
24 state or any political subdivision thereof which grants
25 similar exemptions to publicly owned vehicles registered in
26 this Commonwealth.

27 (5) A school bus.

28 (5.1) A motorbus owned by and registered to a church.

29 (6) An implement of husbandry as defined by section 102.

30 (7) Special mobile equipment as defined by section 102.

31 (8) An unladen or towed motor vehicle or unladen trailer
32 which enters this Commonwealth solely for the purpose of
33 securing repairs or reconditioning. The repair facility shall
34 furnish to the motor carrier a certificate to be carried by
35 the qualified motor vehicle operator while the vehicle is in
36 this Commonwealth for the purposes of this paragraph.

37 (9) A qualified motor vehicle needing emergency repairs
38 which secures authorization from the Pennsylvania State
39 Police to enter this Commonwealth under this section.

40 (10) A commercial implement of husbandry.]

41 (a) Exempt entities.--Any motor carrier that is exempt from
42 motor fuels taxes under section 9004(e) (relating to imposition
43 of tax, exemptions and deductions) shall be exempt from the
44 motor carriers road tax imposed under Chapter 96 (relating to
45 motor carriers road tax). The motor carrier is not required to
46 do any of the following:

47 (1) Display any road tax identification markers.

48 (2) Carry a cab card.

49 (3) File motor carrier road tax report.

50 (b) Vehicle exemptions.--The following Pennsylvania-licensed
51 and registered vehicles, if traveling only within this

1 Commonwealth and no other jurisdictions, are exempt from the
2 motor carriers road tax imposed under Chapter 96 and are not
3 required to report or display road tax identification markers:

4 (1) A qualified motor vehicle bearing a Pennsylvania
5 farm vehicle registration plate and operated in accordance
6 with the restrictions under section 1344 (relating to use of
7 farm vehicle plates) or a qualified motor vehicle registered
8 and operated under provisions of another jurisdiction
9 determined by the Department of Revenue to be similar to the
10 restrictions under section 1344.

11 (2) A qualified motor vehicle exempt from registration
12 as a farm vehicle and operated in accordance with the
13 restrictions under section 1302(10) (relating to vehicles
14 exempt from registration) or a qualified motor vehicle
15 operated under provisions of another jurisdiction determined
16 by the Department of Revenue to be similar to the
17 restrictions under section 1302(10).

18 (3) An emergency vehicle.

19 (4) A qualified motor vehicle operated by or on behalf
20 of any department, board or commission of the Commonwealth,
21 or any political subdivision thereof, or any quasi-
22 governmental authority of which the Commonwealth is a
23 participating member, or any agency of the Federal Government
24 or the District of Columbia, any foreign country or of any
25 state or any political subdivision thereof which grants
26 similar exemptions to publicly owned vehicles registered in
27 this Commonwealth.

28 (5) A school bus qualifying for exemption under section
29 9004(e) (5) (relating to imposition of tax, exemptions and
30 deductions).

31 (5.1) A motorbus owned by and registered to a church.

32 (6) An implement of husbandry.

33 (7) Special mobile equipment.

34 (8) A commercial implement of husbandry.

35 (c) Special vehicle exemptions.--The following types of
36 vehicles entering this Commonwealth are exempt from the motor
37 carriers road tax imposed under Chapter 96 and are not required
38 to report or display road tax identification markers:

39 (1) An unladen or towed motor vehicle or unladen trailer
40 which enters this Commonwealth solely for the purpose of
41 securing repairs or reconditioning. The repair facility shall
42 furnish to the motor carrier a certificate to be carried by
43 the qualified motor vehicle operator while the vehicle is in
44 this Commonwealth.

45 (2) A qualified motor vehicle needing emergency repairs
46 which secures authorization from the Pennsylvania State
47 Police to enter this Commonwealth.

48 (d) Recordkeeping requirements.--All qualified motor
49 vehicles, regardless whether or not the vehicle is exempt from
50 the motor carrier road tax under this section, must maintain
51 proper records of travel routes, fuel and miles, in accordance

1 with the recordkeeping provisions of section 9610 (relating to
2 records).

3 (e) Motor carrier road tax imposed.--Notwithstanding
4 subsections (a) and (b), the department may impose the motor
5 carrier road tax imposed under Chapter 96 on any qualified motor
6 vehicle for which proper records are not available to
7 substantiate travel routes, fuel and miles, in accordance with
8 the recordkeeping provisions of section 9610.

9 (f) IFTA reporting required for interstate travel.--The
10 following shall apply:

11 (1) Notwithstanding the exemptions under subsections (a)
12 and (b), any qualified motor vehicle registered in this
13 Commonwealth that travels in any IFTA jurisdiction requiring
14 the payment of motor carrier road tax or its equivalent may
15 be licensed as an IFTA vehicle by the Commonwealth in
16 accordance with IFTA licensing provisions. Any vehicle
17 holding or displaying IFTA credentials must file IFTA reports
18 and corresponding payments to a base jurisdiction, even if
19 the vehicle is exempt from motor carrier road taxes in this
20 Commonwealth.

21 (2) A vehicle obtaining trip permits under section
22 2102(d)(3) (relating to identification markers and license or
23 road tax registration card required) for each trip within
24 this Commonwealth is exempt from IFTA licensing and reporting
25 for the permitted trips.

26 [(b)] (g) Regulations.--The Department of Revenue may
27 promulgate regulations to implement this section.

28 Section 21.4. Title 75 is amended by adding sections to
29 read:

30 § 2106. Uncollectible payments.

31 If the payment of a tax, penalty or interest imposed by this
32 chapter is returned to the department as uncollectible, the
33 department shall follow section 3003.9 of the act of March 4,
34 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

35 § 2107. Emergency proclamations.

36 (a) Emergencies declared within this Commonwealth.--Upon the
37 Governor's declaration of a state of emergency for this
38 Commonwealth, the Secretary of Revenue may waive, suspend or
39 otherwise modify any provisions of this chapter for the purpose
40 of enabling motor carriers to respond to emergency conditions
41 and to conduct timely emergency relief efforts. The waivers,
42 suspensions or modifications shall be effective for a specific
43 period of time as determined by the Secretary of Revenue and
44 shall not exceed the termination of the state of emergency
45 declared by the Governor.

46 (b) Emergencies declared outside this Commonwealth.--The
47 Secretary of Revenue, with prior authorization from the
48 Governor, may waive, suspend or otherwise modify any provisions
49 of this chapter on a temporary and indefinite basis to
50 facilitate the timely movement of vehicles or fuel from and
51 through this Commonwealth to other jurisdictions requesting

1 assistance from the Commonwealth.

2 (c) Recordkeeping.--Notwithstanding subsections (a) and (b),
3 each distributor, exempt entity or other person who buys, sells
4 or uses liquid fuels, fuels or alternative fuels under the terms
5 of an emergency declaration must maintain records to
6 substantiate participation in emergency relief efforts. Motor
7 carriers shall maintain records substantiating the purchase and
8 use of tax-free fuels in this Commonwealth during the period of
9 the declared emergency.

10 (d) Taxes not waived.--Unless specifically suspended by the
11 Secretary of Revenue, liquid fuels, fuels and alternative fuels
12 taxes are not waived for emergencies determined under subsection
13 (a) or (b).

14 Section 21.5. Section 3111 of Title 75 is amended by adding
15 a subsection to read:

16 § 3111. Obedience to traffic-control devices.

17 * * *

18 (a.1) Penalty.--

19 (1) A person who violates this section commits a summary
20 offense and shall, upon conviction, pay a fine of \$75.

21 (2) Notwithstanding 42 Pa.C.S. § 3733(a) (relating to
22 deposits into account), a fine under paragraph (1) shall be
23 distributed as follows:

24 (i) Twenty-five dollars shall be deposited as
25 provided under 42 Pa.C.S. § 3733(a).

26 (ii) After deposit of the amount under subparagraph
27 (i), the remaining portion of the fine shall be deposited
28 into the Public Transportation Trust Fund.

29 * * *

30 Section 22. Section 4902(a) and (c) of Title 75 are amended
31 and the section is amended by adding subsections to read:

32 § 4902. Restrictions on use of highways and bridges.

33 (a) Restrictions based on condition of highway or bridge.--
34 The following shall apply

35 (1) The Commonwealth and local authorities with respect
36 to highways and bridges under their jurisdictions may
37 prohibit the operation of vehicles and may impose
38 restrictions as to the weight or size of vehicles operated
39 upon a highway or bridge only when they determine by
40 conducting an engineering and traffic study as provided for
41 in department regulations that the highway or bridge may be
42 damaged or destroyed unless use by vehicles is prohibited or
43 the permissible size or weight of vehicles is reduced.

44 (2) The following shall apply:

45 (i) School buses, emergency vehicles and vehicles
46 making local deliveries or pickups may be exempted from
47 restrictions on the use of highways imposed under this
48 subsection.

49 (ii) The department may issue a statement of policy,
50 which shall take effect upon publication in the
51 Pennsylvania Bulletin, adopting an appropriate

1 methodology to provide letters of local determination
2 that identify particular vehicles, routes or uses as
3 local in nature.

4 (iii) The methodology under subparagraph (ii) may
5 allow for exemptions from 67 Pa. Code Ch. 189 (relating
6 to hauling in excess of posted weight limit) related to
7 at-risk industry sectors experiencing a 20% decline in
8 Statewide employment between March 2002 and March 2011.

9 (iv) The exemptions and related requirements under
10 subparagraph (iii) may remain in existence until December
11 31, 2018. Exemptions for local delivery or pickup may not
12 include traffic going to or coming from a site at which
13 minerals, gas or natural resources are developed,
14 harvested or extracted, notwithstanding whether the site
15 is located at a residence, a commercial site or on
16 farmland.

17 * * *

18 (c) Permits and security.--The Commonwealth and local
19 authorities may issue permits for movement of vehicles of size
20 and weight in excess of restrictions promulgated under
21 subsections (a) and (b) with respect to highways and bridges
22 under their jurisdiction and may require such undertaking or
23 security as they deem necessary to cover the cost of repairs and
24 restoration necessitated by the permitted movement of vehicles.
25 In reference to subsection (a), the Commonwealth and local
26 authorities shall not refuse to issue a permit with respect to a
27 highway under their jurisdiction if there is no reasonable
28 alternate route available. For purposes of this section,
29 "reasonable alternate route" shall mean a route meeting the
30 criteria set forth in department regulations relating to traffic
31 and engineering studies. The department may establish the types
32 of permits and agreements that may be issued. The following
33 shall apply:

34 (1) Permits may be for long-term or short-term use of
35 the posted highways.

36 (2) The department may require multiple vehicles
37 traveling to or from a single destination to operate pursuant
38 to a single permit.

39 (3) The department may establish a permit type allowing
40 the posting authority to determine that damage to the posted
41 highway covered by the permit will be minimal. This type of
42 permit may include categories based on the number and kinds
43 of loads expected, including a category providing that use of
44 the posted highway under a single minimum use permit of less
45 than 700 loads per year shall not require an agreement or
46 security. The department may alter the 700 loads per year
47 minimum use threshold if it determines the structural
48 capacity of the state highways can accept a higher or lower
49 amount of over-posted weight traffic. The department may
50 express the threshold as a loads-per-day, loads-per-week, or
51 loads-per-month number.

1 (4) The department may restrict use of permits during
2 thaw periods as determined by the department.

3 (5) The department may determine that hauling related to
4 unconventional oil and gas development is excluded from
5 minimum use status based on its disproportionate and
6 qualitatively different impact upon highways and bridges.

7 (6) The department shall promulgate regulations to
8 implement this section. Regulations promulgated by the
9 department under this section shall not be subject to the
10 proposed rulemaking provisions of the act of July 31, 1968
11 (P.L.769, No.240) referred to as the Commonwealth Documents
12 Law, or the act of June 25, 1982 (P.L.633, No.181) known as
13 the Regulatory Review Act.

14 * * *

15 (h) (Reserved).

16 (i) Authority to conduct investigations and audits.--The
17 Commonwealth and local authorities may conduct or cause to be
18 conducted investigations and audits of a person or entity to
19 determine if there has been a violation of this section,
20 pertinent regulations or agreements.

21 (j) Authority to suspend, revoke or deny permits.--The
22 Commonwealth and local authorities may suspend, revoke or deny
23 permits and agreements if it is determined by the Commonwealth
24 or a local authority that there has been a violation of this
25 section, pertinent regulations or agreements, notwithstanding
26 any other provision of this section.

27 Section 22.1. Section 4968(a.1)(3), (a.2)(4) and (b) of
28 Title 75, amended October 24, 2012 (P.L.1473, No.187), are
29 amended to read:

30 § 4968. Permit for movement during course of manufacture.

31 (a.1) General rule.--An annual permit may be issued
32 authorizing movement on specified highways of:

33 * * *

34 (3) aircraft refueling vehicles or vehicles and
35 combinations carrying [raw] milk, raw coal, flat-rolled steel
36 coils, steel slabs, hot ingots, a hot box, pulpwood and wood
37 chips, raw water or cryogenic liquid which exceed the maximum
38 weight specified in Subchapter C while they are in the course
39 of manufacture and under contract with or under the direct
40 control of the manufacturer, provided that they do not exceed
41 the maximum height, width or length specified in Subchapter B
42 unless they also qualify under paragraph (1), subject to the
43 provisions in subsection (a.2).

44 (a.2) Specifications.--

45 * * *

46 (4) A combination of vehicles which is hauling [raw]
47 milk to or from a manufacturer may be permitted by the
48 department and local authorities to move upon highways within
49 their respective jurisdictions 24 hours a day, seven days a
50 week, except during inclement weather as defined in
51 department regulations, if the gross weight does not exceed

1 95,000 pounds and the weight of any nonsteering axle does not
2 exceed 21,000 pounds. No permit may be issued for this type
3 of movement upon an interstate highway. An application to the
4 department for the movement of milk, except for raw milk,
5 must designate the route the applicant requests to use.

6 * * *

7 (b) Definitions.--As used in this section, the following
8 words and phrases shall have the meanings given to them in this
9 subsection:

10 "Bulk milk." The term shall mean milk, as defined in section
11 1 of the act of July 2, 1935 (P.L.589, No.210), referred to as
12 the Milk Sanitation Law, which is not transported in packages.

13 "Condensed milk" and "evaporated milk." The term shall mean
14 manufactured dairy products as defined in section 1 of the Milk
15 Sanitation Law, which is not transported in packages.

16 "Hot box." Consists of an enclosure consisting of welded
17 steel plate chained to a semitrailer with a removable lid lined
18 with refraction for purposes of insulation and retention of
19 heat.

20 "Milk." Any of the following:

21 (1) Bulk milk.

22 (2) Cream.

23 (3) Plain or sweetened evaporated milk.

24 (4) Raw milk.

25 (5) Skim or whole condensed milk.

26 (6) Skimmed milk.

27 "Raw milk." Has the meaning given to it in the [act of July
28 2, 1935 (P.L.589, No.210), referred to as the] Milk Sanitation
29 Law.

30 Section 23. Section 6110(b) of Title 75 is amended to read:
31 § 6110. Regulation of traffic on Pennsylvania Turnpike.

32 * * *

33 (b) Penalties.--

34 (1) Except as otherwise provided in this subsection, any
35 person violating any of the rules and regulations of the
36 Pennsylvania Turnpike Commission for which no penalty has
37 otherwise been provided by statute commits a summary offense
38 and shall, upon conviction, be sentenced to pay a fine of
39 \$25.

40 (2) Any person violating any of the rules and
41 regulations of the commission prohibiting fare evasion or
42 attempted fare evasion commits a summary offense and shall,
43 upon conviction for the first time, be sentenced to pay a
44 fine according to the classification by the commission of the
45 vehicle driven by that person at the time of violation as
46 follows:

47 (i) Class 1 through 2: \$100.

48 (ii) Class 3 through 6: \$500.

49 (iii) Class 7 and higher: \$1,000.

50 (3) In addition to the fines imposed under this
51 subsection, restitution shall be made to the commission in an

1 amount equal to the full fare, for the appropriate vehicle
2 class, from the farthest point of entry on the turnpike to
3 the actual point of exit.

4 (3.1) (i) A person who, while traveling upon the
5 Pennsylvania Turnpike or a road under its control, takes
6 an affirmative action in an attempt to evade tolls
7 commits a misdemeanor of the third degree, and shall,
8 upon conviction, be sentenced to pay a fine of \$6,500 and
9 to undergo imprisonment for not less than 60 days. For
10 the purposes of this subsection, affirmative action shall
11 include any of the following:

12 (A) Removal of license plates from the vehicle
13 to impede electronic toll collection.

14 (B) Installation of a mechanism that rotates,
15 changes, blocks or otherwise mechanically alters the
16 ability of a license plate to be read by a violation
17 enforcement system as defined under 74 Pa.C.S. § 8102
18 (relating to definitions).

19 (C) Installation of a mechanical apparatus upon
20 the vehicle that serves the sole purpose of masking,
21 hiding or manipulating the true weight of the vehicle
22 as it appears to a mechanical scale.

23 (D) Conspiring with an individual or group of
24 individuals in an attempt to alter, lower or evade
25 payment of correct tolls.

26 (E) Unauthorized use of Pennsylvania Turnpike
27 private gate access or otherwise unauthorized
28 movement entering or exiting the turnpike other than
29 at approved interchanges.

30 (F) Any other action taken for the purpose of
31 evading the payment of a toll.

32 (ii) A violation of this paragraph may not preclude
33 prosecution under section 1332 (relating to display of
34 registration plate), section 7122 (relating to altered,
35 forged or counterfeit documents and plates) or section
36 7124 (relating to fraudulent use or removal of
37 registration plate).

38 Section 24. The definitions of "annual additional payments,"
39 "annual base payments" and "scheduled annual commission
40 contributions" in section 8901 of Title 75 are amended to read:
41 § 8901. Definitions.

42 The following words and phrases when used in this chapter
43 shall have the meanings given to them in this section unless the
44 context clearly indicates otherwise:

45 "Annual additional payments." As follows:

46 (1) During the conversion period and after the
47 conversion date, an amount equal to the scheduled annual
48 commission contribution, minus the sum of:

49 [(i) \$200,000,000 paid as annual base payments;]

50 (ii) any Interstate 80 savings for that fiscal year.

51 (2) If the conversion period has expired and a

1 conversion notice has not been received by the secretary, in
2 each subsequent fiscal year [until the end of the term of the
3 lease agreement] through fiscal year 2020-2021, the annual
4 additional payments shall be \$250,000,000. No annual
5 additional payments shall be due after fiscal year 2020-2021.

6 "Annual base payments." An amount equal to the sum of the
7 following:

8 (1) Annual debt service on outstanding bonds issued
9 under section 9511.2 (relating to special revenue bonds)
10 payable as required pursuant to the bonds.

11 [(2) Two hundred million dollars payable annually in
12 four equal installments each due the last business day of
13 each July, October, January and April.] No annual base
14 payments shall be due after fiscal year 2012-2013.

15 * * *

16 "Scheduled annual commission contribution." The following
17 amounts:

18 (1) \$750,000,000 in fiscal year 2007-2008.

19 (2) \$850,000,000 in fiscal year 2008-2009.

20 (3) \$900,000,000 in fiscal year 2009-2010.

21 (4) For fiscal year 2010-2011 and each fiscal year
22 thereafter, the amount shall be the amount calculated for the
23 previous year increased by 2.5%, except that the amount shall
24 be equal to the annual base payments plus \$250,000,000 if the
25 conversion notice is not received by the secretary prior to
26 the expiration of the conversion period. No scheduled annual
27 commission contribution shall be due after fiscal year 2020-
28 2021.

29 Section 25. Sections 8915.3(1) and 8815.6(b)(1) of Title 75
30 are amended to read:

31 § 8915.3. Lease of Interstate 80; related agreements.

32 The department and the commission shall enter into a lease
33 agreement relating to Interstate 80 prior to October 15, 2007.
34 The lease agreement shall include provisions setting forth the
35 terms and conditions of the conversion of Interstate 80 to a
36 toll road. The lease agreement and any related agreement, at a
37 minimum, shall include the following:

38 (1) A provision that the term of the lease agreement
39 shall be 50 years, unless:

40 (i) extended upon mutual agreement of the parties to
41 the lease agreement and upon approval of the General
42 Assembly[.]; or

43 (ii) reduced or terminated upon mutual agreement of
44 the parties to the lease agreement.

45 * * *

46 § 8915.6. Deposit and distribution of funds.

47 * * *

48 (b) Distribution.--The following shall apply:

49 [(1) Annually, 15% of the amount deposited in any fiscal
50 year under subsection (a) shall be distributed at the
51 discretion of the secretary.]

1 * * *

2 Section 25.1. Chapter 90 heading of Title 75 is amended to
3 read:

4 CHAPTER 90
5 LIQUID FUELS [AND], FUELS TAX
6 AND ELECTRIC VEHICLE ROAD FEE

7 Section 25.2. Chapter 90 of Title 75 is amended by adding a
8 subchapter heading to read:

9 SUBCHAPTER A
10 PRELIMINARY PROVISIONS

11 Section 26. Section 9002 of Title 75 is amended to read:
12 § 9002. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Alternative fuels." Natural gas, compressed natural gas
17 (CNG), liquified natural gas (LNG), liquid propane gas and
18 liquified petroleum gas (LPG), alcohols, E85 gasoline-alcohol
19 mixtures containing [at least] greater than 85% alcohol by
20 volume, hydrogen, hythane [, electricity] and any other fuel
21 used to propel motor vehicles on the public highways which is
22 not taxable as fuels or liquid fuels under this chapter. The
23 foregoing liquids or gases that will not be used to propel a
24 motor vehicle on the public highways and are not taxable as
25 fuels or liquid fuels under this chapter may not be considered
26 motor fuels for purposes of this chapter. The term does not
27 include electricity.

28 ["Alternative fuel dealer-user." Any person who delivers or
29 places alternative fuels into the fuel supply tank or other
30 device of a vehicle for use on the public highways.]

31 "Association." A partnership, limited partnership or any
32 other form of unincorporated enterprise owned by two or more
33 persons.

34 "Average annual vehicle fuel tax." The average annual amount
35 of motor fuel taxes paid by a Pennsylvania-registered vehicle.

36 "Average wholesale price." [The average wholesale price per
37 gallon of all taxable liquid fuels and fuels, excluding the
38 Federal excise tax and all liquid fuels taxes, as determined by
39 the Department of Revenue for the 12-month period ending on the
40 September 30 immediately prior to January 1 of the year for
41 which the rate is to be set. In no case shall the average
42 wholesale price be less than 90¢ nor more than \$1.25 per
43 gallon.] The average wholesale price per gallon of all taxable
44 liquid fuels and fuels, excluding the Federal excise tax and all
45 liquid fuels taxes shall be as follows:

46 (1) For fiscal year 2013-2014 and for July 1, 2014, to
47 December 31, 2014, the average wholesale price shall be
48 \$1.87.

49 (2) For calendar years 2015 and 2016, the average
50 wholesale price shall be \$2.49 per gallon.

51 (3) For calendar year 2017 and each calendar year

1 thereafter, the average wholesale price shall be as determined
2 by the Department of Revenue for the 12-month period ending on
3 the September 30 immediately prior to January 1 of the year for
4 which the rate is to be set. In no case shall the average
5 wholesale price be less than \$2.49.

6 "Blended fuel." A mixture composed of motor fuels and
7 another liquid, other than an additive, that may be used as a
8 motor fuel in a highway vehicle.

9 "Blender." A person who produces blended fuel outside the
10 terminal transfer system.

11 "Blender permit." A class of distributor permit authorizing
12 the use of motor fuels upon which the tax has not been paid for
13 blending.

14 "CAFE standards." The corporate average fuel economy, as
15 established by the Federal Government.

16 "Cents-per-gallon equivalent basis." The average wholesale
17 price per gallon multiplied by the decimal equivalent of any tax
18 imposed by section 9502 (relating to imposition of tax), the
19 product of which is rounded to the next highest tenth of a cent
20 per gallon. The rate of tax shall be determined by the
21 Department of Revenue on an annual basis beginning every January
22 1 and shall be published as a notice in the Pennsylvania
23 Bulletin no later than the preceding December 15. In the event
24 of a change in the rate of tax imposed by section 9502, the
25 department shall redetermine the rate of tax as of the effective
26 date of such change and give notice as soon as possible.

27 "Corporation." A corporation or joint stock association
28 organized under the laws of this Commonwealth, the United States
29 or any other state, territory or foreign country or dependency.

30 "Dealer." Any person engaged in the retail sale of [liquid
31 fuels or fuels] motor fuels.

32 "Department." The Department of Revenue of the Commonwealth.

33 "Diesel fuel." Any liquid, other than liquid fuels, which is
34 suitable for use as a fuel in a diesel-powered highway vehicle.
35 The term includes kerosene and biodiesel.

36 "Distributor." Any person that:

37 (1) Produces, refines, prepares, blends, distills,
38 manufactures or compounds [liquid fuels or fuels] motor fuels
39 in this Commonwealth for the person's use or for sale and
40 delivery in this Commonwealth.

41 (2) Imports or causes to be imported from any other
42 state or territory of the United States or from a foreign
43 country [liquid fuels or fuels] motor fuels for the person's
44 use in this Commonwealth or for sale and delivery in and
45 after reaching this Commonwealth, other than in the original
46 package, receptacle or container.

47 (3) Imports or causes to be imported from any other
48 state or territory of the United States [liquid fuels or
49 fuels] motor fuels for the person's use in this Commonwealth
50 or for sale and delivery in this Commonwealth after they have
51 come to rest or storage in the other state or territory,

1 whether or not in the original package, receptacle or
2 container.

3 (4) Purchases or receives [liquid fuels or fuels] motor
4 fuels in the original package, receptacle or container in
5 this Commonwealth for the person's use or for sale and
6 delivery in this Commonwealth from any person who has
7 imported them from a foreign country.

8 (5) Purchases or receives [liquid fuels or fuels] motor
9 fuels in the original package, receptacle or container in
10 this Commonwealth for the person's use in this Commonwealth
11 or for sale and delivery in this Commonwealth from any person
12 who has imported them from any other state or territory of
13 the United States if the [liquid fuels or fuels] motor fuels
14 have not, prior to purchase or receipt, come to rest or
15 storage in this Commonwealth.

16 (6) Receives and uses or distributes [liquid fuels or
17 fuels] motor fuels in this Commonwealth on which the tax
18 provided for in this chapter has not been previously paid.

19 (7) Owns or operates aircraft, aircraft engines or
20 facilities for delivery of [liquid fuels] motor fuels to
21 aircraft or aircraft engines and elects, with the permission
22 of the Secretary of Revenue, to qualify and obtain a permit
23 as a distributor.

24 (8) Exports [liquid fuels or fuels] motor fuels other
25 than in the fuel supply tanks of motor vehicles.

26 "Dyed diesel fuel." Any liquid, other than liquid fuels,
27 which is suitable for use as a fuel in a diesel-powered highway
28 vehicle and which is dyed pursuant to Federal regulations issued
29 under section 4082 of the Internal Revenue Code of 1986 (Public
30 Law 99-514, 26 U.S.C. § 4082) or which is a dyed fuel for
31 purposes of section 6715 of the Internal Revenue Code of 1986
32 (26 U.S.C. § 6715).

33 "E85." Fuel ethanol conforming to ASTM D5798-11 standards,
34 as amended, or successor standards.

35 "Electric vehicle." The term includes electric vehicles and
36 hybrid electric vehicles.

37 "Electric vehicle road fee." The annual fee imposed under
38 Subchapter C (relating to electric vehicle road fee), in place
39 of a motor fuel tax assessed upon electricity used in highway
40 vehicles.

41 "Exempt entity." A person exempt under section 9004(e)
42 (relating to imposition of tax, exemptions and deductions) from
43 reporting and paying a motor fuels tax.

44 "Export." Accountable liquid fuels or fuels delivered out of
45 State by or for the seller constitutes an export by the seller.
46 Accountable liquid fuels or fuels delivered out of State by or
47 for the purchaser constitutes an export by the purchaser.

48 "Fuels." Includes diesel fuel and all combustible gases and
49 liquids used for the generation of power in aircraft or aircraft
50 engines or used in an internal combustion engine for the
51 generation of power to propel vehicles on the public highways.

1 The term does not include liquid fuels or dyed diesel fuel.
2 "Gallon equivalent basis." The amount of any alternative
3 fuel as determined by the department to [contain 114,500 BTU's]
4 equal the energy content of one gallon of liquid fuels or fuels.
5 The rate of tax on the amount of each alternative fuel as
6 determined by the department under the previous sentence shall
7 be the current liquid fuels tax and oil company franchise tax
8 applicable to one gallon of gasoline.

9 "Gasoline gallon equivalent" or "GGE." The amount of
10 alternative fuel it takes to equal the energy content of one
11 gallon of gasoline.

12 "Highway." Every way or place open to the use of the public,
13 as a matter of right, for purposes of vehicular travel.

14 "Import." Accountable [liquid] motor fuels or fuels
15 delivered into this Commonwealth from out of State by or for the
16 seller constitutes an import by the seller. Accountable [liquid]
17 motor fuels or fuels delivered into this Commonwealth from out
18 of State by or for the purchaser constitutes an import by the
19 purchaser.

20 "Liquid fuels." All products derived from petroleum, natural
21 gas, coal, coal tar, vegetable ferments and other oils. The term
22 includes gasoline, naphtha, benzol, benzine or alcohols, either
23 alone or when blended or compounded, which are practically and
24 commercially suitable for use in internal combustion engines for
25 the generation of power or which are prepared, advertised,
26 offered for sale or sold for use for that purpose. The term does
27 not include kerosene, fuel oil, gas oil, E85, gasoline-alcohol
28 mixtures other than E85 containing greater than 85% alcohol by
29 volume, diesel fuel, tractor fuel by whatever trade name or
30 technical name known having an initial boiling point of not less
31 than 200 degrees fahrenheit and of which not more than 95% has
32 been recovered at 464 degrees fahrenheit (ASTM method D-86),
33 liquified gases which would not exist as liquids at a
34 temperature of 60 degrees fahrenheit and pressure of 14.7 pounds
35 per square inch absolute or naphthas and benzols and solvents
36 sold for use for industrial purposes.

37 "Magistrate." An officer of the minor judiciary. The term
38 includes a magisterial district judge.

39 "Major vehicle class." The term includes passenger vehicles,
40 light duty trucks and any other class as defined by the CAFE
41 standards.

42 "Mass transportation systems." Persons subject to the
43 jurisdiction of the Pennsylvania Public Utility Commission and
44 municipality authorities that transport persons on schedule over
45 fixed routes and derive 90% of their intrastate scheduled
46 revenue from scheduled operations within the county in which
47 they have their principal place of business or with contiguous
48 counties.

49 "Motor fuels." Includes liquid fuels, fuels, alternative
50 fuels, aviation gasoline and jet fuels.

51 "Motor fuels tax." Any of the following taxes imposed under

1 section 9004 (relating to imposition of tax, exemptions and
2 deductions):

3 (1) The liquid fuels tax.

4 (2) The oil company franchise tax.

5 (3) The aviation gasoline and jet fuel taxes.

6 (4) The alternative fuels tax.

7 "Motor fuels tax exemption certificate." A certificate
8 issued by the Department of Revenue to a person requesting
9 exemption from motor fuels taxes according to the exemption
10 provisions under section 9004(e) (relating to imposition of tax,
11 exemptions and deductions).

12 "Nonhighway applications." The use of fuels or alternative
13 fuels for purposes not related to propulsion of a vehicle on the
14 public highways of this Commonwealth.

15 "Nonpublic schools not operated for profit." A school, other
16 than a public school, within this Commonwealth wherein a
17 resident of this Commonwealth may legally fulfill the compulsory
18 school attendance requirements of the laws of this Commonwealth,
19 and in the operation of which there is no contribution of
20 pecuniary gain or profit, no dividends or distribution or income
21 to its owners, officers or directors and no incidental profits
22 are distributed to its owner. The term does not include
23 institutions of higher learning.

24 "Permit." A liquid fuels permit [or a], fuels permit or
25 alternative fuels permit. The term includes a blender permit.

26 "Person." [Every natural person, association or
27 corporation.] Any individual, firm, cooperative, association,
28 corporation, limited liability corporation, trust, business
29 trust, syndicate, partnership, limited liability partnership,
30 joint venture, receiver, trustee in bankruptcy, club society or
31 other group or combination acting as a unit. The term includes a
32 public body, including, but not limited to, the Commonwealth,
33 any other state, an agency, commission, institution, political
34 subdivision or instrumentality of the Commonwealth or any other
35 state. Whenever used in any provision prescribing and imposing a
36 fine or imprisonment, the term as applied to associations means
37 the partners or members and as applied to corporations means the
38 officers thereof.

39 "Political subdivision." A county, city, borough,
40 incorporated town, township, school district, vocational school
41 district or county institution district. For exemption purposes,
42 the term includes:

43 (1) Authorities formed under enabling legislation.

44 (2) Instrumentalities or agencies of the Commonwealth,
45 unless otherwise provided.

46 "Registered distributor." A distributor holding a permit
47 issued by the Commonwealth under the provisions of this chapter.

48 "Sale" and "sale and delivery." Includes the invoicing or
49 billing of [liquid fuels or fuels] motor fuels free of tax as
50 provided in section 9005 (relating to taxpayer) from one
51 distributor to another regardless of whether the purchasing

1 distributor is an accommodation party for purposes of taking
2 title or takes actual physical possession of the [liquid fuels
3 or fuels] motor fuels.

4 "Secretary." The Secretary of Revenue of the Commonwealth.

5 "Terminal transfer system." The motor fuels distribution
6 system consisting of refineries, pipelines, marine vessels and
7 terminals.

8 "Use." Includes any of the following:

9 (1) The importation into this Commonwealth of motor
10 fuels for the supply tanks or other fueling receptacles or
11 devices of a motor vehicle in excess of 50 gallons.

12 (2) The delivery or placing of motor fuels into the fuel
13 supply tanks or other fueling receptacles or devices of an
14 aircraft or aircraft engine or of a motor vehicle in this
15 Commonwealth for use in a combustion engine or diesel engine.

16 "Vehicle average miles driven." The average number of miles
17 driven by a particular vehicle type, as determined by the
18 Federal Highway Administration.

19 "Volunteer ambulance service." Any nonprofit chartered
20 corporation, association or organization located in this
21 Commonwealth which is regularly engaged in the service of
22 providing emergency medical care and transportation of patients.

23 "Volunteer fire company." Any nonprofit chartered
24 corporation, association or organization located in this
25 Commonwealth which provides fire protection services and other
26 voluntary emergency services within this Commonwealth, which may
27 include voluntary ambulance services and voluntary rescue
28 services.

29 "Volunteer rescue service." Any nonprofit chartered
30 corporation, association or organization located in this
31 Commonwealth which provides rescue services in this
32 Commonwealth.

33 "Volunteer services." Includes volunteer ambulance services,
34 volunteer fire companies and volunteer rescue services.

35 Section 26.1. Chapter 90 of Title 75 is amended by adding a
36 subchapter heading to read:

37 SUBCHAPTER B

38 LIQUID FUELS AND FUELS TAX

39 Section 26.2. Sections 9003(a), (b), (d) and (g) and
40 9004(a), (b), (d), (e), (g) and (h) of Title 75 are amended and
41 the sections are amended by adding subsections to read:

42 § 9003. Liquid fuels and fuels permits; bond or deposit of
43 securities.

44 (a) Permit required; violation.--A distributor may not
45 engage in the use or sale and delivery of liquid fuels within
46 this Commonwealth without a liquid fuels permit [or], engage in
47 the use or sale and delivery of fuels within this Commonwealth
48 without a fuels permit or engage in the use or sale and delivery
49 of alternative fuels within this Commonwealth without an
50 alternative fuels permit. Each day in which a distributor
51 engages in the use or sale and delivery of liquid fuels within

1 this Commonwealth without a liquid fuels permit [or], fuels
2 without a fuels permit or alternative fuels without an
3 alternative fuels permit shall constitute a separate offense.
4 For each such offense, the distributor commits a misdemeanor of
5 the third degree.

6 (a.1) Special permit for blenders.--Distributors who
7 purchase any liquid fuels, fuels or alternative fuels subject to
8 tax under this chapter for use in the blending of liquid fuels
9 or alternative fuels shall obtain a blender permit from the
10 department. A distributor holding a blender's permit may
11 purchase motor fuels tax free from other distributors holding a
12 permit when the motor fuels are purchased for use exclusively in
13 blending. Blenders shall account separately for all purchases of
14 motor fuels used in blending. The department may prescribe the
15 form of such necessary information.

16 (a.2) Prohibitions.--The following shall apply:

17 (1) A suspended, revoked or canceled permit is not a
18 valid permit and may not be used to make tax-free sales,
19 deliveries or purchases of motor vehicles specifically listed
20 on the permit.

21 (2) An exempt entity may not apply for a motor fuels
22 permit and may not resell motor fuels.

23 (b) Application.--A person desiring to operate as a
24 distributor shall file an application for [a liquid fuels permit
25 or a fuels permit, or both,] an alternative fuels permit, a
26 liquid fuels permit or a fuels permit with the department. A
27 distributor may apply for more than one class of permit. The
28 application for a permit must be made upon a form prescribed by
29 the department and must set forth the name under which the
30 applicant transacts or intends to transact business, the
31 location of the place of business within this Commonwealth and
32 such other information as the department may require. The
33 department may, by written notice, require any applicant to
34 furnish a financial statement in such form as it may prescribe.
35 The department may charge an administrative application fee for
36 each permit. If the applicant has or intends to have more than
37 one place of business within this Commonwealth, the application
38 shall state the location of each place of business. If the
39 applicant is an association, the application shall set forth the
40 names and addresses of the persons constituting the association.
41 If the applicant is a corporation, the application shall set
42 forth the names and addresses of the principal officers of the
43 corporation and any other information prescribed by the
44 department for purposes of identification. The application shall
45 be signed and verified by oath or affirmation by:

46 (1) the owner, if the applicant is an individual;

47 (2) a member or partner, if the applicant is an
48 association; or

49 (3) an officer or an individual authorized in a writing
50 attached to the application, if the applicant is a
51 corporation.

1 * * *

2 (c.1) Permit class.--The department may establish classes of
3 distributors. Each class may have special bonding requirements.

4 (d) Surety bond.--A permit shall not be granted until the
5 applicant has filed with the department a surety bond payable to
6 the Commonwealth in an amount fixed by the department of at
7 least \$2,500. Every bond must have as surety an authorized
8 surety company approved by the department. The bond must state
9 that the distributor will faithfully comply with the provisions
10 of this chapter during the effective period of his permit. The
11 department may require any distributor to furnish such
12 additional, acceptable corporate surety bond as necessary to
13 secure at all times the payment to the Commonwealth of all
14 taxes, penalties and interest due under the provisions of this
15 chapter and section 9502 (relating to imposition of tax). The
16 department may set a distributor's bond amount in a manner
17 sufficient to protect the revenues of the Commonwealth. If a
18 distributor fails to file the additional bond within ten days
19 after written notice from the department, the department may
20 suspend or revoke the permit and collect all taxes, penalties
21 and interest due. For the purpose of determining whether an
22 existing bond is sufficient, the department may by written
23 notice require a distributor to furnish a financial statement in
24 such form as it may prescribe. Upon failure of any distributor
25 to furnish a financial statement within 30 days of written
26 notice, the department may suspend or revoke the permit and
27 shall collect all taxes, penalties and interest due by him.

28 * * *

29 (g) Interstate or foreign commerce.--Nothing contained in
30 this chapter shall require the filing of any application or bond
31 or the possession and display of a [liquid] motor fuels permit
32 for the use or sale and delivery of [liquid] motor fuels in
33 interstate or foreign commerce not within the taxing power of
34 the Commonwealth or for the use of liquid fuels by the Federal
35 Government.

36 * * *

37 (j) Tax compliance.--No distributor may be issued a motor
38 fuels permit under this chapter unless the distributor is in
39 full compliance with all other State taxes administered by the
40 department.

41 § 9004. Imposition of tax, exemptions and deductions.

42 (a) Liquid fuels and fuels tax.--A permanent State tax of
43 12¢ a gallon or fractional part thereof is imposed and assessed
44 upon all [liquid fuels and] motor fuels used or sold and
45 delivered by distributors within this Commonwealth.

46 (b) Oil company franchise tax for highway maintenance and
47 construction.--In addition to the tax imposed by subsection (a),
48 the tax imposed by Chapter 95 (relating to taxes for highway
49 maintenance and construction) shall also be imposed and
50 collected on [liquid fuels and] motor fuels, on a cents-per-
51 gallon equivalent basis, upon all gallons of [liquid fuels and]

1 motor fuels as are taxable under subsection (a).

2 * * *

3 (d) Alternative fuels tax.--

4 (1) A tax is hereby imposed upon alternative fuels used
5 to propel vehicles of any kind or character on the public
6 highways. The rate of tax applicable to each alternative fuel
7 shall be computed by the department on a gallon equivalent
8 basis and shall be published as necessary by notice in the
9 Pennsylvania Bulletin. The tax imposed shall apply to the
10 entire amount of fuel used or sold and delivered. The
11 department shall state separately both the liquid fuels tax
12 and the oil company franchise tax applicable to each
13 alternative fuel.

14 (2) The tax imposed in this section upon alternative
15 fuels shall be reported and paid to the department by each
16 alternative fuel [dealer-user rather than by distributors
17 under this chapter similar to the manner in which
18 distributors are required to report and pay the tax on liquid
19 fuels and fuels, and the licensing and bonding provisions of
20 this chapter shall be applicable to alternative fuel dealer-
21 users. The department may permit alternative fuel dealer-
22 users to report the tax due for reporting periods greater
23 than one month up to an annual basis provided the tax is
24 prepaid on the estimated amount of alternative fuel to be
25 used in such extended period. The bonding requirements may be
26 waived by the department where the tax has been prepaid.]
27 distributor holding a permit when:

28 (i) sold to a person for the person's use in the
29 propulsion of a motor vehicle on the public highways of
30 this Commonwealth; or

31 (ii) a person uses alternative fuels subject to tax
32 under paragraph (1) for which the alternative fuels tax
33 has never been paid.

34 (3) The following shall apply to the reporting and
35 payment of the alternative fuels tax by a distributor:

36 (i) Only distributors holding an alternative fuels
37 distributor permit issued by the department may report
38 and pay the alternative fuels tax to the Commonwealth.

39 (ii) Alternative fuels tax must be reported and paid
40 to the department in the same fashion as required for
41 liquid fuels and fuels. The tax imposed under paragraph
42 (2) shall be collected by the distributor and shall be
43 borne by the consumer.

44 (iii) The department may permit alternative fuels
45 distributors to report the tax due for reporting periods
46 on an annual basis provided the tax is prepaid on the
47 estimated amount of alternative fuels to be used in such
48 extended period. The bonding requirements may be waived
49 by the department where the tax has been prepaid.

50 (4) A purchaser of alternative fuels who has paid the
51 alternative fuels tax may request a refund of the tax, if

1 eligible, in accordance with the refund qualifications for
2 liquid fuels and fuels under section 9017 (relating to
3 refunds).

4 (5) An exempt entity who uses alternative fuels in
5 accordance with subsections (e.1) and (l) may apply for
6 refunds of alternative fuels tax paid on the alternative
7 fuels.

8 (6) Alternative fuels distributors shall follow all
9 provisions of this chapter applying to liquid fuels and fuels
10 distributors, except when such provisions are in conflict or
11 otherwise inconsistent with the specific alternative fuels
12 distributor provisions of this subsection, in which case the
13 provisions of this subsection shall control.

14 (e) Exceptions.--The tax imposed under subsections (a), (b),
15 (c) and (d) shall not apply to liquid fuels, fuels or
16 alternative fuels:

17 (1) Delivered to the Federal Government on presentation
18 of an authorized Federal Government exemption certificate or
19 other evidence satisfactory to the department.

20 (2) Used or sold and delivered which are not within the
21 taxing power of the Commonwealth under the Commerce Clause of
22 the Constitution of the United States.

23 (3) Used as fuel in aircraft or aircraft engines, except
24 for the tax imposed under subsection (c).

25 (4) Delivered to this Commonwealth, a political
26 subdivision, a volunteer fire company, a volunteer ambulance
27 service, a volunteer rescue squad, a second class county port
28 authority or a nonpublic school not operated for profit on
29 presentation of evidence satisfactory to the department.

30 (5) Used in school buses for the exclusive purpose of
31 transporting students in grades K through 12 for official
32 school purposes, subject to all of the following:

33 (i) School districts are exempt from the tax on
34 motor fuels, but may not assign that exemption to a
35 school bus contractor.

36 (ii) A school district may apply to the Board of
37 Finance and Revenue for refunds of taxes paid by the
38 school district's school bus contractors who purchased
39 tax-paid motor fuels for use in transporting students for
40 official school purposes.

41 (iii) School bus contractors may fuel from a school
42 district's tax-free bulk storage for the sole purpose of
43 transporting students under a contract.

44 (6) Sold to a volunteer service, provided that the
45 volunteer service complies with the following:

46 (i) The motor fuels shall be purchased from a
47 registered distributor, and the motor fuels shall be
48 placed in bulk storage facilities on land owned or
49 leased, with full control thereover, by the volunteer
50 service. The purchaser shall furnish a motor fuels tax
51 exemption certificate issued by the department to the

1 registered distributor certifying that it is a volunteer
2 service and the fuel will be used solely for
3 firefighting, emergency medical or rescue purposes and
4 only in official equipment owned by the the volunteer
5 service.

6 (ii) If a volunteer service purchases motor fuels
7 from a dealer or a nonregistered Commonwealth distributor
8 and pays the full price for the fuels, including the tax,
9 and if the volunteer service uses the motor fuels solely
10 for firefighting, emergency medical or rescue purposes
11 and only in equipment purchased by it, the volunteer
12 service may request a refund of the tax paid by applying
13 to the Board of Finance and Revenue on forms supplied by
14 the Board of Finance and Revenue.

15 (e.1) Use of motor fuels by exempt entities.--The following
16 shall apply:

17 (1) An exempt entity may only use motor fuels for its
18 official business purposes. The exempt entity shall keep
19 records of purchases and disbursements of motor vehicles
20 sufficient to prove the official business use of the motor
21 fuels. Such recordkeeping should be similar to the
22 requirements for distributor and dealer recordkeeping under
23 section 9009 (relating to retention of records by
24 distributors and dealers).

