

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1598 Session of 2013

INTRODUCED BY HANNA AND FRANKEL, JULY 1, 2013

REFERRED TO COMMITTEE ON TRANSPORTATION, JULY 1, 2013

AN ACT

1 Amending Titles 58 (Oil and Gas), 74 (Transportation) and 75
 2 (Vehicles) of the Pennsylvania Consolidated Statutes, in
 3 Title 58, repealing expiration; in Title 74, providing for
 4 organization; further providing for minority and women-owned
 5 business participation; in sustainable mobility options,
 6 further providing for definitions; further providing for the
 7 Public Transportation Trust Fund, for application and
 8 approval process, for report to Governor and General
 9 Assembly, for coordination and consolidation; for asset
 10 improvement program, for programs of Statewide significance
 11 and for capital improvements program; establishing the
 12 Alternative Energy Capital Investment Program; providing for
 13 multimodal transportation funding and for airport operation
 14 and zoning, providing for first class city consolidated car
 15 rental facility; providing for traffic signals, for the
 16 bridge bundling program; in Title 75, in financial
 17 responsibility, further providing for required financial
 18 responsibility; in fees, further providing for collection and
 19 disposition of fees and moneys, for driver's license and
 20 learner's permit, for certificate of title, for security
 21 interest, for information concerning drivers and vehicles,
 22 for certified copies of records and for certificate of
 23 inspection; in general provisions, further providing for
 24 obedience to traffic-control devices; in Pennsylvania
 25 Turnpike, further providing for definitions; repealing
 26 deposit and distribution of funds; in liquid fuels and fuels
 27 tax, further providing for definitions; in State highway
 28 maintenance, further providing for dirt and gravel road
 29 maintenance; in supplemental funding for municipal highway
 30 maintenance, further providing for supplemental funding for
 31 municipal highway maintenance; and in taxes for highway
 32 maintenance and construction, providing for imposition of tax
 33 and for allocation of proceeds.

34 The General Assembly finds and declares as follows:

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

4 (2) The Commonwealth's transportation system includes
5 nearly 40,000 miles of roads and 25,000 bridges owned by the
6 Commonwealth, nearly 77,000 miles of roads and 12,000 bridges
7 owned by counties and municipal governments, 36 fixed-route
8 public transportation agencies, 67 railroads, 133 public use
9 airports, the Ports of Erie, Philadelphia and Pittsburgh, and
10 numerous bicycle and pedestrian facilities.

11 (3) The Commonwealth's transportation system provides
12 for access to employment, educational services, medical care
13 and other life-sustaining services for all residents of this
14 Commonwealth, including senior citizens and people with
15 disabilities.

16 (4) The Department of Transportation of the Commonwealth
17 has indicated that 9,000 miles of roads owned by the
18 Commonwealth are in poor condition and that 4,400 bridges
19 owned by the Commonwealth are rated structurally deficient.
20 The State Transportation Advisory Committee has indicated
21 that 2,189 bridges exceeding 20 feet in length owned by
22 counties and municipalities are rated structurally deficient.

23 (5) There is urgent public need to reduce congestion,
24 increase capacity, improve safety and promote economic
25 efficiency of transportation facilities throughout this
26 Commonwealth.

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

29 (7) The State Transportation Advisory Committee reported
30 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 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 2318 of Title 58 of the Pennsylvania
3 Consolidated Statutes is repealed:

4 [§ 2318. Expiration.

5 (a) Notice.--The Secretary of the Commonwealth shall, upon
6 the imposition of a severance tax on unconventional gas wells in
7 this Commonwealth, submit for publication in the Pennsylvania
8 Bulletin notice of the imposition.

9 (b) Date.--This chapter shall expire on the date of the
10 publication of the notice under subsection (a).]

11 Section 2. Title 74 of the Pennsylvania Consolidated
12 Statutes is amended by adding a chapter to read:

13 CHAPTER 2

14 ORGANIZATION

15 Sec.

16 201. Definitions.

17 202. Deputy secretaries.

18 § 201. Definitions.

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

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

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

26 § 202. Deputy secretaries.

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

29 (1) Deputy Secretary for Administration.

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

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

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

- 7 (1) Fiscal affairs.
- 8 (2) Operations analysis and improvement.
- 9 (3) Information services.
- 10 (4) Office services.
- 11 (5) Human resources.
- 12 (6) Equal opportunity.

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

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

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

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

29 (e) Multimodal transportation.--The Deputy Secretary for
30 Multimodal Transportation has the powers and duties of the

1 department under law relating to modes of transportation other
2 than highways, except recreational boating and ferry licensing,
3 including all of the following:

4 (1) Local and public transportation.

5 (2) Rail freight.

6 (3) Ports and waterways.

7 (4) Aviation and airports.

8 (f) Planning.--The Deputy Secretary of Planning has the
9 powers and duties of the department under law relating to all of
10 the following:

11 (1) Planning and research.

12 (2) Program development and management.

13 (3) Services to municipalities.

14 Section 3. Section 303 of Title 74 of the Pennsylvania
15 Consolidated Statutes is amended to read:

16 § 303. [Minority and women-owned] Diverse business
17 participation.

18 (a) General rule.--In [administering] bidding and awarding
19 contracts for transportation projects funded pursuant to the
20 provisions of this title or Title 75 (relating to vehicles), the
21 [department and any local transportation organization]
22 contracting entities shall:

23 (1) Be responsible for ensuring that all competitive
24 contract opportunities issued by the [department or local
25 transportation organization] contracting entities seek to
26 maximize participation by [minority-owned and women-owned
27 businesses and other disadvantaged] diverse businesses.