25 (2) An exempt entity may not resell motor fuels.

26 (3) An exempt entity that violates paragraph (1) or (2)
27 commits a summary offense and may be assessed tax, interest
28 and penalties due on any motor fuels improperly used or
29 resold.

30 * * *

31 (g) Distributors to pay tax.--[Distributors] Motor fuels
32 distributors shall be liable to the Commonwealth for the
33 collection and payment of the tax imposed by this chapter. The
34 tax imposed by this chapter shall be collected by the
35 distributor at the time the [liquid fuels and] motor fuels are
36 used or sold and delivered by the distributor and shall be borne
37 by the consumer.

38 (h) Losses to be allowed.--The department shall allow for
39 handling and storage losses of [liquid fuels and] motor fuels
40 that are substantiated to the satisfaction of the department.

41 (i) Liability for use of dyed diesel fuel or other liquids
42 not subject to motor fuels taxes.--The following shall apply to
43 liability for the tax provided under subsections (a) and (b):

44 (1) The tax imposed under section 9004(a) and (b)
45 (relating to imposition of tax, exemptions and deductions) is
46 imposed on the delivery or placing of dyed diesel fuel or any
47 liquid not otherwise subject to tax into the fuel supply
48 tanks or other fueling receptacles or devices of a motor
49 vehicle in this Commonwealth for use, in whole or in part,
50 for the generation of power to propel the motor vehicle on
51 the public highways of this Commonwealth.

1 (2) The following shall apply to parties liable under
2 this subsection:

3 (i) The person who causes to be operated or the
4 operator of a highway vehicle into which the dyed diesel
5 fuel or the other liquid is delivered shall be liable for
6 the tax imposed under paragraph (1).

7 (ii) The seller of the dyed diesel fuel or other
8 liquid is jointly and severally liable for the tax under
9 paragraph (1) if the seller knows or has reason to know
10 that the dyed diesel fuel or other liquid will not be
11 used in a nontaxable use.

12 (3) The exemptions provided under subsection (e) shall
13 apply to the tax imposed by this subsection.

14 (j) Blending not subject to tax.--A distributor holding a
15 blending permit who blends motor fuels shall be exempt from the
16 payment of the tax which would otherwise be imposed upon any
17 motor fuels purchased from registered distributors and used
18 exclusively for blending. The department shall establish
19 necessary recordkeeping standards for blenders.

20 (k) Sales without permits.--Sales of motor fuels between a
21 registered distributor and any person not holding a permit of
22 the proper class shall always be subject to tax, unless the
23 sales are entitled to an exemption expressly provided for under
24 this chapter.

25 (l) Exemption certificates.--An exempt entity must provide a
26 motor fuels tax exemption certificate prescribed by the
27 department to the registered distributor from whom the exempt
28 entity plans to purchase tax-free motor fuels.

29 (m) Nonpermitted persons acting as permitted distributors.--
30 The following shall apply:

31 (1) Any person not holding a liquid fuels, fuels or
32 alternative fuels permit who engages in the use or sale and
33 delivery of liquid fuels, fuel or alternative fuels upon
34 which the tax imposed under this chapter has not been
35 previously paid shall be subject to all recordkeeping,
36 reporting and payment provisions provided for permitted
37 distributors.

38 (2) A person who does not hold the proper class of
39 permit to engage in the tax-free use or sale and delivery of
40 motor fuels with another distributor holding the proper class
41 of permit shall pay a sum equivalent to 20% of the motor
42 fuels tax that would otherwise be due. This penalty shall be
43 in addition to any other applicable tax, interest or penalty
44 provided for under this chapter. A properly permitted
45 distributor who knowingly engages in the tax-free use or sale
46 and delivery of motor fuels with an improperly permitted
47 distributor shall also pay a sum equivalent to 20% of the
48 motor fuels tax that would otherwise be due. This penalty
49 shall be in addition to any other applicable tax, interest or
50 penalty provided for under this chapter. The penalties
51 imposed by this subsection shall not be considered part of a

1 tax assessment.

2 (3) A nonpermitted distributor shall not be eligible for
3 any of the discounts provided under section 9006(b) (relating
4 to distributor's report and payment of tax).

5 Section 26.3. Section 9005 of Title 75 is amended to read:
6 § 9005. Taxpayer.

7 (a) Duty of distributor.--Every distributor using or
8 delivering [liquid fuels and] motor fuels upon which a tax is
9 imposed by this chapter shall pay the tax into the State
10 Treasury through the department.

11 (b) Delivery between distributors.--

12 (1) Whenever [liquid fuels and] motor fuels are
13 delivered within this Commonwealth by one distributor to
14 another distributor holding a permit under this chapter, the
15 distributor receiving the [liquid fuels and] motor fuels
16 shall separately show, in that distributor's monthly reports
17 to the department, all such deliveries from each distributor
18 and shall pay the liquid fuels and fuels tax provided for by
19 this chapter upon all such [liquid fuels and] motor fuels
20 used or sold and delivered within this Commonwealth.

21 (2) The distributor making deliveries under paragraph
22 (1) shall separately show those deliveries in that
23 distributor's monthly reports to the department and shall
24 then be exempt from the payment of the tax which would
25 otherwise be imposed upon the [liquid fuels and] motor fuels
26 so delivered. This exemption shall apply only if both
27 distributors under paragraph (1) hold valid permits of a
28 class authorizing tax-free use or sale and delivery of the
29 same specific motor fuels.

30 (3) The distributor shall furnish to the department such
31 information concerning such deliveries as the department may
32 require.

33 (4) The department shall furnish to any distributor,
34 upon request, a list of distributors holding permits under
35 this chapter and their addresses.

36 (5) A distributor holding a permit is the only person
37 entitled to sell motor fuels tax free to another distributor
38 holding a permit or to an exempt entity.

39 (6) Both the seller and the buyer of any motor fuels
40 sold upon which motor fuels tax is imposed but not reported
41 and paid to the Commonwealth shall be jointly and severally
42 liable for the payment of tax due if either distributor does
43 not hold a valid permit of the class necessary to make a tax-
44 free sale under paragraphs (1) and (2).

45 (c) Recovery of tax payment.--Distributors may add the
46 amount of the tax to the price of [liquid fuels and] motor fuels
47 sold by them and shall state the rate of the tax separately from
48 the price of the [liquid fuels and] motor fuels on all price
49 display signs, sales or delivery slips, bills and statements
50 which advertise or indicate the price of [liquid fuels and]
51 motor fuels.

1 (d) Penalty.--A person who violates this section commits a
2 summary offense.

3 Section 26.4. Section 9006(a) and (d) of Title 75 are
4 amended and the section is amended by adding a subsection to
5 read:

6 § 9006. Distributor's report and payment of tax.

7 (a) Monthly report.--For the purpose of ascertaining the
8 amount of tax payable under this chapter, the distributor, on or
9 before the 20th day of each month, shall transmit to the
10 department on a form prescribed by the department a report,
11 under oath or affirmation, of the [liquid fuels and] motor fuels
12 used or delivered by that distributor within this Commonwealth
13 during the preceding month. The report shall show the number of
14 gallons or GGEs of [liquid fuels and] motor fuels used or
15 delivered within this Commonwealth during the period for which
16 that report is made and any further information that the
17 department prescribes. A distributor having more than one place
18 of business within this Commonwealth shall combine in each
19 report the use or delivery of [liquid fuels and] motor fuels at
20 all such separate places of business.

21 * * *

22 (d) Additional penalty.--If a distributor neglects or
23 refuses to make any report [and] or payment as required, an
24 additional 10% of the amount of the tax due or \$50, whichever is
25 greater, shall be added by the department and collected as
26 provided. In addition to the added penalty, the permit of the
27 distributor may be suspended or revoked by the department.

28 (e) Method of filing and timeliness.--The following shall
29 apply:

30 (1) Unless specifically otherwise provided for by law,
31 all reports, payments and petitions must be filed
32 electronically with the department. Upon receipt of an
33 electronic filing by the department, the filing is deemed to
34 have occurred on the specific date and time indicated by the
35 computers or systems of the department.

36 (2) The following exceptions shall apply:

37 (i) Electronic payment is not required for any
38 payment amount less than \$1,000.

39 (ii) A distributor may be excused from electronic
40 filing that is otherwise required by law upon
41 presentation to the department of evidence of hardship in
42 filing electronically. The evidence must be provided to
43 and accepted by the department prior to the due date for
44 the report, payment or petition.

45 (iii) Electronic filing may not be accepted by the
46 department for certain required filings under this
47 chapter where the department does not have the technical
48 capability to process such an electronic filing.

49 (3) Whenever a report, payment or petition is required
50 by law to be filed with the department by the United States
51 Postal Service, the following apply:

1 (i) If the report, payment or petition must be
2 received by the department on or before a day certain,
3 the taxpayer shall be deemed to have complied with the
4 law if the correctly addressed envelope transmitting the
5 report, payment or petition received by the department is
6 postmarked by United States Postal Service on or prior to
7 the final day on which the report, payment or petition is
8 required to be received.

9 (ii) For purposes of this paragraph, presentation of
10 a receipt from United States Postal Service indicating
11 that the correctly addressed envelope transmitting the
12 report, payment or petition received by the department
13 was mailed on or before the due date shall be evidence of
14 timely filing and payment.

15 (iii) This paragraph shall not apply to any report,
16 payment or petition that is required by law to be
17 delivered by any method other than mailing.

18 (4) To be considered timely, both a report and any
19 payment due, if applicable, including any interest or
20 penalty, must be filed before the due date.

21 Section 26.5. Sections 9007, 9008 and 9009 of Title 75 are
22 amended to read:

23 § 9007. [Determination and redetermination] Assessment and
24 reassessment of tax, penalties and interest due.

25 (a) [Determination] Assessment.--If the department is not
26 satisfied with the report and payment of tax made by any
27 distributor under the provisions of this chapter, it is
28 authorized to make [a determination] an assessment of the tax
29 due by the distributor based upon the facts contained in the
30 report or upon any information within its possession.

31 (b) Notice.--Promptly after the date of [determination]
32 assessment, the department shall send by registered mail a copy
33 to the distributor. Within 90 days after the date upon which the
34 copy of the [determination] assessment was mailed, the
35 distributor may file with the department a petition for
36 [redetermination] reassessment of such tax. A petition for
37 [redetermination] reassessment must state specifically the
38 reasons which the petitioner believes allow the
39 [redetermination] reassessment and must be supported by
40 affidavit that it is not made for the purpose of delay and that
41 the facts set forth are true. The department shall, within six
42 months after the date of [a determination] an assessment,
43 dispose of a petition for [redetermination] reassessment. Notice
44 of the action taken upon any petition for [redetermination]
45 reassessment shall be given to the petitioner promptly after the
46 date of [redetermination] reassessment by the department.

47 (c) Administrative appeal.--[Within 60 days after the date
48 of mailing of notice by the department of the action taken on
49 any petition for redetermination filed with it, the distributor
50 against whom the determination was made may by petition request
51 the Board of Finance and Revenue to review the action. A

1 petition for review must state specifically the reason upon
2 which the petitioner relies or must incorporate by reference the
3 petition for redetermination in which the reasons have been
4 stated. The petition must be supported by affidavit that it is
5 not made for the purpose of delay and that the facts set forth
6 are true. If the petitioner is a corporation or association, the
7 affidavit must be made by one of its principal officers. A
8 petition for review may be amended by the petitioner at any time
9 prior to the hearing. The board shall act finally in disposition
10 of petitions filed with it within six months after they have
11 been received. In the event of the failure to dispose of a
12 petition within six months, the action taken by the department
13 upon the petition for redetermination shall be deemed sustained.
14 The board may sustain the action taken on the petition for
15 redetermination or it may redetermine the tax due upon such
16 basis as it deems according to law and equity. Notice of the
17 action of the board shall be given to the department and to the
18 petitioner.] A person dissatisfied with the decision of the
19 department under subsection (b) shall have the right to petition
20 for review by the Board of Finance and Revenue in accordance
21 with Article XXVII of the act of March 4, 1971 (P.L.6, No.2),
22 known as the Tax Reform Code of 1971.

23 (d) Sanctions.--If a distributor neglects or refuses to make
24 a report [and] or payment of tax required by this chapter, the
25 department shall estimate the tax due by such distributor and
26 [determine] assess the amount due for taxes, penalties and
27 interest. There shall be no right of review or appeal from this
28 [determination] assessment. Upon neglect or refusal, permits
29 issued to the distributor may be suspended or revoked by the
30 department and required to be surrendered to the department.
31 § 9008. Examination of records and equipment.

32 (a) General rule.--The department or any agent appointed in
33 writing by the department is authorized to examine the books,
34 papers, records, meters, storage tanks and contents, and any
35 other equipment of any distributor, dealer or any other person
36 pertaining to the use or sale and delivery of liquid fuels and
37 fuels taxable under this chapter to verify the accuracy of any
38 report or payment made under the provisions of this chapter or
39 to ascertain whether or not the tax imposed by this chapter has
40 been paid. Any information gained by the department as the
41 result of the reports, investigations or verifications required
42 to be made shall be confidential.

43 (b) Penalty.--A person divulging confidential information
44 under subsection (a) commits a misdemeanor of the third degree.

45 (c) Consumer protection.--Notwithstanding subsection (a) or
46 (b) or section 731 of the act of April 9, 1929 (P.L.343,
47 No.176), known as The Fiscal Code, any incorrect motor fuel
48 composition information, including octane values, discovered by
49 the department upon examination of storage tank contents or
50 related records may be disclosed to the Attorney General's
51 office for investigation.

1 (d) Public safety.--Notwithstanding subsection (a) or (b) or
2 section 731 of The Fiscal Code, any suspected violation that
3 could pose a threat to public safety discovered by the
4 department during an examination authorized by this section may
5 be disclosed to the appropriate enforcement authority for
6 investigation.

7 § 9009. Retention of records by distributors and dealers.

8 (a) Record retention period.--

9 (1) The distributor and dealer shall maintain and keep,
10 for a period [of two years] consisting of the current
11 calendar year plus the previous two years, a record of
12 [liquid fuels and] motor fuels used or sold and delivered
13 within this Commonwealth by the distributor, together with
14 invoices, bills of lading and other pertinent papers as
15 required by the department. The amount of tax imposed on each
16 sale of motor fuels shall be stated separately.

17 (2) A person purchasing [liquid fuels and] motor fuels
18 taxable under this chapter from a distributor for the purpose
19 of resale shall maintain, for a period [of two years]
20 consisting of the current calendar year plus the previous two
21 years, a record of [liquid fuels and] motor fuels received,
22 the amount of tax paid to the distributor as part of the
23 purchase price, delivery tickets, invoices and bills of
24 lading and such other records as the department requires.

25 (3) Additional records include:

26 (i) A distributor shall keep a record showing the
27 number of gallons, GGEs or standard cubic feet of:

28 (A) all [diesel] motor fuel inventories on hand
29 at the first of each month;

30 (B) all [diesel] motor fuel refined, compounded
31 or blended;

32 (C) all [diesel] motor fuel purchased or
33 received, showing the name of the seller and the date
34 of each purchase or receipt;

35 (D) all [diesel] motor fuel sold, distributed or
36 used, showing the name of the purchaser and the date
37 of sale, distribution or use; and

38 (E) all [diesel] motor fuel lost by fire or
39 other accident.

40 (ii) A distributor shall keep a record showing the
41 octane value of each motor fuel purchased, sold or
42 blended.

43 ~~[(ii)]~~ (iii) A dealer shall keep a record showing
44 the number of gallons, GGEs or Standard cubic feet of:

45 (A) all [diesel] motor fuel inventories on hand
46 at the first of each month;

47 (B) all [diesel] motor fuel purchased or
48 received, showing the name of the seller, the date of
49 each purchase or receipt;

50 (C) all [diesel] motor fuel sold, distributed or
51 used; and

1 (D) all [diesel] motor fuel lost by fire or
2 other accident.

3 (iv) A dealer shall keep a record showing the octane
4 value of each motor fuel purchased, sold or blended.

5 (b) Penalty.--Any person violating any of the provisions of
6 this section commits a misdemeanor of the third degree.

7 (c) Maintenance of recordkeeping equipment.--The following
8 shall apply:

9 (1) Distributors and dealers are responsible for
10 ensuring that all measuring equipment used for recordkeeping,
11 including, but not limited to, meters, gauges and electronic
12 sensors, are maintained in good working order so that the
13 department, upon inspection of records and equipment provided
14 for in this chapter, is able to determine the proper tax that
15 the distributor or dealer should have reported or paid to the
16 Commonwealth.

17 (2) Any person violating any of the provisions of this
18 subsection commits a summary offense.

19 Section 26.6. Section 9011 of Title 75 is amended by adding
20 a subsection to read:

21 § 9011. Discontinuance or transfer of business.

22 * * *

23 (b.1) New permit prohibited.--Any natural person who
24 participated as an owner or officer of a distributor required to
25 provide notice under subsection (a) is prohibited from applying
26 for a new permit until the underlying liabilities to the
27 Commonwealth from the discontinued or transferred distributor
28 are satisfied.

29 Section 26.7. Section 9012(a) of Title 75 is amended and the
30 section is amended by adding subsections to read:

31 § 9012. Suspension or revocation of permits.

32 (a) Notice and hearings.--If the department finds that the
33 holder of a permit has failed to comply with the provisions of
34 this chapter, the department shall notify the permit holder and
35 afford the permit holder a hearing on [five] seven days' written
36 notice. A hearing will be scheduled by the department only upon
37 request by the permit holder.

38 * * *

39 (b.1) Immediate suspension or revocation.--Notwithstanding
40 subsection (a), the department may immediately suspend or revoke
41 a permit for failure to timely report or pay any tax due under
42 section 9006 (relating to distributor's report and payment of
43 tax).

44 (b.2) Demand on surety bond.--Notwithstanding subsection
45 (a), the department may make demand upon a distributor's surety
46 bond where the distributor has failed to timely report or pay
47 any tax due under section 9006.

48 * * *

49 Section 26.8. Sections 9013, 9014(a)(1)(i) and (ii), 9015,
50 9016, 9017(a.1), (b), (e.1), (e.2) and (f), 9018(a) and (c),
51 9019 heading, (a), (c), (d)(1) and (2) and (g) and 9022 of Title

1 75 are amended to read:

2 § 9013. Lien of taxes, penalties and interest.

3 [(a) General rule.--] All unpaid taxes imposed by this
4 chapter and section 9502 (relating to imposition of tax) and
5 penalties and interest due shall be a lien [upon the franchises
6 and property of the taxpayer after the lien has been entered and
7 docketed of record by the prothonotary or similar officer of the
8 county where the property is situated], as provided in Article
9 XIV of the act of April 9, 1929 (P.L.343, No.176), known as The
10 Fiscal Code.

11 [(b) Priority of lien.--The lien under subsection (a) shall
12 have priority from the date of its entry of record and shall be
13 fully paid and satisfied out of the proceeds of a judicial sale
14 of property subject to the lien before any other obligation,
15 judgment, claim, lien or estate to which the property may
16 subsequently become subject, except costs of the sale and of the
17 writ upon which the sale was made and real estate taxes and
18 municipal claims against the property. The lien under subsection
19 (a) shall be subordinate to mortgages and other liens existing
20 and recorded or entered of record prior to the recording of the
21 tax lien.

22 (c) Discharge of lien.--In the case of a judicial sale of
23 property subject to a lien imposed under this section, the sale
24 shall discharge the lien imposed under this section to the
25 extent only that the proceeds are applied to its payment, and
26 the lien shall continue in full force and effect as to the
27 balance remaining unpaid.

28 (d) Procedure.--

29 (1) Statements of all taxes imposed under this chapter
30 and section 9502, together with penalties and interest,
31 certified by the secretary, may be transmitted to the
32 prothonotaries or similar officers of the respective counties
33 of this Commonwealth to be entered of record and indexed as
34 judgments are now indexed.

35 (2) A writ of execution may directly issue upon the lien
36 without the issuance and prosecution to judgment of a writ of
37 scire facias.

38 (3) Not less than ten days before issuance of execution
39 on a lien, notice of the filing and the effect of the lien
40 shall be sent by registered mail to the taxpayer at the
41 taxpayer's last known post office address.

42 (4) A prothonotary or similar officer may not require,
43 as a condition precedent to the entry of a lien under this
44 section, the payment of costs incident to entry of the lien.

45 (5) A lien under this section shall continue for five
46 years from the date of entry and may be revived and continued
47 under the act of April 9, 1929 (P.L.343, No.176), known as
48 The Fiscal Code.

49 (e) Statement to department.--A sheriff, receiver, trustee,
50 assignee, master or other officer may not sell the property or
51 franchises of a distributor without first filing with the

1 department a statement containing all of the following
2 information:

3 (1) Name or names of the plaintiff or party at whose
4 instance or upon whose account the sale is made.

5 (2) Name of the person whose property or franchise is to
6 be sold.

7 (3) The time and place of sale.

8 (4) The nature and location of the property.

9 (f) Notice concerning lien.--The department, after receiving
10 notice under subsection (e), shall furnish to the sheriff,
11 receiver, trustee, assignee, master or other officer having
12 charge of the sale a certified copy or copies of all liquid
13 fuels tax, fuels tax and oil company franchise tax penalties and
14 interest on file in the department as liens against the person
15 or, if there are no such liens, a certificate showing that fact.
16 The certified copy or copies or certificate shall be publicly
17 read by the officer in charge of the sale at and immediately
18 before the sale of the property or franchise of the person.

19 (g) Lien certificate.--The department shall furnish to a
20 person making application, upon payment of the prescribed fee, a
21 certificate showing the amount of all liens for liquid fuels
22 tax, fuels tax or oil company franchise tax, penalties and
23 interest under the provisions of this chapter on record in the
24 department against any person.]

25 § 9014. Collection of unpaid taxes.

26 (a) When collection commences.--

27 (1) The department shall call upon the Office of
28 Attorney General to collect taxes, penalties or interest
29 imposed by this chapter or section 9502 (relating to
30 imposition of tax) at the following times:

31 (i) When payment is not made within 30 days of
32 [determination] assessment unless a petition for
33 redetermination has been filed.

34 (ii) When payment is not made within 30 days of the
35 date of [redetermination] reassessment unless a petition
36 for review has been filed.

37 * * *

38 § 9015. [Reports from common carriers.

39 (a) Duty.--A person transporting liquid fuels either in
40 interstate or intrastate commerce to a point within this
41 Commonwealth from a point within or without this Commonwealth
42 shall report under oath or affirmation to the department on or
43 before the last day of each month for the preceding month all
44 deliveries of liquid fuels made to points within this
45 Commonwealth.

46 (b) Forms.--The report shall be on a form prescribed by the
47 department and shall state the names and addresses of the
48 consignor and consignee, the number of gallons of liquid fuels
49 transported and any other information which the department may
50 require.

51 (c) Penalty.--Any person violating any of the provisions of

1 this section commits a misdemeanor of the third degree.]

2 (Reserved).

3 § 9016. [Reward for detection of violations.

4 The secretary is authorized to pay a reward, out of money
5 appropriated from the Motor License Fund for the purpose, to any
6 person, other than a State officer or employee, who reports a
7 distributor who has failed to file the reports required and pay
8 the tax imposed by this chapter. The reward shall be in an
9 amount the secretary deems proper, not exceeding 10% of the
10 amount of the tax, penalty and interest due. A reward shall not
11 be paid unless collection of the delinquent tax has been made or
12 the distributor has been convicted for violating this chapter.]

13 (Reserved).

14 § 9017. Refunds.

15 * * *

16 (a.1) Board of Finance and Revenue.--The Board of Finance
17 and Revenue may make reimbursements and refunds of tax imposed
18 and collected upon alternative fuels, liquid fuels or fuels as
19 provided under subsections (b), (c) or (e). In addition, the
20 board may refund on an annual basis any tax imposed by this
21 chapter and collected by the department upon alternative fuels,
22 liquid fuels or fuels delivered to any entity exempt from tax
23 under section 9004(e) (relating to imposition of tax, exemptions
24 and deductions) which has not been claimed as exempt by the
25 distributor or otherwise refunded. The board may adopt
26 regulations relating to procedures for the administration of its
27 duties under this subsection.

28 (b) Farm tractors and volunteer fire rescue and ambulance
29 services.--A person shall be reimbursed the full amount of the
30 tax imposed by this chapter if the person uses or buys
31 alternative fuels, liquid fuels or fuels on which the tax
32 imposed by this chapter has been paid and consumes them:

33 (1) in the operation of any nonlicensed farm tractor or
34 licensed farm tractor when used off the highways for
35 agricultural purposes relating to the actual production of
36 farm products; or

37 (2) in the operation of a vehicle of a volunteer fire
38 company, volunteer ambulance service or volunteer rescue
39 squad.

40 * * *

41 (e.1) Truck refrigeration units.--

42 (1) A program shall be implemented to provide
43 reimbursement for tax paid on undyed diesel fuel used in
44 truck refrigeration units.

45 (2) A person shall be reimbursed the amount of tax paid
46 pursuant to section 9004 on any purchase of undyed diesel
47 fuel which is not more than [75] 100 gallons or gasoline
48 gallon equivalents per purchase and is delivered into a fuel
49 tank which is designed to supply only an internal combustion
50 engine mounted on a registered vehicle used exclusively for
51 truck refrigeration.

1 (3) For the period of October 1, 1997, through September
2 30, 1998, claims for reimbursement of taxes paid shall be
3 filed by March 1, 1999, with the Department of Revenue. For
4 the period of October 1, 1998, through September 30, 1999,
5 claims for reimbursement under this subsection shall be filed
6 by October 31, 1999, with the department. For the period from
7 October 1, 1999, through September 30, 2000, inclusive,
8 claims for reimbursement under this subsection shall be filed
9 with the department by October 31, 2000. For the quarter
10 beginning October 1, 2000, and each quarter thereafter,
11 claims for reimbursement shall be filed with the department
12 on a quarterly basis and must be filed within 60 days
13 following the end of the quarter for which reimbursement is
14 being claimed.

15 (4) The department may require a claimant to satisfy any
16 sales or use tax liability on the undyed diesel fuel or
17 alternative fuels for which the reimbursement is claimed.

18 (5) A claim for reimbursement must be supported by sales
19 receipts with the word "reefer" noted on the claim and the
20 date of purchase, seller's name and address, number of
21 gallons or gasoline gallon equivalents purchased, fuel type,
22 price per gallon or GGE or total amount of sale, unit numbers
23 and the purchaser's name. The department may specify other
24 documentation which it will accept in lieu of sales receipts.
25 In the case of withdrawals from claimant-owned tax-paid bulk
26 storage, the claim must be supported by detailed records of
27 the date of withdrawal, number of gallons, or gasoline gallon
28 equivalents, fuel type, unit number and purchase and
29 inventory records to substantiate that the tax was paid on
30 all bulk purchases. Notwithstanding the provisions of section
31 9009 (relating to retention of records by distributors and
32 dealers), all required documentation shall be retained for a
33 period of three years following the filing date of the claim
34 for reimbursement under this subsection. If the claimant
35 fails to retain documentation as required by this paragraph,
36 the department may deny the reimbursement or issue an
37 assessment for any refund granted plus interest under section
38 9007 (relating to [determination and redetermination])
39 assessment and reassessment of tax, penalties and interest
40 due).

41 (e.2) Agricultural power takeoff.--A person shall be
42 reimbursed the full amount of the tax imposed by this chapter if
43 the person uses or buys [liquid fuels or fuels] motor fuels on
44 which the tax imposed by this chapter has been paid and consumes
45 them to load for delivery or to unload at a farm feed, feed
46 products, lime or limestone products for agricultural use from a
47 vehicle by means of a power takeoff, provided the fuel usage is
48 documented only by an electronic monitoring device used in
49 conjunction with an electronically controlled engine.
50 Reimbursements shall be documented only as provided in this
51 subsection, and no reimbursement shall be based upon any form of

1 alternative documentation. Claims for reimbursement shall be
2 filed with the department on a quarterly basis and must be filed
3 within 60 days following the end of the quarter for which
4 reimbursement is being claimed. The provisions of subsection (f)
5 except for the filing fee provision shall apply to claims for
6 reimbursement under this subsection to the extent they are not
7 inconsistent with this subsection.

8 (f) Claims, forms, contents, penalties.--

9 (1) A claim for reimbursement or refund under subsection
10 (b), (c) or (e) shall be made upon a form to be furnished by
11 the board and must include, in addition to such other
12 information as the board may by regulation prescribe, the
13 name and address of the claimant; the period of time and the
14 number of gallons or gasoline gallon equivalents of [liquid]
15 motor fuels used for which reimbursement is claimed; a
16 description of the farm machinery, aircraft or aircraft
17 engine in which [liquid] motor fuels have been used; the
18 purposes for which the machinery, aircraft or aircraft engine
19 has been used; and the size of the farm and part in
20 cultivation on which such [liquid] motor fuels have been
21 used.

22 (2) A claim must contain statements that the [liquid]
23 motor fuels for which reimbursement is claimed have been used
24 only for purposes for which reimbursements are permitted;
25 that records of the amounts of such fuels used in each piece
26 of farm machinery, aircraft or aircraft engine have been
27 kept; and that no part of the claim has been paid except as
28 stated. A claim must contain a declaration that it and
29 accompanying receipts are true and correct to the best of the
30 claimant's knowledge and must be signed by the claimant or
31 the person claiming on the claimant's behalf. A claim must be
32 accompanied by receipts indicating that the liquid fuels, _____
33 fuels or alternative fuels tax was paid on the liquid fuels, _____
34 fuels or alternative fuels or that the excess liquid fuels, _____
35 fuels or alternative fuels tax was paid on the liquid fuels, _____
36 fuels or alternative fuels for which reimbursement is
37 claimed. Records of purchases of [liquid] motor fuels and use
38 in each tractor or powered machinery, aircraft or aircraft
39 engine shall be kept for a period [of two years] consisting
40 of the current year plus two previous years. A claim must be
41 made annually for the preceding year ending on June 30. A
42 claim must be submitted to the board by September 30.

43 (3) The board shall refuse to consider any claim
44 received or postmarked later than that date. The claimant
45 must satisfy the board that the tax has been paid and that
46 the [liquid] motor fuels have been consumed by the claimant
47 for purposes for which reimbursements are permitted under
48 this section. The action of the board in granting or refusing
49 reimbursement shall be final. The board shall deduct the sum
50 of \$1.50, which shall be considered a filing fee, from every
51 claim for reimbursement granted. Filing fees are specifically

1 appropriated to the board and to the department for expenses
2 incurred in the administration of the reimbursement
3 provisions of this chapter. The board has the power to refer
4 to the department for investigation any claim for
5 reimbursement filed under the provisions of this chapter.

6 (4) The department shall investigate the application and
7 report to the board.

8 (5) A person making any false or fraudulent statement
9 for the purpose of obtaining reimbursement commits a
10 misdemeanor of the third degree.

11 * * *

12 § 9018. Violations.

13 (a) Failure to report and pay; examinations; unlawful
14 acts.--

15 (1) A person commits a [misdemeanor of the third degree]
16 summary offense if the person does any of the following:

17 (i) Fails, neglects or refuses to make the report
18 and pay the tax, penalties and interest imposed by this
19 chapter.

20 (ii) Refuses to permit the department or any agent
21 appointed by it in writing to examine books, records,
22 papers, storage tanks or other equipment pertaining to
23 the use or sale and delivery of liquid fuels within this
24 Commonwealth.

25 (iii) Makes any incomplete, false or fraudulent
26 report or claim.

27 (iv) Attempts to do anything to avoid a full
28 disclosure of the amount of [liquid] motor fuels used or
29 sold and delivered or to avoid the payment of the tax,
30 penalties and interest due.

31 (v) Fines imposed for summary offenses under
32 paragraph (1) shall be in addition to any penalty imposed
33 by any other section or subsection of this chapter.

34 (2) Any partner or member of an association and any
35 officer of a corporation whose duty it was to make the report
36 required by this chapter [shall be subject to imprisonment
37 under paragraph (1)] commits a misdemeanor of the third
38 degree for failing to make the report required and attend to
39 the payment of the tax imposed by this chapter.

40 (3) [The fine under paragraph (1) shall be in addition
41 to any penalty imposed by any other section or subsection of
42 this chapter.] (Reserved).

43 (4) Upon conviction under paragraph (1) or (2), all of
44 the convicted distributor's permits shall be revoked.

45 * * *

46 (c) Penalty.--A person who violates any of the provisions of
47 subsection (a) (1) commits a summary offense. A person who
48 violates any of the provisions of [this section] subsection (a)
49 (2) or (b) commits a misdemeanor of the third degree. The [fine]
50 fines shall be in addition to any penalty imposed by any other
51 section or subsection of this chapter. Upon conviction, all of

1 the convicted person's permits shall be revoked.
2 § 9019. [Diesel] Motor fuel importers and transporters;
3 prohibiting use of dyed diesel fuel on highways;
4 violations and penalties.

5 (a) [Diesel] Motor fuel transporters.--

6 (1) A person must obtain a [diesel] motor fuel
7 transporter's permit in order to import, export or transport
8 within this Commonwealth diesel fuel, other than dyed diesel
9 fuel, via a pipeline or by means of a tank-truck vehicle,
10 railroad tank car or vessel with a capacity of 2,000 gallons
11 or more. The permit application must be filed with the
12 department upon a form prescribed by the department. The
13 permit requirement does not apply to import, export or
14 transport of natural gas via pipeline.

15 (2) A [fee of \$5] per vehicle fee shall be charged by
16 the department for the issuance of a transporter's permit.

17 (3) Every person required to obtain a permit under
18 paragraph (1) shall report under oath or affirmation to the
19 department on or before the last day of each month for the
20 preceding month all deliveries of [diesel] motor fuel, other
21 than dyed diesel fuel, and retail deliveries of kerosene in
22 quantities of less than 300 gallons per delivery to any point
23 within this Commonwealth, including any interstate or
24 intrastate movements of [diesel] motor fuel and any exports.
25 The form shall be prescribed by the department and may
26 require any of the following:

27 (i) The names and addresses of the cosigner and
28 cosignee, the seller or other party from whom the
29 [diesel] motor fuel was received, the buyer or other
30 party to whom the [diesel] motor fuel was delivered and
31 points to and from which the [diesel] motor fuel was
32 shipped or delivered.

33 (ii) The method of shipment or delivery.

34 (iii) The number of gallons.

35 (4) All shipments of [diesel] motor fuel, including dyed
36 diesel fuel, shall be accompanied by sales delivery tickets
37 or bills of lading. Shipments for which the required
38 documentation does not accompany the shipment or for which
39 the notice required with respect to dyed diesel fuel does not
40 comply with the requirements of subsection (b) shall be
41 presumed to not be shipments of dyed diesel fuel.

42 (5) A transporter report must be electronically filed in
43 accordance with the methods of filing prescribed for
44 distributors under section 9006(e) (relating to distributor's
45 report and payment of tax).

46 (6) (i) A transporter holding a distributor permit is
47 not required to file a transporter report but must
48 possess a transporter permit under this section.

49 (ii) Transport of certain alternative fuels may not
50 be subject to the permit and reporting requirements of
51 this section. The department shall publish an annual

1 notice indicating which types of alternative fuels
2 qualify for the transporter permit and reporting
3 requirements under in this section.

4 * * *

5 (c) Dyed diesel fuel not to be used on public highways.--

6 (1) A person may not operate a motor vehicle on the
7 public highways of this Commonwealth if the fuel supply tanks
8 of the vehicle contain dyed diesel fuel unless permitted to
9 do so under a Federal law or regulation relating to the use
10 of dyed diesel fuel on the highways.

11 (2) A person may not sell or deliver any dyed diesel
12 fuel knowing or having reason to know that the fuel will be
13 consumed in a highway use. A person who dispenses dyed diesel
14 fuel from a retail pump that is not properly labeled with the
15 notice required by subsection (b) or who knowingly delivers
16 dyed diesel fuel into the storage tank of such a pump shall
17 be presumed to know the fuel will be consumed on the highway.

18 (3) There is a rebuttable presumption that a vehicle
19 registered for use on the public highways is used on the
20 public highways.

21 (4) Notwithstanding paragraph (1) or (2), dyed diesel
22 fuel may be used in a school bus, provided the bus is used
23 exclusively for the transportation of school district
24 students in grades K through 12, provided the usage does not
25 conflict with the exemptions provided in section 4082 of the
26 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
27 4082).

28 (d) Violations.--A person may not do any of the following:

29 (1) Import, export or transport within this Commonwealth
30 diesel fuel, other than dyed [diesel] motor fuel, without the
31 permit required under subsection (a)(1).

32 (2) Transport [diesel] motor fuel in this Commonwealth
33 without the permit required under subsection (a)(1).

34 * * *

35 (g) Enforcement.--

36 (1) Any revenue enforcement agent or other person
37 authorized by the department may enter any place where motor
38 fuels are produced or stored and may physically inspect any
39 tank, reservoir or other container that can be used for the
40 production, storage or transportation of [diesel] motor
41 fuel, diesel fuel dyes or diesel fuel markers. Inspection may
42 also be made of any equipment used for or in connection with
43 the production, storage or transportation of diesel fuel,
44 diesel fuel dyes or diesel fuel markers. This includes any
45 equipment used for the dyeing or marking of diesel fuel.
46 Books, records and other documents may be inspected to
47 determine tax liability. An agent may detain a vehicle,
48 vessel or railroad tank car placed on a customer's siding for
49 use or storage for the purpose of inspecting fuel tanks or
50 fuel storage tanks as necessary to determine the amount and
51 composition of the fuel. An agent may take and remove samples

1 of [diesel] motor fuel in reasonable quantities necessary to
2 determine the composition of the fuel.

3 (2) A person that refuses to allow an inspection as
4 provided in this subsection commits a summary offense and
5 shall, upon conviction, be sentenced to pay a fine of not
6 less than \$1,000 nor more than \$2,000 for each refusal.

7 § 9022. Uncollectible [checks] payments.

8 If the payment of a tax, penalty or interest imposed by this
9 chapter is returned to the department as uncollectible, the
10 department shall [charge a fee of \$5 per hundred dollars or
11 fractional part thereof, plus all protest fees, to the person
12 presenting the check to the department] apply section 3003.9 of
13 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
14 Code of 1971.

15 Section 26.9. Title 75 is amended by adding a section to
16 read:

17 § 9023. Emergency assistance in a timely manner.

18 (a) Within this Commonwealth.--Upon the Governor's
19 declaration of a state of emergency in this Commonwealth, the
20 Secretary of Revenue may waive, suspend or otherwise modify any
21 provisions of this chapter for the sole purpose of enabling
22 motor carriers to respond to emergency conditions and conduct
23 emergency relief efforts in a timely manner. Such waivers,
24 suspensions or modifications shall be effective for a specific
25 period of time as determined by the secretary and shall not
26 exceed the termination of the state of emergency declared by the
27 Governor.

28 (b) Outside this Commonwealth.--The Secretary of Revenue,
29 with prior authorization from the Governor, may waive, suspend
30 or otherwise modify any provisions of this chapter on a
31 temporary and definite basis in order to facilitate the timely
32 movement of vehicles or fuel from and through this Commonwealth
33 to other jurisdictions requesting emergency assistance from this
34 Commonwealth.

35 (c) Recordkeeping.--Notwithstanding subsections (a) and (b),
36 each distributor, exempt entity or other person who buys, sells
37 or uses liquid fuels, fuels or alternative fuels pursuant to the
38 terms of an emergency declaration shall maintain records to
39 substantiate participation in the emergency relief efforts. Any
40 vehicle, other than a qualified motor vehicle as defined under
41 section 2101.1 (relating to definitions) or a vehicle operated
42 by an exempt entity traveling on the public highways of this
43 Commonwealth during the emergency period under subsection (a) or
44 (b) shall maintain records of purchases of tax-exempt fuel.

45 (d) Taxes not waived.--Unless specifically suspended by the
46 Secretary of Revenue, liquid fuels, fuels and alternative fuel
47 taxes imposed under section 9004 (relating to imposition of tax,
48 exemptions and deductions) shall not be waived for an emergency
49 period under subsection (a) or (b).

50 Section 26.10. Chapter 90 of Title 75 is amended by adding a
51 subchapter to read:

SUBCHAPTER C
ELECTRIC VEHICLE ROAD FEE

Sec.

9031. Short title of subchapter.

9032. Road use fee imposed on electric vehicles.

9033. Electricity not motor fuel.

9034. Fees for highway maintenance and construction.

9035. Exempt entities.

9036. Refunds.

9037. Motor carriers road tax and the International Fuel Tax Agreement.

§ 9031. Short title of subchapter.

This subchapter shall be known and may be cited as the Electric Vehicle Road Fee Act.

§ 9032. Road use fee imposed on electric vehicles.

(a) Fee required for registration.--Concurrent with submitting an annual vehicle registration application and fee to the Department of Transportation under section 1301 (relating to registration and certificate of title required), an owner of an electric vehicle shall submit the electric vehicle road fee. The following shall apply:

(1) Normal vehicle registration shall not be considered complete without payment in full of the electric vehicle road fee.

(2) The electric vehicle road fee shall be paid by each new owner registering the vehicle with the Commonwealth.

(b) Computation of electric vehicle road use fee.--

(1) The Department of Revenue shall compute the electric vehicle road fee for each major vehicle class defined in the CAFE standards.

(2) The electric vehicle road fee shall equal the average annual vehicle fuel tax within each vehicle class.

(3) The average annual vehicle fuel fee computation shall be as follows:

(i) The vehicle average miles driven divided by the miles per gallon equivalent per vehicle as determined by the department.

(ii) The quotient under subparagraph (i) shall be multiplied by the sum of liquid fuels and oil company franchise tax rates for gasoline and the product shall be the average annual vehicle fuel fee.

(4) The department shall annually determine the electric vehicle road fee for each vehicle class, to be published in the Pennsylvania Bulletin on or before December 15 of each year.

(c) Regulations.--The department shall promulgate regulations to address new vehicle technology.

§ 9033. Electricity not motor fuel.

(a) General rule.--Electricity used in an electric motor that propels a vehicle on the highways of this Commonwealth is not considered a motor fuel as defined under this chapter.

1 (b) Electric vehicles exempt from motor fuel taxes.--An
2 electric vehicle shall not pay a motor fuel tax under this
3 chapter unless the tax is assessed upon motor fuel that may also
4 be used in the vehicle.

5 § 9034. Fees for highway maintenance and construction.

6 A fee collected under this subchapter must be allocated to
7 the Motor License Fund in accordance with the allocations under
8 Chapter 95 (relating to taxes for highway maintenance and
9 construction). For purposes of aligning the electric vehicle
10 road fee with the allocations of taxes provided for in Chapter
11 95, the electric vehicle road fee must be allocated in the same
12 fashion as the oil company franchise tax in Chapter 95.

13 § 9035. Exempt entities.

14 An electric vehicle registered to an exempt entity is exempt
15 from paying the the electric vehicle road fee. An exempt entity
16 shall comply with the following usage and recordkeeping
17 requirements:

18 (1) If an electric vehicle registered to an exempt
19 entity is used for a nonexempt purpose during the
20 registration year, the exempt entity shall pay a fine to the
21 department of \$500. The vehicle owner is not eligible for a
22 refund of a registration fee that may have been paid for the
23 vehicle.

24 (2) An exempt entity applying for a refund under section
25 9007 (relating to assessment and reassessment of tax,
26 penalties and interest due) shall maintain records of vehicle
27 usage, certifying that an individual trip made by the vehicle
28 was for a qualified exempt use. Individual trip logs,
29 odometer readings and driver signatures shall be among the
30 records required to substantiate exempt use.

31 (3) The department may inspect the substantiating
32 records for an exempt entity at any time.

33 (4) The exempt entity shall cooperate with an agent of
34 the department in an inspection.

35 (5) An exempt entity that refuses to permit the
36 department or an agent appointed by it in writing to examine
37 the books, records, papers or other equipment associated with
38 the operation of an electric vehicle commits a summary
39 offense and shall pay a fine of \$500 for each electric
40 vehicle owned or operated by the exempt entity.

41 § 9036. Refunds.

42 A person may be entitled to a refund of the electric vehicle
43 road fee paid for a vehicle that would otherwise have been
44 exempt under section 9006 (relating to distributor's report and
45 payment of tax). A person entitled to a refund of the electric
46 vehicle road fee shall apply for an annual refund in a manner
47 similar to the refund process used for motor fuels under section
48 9017 (relating to refunds).

49 § 9037. Motor carriers road tax and the International Fuel Tax
50 Agreement.

51 The department shall promulgate regulations as necessary for

1 compliance with the motor carriers road tax and International
2 Fuel Tax Agreement.

3 Section 27. Section 9106 heading, (a) and (b) of Title 75
4 are amended to read:

5 § 9106. Dirt [and], gravel and low volume road maintenance.

6 (a) Statement of purpose.--It is the intent and purpose of
7 this section:

8 (1) To fund safe, efficient and environmentally sound
9 maintenance of sections of dirt and gravel roads which have
10 been identified as sources of dust and sediment pollution.

11 (2) To establish a dedicated and earmarked funding
12 mechanism that provides streamlined appropriation to the
13 county level and enables local officials to establish fiscal
14 and environmental controls.

15 (3) To fund safe, efficient and environmentally sound
16 maintenance of sections of low volume roads that are sealed
17 or paved with an average daily traffic count of 500 vehicles
18 or less.

19 (b) General rule.--Of the funds available under section
20 9502(a)(1) (relating to imposition of tax), [\$1,000,000]
21 \$7,000,000 shall be annually distributed to the Department of
22 Conservation and Natural Resources for the maintenance and
23 mitigation of dust and sediment pollution from parks and
24 forestry roads. Funds in the amount of [\$4,000,000] \$28,000,000
25 shall be appropriated annually to the State Conservation
26 Commission and administered in a nonlapsing, nontransferable
27 account restricted to maintenance and improvement of dirt [and],
28 gravel and low volume State and municipal roads. The State
29 Conservation Commission shall apportion the funds based on
30 written criteria it develops to establish priorities based on
31 preventing dust and sediment pollution. In the first fiscal
32 year, top priority shall be given to specific trouble spot
33 locations already mapped by the Task Force on Dirt and Gravel
34 Roads and available from the department. A minimum of \$8,000,000
35 of the total appropriated annually shall be for maintenance and
36 improvement of low volume roads.

37 * * *

38 Section 27.1. (Reserved).

39 Section 27.2. Sections 9301 and 9502(a) of Title 75 are
40 amended to read:

41 § 9301. Supplemental funding for municipal highway maintenance.

42 (a) Annual appropriation.--The General Assembly shall
43 annually appropriate, beginning with the 1980-1981 fiscal year,
44 the sum of \$5,000,000 for supplemental payments to
45 municipalities to assist in the maintenance and construction
46 costs of municipal roads. The moneys appropriated by authority
47 of this section shall be distributed to municipalities in
48 accordance with the provisions of the act of June 1, 1956 (1955
49 P.L.1944, No.655), entitled "An act providing a permanent
50 allocation of a part of the fuels and liquids fuels tax proceeds
51 to cities, boroughs, incorporated towns and townships, for their

1 road, street and bridge purposes; conferring powers and imposing
2 duties on local officers and the Department of Highways; and
3 making an appropriation out of the Motor License Fund; and
4 repealing existing legislation."

5 (b) County allocation supplement.--The amount of \$5,000,000
6 is hereby appropriated out of the Motor License Fund to counties
7 annually. The following shall apply:

8 (1) The distribution shall be in the ratio of:

9 (i) the square footage of deck area of a county's
10 county-owned bridges; to

11 (ii) the total square footage of deck area of
12 county-owned bridges throughout this Commonwealth.

13 (2) The amount of square footage under subparagraph (i)
14 shall be that reported as part of the National Bridge
15 Inspection Standards Program.

16 (c) Additional allocation to municipalities.--An amount of
17 \$30,000,000 is hereby appropriated out of the Motor License Fund
18 and shall be distributed to municipalities pursuant to the act
19 of June 1, 1956 (1955 P.L.1944, No.655), referred to as the
20 Liquid Fuels Tax Municipal Allocation Law.

21 § 9502. Imposition of tax.

22 (a) General rule.--

23 (1) An "oil company franchise tax for highway
24 maintenance and construction" which shall be an excise tax of
25 60 mills is hereby imposed upon all liquid fuels and fuels as
26 defined and provided in Chapter 90 (relating to liquid fuels
27 and fuels tax), and such tax shall be collected as provided
28 in section 9004(b) (relating to imposition of tax, exemptions
29 and deductions). Of the amount collected in fiscal year 2015-
30 2016, and each fiscal year thereafter, at the discretion of
31 the secretary, a minimum of \$20,000,000 and a maximum of
32 \$35,000,000 shall be deposited in the Multimodal
33 Transportation Fund established under 74 Pa.C.S. § 2101
34 (relating to Multimodal Transportation Fund), to be expended
35 in accordance with section 11 of Article VIII of the
36 Constitution of Pennsylvania.

37 (2) An additional 55 mills is hereby imposed on all
38 liquid fuels and fuels as defined and provided in Chapter 90
39 and such tax shall also be collected as provided in section
40 9004(b), the proceeds of which shall be distributed as
41 follows:

42 (i) [Forty-two] Twenty-nine percent to county
43 maintenance districts for highway maintenance for fiscal
44 year 2013-2014 and 19% for fiscal year 2014-2015 and each
45 year thereafter. This allocation shall be made according
46 to the formula provided in section 9102(b) (2) (relating
47 to distribution of State highway maintenance funds). This
48 allocation shall be made in addition to and not a
49 replacement for amounts normally distributed to county
50 maintenance districts under section 9102.

51 (ii) [Seventeen] Thirty percent for highway capital

1 projects[.] for fiscal year 2013-2014 and 40% for fiscal
2 year 2014-2015 and each year thereafter. Annually, until
3 fiscal year 2023-2024, an amount equal to 15% of all
4 appropriations to the department for highway and bridge
5 capital programs shall be distributed at the discretion
6 of the secretary from the amount distributed under this
7 subparagraph.

8 (iii) Thirteen percent for bridges.

9 (iv) Two percent for bridges identified as county
10 [or forestry] bridges. Distribution under this
11 subparagraph shall be in the ratio of:

12 (A) the square footage of deck areas, as
13 reported as part of the National Bridge Inspection
14 Standards Program, of a county's county-owned
15 bridges; to

16 (B) the total square footage of deck area, as
17 reported as part of the National Bridge Inspection
18 Standards Program, of all county-owned bridges in
19 this Commonwealth.

20 (v) Twelve percent for local roads pursuant to
21 section 9511(c) (relating to basic allocation to
22 municipalities).

23 (vi) Fourteen percent for toll roads designated
24 pursuant to the act of September 30, 1985 (P.L.240,
25 No.61), known as the Turnpike Organization, Extension and
26 Toll Road Conversion Act, to be appropriated under
27 section 9511(h).

28 (3) An additional 38.5 mills is hereby imposed upon all
29 liquid fuels and fuels as defined and provided in Chapter 90,
30 and such tax shall also be collected as provided in section
31 9004(b), the proceeds of which shall be deposited in The
32 Motor License Fund and distributed as follows:

33 (i) Twelve percent to municipalities on the basis of
34 and subject to the provisions of the act of June 1, 1956
35 (1955 P.L.1944, No.655), referred to as the Liquid Fuels
36 Tax Municipal Allocation Law, is appropriated.

37 (ii) [Eighty-eight percent to the department is
38 appropriated as follows:

39 (A) Forty-seven percent for distribution in
40 accordance with section 9102(b) (2) for fiscal year
41 1997-1998.

42 (B) Fifty-three percent for a Statewide highway
43 restoration, betterment and resurfacing program for
44 fiscal year 1997-1998.

45 (C) Fifty-seven percent for distribution in
46 accordance with section 9102(b) (2) for fiscal year
47 1998-1999.

48 (D) Forty-three percent for a Statewide highway
49 restoration, betterment and resurfacing program for
50 fiscal year 1998-1999.

51 (E) Sixty-seven percent for distribution in

1 accordance with section 9102(b)(2) for fiscal year
2 1999-2000.

3 (F) Thirty-three percent for a Statewide highway
4 restoration, betterment and resurfacing program for
5 fiscal year 1999-2000.

6 (G) Seventy-seven percent for distribution in
7 accordance with section 9201(b)(2) for fiscal year
8 2000-2001.

9 (H) Twenty-three percent for a Statewide highway
10 restoration, betterment and resurfacing program for
11 fiscal year 2000-2001.

12 (I) One hundred percent for distribution in
13 accordance with section 9102(b)(2) for fiscal year
14 2001-2002 and each year thereafter.

15 (J) For any fiscal year beginning with 1997-1998
16 through and including fiscal year 2000-2001, the
17 department shall make supplemental maintenance
18 program payments from the Statewide highway
19 restoration betterment program to those county
20 maintenance districts for which the total highway
21 maintenance appropriations and executive
22 authorizations in accordance with section 9102(b)
23 would be less than the amount received in 1996-1997
24 from the highway maintenance appropriation, the
25 Secondary Roads-Maintenance and Resurfacing Executive
26 Authorization, the Highway Maintenance Excise Tax
27 Executive Authorization and the Highway Maintenance
28 Supplemental Appropriation.

29 The words and phrases used in this paragraph shall have the
30 meanings given to them in section 9101 (relating to
31 definitions). This one-time allocation shall be made in
32 addition to and is not a replacement for amounts normally
33 distributed to county maintenance districts under section
34 9102.] Fifty-three percent to the department for distribution
35 in accordance with section 9102(b)(2) for fiscal year 2013-
36 2014 and 40% for fiscal year 2014-2015 and each fiscal year
37 thereafter.

38 (iii) Thirty-five percent to the department for
39 expanded highway and bridge maintenance for fiscal year
40 2013-2014 and 48% for fiscal year 2014-2015 and each
41 fiscal year thereafter to be distributed as follows:

42 (A) Annually, 15% of the amount deposited in a
43 fiscal year shall be distributed at the discretion of
44 the secretary.

45 (B) Any funds deposited but not distributed
46 under clause (A) shall be distributed in accordance
47 with the formula under section 9102(b)(2).

48 (C) Temporary transfers of funds may be made
49 between counties if required for project cash flow.

50 (4) An additional 55 mills is hereby imposed upon all
51 fuels as defined and provided in chapter 90 and such tax

1 shall also be collected as provided in section 9004(b) upon
2 such fuels, the proceeds of which shall be deposited in The
3 Highway Bridge Improvement Restricted Account within the
4 Motor License Fund and is hereby appropriated.

5 Section 28. Section 9511(b) and (g) of Title 75 are amended
6 and the section is amended by adding a subsection to read:
7 § 9511. Allocation of proceeds.

8 * * *

9 (b) State Highway Transfer Restoration Restricted Account
10 and local bridges.--

11 (1) The amount of the proceeds deposited in the Motor
12 License Fund pursuant to this chapter which[, in fiscal year
13 1983-1984,] is attributable to [two] ~~three~~ mills of the tax
14 imposed under section 9502(a) (relating to imposition of tax)
15 [and which, in fiscal year 1984-1985 and thereafter, is
16 attributable to three mills of the tax,] shall be deposited
17 as follows:

18 (i) For fiscal years 2013-2014 through fiscal year
19 2016-2017, as follows:

20 (A) Twenty-seven million dollars shall be
21 deposited in the State Highway Transfer Restoration
22 Restricted Account within the Motor License Fund. The
23 funds deposited in the State Highway Transfer
24 Restoration Restricted Account shall be appropriated
25 annually for expenditure as provided under subsection
26 (g).

27 (B) All funds not deposited in accordance with
28 clause (A) shall be deposited in the Highway Bridge
29 Improvement Restricted Account within the Motor
30 License Fund for local bridges, notwithstanding if
31 the project is administered by a county, municipality
32 or the department.

33 (ii) For fiscal year 2017-2018 and each fiscal year
34 thereafter, as follows:

35 (A) One and one-half mill shall be deposited in
36 the State Highway Transfer Restoration Restricted
37 Account within the Motor License Fund, which account
38 is hereby created. The funds deposited in the State
39 Highway Transfer Restoration Restricted Account are
40 hereby annually appropriated out of the account upon
41 authorization by the Governor for expenditure as
42 provided in subsection (g).

43 (B) One and one-half mill shall be deposited in
44 the Highway Bridge Improvement Restricted Account
45 within the Motor License Fund for local bridges,
46 notwithstanding if the project is administered by a
47 county, municipality or the department.

48 (2) If funds are available to make payments under
49 subsection (g)(1), the department may transfer funds
50 deposited under subparagraphs (i) and (ii) between the State
51 Highway Transfer Restoration Restricted Account and the

1 Highway Bridge Improvement Restricted Account at the
2 discretion of the secretary.

3 * * *

4 (g) Use of funds in the State Highway Transfer Restoration
5 Restricted Account.--The funds appropriated in subsection (b)
6 for deposit in the State Highway Transfer Restoration Restricted
7 Account shall be used to pay for the costs of restoration of
8 such highways as provided in Chapter 92 (relating to transfer of
9 State highways) and annual payments to the municipalities for
10 highway maintenance in accordance with the following:

11 (1) Annual maintenance payments shall be at the rate of
12 \$4,000 per mile for each highway or portion of highway
13 transferred under Chapter 92, section 222 of the act of June
14 1, 1945 (P.L.1242, No.428), known as the State Highway Law,
15 or any statute enacted in 1981.

16 (2) Annual maintenance payments shall be paid at the
17 same time as funds appropriated under the act of June 1, 1956
18 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax
19 Municipal Allocation Law, except that no maintenance payment
20 shall be paid for a highway until after the year following
21 its transfer to the municipality.

22 (3) Annual maintenance payments under this subsection
23 shall be in lieu of annual payments under the Liquid Fuels
24 Tax Municipal Allocation Law.

25 (4) Annual maintenance payments under this subsection
26 shall be deposited into the municipality's liquid fuels tax
27 account and may be used on any streets and highways in the
28 municipality in the same manner and subject to the same
29 restrictions as liquid fuels tax funds paid under the Liquid
30 Fuels Tax Municipal Allocation Law or, in the case of a
31 county, under section 10 of the act of May 21, 1931 (P.L.149,
32 No.105), known as The Liquid Fuels Tax Act.

33 * * *

34 (i) Refund to Pennsylvania Fish and Boat Commission.--

35 (1) When the tax imposed by this chapter has been paid
36 and the fuel on which the tax has been imposed has been
37 consumed in the operation of motorboats or watercraft upon
38 the waters of this Commonwealth, including waterways
39 bordering on this Commonwealth, the full amount of the tax
40 shall be refunded to the Boat Fund on petition to the board
41 in accordance with prescribed procedures.

42 (2) In accordance with such procedures, the Pennsylvania
43 Fish and Boat Commission shall biannually calculate the
44 amount of liquid fuels consumed by the motorcraft and furnish
45 the information relating to its calculations and data as
46 required by the board. The board shall review the petition
47 and motorboat fuel consumption calculations of the
48 commission, determine the amount of the oil company franchise
49 tax paid and certify to the State Treasurer to refund
50 annually to the Boat Fund the amount so determined. The
51 department shall be accorded the right to appear at the

1 proceedings and make its views known.

2 (3) For the fiscal years commencing July 1, 2013, July
3 1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the
4 money under paragraph (2) shall be used by the commission
5 acting by itself or by agreement with other Federal and State
6 agencies only for the improvement of hazardous dams
7 impounding waters of this Commonwealth on which boating is
8 permitted, including the development and construction of
9 boating areas and the dredging and clearing of water areas
10 where boats can be used. The commission shall present its
11 plan no later than September 30 of each year through
12 September 30, 2017, to the chairman and minority chairman of
13 the Transportation and Game and Fisheries Committees of the
14 Senate and the chairman and minority chairman of the
15 Transportation and Game and Fisheries Committees of the House
16 of Representatives regarding the use of the funds. For the
17 fiscal year commencing July 1, 2018, and for each fiscal year
18 thereafter, this money shall be used by the commission acting
19 by itself or by agreement with other Federal and State
20 agencies only for the improvement of the waters of this
21 Commonwealth on which motorboats are permitted to operate and
22 may be used for the development and construction of motorboat
23 areas; the dredging and clearing of water areas where
24 motorboats can be used; the placement and replacement of
25 navigational aids; the purchase, development and maintenance
26 of public access sites and facilities to and on waters where
27 motorboating is permitted; the patrolling of motorboating
28 waters; the publishing of nautical charts in those areas of
29 this Commonwealth not covered by nautical charts published by
30 the United States Coast and Geodetic Survey or the United
31 States Army Corps of Engineers and the administrative
32 expenses arising out of such activities; and other similar
33 purposes.

34 Section 28.1. Section 9602 of Title 75 is amended by adding
35 a definition to read:

36 § 9602. Definitions.

37 The following words and phrases when used in this chapter and
38 in Chapter 21 (relating to motor carriers road tax
39 identification markers) shall have the meanings given to them in
40 this section and in section 2101.1 (relating to definitions)
41 unless the context clearly indicates otherwise:

42 * * *

43 "Permit." A permit authorizing travel of a qualified
44 motor vehicle in this Commonwealth which is not suspended,
45 revoked or canceled.

46 * * *

47 Section 28.2. Section 9610 of Title 75 is amended to read:
48 § 9610. [Records.

49 Every motor carrier shall keep such records, in such form as the
50 department reasonably may prescribe, as will enable the carrier
51 to report and enable the department to determine the total

1 number of miles traveled by its entire fleet of qualified motor
2 vehicles, the total number of miles traveled in this
3 Commonwealth by the entire fleet, the total number of gallons of
4 motor fuel used by the entire fleet and the total number of
5 gallons of motor fuel purchased in this Commonwealth for the
6 entire fleet. All such records shall be safely preserved for a
7 period of four years in such manner as to insure their security
8 and availability for inspection by the secretary or any
9 authorized employee engaged in the administration of this
10 chapter. Upon application in writing, stating the reasons
11 therefor, the department may, in its discretion, consent to the
12 destruction of any such records at any time within that period
13 if the records pertain to a period which has been audited by the
14 department. Every taxpayer shall retain records required by this
15 chapter at a place within this Commonwealth, but a taxpayer who
16 elects to retain records outside of this Commonwealth shall
17 assume reasonable out-of-State audit expenses.] (Reserved).

18 Section 28.3. Title 75 is amended by adding a section to
19 read:

20 § 9610.1 Recordkeeping.

21 (a) Records.--Every motor carrier shall keep records, in a
22 form as the department may reasonably prescribe, as will enable
23 the carrier to report and enable the department to determine all
24 of the following:

25 (1) The total number of miles traveled by its entire
26 fleet of qualified motor vehicles.

27 (2) The total number of miles traveled in this
28 Commonwealth by the entire fleet.

29 (3) The total number of gallons of motor fuel used by
30 the entire fleet.

31 (4) The total number of gallons of motor fuel purchased
32 in this Commonwealth for the entire fleet.

33 (b) Record location.--Every taxpayer shall retain records
34 required by this chapter at a place within this Commonwealth.
35 A taxpayer who elects to retain records outside this
36 Commonwealth shall assume reasonable out-of-State audit
37 expenses.

38 (c) Record preservation.--Records shall be preserved for a
39 period of four years from the due date of the return or the date
40 filed, whichever is later. The preservation shall ensure their
41 security and availability for inspection by the secretary or any
42 authorized employee engaged in the administration of this
43 chapter. Records may be kept on microfilm, microfiche or other
44 computerized or condensed record storage system. Upon
45 application in writing, stating the reasons therefor, the
46 department may, in its discretion, consent to the destruction of
47 any such records at any time within that period if the records
48 pertain to a period which has been audited by the department.

49 (d) Record availability.--Records for International Fuel Tax
50 Agreement licensees must be made available upon request of a
51 member jurisdiction.

1 (e) Statute of limitations.--Failure to provide records
2 demanded for the purpose of audit shall extend the statute of
3 limitations until the records are provided.

4 (f) Separate accounting.--Bulk storage fuel purchases and
5 withdrawals and over-the-road purchases shall be accounted for
6 separately.

7 (g) International Fuel Tax Agreement vehicles.--The
8 International Fuel Tax Agreement vehicles whose base
9 jurisdiction is this Commonwealth shall follow the International
10 Fuel Tax Agreement Procedures Manual for the following
11 recordkeeping standards:

12 (1) Over-the-road fuel purchases.

13 (2) Bulk fuel purchases.

14 (3) Distance records.

15 (4) Acceptable source records for recording vehicle
16 distance information that shall include all of the following:

17 (i) The Individual Vehicle Mileage Record required
18 by the International Registration Plan.

19 (ii) A trip report that includes the information in
20 paragraphs (1) through (3), the starting and ending date
21 of the trip, the trip's origin and destination, including
22 city and state, routes of travel, starting and ending
23 odometer readings, vehicle unit number, vehicle fleet
24 number and licensee's name.

25 (iii) At the option of the carrier, on-board
26 recording devices that may be used in lieu of or in
27 addition to handwritten trip reports for fuel tax
28 reporting. On-board recording devices may be used alone
29 or in conjunction with an electronic computer system, or
30 in conjunction with manual systems.

31 (5) Data collection to obtain the information needed to
32 verify fleet distance, to prepare the Individual Vehicle
33 Distance Record and for fuel tax purposes, the carrier shall
34 maintain all mandatory and optional records as specified in
35 the International Fuel Tax Agreement Procedures Manual.

36 (6) International Fuel Tax Agreement decals shall be
37 considered records under this section. International Fuel Tax
38 Agreement motor carriers shall be responsible for maintaining
39 the decals for periods sufficient to meet the record
40 preservation rules under subsection (c). If a motor carrier
41 loses control of a decal for which it is responsible under
42 Chapter 21 (relating to motor carriers road tax
43 identification markers), the motor carrier shall notify the
44 department in writing of the loss within ten days. An owner-
45 operator to whom a licensed carrier has provided decals shall
46 remain responsible for the disposition of the owner-
47 operator's decals.

48 (h) Qualified motor vehicles.--A qualified motor vehicle not
49 subject to International Fuel Tax Agreement and holding a motor
50 carrier road tax license under Chapter 21 (relating to motor
51 carriers road tax identification markers) shall comply with

1 subsections (a) through (f). The qualified motor vehicle holding
2 the permit shall maintain responsibility for PA-MCRT decals in a
3 manner similar to that as provided for International Fuel Tax
4 Agreement decals in subsection (g)(6).

5 (i) Compliance.--Noncompliance with any recordkeeping
6 requirement under this section may cause revocation of the
7 license.

8 (j) Definition.--For purposes of this section, the term
9 "record," wherever applicable and practical, shall include
10 actual individual records of mileage traveled or receipts of
11 fuel purchased.

12 Section 28.4. Sections 9611 and 9613 of Title 75 are amended
13 to read:

14 § 9611. Surety bond for payment of taxes.

15 (a) General.--A motor carrier may give a surety company bond
16 in an amount deemed necessary by the department to protect the
17 revenues of the Commonwealth, payable to the Commonwealth of
18 Pennsylvania and conditioned that the carrier will pay all taxes
19 due and to become due under this chapter from the date of the
20 bond to the date when either the carrier or the bonding company
21 notifies the department that the bond has been canceled. The
22 surety shall be a corporation authorized to write surety bonds
23 in this Commonwealth. As long as the bond remains in force, the
24 Board of Finance and Revenue may order refunds to the motor
25 carrier in the amounts appearing to be due on applications duly
26 filed by the motor carrier under section 9604 (relating to
27 credit for motor fuel tax payment), without first auditing the
28 records of the carrier. The bond shall cover taxes and interest
29 due thereon even though the assessment is made after
30 cancellation of the bond, but only for taxes due and payable
31 while the bond was in force and penalties and interest on such
32 taxes.

33 (b) Conditions for bonding.--The department may require a
34 licensee to post a bond if any of the following conditions
35 exist:

36 (1) The licensee fails to timely file tax returns or
37 remit taxes.

38 (2) When an audit, examination or inspection of records
39 indicates problems severe enough that, in the department's
40 discretion, a bond is required to protect the interests of
41 the Commonwealth or member jurisdictions.

42 (3) As may be required under the International Fuel Tax
43 Agreement.

44 (c) Surety amount.--The total amount of the bond shall be
45 determined by the department and shall be equivalent to at least
46 twice the amount of the estimated average tax liability for the
47 tax reporting period for which the licensee shall be required to
48 file a tax return.

49 (d) Surety substitute.--Upon approval by the department, in
50 lieu of a surety bond, an International Fuel Tax Agreement
51 licensee or applicant for a new International Fuel Tax Agreement

1 license may deposit a substitute type of surety as provided for
2 in the International Fuel Tax Agreement Articles of Agreement
3 and Procedures Manual.

4 (e) Demand on bond.--In order to secure the revenues of the
5 Commonwealth or member jurisdictions, the department shall have
6 the discretion to make demand on a taxpayer's surety bond upon
7 discovering a failure to timely file a report or payment as
8 required under section 9605 (relating to tax due date).

9 (f) Applicability.--Bond requirements under this section may
10 apply to new International Fuel Tax Agreement license applicants
11 and existing International Fuel Tax Agreement licensees.

12 § 9613. Penalty and interest for failure to report or pay tax.

13 When any motor carrier fails to file a report [and] or pay
14 the tax within the time prescribed by this chapter for the
15 filing [and] or payment thereof, he shall pay as a penalty for
16 each failure to file or to pay on or before the prescribed date
17 a sum equivalent to 10% of the tax or \$50, whichever is greater.
18 In addition to this penalty, any unpaid tax shall bear interest
19 at the current rate [of 1% per month or fraction thereof]
20 imposed by the International Fuel Tax Agreement until the tax is
21 paid. If the Commonwealth ceases to participate in the
22 International Fuel Tax Agreement, the rate shall be 1% per month
23 or fraction thereof until the tax is paid. The penalties and
24 interest charges imposed shall be paid to the department in
25 addition to the tax due. This section shall apply to any
26 qualified motor vehicle, including a qualified motor vehicle
27 bearing an International Fuel Tax Agreement or motor carrier
28 road tax license and decal in accordance with Chapter 21
29 (relating to motor vehicle road tax carriers identification
30 markers).

31 Section 28.5. Section 9615(e) of Title 75 is amended and the
32 section is amended by adding a subsection to read:

33 § 9615. Manner of payment and recovery of taxes, penalties and
34 interest.

35 * * *

36 [(e) Renewal of lien.--The lien imposed under this section
37 shall continue for five years from the date of its entry of
38 record and may be renewed and continued in the manner provided
39 for the renewal of judgments.]

40 (e.1) Renewal of lien.--A lien under this section shall
41 continue as specified under section 1401 of the act of April 9,
42 1929 (P.L.343, No.176), known as The Fiscal Code.

43 Section 28.6. Sections 9616(a), (e) and (f) and 9617 are
44 amended to read:

45 § 9616. [Determination, redetermination] Assessment,
46 reassessment and review.

47 (a) Failure to pay tax.--If any person fails to pay any tax
48 imposed by this chapter for which he is liable, the department
49 may make [a determination] an assessment of additional tax and
50 interest due by such person based upon any information within
51 its possession or that shall come into its possession. All

1 [determinations] assessments shall be made so that notice
2 thereof shall reach the parties against whom made within five
3 years after the due date of the tax. Any assessment may be made
4 at any time during that period notwithstanding that the
5 department may have made one or more previous assessments
6 against the taxpayer for the year in question or for any part of
7 that year. In any case, no credit shall be given for any penalty
8 previously assessed or paid.

9 * * *

10 (e) Petition for [redetermination] reassessment.--Promptly
11 after the date of the [determination] assessment, the department
12 shall send, by first class mail, a copy thereof to the person
13 against whom it was made. Within 90 days after the date upon
14 which the copy of any such [determination] assessment was
15 mailed, such person may file with the department a petition for
16 [redetermination] reassessment of the taxes. The petition for
17 [redetermination] reassessment shall state specifically the
18 reasons which the petitioner believes entitle him to the
19 [redetermination] reassessment, and it shall be supported by
20 affirmation that it is not made for the purpose of delay and
21 that the facts set forth therein are true. It shall be the duty
22 of the department, within six months after the date of any
23 determination, to dispose of any petition for redetermination.
24 Notice of the action taken upon any petition for redetermination
25 shall be given to the petitioner promptly after the date of
26 redetermination by the department.

27 (f) [Review and appeal.--Any person shall have the right to
28 review by the Board of Finance and Revenue and appeal in the
29 same manner and within the same time as provided by law in the
30 case of capital stock and franchise taxes imposed upon
31 corporations.] A person dissatisfied with the decision of the
32 department under subsection (b) shall have the right to petition
33 for review by the Board of Finance and Revenue in accordance
34 with Article XXVII of the act of March 4, 1971 (P.L.6, No.2),
35 known as the Tax Reform Code of 1971.

36 § 9617. [Timely mailing treated as timely filing and payment.

37 With respect to all reports, claims, statements and other
38 documents required to be filed and all payments required to be
39 made under this chapter, any such report, claim, statement and
40 other document or payment of tax withheld shall be considered as
41 timely filed if the report, claim, statement or other document
42 or payment which has been received by the department is
43 postmarked by the United States Postal Service on or prior to
44 the final day on which payment is to be received. For the
45 purposes of this chapter, the presentation of a receipt
46 indicating that the report, claim, statement or other document
47 or payment was mailed by registered or certified mail on or
48 before the due date shall be prima facie evidence of timely
49 filing of the report, claim, statement or other document or
50 payment.] (Reserved).

51 Section 28.6. Title 75 is amended by adding sections to

1 read:

2 § 9617.1. Method of filing and timeliness.

3 (a) Electronic filing.--Except as provided for under
4 subsection (b), unless specifically provided for by law, all
5 reports, payments and petitions shall be filed electronically
6 with the department. Upon receipt of an electronic filing by the
7 department, the filing shall be deemed to have occurred on the
8 specific date and time indicated by the department's computers
9 or systems.

10 (b) Exceptions.--

11 (1) Electronic filing shall not be required for any
12 payment amounts less than \$1,000.

13 (2) A motor carrier may be excused from electronic
14 filing that is otherwise required by law upon presenting to
15 the department evidence of hardship in filing electronically.
16 Such evidence shall be provided to and accepted by the
17 department before the due date for the report, payment or
18 petition.

19 (3) Electronic filing shall not be accepted by the
20 department for certain required filings under this chapter
21 where the department does not have the technical capability
22 to process such an electronic filing.

23 (c) United States Postal Service filing.--

24 (1) Whenever a report, payment or petition is required
25 or allowed by law to be filed with the department by United
26 States Postal Service, all of the following shall apply:

27 (i) If the report must be received by the department
28 on or before a day certain, the taxpayer shall be deemed
29 to have complied with the law if the correctly addressed
30 envelope transmitting the report, payment or petition
31 received by the department is postmarked by United States
32 Postal Service on or before the final day on which the
33 report, payment or petition is required to be received.

34 (ii) For the purposes of this subsection,
35 presentation of a receipt from United States Postal
36 Service indicating that the correctly addressed envelope
37 transmitting the report, payment or petition received by
38 the department was mailed on or before the due date shall
39 be evidence of timely filing and payment.

40 (d) Applicability.--This section shall not apply to any
41 report, payment or petition that is required by law to be
42 delivered by any method other than mailing.

43 § 9623. Uncollectible payments.

44 If the payment of a tax, penalty or interest imposed by this
45 chapter is returned to the department as uncollectible, the
46 department shall follow section 3003.9 of the act of March 4,
47 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

48 § 9624. Emergency assistance in a timely manner.

49 (a) Within this Commonwealth.--Upon the Governor's
50 declaration of a state of emergency in this Commonwealth, the
51 Secretary of Revenue may waive, suspend or otherwise modify any

1 provisions of this chapter for the sole purpose of enabling
2 motor carriers to respond to emergency conditions and conduct
3 emergency relief efforts in a timely manner. The waivers,
4 suspensions or modifications shall be effective for a specific
5 period of time as determined by the Secretary of Revenue and
6 shall not exceed the termination of the state of emergency
7 declared by the Governor.

8 (b) Outside this Commonwealth.--The Secretary of Revenue,
9 with prior authorization from the Governor, may waive, suspend
10 or otherwise modify any provisions of this chapter on a
11 temporary and definite basis in order to facilitate the timely
12 movement of vehicles or fuel from and through this Commonwealth
13 to other jurisdictions requesting emergency assistance from this
14 Commonwealth.

15 (c) Recordkeeping.--Notwithstanding subsections (a) and (b),
16 each distributor, exempt entity or other person who buys, sells
17 or uses liquid fuels, fuels or alternative fuels pursuant to the
18 terms of an emergency declaration shall maintain records to
19 substantiate participation in emergency relief efforts. A
20 vehicle, other than a qualified motor vehicle as defined under
21 section 2101.1 (relating to definitions) or a vehicle operated
22 by an exempt entity traveling on the public highways of this
23 Commonwealth during the emergency period under subsection (a) or
24 (b) must maintain records of purchases of tax-exempt fuel.

25 (d) Taxes not waived.--Unless suspended by the Secretary of
26 Revenue, liquid fuels, fuels and alternative fuel taxes imposed
27 under section 9004 may not be waived for an emergency period
28 under subsection (a) or (b).

29 Section 29. (Reserved).

30 Section 30. The addition of 74 Pa.C.S. § 9202 shall apply to
31 contracts entered into on or after the effective date of this
32 section.

33 Section 31. The General Assembly declares that the amendment
34 of 75 Pa.C.S. § 4968(a.2)(4) shall not affect the Department of
35 Transportation's requirements regarding the permit for the
36 movement of raw milk found at 50A on pages 83 and 84 of the
37 Department of Transportation's Publication 31.

38 Section 32. Repeals are as follows:

39 (1) The General Assembly declares that the repeal under
40 paragraph (2) is necessary to effectuate the following:

41 (i) The addition of 74 Pa.C.S. § 1505.1.

42 (ii) The amendment of 74 Pa.C.S. § 1506(c)(3).

43 (2) Sections 281.2(b), (d) and (e) and 1110-A(c) and
44 Article XXIII of the act of March 4, 1971 (P.L.6, No.2),
45 known as the Tax Reform Code of 1971, are repealed.

46 Section 33. This act shall take effect as follows:

47 (1) The following provisions shall take effect
48 immediately:

49 (i) This section.

50 (ii) The addition of 74 Pa.C.S. Ch. 59 Subch. C.

51 (iii) The addition of 75 Pa.C.S. § 4968(a.1)(3),

1 (a.2) (4) and (b).

2 (2) The remainder of this act shall take effect in 60

3 days.

AMENDMENTS TO HOUSE BILL NO. 106

Sponsor: REPRESENTATIVE DiGIROLAMO

Printer's No. 2654

1 Amend Bill, page 1, lines 1 through 7, by striking out all of
2 said lines and inserting

3 Amending Titles 74 (Transportation) and 75 (Vehicles) of the
4 Pennsylvania Consolidated Statutes, in Title 74, providing
5 for organization; in sustainable mobility options, further
6 providing for definitions and for department authorization;
7 providing for fees and taxes; further providing for the
8 Public Transportation Trust Fund, for application and
9 approval process, for report to Governor and General
10 Assembly, for coordination and consolidation, for operating
11 program, for asset improvement program, for programs of
12 Statewide significance and for capital improvements program;
13 establishing the Alternative Energy Capital Investment
14 Program; providing for local tax for mass transportation and
15 for multimodal transportation funding; in airport operation
16 and zoning, providing for first class city consolidated car
17 rental facility; in aviation development, further providing
18 for tax on jet fuels; in turnpike, further providing for
19 definitions and for electronic toll collection; in turnpike
20 commission standards of conduct, further providing for annual
21 report and for code of conduct; in public-private
22 transportation partnerships, further providing for public-
23 private transportation partnership agreement; providing for
24 traffic signals, for the bridge bundling program, for local
25 bridge maintenance and for public utility facilities; in
26 Title 75, in registration of vehicles, further providing for
27 period of registration and for display of plate and providing
28 for suspension of registration upon unpaid tolls; in
29 financial responsibility, further providing for required
30 financial responsibility; in fees, further providing for
31 limitation on local license fees and taxes, for collection
32 and disposition of fees and moneys and for annual
33 registration fees; providing for fee for local use; further
34 providing for driver's license and learner's permit, for
35 certificate of title, for security interest, for information
36 concerning drivers and vehicles, for certified copies of
37 records and for certificate of inspection; in motor carriers
38 road tax identification markers, further providing for

1 definitions, for identification markers and license or road
2 tax registration card required, for false statements and
3 penalties and for exemptions; providing for uncollectible
4 payments and for emergency proclamations; in general
5 provisions, further providing for obedience to traffic-
6 control devices; in size, weight and load, further providing
7 for restrictions on use of highways and bridges and for
8 permit for movement during course of manufacture; in powers
9 of department and local authorities, further providing for
10 regulation of traffic on Pennsylvania Turnpike; in
11 Pennsylvania Turnpike, further providing for definitions, for
12 lease of Interstate 80 and related agreements and for deposit
13 and distribution of funds; in liquid fuels and fuels tax,
14 making editorial changes, further providing for definitions,
15 for liquid fuels and fuels permits, bond or deposit of
16 securities, for imposition of tax, exemptions and deductions,
17 for taxpayer, for distributor's report and payment of tax,
18 for determination and redetermination of tax, penalties and
19 interest due, for examination of records and equipment, for
20 retention of records by distributors and dealers, for
21 discontinuance or transfer of business, for suspension or
22 revocation of permits, for lien of taxes, penalties and
23 interest, for collection of unpaid taxes, for reports from
24 common carriers, for reward for detection of violations, for
25 refunds, for violations and for diesel fuel importers and
26 transporters; prohibiting use of dyed diesel fuel on
27 highways; violations and penalties, for uncollectible checks;
28 providing for emergency assistance in a timely manner and for
29 an electric vehicle road fee; in State highway maintenance,
30 further providing for dirt and gravel road maintenance; in
31 supplemental funding for municipal highway maintenance,
32 further providing for supplemental funding for municipal
33 highway maintenance; in taxes for highway maintenance and
34 construction, further providing for imposition of tax and for
35 allocation of proceeds; in motor carriers road tax, further
36 providing for definitions and for records; providing for
37 recordkeeping; further providing for surety bond for payment
38 of taxes, for penalty and interest for failure to report or
39 pay tax, for manner of payment and recovery of taxes,
40 penalties and interest, for determination, redetermination
41 and review, for timely mailing treated as timely filing and
42 payment; providing for method of filing and timeliness, for
43 uncollectible payments, for emergency assistance in a timely
44 manner; providing for the permit for the movement of raw
45 milk; and making a related repeals.

46 The General Assembly finds and declares as follows:

47 (1) It is the purpose of this act to ensure that a safe
48 and reliable system of transportation is available to the
49 residents of this Commonwealth.

50 (2) The Commonwealth's transportation system includes
51 nearly 40,000 miles of roads and 25,000 bridges owned by the

1 Commonwealth, nearly 77,000 miles of roads and 12,000 bridges
2 owned by counties and municipal governments, 36 fixed-route
3 public transportation agencies, 67 railroads, 133 public use
4 airports, the Ports of Erie, Philadelphia and Pittsburgh, and
5 numerous bicycle and pedestrian facilities.

6 (3) The Commonwealth's transportation system provides
7 for access to employment, educational services, medical care
8 and other life-sustaining services for all residents of this
9 Commonwealth, including senior citizens and people with
10 disabilities.

11 (4) The Department of Transportation of the Commonwealth
12 has indicated that 9,000 miles of roads owned by the
13 Commonwealth are in poor condition and that 4,400 bridges
14 owned by the Commonwealth are rated structurally deficient.
15 The State Transportation Advisory Committee has indicated
16 that 2,189 bridges exceeding 20 feet in length owned by
17 counties and municipalities are rated structurally deficient.

18 (5) There is urgent public need to reduce congestion,
19 increase capacity, improve safety and promote economic
20 efficiency of transportation facilities throughout this
21 Commonwealth.

22 (6) The Commonwealth has limited resources to fund the
23 maintenance and expansion of its transportation facilities.

24 (7) The State Transportation Advisory Committee reported
25 in 2010 that the Commonwealth's transportation system is
26 underfunded by \$3,500,000,000 and projected that amount will
27 grow to \$6,700,000,000 by 2020 without additional financial
28 investment by the Commonwealth.

29 (8) To ensure the needs of the public are adequately
30 addressed, funding mechanisms must be enhanced to sustain the
31 Commonwealth's transportation system in the future.

32 (9) The utilization of user fees establishes a funding
33 source for transportation needs that spreads the costs across
34 those who benefit from the Commonwealth's transportation
35 system.

36 (10) Pursuant to section 11 of Article VIII of the
37 Constitution of Pennsylvania, all highway and bridge user
38 fees must be used solely for construction, reconstruction,
39 maintenance and repair of and safety on public highways and
40 bridges and costs and expenses incident thereto.

41 (11) In order to ensure a safe and reliable system of
42 public transportation, aviation, ports, rail and bicycle and
43 pedestrian facilities, other transportation-related user fees
44 must be deposited in the Public Transportation Trust Fund and
45 the Multimodal Transportation Fund.

46 (12) In furtherance of the Commonwealth's energy policy,
47 which includes becoming independent from overreliance on
48 foreign energy sources, programs must be established to
49 promote reliance on or conversion to alternative energy
50 sources, including the vast natural gas supply of this
51 Commonwealth.

1 (13) Recognition and furtherance of all these elements
2 is essential to promoting the health, safety and welfare of
3 the citizens of this Commonwealth.

4 Amend Bill, page 2, lines 22 through 30; page 3, lines 1
5 through 16, by striking out all of said lines on said pages and
6 inserting

7 Section 1. Title 74 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 2
10 ORGANIZATION

11 Sec.

12 201. Definitions.

13 202. Deputy secretaries.

14 § 201. Definitions.

15 The following words and phrases when used in this chapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Department." The Department of Transportation of the
19 Commonwealth.

20 "Secretary." The Secretary of Transportation of the
21 Commonwealth.

22 § 202. Deputy secretaries.

23 (a) Appointment.--The secretary shall appoint the following
24 deputy secretaries:

25 (1) Deputy Secretary for Administration.

26 (2) Deputy Secretary for Driver and Vehicle Services.

27 (3) Deputy Secretary for Highway Administration.

28 (4) Deputy Secretary for Multimodal Transportation.

29 (5) Deputy Secretary for Planning.

30 (b) Administration.--The Deputy Secretary for Administration
31 has the powers and duties of the department under law relating
32 to all of the following:

33 (1) Fiscal affairs.

34 (2) Operations analysis and improvement.

35 (3) Information services.

36 (4) Office services.

37 (5) Human resources.

38 (6) Equal opportunity.

39 (c) Driver and vehicle services.--The Deputy Secretary for
40 Driver and Vehicle Services has the powers and duties of the
41 department under law relating to all of the following:

42 (1) Drivers.

43 (2) Vehicles.

44 (3) Vehicle and driver safety.

45 (4) Services for other modes of transportation.

46 (d) Highway administration.--The Deputy Secretary for
47 Highway Administration has the powers and duties of the
48 department under law relating to all of the following:

- 1 (1) Design of highways and bridges.
- 2 (2) Land acquisition for highways and bridges.
- 3 (3) Construction and reconstruction of highways and
- 4 bridges.
- 5 (4) Maintenance and operation of highways and bridges.
- 6 (5) Highway and bridge safety.

7 (e) Multimodal transportation.--The Deputy Secretary for
8 Multimodal Transportation has the powers and duties of the
9 department under law relating to modes of transportation other
10 than highways, except recreational boating and ferry licensing,
11 including all of the following:

- 12 (1) Local and public transportation.
- 13 (2) Rail freight.
- 14 (3) Ports and waterways.
- 15 (4) Aviation and airports.

16 (f) Planning.--The Deputy Secretary of Planning has the
17 powers and duties of the department under law relating to all of
18 the following:

- 19 (1) Planning and research.
- 20 (2) Program development and management.
- 21 (3) Services to municipalities.

22 Section 2. (Reserved.)

23 Section 3. The definitions of "base operating allocation"
24 and "capital expenditures" in section 1503 of Title 74 are
25 amended to read:

26 § 1503. Definitions.

27 The following words and phrases when used in this chapter
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 * * *

31 "Base operating allocation." The total amount of State
32 operating assistance, reimbursement in lieu of fares for senior
33 passengers and other assistance which was used for operating
34 assistance as determined by the department in [fiscal year 2005-
35 2006] the last full fiscal year that the qualifying local
36 transportation organization received the assistance, including
37 the funds received under section 1517.1 (relating to Alternative
38 Energy Capital Investment Program).

39 "Capital expenditures." All costs of capital projects,
40 including, but not limited to, the costs of acquisition,
41 construction, installation, start-up of operations, improvements
42 and all work and materials incident thereto. At the discretion
43 of the department, preventive maintenance expenses, as defined
44 by the Federal Transit Administration, may be deemed eligible as
45 a capital expenditure based on written approval by the
46 department.

47 * * *

48 Section 4. Section 1504(a) of Title 74 is amended to read:
49 § 1504. Department authorization.

50 (a) General.--

- 51 (1) The department may, within the limitations provided

1 in this chapter, incur costs directly and provide financial
2 assistance for the purposes and activities enumerated in this
3 chapter.

4 (2) The department may either by contract or with its
5 own personnel, directly provide the programs, activities and
6 services enumerated in this chapter. The operation of the
7 programs, activities and services by the department is not
8 subject to the jurisdiction of the Pennsylvania Public
9 Utility Commission.

10 * * *

11 Section 4.1. Title 74 is amended by adding a section to
12 read:

13 § 1505.1. Fees and taxes.

14 (a) Deposit.--Funds received under this section, as
15 estimated and certified by the Secretary of Revenue, shall be
16 deposited within five days of the end of each month into the
17 fund.

18 (b) Applicability.--Except as specifically provided, the
19 provisions of Article II of the act of March 4, 1971 (P.L.6,
20 No.2), known as the Tax Reform Code of 1971, shall apply to the
21 fees and taxes imposed under subsections (c), (d) and (e).

22 (c) Tire fee.--A fee on each sale in this Commonwealth of a
23 new tire for highway use is imposed at the rate of \$2 per tire.
24 The fee shall be collected by the seller from the purchaser and
25 remitted to the Department of Revenue.

26 (d) Lease tax.--The following shall apply:

27 (1) An additional tax of 6% of the total lease price
28 charged is imposed on a lease of a motor vehicle which is
29 subject to a tax under Article II of the Tax Reform Code.

30 (2) As used in this subsection on and after April 1,
31 1995, the term "motor vehicle" shall not include trucks in
32 Class 4 or higher as defined in 75 Pa.C.S. § 1916(a) (1)
33 (relating to trucks and truck tractors).

34 (e) Rental tax.--A fee of \$2 for each day or part of a day
35 for which a vehicle is rented is imposed on a rental of a motor
36 vehicle which is subject to a tax under Article II of the Tax
37 Reform Code.

38 (f) Exclusions or exemptions.--No exclusion or exemption,
39 except for an exclusion or exemption provided for a governmental
40 entity under Article II of the Tax Reform Code, shall apply to
41 the fees and taxes imposed under this section.

42 Section 4.2. Section 1506(b) (1), (c) and (e) of Title 74 are
43 amended to read:

44 § 1506. Fund.

45 * * *

46 (b) Deposits to fund by department.--

47 (1) The following apply:

48 (i) [Except as provided under subparagraph (ii),
49 upon] Upon receipt, the department shall deposit into the
50 fund the revenues received by the department under 75
51 Pa.C.S. Ch. 89 (relating to Pennsylvania Turnpike) and

1 the lease agreement executed between the department and
2 the Pennsylvania Turnpike Commission under 75 Pa.C.S. §
3 8915.3 (relating to lease of Interstate 80; related
4 agreements) as follows:

5 (A) For fiscal year 2007-2008, \$250,000,000.

6 (B) For fiscal year 2008-2009, \$250,000,000.

7 (C) For fiscal year 2009-2010, \$250,000,000.

8 (D) For fiscal year 2010-2011 and each fiscal
9 year thereafter[, the amount calculated for the
10 previous fiscal year, increased by 2.5%] through
11 fiscal year 2020-2021, \$250,000,000.