28 (1.1) Include in information and bid documents released
29 for bidding or solicitation on all competitive contracting
30 opportunities notice to the bidder that:

1 (i) The prime contractor shall document and submit
2 to the applicable contracting entity all good faith
3 efforts to solicit subcontractors from diverse businesses
4 during the prebid and bidding process.

5 (ii) The prime contractor shall include in the bid
6 the name and business address of each subcontractor
7 certified as a diverse business that has been solicited
8 by the prime contractor in accordance with subparagraph
9 (i) and that may or will perform work or render services
10 to the prime contractor in connection with the
11 performance of the contract. Nothing under this
12 subparagraph shall be construed to preclude a prime
13 contractor from including in the bid the name and
14 business address of a contractor or subcontractor
15 registered with the Federal government's System of Award
16 Management as a diverse business.

17 (iii) The prime contractor may use a joint venture
18 with a diverse business or may subcontract work or
19 services, including professional services, to a diverse
20 business in order to comply with this section.

21 (2) [Give] Include in the information and bid documents
22 released for bidding or solicitation under paragraph (1.1),
23 language encouraging contractors to utilize and give
24 consideration[, when possible and cost effective,] to
25 contractors offering to utilize [minority-owned and women-
26 owned businesses and disadvantaged] diverse businesses in the
27 selection and award of contracts.

28 (3) Ensure that the [department's and local
29 transportation organizations'] contracting entities'
30 commitment to [the minority-owned and women-owned business

1 program] participation by diverse businesses is clearly
2 understood and appropriately implemented and enforced by all
3 [department and local transportation organization employees]
4 applicable contracting entities.

5 (4) Designate a responsible official to supervise the
6 [department and local transportation organization minority-
7 owned and women-owned] contracting entities' diverse business
8 program and ensure compliance within the [department or local
9 transportation organization] contracting entities.

10 (5) [Furnish the Department of General Services, upon
11 request, all requested information or assistance.]
12 (Reserved).

13 (6) [Recommend sanctions to the Secretary of General
14 Services,] Impose sanctions as may be appropriate under 62
15 Pa.C.S. § 531 (relating to debarment or suspension), against
16 businesses that fail to comply with this section or the
17 policies of the Commonwealth [minority-owned and women-owned]
18 diverse business [program] programs. This paragraph shall not
19 apply to a local transportation organization.

20 (7) Ensure that each contract entered into with a prime
21 contractor and any other entity engaged in business with a
22 contracting entity pursuant to a contract awarded under this
23 section includes provisions prohibiting discrimination in
24 accordance with 62 Pa.C.S. § 3701 (relating to contract
25 provisions prohibiting discrimination).

26 (a.1) Additional duties of department.--The department, with
27 the assistance of the Disadvantaged Business Enterprise
28 Supportive Services Center, shall have the following duties:

29 (1) Conduct the necessary and appropriate outreach,
30 including using the database available on the Internet

1 website of the Department of General Services and the Federal
2 Government's System of Award Management database, for
3 purposes of identifying diverse businesses in general
4 construction, professional services and procurement capable
5 of performing contracts subject to this section.

6 (2) By October 1, 2014, and each October 1 thereafter,
7 submit a report to the chairman and minority chairman of the
8 Transportation Committee of the Senate and the chairman and
9 minority chairman of the Transportation Committee of the
10 House of Representatives summarizing the participation level
11 of diverse businesses in all competitive contract
12 opportunities issued by the contracting entities. The
13 commission or local transportation organization shall
14 cooperate with the department to complete the report. The
15 report shall include:

16 (i) The percentage of participation by diverse
17 businesses.

18 (ii) The total value of all contracts or
19 subcontracts or other procurement contracts executed by
20 diverse businesses pursuant to this section in the prior
21 year.

22 (iii) The number of businesses penalized for
23 violating this section.

24 (3) Transmit the report under paragraph (2) to the
25 Minority Business Development Authority, established under
26 the act of July 22, 1974 (P.L.598, No.206), known as the
27 Pennsylvania Minority Business Development Authority Act. The
28 authority shall review the report to assess the effectiveness
29 in advancing this section and to make any recommendations for
30 changes in this section deemed necessary or desirable to the

1 secretary and the chairman and minority chairman of the
2 Transportation Committee of the Senate and the chairman and
3 minority chairman of the Transportation Committee of the
4 House of Representatives.

5 (a.2) Replacement of diverse business.--

6 (1) If, at any time during the evaluation of a bid or
7 proposal, the construction of a project or the performance of
8 a service pursuant to a bid or proposal being evaluated or a
9 contract awarded under this section, it becomes necessary to
10 replace a diverse business, the bidder, prime contractor or
11 contractor, as appropriate, shall comply with all of the
12 following:

13 (i) Immediately notify the applicable contracting
14 entity of the reason for replacement of the diverse
15 business.

16 (ii) Receive approval from the contracting entity to
17 replace the diverse business. A request by a bidder,
18 prime contractor or contractor to replace a diverse
19 business shall be approved by the contracting entity
20 within seven days of receipt of the request.

21 (iii) Upon receipt of the contracting entity's
22 approval, replace the diverse business with another
23 diverse business.

24 (2) The notifications and approvals required under this
25 subsection may be forwarded in writing by mail or by
26 electronic mail, read receipt.

27 (a.3) Applicability.--The following shall apply to
28 contractors and contracts subject to subsection (a):

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

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

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

8 "Certified." A diverse business that has been validated by a
9 third party certifying organization to ensure that the business
10 is actually owned, controlled and operated by a diverse
11 applicant.

12 "Commission." As defined in section 8102 (relating to
13 definitions).

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

16 "Contracting entities." The following:

17 (1) The Department of Transportation.

18 (2) The commission.

19 (3) A local transportation organization.

20 "Disadvantaged business." A business that is owned or
21 controlled by a majority of persons, not limited to members of
22 minority groups, who are subject to racial or ethnic prejudice
23 or cultural bias.

24 "Diverse business." A disadvantaged business, minority-owned
25 or women-owned business or service-disabled veteran-owned small
26 business or veteran-owned small business. The term includes a
27 diverse business certified under the Pennsylvania Unified
28 Certification Program.

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

30 (1) A political subdivision or a public transportation

1 authority, port authority or redevelopment authority
2 organized under the laws of this Commonwealth or pursuant to
3 an interstate compact or otherwise empowered to render,
4 contract for the rendering of or assist in the rendering of
5 transportation service in a limited area in this
6 Commonwealth, even though it may also render or assist in
7 rendering transportation service in adjacent states.

8 (2) A nonprofit association that directly or indirectly
9 provides public transportation service.

10 (3) A nonprofit association of public transportation
11 providers operating within this Commonwealth.

12 "Minority-owned business." A business owned and controlled
13 by a majority of individuals who are African Americans, Hispanic
14 Americans, Native Americans, Asian Americans, Alaskans or
15 Pacific Islanders.

16 "Professional services." An industry of infrequent,
17 technical or unique functions performed by independent
18 contractors or consultants whose occupation is the rendering of
19 such services. The term includes:

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

22 (2) Legal services.

23 (3) Advertising or public relations services.

24 (4) Accounting, auditing or actuarial services.

25 (5) Security consultant services.

26 (6) Computer and information technology services.

27 (7) Insurance underwriting services.

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

30 "Third party certifying organization." An organization that

1 certifies a small business, minority-owned business, women-owned
2 business or veteran-owned small business as a diverse business.

3 The term includes:

4 (1) The National Minority Supplier Development Council.

5 (2) The Women's Business Enterprise National Council.

6 (3) The Small Business Administration.

7 (4) The Department of Veterans Affairs.

8 "Veteran-owned small business." As defined in 51 Pa.C.S. §
9 9601 (relating to definitions).

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

12 Section 4. The definitions of "base operating allocation"
13 and "capital expenditures" in section 1503 of Title 74 are
14 amended to read:

15 § 1503. Definitions.

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

19 * * *

20 "Base operating allocation." The total amount of State
21 operating assistance, reimbursement in lieu of fares for senior
22 passengers and other assistance which was used for operating
23 assistance as determined by the department in [fiscal year 2005-
24 2006] the last full fiscal year that the qualifying local
25 transportation organization received the assistance, including
26 the funds received under section 1517.1 (relating to Alternative
27 Energy Capital Investment Program).

28 "Capital expenditures." All costs of capital projects,
29 including, but not limited to, the costs of acquisition,
30 construction, installation, start-up of operations, improvements

1 and all work and materials incident thereto. At the discretion
2 of the department, preventive maintenance expenses, as defined
3 by the Federal Transit Administration, may be deemed eligible as
4 a capital expenditure based on written approval by the
5 department.

6 * * *

7 Section 5. Section 1506(b)(1), (c) and (e) of Title 74 are
8 amended to read:

9 § 1506. Fund.

10 * * *

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

12 (1) The following apply:

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

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

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

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

24 (D) For fiscal year 2010-2011 and each fiscal
25 year thereafter, the amount calculated for the
26 previous fiscal year, increased by 2.5%.

27 (ii) The deposits made to the fund under this
28 subsection shall equal [\$250,000,000 annually for each
29 fiscal year commencing after the expiration of the
30 conversion period if the conversion notice is not

1 received by the secretary prior to expiration of the
2 conversion period as set forth under 75 Pa.C.S. §
3 8915.3(3).] \$450,000,000 for fiscal years 2013-2014
4 through 2020-2021. No additional payments shall be due
5 following fiscal year 2020-2021.

6 * * *

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

9 (1) 4.4% of the amount collected under Article II of the
10 Tax Reform Code. Revenues under this paragraph shall be
11 deposited into the fund by the 20th day of each month for the
12 preceding month. The amount deposited under this paragraph is
13 estimated to be equivalent to the money available to the
14 department from the following sources:

15 (i) The Supplemental Public Transportation Account
16 established under former section 1310.1 (relating to
17 supplemental public transportation assistance funding).

18 (ii) The amount appropriated annually by the
19 Commonwealth from the General Fund for mass transit
20 programs pursuant to a General Appropriations Act.

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

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

26 (3.1) If, by July 1, 2021, legislation is not enacted to
27 replace the revenue deposited in the fund under subsection
28 (b)(1), in fiscal year 2021-2022 and in each fiscal year
29 thereafter, the following shall apply:

30 (i) An amount equal to that revenue shall be

1 deposited in the fund.

2 (ii) Notwithstanding any other provision of law, the
3 source of the revenue deposited in the fund under this
4 paragraph shall be the receipts from the tax collected
5 under section 238 of the Tax Reform Code on motor
6 vehicles, trailers and semi-trailers.

7 (3.2) The revenue deposited in the fund in accordance
8 with 75 Pa.C.S. § 3111(a.1)(2)(ii) (relating to obedience to
9 traffic control devices).

10 (3.3) The revenue deposited in the fund under Chapter 16
11 (relating to fair share funding for transportation).

12 (3.4) The revenue deposited in the fund under 75 Pa.C.S.
13 § 1786 (relating to required financial responsibility).

14 (4) Other appropriations, deposits or transfers to the
15 fund.

16 * * *

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

20 (1) For the program established under section 1513
21 (relating to operating program), the following amounts shall
22 be allocated from the fund:

23 (i) All revenues deposited in the fund under
24 subsection (b) (1), after allocation of \$20,000,000 to the
25 Multimodal Transportation Fund under section 2102(1)
26 (relating to deposits to fund).