12 (ii) The deposits made to the fund under this
13 subsection shall equal \$250,000,000 [annually for each
14 fiscal year commencing after the expiration of the
15 conversion period if the conversion notice is not
16 received by the secretary prior to expiration of the
17 conversion period as set forth under 75 Pa.C.S. §
18 8915.3(3).] for fiscal years 2013-2014 through 2020-2021.
19 No additional payments shall be due following fiscal year
20 2020-2021.

21 * * *

22 (c) Other deposits.--The following shall be deposited into
23 the fund annually at the following rates:

24 (1) 4.4% of the amount collected under Article II of the
25 Tax Reform Code. Revenues under this paragraph shall be
26 deposited into the fund by the 20th day of each month for the
27 preceding month. The amount deposited under this paragraph is
28 estimated to be equivalent to the money available to the
29 department from the following sources:

30 (i) The Supplemental Public Transportation Account
31 established under former section 1310.1 (relating to
32 supplemental public transportation assistance funding).

33 (ii) The amount appropriated annually by the
34 Commonwealth from the General Fund for mass transit
35 programs pursuant to a General Appropriations Act.

36 (2) An amount of proceeds of Commonwealth capital bonds
37 as determined annually by the Secretary of the Budget.

38 (3) [Revenue in the Public Transportation Assistance
39 Fund established under Article XXIII of the Tax Reform Code
40 not otherwise dedicated pursuant to law.] Fees collected
41 under section 1505.1 (relating to fees and taxes).

42 (3.1) If, by July 1, 2021, legislation is not enacted to
43 replace the revenue deposited in the fund under subsection
44 (b)(1), in fiscal year 2021-2022 and in each fiscal year
45 thereafter, the following shall apply:

46 (i) An amount equal to that revenue shall be
47 deposited in the fund.

48 (ii) Notwithstanding any other provision of law, the
49 source of the revenue deposited in the fund under this
50 paragraph shall be the receipts from the tax collected
51 under section 238 of the Tax Reform Code on motor

1 vehicles, trailers and semi-trailers.

2 (3.2) The revenue deposited in the fund in accordance
3 with 75 Pa.C.S. § 3111(a.1)(2)(ii) (relating to obedience to
4 traffic control devices).

5 (4) Other appropriations, deposits or transfers to the
6 fund.

7 * * *

8 (e) Program funding amounts.--Subject to available funds,
9 the programs established under this chapter shall be funded
10 annually as follows:

11 (1) For the program established under section 1513
12 (relating to operating program), the following amounts shall
13 be allocated from the fund:

14 (i) [All] From the revenues deposited in the fund
15 under subsection (b)(1)[.]:

16 (A) For fiscal years 2013-2014 and 2014-2015,
17 \$121,000,000.

18 (B) For fiscal years 2015-2016 and 2016-2017,
19 \$30,000,000.

20 (c) For each fiscal year beginning after June
21 30, 2017, %0.00.

22 (ii) All revenues deposited in the fund under
23 subsection (b)(2).

24 (iii) [69.99%] 86.76% of the revenues deposited in
25 the fund under subsection (c)(1).

26 (iv) All revenues deposited into the fund under
27 subsection (c)(3).

28 (v) From the revenues deposited in the fund received
29 by the department under 75 Pa.C.S. § 1904 (relating to
30 collection and disposition of fees and moneys) after the
31 allocation of 23% to the Multimodal Transportation Fund:

32 (A) For fiscal years 2013-2014, 2014-2015, 2015-
33 2016, and 2016-2017, all of the revenue.

34 (B) For each fiscal year beginning after June
35 30, 2017, two-thirds of the revenue.

36 (2) (i) [Except as provided under subparagraph (ii),
37 for] For the program established under section 1514 (relating
38 to asset improvement program):

39 (A) By the proceeds of Commonwealth capital
40 bonds deposited into the fund under subsection (c)
41 (2).

42 [(A.1) For fiscal year 2007-2008, \$50,000,000
43 from the revenues received by the department under 75
44 Pa.C.S. Ch. 89 and the lease agreement executed
45 between the department and the Pennsylvania Turnpike
46 Commission under 75 Pa.C.S. § 8915.3. The amount
47 received by the department under this section shall
48 be deposited into the fund prior to distribution and
49 shall be in addition to the amounts received under
50 subsection (b)(1).

51 (B) For fiscal year 2008-2009, \$100,000,000 from

1 the revenues received by the department under 75
2 Pa.C.S. Ch. 89 and the lease agreement executed
3 between the department and the Pennsylvania Turnpike
4 Commission under 75 Pa.C.S. § 8915.3. The amount
5 received by the department under this section shall
6 be deposited into the fund prior to distribution and
7 shall be in addition to the amounts received under
8 subsection (b)(1).

9 (C) For fiscal year 2009-2010, \$150,000,000 from
10 the revenues received by the department under 75
11 Pa.C.S. Ch. 89 and the lease agreement executed
12 between the department and the Pennsylvania Turnpike
13 Commission under 75 Pa.C.S. § 8915.3. The amount
14 received by the department under this section shall
15 be deposited into the fund prior to distribution and
16 shall be in addition to the amounts received under
17 subsection (b)(1).

18 (D) For fiscal year 2010-2011 and each fiscal
19 year thereafter, the amount calculated for the prior
20 fiscal year increased by 2.5% from the revenues
21 received by the department under 75 Pa.C.S. Ch. 89
22 and the lease agreement executed between the
23 department and the Pennsylvania Turnpike Commission
24 under 75 Pa.C.S. § 8915.3. The amount received by the
25 department under this section shall be deposited into
26 the fund prior to distribution and shall be in
27 addition to the amounts received under subsection (b)
28 (1).]

29 (E) Ninety-five percent of the remaining revenue
30 deposited in the fund under subsection (b)(1).

31 (F) The revenue deposited in the fund under
32 subsection (c)(3.1) and (3.2).

33 (G) For each fiscal year beginning after June
34 30, 2017, from the revenues deposited in the fund
35 received by the department under 75 Pa.C.S. § 1904
36 after the allocation of 23% to the Multimodal
37 Transportation Fund, one-third of the revenue.

38 [(ii) If the conversion notice is not received by
39 the secretary prior to the end of the conversion period
40 as set forth in 75 Pa.C.S. § 8915.3(3), no additional
41 allocation shall be made under subparagraph (i).]

42 (3) For the program established under section 1516
43 (relating to programs of Statewide significance), 13.24% of
44 the revenues deposited in the fund under subsection (c)(1)
45 shall be allocated from the fund in addition to the remaining
46 revenue deposited in the fund under subsection (b)(1).

47 [(4) For the program established under section 1517
48 (relating to capital improvements program), 16.77% of the
49 revenues deposited in the fund under subsection (c)(1).
50 Additional funds for this program may be provided from the
51 funds allocated but not distributed based on the limitation

1 set forth under section 1513(c) (3).]

2 (5) For the program established under section 1517.1
3 (relating to Alternative Energy Capital Investments Program),
4 no more than \$60,000,000 of the revenues deposited in the
5 fund under subsection (c) may be allocated from the fund.

6 Section 5. Section 1507(a) (6) and (c) of Title 74 are
7 amended and subsection (a) is amended by adding a paragraph to
8 read:

9 § 1507. Application and approval process.

10 (a) Application.--An eligible applicant that wishes to
11 receive financial assistance under this chapter shall submit a
12 written application to the department on a form developed by the
13 department, which shall include the following:

14 * * *

15 (6) Evidence satisfactory to the department of the
16 commitment for matching funds required under this chapter
17 sufficient to match the projected financial assistance
18 payments [at the same times that the financial assistance
19 payments are to be provided.], provided no later than June 30
20 of the applicable fiscal year. If the evidence required under
21 this paragraph is not provided to the satisfaction of the
22 department, subsequent funding under section 1513 (relating
23 to operating program) shall be withheld until the applicant
24 meets the requirements of this paragraph.

25 (6.1) A statement of policy outlining the basic
26 principles for the adjustment of fare growth to meet the rate
27 of inflation.

28 * * *

29 (c) Restriction on use of funds.--[Financial] Unless the
30 department grants the award recipient a waiver allowing the
31 funds to be used for a different purpose, financial assistance
32 under this chapter shall be used only for activities set forth
33 under the financial assistance agreement [unless the department
34 grants the award recipient a waiver allowing the funds to be
35 used for a different purpose]. The department's regulations
36 shall describe circumstances under which it will consider waiver
37 requests and shall set forth all information to be included in a
38 waiver request. The maximum duration of a waiver shall be one
39 year, and a waiver request shall include a plan of corrective
40 action to demonstrate that the award recipient does not have an
41 ongoing need to use financial assistance funds for activities
42 other than those for which funds were originally awarded. The
43 duration of the waiver may not exceed the duration of the plan
44 of corrective action. The department shall monitor
45 implementation of the plan of corrective action. If the plan of
46 corrective action is not implemented by the local transportation
47 organization, the department shall rescind the waiver approval.

48 Section 6. Sections 1511, 1512 and 1513(d) (1) and (2) of
49 Title 74 are amended to read:

50 § 1511. Report to Governor and General Assembly.

51 [The following shall apply:

1 (1) Except as provided in paragraph (2), the] The
2 department shall submit a public passenger transportation
3 performance report to the Governor and the General Assembly
4 by April 30 of each year, covering the prior fiscal year.

5 [(2) The report covering the 2005-2006 fiscal year shall
6 be submitted by July 31, 2007.]

7 § 1512. Coordination and consolidation.

8 (a) Coordination.--Coordination is required in regions where
9 two or more award recipients have services or activities for
10 which financial assistance is being provided under this chapter
11 to assure that the services or activities are provided
12 efficiently and effectively.

13 (b) Consolidation and mutual cooperation.--

14 (1) The department shall study the feasibility of
15 consolidation and mutual cooperation of local transportation
16 organizations as a means of reducing annual expense without
17 loss of service to the communities. The study shall examine
18 the creation of service regions or mutual cooperation pacts
19 to determine whether either method would reduce annual
20 expenses. The feasibility analysis is to include a cost-
21 benefit analysis and operational analysis.

22 (2) If the results of the feasibility analysis begun
23 after the effective date of this subsection under paragraph
24 (1) estimate a net annual savings of at least \$2,000,000,
25 including all costs associated with any merger, or 25% of the
26 local match contribution under section 1513 (relating to
27 operating program) at the time of completion of the study,
28 the transportation organization and local government may
29 implement the recommended action.

30 (3) The department shall waive the match increase under
31 section 1513 for five fiscal years for the transportation
32 organization's participation in the recommended action under
33 paragraph (2).

34 (c) Funding for merger and consolidation incentives and
35 mutual cooperation pacts.--A capital project that is needed to
36 support a local transportation organization that has agreed to
37 merge and consolidate operations and administration or share
38 facilities or staff through a mutual cooperation pact to achieve
39 cost and service efficiencies shall be eligible for financial
40 assistance under this chapter. The application for financial
41 assistance must:

42 (1) identify the efficiencies in a merger and
43 consolidation plan or mutual cooperation pact; and

44 (2) include the expected net dollar savings that will
45 result from the merger, consolidation or pact.

46 § 1513. Operating program.

47 * * *

48 (d) Local match requirements.--

49 (1) For fiscal year 2007-2008 and each fiscal year
50 thereafter, except as provided under paragraph (2), financial
51 assistance provided under this section shall be matched by

1 local or private cash funding in an amount not less than the
2 greater of:

- 3 (i) [15%] 20% of the amount of the financial
4 assistance being provided; or
5 (ii) the amount required under former section
6 1311(d) (relating to use of funds distributed) for fiscal
7 year 2006-2007.

8 (2) Beginning in fiscal year [2007-2008] 2014-2015 and
9 each fiscal year thereafter, if the local matching funds
10 provided are less than [15%] 20% of the amount of financial
11 assistance received, the local transportation organization's
12 required local matching funds shall increase annually in
13 order to meet the [15%] 20% requirement set forth under
14 paragraph (1)(i). The local matching funds shall be increased
15 annually by a minimum of 5% above the amount of local
16 matching funds provided in the previous fiscal year unless a
17 lesser amount is necessary to meet the [15%] 20% requirement
18 set forth under paragraph (1)(i).

19 * * *

20 Section 7. Section 1514(c) of Title 74 is amended and the
21 section is amended by adding a subsection to read:
22 § 1514. Asset improvement program.

23 * * *

24 (c) Local match requirements.--Financial assistance under
25 this section shall be matched by local or private cash funding
26 in an amount not less than 3.33% of the amount of the financial
27 assistance being provided. The local match requirement shall be
28 increased annually by a minimum of 5% above the match
29 requirement of the previous year to a maximum of 10% of the
30 amount of the financial assistance being provided. The source of
31 funds for the local match shall be subject to the requirements
32 of section 1513(d)(3) (relating to operating program).

33 * * *

34 (e.1) Distribution.--The department shall allocate financial
35 assistance under this section on a percentage basis of available
36 funds each fiscal year as follows:

37 (1) The local transportation organization organized and
38 existing under Chapter 17 (relating to metropolitan
39 transportation authorities) as the primary provider of public
40 passenger transportation for the counties of Philadelphia,
41 Bucks, Chester, Delaware and Montgomery shall receive 69.4%
42 of the funds available for distribution under this section.

43 (2) The local transportation organization organized and
44 existing under the act of April 6, 1956 (1955 P.L.1414,
45 No.465), known as the Second Class County Port Authority Act,
46 as the primary provider of public transportation for the
47 county of Allegheny, shall receive 22.6% of the funds
48 available for distribution under this section.

49 (3) Other local transportation organizations organized
50 and existing as the primary providers of public passenger
51 transportation for the counties of this Commonwealth not

1 identified under paragraph (1) or (2) shall receive 8% of the
2 funds available for distribution under this section. The
3 department shall allocate the funds under this paragraph
4 among the local transportation organizations.

5 (4) Notwithstanding paragraphs (1), (2) and (3) and
6 before distributing the funds under paragraph (1), (2) or
7 (3), the department shall set aside 5% of the funds available
8 for distribution under this section for discretionary use and
9 distribution by the secretary.

10 * * *

11 Section 8. Section 1516(b) and (e) and of Title 74 are
12 amended and the section is amended by adding subsections to
13 read:

14 § 1516. Programs of Statewide significance.

15 * * *

16 (b) Persons with disabilities.--The department shall
17 establish and administer a program providing reduced fares to
18 persons with disabilities on community transportation services
19 and to provide financial assistance for start-up, administrative
20 and capital expenses related to reduced fares for persons with
21 disabilities. All of the following shall apply:

22 (1) A community transportation system operating in the
23 Commonwealth other than in [counties of the first and second
24 class] a county of the first class may apply for financial
25 assistance under this subsection.

26 (2) The department may award financial assistance under
27 this subsection for program start-up and for continuing
28 capital expenses to offset administrative and capital
29 expenses. For community transportation trips made by eligible
30 persons with disabilities, financial assistance may be
31 awarded to an eligible community transportation system to
32 reimburse the system for up to 85% of the fare established
33 for the general public for each trip which is outside of
34 fixed-route and paratransit service areas and not eligible
35 for funding from any other program or funding source. The
36 person making the trip or an approved third-party sponsor
37 shall contribute the greater of 15% of the fare established
38 for the general public or the Americans with Disabilities Act
39 complementary paratransit fare.

40 * * *

41 (e) Technical assistance [and], demonstration and
42 emergency.--The department is authorized to provide financial
43 assistance under this section for technical assistance, research
44 and short-term demonstration or emergency projects. All of the
45 following shall apply:

46 (1) A local transportation organization or an agency or
47 instrumentality of the Commonwealth may apply to the
48 department for financial assistance under this subsection.

49 (2) Financial assistance provided under this subsection
50 may be used for reimbursement for any approved operating or
51 capital costs related to technical assistance and

1 demonstration program projects. Financial assistance for
2 short-term demonstration projects may be provided at the
3 department's discretion on an annual basis based on the level
4 of financial commitment provided by the award recipient to
5 provide ongoing future funding for the project as soon as the
6 project meets the criteria established by the department and
7 the award recipient. Financial assistance for this purpose
8 shall not be provided for more than three fiscal years.
9 Financial assistance may be provided to meet any short-term
10 emergency need that requires immediate attention and cannot
11 be funded through other sources.

12 (3) Financial assistance under this subsection provided
13 to a local transportation organization shall be matched by
14 local or private cash funding in an amount not less than
15 3.33% of the amount of the financial assistance being
16 provided. The sources of funds for the local match shall be
17 subject to the requirements of section 1513(d)(3) (relating
18 to operating program).

19 (4) As follows:

20 (i) For short-term demonstration projects awarded
21 financial assistance under this subsection, the
22 department shall determine if the demonstration project
23 was successful based upon the performance criteria
24 established prior to the commencement of the
25 demonstration project and approved by the department.

26 (ii) If the department determines that the
27 demonstration project was successful, the local
28 transportation organization or agency or instrumentality
29 of the Commonwealth that conducted the demonstration
30 project shall be eligible to apply for and receive funds
31 under section 1513 to sustain and transition the
32 demonstration project into regular public passenger
33 transportation service.

34 (iii) During the first year in which the
35 demonstration project is eligible for and applies for
36 financial assistance under section 1513, the local
37 transportation organization or agency or instrumentality
38 of the Commonwealth that conducted the demonstration
39 project and transitioned it to regular public passenger
40 transportation service shall be eligible to receive
41 financial assistance up to 65% of the transportation
42 service's prior fiscal year operating costs or expenses
43 for the service as an initial base operating allocation.

44 (iv) The initial base operating allocation shall be
45 taken from the growth under section 1513 over the prior
46 year before distributing the remainder of the formula
47 described in section 1513.

48 (f) Shared Ride Community Transportation Service Delivery
49 Pilot Program.--

50 (1) The department may develop and implement a pilot
51 program to test and evaluate new models of paying for and

1 delivering shared ride and community transportation. The
2 goals of the program are as follows:

3 (i) Develop a community transportation delivery
4 model that can be managed to stay within budget.

5 (ii) Develop community transportation service
6 standards with need based priorities.

7 (iii) Develop a business model and fare structure
8 that work across funding programs.

9 (iv) Maximize efficiency and effectiveness of the
10 services.

11 (2) The department shall establish a pilot advisory
12 committee to provide guidance and input for pilot planning,
13 start up, operations, data collection and post pilot
14 evaluation. The committee shall be comprised of the
15 following:

16 (i) A member appointed by Majority Chair of the
17 Transportation Committee of the Senate.

18 (ii) A member appointed by Minority Chair of the
19 Transportation Committee of the Senate.

20 (iii) A member appointed by Majority Chair of
21 the Transportation Committee of the House of
22 Representatives.

23 (iv) A member appointed by Minority Chair of the
24 Transportation Committee of the House of
25 Representatives.

26 (v) Two members from the Pennsylvania Public
27 Transit Association appointed by the secretary.

28 (vi) A member appointed by the secretary to
29 represent people with disabilities .

30 (vii) A member appointed by the Secretary of
31 Aging to represent senior citizens.

32 (viii) A member appointed by the Secretary of
33 Public Welfare to represent people using medical
34 assistance transportation.

35 (ix) A member of the County Commissioners
36 Association appointed by the secretary.

37 (x) The secretary or a designee.

38 (xi) The Secretary of Aging or a designee.

39 (xii) The Secretary of the Office of the Budget
40 or a designee.

41 (xiii) The Secretary of Public Welfare or a
42 designee.

43 (3) The department shall work with the committee to
44 define potential pilot models within 12 months of the
45 effective date of this subsection.

46 (4) The department shall publish the notice of
47 availability of the program models and framework in the
48 Pennsylvania Bulletin and receive applications from counties
49 and shared-ride community transportation systems interested
50 in participating in the program within three months of the
51 defining potential pilot models.

1 (5) The department may work with the committee to
2 redefine the basis for payment using lottery and other State
3 funding sources currently used to support community
4 transportation programs for selected pilot counties and
5 shared-ride community transportation systems to test new
6 methods of service delivery and payment. Each project must
7 have a business plan with management controls, service
8 standards and budget controls. The business plan shall be
9 reviewed by the committee prior to being implemented.

10 Section 9. Section 1517 of Title 74 is amended to read:

11 § 1517. Capital improvements program.

12 (a) Eligibility.--A local transportation organization may
13 apply for financial assistance under this section.

14 (b) Applications.--The department shall establish the
15 contents of the application for the program established under
16 this section. The information shall be in addition to
17 information required under section 1507 (relating to application
18 and approval process).

19 (c) Distribution formula.--The department shall award
20 financial assistance under this section based on the number of
21 passengers. The actual amount awarded to a local transportation
22 organization under this subsection shall be calculated as
23 follows:

24 (1) Multiply the local transportation organization's
25 passengers by the total amount of funding available under
26 this section.

27 (2) Divide the product under paragraph (1) by the sum of
28 the passengers for all qualifying local transportation
29 organizations.

30 (d) Payments.--Financial assistance under this section shall
31 be paid to local transportation organizations at least
32 quarterly.

33 (e) Reduction in financial assistance.--Financial assistance
34 provided to a local transportation organization under this
35 section shall be reduced by any financial assistance received
36 previously under this section which has not been spent or
37 committed in a contract within three years of its receipt.

38 (f) Certification ends funding.--Financial assistance under
39 this section shall cease when the secretary certifies that funds
40 are no longer available for the program established under this
41 section.

42 Section 10. Title 74 is amended by adding sections to read:
43 § 1517.1. Alternative Energy Capital Investment Program.

44 (a) Establishment.--The department is authorized to
45 establish a competitive grant program to implement capital
46 improvements deemed necessary to support conversion of a local
47 transportation organization's fleet to an alternative energy
48 source, including compressed natural gas.

49 (b) Criteria.--The department shall establish criteria for
50 awarding grants under this section. Criteria shall, at a
51 minimum, include feasibility, cost/benefit analysis and project

1 readiness.

2 (c) Additional authorization.--Notwithstanding any other
3 provisions of this section or other law, the department may use
4 funds designated for the program established under subsection
5 (a) to supplement a local transit organization's base operating
6 allocation under section 1513 (relating to operating program) if
7 necessary to stabilize an operating budget and ensure that
8 efficient services may be sustained to support economic
9 development and job creation and retention.

10 § 1521.1. Local tax for mass transportation.

11 (a) Taxes imposed.--Municipalities may, in their discretion,
12 by ordinance or resolution, for mass transportation revenue
13 purposes for local transportation organizations, levy, assess
14 and collect or provide for the levying, assessment and
15 collection of a tax or taxes described as follows:

16 (1) Upon a transfer of real property or an interest in
17 real property within the limits of the municipality,
18 regardless of where the instruments making the transfers are
19 made, executed or delivered or where the actual settlements
20 on the transfer take place, to the extent that the
21 transactions are subject to the tax imposed by Article XI-C
22 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax
23 Reform Code of 1971. A tax imposed under this paragraph shall
24 not exceed 0.5% of rate limitations provided by sections 307,
25 311 and 320 of the act of December 31, 1965 (P.L.1257,
26 No.511), known as The Local Tax Enabling Act.

27 (2) In addition to the tax imposed under Article III of
28 the Tax Reform Code of 1971, a surtax not to exceed 0.2% of
29 the tax imposed on the taxable income of resident and
30 nonresident individuals as provided for under Article III of
31 the Tax Reform Code of 1971. The surtax shall be in addition
32 to any tax imposed under Article III of the Tax Reform Code
33 of 1971.

34 (3) In addition to the tax imposed under Article II of
35 the Tax Reform Code of 1971, a surtax equal to 0.25% imposed
36 on the purchase price of tangible personal property and
37 services subject to taxation under Article II of the Tax
38 Reform Code of 1971. The surtax shall be in addition to any
39 tax imposed under Article II of the Tax Reform Code of 1971.

40 (b) Computation of sales and use tax.--Within 30 days of the
41 notification of a municipality of the adoption of a tax under
42 subsection (a), the Department of Revenue shall establish a
43 combined schedule for the computation of the State sales and use
44 tax and the State sales and use surtax as established under this
45 section. The Department of Revenue shall collect the surtax and
46 remit the surtax proceeds quarterly to the appropriate taxing
47 authority. The Department of Revenue shall publish the schedule
48 providing for the combined computation of the State sales and
49 use tax and the State sales and use surtax in the next
50 succeeding publication of the Pennsylvania Bulletin.

51 (c) Administration.--The taxes authorized under subsection

1 (a)(1) and (2) shall be administered, collected and enforced
2 under The Local Tax Enabling Act. The taxes authorized under
3 subsection (a)(3) shall be administered, collected and enforced
4 under the Tax Reform Code of 1971. The Department of Revenue may
5 promulgate and enforce regulations not inconsistent with the
6 provisions of this section.

7 (d) Construction.--The provisions of Articles II, III and
8 XI-C of the Tax Reform Code of 1971 shall apply to the taxes
9 imposed under subsection (a) except as inconsistent with this
10 section.

11 (e) Grants by municipalities.--A municipality in any area
12 which is a member of a local transportation organization is
13 authorized to make annual grants from current revenues or from
14 revenue derived from taxes levied under this section to local
15 transportation organizations to assist in defraying the costs of
16 operations, maintenance and debt service of a local
17 transportation organization or of a particular mass
18 transportation project of a local transportation organization
19 and to enter into long-term agreements providing for the payment
20 of the same. The obligation of a municipality under the
21 agreement shall not be considered to be a part of its
22 indebtedness, nor shall the obligation be deemed to impair the
23 status of any indebtedness of the municipality which would
24 otherwise be considered as self-sustaining.

25 Section 11. Title 74 is amended by adding a chapter to read:

26 CHAPTER 21

27 MULTIMODAL TRANSPORTATION FUNDING

28 Sec.

29 2101. Multimodal Transportation Fund.

30 2102. Deposits to fund.

31 2103. Use of revenue.

32 2104. Distribution of revenue.

33 2105. Project selection criteria and agreement.

34 2106. Local match.

35 § 2101. Multimodal Transportation Fund.

36 A special fund is established within the State Treasury to be
37 known as the Multimodal Transportation Fund. Money in the fund
38 is appropriated to the department for the purposes authorized
39 under this chapter.

40 § 2102. Deposits to fund.

41 The following shall be deposited in the Multimodal
42 Transportation Fund:

43 (1) Ten million dollars of the revenue deposited in the
44 Public Transportation Trust Fund under section 1506(b)(1)
45 (relating to fund).

46 (2) Twenty three percent of the revenue deposited in the
47 fund in accordance with 75 Pa.C.S. § 1904 (b)(2) (relating to
48 collection and disposition of fees and moneys).

49 (3) For fiscal year 2015-2016 and each fiscal year
50 thereafter, the amount authorized from the oil company
51 franchise tax imposed under 75 Pa.C.S. § 9502 (relating to

1 imposition of tax) to be expended in accordance with section
2 11 of Article VIII of the Constitution of Pennsylvania.

3 (4) Other appropriations, deposits or transfers to the
4 fund.

5 (5) The interest earned on money in the fund.

6 § 2103. Use of revenue.

7 Money in the fund shall be used by the department as follows:

8 (1) To provide grants through the department's programs
9 relating to aviation, rail freight, passenger rail, port and
10 waterway, bicycle and pedestrian facilities, road and bridge
11 and other transportation modes.

12 (2) For costs incurred by the department in the
13 administration of programs specified under paragraph (1).

14 (3) To incur costs for activities initiated or
15 undertaken directly by the department related to the programs
16 under paragraph (1).

17 § 2104. Distribution of revenue.

18 The revenue deposited in the fund shall be distributed as
19 follows:

20 (1) Three million dollars shall be designated for
21 programs related to aviation.

22 (2) Six million dollars shall be designated for programs
23 related to rail freight.

24 (3) Six million dollars shall be designated for programs
25 related to rail passengers.

26 (4) Eight million dollars shall be designated for
27 programs related to ports and waterways.

28 (5) Two million dollars for programs related to bicycle
29 and pedestrian facilities.

30 (6) The remaining revenues shall be designated for
31 eligible programs under this chapter upon agreement of a
32 majority among the chairman and minority chairman of the
33 Transportation Committee of the Senate and of the chairman
34 and minority chairman of the Transportation Committee of the
35 House of Representatives.

36 § 2105. Project selection criteria and agreement.

37 The department shall award grants under this chapter on a
38 competitive basis. The department may not reserve, designate or
39 set aside a specific level of funds or percentage of funds to an
40 applicant prior to the completion of the application process,
41 nor may the department designate a set percentage of funds to an
42 applicant.

43 § 2106. Local match.

44 Financial assistance under section 2104(6) (relating to
45 distribution of revenues) shall be matched by county, municipal
46 or private funding in an amount not less than 30% of the non-
47 Federal share of the project cost. Matching funds from a county
48 or municipality shall only consist of cash contributions
49 provided by one or more counties or municipalities.

50 Section 12. Chapter 59 of Title 74 is amended by adding a
51 subchapter to read:

SUBCHAPTER C
FIRST CLASS CITY CONSOLIDATED
CAR RENTAL FACILITY

Sec.

5931. Scope of subchapter.

5932. Definitions.

5933. Customer facility charge and rental facility agreement.

§ 5931. Scope of subchapter.

This subchapter relates to first class city consolidated rental car facilities.

§ 5932. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Airport." A public international airport located partially in a city of the first class and partially in an adjacent municipality.

"Airport owner." Any of the following:

(1) A city which owns and operates an airport.

(2) An authority created by a city of the first class to own and operate an airport or any portion or activity of the airport.

"Airport property." Property owned and operated by an airport owner, including property that is leased, licensed or made available for use by the airport owner.

"City." A city of the first class.

"Concession agreement." A regulation, contract, permit, license or other agreement entered into between an airport owner and a vehicle rental company which includes the terms and conditions under which the company may conduct any aspect of its rental vehicle business at the airport or through the use of airport property, including a vehicle rental company which provides a customer access to a vehicle or executes a rental contract either on or off of airport property.

"Customer facility charge." A fee assessed on each motor vehicle rental under this subchapter used for the purposes described under section 5933(i) (relating to customer facility charge and rental facility agreement).

"Motor vehicle." A private passenger motor vehicle that meets all of the following:

(1) Is designed to transport not more than 15 passengers.

(2) Is rented for not more than 30 days without a driver.

(3) Is part of a fleet of at least five passenger vehicles used for the purpose under paragraph (2).

"Rental facility." A consolidated facility for the use of a vehicle rental company to conduct business on airport property.

"Rental facility agreement." A written agreement entered into between an airport owner and a vehicle rental company which shall include:

1 (1) The location, scope of operations and general design
2 of the rental facility, a rental facility improvement and a
3 transportation system which connects to a terminal or related
4 structure.

5 (2) The manner in which the proceeds of the customer
6 facility charge are to be used as provided under section
7 5933(i).

8 (3) A procedure and requirement for a consultation
9 regarding the implementation of this chapter for the
10 disclosure to a vehicle rental company of information
11 relating to the collection and use of the customer facility
12 charge.

13 (4) A methodology and procedure by which the amount of
14 the customer facility charge will be calculated and adjusted.

15 "Rental facility improvement." A facility or structure on
16 airport property needed for development or use of the rental
17 facility. The term shall include a cost necessary for planning,
18 finance, design, construction, equipping or furnishing of a
19 rental facility improvement.

20 "Rental facility operations and maintenance expenses." The
21 cost of operating and maintaining the rental facility, including
22 day-to-day costs.

23 "Transportation system." A system which transports an
24 arriving or departing vehicle rental customer between a terminal
25 or related structure and the rental facility.

26 "Transportation system costs." The portion of total cost
27 incurred to design, finance, construct, operate and maintain a
28 transportation system which reflects the usage or benefit of the
29 system to vehicle rental companies and their customers.

30 "Vehicle rental company." A person engaged in the business
31 of renting a motor vehicle in this Commonwealth that provides a
32 motor vehicle rental to a customer which utilizes airport
33 property in any aspect of its business, including to do any of
34 the following:

35 (1) Contact customers or pick up or drop off customers
36 on airport property.

37 (2) Advertise the availability of a vehicle rental
38 service, notwithstanding if other aspects of the rental
39 company business are not conducted on airport property.
40 § 5933. Customer facility charge and rental facility agreement.

41 (a) Rental facility agreement.--A rental facility agreement
42 shall be enforceable if it is executed by the airport owner and
43 at least 80% of the vehicle rental companies which utilized
44 airport property and which provided at least 90% of the motor
45 vehicle rentals conducted utilizing airport property in the most
46 recently completed calendar year.

47 (b) Imposition of customer facility charge.--

48 (1) Except as provided under paragraph (2), a city may
49 impose a customer facility charge of not more than \$8 per
50 rental day on a customer renting a motor vehicle from a
51 vehicle rental company doing business at an airport. The

1 charge may:

2 (i) be imposed notwithstanding the absence of
3 authority in a regulation or concession agreement; and

4 (ii) not affect the validity or enforceability of a
5 concession agreement.

6 (2) Notwithstanding paragraph (1), a rental facility
7 agreement may provide for a customer facility charge which
8 exceeds \$8 per rental day.

9 (3) A city may unilaterally decrease the customer
10 facility charge provided in a rental facility agreement or
11 otherwise provided. An increase in the customer facility
12 charge, decreased under this paragraph, shall require an
13 amendment of the rental facility agreement if the increase
14 will cause the customer facility charge to exceed the
15 original amount.

16 (c) Amendment of rental facility agreement.--The following
17 shall apply:

18 (1) An amendment to a rental facility agreement must be
19 executed by the vehicle rental companies or their successors,
20 which are a party to the original rental facility agreement.

21 (2) The terms of the rental facility agreement may be
22 amended no more than one time per calendar year to authorize
23 the increase of the amount of the customer facility charge to
24 fund the current costs authorized under the rental facility
25 agreement.

26 (d) Enforcement.--The terms of a rental facility agreement
27 may be interpreted and enforced by a court of competent
28 jurisdiction through the imposition of a mandatory or
29 prohibitive injunction. A monetary damage may not be awarded to
30 a vehicle rental company or to a person required to pay the
31 customer facility charge for a violation of the terms and
32 conditions of the rental facility agreement.

33 (e) Limitation on use.--Notwithstanding the authorization
34 for the use of the proceeds of the customer facility charge
35 imposed under subsection (b)(1)(i) and, except as provided under
36 subsection (f), until a rental facility agreement is executed,
37 the proceeds of the customer facility charge may be used only
38 for planning, design, feasibility studies and other preliminary
39 expenses necessary for the uses authorized under subsection
40 (b)(1)(i).

41 (f) Time limitation.--If a rental facility agreement is not
42 executed within two years of the date a vehicle rental company
43 is required to begin collecting the customer facility charge, a
44 city may continue to impose and collect the customer facility
45 charge authorized under subsection (b)(1). After notice to the
46 vehicle rental companies, the city may use the proceeds of the
47 customer facility charge in the manner authorized under
48 subsection (b)(1)(i), except that an expense imposed on a
49 vehicle rental company for the purposes under subsection (e) may
50 not exceed the proceeds of the customer facility charge.

51 (g) Additional cost.--A customer facility charge shall be in

1 addition to other motor vehicle rental fees and taxes imposed by
2 law, except that the customer facility charge may not constitute
3 part of the purchase price of a motor vehicle rental imposed
4 under any of the following:

5 (1) Article II of the act of March 4, 1971 (P.L.6,
6 No.2), known as the Tax Reform Code of 1971.

7 (2) The act of June 5, 1991 (P.L.9, No.6), known as the
8 Pennsylvania Intergovernmental Cooperation Authority Act for
9 Cities of the First Class.

10 (3) A law similar to the statutes under paragraphs (1)
11 and (2).

12 (h) Collection.--The following shall apply:

13 (1) A customer facility charge shall be:

14 (i) collected from a customer by a vehicle rental
15 company and held in a segregated trust fund for the
16 benefit of the airport owner; and

17 (ii) paid to the airport owner no later than the
18 last day of the month following the month in which
19 customer facility charge revenues are collected, or if
20 necessary to facilitate a pledge of customer facility
21 charge revenues under subsection (j), at an earlier date
22 as designated by the airport owner, but not sooner than
23 the 15th day of the month following the month in which
24 the customer facility charges are collected.

25 (2) A customer facility charge may not constitute gross
26 receipts or income of a vehicle rental company for purposes
27 of a tax imposed by the Commonwealth, the city or any other
28 municipality.

29 (3) A vehicle rental company may not pledge, subject to
30 a lien, or encumber funds in a segregated trust fund under
31 paragraph (1)(i).

32 (i) Use.--The proceeds of the customer facility charge shall
33 be deposited by the airport owner into a segregated account to
34 be used for the planning, development, financing, construction
35 and operation of:

36 (1) a rental facility;

37 (2) a rental facility improvement;

38 (3) transportation system costs; or

39 (4) a rental facility operation and maintenance expense.

40 (j) Pledge.--An airport owner may pledge customer facility
41 charge revenues for any of the following:

42 (1) Any use authorized under subsection (i).

43 (2) The creation and maintenance of a reasonable reserve
44 and for the payment of debt service for any use authorized
45 under subsection (i).

46 (k) Administration.--An airport owner may do any of the
47 following:

48 (1) Require a vehicle rental company to provide it with
49 periodic statements of account, file returns, authorize
50 payments and maintain records, in accordance with its
51 obligations under this subchapter.

1 (2) Conduct an examination to ensure a vehicle rental
2 company's compliance with its obligations under this
3 subchapter and may do any of the following:

4 (i) Collect an amount due.

5 (ii) Impose a lien and file a suit to recover an
6 amount due.

7 (iii) Grant a refund.

8 (iv) Require the payment of an authorized addition
9 to a customer facility charge, interest and penalty.

10 (v) Adopt reasonable rules and regulations to
11 implement this section.

12 (vi) Seek criminal penalties, as provided for a city
13 of the first class for the collection of taxes, for
14 failure to comply with the requirements of this
15 subchapter.

16 (1) Commonwealth pledge.--The Commonwealth pledges to and
17 agrees with:

18 (1) Any person, firm or corporation, government agency,
19 whether in this Commonwealth or elsewhere, or Federal agency
20 subscribing to or acquiring debt obligations secured by
21 customer facility charges to be issued by an airport that the
22 Commonwealth will not limit or alter the rights vested in the
23 airport owner under this subchapter in a manner inconsistent
24 with the obligations of the airport owner to the obligees of
25 the airport owner until all debt obligations secured by
26 customer facility charges and interest on the debt
27 obligations are fully paid or provided for.

28 (2) Any Federal agency that, if the Federal Agency
29 contributes funds for the airport owner or project, the
30 Commonwealth will not alter or limit the rights and powers of
31 the airport owner in a manner which would be inconsistent
32 with the due performance of an agreement between the airport
33 owner and a Federal agency.

34 Section 13. Section 6131(a) and (b) of Title 74 are amended
35 to read:

36 § 6131. Tax on jet fuels.

37 (a) Imposition.--There is hereby imposed, effective [July 1,
38 1984] immediately, a State tax of [1.1¢] 3¢ per gallon, or
39 fractional part thereof, on all fuels used or sold and delivered
40 by distributors within this Commonwealth for use as fuel in
41 turbine-propeller jet, turbojet and jet-driven aircraft and
42 aircraft engines. [The tax shall be increased by 0.2¢ per
43 gallon, or fractional part thereof, effective January 1, 1985,
44 and by 0.2¢ per gallon, or fractional part thereof, effective
45 July 1, 1985.] Distributors shall be liable to the Commonwealth
46 for the collection and payment of the tax imposed by this
47 section. The tax shall be collected by the distributor and shall
48 be paid to the Commonwealth only once with respect to any fuels.

49 [(b) Annual adjustment.--Beginning on January 1, 1986, and
50 each January 1 thereafter, the tax imposed under this section
51 shall be adjusted annually and shall be set for that calendar

1 year. The adjustment shall be based upon the percentage change
2 of the Producer Price Index for Jet Fuel, as determined by the
3 Bureau of Labor Statistics for the United States Department of
4 Labor, for the most recent 12-month period available as of the
5 immediately preceding November 1. For every 10% increase or
6 decrease in the Producer Price Index, as determined by comparing
7 the index for the first month of the 12-month period with the
8 index for the last month of the period, there shall be a 0.1¢
9 per gallon, or fractional part thereof, increase or decrease in
10 the rate of tax. The rate of tax shall be determined by the
11 Secretary of Revenue, who shall cause such rate to be published
12 as a notice pursuant to 45 Pa.C.S. § 725(a)(3) (relating to
13 additional contents of Pennsylvania Bulletin) in the
14 Pennsylvania Bulletin on or before December 15 of each year. The
15 tax, as adjusted, shall never exceed 2¢ per gallon, or
16 fractional part thereof, nor shall it be less than 1.5¢ per
17 gallon, or fractional part thereof.]

18 * * *

19 Section 14. The definitions of "electronic toll collection,"
20 "owner" and "violation enforcement system" in section 8102 of
21 Title 74 are amended and the section is amended by adding
22 definitions to read:

23 § 8102. Definitions.

24 The following words and phrases when used in this chapter
25 shall have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Automated toll collection." A system of collecting tolls or
28 charges by a device that is capable of accepting coin, currency,
29 cards or tokens for payment of the prescribed toll or charge.

30 "Certificate of passage." A document signed and certified by
31 a vehicle owner, operator or lessee evidencing his or her
32 agreement to pay the prescribed toll plus a processing fee to
33 the commission within a prescribed period.

34 "Certificate of passage toll collection." A system of
35 collecting a toll or charge by providing a vehicle owner,
36 operator or lessee with a certificate of passage at a toll
37 collection facility if the owner, operator or lessee does not
38 have sufficient funds to pay the prescribed toll at the time he
39 or she passes through the toll collection facility.

40 * * *

41 "Electronic toll collection." A system of collecting tolls
42 or charges [that is capable of charging an account holder for
43 the prescribed toll] by electronic transmission of information
44 [between], including by use of a device on a vehicle and a
45 device [in a toll lane] at a toll collection facility, open road
46 tolling, video tolling system or other similar structural or
47 technological enhancements related to tolling.

48 * * *

49 "Owner." Except as provided under section [8117(e)] 8117
50 (relating to [electronic] toll collection), [an individual] a
51 person, copartnership, association or corporation having title

1 or interest in a property right, easement or franchise
2 authorized to be acquired under this chapter.

3 * * *

4 "Toll collection." A system of collecting tolls or charges
5 that is capable of charging an account holder or vehicle owner,
6 operator or lessee for the prescribed toll by automated toll
7 collection, certificate of passage toll collection or electronic
8 toll collection.

9 * * *

10 "Video tolling system." As follows:

11 (1) A vehicle sensor or other electronic toll collection
12 device, placed in a location to work in conjunction with a
13 toll collection facility, which automatically produces a
14 videotape or photograph, microphotograph or other recorded
15 image of the vehicle or vehicle license plate at the time the
16 vehicle is used or operated on the tolled facility in order
17 to collect tolls or detect violations of the toll collection
18 regulations or rules.

19 (2) The term includes technology other than identified
20 under paragraph (1) which identifies a vehicle by
21 photographic, electronic or other method.

22 "Violation." The failure to pay the prescribed toll as
23 provided under section 8117 (a) (1) (relating to toll
24 collection).

25 ["Violation enforcement system." A vehicle sensor, placed in
26 a location to work in conjunction with a toll collection
27 facility, which automatically produces a videotape or
28 photograph, microphotograph or other recorded image of the rear
29 portion of each vehicle at the time the vehicle is used or
30 operated in violation of the toll collection regulations. The
31 term includes any other technology which identifies a vehicle by
32 photographic, electronic or other method.]

33 Section 15. Sections 8117 and 8121 of Title 74 are amended
34 to read:

35 § 8117. [Electronic toll] Toll collection.

36 (a) Liability of owner.--

37 [(1) If an operator of a vehicle fails to pay the
38 prescribed toll at any location where tolls are collected by
39 means of electronic toll collection, the owner of the vehicle
40 shall be liable to the commission for failure of the operator
41 of the vehicle to comply with this section if the violation
42 is evidenced by information obtained from a violation
43 enforcement system.

44 (2) If a violation of this section is committed, the
45 registration plate number of the vehicle as recorded by a
46 violation enforcement system shall establish an inference
47 that the owner of the vehicle was then operating the vehicle.
48 The inference shall be overcome if the owner does all of the
49 following:

50 (i) Testifies that the owner was not operating the
51 vehicle at the time of the violation.

1 (ii) Submits to an examination as to who at the time
2 was operating the vehicle.

3 (iii) Reveals the name and residence address, if
4 known, of the operator of the vehicle.

5 (3) If an action or proceeding is commenced in a county
6 other than that of the residence of the owner, a verified
7 written statement setting forth the facts prescribed under
8 paragraph (2)(i), (ii) and (iii) shall suffice to overcome
9 the inference.

10 (4) If the inference is overcome, the operator of the
11 vehicle may be held liable under this section for failure to
12 pay the prescribed toll in the same manner as if the operator
13 were the owner of the vehicle.

14 (b) Imposition of liability.--Liability under this section
15 shall be imposed upon an owner for a violation of this section
16 or the regulations of the commission occurring within the
17 territorial limits of this Commonwealth. If a violation is
18 committed as evidenced by a violation enforcement system, the
19 following shall apply:

20 (1) The commission or an authorized agent or employee
21 must prepare and mail a notice of violation as follows:

22 (i) The notice of violation must be sent by first
23 class mail to each person alleged to be liable as an
24 owner for a violation of this section.

25 (ii) The notice must be mailed at the address shown
26 on the vehicle registration or at the address of the
27 operator, as applicable. Notice must be mailed no later
28 than 60 days after:

29 (A) the alleged conduct; or

30 (B) the date the inference is overcome under
31 subsection (a)(2).

32 (iii) Personal service is not required.

33 (iv) The notice must contain all of the following:

34 (A) Information advising the person charged of
35 the manner and time in which the liability alleged in
36 the notice may be contested.

37 (B) A warning advising the person charged that
38 failure to contest in the manner and time provided
39 shall be deemed an admission of liability and that a
40 default judgment may be entered on the notice.]

41 (1) Notwithstanding any other provision of law, if an
42 operator of a vehicle fails to pay the prescribed toll at a
43 prescribed location by means of toll collection or as
44 directed by official signs posted on the tolled facility in
45 accordance with the rules or regulations instituted for toll
46 collection by the tolling entity, the owner of the vehicle
47 shall be liable to the tolling entity or its authorized agent
48 for failure of the operator of the vehicle to comply with
49 this section if the violation is evidenced by any of the
50 following:

51 (i) Information obtained from a video tolling

1 system.