27 (ii) All revenues deposited in the fund under
28 subsection (b) (2).

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

1 (iv) All revenues deposited into the fund under
2 subsection (c) (3).

3 (v) All the revenues deposited in the fund in
4 accordance with 75 Pa.C.S. § 1904 (relating to collection
5 and disposition of fees and moneys) after the allocation
6 of 23% to the Multimodal Transportation Fund under
7 section 2102(2).

8 (vi) All revenues deposited in the fund under
9 subsection (c) (3.1) and (3.4).

10 (vii) Fifty percent of the revenues deposited in the
11 fund under subsection (c) (3.3).

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

15 (A) By the proceeds of Commonwealth capital
16 bonds deposited into the fund under subsection (c)
17 (2).

18 [(A.1) For fiscal year 2007-2008, \$50,000,000
19 from the revenues received by the department under 75
20 Pa.C.S. Ch. 89 and the lease agreement executed
21 between the department and the Pennsylvania Turnpike
22 Commission under 75 Pa.C.S. § 8915.3. The amount
23 received by the department under this section shall
24 be deposited into the fund prior to distribution and
25 shall be in addition to the amounts received under
26 subsection (b) (1).

27 (B) For fiscal year 2008-2009, \$100,000,000 from
28 the revenues received by the department under 75
29 Pa.C.S. Ch. 89 and the lease agreement executed
30 between the department and the Pennsylvania Turnpike

1 Commission under 75 Pa.C.S. § 8915.3. The amount
2 received by the department under this section shall
3 be deposited into the fund prior to distribution and
4 shall be in addition to the amounts received under
5 subsection (b)(1).

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

15 (D) For fiscal year 2010-2011 and each fiscal
16 year thereafter, the amount calculated for the prior
17 fiscal year increased by 2.5% from the revenues
18 received by the department under 75 Pa.C.S. Ch. 89
19 and the lease agreement executed between the
20 department and the Pennsylvania Turnpike Commission
21 under 75 Pa.C.S. § 8915.3. The amount received by the
22 department under this section shall be deposited into
23 the fund prior to distribution and shall be in
24 addition to the amounts received under subsection (b)
25 (1).]

26 (E) Fifty percent of the revenue deposited in
27 the fund under subsection (c)(3.3).

28 (F) The revenue deposited in the fund under
29 subsection (c)(3.2).

30 [(ii) If the conversion notice is not received by

1 the secretary prior to the end of the conversion period
2 as set forth in 75 Pa.C.S. § 8915.3(3), no additional
3 allocation shall be made under subparagraph (i).]

4 (3) For the program established under section 1516
5 (relating to programs of Statewide significance), 13.24% of
6 the revenues deposited in the fund under subsection (c)(1)
7 shall be allocated from the fund.

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

14 (5) For the program established under section 1517.1
15 (relating to Alternative Energy Capital Investments Program),
16 no more than \$60,000,000 of the revenues deposited in the
17 fund under subsection (c) may be allocated from the fund.

18 Section 6. Section 1507(a)(6) and (c) of Title 74 are
19 amended and subsection (a) is amended by adding a paragraph to
20 read:

21 § 1507. Application and approval process.

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

26 * * *

27 (6) Evidence satisfactory to the department of the
28 commitment for matching funds required under this chapter
29 sufficient to match the projected financial assistance
30 payments [at the same times that the financial assistance

1 payments are to be provided.], provided no later than June 30
2 of the applicable fiscal year. If the evidence required under
3 this paragraph is not provided to the satisfaction of the
4 department, subsequent funding under section 1513 (relating
5 to operating program) shall be withheld until the applicant
6 meets the requirements of this paragraph.

7 (6.1) A statement of policy outlining the basic
8 principles for the adjustment of fare growth to meet the rate
9 of inflation.

10 * * *

11 (c) Restriction on use of funds.--[Financial] Unless the
12 department grants the award recipient a waiver allowing the
13 funds to be used for a different purpose, financial assistance
14 under this chapter shall be used only for activities set forth
15 under the financial assistance agreement [unless the department
16 grants the award recipient a waiver allowing the funds to be
17 used for a different purpose]. The department's regulations
18 shall describe circumstances under which it will consider waiver
19 requests and shall set forth all information to be included in a
20 waiver request. The maximum duration of a waiver shall be one
21 year, and a waiver request shall include a plan of corrective
22 action to demonstrate that the award recipient does not have an
23 ongoing need to use financial assistance funds for activities
24 other than those for which funds were originally awarded. The
25 duration of the waiver may not exceed the duration of the plan
26 of corrective action. The department shall monitor
27 implementation of the plan of corrective action. If the plan of
28 corrective action is not implemented by the local transportation
29 organization, the department shall rescind the waiver approval.

30 Section 7. Sections 1511 and 1512 of Title 74 are amended to

1 read:

2 § 1511. Report to Governor and General Assembly.

3 [The following shall apply:

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

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

10 § 1512. Coordination and consolidation.

11 (a) Coordination.--Coordination is required in regions where
12 two or more award recipients have services or activities for
13 which financial assistance is being provided under this chapter
14 to assure that the services or activities are provided
15 efficiently and effectively.

16 (b) Consolidation and mutual cooperation.--

17 (1) The department shall study the feasibility of
18 consolidation and mutual cooperation of local transportation
19 organizations as a means of reducing annual expense without
20 loss of service to the communities. The study shall examine
21 the creation of service regions or mutual cooperation pacts
22 to determine whether either method would reduce annual
23 expenses. The feasibility analysis is to include a cost-
24 benefit analysis and operational analysis.