2 (ii) A certificate of passage that has not been paid
3 within the prescribed time period.

4 (2) Except for an operator who utilizes certificates of
5 passage toll collection, if an operator of a vehicle fails to
6 pay the prescribed toll as provided under paragraph (1), the
7 registration plate number of the vehicle as recorded by a
8 video tolling system shall establish an inference that the
9 owner of the vehicle was operating the vehicle at the time of
10 the violation. The inference shall be overcome if the owner
11 does all of the following:

12 (i) Testifies that the owner was not operating the
13 vehicle at the toll collection facility at the time of
14 the violation.

15 (ii) Submits to an examination as to who was
16 operating the vehicle at the time of the violation.

17 (iii) Reveals the name and residence address, if
18 known, of the operator of the vehicle or demonstrates to
19 the reasonable satisfaction of the commission that the
20 vehicle was misidentified.

21 (3) If an action or proceeding is commenced in a county
22 other than that of the residence of the owner, a verified
23 written statement under 18 Pa.C.S. § 4904 (relating to
24 unsworn falsifications to authorities) setting forth the
25 facts prescribed under paragraph (2) shall suffice to
26 overcome the inference.

27 (4) A court of competent jurisdiction shall admit as
28 prima facie evidence the verified statement relied upon under
29 paragraph (3). The operator of the vehicle may be held liable
30 under this section for failure to pay the prescribed toll in
31 the same manner as if the operator were the owner of the
32 vehicle if any of the following apply:

33 (i) The inference is overcome.

34 (ii) The operator of the vehicle utilized
35 certificate of passage toll collection.

36 (b) Imposition of liability.--Liability under this section
37 shall be imposed upon an owner, including a person, lessee or
38 operator who becomes liable in the same manner as if the person
39 was an owner under this section, for a violation of this section
40 or the regulations or rules of the commission occurring within
41 the territorial limits of this Commonwealth. If a violation is
42 committed as evidenced by information obtained from a video
43 tolling system or certificate of passage, the following shall
44 apply:

45 (1) The commission or an authorized agent or employee
46 shall prepare and mail a notice of violation as follows:

47 (i) The notice of violation shall be sent by first
48 class mail to each person alleged to be liable as an
49 owner for a violation of this section.

50 (ii) The notice shall be mailed to the address shown
51 on the vehicle registration or to the address of the

1 operator, as applicable. Notice shall be mailed no later
2 than 120 days after one of the following:

3 (A) The date of the alleged conduct.

4 (B) The date the inference is overcome in
5 subsection (a)(2).

6 (C) The date that a lessor provides the
7 information required under subsection (b)(3) in a
8 manner that the lessee of the vehicle on the date of
9 violation is deemed to be the owner of the vehicle
10 for purposes of this section.

11 (iii) Personal service of the notice shall not be
12 required.

13 (iv) The notice shall include all of the following:

14 (A) The date, time and location of the alleged
15 violation and, if available, the license plate number
16 of the vehicle.

17 (B) Information advising the owner charged of
18 the manner and time in which the liability alleged in
19 the notice may be contested.

20 (C) A warning advising the owner charged that
21 failure to contest in the manner and time provided
22 shall be deemed an admission of liability, that a
23 default judgment may be entered on the notice and
24 that the failure to pay all unpaid tolls,
25 administrative fees and costs may result in
26 suspension of registration of a vehicle registered to
27 the person by the department.

28 (v) A single notice with respect to multiple
29 violations may be sent if the notice meets the
30 requirements of this paragraph.

31 (1.1) A manual or automatic record of mailing prepared
32 in the ordinary course of business shall be prima facie
33 evidence of the mailing of notice.

34 (2) If an owner of a vehicle or an owner that is a
35 lessor of a vehicle receives a notice of violation under this
36 section for any time period during which the vehicle was
37 reported to a police department as having been stolen, it
38 shall be a defense to the allegation of liability that the
39 vehicle had been reported to the police as having been stolen
40 prior to the time the violation occurred and that the vehicle
41 had not been recovered by the time of the violation. For
42 purposes of asserting the defense under this paragraph, it
43 shall be sufficient that a certified copy of the police
44 report on the stolen vehicle be sent by first class mail to
45 the commission or its authorized agent within 30 days after
46 receiving the original notice of violation. Failure to send
47 the information within the time limit under this paragraph
48 shall render the owner or lessor liable for the penalty
49 prescribed by this section.

50 (3) An owner that is a lessor of a vehicle as to which a
51 notice of violation was issued under paragraph (1) shall not

1 be liable for a violation if the owner sends to the
2 commission or its authorized agent a copy of the rental,
3 lease or other contract document covering the vehicle on the
4 date of the violation, with the name and address of the
5 lessee clearly legible to the commission, within 30 days
6 after receiving the original notice of violation. Failure to
7 send the information within the time limit under this
8 paragraph shall render the lessor liable for the penalty
9 prescribed by this section. If the lessor complies with the
10 provisions of this section, the lessee of the vehicle on the
11 date of the violation shall be deemed to be the owner of the
12 vehicle for purposes of this section and shall be subject to
13 liability for the penalty under this section.

14 (4) A certified report or a facsimile report of an
15 authorized agent or employee of the commission reporting a
16 violation of this section or rules or regulations of the
17 commission based upon [the recorded information obtained from
18 a violation enforcement system] any of the following shall be
19 prima facie evidence of the facts contained in the report and
20 shall be admissible as an official record of regularly
21 conducted activity of the commission kept in the ordinary
22 course of business in any proceeding charging a violation of
23 this section or the toll collection rules or regulations of
24 the commission:

25 (i) The recorded information obtained from a video
26 tolling system.

27 (ii) A certificate of passage.

28 (5) Notwithstanding any other provision of law,
29 videotapes, photographs, microphotographs, other recorded
30 images, written records, reports or facsimiles prepared
31 pursuant to this section shall be for the exclusive use of
32 the commission, its authorized agents, its employees and law
33 enforcement officials for the purpose of discharging duties
34 under this section and the rules or regulations of the
35 commission. The information shall not be deemed a public
36 record under the act of [June 21, 1957 (P.L.390, No.212),
37 referred to as the Right-to-Know Law] February 14, 2008
38 (P.L.6, No.3), known as the Right-to-Know Law. The
39 information shall not be discoverable by court order or
40 otherwise; nor shall it be offered in evidence in any action
41 or proceeding which is not directly related to a violation of
42 this section, the rules or regulations of the commission or
43 indemnification for liability imposed pursuant to this
44 section. The restrictions set forth in this paragraph:

45 (i) shall not be deemed to preclude a court of
46 competent jurisdiction from issuing an order directing
47 that the information be provided to law enforcement
48 officials if the information is reasonably described and
49 is requested solely in connection with a criminal law
50 enforcement action;

51 (ii) shall not be deemed to preclude the exchange of

1 the information between any entities with jurisdiction
2 over or which operate [an electronic] a toll collection
3 system in this Commonwealth or any other jurisdiction;
4 and

5 (iii) shall not be deemed to prohibit the use of
6 information exclusively for the purpose of billing
7 electronic toll collection account holders and other
8 users of toll collection, deducting toll charges from the
9 account of an account holder, enforcing toll collection
10 laws and related rules and regulations or enforcing the
11 provisions of an account holder agreement.

12 (6) An imposition of liability under this section must
13 be based upon a preponderance of evidence.

14 (7) An imposition of liability pursuant to this section
15 shall not be deemed a conviction of an owner and shall not be
16 made part of the motor vehicle operating record of the person
17 upon whom the liability is imposed, nor shall it be
18 considered in the provision of motor vehicle insurance
19 coverage.

20 (8) An owner that admits, is found liable or fails to
21 respond to the notice of violation for a violation of this
22 section shall be civilly liable to the commission or tolling
23 entity as defined in 75 Pa.C.S. § 1380(j) (relating to
24 suspension of registration upon unpaid tolls) for [all of]
25 the following:

26 (i) Either:

27 (A) the amount of the toll evaded or attempted
28 to be evaded if the amount can be determined; or

29 (B) the maximum toll from the farthest point of
30 entry on the [Pennsylvania Turnpike] tolled facility
31 to the actual point of exit if the amount of the toll
32 evaded or attempted to be evaded cannot be
33 determined.

34 (ii) [A reasonable administrative fee not to exceed
35 \$35 per notification.] Fees and costs in an amount
36 sufficient to cover the reasonable costs of collecting
37 the amounts under subparagraph (i) but no greater than an
38 amount set by the commission or its authorized agent or
39 tolling entity as defined in 75 Pa.C.S. § 1380(j).

40 (8.1) The following shall apply:

41 (i) Upon failure of an owner, operator or lessee to
42 pay the amount, fee and cost imposed under paragraph (8),
43 the commission or its authorized agent shall send to the
44 owner, operator or lessee a notice of any toll evasion
45 violation setting forth the outstanding unpaid tolls and
46 administrative fees and costs due to the commission and
47 meeting the requirements of paragraph (1).

48 (ii) The department shall suspend the registration
49 of a vehicle upon the notification from the commission or
50 its authorized agent that the statutory owner or
51 registrant of the vehicle has failed to pay or defaulted

1 in the payment of six or more violations issued under
2 subsection (a)(1) or incurred unpaid tolls or
3 administrative fees or costs that total a minimum of
4 \$500. The suspension shall not be construed to limit the
5 commission's or its authorized agent's ability to recoup
6 tolls, administrative fees or costs.

7 (iii) Prior to notifying the department under
8 subparagraph (iv), the commission or its authorized agent
9 shall provide the statutory owner or registrant written
10 notice by first class mail of its intent to seek
11 suspension of the vehicle registration under this section
12 and afford the statutory owner or registrant with the
13 opportunity to be heard during an administrative
14 proceeding.

15 (iv) The following shall apply:

16 (A) No sooner than 30 days after mailing the
17 notice required under subparagraph (iii), the
18 commission or its authorized agent may notify the
19 department electronically, in a format prescribed by
20 the department, if a statutory owner or registrant
21 fails to respond, fails to pay, defaults in payment
22 of six or more violations issued under subsection (a)
23 (1) or incurs unpaid tolls or administrative fees or
24 costs that total a minimum of \$500.

25 (B) If a notice has been provided under clause
26 (A) and all of the violations are subsequently paid,
27 dismissed, reversed on appeal or canceled, the
28 commission or its authorized agent shall notify the
29 department electronically, in a format prescribed by
30 the department, of the disposition of the violations
31 and shall provide the statutory owner or registrant
32 with a release from the suspension.

33 (v) A suspension under subparagraph (ii) shall
34 continue until the department receives notice from the
35 commission or its authorized agent that all of the
36 violations are paid, dismissed, reversed on appeal or
37 canceled or the defendant enters into an agreement with
38 the commission or its authorized agent to make
39 installment payments for the tolls, administrative fees
40 and costs imposed and pays the fee prescribed under 75
41 Pa.C.S. § 1960 (relating to reinstatement of operating
42 privilege or vehicle registration), except that the
43 suspension may be reimposed by the department if the
44 defendant fails to make regular installment payments.

45 (vi) The department shall impose an additional
46 period of registration suspension if, subsequent to the
47 issuance of a suspension under subparagraph (ii), and
48 prior to the restoration of the registration, the
49 department is notified by the commission or its
50 authorized agent that the statutory owner or registrant
51 has failed to respond, failed to pay or defaulted in the

1 payment of an additional violation issued under
2 subsection (a)(1).

3 (vii) A suspension may not be imposed based upon a
4 violation of subsection (a)(1) more than three years
5 after the violation is committed.

6 (9) Nothing in this section shall be construed to limit
7 the liability of the operator of a vehicle for a violation of
8 this section or of the rules or regulations of the
9 commission.

10 (c) Placement of electronic toll collection device.--An
11 electronic toll collection device which is affixed to the front
12 windshield of a vehicle in accordance with the rules or
13 regulations of the commission shall not be deemed to constitute
14 a violation of 75 Pa.C.S. § 4524 (relating to windshield
15 obstructions and wipers).

16 (d) Privacy of electronic toll collection account holder
17 information.--

18 (1) Except as set forth under paragraph (2),
19 notwithstanding any other provision of law, all of the
20 following apply to information kept by the commission, its
21 authorized agents or its employees which is related to the
22 account of an electronic toll collection system account
23 holder:

24 (i) The information shall be for the exclusive use
25 of the commission, its authorized agents, its employees
26 and law enforcement officials for the purpose of
27 discharging their duties pursuant to this section and the
28 rules or regulations of the commission. This subparagraph
29 includes names, addresses, account numbers, account
30 balances, personal financial information, credit card
31 information, vehicle movement records and other
32 information compiled from transactions with the account
33 holders.

34 (ii) The information shall not be deemed a public
35 record under the Right-to-Know Law, nor shall it be
36 discoverable by court order or otherwise or be offered in
37 evidence in any action or proceeding which is not
38 directly related to the discharge of duties under this
39 section, the rules or regulations of the commission or a
40 violation of an account holder agreement.

41 (2) Paragraph (1) shall not be deemed to do any of the
42 following:

43 (i) Preclude a court of competent jurisdiction from
44 issuing an order directing that the information be
45 provided to law enforcement officials if the information
46 is reasonably described and is requested solely in
47 connection with a criminal law enforcement action.

48 (ii) Preclude the exchange of the information
49 between any entities with jurisdiction over or which
50 operate an electronic toll collection system in this
51 Commonwealth or any other jurisdiction.

1 (iii) Prohibit the use of the information
2 exclusively for the purpose of billing electronic toll
3 collection account holders, deducting toll charges from
4 the account of an account holder, enforcing toll
5 collection laws and related rules or regulations or
6 enforcing the provisions of an account holder agreement.

7 (d.1) Temporary regulations.--Notwithstanding any other law,
8 regulations promulgated by the commission during the two years
9 following the effective date of this subsection shall be deemed
10 temporary regulations which shall expire no later than three
11 years following the effective date of this subsection or upon
12 promulgation of final regulations. The temporary regulations
13 shall not be subject to any of the following:

14 (1) Sections 201, 202 and 203 of the act of July 31,
15 1968 (P.L.769, No.240), referred to as the Commonwealth
16 Documents Law.

17 (2) The act of June 25, 1982 (P.L.633, No.181), known as
18 the Regulatory Review Act.

19 (e) [Definition.--As used in this section, the term "owner"
20 means any person, corporation, firm, partnership, agency,
21 association, organization or lessor that, at the time a vehicle
22 is operated in violation of this section or regulations of the
23 commission:

24 (1) is the beneficial or equitable owner of the vehicle;

25 (2) has title to the vehicle; or

26 (3) is the registrant or coregistrant of the vehicle
27 registered with the department or a comparable agency of
28 another jurisdiction or uses the vehicle in its vehicle
29 renting or leasing business. The term includes a person
30 entitled to the use and possession of a vehicle subject to a
31 security interest in another person.] Definitions.--As used
32 in this section, the following words and phrases shall have
33 the meanings given to them in this subsection unless the
34 context clearly indicates otherwise:

35 "Owner." As follows:

36 (1) A person, corporation, firm, partnership, agency,
37 association, organization, governmental entity or lessor
38 that, at the time a vehicle is operated in violation of this
39 section or rules or regulations of the commission, meets any
40 of the following:

41 (i) Is the beneficial or equitable owner of the
42 vehicle.

43 (ii) Has title to the vehicle.

44 (iii) Is the registrant or coregistrant of the
45 vehicle registered with the department or a comparable
46 agency of another jurisdiction or uses the vehicle in its
47 vehicle renting or leasing business.

48 (2) The term includes a person entitled to the use and
49 possession of a vehicle subject to a security interest in
50 another person.

51 "Statutory owner." The term shall have the same meaning as

1 given to the term "owner" in 75 Pa.C.S. § 102 (relating to
2 definitions).

3 § 8121. [(Reserved).] Annual report.

4 At least one commission member shall testify at a public
5 hearing before the Appropriations Committee of the Senate and
6 the Appropriations Committee of the House of Representatives in
7 June of each year to present information on turnpike operations
8 and coordination with other State agencies.

9 Section 16. (Reserved).

10 Section 17. Sections 8204(b)(1) and 9110(f)(5) of Title 74
11 are amended to read:

12 § 8204. Code of conduct.

13 * * *

14 (b) Audit.--

15 (1) At least once every [four] two years, the Department
16 of the Auditor General shall review the performance,
17 procedures, operating budget, capital budget and debt of the
18 commission and shall audit the accounts of the commission.

19 * * *

20 § 9110. Public-private transportation partnership agreement.

21 * * *

22 (f) User fees.--A provision establishing whether user fees
23 will be imposed for use of the public-private transportation
24 project and the basis by which any user fees will be imposed and
25 collected shall be determined in the public-private
26 transportation partnership agreement. If a user fee is proposed
27 as part of the public-private transportation project, a
28 proprietary public entity shall include provisions in the
29 agreement that authorize the collection of user fees, tolls,
30 fares or similar charges, including provisions that:

31 * * *

32 (5) In the event an operator of a vehicle fails to pay
33 the prescribed toll or user fee at any location on a public-
34 private transportation project where tolls or user fees are
35 collected by means of an electronic or other automated or
36 remote form of collection, the collection provisions of
37 section 8117 (relating to [electronic] toll collection) shall
38 apply except that the development entity shall possess all of
39 the rights, roles, limitations and responsibilities of the
40 Pennsylvania Turnpike Commission.

41 * * *

42 Section 18. Title 74 is amended by adding chapters to read:

43 CHAPTER 92

44 TRAFFIC SIGNALS

45 Sec.

46 9201. Definitions.

47 9202. Maintenance agreement.

48 § 9201. Definitions.

49 The following words and phrases when used in this chapter
50 shall have the meanings given to them in this section unless the
51 context clearly indicates otherwise:

1 "Critical corridor." A State highway segment intersecting
2 with a limited access ramp or with bi-directional average annual
3 daily traffic greater than 10,000 vehicles per day. The
4 department's Roadway Management System shall identify the
5 current average annual daily traffic.

6 "Department." The Department of Transportation of the
7 Commonwealth.

8 "Existing agreement." An agreement between the department
9 and a municipality on the maintenance of a traffic signal
10 existing prior to the effective date of this section.

11 "Municipality." A city, borough, town or township.

12 "Maintenance." The activity of keeping a traffic signal in
13 proper working condition during the useful life of the traffic
14 signal.

15 "Replace." The modernization of an existing traffic signal
16 within a designated traffic corridor.

17 "Synchronize." The coordination of all traffic signals
18 within a designated traffic corridor for the purpose of
19 operating as a single system.

20 "Timing." The programming of traffic signals within a
21 designated traffic corridor in order to synchronize the signals.
22 § 9202. Maintenance agreement.

23 (a) Agreement.--A municipality may enter into an agreement
24 with the department to replace, synchronize and time traffic
25 signals located within a designated traffic corridor. The terms
26 of the agreement may specify that the municipality provide
27 services to the department. The agreement shall not exceed the
28 time period of the useful life of the traffic signals. The
29 municipality shall, during the duration of the agreement,
30 properly maintain and time the traffic signals in accordance
31 with the agreement.

32 (b) Critical corridors.--A municipality shall enter into an
33 agreement with the department under terms specified under
34 subsection (a) for critical corridors. A municipality shall
35 provide to the department in a timely manner all traffic and
36 intersection data that the municipality maintains for critical
37 corridors and establish and agree to an operations plan with the
38 department on critical corridors.

39 (c) Prioritization.--The department shall prioritize
40 corridors where proper signalization will provide the most
41 benefit to the traveling public and reduce congestion.
42 Priorities shall be reevaluated and updated as part of the
43 Planning Partner Transportation Improvement Plan cycle.

44 (d) Intergovernmental cooperation.--Two or more
45 municipalities may enter into an agreement with the department
46 if a designated corridor is located in two or more
47 municipalities.

48 (e) Maintenance.--If the department determines that one or
49 more traffic signals is not being maintained or timed in
50 accordance with an agreement under subsection (a) or an existing
51 agreement, the department shall provide written notice to all

1 municipalities subject to the agreement no less than 60 days
2 prior to taking any action to correct the improper maintenance
3 and timing. The written notice shall specify the maintenance and
4 timing deficiencies that are to be corrected.

5 (1) A municipality subject to the agreement under
6 subsection (a) shall have 60 days to correct the deficiencies
7 contained in the written notice or to contest, in writing,
8 the findings of the department within 30 days of receipt of
9 the written notice.

10 (2) The requirement that the municipality correct the
11 deficiencies within 60 days of receipt of the written notice
12 shall be temporarily stayed, if the municipality timely
13 contests the department's findings in writing.

14 (3) A municipality that contests the deficiencies
15 specified in the written notice shall have 30 days to reach a
16 written understanding with the department related to the
17 deficiencies specified in the written notice.

18 (4) If the department and the municipality do not reach
19 a written understanding under paragraph (3), the department
20 and the municipality shall select a civil engineer licensed
21 by the Commonwealth who has substantial experience in traffic
22 engineering to mediate the dispute. The engineer may not be
23 under contract with the department or municipality or
24 municipalities unless the contract is specifically related to
25 traffic signal mediation.

26 (f) Failure of municipality to perform.--If a municipality
27 that has entered into an agreement with the department under
28 subsection (a) fails to meet the requirements of subsection (c)
29 (1) or (2), the department may take action to correct the
30 deficiencies specified in the notice under subsection (c).

31 (g) Payment for failure to correct deficiencies.--If the
32 department takes action under subsection (c), the department may
33 deduct the actual costs of correcting the deficiencies in
34 maintenance and timing from the payments made to the
35 municipality under the act of June 1, 1956 (1955 P.L.1944,
36 No.655), referred to as the Liquid Fuels Tax Municipal
37 Allocation Law, and 75 Pa.C.S. Chs. 89 (relating to Pennsylvania
38 Turnpike) and 95 (relating to taxes for highway maintenance and
39 construction).

40 CHAPTER 93

41 BRIDGE BUNDLING PROGRAM

42 Sec.

43 9301. Definitions.

44 9302. Bundling authorization.

45 9303. Bridge Bundling Program.

46 9304. Grant limitation exceptions.

47 § 9301. Definitions.

48 The following words and phrases when used in this chapter
49 shall have the meanings given to them in this section unless the
50 context clearly indicates otherwise:

51 "Bridge budget act." The act of December 8, 1982 (P.L.848,

1 No. 235), known as the Highway-Railroad and Highway Bridge
2 Capital Budget Act for 1982-1983.

3 "Department." The Department of Transportation of the
4 Commonwealth.

5 "Determination." A decision by the department as to the
6 eligibility, recommendation and inclusion in the program.

7 "Local government." A county, city, borough, town or
8 township.

9 "Program." The Bridge Bundling Program.

10 § 9302. Bundling authorization.

11 Notwithstanding any other law, the department is authorized
12 to bundle the design and construction of highway bridges owned
13 by the Commonwealth or local governments as provided under this
14 chapter.

15 § 9303. Bridge Bundling Program.

16 (a) Establishment.--The Bridge Bundling Program is
17 established within the department.

18 (b) Purpose.--The purpose of the program is to save costs
19 and time by allowing multiple highway bridges to be replaced or
20 rehabilitated as one project for design and construction
21 purposes.

22 (c) Eligibility.--Bridges shall be eligible for the program
23 if multiple bridges meet all of the following:

24 (1) Are within geographical proximity to each other.

25 (2) Are of similar size or design.

26 (3) Inclusion in the program will meet the purpose of
27 the program.

28 (d) Implementation.--The department shall implement the
29 program as follows:

30 (1) The department shall annually develop a preliminary
31 list from different regions of this Commonwealth, on a
32 rotating basis, of bridges meeting eligibility requirements.

33 (2) The department shall notify local governments owning
34 bridges recommended for inclusion in that year's program.

35 (3) Following receipt of notification from the
36 department, the governing body of a local government shall
37 have 60 days to agree or refuse participation in the program.
38 Failure to respond in writing within 60 days shall be
39 considered a refusal to participate in the program.

40 (4) Based on the response from local governments under
41 paragraph (3), the department shall make a final
42 determination of bridges to be designed and constructed under
43 the program and provide a list to the appropriate planning
44 organizations for inclusion in lists of funded projects.

45 (4.1) A determination shall not be:

46 (i) considered to an adjudication under 2 Pa.C.S.
47 Chs. 5 Subch. A (relating to practice and procedure of
48 Commonwealth agencies) and 7 Subch. A (relating to
49 judicial review of Commonwealth agency action); and

50 (ii) appealable to the department or a court of law.

51 (5) The following shall apply:

1 (i) A local government that agrees to participate in
2 the program for one or more of its bridges that qualify
3 for the program must enter into an agreement with the
4 department. The agreement shall define the department's
5 responsibility for the design and construction of the
6 bridges and the continuing ownership and maintenance
7 responsibilities of the local government for the local
8 bridges replaced or rehabilitated under this program.

9 (ii) The local government shall have 90 days from
10 receipt of the agreement to execute the agreement.

11 (iii) Failure to return an agreement executed by
12 authorized local government officials shall be deemed a
13 refusal to participate in the program.

14 (6) Upon full execution of an agreement under the
15 program, the department shall manage the project design and
16 construction in a manner consistent with the purpose of the
17 program.

18 (f) Itemization.--Notwithstanding any other law, bridges
19 determined to be eligible and recommended for the program by the
20 department shall not require specific itemization in a capital
21 budget.

22 § 9304. Grant limitation exceptions.

23 (a) Exceptions.--Notwithstanding section 2(c) of the bridge
24 budget act, the department shall agree to a reduction of the
25 local share of costs associated with the design and construction
26 of the bridge of up to 100% for a local government that
27 participates in the program.

28 (b) Nonparticipation.--Notwithstanding section 2(c) of the
29 bridge budget act, a local government with bridges that are
30 recommended for participation in the program which refuses to
31 participate in the program shall be required to pay 30% of the
32 non-Federal share of the costs for those local bridges.

33 CHAPTER 94

34 LOCAL BRIDGE MAINTENANCE

35 Sec.

36 9401. Definitions.

37 9402. Maintenance of bridges under jurisdiction of municipality
38 on State designated highway.

39 § 9401. Definitions.

40 The following words and phrases when used in this chapter
41 shall have the meanings given to them in this section unless the
42 context clearly indicates otherwise:

43 "Department." The Department of Transportation of the
44 Commonwealth.

45 "Municipality." A county, city, borough, town or township.

46 "Maintenance." The activity of keeping a bridge in proper
47 working condition during the useful life of the bridge.

48 "State designated highway." A highway on the system of
49 highways over which the department has assumed or has been
50 legislatively given jurisdiction.

51 § 9402. Maintenance of bridges under jurisdiction of

1 municipality on State designated highway.

2 (a) Maintenance.--If the department determines that a bridge
3 on a State designated highway and under the jurisdiction of a
4 municipality by agreement, court order or operation of law is
5 not being maintained in accordance with the applicable
6 agreement, order or law, the department shall provide written
7 notice to each municipality subject to the maintenance
8 responsibility no less than 60 days prior to taking action to
9 correct the improper maintenance. The written notice shall
10 specify the maintenance deficiencies that are to be corrected.
11 The following shall apply:

12 (1) A municipality with maintenance responsibility for a
13 bridge on a State highway shall have 60 days to correct the
14 deficiencies contained in the written notice or to contest,
15 in writing, the findings of the department within 30 days of
16 receipt of the written notice.

17 (2) The requirement that the municipality correct the
18 deficiencies within 60 days of receipt of the written notice
19 shall be temporarily stayed if the municipality timely
20 contests the department's findings in writing.

21 (3) A municipality that contests the deficiencies
22 specified in the written notice shall have 30 days to reach a
23 resolution with the department related to the deficiencies
24 specified in the written notice.

25 (4) If the department and the municipality do not reach
26 a resolution under paragraph (3), the department and the
27 municipality shall select a civil engineer licensed by the
28 Commonwealth who has substantial experience in bridge
29 engineering to mediate the dispute. The engineer may not be
30 under contract with the department or municipality or
31 municipalities unless that contract is specifically related
32 to bridge maintenance mediation.

33 (b) Failure of municipality to perform.--If a municipality
34 with maintenance responsibility for a bridge on a State highway
35 fails to meet the requirements of subsection (a)(1) or (2), the
36 department may take action to correct the deficiencies specified
37 in the notice under subsection (a).

38 (c) Payment for failure to correct deficiencies.--If the
39 department takes action under subsection (a), the department may
40 deduct the actual costs of correcting the deficiencies in
41 maintenance from the payments made to the municipality under the
42 act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the
43 Liquid Fuels Tax Municipal Allocation Law, and 75 Pa.C.S. Chs.
44 89 (relating to Pennsylvania Turnpike) and 95 (relating to taxes
45 for highway maintenance and construction), if the payments made
46 to the municipality for a fiscal year is not less than the
47 payments made to the municipality for fiscal year 2012-2013.

48 CHAPTER 95

49 PUBLIC UTILITY FACILITIES

50 Sec.

51 9501. Adjustment.

1 § 9501. Adjustment

2 (a) General rule.--The following shall apply:

3 (1) If, in the construction, reconstruction, widening or
4 relocation of a State highway, bridge or tunnel or a part of
5 a State highway, bridge or tunnel, it becomes necessary, in
6 the opinion of the department, to change, alter, adjust or
7 relocate a water line or sanitary sewer owned and operated by
8 a public utility, as defined in 66 Pa.C.S. § 102 (relating to
9 definitions), the department may make the change, alteration,
10 adjustment or relocation as may be required as a part of the
11 construction, reconstruction, widening or relocation.

12 (2) In addition to paragraph (1), the department may
13 also enter into agreements with the public utility for the
14 sharing of costs of the change, alteration, adjustment or
15 relocation. If, in the opinion of the department, the costs
16 should be shared by the department and a public utility and
17 the department is unable to agree with the public utility to
18 a division of costs, the department may proceed with the work
19 and petition the Pennsylvania Public Utility Commission for a
20 determination of the costs to be borne by each party.

21 (b) Declaration of policy.--A public utility under
22 subsection (a) shall be entitled to a reimbursement in a similar
23 manner and shall be subject to the same standards and methods of
24 reimbursement as a city, borough, incorporated town, township
25 and municipal authority under section 412.1 of the act of June
26 1, 1945 (P.L.1242, No.428), known as the State Highway Law.

27 Section 18.1. Sections 1307 and 1332 of Title 75 are amended
28 by adding subsections to read:

29 § 1307. Period of registration.

30 * * *

31 (g) Optional biennial registration.--Upon application on a
32 form prescribed by the department, the owner or lessee of a
33 motor vehicle, except those registered under the International
34 Registration Plan and those with a seasonal registration or a
35 circus or carnival plate, may elect to pay annual registration
36 fees for a two-year period.

37 § 1332. Display of registration plate.

38 * * *

39 (d) Validating registration stickers.--Validating
40 registration stickers shall no longer be issued or required to
41 be displayed.

42 Section 19. Title 75 is amended by adding a section to read:

43 § 1380. Suspension of registration upon unpaid tolls.

44 (a) Suspension of registration.--

45 (1) The department shall suspend the registration of a
46 vehicle upon the notification from a tolling entity that the
47 owner or registrant of the vehicle has either:

48 (i) failed to pay or defaulted in the payment of six
49 or more violations issued pursuant to 74 Pa.C.S. §
50 8117(a)(1) (relating to electronic toll collection) or
51 other laws, regulations, ordinances or other standards

1 applicable to the toll collection or payment requirements
2 for a tolling entity; or

3 (ii) incurred unpaid tolls or administrative fees or
4 costs that collectively total a minimum of \$500,
5 regardless of the number of violations.

6 (2) The suspension under paragraph (1) may not be
7 construed to limit the tolling entity's ability to recoup
8 tolls, administrative fees or costs by any other means
9 available under the law.

10 (b) Notice.--Prior to notifying the department under
11 subsection (c), the tolling entity shall provide the owner or
12 registrant written notice by first class mail of its intent to
13 seek suspension of the vehicle registration pursuant to this
14 section and afford the owner or registrant with the opportunity
15 to be heard during an administrative proceeding.

16 (c) Notice to the department.--Not sooner than 30 days after
17 mailing the notice under subsection (b), the tolling entity,
18 provided it has entered into an agreement with the department to
19 enforce the provisions of this section, may notify the
20 department electronically in a format prescribed by the
21 department whenever an owner or registrant meets the
22 requirements for suspension under subsection (a)(1). When a
23 tolling entity has provided notice under this subsection and all
24 of the violations are subsequently paid, dismissed, reversed on
25 appeal or canceled, the tolling entity shall notify the
26 department electronically in a format prescribed by the
27 department of the disposition of the violation and shall provide
28 the owner or registrant with a release from the suspension.

29 (d) Period of suspension.--A suspension under subsection (a)
30 shall continue until the department receives notice from the
31 tolling entity that the violations are paid, dismissed, reversed
32 on appeal or canceled or the owner or registrant enters into an
33 agreement with the tolling entity to make installment payments
34 for tolls, administrative fees and costs imposed and pays the
35 fee prescribed in section 1960 (relating to reinstatement of
36 operating privilege or vehicle registration), provided that the
37 suspension may be reimposed by the department if the owner or
38 registrant fails to make regular installment payments.

39 (e) Additional suspension.--The department shall impose an
40 additional period of registration suspension if, subsequent to
41 the issuance of a suspension under subsection (a) but prior to
42 the restoration of the registration, the department is notified
43 by the tolling entity that the owner or registrant has failed to
44 pay, failed to respond or defaulted in the payment of an
45 additional violation issued pursuant to 74 Pa.C.S. § 8117(a)(1).

46 (f) Violations outside Commonwealth.--The department shall
47 suspend the registration of a vehicle upon the notification from
48 a tolling entity that has entered into an enforcement agreement
49 with the department as authorized under section 6146 (relating
50 to enforcement agreements) for any toll violation of that state
51 or an authority or for failure to pay any fine or costs imposed

1 in accordance with the laws of the jurisdiction in which the
2 violation occurred. A person who provides proof satisfactory to
3 the department that the full amount of the fine and costs has
4 been forwarded to and received by the other state may not be
5 regarded as having failed to pay for the purposes of this
6 subsection.

7 (g) Documentation.--In any proceeding under this section,
8 documents obtained by the department from a tolling entity or
9 from the appropriate agency of the Commonwealth or another state
10 shall be admissible into evidence to support the department's
11 case. In addition, the department may treat the documents and
12 reports as documents of the department and use any of the
13 methods of storage permitted under the provisions of 42 Pa.C.S.
14 § 6109 (relating to photographic copies of business and public
15 records) and may reproduce the documents in accordance with the
16 provisions of 42 Pa.C.S. § 6103 (relating to proof of official
17 records). The department may certify that it has received or
18 obtained documents and reports from a tolling entity, the
19 Commonwealth or other states, and the certification shall be
20 prima facie proof of the facts contained in the documents and
21 reports.

22 (h) Three-year statute of limitations.--No suspension may be
23 imposed based upon a violation of 74 Pa.C.S. § 8117(a)(1) or
24 similar provision from another state more than three years after
25 the violation is committed.

26 (i) Collection of out-of-State tolls.--The department or a
27 tolling entity may collect the civil penalties and tolls imposed
28 by an out-of-State tolling entity if the department or tolling
29 entity has entered into a reciprocity agreement that confirms
30 all of the following:

31 (1) The other state or tolling entity has its own
32 effective reciprocal procedures for collecting penalties and
33 tolls imposed by a Commonwealth tolling entity and agrees to
34 collect penalties and tolls of the Commonwealth tolling
35 entity by employing sanctions that include denial of a
36 person's right to register or reregister a motor vehicle.

37 (2) The penalties, exclusive of tolls, claimed by the
38 other state or tolling entity against an owner of a motor
39 vehicle registered in Pennsylvania do not exceed \$100 for a
40 first violation or \$600 for all pending violations.

41 (3) The other state or tolling entity provides due
42 process and appeal protections to avoid the likelihood that a
43 false, mistaken or unjustified claim will be pursued against
44 an owner.

45 (4) An owner of a motor vehicle registered in this
46 Commonwealth may present evidence to the other state or
47 tolling entity by mail, telephone, electronic means or other
48 means to invoke rights of due process, without having to
49 appear personally in the jurisdiction where the violation is
50 alleged to have occurred.

51 (5) The reciprocal collection agreement between the

1 department or a tolling entity and the other state or tolling
2 entity provides that each party may charge the other a fee
3 sufficient to cover the costs of collection services,
4 including costs incurred by the agency that registers motor
5 vehicles.

6 (j) Definition.--As used in this section, the term "tolling
7 entity" means the Pennsylvania Turnpike Commission, an entity
8 authorized to impose and collect tolls in accordance with the
9 laws of Pennsylvania, including 74 Pa.C.S. Ch. 91 (relating to
10 public-private transportation partnerships) or the laws of
11 another state or states and any authorized agent of such an
12 entity.

13 Section 20. Sections 1786(d), 1903, 1904(a) and 1911 heading
14 and (a) of Title 75 are amended to read:

15 § 1786. Required financial responsibility.

16 * * *

17 (d) Suspension of registration and operating privilege.--

18 (1) The Department of Transportation shall suspend the
19 registration of a vehicle for a period of three months if it
20 determines the required financial responsibility was not
21 secured as required by this chapter and shall suspend the
22 operating privilege of the owner or registrant for a period
23 of three months if the department determines that the owner
24 or registrant has operated or permitted the operation of the
25 vehicle without the required financial responsibility. The
26 operating privilege shall not be restored until the
27 restoration fee for operating privilege provided by section
28 1960 (relating to reinstatement of operating privilege or
29 vehicle registration) is paid.

30 (1.1) In lieu of serving a registration suspension
31 imposed under this section, an owner or registrant may pay to
32 the department a civil penalty of \$500, the restoration fee
33 prescribed under section 1960 and furnish proof of financial
34 responsibility in a manner determined by the department. An
35 owner or registrant may exercise this option no more than
36 once in a 12-month period.

37 (2) Whenever the department revokes or suspends the
38 registration of any vehicle under this chapter, the
39 department shall not restore or transfer the registration
40 until the suspension has been served or the civil penalty has
41 been paid to the department and the vehicle owner furnishes
42 proof of financial responsibility in a manner determined by
43 the department and submits an application for registration to
44 the department, accompanied by the fee for restoration of
45 registration provided by section 1960. This subsection shall
46 not apply in the following circumstances:

47 (i) The owner or registrant proves to the
48 satisfaction of the department that the lapse in
49 financial responsibility coverage was for a period of
50 less than 31 days and that the owner or registrant did
51 not operate or permit the operation of the vehicle during

1 the period of lapse in financial responsibility.

2 (ii) The owner or registrant is a member of the
3 armed services of the United States, the owner or
4 registrant has previously had the financial
5 responsibility required by this chapter, financial
6 responsibility had lapsed while the owner or registrant
7 was on temporary, emergency duty and the vehicle was not
8 operated during the period of lapse in financial
9 responsibility. The exemption granted by this paragraph
10 shall continue for 30 days after the owner or registrant
11 returns from duty as long as the vehicle is not operated
12 until the required financial responsibility has been
13 established.

14 (iii) The insurance coverage has terminated or
15 financial responsibility has lapsed simultaneously with
16 or subsequent to expiration of a seasonal registration,
17 as provided in section 1307(a.1) (relating to period of
18 registration).

19 (3) An owner whose vehicle registration has been
20 suspended under this subsection shall have the same right of
21 appeal under section 1377 (relating to judicial review) as
22 provided for in cases of the suspension of vehicle
23 registration for other purposes. The filing of the appeal
24 shall act as a supersedeas, and the suspension shall not be
25 imposed until determination of the matter as provided in
26 section 1377. The court's scope of review in an appeal from a
27 vehicle registration suspension shall be limited to
28 determining whether:

29 (i) the vehicle is registered or of a type that is
30 required to be registered under this title; and

31 (ii) there has been either notice to the department
32 of a lapse, termination or cancellation in the financial
33 responsibility coverage as required by law for that
34 vehicle or that the owner, registrant or driver was
35 requested to provide proof of financial responsibility to
36 the department, a police officer or another driver and
37 failed to do so. Notice to the department of the lapse,
38 termination or cancellation or the failure to provide the
39 requested proof of financial responsibility shall create
40 a presumption that the vehicle lacked the requisite
41 financial responsibility. This presumption may be
42 overcome by producing clear and convincing evidence that
43 the vehicle was insured at all relevant times.

44 (4) Where an owner or registrant's operating privilege
45 has been suspended under this subsection, the owner or
46 registrant shall have the same right of appeal under section
47 1550 (relating to judicial review) as provided for in cases
48 of suspension for other reason. The court's scope of review
49 in an appeal from an operating privilege suspension shall be
50 limited to determining whether:

51 (i) the vehicle was registered or of a type required

1 to be registered under this title; and

2 (ii) the owner or registrant operated or permitted
3 the operation of the same vehicle when it was not covered
4 by financial responsibility. The fact that an owner,
5 registrant or operator of the motor vehicle failed to
6 provide competent evidence of insurance or the fact that
7 the department received notice of a lapse, termination or
8 cancellation of insurance for the vehicle shall create a
9 presumption that the vehicle lacked the requisite
10 financial responsibility. This presumption may be
11 overcome by producing clear and convincing evidence that
12 the vehicle was insured at the time that it was driven.

13 (5) An alleged lapse, cancellation or termination of a
14 policy of insurance by an insurer may only be challenged by
15 requesting review by the Insurance Commissioner pursuant to
16 Article XX of the act of May 17, 1921 (P.L.682, No.284),
17 known as The Insurance Company Law of 1921. Proof that a
18 timely request has been made to the Insurance Commissioner
19 for such a review shall act as a supersedeas, staying the
20 suspension of registration or operating privilege under this
21 section pending a determination pursuant to section 2009(a)
22 of The Insurance Company Law of 1921 or, in the event that
23 further review at a hearing is requested by either party, a
24 final order pursuant to section 2009(i) of The Insurance
25 Company Law of 1921.

26 (6) The civil penalty under paragraph (1.1) shall be
27 deposited into the Public Transportation Trust Fund.

28 * * *

29 § 1903. Limitation on local license fees and taxes.

30 [No] Except as set forth in section 1935 (relating to fee for
31 local use), no municipality shall require or collect any
32 registration or license fee or tax for any vehicle or driver's
33 license from any person.

34 § 1904. Collection and disposition of fees and moneys.

35 [The] (a) General rule.--Except as provided under subsection
36 (b), the department shall collect all fees payable under this
37 title and all other moneys received in connection with the
38 administration of this title and transmit them to the State
39 Treasurer for deposit in the Motor License Fund. Moneys paid in
40 error may be refunded by the department.

41 (b) Disposition.--Fees collected under sections 1951(c)
42 (relating to driver's license and learner's permit), 1952
43 (relating to certificate of title), 1953 (relating to security
44 interest), 1955 (relating to information concerning drivers and
45 vehicles), 1956 (relating to certified copies of records) and
46 1958 (relating to certificate of inspection) shall be
47 transmitted to the State Treasurer for deposit as follows:

48 (1) For fiscal years 2013-2014 and 2014-2015:

49 (i) 10% to the Public Transportation Trust Fund;

50 (ii) 23% to the Multimodal Transportation Fund; and

51 (iii) 67% to the Motor License Fund.

- 1 (2) For fiscal years 2015-2016 and 2016-2017:
2 (i) 43.6% to the Public Transportation Trust Fund;
3 (ii) 23% to the Multimodal Transportation Fund; and
4 (iii) 33.4% to the Motor License Fund.
5 (3) For each fiscal year beginning after June 30, 2017:
6 (i) 77% to the Public Transportation Trust Fund; and
7 (ii) 23% to the Multimodal Transportation Fund.

8 (c) Automatic four-year adjustment.--For the 48-month period
9 beginning July 1, 2017, through June 30, 2021 and for each like
10 48-month period thereafter, fees collected under sections
11 1951(c) (relating to driver's license and learner's permit),
12 1952 (relating to certificate of title), 1953 (relating to
13 security interest), 1955 (relating to information concerning
14 drivers and vehicles), 1956 (relating to certified copies of
15 records) and 1958 (relating to certificate of inspection) shall
16 be increased by an amount calculated by applying the percentage
17 change in the Consumer Price Index for All Urban Consumers (CPI-
18 U) for the most recent 48-month period, calculated from March 1
19 through February 28, beginning on the date the fees charged
20 under this title were last increased and for which figures have
21 been officially reported by the United States Department of
22 Labor, Bureau of Labor Statistics, immediately prior to the date
23 the adjustment is due to take effect, to the then current fee
24 amounts authorized.

25 § 1911. [Annual registration] Registration fees.

26 (a) General rule.--[An annual] A fee for the registration of
27 vehicles as provided in Chapter 13 (relating to the registration
28 of vehicles) shall be charged by the department as provided in
29 this title.

30 * * *

31 Section 20.1. Title 75 is amended by adding a section to
32 read:

33 § 1935. Fee for local use.

34 (a) Levy.--A county, by ordinance, may impose a fee of \$5
35 for each vehicle registered to an address located in the county.
36 A county shall notify the department of the passage of the
37 ordinance 90 days prior to the effective date of the ordinance.

38 (b) Collection.--The department shall collect fees imposed
39 under subsection (a) at the time a vehicle is registered and
40 shall deposit the money in the Fee for Local Use Fund.

41 (c) Distribution.--Money paid into the Fee for Local Use
42 Fund shall be distributed in accordance with the amounts
43 collected for each participating county. Funds received by the
44 county shall be added to funds received under section 9010(b)
45 (relating to disposition and use of tax) and shall be
46 distributed in accordance with section 9010(c).

47 Section 21. Sections 1951(c), 1952, 1953, 1955, 1956(a) and
48 1958(a) of Title 75 are amended to read:

49 § 1951. Driver's license and learner's permit.

50 * * *

51 (c) Identification card.--The [fee for an] identification

1 card fee shall be [\$5] \$19 plus the cost of the photograph.

2 * * *

3 § 1952. Certificate of title.

4 (a) General rule.--The fee for issuance of a certificate of
5 title shall be [\$22.50] \$45.

6 (b) Manufacturer's or dealer's notification.--The fee for a
7 manufacturer's or dealer's notification of acquisition of a
8 vehicle from another manufacturer or dealer for resale pursuant
9 to section 1113 (relating to transfer to or from manufacturer or
10 dealer) shall be [\$3] \$5.