25 (2) If the results of the feasibility analysis begun
26 after the effective date of this subsection under paragraph
27 (1) estimate a net annual savings of at least \$2,000,000,
28 including all costs associated with any merger, or 25% of the
29 local match contribution under section 1513 (relating to
30 operating program) at the time of completion of the study,

1 the transportation organization and local government may
2 implement the recommended action.

3 (3) The department shall waive the match increase under
4 section 1513 for five fiscal years for the transportation
5 organization's participation in the recommended action under
6 paragraph (2).

7 (c) Funding for merger and consolidation incentives and
8 mutual cooperation pacts.--A capital project that is needed to
9 support a local transportation organization that has agreed to
10 merge and consolidate operations and administration or share
11 facilities or staff through a mutual cooperation pact to achieve
12 cost and service efficiencies shall be eligible for financial
13 assistance under this chapter. The application for financial
14 assistance must:

15 (1) identify the efficiencies in a merger and
16 consolidation plan or mutual cooperation pact; and

17 (2) include the expected net dollar savings that will
18 result from the merger, consolidation or pact.

19 Section 8. Section 1514 of Title 74 is amended by adding a
20 subsection to read:

21 § 1514. Asset improvement program.

22 * * *

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

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

1 of the funds available for distribution under this section.

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

8 (3) Other local transportation organizations organized
9 and existing as the primary providers of public passenger
10 transportation for the counties of this Commonwealth not
11 identified under paragraph (1) or (2) shall receive 8% of the
12 funds available for distribution under this section. The
13 department shall allocate the funds under this paragraph
14 among the local transportation organizations.

15 (4) Notwithstanding paragraphs (1), (2) and (3) and
16 before distributing the funds under paragraph (1), (2) or
17 (3), the department shall set aside 5% of the funds available
18 for distribution under this section for discretionary use and
19 distribution by the secretary.

20 * * *

21 Section 8.1. Section 1516(b) and (e) of Title 74 are amended
22 and the section is amended by adding a subsection to read:

23 § 1516. Programs of Statewide significance.

24 * * *

25 (b) Persons with disabilities.--The department shall
26 establish and administer a program providing reduced fares to
27 persons with disabilities on community transportation services
28 and to provide financial assistance for start-up, administrative
29 and capital expenses related to reduced fares for persons with
30 disabilities. All of the following shall apply:

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

5 (2) The department may award financial assistance under
6 this subsection for program start-up and for continuing
7 capital expenses to offset administrative and capital
8 expenses. For community transportation trips made by eligible
9 persons with disabilities, financial assistance may be
10 awarded to an eligible community transportation system to
11 reimburse the system for up to 85% of the fare established
12 for the general public for each trip which is outside of
13 fixed-route and paratransit service areas and not eligible
14 for funding from any other program or funding source. The
15 person making the trip or an approved third-party sponsor
16 shall contribute the greater of 15% of the fare established
17 for the general public or the Americans with Disabilities Act
18 complementary paratransit fare.

19 * * *

20 (e) Technical assistance [and], demonstration and
21 emergency.--The department is authorized to provide financial
22 assistance under this section for technical assistance, research
23 and short-term demonstration or emergency projects. All of the
24 following shall apply:

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

28 (2) Financial assistance provided under this subsection
29 may be used for reimbursement for any approved operating or
30 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

1 under section 1513 to sustain and transition the
2 demonstration project into regular public passenger
3 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 regular public passenger
10 transportation service shall be eligible to receive
11 financial assistance up to 65% of the transportation
12 service's prior fiscal year operating costs or expenses
13 for the service as an initial base operating allocation.

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

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

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

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

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

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

30 (iv) Maximize efficiency and effectiveness of the

1 services.

2 (2) The department shall establish a pilot advisory
3 committee to provide guidance and input for pilot planning,
4 start up, operations, data collection and post pilot
5 evaluation. The committee shall be comprised of the
6 following:

7 (i) A member appointed by Majority Chair of the
8 Transportation Committee of the Senate.

9 (ii) A member appointed by Minority Chair of the
10 Transportation Committee of the Senate.

11 (iii) A member appointed by Majority Chair of
12 the Transportation Committee of the House of
13 Representatives.

14 (iv) A member appointed by Minority Chair of the
15 Transportation Committee of the House of
16 Representatives.

17 (v) Two members from the Pennsylvania Public
18 Transit Association appointed by the secretary.

19 (vi) A member appointed by the secretary to
20 represent people with disabilities .

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

23 (viii) A member appointed by the Secretary of
24 Public Welfare to represent people using medical
25 assistance transportation.

26 (ix) A member of the County Commissioners
27 Association appointed by the secretary.

28 (x) The secretary or a designee.

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

30 (xii) The Secretary of the Office of the Budget

1 or a designee.

2 (xiii) The Secretary of Public Welfare or a
3 designee.

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

7 (4) The department shall publish the notice of
8 availability of the program models and framework in the
9 Pennsylvania Bulletin and receive applications from counties
10 and shared-ride community transportation systems interested
11 in participating in the program within three months of the
12 defining potential pilot models.

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

22 Section 9. Section 1517 of Title 74 is amended to read:

23 § 1517. Capital improvements program.

24 (a) Eligibility.--A local transportation organization may
25 apply for financial assistance under this section.

26 (b) Applications.--The department shall establish the
27 contents of the application for the program established under
28 this section. The information shall be in addition to
29 information required under section 1507 (relating to application
30 and approval process).

1 (c) Distribution formula.--The department shall award
2 financial assistance under this section based on the number of
3 passengers. The actual amount awarded to a local transportation
4 organization under this subsection shall be calculated as
5 follows:

6 (1) Multiply the local transportation organization's
7 passengers by the total amount of funding available under
8 this section.

9 (2) Divide the product under paragraph (1) by the sum of
10 the passengers for all qualifying local transportation
11 organizations.

12 (d) Payments.--Financial assistance under this section shall
13 be paid to local transportation organizations at least
14 quarterly.

15 (e) Reduction in financial assistance.--Financial assistance
16 provided to a local transportation organization under this
17 section shall be reduced by any financial assistance received
18 previously under this section which has not been spent or
19 committed in a contract within three years of its receipt.

20 (f) Certification ends funding.--Financial assistance under
21 this section shall cease when the secretary certifies that funds
22 are no longer available for the program established under this
23 section.

24 Section 10. Title 74 is amended by adding a section to read:
25 § 1517.1. Alternative Energy Capital Investment Program.

26 (a) Establishment.--The department is authorized to
27 establish a competitive grant program to implement capital
28 improvements deemed necessary to support conversion of a local
29 transportation organization's fleet to an alternative energy
30 source, including compressed natural gas.

1 (b) Criteria.--The department shall establish criteria for
2 awarding grants under this section. Criteria shall, at a
3 minimum, include feasibility, cost/benefit analysis and project
4 readiness.

5 (c) Additional authorization.--Notwithstanding any other
6 provisions of this section or other law, the department may use
7 funds designated for the program established under subsection
8 (a) to supplement a local transit organization's base operating
9 allocation under section 1513 (relating to operating program) if
10 necessary to stabilize an operating budget and ensure that
11 efficient services may be sustained to support economic
12 development and job creation and retention.

13 Section 11. Title 74 is amended by adding chapters to read:

14 CHAPTER 16

15 FAIR SHARE FUNDING

16 FOR TRANSPORTATION

17 Sec.

18 1601. Scope of chapter.

19 1602. Definitions.

20 1603. Imposition of tax.

21 1604. Registration.

22 1605. Meters.

23 1606. Assessments.

24 1607. Time for assessment.

25 1608. Extension of assessment period.

26 1609. Reassessments.

27 1610. Interest.

28 1611. Penalties.

29 1612. Criminal acts.

30 1613. Abatement of additions or penalties.

1 1614. Bulk and auction sales.

2 1615. Collection upon failure to request reassessment, review
3 or appeal.

4 1616. Tax liens.

5 1617. Tax suit reciprocity.

6 1618. Service.

7 1619. Refunds.

8 1620. Refund petition.

9 1621. Rules and regulations.

10 1622. Recordkeeping.

11 1623. Examinations.

12 1624. Unauthorized disclosure.

13 1625. Cooperation with other governments.

14 1626. Bonds.

15 1627. Appropriation.

16 1628. Deposit of proceeds.

17 § 1601. Scope of chapter.

18 This chapter relates to additional funding for
19 transportation.

20 § 1602. 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 "Department." The Department of Revenue of the Commonwealth.

25 "Natural gas." As defined in 58 Pa.C.S. § 2301 (relating to
26 definitions).

27 "Person." A natural person or a corporation, fiduciary,
28 association or other entity, including the Commonwealth, its
29 political subdivisions, instrumentalities and authorities. When
30 the term is used to prescribe and impose a penalty or imposing a

1 fine or imprisonment, or both, the term includes the members, as
2 applied to an association, and the officers, as applied to a
3 corporation.

4 "Producer." As defined in 58 Pa.C.S. § 2301 (relating to
5 definitions).

6 "Reporting period." A calendar month in which natural gas is
7 severed.

8 "Sever." Extract or otherwise remove natural gas from the
9 soil or water of this Commonwealth.

10 "Taxpayer." A person subject to the tax imposed by this
11 chapter.

12 "Unconventional gas well." As defined in 58 Pa.C.S. § 2301
13 (relating to definitions). The term shall not include a
14 vertical gas well.

15 "Unit." A thousand cubic feet of natural gas measured at the
16 wellhead at a temperature of 60 degrees Fahrenheit and an
17 absolute pressure of 14.73 pounds per square inch in accordance
18 with American Gas Association Standards and according to Boyle's
19 Law for the measurement of gas under varying pressures with
20 deviations as follows:

21 (1) The average absolute atmospheric pressure shall be
22 assumed to be 14.4 pounds to the square inch, regardless of
23 elevation or location of point of delivery above sea level or
24 variations in atmospheric pressure from time to time.

25 (2) The temperature of the gas passing the meters shall
26 be determined by the continuous use of a recording
27 thermometer installed to properly record the temperature of
28 gas flowing through the meters. The arithmetic average of the
29 temperature recorded each 24-hour day shall be used in
30 computing gas volumes. If a recording thermometer is not

1 installed, or is installed and not operating properly, an
2 average flowing temperature of 60 degrees Fahrenheit shall be
3 used in computing gas volume.

4 (3) The specific gravity of the gas shall be determined
5 annually by tests made by the use of an Edwards or Acme
6 gravity balance, or at intervals as found necessary in
7 practice. Specific gravity determinations shall be used in
8 computing gas volumes.

9 (4) The deviation of the natural gas from Boyle's Law
10 shall be determined by annual tests or at other shorter
11 intervals as found necessary in practice. The apparatus and
12 method used in making the test shall be in accordance with
13 recommendations of the National Bureau of Standards or Report
14 No. 3 of the Gas Measurement Committee of the American Gas
15 Association, or amendments thereto. The results of the tests
16 shall be used in computing the volume of gas delivered under
17 this chapter.

18 "Vertical gas well." As defined in 58 Pa.C.S. § 2301
19 (relating to definitions).

20 "Wellhead meter." A meter that measures the volume of
21 natural gas severed from an unconventional gas well.

22 § 1603. Imposition of tax.