11 § 1953. Security interest.

12 The fee for recording or changing the amount of security
13 interest on a certificate of title shall be [\$5] \$23.

14 § 1955. Information concerning drivers and vehicles.

15 (a) Drivers, registrations, titles and security interests.--
16 The fee for a copy of written or electronic information relating
17 to a driver, registration, title or security interest shall be
18 [\$5.] \$6. If it has entered into a contract with a third party
19 to handle the delivery of driver information to wholesale
20 distributors, the department may impose a cost of up to \$2 per
21 record in addition to the statutory fee. A wholesale distributor
22 of driver information may resell or redisclose the information
23 for lawful purposes without another payment of the statutory fee
24 upon approval from the department.

25 (b) Other data and information.--The department may charge
26 to any person or governmental or quasi-governmental entity a
27 reasonable fee based on the cost to the department of compiling
28 data and statistical information upon request. The department
29 may also sell Statewide basic driver information for lawful
30 purposes at a reasonable fee to be published by the department
31 in the Pennsylvania Bulletin. Basic driver information shall be
32 first and last name, address, driver license number, date of
33 birth, license issue date, license expiration date, original
34 date of issue and license class and type.

35 § 1956. Certified copies of records.

36 (a) Department records.--The fee for a certified copy of any
37 department record which the department is authorized by law to
38 furnish to the public shall be [\$5] \$20 for each form or
39 supporting document comprising such record.

40 * * *

41 § 1958. Certificate of inspection.

42 (a) General rule.--The department shall charge [\$2] \$5 for
43 each annual certificate of inspection [and \$1], \$3 for each
44 semiannual certificate of inspection and \$2 for each certificate
45 of exemption.

46 * * *

47 Section 21.1. The definition of "qualified motor vehicle" in
48 section 2101.1 of Title 75 is amended and the section is amended
49 by adding definitions to read:

50 § 2101.1. Definitions.

51 The following words and phrases when used in this chapter and

1 in Chapter 96 (relating to motor carriers road tax) shall have
2 the meanings given to them in this section unless the context
3 clearly indicates otherwise:

4 "Department." The Department of Revenue of the Commonwealth.

5 * * *

6 "IFTA vehicle." A vehicle subject to the International Fuel
7 Tax Agreement, notwithstanding an exemption for the vehicle
8 provided by the law of an IFTA jurisdiction, including this
9 Commonwealth.

10 * * *

11 "Qualified motor vehicle." A motor vehicle, other than a
12 recreational vehicle, which is used, designed or maintained for
13 transportation of persons or property and:

14 (1) Having two axles and a gross weight or registered
15 gross weight exceeding 26,000 pounds.

16 (2) Having three or more axles regardless of weight.

17 (3) Used in combination, when the gross weight or
18 registered gross weight of the combination exceeds 26,000
19 pounds.

20 If there is no registered gross weight, then the gross vehicle
21 weight rating (GVWR) or gross combination weight rating (GCWR)
22 of the motor vehicle shall be used. Special mobile equipment
23 that would otherwise qualify under only paragraph (1), (2) or
24 (3) is considered a qualified motor vehicle. The term includes a
25 vehicle exempt from the motor carrier road tax under section
26 2105 (relating to exemptions) and a vehicle exempt from motor
27 fuel taxes under Chapter 90 (relating to liquid fuels, fuels tax
28 and electric vehicle road fee).

29 "Special mobile equipment." The term includes the special
30 mobile equipment registered and plated as such by the Department
31 of Transportation under Chapter 13 (relating to registration of
32 vehicles).

33 Section 21.2. Sections 2102(b) and (d)(2) and 2103(a) and
34 (a.1) of Title 75 are amended and the sections are amended by
35 adding subsections to read:

36 § 2102. Identification markers and license or road tax
37 registration card required.

38 * * *

39 (a.1) IFTA decals, changes in disposition, tax liability and
40 recordkeeping.--

41 (1) An IFTA licensee is responsible for notifying the
42 department in writing of a change to the licensee's IFTA
43 account including, but not limited to, an account
44 cancellation, address change and change to the use of issued
45 decals.

46 (i) When a vehicle to which IFTA decals have been
47 affixed is sold, traded or otherwise disposed of by the
48 operator or passes from control of the operator through
49 lease or otherwise, the motor carrier must notify the
50 department within 30 days after the vehicle leaves the
51 licensee's service. Proper notification must include the

1 taxpayer's or carrier's account number, tractor
2 registration plate number, the date of disposition change
3 and the name and address of the person in possession of
4 the vehicle. This notification must be mailed, faxed or
5 e-mailed to the department.

6 (ii) Canceled decals, if recoverable, must remain in
7 the licensee's files for at least four years for auditing
8 purposes.

9 (2) A licensee to whom an identification card and decals
10 were issued shall be liable for taxes applicable to the
11 operations of the vehicles licensed until the date the
12 department receives proper notification of disposition or
13 loss of control of the vehicles licensed. The licensee's
14 liability for such vehicles will terminate upon the date of
15 disposition or loss of control if the carrier provides the
16 department notification of vehicle disposition or loss of
17 control of the licensed vehicles within 30 days of
18 disposition or loss of control.

19 (3) For carriers using independent contractors under
20 long-term leases that are 30 days or longer, the lessor and
21 lessee may designate which party will report and pay fuel use
22 tax. In the absence of a written agreement or contract or if
23 the document is silent regarding responsibility for reporting
24 and paying fuel use tax, the lessee will be responsible for
25 reporting and paying fuel use tax.

26 (4) Decals cannot be transferred from one vehicle to
27 another or from one company to another.

28 (5) Unless otherwise provided for by statute, once a
29 decaled or licensed vehicle passes control from a taxpayer to
30 another, the decal and license are void immediately.

31 (6) A decal purchased but unused during a registration
32 year must be kept in the licensee's files for four years for
33 auditing purposes.

34 (7) If the carrier fails to notify the department of
35 changes in disposition of decals, the carrier may provide the
36 department with:

37 (i) evidence of the carrier's written policy
38 requiring canceled decals to be returned; and

39 (ii) physical evidence that the decals were removed.
40 The department may consider the evidence in lieu of timely
41 notification as required in this section.

42 (7.1) A vehicle bearing an IFTA decal is considered an
43 IFTA vehicle.

44 (8) The provisions of this subsection do not apply if
45 the vehicle has been stolen and a report of the theft has
46 been made to an appropriate law enforcement agency.

47 (a.2) Application.--The application must set forth the names
48 and addresses of the principal officers or owners of the entity
49 and other information prescribed by the department for purposes
50 of identification. The application must be signed and verified
51 by oath or affirmation by:

- 1 (1) the owner, if the applicant is an individual;
2 (2) a member or partner, if the applicant is an
3 association; or
4 (3) an officer or an individual authorized in writing
5 attached to the application, if the applicant is a
6 corporation.

7 (b) Fee.--[The fee for issuance of identification markers
8 shall be \$5 per vehicle.] The department may charge an
9 administrative fee for issuance of identification markers for
10 each qualified motor vehicle.

11 * * *

12 (d) Operation without identification markers unlawful.--
13 Except as provided in paragraphs (2) and (3), it shall be
14 unlawful to operate or to cause to be operated in this
15 Commonwealth any qualified motor vehicle unless the vehicle
16 bears the identification markers required by this section or
17 valid and unrevoked IFTA identification markers issued by
18 another IFTA jurisdiction.

19 * * *

20 (2) For a period not exceeding 30 days as to any one
21 motor carrier, the Secretary of Revenue by letter or telegram
22 may authorize the operation of a qualified motor vehicle or
23 vehicles without the identification markers required when
24 both the following are applicable:

25 (i) enforcement of this section for that period
26 would cause undue delay and hardship in the operation of
27 such qualified motor vehicle; and

28 (ii) the motor carrier is registered and/or licensed
29 for the motor carriers road tax with the Department of
30 Revenue or has filed an application therefor with the
31 Department of Revenue:

32 (A) The department may charge an administrative
33 fee for such temporary permits [shall be \$5] for each
34 qualified motor vehicle which shall be deposited in
35 the Highway Bridge Improvement Restricted Account
36 within the Motor License Fund.

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

40 (C) A temporary permit issued by another IFTA
41 jurisdiction under authority similar to this
42 paragraph shall be accorded the same effect as a
43 temporary permit issued under this paragraph.

44 * * *

45 § 2103. False statements and penalties.

46 (a) False statements.--Any person who willfully and
47 knowingly makes, publishes, delivers or utters a false statement
48 orally, or in writing, or in the form of a receipt for the sale
49 of motor fuel, for the purpose of obtaining or attempting to
50 obtain, or to assist any person to obtain or attempt to obtain,
51 a credit or refund or reduction of liability for taxes under

1 this chapter or Chapter 96 (relating to motor carriers road tax)
2 shall be guilty of a summary offense and, upon conviction
3 thereof, for a first offense shall be sentenced to pay a fine of
4 not less than \$100 nor more than [\$500] \$1,000; and for each
5 subsequent or additional offense, a fine of not less than \$200
6 nor more than [\$500] \$2,000, or undergo imprisonment for a term
7 not exceeding 90 days, or both.

8 (a.1) Operation without identification marker.--
9 Notwithstanding the provisions of subsection (b), any person who
10 violates section 2102(d) (relating to identification markers
11 required) and who can adequately establish an absence of knowing
12 and willful intent shall be guilty of a summary offense [and
13 shall be sentenced to pay a fine of \$25].

14 (a.2) Accountability for decals.--Notwithstanding the
15 provisions of subsection (b), a person who, upon inspection,
16 examination or audit by the department, cannot account for the
17 IFTA decals issued to the person commits a summary offense and
18 shall be sentenced to pay a fine of not less than \$500 nor more
19 than \$1,000 per each unaccounted decal.

20 * * *

21 Section 21.3. Section 2105 of Title 75 is amended to read:
22 § 2105. Exemptions.

23 [(a) General rule.--The requirements of this chapter and
24 Chapter 96 (relating to motor carriers road tax) do not apply to
25 the following vehicles:

26 (1) A qualified motor vehicle bearing a Pennsylvania
27 farm vehicle registration plate and operated in accordance
28 with the restrictions of section 1344 (relating to use of
29 farm vehicle plates) or a qualified motor vehicle registered
30 and operated under provisions of another jurisdiction
31 determined by the Department of Revenue to be similar to
32 those restrictions.

33 (2) A qualified motor vehicle exempt from registration
34 as a farm vehicle and operated in accordance with the
35 restrictions of section 1302(10) (relating to vehicles exempt
36 from registration) or a qualified motor vehicle operated
37 under provisions of another jurisdiction determined by the
38 Department of Revenue to be similar to those restrictions.

39 (3) An emergency vehicle as defined by section 102
40 (relating to definitions).

41 (4) A qualified motor vehicle operated by or on behalf
42 of any department, board or commission of the Commonwealth,
43 or any political subdivision thereof, or any quasi-
44 governmental authority of which this Commonwealth is a
45 participating member, or any agency of the Federal Government
46 or the District of Columbia, any foreign country, or of any
47 state or any political subdivision thereof which grants
48 similar exemptions to publicly owned vehicles registered in
49 this Commonwealth.

50 (5) A school bus.

51 (5.1) A motorbus owned by and registered to a church.

1 (6) An implement of husbandry as defined by section 102.

2 (7) Special mobile equipment as defined by section 102.

3 (8) An unladen or towed motor vehicle or unladen trailer
4 which enters this Commonwealth solely for the purpose of
5 securing repairs or reconditioning. The repair facility shall
6 furnish to the motor carrier a certificate to be carried by
7 the qualified motor vehicle operator while the vehicle is in
8 this Commonwealth for the purposes of this paragraph.

9 (9) A qualified motor vehicle needing emergency repairs
10 which secures authorization from the Pennsylvania State
11 Police to enter this Commonwealth under this section.

12 (10) A commercial implement of husbandry.]

13 (a) Exempt entities.--Any motor carrier that is exempt from
14 motor fuels taxes under section 9004(e) (relating to imposition
15 of tax, exemptions and deductions) shall be exempt from the
16 motor carriers road tax imposed under Chapter 96 (relating to
17 motor carriers road tax). The motor carrier is not required to
18 do any of the following:

19 (1) Display any road tax identification markers.

20 (2) Carry a cab card.

21 (3) File motor carrier road tax report.

22 (b) Vehicle exemptions.--The following Pennsylvania-licensed
23 and registered vehicles, if traveling only within this
24 Commonwealth and no other jurisdictions, are exempt from the
25 motor carriers road tax imposed under Chapter 96 and are not
26 required to report or display road tax identification markers:

27 (1) A qualified motor vehicle bearing a Pennsylvania
28 farm vehicle registration plate and operated in accordance
29 with the restrictions under section 1344 (relating to use of
30 farm vehicle plates) or a qualified motor vehicle registered
31 and operated under provisions of another jurisdiction
32 determined by the Department of Revenue to be similar to the
33 restrictions under section 1344.

34 (2) A qualified motor vehicle exempt from registration
35 as a farm vehicle and operated in accordance with the
36 restrictions under section 1302(10) (relating to vehicles
37 exempt from registration) or a qualified motor vehicle
38 operated under provisions of another jurisdiction determined
39 by the Department of Revenue to be similar to the
40 restrictions under section 1302(10).

41 (3) An emergency vehicle.

42 (4) A qualified motor vehicle operated by or on behalf
43 of any department, board or commission of the Commonwealth,
44 or any political subdivision thereof, or any quasi-
45 governmental authority of which the Commonwealth is a
46 participating member, or any agency of the Federal Government
47 or the District of Columbia, any foreign country or of any
48 state or any political subdivision thereof which grants
49 similar exemptions to publicly owned vehicles registered in
50 this Commonwealth.

51 (5) A school bus qualifying for exemption under section

1 9004(e)(5) (relating to imposition of tax, exemptions and
2 deductions).

3 (5.1) A motorbus owned by and registered to a church.

4 (6) An implement of husbandry.

5 (7) Special mobile equipment.

6 (8) A commercial implement of husbandry.

7 (c) Special vehicle exemptions.--The following types of
8 vehicles entering this Commonwealth are exempt from the motor
9 carriers road tax imposed under Chapter 96 and are not required
10 to report or display road tax identification markers:

11 (1) An unladen or towed motor vehicle or unladen trailer
12 which enters this Commonwealth solely for the purpose of
13 securing repairs or reconditioning. The repair facility shall
14 furnish to the motor carrier a certificate to be carried by
15 the qualified motor vehicle operator while the vehicle is in
16 this Commonwealth.

17 (2) A qualified motor vehicle needing emergency repairs
18 which secures authorization from the Pennsylvania State
19 Police to enter this Commonwealth.

20 (d) Recordkeeping requirements.--All qualified motor
21 vehicles, regardless whether or not the vehicle is exempt from
22 the motor carrier road tax under this section, must maintain
23 proper records of travel routes, fuel and miles, in accordance
24 with the recordkeeping provisions of section 9610 (relating to
25 records).

26 (e) Motor carrier road tax imposed.--Notwithstanding
27 subsections (a) and (b), the department may impose the motor
28 carrier road tax imposed under Chapter 96 on any qualified motor
29 vehicle for which proper records are not available to
30 substantiate travel routes, fuel and miles, in accordance with
31 the recordkeeping provisions of section 9610.

32 (f) IFTA reporting required for interstate travel.--The
33 following shall apply:

34 (1) Notwithstanding the exemptions under subsections (a)
35 and (b), any qualified motor vehicle registered in this
36 Commonwealth that travels in any IFTA jurisdiction requiring
37 the payment of motor carrier road tax or its equivalent may
38 be licensed as an IFTA vehicle by the Commonwealth in
39 accordance with IFTA licensing provisions. Any vehicle
40 holding or displaying IFTA credentials must file IFTA reports
41 and corresponding payments to a base jurisdiction, even if
42 the vehicle is exempt from motor carrier road taxes in this
43 Commonwealth.

44 (2) A vehicle obtaining trip permits under section
45 2102(d)(3) (relating to identification markers and license or
46 road tax registration card required) for each trip within
47 this Commonwealth is exempt from IFTA licensing and reporting
48 for the permitted trips.

49 [(b)] (g) Regulations.--The Department of Revenue may
50 promulgate regulations to implement this section.

51 Section 21.4. Title 75 is amended by adding sections to

1 read:

2 § 2106. Uncollectible payments.

3 If the payment of a tax, penalty or interest imposed by this
4 chapter is returned to the department as uncollectible, the
5 department shall follow section 3003.9 of the act of March 4,
6 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

7 § 2107. Emergency proclamations.

8 (a) Emergencies declared within this Commonwealth.--Upon the
9 Governor's declaration of a state of emergency for this
10 Commonwealth, the Secretary of Revenue may waive, suspend or
11 otherwise modify any provisions of this chapter for the purpose
12 of enabling motor carriers to respond to emergency conditions
13 and to conduct timely emergency relief efforts. The waivers,
14 suspensions or modifications shall be effective for a specific
15 period of time as determined by the Secretary of Revenue and
16 shall not exceed the termination of the state of emergency
17 declared by the Governor.

18 (b) Emergencies declared outside this Commonwealth.--The
19 Secretary of Revenue, with prior authorization from the
20 Governor, may waive, suspend or otherwise modify any provisions
21 of this chapter on a temporary and indefinite basis to
22 facilitate the timely movement of vehicles or fuel from and
23 through this Commonwealth to other jurisdictions requesting
24 assistance from the Commonwealth.

25 (c) Recordkeeping.--Notwithstanding subsections (a) and (b),
26 each distributor, exempt entity or other person who buys, sells
27 or uses liquid fuels, fuels or alternative fuels under the terms
28 of an emergency declaration must maintain records to
29 substantiate participation in emergency relief efforts. Motor
30 carriers shall maintain records substantiating the purchase and
31 use of tax-free fuels in this Commonwealth during the period of
32 the declared emergency.

33 (d) Taxes not waived.--Unless specifically suspended by the
34 Secretary of Revenue, liquid fuels, fuels and alternative fuels
35 taxes are not waived for emergencies determined under subsection
36 (a) or (b).

37 Section 21.5. Section 3111 of Title 75 is amended by adding
38 a subsection to read:

39 § 3111. Obedience to traffic-control devices.

40 * * *

41 (a.1) Penalty.--

42 (1) A person who violates this section commits a summary
43 offense and shall, upon conviction, pay a fine of \$75.

44 (2) Notwithstanding 42 Pa.C.S. § 3733(a) (relating to
45 deposits into account), a fine under paragraph (1) shall be
46 distributed as follows:

47 (i) Twenty-five dollars shall be deposited as
48 provided under 42 Pa.C.S. § 3733(a).

49 (ii) After deposit of the amount under subparagraph
50 (i), the remaining portion of the fine shall be deposited
51 into the Public Transportation Trust Fund.

1 * * *

2 Section 22. Section 4902(a) and (c) of Title 75 are amended
3 and the section is amended by adding subsections to read:
4 § 4902. Restrictions on use of highways and bridges.

5 (a) Restrictions based on condition of highway or bridge.--
6 The following shall apply

7 (1) The Commonwealth and local authorities with respect
8 to highways and bridges under their jurisdictions may
9 prohibit the operation of vehicles and may impose
10 restrictions as to the weight or size of vehicles operated
11 upon a highway or bridge only when they determine by
12 conducting an engineering and traffic study as provided for
13 in department regulations that the highway or bridge may be
14 damaged or destroyed unless use by vehicles is prohibited or
15 the permissible size or weight of vehicles is reduced.

16 (2) The following shall apply:

17 (i) School buses, emergency vehicles and vehicles
18 making local deliveries or pickups may be exempted from
19 restrictions on the use of highways imposed under this
20 subsection.

21 (ii) The department may issue a statement of policy,
22 which shall take effect upon publication in the
23 Pennsylvania Bulletin, adopting an appropriate
24 methodology to provide letters of local determination
25 that identify particular vehicles, routes or uses as
26 local in nature.

27 (iii) The methodology under subparagraph (ii) may
28 allow for exemptions from 67 Pa. Code Ch. 189 (relating
29 to hauling in excess of posted weight limit) related to
30 at-risk industry sectors experiencing a 20% decline in
31 Statewide employment between March 2002 and March 2011.

32 (iv) The exemptions and related requirements under
33 subparagraph (iii) may remain in existence until December
34 31, 2018. Exemptions for local delivery or pickup may not
35 include traffic going to or coming from a site at which
36 minerals, gas or natural resources are developed,
37 harvested or extracted, notwithstanding whether the site
38 is located at a residence, a commercial site or on
39 farmland.

40 * * *

41 (c) Permits and security.--The Commonwealth and local
42 authorities may issue permits for movement of vehicles of size
43 and weight in excess of restrictions promulgated under
44 subsections (a) and (b) with respect to highways and bridges
45 under their jurisdiction and may require such undertaking or
46 security as they deem necessary to cover the cost of repairs and
47 restoration necessitated by the permitted movement of vehicles.
48 In reference to subsection (a), the Commonwealth and local
49 authorities shall not refuse to issue a permit with respect to a
50 highway under their jurisdiction if there is no reasonable
51 alternate route available. For purposes of this section,

1 "reasonable alternate route" shall mean a route meeting the
2 criteria set forth in department regulations relating to traffic
3 and engineering studies. The department may establish the types
4 of permits and agreements that may be issued. The following
5 shall apply:

6 (1) Permits may be for long-term or short-term use of
7 the posted highways.

8 (2) The department may require multiple vehicles
9 traveling to or from a single destination to operate pursuant
10 to a single permit.

11 (3) The department may establish a permit type allowing
12 the posting authority to determine that damage to the posted
13 highway covered by the permit will be minimal. This type of
14 permit may include categories based on the number and kinds
15 of loads expected, including a category providing that use of
16 the posted highway under a single minimum use permit of less
17 than 700 loads per year shall not require an agreement or
18 security. The department may alter the 700 loads per year
19 minimum use threshold if it determines the structural
20 capacity of the state highways can accept a higher or lower
21 amount of over-posted weight traffic. The department may
22 express the threshold as a loads-per-day, loads-per-week, or
23 loads-per-month number.

24 (4) The department may restrict use of permits during
25 thaw periods as determined by the department.

26 (5) The department may determine that hauling related to
27 unconventional oil and gas development is excluded from
28 minimum use status based on its disproportionate and
29 qualitatively different impact upon highways and bridges.

30 (6) The department shall promulgate regulations to
31 implement this section. Regulations promulgated by the
32 department under this section shall not be subject to the
33 proposed rulemaking provisions of the act of July 31, 1968
34 (P.L.769, No.240) referred to as the Commonwealth Documents
35 Law, or the act of June 25, 1982 (P.L.633, No.181) known as
36 the Regulatory Review Act.

37 * * *

38 (h) (Reserved).

39 (i) Authority to conduct investigations and audits.--The
40 Commonwealth and local authorities may conduct or cause to be
41 conducted investigations and audits of a person or entity to
42 determine if there has been a violation of this section,
43 pertinent regulations or agreements.

44 (j) Authority to suspend, revoke or deny permits.--The
45 Commonwealth and local authorities may suspend, revoke or deny
46 permits and agreements if it is determined by the Commonwealth
47 or a local authority that there has been a violation of this
48 section, pertinent regulations or agreements, notwithstanding
49 any other provision of this section.

50 Section 22.1. Section 4968(a.1)(3), (a.2)(4) and (b) of
51 Title 75, amended October 24, 2012 (P.L.1473, No.187), are

1 amended to read:

2 § 4968. Permit for movement during course of manufacture.

3 (a.1) General rule.--An annual permit may be issued
4 authorizing movement on specified highways of:

5 * * *

6 (3) aircraft refueling vehicles or vehicles and
7 combinations carrying [raw] milk, raw coal, flat-rolled steel
8 coils, steel slabs, hot ingots, a hot box, pulpwood and wood
9 chips, raw water or cryogenic liquid which exceed the maximum
10 weight specified in Subchapter C while they are in the course
11 of manufacture and under contract with or under the direct
12 control of the manufacturer, provided that they do not exceed
13 the maximum height, width or length specified in Subchapter B
14 unless they also qualify under paragraph (1), subject to the
15 provisions in subsection (a.2).

16 (a.2) Specifications.--

17 * * *

18 (4) A combination of vehicles which is hauling [raw]
19 milk to or from a manufacturer may be permitted by the
20 department and local authorities to move upon highways within
21 their respective jurisdictions 24 hours a day, seven days a
22 week, except during inclement weather as defined in
23 department regulations, if the gross weight does not exceed
24 95,000 pounds and the weight of any nonsteering axle does not
25 exceed 21,000 pounds. No permit may be issued for this type
26 of movement upon an interstate highway. An application to the
27 department for the movement of milk, except for raw milk,
28 must designate the route the applicant requests to use.

29 * * *

30 (b) Definitions.--As used in this section, the following
31 words and phrases shall have the meanings given to them in this
32 subsection:

33 "Bulk milk." The term shall mean milk, as defined in section
34 1 of the act of July 2, 1935 (P.L.589, No.210), referred to as
35 the Milk Sanitation Law, which is not transported in packages.

36 "Condensed milk" and "evaporated milk." The term shall mean
37 manufactured dairy products as defined in section 1 of the Milk
38 Sanitation Law, which is not transported in packages.

39 "Hot box." Consists of an enclosure consisting of welded
40 steel plate chained to a semitrailer with a removable lid lined
41 with refraction for purposes of insulation and retention of
42 heat.

43 "Milk." Any of the following:

44 (1) Bulk milk.

45 (2) Cream.

46 (3) Plain or sweetened evaporated milk.

47 (4) Raw milk.

48 (5) Skim or whole condensed milk.

49 (6) Skimmed milk.

50 "Raw milk." Has the meaning given to it in the [act of July
51 2, 1935 (P.L.589, No.210), referred to as the] Milk Sanitation

1 Law.

2 Section 23. Section 6110(b) of Title 75 is amended to read:
3 § 6110. Regulation of traffic on Pennsylvania Turnpike.

4 * * *

5 (b) Penalties.--

6 (1) Except as otherwise provided in this subsection, any
7 person violating any of the rules and regulations of the
8 Pennsylvania Turnpike Commission for which no penalty has
9 otherwise been provided by statute commits a summary offense
10 and shall, upon conviction, be sentenced to pay a fine of
11 \$25.

12 (2) Any person violating any of the rules and
13 regulations of the commission prohibiting fare evasion or
14 attempted fare evasion commits a summary offense and shall,
15 upon conviction for the first time, be sentenced to pay a
16 fine according to the classification by the commission of the
17 vehicle driven by that person at the time of violation as
18 follows:

- 19 (i) Class 1 through 2: \$100.
- 20 (ii) Class 3 through 6: \$500.
- 21 (iii) Class 7 and higher: \$1,000.

22 (3) In addition to the fines imposed under this
23 subsection, restitution shall be made to the commission in an
24 amount equal to the full fare, for the appropriate vehicle
25 class, from the farthest point of entry on the turnpike to
26 the actual point of exit.

27 (3.1) (i) A person who, while traveling upon the
28 Pennsylvania Turnpike or a road under its control, takes
29 an affirmative action in an attempt to evade tolls
30 commits a misdemeanor of the third degree, and shall,
31 upon conviction, be sentenced to pay a fine of \$6,500 and
32 to undergo imprisonment for not less than 60 days. For
33 the purposes of this subsection, affirmative action shall
34 include any of the following:

35 (A) Removal of license plates from the vehicle
36 to impede electronic toll collection.

37 (B) Installation of a mechanism that rotates,
38 changes, blocks or otherwise mechanically alters the
39 ability of a license plate to be read by a violation
40 enforcement system as defined under 74 Pa.C.S. § 8102
41 (relating to definitions).

42 (C) Installation of a mechanical apparatus upon
43 the vehicle that serves the sole purpose of masking,
44 hiding or manipulating the true weight of the vehicle
45 as it appears to a mechanical scale.

46 (D) Conspiring with an individual or group of
47 individuals in an attempt to alter, lower or evade
48 payment of correct tolls.

49 (E) Unauthorized use of Pennsylvania Turnpike
50 private gate access or otherwise unauthorized
51 movement entering or exiting the turnpike other than

1 at approved interchanges.

2 (F) Any other action taken for the purpose of
3 evading the payment of a toll.

4 (ii) A violation of this paragraph may not preclude
5 prosecution under section 1332 (relating to display of
6 registration plate), section 7122 (relating to altered,
7 forged or counterfeit documents and plates) or section
8 7124 (relating to fraudulent use or removal of
9 registration plate).

10 Section 24. The definitions of "annual additional payments,"
11 "annual base payments" and "scheduled annual commission
12 contributions" in section 8901 of Title 75 are amended to read:
13 § 8901. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Annual additional payments." As follows:

18 (1) During the conversion period and after the
19 conversion date, an amount equal to the scheduled annual
20 commission contribution, minus the sum of:
21 [(i) \$200,000,000 paid as annual base payments;]
22 (ii) any Interstate 80 savings for that fiscal year.

23 (2) If the conversion period has expired and a
24 conversion notice has not been received by the secretary, in
25 each subsequent fiscal year [until the end of the term of the
26 lease agreement] through fiscal year 2020-2021, the annual
27 additional payments shall be \$250,000,000. No annual
28 additional payments shall be due after fiscal year 2020-2021.

29 "Annual base payments." An amount equal to the sum of the
30 following:

31 (1) Annual debt service on outstanding bonds issued
32 under section 9511.2 (relating to special revenue bonds)
33 payable as required pursuant to the bonds.

34 [(2) Two hundred million dollars payable annually in
35 four equal installments each due the last business day of
36 each July, October, January and April.] No annual base
37 payments shall be due after fiscal year 2012-2013.

38 * * *

39 "Scheduled annual commission contribution." The following
40 amounts:

41 (1) \$750,000,000 in fiscal year 2007-2008.

42 (2) \$850,000,000 in fiscal year 2008-2009.

43 (3) \$900,000,000 in fiscal year 2009-2010.

44 (4) For fiscal year 2010-2011 and each fiscal year
45 thereafter, the amount shall be the amount calculated for the
46 previous year increased by 2.5%, except that the amount shall
47 be equal to the annual base payments plus \$250,000,000 if the
48 conversion notice is not received by the secretary prior to
49 the expiration of the conversion period. No scheduled annual
50 commission contribution shall be due after fiscal year 2020-
51 2021.

1 Section 25. Sections 8915.3(1) and 8815.6(b)(1) of Title 75
2 are amended to read:

3 § 8915.3. Lease of Interstate 80; related agreements.

4 The department and the commission shall enter into a lease
5 agreement relating to Interstate 80 prior to October 15, 2007.
6 The lease agreement shall include provisions setting forth the
7 terms and conditions of the conversion of Interstate 80 to a
8 toll road. The lease agreement and any related agreement, at a
9 minimum, shall include the following:

10 (1) A provision that the term of the lease agreement
11 shall be 50 years, unless:

12 (i) extended upon mutual agreement of the parties to
13 the lease agreement and upon approval of the General
14 Assembly[.]; or

15 (ii) reduced or terminated upon mutual agreement of
16 the parties to the lease agreement.

17 * * *

18 § 8915.6. Deposit and distribution of funds.

19 * * *

20 (b) Distribution.--The following shall apply:

21 [(1) Annually, 15% of the amount deposited in any fiscal
22 year under subsection (a) shall be distributed at the
23 discretion of the secretary.]

24 * * *

25 Section 25.1. Chapter 90 heading of Title 75 is amended to
26 read:

27 CHAPTER 90

28 LIQUID FUELS [AND] FUELS TAX

29 AND ELECTRIC VEHICLE ROAD FEE

30 Section 25.2. Chapter 90 of Title 75 is amended by adding a
31 subchapter heading to read:

32 SUBCHAPTER A

33 PRELIMINARY PROVISIONS

34 Section 26. Section 9002 of Title 75 is amended to read:
35 § 9002. Definitions.

36 The following words and phrases when used in this chapter
37 shall have the meanings given to them in this section unless the
38 context clearly indicates otherwise:

39 "Alternative fuels." Natural gas, compressed natural gas
40 (CNG), liquified natural gas (LNG), liquid propane gas and
41 liquified petroleum gas (LPG), alcohols, E85 gasoline-alcohol
42 mixtures containing [at least] greater than 85% alcohol by
43 volume, hydrogen, hythane [, electricity] and any other fuel
44 used to propel motor vehicles on the public highways which is
45 not taxable as fuels or liquid fuels under this chapter. The
46 foregoing liquids or gases that will not be used to propel a
47 motor vehicle on the public highways and are not taxable as
48 fuels or liquid fuels under this chapter may not be considered
49 motor fuels for purposes of this chapter. The term does not
50 include electricity.

51 ["Alternative fuel dealer-user." Any person who delivers or

1 places alternative fuels into the fuel supply tank or other
2 device of a vehicle for use on the public highways.]

3 "Association." A partnership, limited partnership or any
4 other form of unincorporated enterprise owned by two or more
5 persons.

6 "Average annual vehicle fuel tax." The average annual amount
7 of motor fuel taxes paid by a Pennsylvania-registered vehicle.

8 "Average wholesale price." [The average wholesale price per
9 gallon of all taxable liquid fuels and fuels, excluding the
10 Federal excise tax and all liquid fuels taxes, as determined by
11 the Department of Revenue for the 12-month period ending on the
12 September 30 immediately prior to January 1 of the year for
13 which the rate is to be set. In no case shall the average
14 wholesale price be less than 90¢ nor more than \$1.25 per
15 gallon.] The average wholesale price per gallon of all taxable
16 liquid fuels and fuels, excluding the Federal excise tax and all
17 liquid fuels taxes shall be as follows:

18 (1) For fiscal year 2013-2014 and for July 1, 2014, to
19 December 31, 2014, the average wholesale price shall be
20 \$1.87.

21 (2) For calendar years 2015 and 2016, the average
22 wholesale price shall be \$2.49 per gallon.

23 (3) For calendar year 2017 and each calendar year
24 thereafter, the average wholesale price shall be as determined
25 by the Department of Revenue for the 12-month period ending on
26 the September 30 immediately prior to January 1 of the year for
27 which the rate is to be set. In no case shall the average
28 wholesale price be less than \$2.49.

29 "Blended fuel." A mixture composed of motor fuels and
30 another liquid, other than an additive, that may be used as a
31 motor fuel in a highway vehicle.

32 "Blender." A person who produces blended fuel outside the
33 terminal transfer system.

34 "Blender permit." A class of distributor permit authorizing
35 the use of motor fuels upon which the tax has not been paid for
36 blending.

37 "CAFE standards." The corporate average fuel economy, as
38 established by the Federal Government.

39 "Cents-per-gallon equivalent basis." The average wholesale
40 price per gallon multiplied by the decimal equivalent of any tax
41 imposed by section 9502 (relating to imposition of tax), the
42 product of which is rounded to the next highest tenth of a cent
43 per gallon. The rate of tax shall be determined by the
44 Department of Revenue on an annual basis beginning every January
45 1 and shall be published as a notice in the Pennsylvania
46 Bulletin no later than the preceding December 15. In the event
47 of a change in the rate of tax imposed by section 9502, the
48 department shall redetermine the rate of tax as of the effective
49 date of such change and give notice as soon as possible.

50 "Corporation." A corporation or joint stock association
51 organized under the laws of this Commonwealth, the United States

1 or any other state, territory or foreign country or dependency.

2 "Dealer." Any person engaged in the retail sale of [liquid
3 fuels or fuels] motor fuels.

4 "Department." The Department of Revenue of the Commonwealth.

5 "Diesel fuel." Any liquid, other than liquid fuels, which is
6 suitable for use as a fuel in a diesel-powered highway vehicle.
7 The term includes kerosene and biodiesel.

8 "Distributor." Any person that:

9 (1) Produces, refines, prepares, blends, distills,
10 manufactures or compounds [liquid fuels or fuels] motor fuels
11 in this Commonwealth for the person's use or for sale and
12 delivery in this Commonwealth.

13 (2) Imports or causes to be imported from any other
14 state or territory of the United States or from a foreign
15 country [liquid fuels or fuels] motor fuels for the person's
16 use in this Commonwealth or for sale and delivery in and
17 after reaching this Commonwealth, other than in the original
18 package, receptacle or container.

19 (3) Imports or causes to be imported from any other
20 state or territory of the United States [liquid fuels or
21 fuels] motor fuels for the person's use in this Commonwealth
22 or for sale and delivery in this Commonwealth after they have
23 come to rest or storage in the other state or territory,
24 whether or not in the original package, receptacle or
25 container.

26 (4) Purchases or receives [liquid fuels or fuels] motor
27 fuels in the original package, receptacle or container in
28 this Commonwealth for the person's use or for sale and
29 delivery in this Commonwealth from any person who has
30 imported them from a foreign country.

31 (5) Purchases or receives [liquid fuels or fuels] motor
32 fuels in the original package, receptacle or container in
33 this Commonwealth for the person's use in this Commonwealth
34 or for sale and delivery in this Commonwealth from any person
35 who has imported them from any other state or territory of
36 the United States if the [liquid fuels or fuels] motor fuels
37 have not, prior to purchase or receipt, come to rest or
38 storage in this Commonwealth.

39 (6) Receives and uses or distributes [liquid fuels or
40 fuels] motor fuels in this Commonwealth on which the tax
41 provided for in this chapter has not been previously paid.

42 (7) Owns or operates aircraft, aircraft engines or
43 facilities for delivery of [liquid fuels] motor fuels to
44 aircraft or aircraft engines and elects, with the permission
45 of the Secretary of Revenue, to qualify and obtain a permit
46 as a distributor.

47 (8) Exports [liquid fuels or fuels] motor fuels other
48 than in the fuel supply tanks of motor vehicles.

49 "Dyed diesel fuel." Any liquid, other than liquid fuels,
50 which is suitable for use as a fuel in a diesel-powered highway
51 vehicle and which is dyed pursuant to Federal regulations issued

1 under section 4082 of the Internal Revenue Code of 1986 (Public
2 Law 99-514, 26 U.S.C. § 4082) or which is a dyed fuel for
3 purposes of section 6715 of the Internal Revenue Code of 1986
4 (26 U.S.C. § 6715).

5 "E85." Fuel ethanol conforming to ASTM D5798-11 standards,
6 as amended, or successor standards.

7 "Electric vehicle." The term includes electric vehicles and
8 hybrid electric vehicles.

9 "Electric vehicle road fee." The annual fee imposed under
10 Subchapter C (relating to electric vehicle road fee), in place
11 of a motor fuel tax assessed upon electricity used in highway
12 vehicles.

13 "Exempt entity." A person exempt under section 9004(e)
14 (relating to imposition of tax, exemptions and deductions) from
15 reporting and paying a motor fuels tax.

16 "Export." Accountable liquid fuels or fuels delivered out of
17 State by or for the seller constitutes an export by the seller.
18 Accountable liquid fuels or fuels delivered out of State by or
19 for the purchaser constitutes an export by the purchaser.

20 "Fuels." Includes diesel fuel and all combustible gases and
21 liquids used for the generation of power in aircraft or aircraft
22 engines or used in an internal combustion engine for the
23 generation of power to propel vehicles on the public highways.
24 The term does not include liquid fuels or dyed diesel fuel.

25 "Gallon equivalent basis." The amount of any alternative
26 fuel as determined by the department to [contain 114,500 BTU's]
27 equal the energy content of one gallon of liquid fuels or fuels.
28 The rate of tax on the amount of each alternative fuel as
29 determined by the department under the previous sentence shall
30 be the current liquid fuels tax and oil company franchise tax
31 applicable to one gallon of gasoline.

32 "Gasoline gallon equivalent" or "GGE." The amount of
33 alternative fuel it takes to equal the energy content of one
34 gallon of gasoline.

35 "Highway." Every way or place open to the use of the public,
36 as a matter of right, for purposes of vehicular travel.

37 "Import." Accountable [liquid] motor fuels or fuels
38 delivered into this Commonwealth from out of State by or for the
39 seller constitutes an import by the seller. Accountable [liquid]
40 motor fuels or fuels delivered into this Commonwealth from out
41 of State by or for the purchaser constitutes an import by the
42 purchaser.

43 "Liquid fuels." All products derived from petroleum, natural
44 gas, coal, coal tar, vegetable ferments and other oils. The term
45 includes gasoline, naphtha, benzol, benzine or alcohols, either
46 alone or when blended or compounded, which are practically and
47 commercially suitable for use in internal combustion engines for
48 the generation of power or which are prepared, advertised,
49 offered for sale or sold for use for that purpose. The term does
50 not include kerosene, fuel oil, gas oil, E85, gasoline-alcohol
51 mixtures other than E85 containing greater than 85% alcohol by

1 volume, diesel fuel, tractor fuel by whatever trade name or
2 technical name known having an initial boiling point of not less
3 than 200 degrees fahrenheit and of which not more than 95% has
4 been recovered at 464 degrees fahrenheit (ASTM method D-86),
5 liquified gases which would not exist as liquids at a
6 temperature of 60 degrees fahrenheit and pressure of 14.7 pounds
7 per square inch absolute or naphthas and benzols and solvents
8 sold for use for industrial purposes.

9 "Magistrate." An officer of the minor judiciary. The term
10 includes a magisterial district judge.

11 "Major vehicle class." The term includes passenger vehicles,
12 light duty trucks and any other class as defined by the CAFE
13 standards.

14 "Mass transportation systems." Persons subject to the
15 jurisdiction of the Pennsylvania Public Utility Commission and
16 municipality authorities that transport persons on schedule over
17 fixed routes and derive 90% of their intrastate scheduled
18 revenue from scheduled operations within the county in which
19 they have their principal place of business or with contiguous
20 counties.

21 "Motor fuels." Includes liquid fuels, fuels, alternative
22 fuels, aviation gasoline and jet fuels.

23 "Motor fuels tax." Any of the following taxes imposed under
24 section 9004 (relating to imposition of tax, exemptions and
25 deductions):

26 (1) The liquid fuels tax.

27 (2) The oil company franchise tax.

28 (3) The aviation gasoline and jet fuel taxes.

29 (4) The alternative fuels tax.

30 "Motor fuels tax exemption certificate." A certificate
31 issued by the Department of Revenue to a person requesting
32 exemption from motor fuels taxes according to the exemption
33 provisions under section 9004(e) (relating to imposition of tax,
34 exemptions and deductions).

35 "Nonhighway applications." The use of fuels or alternative
36 fuels for purposes not related to propulsion of a vehicle on the
37 public highways of this Commonwealth.

38 "Nonpublic schools not operated for profit." A school, other
39 than a public school, within this Commonwealth wherein a
40 resident of this Commonwealth may legally fulfill the compulsory
41 school attendance requirements of the laws of this Commonwealth,
42 and in the operation of which there is no contribution of
43 pecuniary gain or profit, no dividends or distribution or income
44 to its owners, officers or directors and no incidental profits
45 are distributed to its owner. The term does not include
46 institutions of higher learning.

47 "Permit." A liquid fuels permit [or a], fuels permit or
48 alternative fuels permit. The term includes a blender permit.

49 "Person." [Every natural person, association or
50 corporation.] Any individual, firm, cooperative, association,
51 corporation, limited liability corporation, trust, business

1 trust, syndicate, partnership, limited liability partnership,
2 joint venture, receiver, trustee in bankruptcy, club society or
3 other group or combination acting as a unit. The term includes a
4 public body, including, but not limited to, the Commonwealth,
5 any other state, an agency, commission, institution, political
6 subdivision or instrumentality of the Commonwealth or any other
7 state. Whenever used in any provision prescribing and imposing a
8 fine or imprisonment, the term as applied to associations means
9 the partners or members and as applied to corporations means the
10 officers thereof.

11 "Political subdivision." A county, city, borough,
12 incorporated town, township, school district, vocational school
13 district or county institution district. For exemption purposes,
14 the term includes:

15 (1) Authorities formed under enabling legislation.

16 (2) Instrumentalities or agencies of the Commonwealth,
17 unless otherwise provided.

18 "Registered distributor." A distributor holding a permit
19 issued by the Commonwealth under the provisions of this chapter.

20 "Sale" and "sale and delivery." Includes the invoicing or
21 billing of [liquid fuels or fuels] motor fuels free of tax as
22 provided in section 9005 (relating to taxpayer) from one
23 distributor to another regardless of whether the purchasing
24 distributor is an accommodation party for purposes of taking
25 title or takes actual physical possession of the [liquid fuels
26 or fuels] motor fuels.

27 "Secretary." The Secretary of Revenue of the Commonwealth.

28 "Terminal transfer system." The motor fuels distribution
29 system consisting of refineries, pipelines, marine vessels and
30 terminals.

31 "Use." Includes any of the following:

32 (1) The importation into this Commonwealth of motor
33 fuels for the supply tanks or other fueling receptacles or
34 devices of a motor vehicle in excess of 50 gallons.

35 (2) The delivery or placing of motor fuels into the fuel
36 supply tanks or other fueling receptacles or devices of an
37 aircraft or aircraft engine or of a motor vehicle in this
38 Commonwealth for use in a combustion engine or diesel engine.

39 "Vehicle average miles driven." The average number of miles
40 driven by a particular vehicle type, as determined by the
41 Federal Highway Administration.

42 "Volunteer ambulance service." Any nonprofit chartered
43 corporation, association or organization located in this
44 Commonwealth which is regularly engaged in the service of
45 providing emergency medical care and transportation of patients.

46 "Volunteer fire company." Any nonprofit chartered
47 corporation, association or organization located in this
48 Commonwealth which provides fire protection services and other
49 voluntary emergency services within this Commonwealth, which may
50 include voluntary ambulance services and voluntary rescue
51 services.

1 "Volunteer rescue service." Any nonprofit chartered
2 corporation, association or organization located in this
3 Commonwealth which provides rescue services in this
4 Commonwealth.

5 "Volunteer services." Includes volunteer ambulance services,
6 volunteer fire companies and volunteer rescue services.

7 Section 26.1. Chapter 90 of Title 75 is amended by adding a
8 subchapter heading to read:

9 SUBCHAPTER B

10 LIQUID FUELS AND FUELS TAX

11 Section 26.2. Sections 9003(a), (b), (d) and (g) and
12 9004(a), (b), (d), (e), (g) and (h) of Title 75 are amended and
13 the sections are amended by adding subsections to read:

14 § 9003. Liquid fuels and fuels permits; bond or deposit of
15 securities.