23 (a) Establishment.--Beginning September 1, 2013, there shall
24 be levied a natural gas severance tax payable on every
25 unconventional gas well that is required to pay the fee payable
26 under 58 Pa.C.S. Ch. 23 (relating to unconventional gas well
27 fee).

28 (b) Rate.--The tax imposed in subsection (a) shall be 5% of
29 the gross value of units severed at the wellhead during a
30 reporting period, plus 4¢ per unit severed.

1 (c) Return and payment.--Every producer subject to the
2 provisions of this chapter shall file a return with the
3 department, on a form prescribed by the department, which shall
4 include the following:

5 (1) The number of natural gas units severed by the
6 producer for the reporting period and the gross value
7 thereof.

8 (2) The amount of tax due under subsection (b).

9 (3) Other information reasonably required by the
10 department.

11 (d) Filing.--The return required by subsection (c) must be
12 filed with the department within 15 days following the end of a
13 reporting period. The tax is due on the day the return is
14 required to be filed under this subsection and becomes
15 delinquent if not remitted to the department by the required
16 date.

17 § 1604. Registration.

18 (a) Application.--Before a producer severs natural gas or
19 continues to sever natural gas in this Commonwealth after August
20 31, 2013, the producer shall apply to the department for a
21 registration certificate. The department may charge an
22 application fee to cover the administrative costs associated
23 with the application and registration process.

24 (b) Issuance.--Except as provided in subsection (c), after
25 the receipt of an application and the required application fee,
26 the department shall issue a registration certificate to the
27 producer. The registration certificate is nonassignable. A
28 registrant is required to renew the registration certificate on
29 a staggered renewal system established by the department. After
30 the initial staggered renewal period, a registration certificate

1 is valid for a period of five years.

2 (c) Refusal, suspension or revocation.--The department may
3 refuse to issue, suspend or revoke a registration certificate if
4 the applicant or registrant has not filed required State tax
5 reports and paid State taxes not subject to a timely perfected
6 administrative or judicial appeal or subject to a duly
7 authorized deferred payment plan. The department shall notify
8 the applicant or registrant of any refusal, suspension or
9 revocation. The notice shall contain a statement that the
10 refusal, suspension or revocation may be made public. The notice
11 shall be made by first class mail. An applicant or registrant
12 aggrieved by the determination of the department may file an
13 appeal under the provisions for administrative appeals in the
14 act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code
15 of 1971. In the case of a suspension or revocation which is
16 appealed, the registration certificate shall remain valid
17 pending a final outcome of the appeals process. Notwithstanding
18 sections 274, 353(f), 408(b), 603, 702, 802, 904 and 1102 of the
19 Tax Reform Code of 1971 or any other provision of law, if no
20 appeal is taken or if an appeal is taken and denied at the
21 conclusion of the appeal process the department may disclose, by
22 publication or otherwise, the identity of a producer and the
23 fact that the producer's registration certificate has been
24 refused, suspended or revoked under this subsection. Disclosure
25 may include the basis for refusal, suspension or revocation.

26 (d) Violation.--A person severing natural gas in this
27 Commonwealth in violation of subsection (a) shall be guilty of a
28 summary offense and shall, upon conviction, be sentenced to pay
29 a fine of not less than \$300 nor more than \$1,500. In the event
30 the person convicted defaults in the payment of the fine, he

1 shall be sentenced to imprisonment for not less than five days
2 nor more than 30 days. The penalties imposed by this subsection
3 shall be in addition to any other penalties imposed by this
4 chapter. For purposes of this subsection, the severing of
5 natural gas during any calendar day shall constitute a separate
6 violation. The secretary may designate employees of the
7 department to enforce the provisions of this subsection. The
8 employees shall exhibit proof of and be within the scope of the
9 designation when instituting proceedings as provided by the
10 Pennsylvania Rules of Criminal Procedure.

11 (e) Failure to obtain registration certificate.--Failure to
12 obtain or hold a valid registration certificate does not relieve
13 a person from liability for the tax imposed by this chapter.

14 § 1605. Meters.

15 A producer shall provide for and maintain a discrete wellhead
16 meter where natural gas is severed. A producer shall ensure that
17 the meters are maintained according to industry standards. Any
18 wellhead meter installed after the effective date of this
19 section shall be a digital meter.

20 § 1606. Assessments.

21 (a) Authorization and requirement.--The department is
22 authorized and shall make the inquiries, determinations and
23 assessments of the tax imposed under this chapter, including
24 interest, additions and penalties imposed under this chapter.

25 (b) Notice.--The notice of assessment and demand for payment
26 shall be mailed to the taxpayer. The notice shall set forth the
27 basis of the assessment. The department shall send the notice of
28 assessment to the taxpayer at its registered address via
29 certified mail if the assessment increases the taxpayer's tax
30 liability by \$300. Otherwise, the notice of assessment may be

1 sent via regular mail.

2 § 1607. Time for assessment.

3 (a) Requirement.--An assessment as provided under section
4 1606 (relating to assessments) shall be made within three years
5 after the date when the return provided for by section 1603(c)
6 (relating to return and payment) is filed or the end of the year
7 in which the tax liability arises, whichever shall occur last.
8 For the purposes of this subsection and subsection (b), a return
9 filed before the last day prescribed for the filing period shall
10 be considered as filed on the last day.

11 (b) Exception.--If the taxpayer underpays the correct amount
12 of the tax due by 25% or more, the tax may be assessed within
13 six years after the date the return was filed.

14 (c) Intent to evade.--Where no return is filed or where the
15 taxpayer files a false or fraudulent return with intent to evade
16 the tax imposed by this chapter, the assessment may be made at
17 any time.