16 (a) Permit required; violation.--A distributor may not
17 engage in the use or sale and delivery of liquid fuels within
18 this Commonwealth without a liquid fuels permit [or], engage in
19 the use or sale and delivery of fuels within this Commonwealth
20 without a fuels permit or engage in the use or sale and delivery
21 of alternative fuels within this Commonwealth without an
22 alternative fuels permit. Each day in which a distributor
23 engages in the use or sale and delivery of liquid fuels within
24 this Commonwealth without a liquid fuels permit [or], fuels
25 without a fuels permit or alternative fuels without an
26 alternative fuels permit shall constitute a separate offense.
27 For each such offense, the distributor commits a misdemeanor of
28 the third degree.

29 (a.1) Special permit for blenders.--Distributors who
30 purchase any liquid fuels, fuels or alternative fuels subject to
31 tax under this chapter for use in the blending of liquid fuels
32 or alternative fuels shall obtain a blender permit from the
33 department. A distributor holding a blender's permit may
34 purchase motor fuels tax free from other distributors holding a
35 permit when the motor fuels are purchased for use exclusively in
36 blending. Blenders shall account separately for all purchases of
37 motor fuels used in blending. The department may prescribe the
38 form of such necessary information.

39 (a.2) Prohibitions.--The following shall apply:

40 (1) A suspended, revoked or canceled permit is not a
41 valid permit and may not be used to make tax-free sales,
42 deliveries or purchases of motor vehicles specifically listed
43 on the permit.

44 (2) An exempt entity may not apply for a motor fuels
45 permit and may not resell motor fuels.

46 (b) Application.--A person desiring to operate as a
47 distributor shall file an application for [a liquid fuels permit
48 or a fuels permit, or both,] an alternative fuels permit, a
49 liquid fuels permit or a fuels permit with the department. A
50 distributor may apply for more than one class of permit. The
51 application for a permit must be made upon a form prescribed by

1 the department and must set forth the name under which the
2 applicant transacts or intends to transact business, the
3 location of the place of business within this Commonwealth and
4 such other information as the department may require. The
5 department may, by written notice, require any applicant to
6 furnish a financial statement in such form as it may prescribe.
7 The department may charge an administrative application fee for
8 each permit. If the applicant has or intends to have more than
9 one place of business within this Commonwealth, the application
10 shall state the location of each place of business. If the
11 applicant is an association, the application shall set forth the
12 names and addresses of the persons constituting the association.
13 If the applicant is a corporation, the application shall set
14 forth the names and addresses of the principal officers of the
15 corporation and any other information prescribed by the
16 department for purposes of identification. The application shall
17 be signed and verified by oath or affirmation by:

- 18 (1) the owner, if the applicant is an individual;
- 19 (2) a member or partner, if the applicant is an
20 association; or
- 21 (3) an officer or an individual authorized in a writing
22 attached to the application, if the applicant is a
23 corporation.

24 * * *

25 (c.1) Permit class.--The department may establish classes of
26 distributors. Each class may have special bonding requirements.

27 (d) Surety bond.--A permit shall not be granted until the
28 applicant has filed with the department a surety bond payable to
29 the Commonwealth in an amount fixed by the department of at
30 least \$2,500. Every bond must have as surety an authorized
31 surety company approved by the department. The bond must state
32 that the distributor will faithfully comply with the provisions
33 of this chapter during the effective period of his permit. The
34 department may require any distributor to furnish such
35 additional, acceptable corporate surety bond as necessary to
36 secure at all times the payment to the Commonwealth of all
37 taxes, penalties and interest due under the provisions of this
38 chapter and section 9502 (relating to imposition of tax). The
39 department may set a distributor's bond amount in a manner
40 sufficient to protect the revenues of the Commonwealth. If a
41 distributor fails to file the additional bond within ten days
42 after written notice from the department, the department may
43 suspend or revoke the permit and collect all taxes, penalties
44 and interest due. For the purpose of determining whether an
45 existing bond is sufficient, the department may by written
46 notice require a distributor to furnish a financial statement in
47 such form as it may prescribe. Upon failure of any distributor
48 to furnish a financial statement within 30 days of written
49 notice, the department may suspend or revoke the permit and
50 shall collect all taxes, penalties and interest due by him.

51 * * *

1 (g) Interstate or foreign commerce.--Nothing contained in
2 this chapter shall require the filing of any application or bond
3 or the possession and display of a [liquid] motor fuels permit
4 for the use or sale and delivery of [liquid] motor fuels in
5 interstate or foreign commerce not within the taxing power of
6 the Commonwealth or for the use of liquid fuels by the Federal
7 Government.

8 * * *

9 (j) Tax compliance.--No distributor may be issued a motor
10 fuels permit under this chapter unless the distributor is in
11 full compliance with all other State taxes administered by the
12 department.

13 § 9004. Imposition of tax, exemptions and deductions.

14 (a) Liquid fuels and fuels tax.--A permanent State tax of
15 12¢ a gallon or fractional part thereof is imposed and assessed
16 upon all [liquid fuels and] motor fuels used or sold and
17 delivered by distributors within this Commonwealth.

18 (b) Oil company franchise tax for highway maintenance and
19 construction.--In addition to the tax imposed by subsection (a),
20 the tax imposed by Chapter 95 (relating to taxes for highway
21 maintenance and construction) shall also be imposed and
22 collected on [liquid fuels and] motor fuels, on a cents-per-
23 gallon equivalent basis, upon all gallons of [liquid fuels and]
24 motor fuels as are taxable under subsection (a).

25 * * *

26 (d) Alternative fuels tax.--

27 (1) A tax is hereby imposed upon alternative fuels used
28 to propel vehicles of any kind or character on the public
29 highways. The rate of tax applicable to each alternative fuel
30 shall be computed by the department on a gallon equivalent
31 basis and shall be published as necessary by notice in the
32 Pennsylvania Bulletin. The tax imposed shall apply to the
33 entire amount of fuel used or sold and delivered. The
34 department shall state separately both the liquid fuels tax
35 and the oil company franchise tax applicable to each
36 alternative fuel.

37 (2) The tax imposed in this section upon alternative
38 fuels shall be reported and paid to the department by each
39 alternative fuel [dealer-user rather than by distributors
40 under this chapter similar to the manner in which
41 distributors are required to report and pay the tax on liquid
42 fuels and fuels, and the licensing and bonding provisions of
43 this chapter shall be applicable to alternative fuel dealer-
44 users. The department may permit alternative fuel dealer-
45 users to report the tax due for reporting periods greater
46 than one month up to an annual basis provided the tax is
47 prepaid on the estimated amount of alternative fuel to be
48 used in such extended period. The bonding requirements may be
49 waived by the department where the tax has been prepaid.]
50 distributor holding a permit when:

51 (i) sold to a person for the person's use in the

1 propulsion of a motor vehicle on the public highways of
2 this Commonwealth; or

3 (ii) a person uses alternative fuels subject to tax
4 under paragraph (1) for which the alternative fuels tax
5 has never been paid.

6 (3) The following shall apply to the reporting and
7 payment of the alternative fuels tax by a distributor:

8 (i) Only distributors holding an alternative fuels
9 distributor permit issued by the department may report
10 and pay the alternative fuels tax to the Commonwealth.

11 (ii) Alternative fuels tax must be reported and paid
12 to the department in the same fashion as required for
13 liquid fuels and fuels. The tax imposed under paragraph
14 (2) shall be collected by the distributor and shall be
15 borne by the consumer.

16 (iii) The department may permit alternative fuels
17 distributors to report the tax due for reporting periods
18 on an annual basis provided the tax is prepaid on the
19 estimated amount of alternative fuels to be used in such
20 extended period. The bonding requirements may be waived
21 by the department where the tax has been prepaid.

22 (4) A purchaser of alternative fuels who has paid the
23 alternative fuels tax may request a refund of the tax, if
24 eligible, in accordance with the refund qualifications for
25 liquid fuels and fuels under section 9017 (relating to
26 refunds).

27 (5) An exempt entity who uses alternative fuels in
28 accordance with subsections (e.1) and (1) may apply for
29 refunds of alternative fuels tax paid on the alternative
30 fuels.

31 (6) Alternative fuels distributors shall follow all
32 provisions of this chapter applying to liquid fuels and fuels
33 distributors, except when such provisions are in conflict or
34 otherwise inconsistent with the specific alternative fuels
35 distributor provisions of this subsection, in which case the
36 provisions of this subsection shall control.

37 (e) Exceptions.--The tax imposed under subsections (a), (b),
38 (c) and (d) shall not apply to liquid fuels, fuels or
39 alternative fuels:

40 (1) Delivered to the Federal Government on presentation
41 of an authorized Federal Government exemption certificate or
42 other evidence satisfactory to the department.

43 (2) Used or sold and delivered which are not within the
44 taxing power of the Commonwealth under the Commerce Clause of
45 the Constitution of the United States.

46 (3) Used as fuel in aircraft or aircraft engines, except
47 for the tax imposed under subsection (c).

48 (4) Delivered to this Commonwealth, a political
49 subdivision, a volunteer fire company, a volunteer ambulance
50 service, a volunteer rescue squad, a second class county port
51 authority or a nonpublic school not operated for profit on

1 presentation of evidence satisfactory to the department.

2 (5) Used in school buses for the exclusive purpose of
3 transporting students in grades K through 12 for official
4 school purposes, subject to all of the following:

5 (i) School districts are exempt from the tax on
6 motor fuels, but may not assign that exemption to a
7 school bus contractor.

8 (ii) A school district may apply to the Board of
9 Finance and Revenue for refunds of taxes paid by the
10 school district's school bus contractors who purchased
11 tax-paid motor fuels for use in transporting students for
12 official school purposes.

13 (iii) School bus contractors may fuel from a school
14 district's tax-free bulk storage for the sole purpose of
15 transporting students under a contract.

16 (6) Sold to a volunteer service, provided that the
17 volunteer service complies with the following:

18 (i) The motor fuels shall be purchased from a
19 registered distributor, and the motor fuels shall be
20 placed in bulk storage facilities on land owned or
21 leased, with full control thereover, by the volunteer
22 service. The purchaser shall furnish a motor fuels tax
23 exemption certificate issued by the department to the
24 registered distributor certifying that it is a volunteer
25 service and the fuel will be used solely for
26 firefighting, emergency medical or rescue purposes and
27 only in official equipment owned by the the volunteer
28 service.

29 (ii) If a volunteer service purchases motor fuels
30 from a dealer or a nonregistered Commonwealth distributor
31 and pays the full price for the fuels, including the tax,
32 and if the volunteer service uses the motor fuels solely
33 for firefighting, emergency medical or rescue purposes
34 and only in equipment purchased by it, the volunteer
35 service may request a refund of the tax paid by applying
36 to the Board of Finance and Revenue on forms supplied by
37 the Board of Finance and Revenue.

38 (e.1) Use of motor fuels by exempt entities.--The following
39 shall apply:

40 (1) An exempt entity may only use motor fuels for its
41 official business purposes. The exempt entity shall keep
42 records of purchases and disbursements of motor vehicles
43 sufficient to prove the official business use of the motor
44 fuels. Such recordkeeping should be similar to the
45 requirements for distributor and dealer recordkeeping under
46 section 9009 (relating to retention of records by
47 distributors and dealers).

48 (2) An exempt entity may not resell motor fuels.

49 (3) An exempt entity that violates paragraph (1) or (2)
50 commits a summary offense and may be assessed tax, interest
51 and penalties due on any motor fuels improperly used or

1 resold.

2 * * *

3 (g) Distributors to pay tax.--[Distributors] Motor fuels
4 distributors shall be liable to the Commonwealth for the
5 collection and payment of the tax imposed by this chapter. The
6 tax imposed by this chapter shall be collected by the
7 distributor at the time the [liquid fuels and] motor fuels are
8 used or sold and delivered by the distributor and shall be borne
9 by the consumer.

10 (h) Losses to be allowed.--The department shall allow for
11 handling and storage losses of [liquid fuels and] motor fuels
12 that are substantiated to the satisfaction of the department.

13 (i) Liability for use of dyed diesel fuel or other liquids
14 not subject to motor fuels taxes.--The following shall apply to
15 liability for the tax provided under subsections (a) and (b):

16 (1) The tax imposed under section 9004(a) and (b)
17 (relating to imposition of tax, exemptions and deductions) is
18 imposed on the delivery or placing of dyed diesel fuel or any
19 liquid not otherwise subject to tax into the fuel supply
20 tanks or other fueling receptacles or devices of a motor
21 vehicle in this Commonwealth for use, in whole or in part,
22 for the generation of power to propel the motor vehicle on
23 the public highways of this Commonwealth.

24 (2) The following shall apply to parties liable under
25 this subsection:

26 (i) The person who causes to be operated or the
27 operator of a highway vehicle into which the dyed diesel
28 fuel or the other liquid is delivered shall be liable for
29 the tax imposed under paragraph (1).

30 (ii) The seller of the dyed diesel fuel or other
31 liquid is jointly and severally liable for the tax under
32 paragraph (1) if the seller knows or has reason to know
33 that the dyed diesel fuel or other liquid will not be
34 used in a nontaxable use.

35 (3) The exemptions provided under subsection (e) shall
36 apply to the tax imposed by this subsection.

37 (j) Blending not subject to tax.--A distributor holding a
38 blending permit who blends motor fuels shall be exempt from the
39 payment of the tax which would otherwise be imposed upon any
40 motor fuels purchased from registered distributors and used
41 exclusively for blending. The department shall establish
42 necessary recordkeeping standards for blenders.

43 (k) Sales without permits.--Sales of motor fuels between a
44 registered distributor and any person not holding a permit of
45 the proper class shall always be subject to tax, unless the
46 sales are entitled to an exemption expressly provided for under
47 this chapter.

48 (l) Exemption certificates.--An exempt entity must provide a
49 motor fuels tax exemption certificate prescribed by the
50 department to the registered distributor from whom the exempt
51 entity plans to purchase tax-free motor fuels.

1 (m) Nonpermitted persons acting as permitted distributors.--
2 The following shall apply:

3 (1) Any person not holding a liquid fuels, fuels or
4 alternative fuels permit who engages in the use or sale and
5 delivery of liquid fuels, fuel or alternative fuels upon
6 which the tax imposed under this chapter has not been
7 previously paid shall be subject to all recordkeeping,
8 reporting and payment provisions provided for permitted
9 distributors.

10 (2) A person who does not hold the proper class of
11 permit to engage in the tax-free use or sale and delivery of
12 motor fuels with another distributor holding the proper class
13 of permit shall pay a sum equivalent to 20% of the motor
14 fuels tax that would otherwise be due. This penalty shall be
15 in addition to any other applicable tax, interest or penalty
16 provided for under this chapter. A properly permitted
17 distributor who knowingly engages in the tax-free use or sale
18 and delivery of motor fuels with an improperly permitted
19 distributor shall also pay a sum equivalent to 20% of the
20 motor fuels tax that would otherwise be due. This penalty
21 shall be in addition to any other applicable tax, interest or
22 penalty provided for under this chapter. The penalties
23 imposed by this subsection shall not be considered part of a
24 tax assessment.

25 (3) A nonpermitted distributor shall not be eligible for
26 any of the discounts provided under section 9006(b) (relating
27 to distributor's report and payment of tax).

28 Section 26.3. Section 9005 of Title 75 is amended to read:
29 § 9005. Taxpayer.

30 (a) Duty of distributor.--Every distributor using or
31 delivering [liquid fuels and] motor fuels upon which a tax is
32 imposed by this chapter shall pay the tax into the State
33 Treasury through the department.

34 (b) Delivery between distributors.--

35 (1) Whenever [liquid fuels and] motor fuels are
36 delivered within this Commonwealth by one distributor to
37 another distributor holding a permit under this chapter, the
38 distributor receiving the [liquid fuels and] motor fuels
39 shall separately show, in that distributor's monthly reports
40 to the department, all such deliveries from each distributor
41 and shall pay the liquid fuels and fuels tax provided for by
42 this chapter upon all such [liquid fuels and] motor fuels
43 used or sold and delivered within this Commonwealth.

44 (2) The distributor making deliveries under paragraph
45 (1) shall separately show those deliveries in that
46 distributor's monthly reports to the department and shall
47 then be exempt from the payment of the tax which would
48 otherwise be imposed upon the [liquid fuels and] motor fuels
49 so delivered. This exemption shall apply only if both
50 distributors under paragraph (1) hold valid permits of a
51 class authorizing tax-free use or sale and delivery of the

1 same specific motor fuels.

2 (3) The distributor shall furnish to the department such
3 information concerning such deliveries as the department may
4 require.

5 (4) The department shall furnish to any distributor,
6 upon request, a list of distributors holding permits under
7 this chapter and their addresses.

8 (5) A distributor holding a permit is the only person
9 entitled to sell motor fuels tax free to another distributor
10 holding a permit or to an exempt entity.

11 (6) Both the seller and the buyer of any motor fuels
12 sold upon which motor fuels tax is imposed but not reported
13 and paid to the Commonwealth shall be jointly and severally
14 liable for the payment of tax due if either distributor does
15 not hold a valid permit of the class necessary to make a tax-
16 free sale under paragraphs (1) and (2).

17 (c) Recovery of tax payment.--Distributors may add the
18 amount of the tax to the price of [liquid fuels and] motor fuels
19 sold by them and shall state the rate of the tax separately from
20 the price of the [liquid fuels and] motor fuels on all price
21 display signs, sales or delivery slips, bills and statements
22 which advertise or indicate the price of [liquid fuels and]
23 motor fuels.

24 (d) Penalty.--A person who violates this section commits a
25 summary offense.

26 Section 26.4. Section 9006(a) and (d) of Title 75 are
27 amended and the section is amended by adding a subsection to
28 read:

29 § 9006. Distributor's report and payment of tax.

30 (a) Monthly report.--For the purpose of ascertaining the
31 amount of tax payable under this chapter, the distributor, on or
32 before the 20th day of each month, shall transmit to the
33 department on a form prescribed by the department a report,
34 under oath or affirmation, of the [liquid fuels and] motor fuels
35 used or delivered by that distributor within this Commonwealth
36 during the preceding month. The report shall show the number of
37 gallons or GGEs of [liquid fuels and] motor fuels used or
38 delivered within this Commonwealth during the period for which
39 that report is made and any further information that the
40 department prescribes. A distributor having more than one place
41 of business within this Commonwealth shall combine in each
42 report the use or delivery of [liquid fuels and] motor fuels at
43 all such separate places of business.

44 * * *

45 (d) Additional penalty.--If a distributor neglects or
46 refuses to make any report [and] or payment as required, an
47 additional 10% of the amount of the tax due or \$50, whichever is
48 greater, shall be added by the department and collected as
49 provided. In addition to the added penalty, the permit of the
50 distributor may be suspended or revoked by the department.

51 (e) Method of filing and timeliness.--The following shall

1 apply:

2 (1) Unless specifically otherwise provided for by law,
3 all reports, payments and petitions must be filed
4 electronically with the department. Upon receipt of an
5 electronic filing by the department, the filing is deemed to
6 have occurred on the specific date and time indicated by the
7 computers or systems of the department.

8 (2) The following exceptions shall apply:

9 (i) Electronic payment is not required for any
10 payment amount less than \$1,000.

11 (ii) A distributor may be excused from electronic
12 filing that is otherwise required by law upon
13 presentation to the department of evidence of hardship in
14 filing electronically. The evidence must be provided to
15 and accepted by the department prior to the due date for
16 the report, payment or petition.

17 (iii) Electronic filing may not be accepted by the
18 department for certain required filings under this
19 chapter where the department does not have the technical
20 capability to process such an electronic filing.

21 (3) Whenever a report, payment or petition is required
22 by law to be filed with the department by the United States
23 Postal Service, the following apply:

24 (i) If the report, payment or petition must be
25 received by the department on or before a day certain,
26 the taxpayer shall be deemed to have complied with the
27 law if the correctly addressed envelope transmitting the
28 report, payment or petition received by the department is
29 postmarked by United States Postal Service on or prior to
30 the final day on which the report, payment or petition is
31 required to be received.

32 (ii) For purposes of this paragraph, presentation of
33 a receipt from United States Postal Service indicating
34 that the correctly addressed envelope transmitting the
35 report, payment or petition received by the department
36 was mailed on or before the due date shall be evidence of
37 timely filing and payment.

38 (iii) This paragraph shall not apply to any report,
39 payment or petition that is required by law to be
40 delivered by any method other than mailing.

41 (4) To be considered timely, both a report and any
42 payment due, if applicable, including any interest or
43 penalty, must be filed before the due date.

44 Section 26.5. Sections 9007, 9008 and 9009 of Title 75 are
45 amended to read:

46 § 9007. [Determination and redetermination] Assessment and
47 reassessment of tax, penalties and interest due.

48 (a) [Determination] Assessment.--If the department is not
49 satisfied with the report and payment of tax made by any
50 distributor under the provisions of this chapter, it is
51 authorized to make [a determination] an assessment of the tax

1 due by the distributor based upon the facts contained in the
2 report or upon any information within its possession.

3 (b) Notice.--Promptly after the date of [determination]
4 assessment, the department shall send by registered mail a copy
5 to the distributor. Within 90 days after the date upon which the
6 copy of the [determination] assessment was mailed, the
7 distributor may file with the department a petition for
8 [redetermination] reassessment of such tax. A petition for
9 [redetermination] reassessment must state specifically the
10 reasons which the petitioner believes allow the
11 [redetermination] reassessment and must be supported by
12 affidavit that it is not made for the purpose of delay and that
13 the facts set forth are true. The department shall, within six
14 months after the date of [a determination] an assessment,
15 dispose of a petition for [redetermination] reassessment. Notice
16 of the action taken upon any petition for [redetermination]
17 reassessment shall be given to the petitioner promptly after the
18 date of [redetermination] reassessment by the department.

19 (c) Administrative appeal.--[Within 60 days after the date
20 of mailing of notice by the department of the action taken on
21 any petition for redetermination filed with it, the distributor
22 against whom the determination was made may by petition request
23 the Board of Finance and Revenue to review the action. A
24 petition for review must state specifically the reason upon
25 which the petitioner relies or must incorporate by reference the
26 petition for redetermination in which the reasons have been
27 stated. The petition must be supported by affidavit that it is
28 not made for the purpose of delay and that the facts set forth
29 are true. If the petitioner is a corporation or association, the
30 affidavit must be made by one of its principal officers. A
31 petition for review may be amended by the petitioner at any time
32 prior to the hearing. The board shall act finally in disposition
33 of petitions filed with it within six months after they have
34 been received. In the event of the failure to dispose of a
35 petition within six months, the action taken by the department
36 upon the petition for redetermination shall be deemed sustained.
37 The board may sustain the action taken on the petition for
38 redetermination or it may redetermine the tax due upon such
39 basis as it deems according to law and equity. Notice of the
40 action of the board shall be given to the department and to the
41 petitioner.] A person dissatisfied with the decision of the
42 department under subsection (b) shall have the right to petition
43 for review by the Board of Finance and Revenue in accordance
44 with Article XXVII of the act of March 4, 1971 (P.L.6, No.2),
45 known as the Tax Reform Code of 1971.

46 (d) Sanctions.--If a distributor neglects or refuses to make
47 a report [and] or payment of tax required by this chapter, the
48 department shall estimate the tax due by such distributor and
49 [determine] assess the amount due for taxes, penalties and
50 interest. There shall be no right of review or appeal from this
51 [determination] assessment. Upon neglect or refusal, permits

1 issued to the distributor may be suspended or revoked by the
2 department and required to be surrendered to the department.
3 § 9008. Examination of records and equipment.

4 (a) General rule.--The department or any agent appointed in
5 writing by the department is authorized to examine the books,
6 papers, records, meters, storage tanks and contents, and any
7 other equipment of any distributor, dealer or any other person
8 pertaining to the use or sale and delivery of liquid fuels and
9 fuels taxable under this chapter to verify the accuracy of any
10 report or payment made under the provisions of this chapter or
11 to ascertain whether or not the tax imposed by this chapter has
12 been paid. Any information gained by the department as the
13 result of the reports, investigations or verifications required
14 to be made shall be confidential.

15 (b) Penalty.--A person divulging confidential information
16 under subsection (a) commits a misdemeanor of the third degree.

17 (c) Consumer protection.--Notwithstanding subsection (a) or
18 (b) or section 731 of the act of April 9, 1929 (P.L.343,
19 No.176), known as The Fiscal Code, any incorrect motor fuel
20 composition information, including octane values, discovered by
21 the department upon examination of storage tank contents or
22 related records may be disclosed to the Attorney General's
23 office for investigation.

24 (d) Public safety.--Notwithstanding subsection (a) or (b) or
25 section 731 of The Fiscal Code, any suspected violation that
26 could pose a threat to public safety discovered by the
27 department during an examination authorized by this section may
28 be disclosed to the appropriate enforcement authority for
29 investigation.

30 § 9009. Retention of records by distributors and dealers.

31 (a) Record retention period.--

32 (1) The distributor and dealer shall maintain and keep,
33 for a period [of two years] consisting of the current
34 calendar year plus the previous two years, a record of
35 [liquid fuels and] motor fuels used or sold and delivered
36 within this Commonwealth by the distributor, together with
37 invoices, bills of lading and other pertinent papers as
38 required by the department. The amount of tax imposed on each
39 sale of motor fuels shall be stated separately.

40 (2) A person purchasing [liquid fuels and] motor fuels
41 taxable under this chapter from a distributor for the purpose
42 of resale shall maintain, for a period [of two years]
43 consisting of the current calendar year plus the previous two
44 years, a record of [liquid fuels and] motor fuels received,
45 the amount of tax paid to the distributor as part of the
46 purchase price, delivery tickets, invoices and bills of
47 lading and such other records as the department requires.

48 (3) Additional records include:

49 (i) A distributor shall keep a record showing the
50 number of gallons, GGEs or standard cubic feet of:

51 (A) all [diesel] motor fuel inventories on hand

1 at the first of each month;

2 (B) all [diesel] motor fuel refined, compounded
3 or blended;

4 (C) all [diesel] motor fuel purchased or
5 received, showing the name of the seller and the date
6 of each purchase or receipt;

7 (D) all [diesel] motor fuel sold, distributed or
8 used, showing the name of the purchaser and the date
9 of sale, distribution or use; and

10 (E) all [diesel] motor fuel lost by fire or
11 other accident.

12 (ii) A distributor shall keep a record showing the
13 octane value of each motor fuel purchased, sold or
14 blended.

15 [(ii)] (iii) A dealer shall keep a record showing
16 the number of gallons, GGEs or Standard cubic feet of:

17 (A) all [diesel] motor fuel inventories on hand
18 at the first of each month;

19 (B) all [diesel] motor fuel purchased or
20 received, showing the name of the seller, the date of
21 each purchase or receipt;

22 (C) all [diesel] motor fuel sold, distributed or
23 used; and

24 (D) all [diesel] motor fuel lost by fire or
25 other accident.

26 (iv) A dealer shall keep a record showing the octane
27 value of each motor fuel purchased, sold or blended.

28 (b) Penalty.--Any person violating any of the provisions of
29 this section commits a misdemeanor of the third degree.

30 (c) Maintenance of recordkeeping equipment.--The following
31 shall apply:

32 (1) Distributors and dealers are responsible for
33 ensuring that all measuring equipment used for recordkeeping,
34 including, but not limited to, meters, gauges and electronic
35 sensors, are maintained in good working order so that the
36 department, upon inspection of records and equipment provided
37 for in this chapter, is able to determine the proper tax that
38 the distributor or dealer should have reported or paid to the
39 Commonwealth.

40 (2) Any person violating any of the provisions of this
41 subsection commits a summary offense.

42 Section 26.6. Section 9011 of Title 75 is amended by adding
43 a subsection to read:

44 § 9011. Discontinuance or transfer of business.

45 * * *

46 (b.1) New permit prohibited.--Any natural person who
47 participated as an owner or officer of a distributor required to
48 provide notice under subsection (a) is prohibited from applying
49 for a new permit until the underlying liabilities to the
50 Commonwealth from the discontinued or transferred distributor
51 are satisfied.

1 Section 26.7. Section 9012(a) of Title 75 is amended and the
2 section is amended by adding subsections to read:

3 § 9012. Suspension or revocation of permits.

4 (a) Notice and hearings.--If the department finds that the
5 holder of a permit has failed to comply with the provisions of
6 this chapter, the department shall notify the permit holder and
7 afford the permit holder a hearing on [five] seven days' written
8 notice. A hearing will be scheduled by the department only upon
9 request by the permit holder.

10 * * *

11 (b.1) Immediate suspension or revocation.--Notwithstanding
12 subsection (a), the department may immediately suspend or revoke
13 a permit for failure to timely report or pay any tax due under
14 section 9006 (relating to distributor's report and payment of
15 tax).

16 (b.2) Demand on surety bond.--Notwithstanding subsection
17 (a), the department may make demand upon a distributor's surety
18 bond where the distributor has failed to timely report or pay
19 any tax due under section 9006.

20 * * *

21 Section 26.8. Sections 9013, 9014(a)(1)(i) and (ii), 9015,
22 9016, 9017(a.1), (b), (e.1), (e.2) and (f), 9018(a) and (c),
23 9019 heading, (a), (c), (d)(1) and (2) and (g) and 9022 of Title
24 75 are amended to read:

25 § 9013. Lien of taxes, penalties and interest.

26 [(a) General rule.--] All unpaid taxes imposed by this
27 chapter and section 9502 (relating to imposition of tax) and
28 penalties and interest due shall be a lien [upon the franchises
29 and property of the taxpayer after the lien has been entered and
30 docketed of record by the prothonotary or similar officer of the
31 county where the property is situated], as provided in Article
32 XIV of the act of April 9, 1929 (P.L.343, No.176), known as The
33 Fiscal Code.

34 [(b) Priority of lien.--The lien under subsection (a) shall
35 have priority from the date of its entry of record and shall be
36 fully paid and satisfied out of the proceeds of a judicial sale
37 of property subject to the lien before any other obligation,
38 judgment, claim, lien or estate to which the property may
39 subsequently become subject, except costs of the sale and of the
40 writ upon which the sale was made and real estate taxes and
41 municipal claims against the property. The lien under subsection
42 (a) shall be subordinate to mortgages and other liens existing
43 and recorded or entered of record prior to the recording of the
44 tax lien.

45 (c) Discharge of lien.--In the case of a judicial sale of
46 property subject to a lien imposed under this section, the sale
47 shall discharge the lien imposed under this section to the
48 extent only that the proceeds are applied to its payment, and
49 the lien shall continue in full force and effect as to the
50 balance remaining unpaid.

51 (d) Procedure.--

1 (1) Statements of all taxes imposed under this chapter
2 and section 9502, together with penalties and interest,
3 certified by the secretary, may be transmitted to the
4 prothonotaries or similar officers of the respective counties
5 of this Commonwealth to be entered of record and indexed as
6 judgments are now indexed.

7 (2) A writ of execution may directly issue upon the lien
8 without the issuance and prosecution to judgment of a writ of
9 scire facias.

10 (3) Not less than ten days before issuance of execution
11 on a lien, notice of the filing and the effect of the lien
12 shall be sent by registered mail to the taxpayer at the
13 taxpayer's last known post office address.

14 (4) A prothonotary or similar officer may not require,
15 as a condition precedent to the entry of a lien under this
16 section, the payment of costs incident to entry of the lien.

17 (5) A lien under this section shall continue for five
18 years from the date of entry and may be revived and continued
19 under the act of April 9, 1929 (P.L.343, No.176), known as
20 The Fiscal Code.

21 (e) Statement to department.--A sheriff, receiver, trustee,
22 assignee, master or other officer may not sell the property or
23 franchises of a distributor without first filing with the
24 department a statement containing all of the following
25 information:

26 (1) Name or names of the plaintiff or party at whose
27 instance or upon whose account the sale is made.

28 (2) Name of the person whose property or franchise is to
29 be sold.

30 (3) The time and place of sale.

31 (4) The nature and location of the property.

32 (f) Notice concerning lien.--The department, after receiving
33 notice under subsection (e), shall furnish to the sheriff,
34 receiver, trustee, assignee, master or other officer having
35 charge of the sale a certified copy or copies of all liquid
36 fuels tax, fuels tax and oil company franchise tax penalties and
37 interest on file in the department as liens against the person
38 or, if there are no such liens, a certificate showing that fact.
39 The certified copy or copies or certificate shall be publicly
40 read by the officer in charge of the sale at and immediately
41 before the sale of the property or franchise of the person.

42 (g) Lien certificate.--The department shall furnish to a
43 person making application, upon payment of the prescribed fee, a
44 certificate showing the amount of all liens for liquid fuels
45 tax, fuels tax or oil company franchise tax, penalties and
46 interest under the provisions of this chapter on record in the
47 department against any person.]

48 § 9014. Collection of unpaid taxes.

49 (a) When collection commences.--

50 (1) The department shall call upon the Office of
51 Attorney General to collect taxes, penalties or interest

1 imposed by this chapter or section 9502 (relating to
2 imposition of tax) at the following times:

3 (i) When payment is not made within 30 days of
4 [determination] assessment unless a petition for
5 redetermination has been filed.

6 (ii) When payment is not made within 30 days of the
7 date of [redetermination] reassessment unless a petition
8 for review has been filed.

9 * * *

10 § 9015. [Reports from common carriers.

11 (a) Duty.--A person transporting liquid fuels either in
12 interstate or intrastate commerce to a point within this
13 Commonwealth from a point within or without this Commonwealth
14 shall report under oath or affirmation to the department on or
15 before the last day of each month for the preceding month all
16 deliveries of liquid fuels made to points within this
17 Commonwealth.

18 (b) Forms.--The report shall be on a form prescribed by the
19 department and shall state the names and addresses of the
20 consignor and consignee, the number of gallons of liquid fuels
21 transported and any other information which the department may
22 require.

23 (c) Penalty.--Any person violating any of the provisions of
24 this section commits a misdemeanor of the third degree.]

25 (Reserved).

26 § 9016. [Reward for detection of violations.

27 The secretary is authorized to pay a reward, out of money
28 appropriated from the Motor License Fund for the purpose, to any
29 person, other than a State officer or employee, who reports a
30 distributor who has failed to file the reports required and pay
31 the tax imposed by this chapter. The reward shall be in an
32 amount the secretary deems proper, not exceeding 10% of the
33 amount of the tax, penalty and interest due. A reward shall not
34 be paid unless collection of the delinquent tax has been made or
35 the distributor has been convicted for violating this chapter.]

36 (Reserved).

37 § 9017. Refunds.

38 * * *

39 (a.1) Board of Finance and Revenue.--The Board of Finance
40 and Revenue may make reimbursements and refunds of tax imposed
41 and collected upon alternative fuels, liquid fuels or fuels as
42 provided under subsections (b), (c) or (e). In addition, the
43 board may refund on an annual basis any tax imposed by this
44 chapter and collected by the department upon alternative fuels,
45 liquid fuels or fuels delivered to any entity exempt from tax
46 under section 9004(e) (relating to imposition of tax, exemptions
47 and deductions) which has not been claimed as exempt by the
48 distributor or otherwise refunded. The board may adopt
49 regulations relating to procedures for the administration of its
50 duties under this subsection.

51 (b) Farm tractors and volunteer fire rescue and ambulance

1 services.--A person shall be reimbursed the full amount of the
2 tax imposed by this chapter if the person uses or buys
3 alternative fuels, liquid fuels or fuels on which the tax
4 imposed by this chapter has been paid and consumes them:

5 (1) in the operation of any nonlicensed farm tractor or
6 licensed farm tractor when used off the highways for
7 agricultural purposes relating to the actual production of
8 farm products; or

9 (2) in the operation of a vehicle of a volunteer fire
10 company, volunteer ambulance service or volunteer rescue
11 squad.

12 * * *

13 (e.1) Truck refrigeration units.--

14 (1) A program shall be implemented to provide
15 reimbursement for tax paid on undyed diesel fuel used in
16 truck refrigeration units.

17 (2) A person shall be reimbursed the amount of tax paid
18 pursuant to section 9004 on any purchase of undyed diesel
19 fuel which is not more than [75] 100 gallons or gasoline
20 gallon equivalents per purchase and is delivered into a fuel
21 tank which is designed to supply only an internal combustion
22 engine mounted on a registered vehicle used exclusively for
23 truck refrigeration.

24 (3) For the period of October 1, 1997, through September
25 30, 1998, claims for reimbursement of taxes paid shall be
26 filed by March 1, 1999, with the Department of Revenue. For
27 the period of October 1, 1998, through September 30, 1999,
28 claims for reimbursement under this subsection shall be filed
29 by October 31, 1999, with the department. For the period from
30 October 1, 1999, through September 30, 2000, inclusive,
31 claims for reimbursement under this subsection shall be filed
32 with the department by October 31, 2000. For the quarter
33 beginning October 1, 2000, and each quarter thereafter,
34 claims for reimbursement shall be filed with the department
35 on a quarterly basis and must be filed within 60 days
36 following the end of the quarter for which reimbursement is
37 being claimed.

38 (4) The department may require a claimant to satisfy any
39 sales or use tax liability on the undyed diesel fuel or
40 alternative fuels for which the reimbursement is claimed.

41 (5) A claim for reimbursement must be supported by sales
42 receipts with the word "reefer" noted on the claim and the
43 date of purchase, seller's name and address, number of
44 gallons or gasoline gallon equivalents purchased, fuel type,
45 price per gallon or GGE or total amount of sale, unit numbers
46 and the purchaser's name. The department may specify other
47 documentation which it will accept in lieu of sales receipts.
48 In the case of withdrawals from claimant-owned tax-paid bulk
49 storage, the claim must be supported by detailed records of
50 the date of withdrawal, number of gallons, or gasoline gallon
51 equivalents, fuel type, unit number and purchase and

1 inventory records to substantiate that the tax was paid on
2 all bulk purchases. Notwithstanding the provisions of section
3 9009 (relating to retention of records by distributors and
4 dealers), all required documentation shall be retained for a
5 period of three years following the filing date of the claim
6 for reimbursement under this subsection. If the claimant
7 fails to retain documentation as required by this paragraph,
8 the department may deny the reimbursement or issue an
9 assessment for any refund granted plus interest under section
10 9007 (relating to [determination and redetermination]
11 assessment and reassessment of tax, penalties and interest
12 due).

13 (e.2) Agricultural power takeoff.--A person shall be
14 reimbursed the full amount of the tax imposed by this chapter if
15 the person uses or buys [liquid fuels or fuels] motor fuels on
16 which the tax imposed by this chapter has been paid and consumes
17 them to load for delivery or to unload at a farm feed, feed
18 products, lime or limestone products for agricultural use from a
19 vehicle by means of a power takeoff, provided the fuel usage is
20 documented only by an electronic monitoring device used in
21 conjunction with an electronically controlled engine.
22 Reimbursements shall be documented only as provided in this
23 subsection, and no reimbursement shall be based upon any form of
24 alternative documentation. Claims for reimbursement shall be
25 filed with the department on a quarterly basis and must be filed
26 within 60 days following the end of the quarter for which
27 reimbursement is being claimed. The provisions of subsection (f)
28 except for the filing fee provision shall apply to claims for
29 reimbursement under this subsection to the extent they are not
30 inconsistent with this subsection.

31 (f) Claims, forms, contents, penalties.--

32 (1) A claim for reimbursement or refund under subsection
33 (b), (c) or (e) shall be made upon a form to be furnished by
34 the board and must include, in addition to such other
35 information as the board may by regulation prescribe, the
36 name and address of the claimant; the period of time and the
37 number of gallons or gasoline gallon equivalents of [liquid]
38 motor fuels used for which reimbursement is claimed; a
39 description of the farm machinery, aircraft or aircraft
40 engine in which [liquid] motor fuels have been used; the
41 purposes for which the machinery, aircraft or aircraft engine
42 has been used; and the size of the farm and part in
43 cultivation on which such [liquid] motor fuels have been
44 used.

45 (2) A claim must contain statements that the [liquid]
46 motor fuels for which reimbursement is claimed have been used
47 only for purposes for which reimbursements are permitted;
48 that records of the amounts of such fuels used in each piece
49 of farm machinery, aircraft or aircraft engine have been
50 kept; and that no part of the claim has been paid except as
51 stated. A claim must contain a declaration that it and

1 accompanying receipts are true and correct to the best of the
2 claimant's knowledge and must be signed by the claimant or
3 the person claiming on the claimant's behalf. A claim must be
4 accompanied by receipts indicating that the liquid fuels,
5 fuels or alternative fuels tax was paid on the liquid fuels,
6 fuels or alternative fuels or that the excess liquid fuels,
7 fuels or alternative fuels tax was paid on the liquid fuels,
8 fuels or alternative fuels for which reimbursement is
9 claimed. Records of purchases of [liquid] motor fuels and use
10 in each tractor or powered machinery, aircraft or aircraft
11 engine shall be kept for a period [of two years] consisting
12 of the current year plus two previous years. A claim must be
13 made annually for the preceding year ending on June 30. A
14 claim must be submitted to the board by September 30.

15 (3) The board shall refuse to consider any claim
16 received or postmarked later than that date. The claimant
17 must satisfy the board that the tax has been paid and that
18 the [liquid] motor fuels have been consumed by the claimant
19 for purposes for which reimbursements are permitted under
20 this section. The action of the board in granting or refusing
21 reimbursement shall be final. The board shall deduct the sum
22 of \$1.50, which shall be considered a filing fee, from every
23 claim for reimbursement granted. Filing fees are specifically
24 appropriated to the board and to the department for expenses
25 incurred in the administration of the reimbursement
26 provisions of this chapter. The board has the power to refer
27 to the department for investigation any claim for
28 reimbursement filed under the provisions of this chapter.

29 (4) The department shall investigate the application and
30 report to the board.

31 (5) A person making any false or fraudulent statement
32 for the purpose of obtaining reimbursement commits a
33 misdemeanor of the third degree.

34 * * *

35 § 9018. Violations.

36 (a) Failure to report and pay; examinations; unlawful
37 acts.--

38 (1) A person commits a [misdemeanor of the third degree]
39 summary offense if the person does any of the following:

40 (i) Fails, neglects or refuses to make the report
41 and pay the tax, penalties and interest imposed by this
42 chapter.

43 (ii) Refuses to permit the department or any agent
44 appointed by it in writing to examine books, records,
45 papers, storage tanks or other equipment pertaining to
46 the use or sale and delivery of liquid fuels within this
47 Commonwealth.

48 (iii) Makes any incomplete, false or fraudulent
49 report or claim.

50 (iv) Attempts to do anything to avoid a full
51 disclosure of the amount of [liquid] motor fuels used or

1 sold and delivered or to avoid the payment of the tax,
2 penalties and interest due.

3 (v) Fines imposed for summary offenses under
4 paragraph (1) shall be in addition to any penalty imposed
5 by any other section or subsection of this chapter.

6 (2) Any partner or member of an association and any
7 officer of a corporation whose duty it was to make the report
8 required by this chapter [shall be subject to imprisonment
9 under paragraph (1)] commits a misdemeanor of the third
10 degree for failing to make the report required and attend to
11 the payment of the tax imposed by this chapter.

12 (3) [The fine under paragraph (1) shall be in addition
13 to any penalty imposed by any other section or subsection of
14 this chapter.] (Reserved).

15 (4) Upon conviction under paragraph (1) or (2), all of
16 the convicted distributor's permits shall be revoked.

17 * * *

18 (c) Penalty.--A person who violates any of the provisions of
19 subsection (a)(1) commits a summary offense. A person who
20 violates any of the provisions of [this section] subsection (a)
21 (2) or (b) commits a misdemeanor of the third degree. The [fine]
22 finer shall be in addition to any penalty imposed by any other
23 section or subsection of this chapter. Upon conviction, all of
24 the convicted person's permits shall be revoked.

25 § 9019. [Diesel] Motor fuel importers and transporters;
26 prohibiting use of dyed diesel fuel on highways;
27 violations and penalties.

28 (a) [Diesel] Motor fuel transporters.--

29 (1) A person must obtain a [diesel] motor fuel
30 transporter's permit in order to import, export or transport
31 within this Commonwealth diesel fuel, other than dyed diesel
32 fuel, via a pipeline or by means of a tank-truck vehicle,
33 railroad tank car or vessel with a capacity of 2,000 gallons
34 or more. The permit application must be filed with the
35 department upon a form prescribed by the department. The
36 permit requirement does not apply to import, export or
37 transport of natural gas via pipeline.

38 (2) A [fee of \$5] per vehicle fee shall be charged by
39 the department for the issuance of a transporter's permit.

40 (3) Every person required to obtain a permit under
41 paragraph (1) shall report under oath or affirmation to the
42 department on or before the last day of each month for the
43 preceding month all deliveries of [diesel] motor fuel, other
44 than dyed diesel fuel, and retail deliveries of kerosene in
45 quantities of less than 300 gallons per delivery to any point
46 within this Commonwealth, including any interstate or
47 intrastate movements of [diesel] motor fuel and any exports.
48 The form shall be prescribed by the department and may
49 require any of the following:

50 (i) The names and addresses of the cosigner and
51 cosignee, the seller or other party from whom the

1 [diesel] motor fuel was received, the buyer or other
2 party to whom the [diesel] motor fuel was delivered and
3 points to and from which the [diesel] motor fuel was
4 shipped or delivered.

5 (ii) The method of shipment or delivery.

6 (iii) The number of gallons.

7 (4) All shipments of [diesel] motor fuel, including dyed
8 diesel fuel, shall be accompanied by sales delivery tickets
9 or bills of lading. Shipments for which the required
10 documentation does not accompany the shipment or for which
11 the notice required with respect to dyed diesel fuel does not
12 comply with the requirements of subsection (b) shall be
13 presumed to not be shipments of dyed diesel fuel.

14 (5) A transporter report must be electronically filed in
15 accordance with the methods of filing prescribed for
16 distributors under section 9006(e) (relating to distributor's
17 report and payment of tax).

18 (6) (i) A transporter holding a distributor permit is
19 not required to file a transporter report but must
20 possess a transporter permit under this section.

21 (ii) Transport of certain alternative fuels may not
22 be subject to the permit and reporting requirements of
23 this section. The department shall publish an annual
24 notice indicating which types of alternative fuels
25 qualify for the transporter permit and reporting
26 requirements under in this section.

27 * * *

28 (c) Dyed diesel fuel not to be used on public highways.--

29 (1) A person may not operate a motor vehicle on the
30 public highways of this Commonwealth if the fuel supply tanks
31 of the vehicle contain dyed diesel fuel unless permitted to
32 do so under a Federal law or regulation relating to the use
33 of dyed diesel fuel on the highways.

34 (2) A person may not sell or deliver any dyed diesel
35 fuel knowing or having reason to know that the fuel will be
36 consumed in a highway use. A person who dispenses dyed diesel
37 fuel from a retail pump that is not properly labeled with the
38 notice required by subsection (b) or who knowingly delivers
39 dyed diesel fuel into the storage tank of such a pump shall
40 be presumed to know the fuel will be consumed on the highway.

41 (3) There is a rebuttable presumption that a vehicle
42 registered for use on the public highways is used on the
43 public highways.

44 (4) Notwithstanding paragraph (1) or (2), dyed diesel
45 fuel may be used in a school bus, provided the bus is used
46 exclusively for the transportation of school district
47 students in grades K through 12, provided the usage does not
48 conflict with the exemptions provided in section 4082 of the
49 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
50 4082).

51 (d) Violations.--A person may not do any of the following:

1 (1) Import, export or transport within this Commonwealth
2 diesel fuel, other than dyed [diesel] motor fuel, without the
3 permit required under subsection (a) (1).

4 (2) Transport [diesel] motor fuel in this Commonwealth
5 without the permit required under subsection (a) (1).

6 * * *

7 (g) Enforcement.--

8 (1) Any revenue enforcement agent or other person
9 authorized by the department may enter any place where motor
10 fuels are produced or stored and may physically inspect any
11 tank, reservoir or other container that can be used for the
12 production, storage or transportation of [diesel] motor
13 fuel, diesel fuel dyes or diesel fuel markers. Inspection may
14 also be made of any equipment used for or in connection with
15 the production, storage or transportation of diesel fuel,
16 diesel fuel dyes or diesel fuel markers. This includes any
17 equipment used for the dyeing or marking of diesel fuel.
18 Books, records and other documents may be inspected to
19 determine tax liability. An agent may detain a vehicle,
20 vessel or railroad tank car placed on a customer's siding for
21 use or storage for the purpose of inspecting fuel tanks or
22 fuel storage tanks as necessary to determine the amount and
23 composition of the fuel. An agent may take and remove samples
24 of [diesel] motor fuel in reasonable quantities necessary to
25 determine the composition of the fuel.

26 (2) A person that refuses to allow an inspection as
27 provided in this subsection commits a summary offense and
28 shall, upon conviction, be sentenced to pay a fine of not
29 less than \$1,000 nor more than \$2,000 for each refusal.

30 § 9022. Uncollectible [checks] payments.

31 If the payment of a tax, penalty or interest imposed by this
32 chapter is returned to the department as uncollectible, the
33 department shall [charge a fee of \$5 per hundred dollars or
34 fractional part thereof, plus all protest fees, to the person
35 presenting the check to the department] apply section 3003.9 of
36 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
37 Code of 1971.

38 Section 26.9. Title 75 is amended by adding a section to
39 read:

40 § 9023. Emergency assistance in a timely manner.

41 (a) Within this Commonwealth.--Upon the Governor's
42 declaration of a state of emergency in this Commonwealth, the
43 Secretary of Revenue may waive, suspend or otherwise modify any
44 provisions of this chapter for the sole purpose of enabling
45 motor carriers to respond to emergency conditions and conduct
46 emergency relief efforts in a timely manner. Such waivers,
47 suspensions or modifications shall be effective for a specific
48 period of time as determined by the secretary and shall not
49 exceed the termination of the state of emergency declared by the
50 Governor.

51 (b) Outside this Commonwealth.--The Secretary of Revenue,

1 with prior authorization from the Governor, may waive, suspend
2 or otherwise modify any provisions of this chapter on a
3 temporary and definite basis in order to facilitate the timely
4 movement of vehicles or fuel from and through this Commonwealth
5 to other jurisdictions requesting emergency assistance from this
6 Commonwealth.

7 (c) Recordkeeping.--Notwithstanding subsections (a) and (b),
8 each distributor, exempt entity or other person who buys, sells
9 or uses liquid fuels, fuels or alternative fuels pursuant to the
10 terms of an emergency declaration shall maintain records to
11 substantiate participation in the emergency relief efforts. Any
12 vehicle, other than a qualified motor vehicle as defined under
13 section 2101.1 (relating to definitions) or a vehicle operated
14 by an exempt entity traveling on the public highways of this
15 Commonwealth during the emergency period under subsection (a) or
16 (b) shall maintain records of purchases of tax-exempt fuel.

17 (d) Taxes not waived.--Unless specifically suspended by the
18 Secretary of Revenue, liquid fuels, fuels and alternative fuel
19 taxes imposed under section 9004 (relating to imposition of tax,
20 exemptions and deductions) shall not be waived for an emergency
21 period under subsection (a) or (b).

22 Section 26.10. Chapter 90 of Title 75 is amended by adding a
23 subchapter to read:

24 SUBCHAPTER C
25 ELECTRIC VEHICLE ROAD FEE

26 Sec.

27 9031. Short title of subchapter.

28 9032. Road use fee imposed on electric vehicles.

29 9033. Electricity not motor fuel.

30 9034. Fees for highway maintenance and construction.

31 9035. Exempt entities.

32 9036. Refunds.

33 9037. Motor carriers road tax and the International Fuel Tax
34 Agreement.

35 § 9031. Short title of subchapter.

36 This subchapter shall be known and may be cited as the
37 Electric Vehicle Road Fee Act.

38 § 9032. Road use fee imposed on electric vehicles.

39 (a) Fee required for registration.--Concurrent with
40 submitting an annual vehicle registration application and fee to
41 the Department of Transportation under section 1301 (relating to
42 registration and certificate of title required), an owner of an
43 electric vehicle shall submit the electric vehicle road fee. The
44 following shall apply:

45 (1) Normal vehicle registration shall not be considered
46 complete without payment in full of the electric vehicle road
47 fee.

48 (2) The electric vehicle road fee shall be paid by each
49 new owner registering the vehicle with the Commonwealth.

50 (b) Computation of electric vehicle road use fee.--

51 (1) The Department of Revenue shall compute the electric

1 vehicle road fee for each major vehicle class defined in the
2 CAFE standards.

3 (2) The electric vehicle road fee shall equal the
4 average annual vehicle fuel tax within each vehicle class.

5 (3) The average annual vehicle fuel fee computation
6 shall be as follows:

7 (i) The vehicle average miles driven divided by the
8 miles per gallon equivalent per vehicle as determined by
9 the department.

10 (ii) The quotient under subparagraph (i) shall be
11 multiplied by the sum of liquid fuels and oil company
12 franchise tax rates for gasoline and the product shall be
13 the average annual vehicle fuel fee.

14 (4) The department shall annually determine the electric
15 vehicle road fee for each vehicle class, to be published in
16 the Pennsylvania Bulletin on or before December 15 of each
17 year.

18 (c) Regulations.--The department shall promulgate
19 regulations to address new vehicle technology.

20 § 9033. Electricity not motor fuel.

21 (a) General rule.--Electricity used in an electric motor
22 that propels a vehicle on the highways of this Commonwealth is
23 not considered a motor fuel as defined under this chapter.

24 (b) Electric vehicles exempt from motor fuel taxes.--An
25 electric vehicle shall not pay a motor fuel tax under this
26 chapter unless the tax is assessed upon motor fuel that may also
27 be used in the vehicle.

28 § 9034. Fees for highway maintenance and construction.

29 A fee collected under this subchapter must be allocated to
30 the Motor License Fund in accordance with the allocations under
31 Chapter 95 (relating to taxes for highway maintenance and
32 construction). For purposes of aligning the electric vehicle
33 road fee with the allocations of taxes provided for in Chapter
34 95, the electric vehicle road fee must be allocated in the same
35 fashion as the oil company franchise tax in Chapter 95.

36 § 9035. Exempt entities.

37 An electric vehicle registered to an exempt entity is exempt
38 from paying the the electric vehicle road fee. An exempt entity
39 shall comply with the following usage and recordkeeping
40 requirements:

41 (1) If an electric vehicle registered to an exempt
42 entity is used for a nonexempt purpose during the
43 registration year, the exempt entity shall pay a fine to the
44 department of \$500. The vehicle owner is not eligible for a
45 refund of a registration fee that may have been paid for the
46 vehicle.

47 (2) An exempt entity applying for a refund under section
48 9007 (relating to assessment and reassessment of tax,
49 penalties and interest due) shall maintain records of vehicle
50 usage, certifying that an individual trip made by the vehicle
51 was for a qualified exempt use. Individual trip logs,

1 odometer readings and driver signatures shall be among the
2 records required to substantiate exempt use.

3 (3) The department may inspect the substantiating
4 records for an exempt entity at any time.

5 (4) The exempt entity shall cooperate with an agent of
6 the department in an inspection.

7 (5) An exempt entity that refuses to permit the
8 department or an agent appointed by it in writing to examine
9 the books, records, papers or other equipment associated with
10 the operation of an electric vehicle commits a summary
11 offense and shall pay a fine of \$500 for each electric
12 vehicle owned or operated by the exempt entity.

13 § 9036. Refunds.

14 A person may be entitled to a refund of the electric vehicle
15 road fee paid for a vehicle that would otherwise have been
16 exempt under section 9006 (relating to distributor's report and
17 payment of tax). A person entitled to a refund of the electric
18 vehicle road fee shall apply for an annual refund in a manner
19 similar to the refund process used for motor fuels under section
20 9017 (relating to refunds).

21 § 9037. Motor carriers road tax and the International Fuel Tax
22 Agreement.

23 The department shall promulgate regulations as necessary for
24 compliance with the motor carriers road tax and International
25 Fuel Tax Agreement.

26 Section 27. Section 9106 heading, (a) and (b) of Title 75
27 are amended to read:

28 § 9106. Dirt [and], gravel and low volume road maintenance.

29 (a) Statement of purpose.--It is the intent and purpose of
30 this section:

31 (1) To fund safe, efficient and environmentally sound
32 maintenance of sections of dirt and gravel roads which have
33 been identified as sources of dust and sediment pollution.

34 (2) To establish a dedicated and earmarked funding
35 mechanism that provides streamlined appropriation to the
36 county level and enables local officials to establish fiscal
37 and environmental controls.

38 (3) To fund safe, efficient and environmentally sound
39 maintenance of sections of low volume roads that are sealed
40 or paved with an average daily traffic count of 500 vehicles
41 or less.

42 (b) General rule.--Of the funds available under section
43 9502(a)(1) (relating to imposition of tax), [\$1,000,000]
44 \$7,000,000 shall be annually distributed to the Department of
45 Conservation and Natural Resources for the maintenance and
46 mitigation of dust and sediment pollution from parks and
47 forestry roads. Funds in the amount of [\$4,000,000] \$28,000,000
48 shall be appropriated annually to the State Conservation
49 Commission and administered in a nonlapsing, nontransferable
50 account restricted to maintenance and improvement of dirt [and],
51 gravel and low volume State and municipal roads. The State

1 Conservation Commission shall apportion the funds based on
2 written criteria it develops to establish priorities based on
3 preventing dust and sediment pollution. In the first fiscal
4 year, top priority shall be given to specific trouble spot
5 locations already mapped by the Task Force on Dirt and Gravel
6 Roads and available from the department. A minimum of \$8,000,000
7 of the total appropriated annually shall be for maintenance and
8 improvement of low volume roads.

9 * * *

10 Section 27.1. (Reserved).

11 Section 27.2. Sections 9301 and 9502(a) of Title 75 are
12 amended to read:

13 § 9301. Supplemental funding for municipal highway maintenance.

14 (a) Annual appropriation.--The General Assembly shall
15 annually appropriate, beginning with the 1980-1981 fiscal year,
16 the sum of \$5,000,000 for supplemental payments to
17 municipalities to assist in the maintenance and construction
18 costs of municipal roads. The moneys appropriated by authority
19 of this section shall be distributed to municipalities in
20 accordance with the provisions of the act of June 1, 1956 (1955
21 P.L.1944, No.655), entitled "An act providing a permanent
22 allocation of a part of the fuels and liquids fuels tax proceeds
23 to cities, boroughs, incorporated towns and townships, for their
24 road, street and bridge purposes; conferring powers and imposing
25 duties on local officers and the Department of Highways; and
26 making an appropriation out of the Motor License Fund; and
27 repealing existing legislation."

28 (b) County allocation supplement.--The amount of \$5,000,000
29 is hereby appropriated out of the Motor License Fund to counties
30 annually. The following shall apply:

31 (1) The distribution shall be in the ratio of:

32 (i) the square footage of deck area of a county's
33 county-owned bridges; to

34 (ii) the total square footage of deck area of
35 county-owned bridges throughout this Commonwealth.

36 (2) The amount of square footage under subparagraph (i)
37 shall be that reported as part of the National Bridge
38 Inspection Standards Program.

39 (c) Additional allocation to municipalities.--An amount of
40 \$30,000,000 is hereby appropriated out of the Motor License Fund
41 and shall be distributed to municipalities pursuant to the act
42 of June 1, 1956 (1955 P.L.1944, No.655), referred to as the
43 Liquid Fuels Tax Municipal Allocation Law.

44 § 9502. Imposition of tax.

45 (a) General rule.--

46 (1) An "oil company franchise tax for highway
47 maintenance and construction" which shall be an excise tax of
48 60 mills is hereby imposed upon all liquid fuels and fuels as
49 defined and provided in Chapter 90 (relating to liquid fuels
50 and fuels tax), and such tax shall be collected as provided
51 in section 9004(b) (relating to imposition of tax, exemptions

1 and deductions). Of the amount collected in fiscal year 2015-
2 2016, and each fiscal year thereafter, at the discretion of
3 the secretary, a minimum of \$20,000,000 and a maximum of
4 \$35,000,000 shall be deposited in the Multimodal
5 Transportation Fund established under 74 Pa.C.S. § 2101
6 (relating to Multimodal Transportation Fund), to be expended
7 in accordance with section 11 of Article VIII of the
8 Constitution of Pennsylvania.

9 (2) An additional 55 mills is hereby imposed on all
10 liquid fuels and fuels as defined and provided in Chapter 90
11 and such tax shall also be collected as provided in section
12 9004(b), the proceeds of which shall be distributed as
13 follows:

14 (i) [Forty-two] Twenty-nine percent to county
15 maintenance districts for highway maintenance for fiscal
16 year 2013-2014 and 19% for fiscal year 2014-2015 and each
17 year thereafter. This allocation shall be made according
18 to the formula provided in section 9102(b)(2) (relating
19 to distribution of State highway maintenance funds). This
20 allocation shall be made in addition to and not a
21 replacement for amounts normally distributed to county
22 maintenance districts under section 9102.

23 (ii) [Seventeen] Thirty percent for highway capital
24 projects[.] for fiscal year 2013-2014 and 40% for fiscal
25 year 2014-2015 and each year thereafter. Annually, until
26 fiscal year 2023-2024, an amount equal to 15% of all
27 appropriations to the department for highway and bridge
28 capital programs shall be distributed at the discretion
29 of the secretary from the amount distributed under this
30 subparagraph.

31 (iii) Thirteen percent for bridges.

32 (iv) Two percent for bridges identified as county
33 [or forestry] bridges. Distribution under this
34 subparagraph shall be in the ratio of:

35 (A) the square footage of deck areas, as
36 reported as part of the National Bridge Inspection
37 Standards Program, of a county's county-owned
38 bridges; to

39 (B) the total square footage of deck area, as
40 reported as part of the National Bridge Inspection
41 Standards Program, of all county-owned bridges in
42 this Commonwealth.

43 (v) Twelve percent for local roads pursuant to
44 section 9511(c) (relating to basic allocation to
45 municipalities).

46 (vi) Fourteen percent for toll roads designated
47 pursuant to the act of September 30, 1985 (P.L.240,
48 No.61), known as the Turnpike Organization, Extension and
49 Toll Road Conversion Act, to be appropriated under
50 section 9511(h).

51 (3) An additional 38.5 mills is hereby imposed upon all

1 liquid fuels and fuels as defined and provided in Chapter 90,
2 and such tax shall also be collected as provided in section
3 9004(b), the proceeds of which shall be deposited in The
4 Motor License Fund and distributed as follows:

5 (i) Twelve percent to municipalities on the basis of
6 and subject to the provisions of the act of June 1, 1956
7 (1955 P.L.1944, No.655), referred to as the Liquid Fuels
8 Tax Municipal Allocation Law, is appropriated.

9 (ii) [Eighty-eight percent to the department is
10 appropriated as follows:

11 (A) Forty-seven percent for distribution in
12 accordance with section 9102(b)(2) for fiscal year
13 1997-1998.

14 (B) Fifty-three percent for a Statewide highway
15 restoration, betterment and resurfacing program for
16 fiscal year 1997-1998.

17 (C) Fifty-seven percent for distribution in
18 accordance with section 9102(b)(2) for fiscal year
19 1998-1999.

20 (D) Forty-three percent for a Statewide highway
21 restoration, betterment and resurfacing program for
22 fiscal year 1998-1999.

23 (E) Sixty-seven percent for distribution in
24 accordance with section 9102(b)(2) for fiscal year
25 1999-2000.

26 (F) Thirty-three percent for a Statewide highway
27 restoration, betterment and resurfacing program for
28 fiscal year 1999-2000.

29 (G) Seventy-seven percent for distribution in
30 accordance with section 9201(b)(2) for fiscal year
31 2000-2001.

32 (H) Twenty-three percent for a Statewide highway
33 restoration, betterment and resurfacing program for
34 fiscal year 2000-2001.

35 (I) One hundred percent for distribution in
36 accordance with section 9102(b)(2) for fiscal year
37 2001-2002 and each year thereafter.

38 (J) For any fiscal year beginning with 1997-1998
39 through and including fiscal year 2000-2001, the
40 department shall make supplemental maintenance
41 program payments from the Statewide highway
42 restoration betterment program to those county
43 maintenance districts for which the total highway
44 maintenance appropriations and executive
45 authorizations in accordance with section 9102(b)
46 would be less than the amount received in 1996-1997
47 from the highway maintenance appropriation, the
48 Secondary Roads-Maintenance and Resurfacing Executive
49 Authorization, the Highway Maintenance Excise Tax
50 Executive Authorization and the Highway Maintenance
51 Supplemental Appropriation.

1 The words and phrases used in this paragraph shall have the
2 meanings given to them in section 9101 (relating to
3 definitions). This one-time allocation shall be made in
4 addition to and is not a replacement for amounts normally
5 distributed to county maintenance districts under section
6 9102.] Fifty-three percent to the department for distribution
7 in accordance with section 9102(b) (2) for fiscal year 2013-
8 2014 and 40% for fiscal year 2014-2015 and each fiscal year
9 thereafter.

10 (iii) Thirty-five percent to the department for
11 expanded highway and bridge maintenance for fiscal year
12 2013-2014 and 48% for fiscal year 2014-2015 and each
13 fiscal year thereafter to be distributed as follows:

14 (A) Annually, 15% of the amount deposited in a
15 fiscal year shall be distributed at the discretion of
16 the secretary.

17 (B) Any funds deposited but not distributed
18 under clause (A) shall be distributed in accordance
19 with the formula under section 9102(b) (2).

20 (C) Temporary transfers of funds may be made
21 between counties if required for project cash flow.

22 (4) An additional 55 mills is hereby imposed upon all
23 fuels as defined and provided in chapter 90 and such tax
24 shall also be collected as provided in section 9004(b) upon
25 such fuels, the proceeds of which shall be deposited in The
26 Highway Bridge Improvement Restricted Account within the
27 Motor License Fund and is hereby appropriated.
28 Section 28. Section 9511(b) and (g) of Title 75 are amended
29 and the section is amended by adding a subsection to read:
30 § 9511. Allocation of proceeds.

31 * * *

32 (b) State Highway Transfer Restoration Restricted Account
33 and local bridges.--

34 (1) The amount of the proceeds deposited in the Motor
35 License Fund pursuant to this chapter which[, in fiscal year
36 1983-1984,] is attributable to [two] three mills of the tax
37 imposed under section 9502(a) (relating to imposition of tax)
38 [and which, in fiscal year 1984-1985 and thereafter, is
39 attributable to three mills of the tax,] shall be deposited
40 as follows:

41 (i) For fiscal years 2013-2014 through fiscal year
42 2016-2017, as follows:

43 (A) Twenty-seven million dollars shall be
44 deposited in the State Highway Transfer Restoration
45 Restricted Account within the Motor License Fund. The
46 funds deposited in the State Highway Transfer
47 Restoration Restricted Account shall be appropriated
48 annually for expenditure as provided under subsection
49 (g).

50 (B) All funds not deposited in accordance with
51 clause (A) shall be deposited in the Highway Bridge

1 Improvement Restricted Account within the Motor
2 License Fund for local bridges, notwithstanding if
3 the project is administered by a county, municipality
4 or the department.

5 (ii) For fiscal year 2017-2018 and each fiscal year
6 thereafter, as follows:

7 (A) One and one-half mill shall be deposited in
8 the State Highway Transfer Restoration Restricted
9 Account within the Motor License Fund, which account
10 is hereby created. The funds deposited in the State
11 Highway Transfer Restoration Restricted Account are
12 hereby annually appropriated out of the account upon
13 authorization by the Governor for expenditure as
14 provided in subsection (g).

15 (B) One and one-half mill shall be deposited in
16 the Highway Bridge Improvement Restricted Account
17 within the Motor License Fund for local bridges,
18 notwithstanding if the project is administered by a
19 county, municipality or the department.

20 (2) If funds are available to make payments under
21 subsection (g) (1), the department may transfer funds
22 deposited under subparagraphs (i) and (ii) between the State
23 Highway Transfer Restoration Restricted Account and the
24 Highway Bridge Improvement Restricted Account at the
25 discretion of the secretary.

26 * * *

27 (g) Use of funds in the State Highway Transfer Restoration
28 Restricted Account.--The funds appropriated in subsection (b)
29 for deposit in the State Highway Transfer Restoration Restricted
30 Account shall be used to pay for the costs of restoration of
31 such highways as provided in Chapter 92 (relating to transfer of
32 State highways) and annual payments to the municipalities for
33 highway maintenance in accordance with the following:

34 (1) Annual maintenance payments shall be at the rate of
35 \$4,000 per mile for each highway or portion of highway
36 transferred under Chapter 92, section 222 of the act of June
37 1, 1945 (P.L.1242, No.428), known as the State Highway Law,
38 or any statute enacted in 1981.

39 (2) Annual maintenance payments shall be paid at the
40 same time as funds appropriated under the act of June 1, 1956
41 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax
42 Municipal Allocation Law, except that no maintenance payment
43 shall be paid for a highway until after the year following
44 its transfer to the municipality.

45 (3) Annual maintenance payments under this subsection
46 shall be in lieu of annual payments under the Liquid Fuels
47 Tax Municipal Allocation Law.

48 (4) Annual maintenance payments under this subsection
49 shall be deposited into the municipality's liquid fuels tax
50 account and may be used on any streets and highways in the
51 municipality in the same manner and subject to the same

1 restrictions as liquid fuels tax funds paid under the Liquid
2 Fuels Tax Municipal Allocation Law or, in the case of a
3 county, under section 10 of the act of May 21, 1931 (P.L.149,
4 No.105), known as The Liquid Fuels Tax Act.

5 * * *

6 (i) Refund to Pennsylvania Fish and Boat Commission.--

7 (1) When the tax imposed by this chapter has been paid
8 and the fuel on which the tax has been imposed has been
9 consumed in the operation of motorboats or watercraft upon
10 the waters of this Commonwealth, including waterways
11 bordering on this Commonwealth, the full amount of the tax
12 shall be refunded to the Boat Fund on petition to the board
13 in accordance with prescribed procedures.

14 (2) In accordance with such procedures, the Pennsylvania
15 Fish and Boat Commission shall biannually calculate the
16 amount of liquid fuels consumed by the motorcraft and furnish
17 the information relating to its calculations and data as
18 required by the board. The board shall review the petition
19 and motorboat fuel consumption calculations of the
20 commission, determine the amount of the oil company franchise
21 tax paid and certify to the State Treasurer to refund
22 annually to the Boat Fund the amount so determined. The
23 department shall be accorded the right to appear at the
24 proceedings and make its views known.

25 (3) For the fiscal years commencing July 1, 2013, July
26 1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the
27 money under paragraph (2) shall be used by the commission
28 acting by itself or by agreement with other Federal and State
29 agencies only for the improvement of hazardous dams
30 impounding waters of this Commonwealth on which boating is
31 permitted, including the development and construction of
32 boating areas and the dredging and clearing of water areas
33 where boats can be used. The commission shall present its
34 plan no later than September 30 of each year through
35 September 30, 2017, to the chairman and minority chairman of
36 the Transportation and Game and Fisheries Committees of the
37 Senate and the chairman and minority chairman of the
38 Transportation and Game and Fisheries Committees of the House
39 of Representatives regarding the use of the funds. For the
40 fiscal year commencing July 1, 2018, and for each fiscal year
41 thereafter, this money shall be used by the commission acting
42 by itself or by agreement with other Federal and State
43 agencies only for the improvement of the waters of this
44 Commonwealth on which motorboats are permitted to operate and
45 may be used for the development and construction of motorboat
46 areas; the dredging and clearing of water areas where
47 motorboats can be used; the placement and replacement of
48 navigational aids; the purchase, development and maintenance
49 of public access sites and facilities to and on waters where
50 motorboating is permitted; the patrolling of motorboating
51 waters; the publishing of nautical charts in those areas of

1 this Commonwealth not covered by nautical charts published by
2 the United States Coast and Geodetic Survey or the United
3 States Army Corps of Engineers and the administrative
4 expenses arising out of such activities; and other similar
5 purposes.

6 Section 28.1. Section 9602 of Title 75 is amended by adding
7 a definition to read:

8 § 9602. Definitions.

9 The following words and phrases when used in this chapter and
10 in Chapter 21 (relating to motor carriers road tax
11 identification markers) shall have the meanings given to them in
12 this section and in section 2101.1 (relating to definitions)
13 unless the context clearly indicates otherwise:

14 * * *

15 "Permit." A permit authorizing travel of a qualified
16 motor vehicle in this Commonwealth which is not suspended,
17 revoked or canceled.

18 * * *

19 Section 28.2. Section 9610 of Title 75 is amended to read:
20 § 9610. [Records.

21 Every motor carrier shall keep such records, in such form as the
22 department reasonably may prescribe, as will enable the carrier
23 to report and enable the department to determine the total
24 number of miles traveled by its entire fleet of qualified motor
25 vehicles, the total number of miles traveled in this
26 Commonwealth by the entire fleet, the total number of gallons of
27 motor fuel used by the entire fleet and the total number of
28 gallons of motor fuel purchased in this Commonwealth for the
29 entire fleet. All such records shall be safely preserved for a
30 period of four years in such manner as to insure their security
31 and availability for inspection by the secretary or any
32 authorized employee engaged in the administration of this
33 chapter. Upon application in writing, stating the reasons
34 therefor, the department may, in its discretion, consent to the
35 destruction of any such records at any time within that period
36 if the records pertain to a period which has been audited by the
37 department. Every taxpayer shall retain records required by this
38 chapter at a place within this Commonwealth, but a taxpayer who
39 elects to retain records outside of this Commonwealth shall
40 assume reasonable out-of-State audit expenses.] (Reserved).

41 Section 28.3. Title 75 is amended by adding a section to
42 read:

43 § 9610.1 Recordkeeping.

44 (a) Records.--Every motor carrier shall keep records, in a
45 form as the department may reasonably prescribe, as will enable
46 the carrier to report and enable the department to determine all
47 of the following:

48 (1) The total number of miles traveled by its entire
49 fleet of qualified motor vehicles.

50 (2) The total number of miles traveled in this
51 Commonwealth by the entire fleet.

1 (3) The total number of gallons of motor fuel used by
2 the entire fleet.

3 (4) The total number of gallons of motor fuel purchased
4 in this Commonwealth for the entire fleet.

5 (b) Record location.--Every taxpayer shall retain records
6 required by this chapter at a place within this Commonwealth.
7 A taxpayer who elects to retain records outside this
8 Commonwealth shall assume reasonable out-of-State audit
9 expenses.

10 (c) Record preservation.--Records shall be preserved for a
11 period of four years from the due date of the return or the date
12 filed, whichever is later. The preservation shall ensure their
13 security and availability for inspection by the secretary or any
14 authorized employee engaged in the administration of this
15 chapter. Records may be kept on microfilm, microfiche or other
16 computerized or condensed record storage system. Upon
17 application in writing, stating the reasons therefor, the
18 department may, in its discretion, consent to the destruction of
19 any such records at any time within that period if the records
20 pertain to a period which has been audited by the department.

21 (d) Record availability.--Records for International Fuel Tax
22 Agreement licensees must be made available upon request of a
23 member jurisdiction.

24 (e) Statute of limitations.--Failure to provide records
25 demande for the purpose of audit shall extend the statute of
26 limitations until the records are provided.

27 (f) Separate accounting.--Bulk storage fuel purchases and
28 withdrawals and over-the-road purchases shall be accounted for
29 separately.

30 (g) International Fuel Tax Agreement vehicles.--The
31 International Fuel Tax Agreement vehicles whose base
32 jurisdiction is this Commonwealth shall follow the International
33 Fuel Tax Agreement Procedures Manual for the following
34 recordkeeping standards:

35 (1) Over-the-road fuel purchases.

36 (2) Bulk fuel purchases.

37 (3) Distance records.

38 (4) Acceptable source records for recording vehicle
39 distance information that shall include all of the following:

40 (i) The Individual Vehicle Mileage Record required
41 by the International Registration Plan.

42 (ii) A trip report that includes the information in
43 paragraphs (1) through (3), the starting and ending date
44 of the trip, the trip's origin and destination, including
45 city and state, routes of travel, starting and ending
46 odometer readings, vehicle unit number, vehicle fleet
47 number and licensee's name.

48 (iii) At the option of the carrier, on-board
49 recording devices that may be used in lieu of or in
50 addition to handwritten trip reports for fuel tax
51 reporting. On-board recording devices may be used alone

1 or in conjunction with an electronic computer system, or
2 in conjunction with manual systems.

3 (5) Data collection to obtain the information needed to
4 verify fleet distance, to prepare the Individual Vehicle
5 Distance Record and for fuel tax purposes, the carrier shall
6 maintain all mandatory and optional records as specified in
7 the International Fuel Tax Agreement Procedures Manual.

8 (6) International Fuel Tax Agreement decals shall be
9 considered records under this section. International Fuel Tax
10 Agreement motor carriers shall be responsible for maintaining
11 the decals for periods sufficient to meet the record
12 preservation rules under subsection (c). If a motor carrier
13 loses control of a decal for which it is responsible under
14 Chapter 21 (relating to motor carriers road tax
15 identification markers), the motor carrier shall notify the
16 department in writing of the loss within ten days. An owner-
17 operator to whom a licensed carrier has provided decals shall
18 remain responsible for the disposition of the owner-
19 operator's decals.

20 (h) Qualified motor vehicles.--A qualified motor vehicle not
21 subject to International Fuel Tax Agreement and holding a motor
22 carrier road tax license under Chapter 21 (relating to motor
23 carriers road tax identification markers) shall comply with
24 subsections (a) through (f). The qualified motor vehicle holding
25 the permit shall maintain responsibility for PA-MCRT decals in a
26 manner similar to that as provided for International Fuel Tax
27 Agreement decals in subsection (g)(6).

28 (i) Compliance.--Noncompliance with any recordkeeping
29 requirement under this section may cause revocation of the
30 license.

31 (j) Definition.--For purposes of this section, the term
32 "record," wherever applicable and practical, shall include
33 actual individual records of mileage traveled or receipts of
34 fuel purchased.

35 Section 28.4. Sections 9611 and 9613 of Title 75 are amended
36 to read:

37 § 9611. Surety bond for payment of taxes.

38 (a) General.--A motor carrier may give a surety company bond
39 in an amount deemed necessary by the department to protect the
40 revenues of the Commonwealth, payable to the Commonwealth of
41 Pennsylvania and conditioned that the carrier will pay all taxes
42 due and to become due under this chapter from the date of the
43 bond to the date when either the carrier or the bonding company
44 notifies the department that the bond has been canceled. The
45 surety shall be a corporation authorized to write surety bonds
46 in this Commonwealth. As long as the bond remains in force, the
47 Board of Finance and Revenue may order refunds to the motor
48 carrier in the amounts appearing to be due on applications duly
49 filed by the motor carrier under section 9604 (relating to
50 credit for motor fuel tax payment), without first auditing the
51 records of the carrier. The bond shall cover taxes and interest

1 due thereon even though the assessment is made after
2 cancellation of the bond, but only for taxes due and payable
3 while the bond was in force and penalties and interest on such
4 taxes.

5 (b) Conditions for bonding.--The department may require a
6 licensee to post a bond if any of the following conditions
7 exist:

8 (1) The licensee fails to timely file tax returns or
9 remit taxes.

10 (2) When an audit, examination or inspection of records
11 indicates problems severe enough that, in the department's
12 discretion, a bond is required to protect the interests of
13 the Commonwealth or member jurisdictions.

14 (3) As may be required under the International Fuel Tax
15 Agreement.

16 (c) Surety amount.--The total amount of the bond shall be
17 determined by the department and shall be equivalent to at least
18 twice the amount of the estimated average tax liability for the
19 tax reporting period for which the licensee shall be required to
20 file a tax return.

21 (d) Surety substitute.--Upon approval by the department, in
22 lieu of a surety bond, an International Fuel Tax Agreement
23 licensee or applicant for a new International Fuel Tax Agreement
24 license may deposit a substitute type of surety as provided for
25 in the International Fuel Tax Agreement Articles of Agreement
26 and Procedures Manual.

27 (e) Demand on bond.--In order to secure the revenues of the
28 Commonwealth or member jurisdictions, the department shall have
29 the discretion to make demand on a taxpayer's surety bond upon
30 discovering a failure to timely file a report or payment as
31 required under section 9605 (relating to tax due date).

32 (f) Applicability.--Bond requirements under this section may
33 apply to new International Fuel Tax Agreement license applicants
34 and existing International Fuel Tax Agreement licensees.

35 § 9613. Penalty and interest for failure to report or pay tax.

36 When any motor carrier fails to file a report [and] or pay
37 the tax within the time prescribed by this chapter for the
38 filing [and] or payment thereof, he shall pay as a penalty for
39 each failure to file or to pay on or before the prescribed date
40 a sum equivalent to 10% of the tax or \$50, whichever is greater.
41 In addition to this penalty, any unpaid tax shall bear interest
42 at the current rate [of 1% per month or fraction thereof]
43 imposed by the International Fuel Tax Agreement until the tax is
44 paid. If the Commonwealth ceases to participate in the
45 International Fuel Tax Agreement, the rate shall be 1% per month
46 or fraction thereof until the tax is paid. The penalties and
47 interest charges imposed shall be paid to the department in
48 addition to the tax due. This section shall apply to any
49 qualified motor vehicle, including a qualified motor vehicle
50 bearing an International Fuel Tax Agreement or motor carrier
51 road tax license and decal in accordance with Chapter 21

1 (relating to motor vehicle road tax carriers identification
2 markers).

3 Section 28.5. Section 9615(e) of Title 75 is amended and the
4 section is amended by adding a subsection to read:

5 § 9615. Manner of payment and recovery of taxes, penalties and
6 interest.

7 * * *

8 [(e) Renewal of lien.--The lien imposed under this section
9 shall continue for five years from the date of its entry of
10 record and may be renewed and continued in the manner provided
11 for the renewal of judgments.]

12 (e.1) Renewal of lien.--A lien under this section shall
13 continue as specified under section 1401 of the act of April 9,
14 1929 (P.L.343, No.176), known as The Fiscal Code.

15 Section 28.6. Sections 9616(a), (e) and (f) and 9617 are
16 amended to read:

17 § 9616. [Determination, redetermination] Assessment,
18 reassessment and review.

19 (a) Failure to pay tax.--If any person fails to pay any tax
20 imposed by this chapter for which he is liable, the department
21 may make [a determination] an assessment of additional tax and
22 interest due by such person based upon any information within
23 its possession or that shall come into its possession. All
24 [determinations] assessments shall be made so that notice
25 thereof shall reach the parties against whom made within five
26 years after the due date of the tax. Any assessment may be made
27 at any time during that period notwithstanding that the
28 department may have made one or more previous assessments
29 against the taxpayer for the year in question or for any part of
30 that year. In any case, no credit shall be given for any penalty
31 previously assessed or paid.

32 * * *

33 (e) Petition for [redetermination] reassessment.--Promptly
34 after the date of the [determination] assessment, the department
35 shall send, by first class mail, a copy thereof to the person
36 against whom it was made. Within 90 days after the date upon
37 which the copy of any such [determination] assessment was
38 mailed, such person may file with the department a petition for
39 [redetermination] reassessment of the taxes. The petition for
40 [redetermination] reassessment shall state specifically the
41 reasons which the petitioner believes entitle him to the
42 [redetermination] reassessment, and it shall be supported by
43 affirmation that it is not made for the purpose of delay and
44 that the facts set forth therein are true. It shall be the duty
45 of the department, within six months after the date of any
46 determination, to dispose of any petition for redetermination.
47 Notice of the action taken upon any petition for redetermination
48 shall be given to the petitioner promptly after the date of
49 redetermination by the department.

50 (f) [Review and appeal.--Any person shall have the right to
51 review by the Board of Finance and Revenue and appeal in the

1 same manner and within the same time as provided by law in the
2 case of capital stock and franchise taxes imposed upon
3 corporations.] A person dissatisfied with the decision of the
4 department under subsection (b) shall have the right to petition
5 for review by the Board of Finance and Revenue in accordance
6 with Article XXVII of the act of March 4, 1971 (P.L.6, No.2),
7 known as the Tax Reform Code of 1971.

8 § 9617. [Timely mailing treated as timely filing and payment.

9 With respect to all reports, claims, statements and other
10 documents required to be filed and all payments required to be
11 made under this chapter, any such report, claim, statement and
12 other document or payment of tax withheld shall be considered as
13 timely filed if the report, claim, statement or other document
14 or payment which has been received by the department is
15 postmarked by the United States Postal Service on or prior to
16 the final day on which payment is to be received. For the
17 purposes of this chapter, the presentation of a receipt
18 indicating that the report, claim, statement or other document
19 or payment was mailed by registered or certified mail on or
20 before the due date shall be prima facie evidence of timely
21 filing of the report, claim, statement or other document or
22 payment.] (Reserved).

23 Section 28.6. Title 75 is amended by adding sections to
24 read:

25 § 9617.1. Method of filing and timeliness.

26 (a) Electronic filing.--Except as provided for under
27 subsection (b), unless specifically provided for by law, all
28 reports, payments and petitions shall be filed electronically
29 with the department. Upon receipt of an electronic filing by the
30 department, the filing shall be deemed to have occurred on the
31 specific date and time indicated by the department's computers
32 or systems.

33 (b) Exceptions.--

34 (1) Electronic filing shall not be required for any
35 payment amounts less than \$1,000.

36 (2) A motor carrier may be excused from electronic
37 filing that is otherwise required by law upon presenting to
38 the department evidence of hardship in filing electronically.
39 Such evidence shall be provided to and accepted by the
40 department before the due date for the report, payment or
41 petition.

42 (3) Electronic filing shall not be accepted by the
43 department for certain required filings under this chapter
44 where the department does not have the technical capability
45 to process such an electronic filing.

46 (c) United States Postal Service filing.--

47 (1) Whenever a report, payment or petition is required
48 or allowed by law to be filed with the department by United
49 States Postal Service, all of the following shall apply:

50 (i) If the report must be received by the department
51 on or before a day certain, the taxpayer shall be deemed

1 to have complied with the law if the correctly addressed
2 envelope transmitting the report, payment or petition
3 received by the department is postmarked by United States
4 Postal Service on or before the final day on which the
5 report, payment or petition is required to be received.

6 (ii) For the purposes of this subsection,
7 presentation of a receipt from United States Postal
8 Service indicating that the correctly addressed envelope
9 transmitting the report, payment or petition received by
10 the department was mailed on or before the due date shall
11 be evidence of timely filing and payment.

12 (d) Applicability.--This section shall not apply to any
13 report, payment or petition that is required by law to be
14 delivered by any method other than mailing.

15 § 9623. Uncollectible payments.

16 If the payment of a tax, penalty or interest imposed by this
17 chapter is returned to the department as uncollectible, the
18 department shall follow section 3003.9 of the act of March 4,
19 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

20 § 9624. Emergency assistance in a timely manner.

21 (a) Within this Commonwealth.--Upon the Governor's
22 declaration of a state of emergency in this Commonwealth, the
23 Secretary of Revenue may waive, suspend or otherwise modify any
24 provisions of this chapter for the sole purpose of enabling
25 motor carriers to respond to emergency conditions and conduct
26 emergency relief efforts in a timely manner. The waivers,
27 suspensions or modifications shall be effective for a specific
28 period of time as determined by the Secretary of Revenue and
29 shall not exceed the termination of the state of emergency
30 declared by the Governor.

31 (b) Outside this Commonwealth.--The Secretary of Revenue,
32 with prior authorization from the Governor, may waive, suspend
33 or otherwise modify any provisions of this chapter on a
34 temporary and definite basis in order to facilitate the timely
35 movement of vehicles or fuel from and through this Commonwealth
36 to other jurisdictions requesting emergency assistance from this
37 Commonwealth.

38 (c) Recordkeeping.--Notwithstanding subsections (a) and (b),
39 each distributor, exempt entity or other person who buys, sells
40 or uses liquid fuels, fuels or alternative fuels pursuant to the
41 terms of an emergency declaration shall maintain records to
42 substantiate participation in emergency relief efforts. A
43 vehicle, other than a qualified motor vehicle as defined under
44 section 2101.1 (relating to definitions) or a vehicle operated
45 by an exempt entity traveling on the public highways of this
46 Commonwealth during the emergency period under subsection (a) or
47 (b) must maintain records of purchases of tax-exempt fuel.

48 (d) Taxes not waived.--Unless suspended by the Secretary of
49 Revenue, liquid fuels, fuels and alternative fuel taxes imposed
50 under section 9004 may not be waived for an emergency period
51 under subsection (a) or (b).

1 Section 29. (Reserved).

2 Section 30. The addition of 74 Pa.C.S. § 9202 shall apply to
3 contracts entered into on or after the effective date of this
4 section.

5 Section 31. The General Assembly declares that the amendment
6 of 75 Pa.C.S. § 4968(a.2)(4) shall not affect the Department of
7 Transportation's requirements regarding the permit for the
8 movement of raw milk found at 50A on pages 83 and 84 of the
9 Department of Transportation's Publication 31.

10 Section 32. Repeals are as follows:

11 (1) The General Assembly declares that the repeal under
12 paragraph (2) is necessary to effectuate the following:

13 (i) The addition of 74 Pa.C.S. § 1505.1.

14 (ii) The amendment of 74 Pa.C.S. § 1506(c)(3).

15 (2) Sections 281.2(b), (d) and (e) and 1110-A(c) and
16 Article XXIII of the act of March 4, 1971 (P.L.6, No.2),
17 known as the Tax Reform Code of 1971, are repealed.

18 Section 33. This act shall take effect as follows:

19 (1) The following provisions shall take effect
20 immediately:

21 (i) This section.

22 (ii) The addition of 74 Pa.C.S. Ch. 59 Subch. C.

23 (iii) The addition of 75 Pa.C.S. § 4968(a.1)(3),
24 (a.2)(4) and (b).

25 (2) The following provisions shall take effect December
26 31, 2016:

27 (i) The addition of 75 Pa.C.S. §§ 1307(g) and
28 1332(d).

29 (ii) The amendment of 75 Pa.C.S. § 1911 heading and
30 (a).

31 (3) The remainder of this act shall take effect in 60
32 days.

**Regular Session 2013 - 2014
Amendment A04506 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 106 (As amended by A04465)

Sponsor: REPRESENTATIVE PARKER

Printer's No. 2654

1 Amend Bill, page 45, line 16 (A04465), by striking out

2 "Beginning" and inserting

3 Except as provided in subsection (c), beginning

4 Amend Bill, page 45, lines 18 through 20 (A04465), by

5 striking out "A county" in line 18, all of lines 19 and 20 and

6 inserting

7 (c) Levy in counties of the first class.--

8 (1) Beginning after December 31, 2014, a county of the
9 first class may, in its discretion, by ordinance, impose a
10 fee of up to \$10 for each vehicle registered under the
11 following sections to an address located in the county:

12 (i) Section 1912 (relating to passenger cars).

13 (ii) Section 1914 (relating to motorcycles).

14 (iii) Section 1915 (relating to motor-driven
15 cycles).

16 (iv) Classes 1 and 2 of section 1916 (relating to
17 trucks and truck tractors).

18 (v) Section 1918 (relating to school buses and
19 school vehicles).

20 (vi) Section 1923 (relating to antique, classic and
21 collectible vehicles).

22 (2) Except as provided under paragraph (1), beginning
23 after December 31, 2014, a county of the first class may, in
24 its discretion, by ordinance, impose a fee of up to \$30 for
25 each vehicle registered to an address located in the county.

26 (d) Notice to department.--A county shall notify the
27 department of the passage of the ordinance 90 days prior to the
28 effective date of the ordinance.

29 Amend Bill, page 45, line 21 (A04465), by striking out "(c)"

30 and inserting

31 (e)

1 Amend Bill, page 45, line 22 (A04465), by striking out

2 "subsection (a)" and inserting

3 subsections (b) and (c)

4 Amend Bill, page 45, line 24 (A04465), by striking out "(d)"

5 and inserting

6 (f)

**Regular Session 2013 - 2014
Amendment A04540 to
House Bill 106 Printer's Number 2654**

Preparation of Amendment in Progress

**Regular Session 2013 - 2014
Amendment A04541 to
House Bill 106 Printer's Number 2654**

Preparation of Amendment in Progress

**Regular Session 2013 - 2014
Amendment A04542 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04543 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2013 - 2014
Amendment A04544 to
House Bill 106 Printer's Number 2654**

LRB Awaiting Notification of Amendment to be Affected