18 (d) Erroneous credit or refund.--Within three years of the
19 granting of a refund or credit or within the period in which an
20 assessment or reassessment may have been issued by the
21 department for the taxable period for which the refund was
22 granted, whichever period shall last occur, the department may
23 issue an assessment to recover a refund or credit made or
24 allowed erroneously.

25 § 1608. Extension of assessment period.

26 Notwithstanding the provisions of this chapter, the
27 assessment period may be extended in the event a taxpayer has
28 provided written consent before the expiration of the period
29 provided in section 1607 (relating to time for assessment) for a
30 tax assessment. The amount of tax due may be assessed at any

1 time within the extended period. The period may be extended
2 further by subsequent written consents made before the
3 expiration of the extended period.

4 § 1609. Reassessments.

5 A taxpayer against whom an assessment is made may petition
6 the department for a reassessment under Article XXVII of the act
7 of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
8 1971.

9 § 1610. Interest.

10 The department shall assess interest on any delinquent tax at
11 the rate prescribed under section 806 of the act of April 9,
12 1929 (P.L.343, No.176), known as The Fiscal Code.

13 § 1611. Penalties.

14 The department shall enforce the following penalties:

15 (1) A penalty against a producer without a registration
16 certificate required under section 1604 (relating to
17 registration). The penalty shall be \$1 for every unit severed
18 without a valid registration certificate. The department may
19 assess this penalty separately from or in conjunction with
20 any assessment of the natural gas severance tax.

21 (2) A penalty against a producer for failure to timely
22 file a return as required under section 1603(c) (relating to
23 return and payment). The penalty shall be 5% of the tax
24 liability to be reported on the return for each day beyond
25 the due date that the return is not filed.

26 (3) In addition to the penalty under paragraph (2), a
27 penalty against the producer for a willful failure to timely
28 file a return. The penalty shall be 200% of the tax liability
29 required to be reported on the return.

30 (4) A penalty against a producer for failure to timely

1 pay the tax as required by section 1603(d). The penalty shall
2 be 5% of the amount of tax due for each day beyond the
3 payment date that the tax is not paid.

4 § 1612. Criminal acts.

5 (a) Fraudulent return.--Any person with intent to defraud
6 the Commonwealth, who willfully makes or causes to be made a
7 return required by this chapter which is false, is guilty of a
8 misdemeanor and shall, upon conviction, be sentenced to pay a
9 fine of not more than \$2,000 or to imprisonment for not more
10 than three years, or both.

11 (b) Other crimes.--

12 (1) Except as otherwise provided by subsection (a), a
13 person is guilty of a misdemeanor and shall, upon conviction,
14 be sentenced to pay a fine of not more than \$1,000 and costs
15 of prosecution or to imprisonment for not more than one year,
16 or both, for any of the following:

17 (i) Willfully failing to timely remit the tax to the
18 department.

19 (ii) Willfully failing or neglecting to timely file
20 a return or report required by this chapter.

21 (iii) Refusing to timely pay a tax, penalty or
22 interest imposed or provided for by this chapter.

23 (iv) Willfully failing to preserve its books, papers
24 and records as directed by the department.

25 (v) Refusing to permit the department or its
26 authorized agents to examine its books, records or
27 papers.

28 (vi) Knowingly making any incomplete, false or
29 fraudulent return or report.

30 (vii) Preventing or attempting to prevent the full

1 disclosure of the amount of natural gas severance tax
2 due.

3 (viii) Providing any person with a false statement
4 as to the payment of the tax imposed under this chapter
5 with respect to any pertinent facts.

6 (ix) Making, uttering or issuing a false or
7 fraudulent statement.

8 (2) The penalties imposed by this section shall be in
9 addition to other penalties imposed by this chapter.

10 § 1613. Abatement of additions or penalties.

11 Upon the filing of a petition for reassessment or a petition
12 for refund by a taxpayer as provided under this chapter,
13 additions or penalties imposed upon the taxpayer by this chapter
14 may be waived or abated in whole or in part where the petitioner
15 establishes that he acted in good faith, without negligence and
16 with no intent to defraud.

17 § 1614. Bulk and auction sales.

18 A person that sells or causes to be sold at auction, or that
19 sells or transfers in bulk, 51% or more of a stock of goods,
20 wares or merchandise of any kind, fixtures, machinery,
21 equipment, buildings or real estate involved in a business for
22 which the person holds a registration certificate or is required
23 to obtain a registration certificate under the provisions of
24 this chapter shall be subject to the provisions of section 1403
25 of the act of April 9, 1929 (P.L.343, No.176), known as The
26 Fiscal Code.

27 § 1615. Collection upon failure to request reassessment, review
28 or appeal.

29 (a) Power of department.--The department may collect the tax
30 imposed under this chapter:

1 (1) If an assessment of the tax is not paid within 30
2 days after notice to the taxpayer when no petition for
3 reassessment has been filed.

4 (2) Within 60 days of the reassessment, if no petition
5 for review has been filed.

6 (3) If no appeal has been made, within 30 days of:

7 (i) the Board of Finance and Revenue's decision of a
8 petition for review; or

9 (ii) the expiration of the board's time for acting
10 upon the petition.

11 (4) In all cases of judicial sales, receiverships,
12 assignments or bankruptcies.

13 (b) Prohibition.--In a case for the collection of taxes
14 under subsection (a), the taxpayer against whom they were
15 assessed shall not be permitted to set up a ground of defense
16 that might have been determined by the department, the Board of
17 Finance and Revenue or the courts, provided that the defense of
18 failure of the department to mail notice of assessment or
19 reassessment to the taxpayer and the defense of payment of
20 assessment or reassessment may be raised in proceedings for
21 collection by a motion to stay the proceedings.

22 § 1616. Tax liens.

23 (a) Lien imposed.--If any taxpayer neglects or refuses to
24 pay the tax imposed under this chapter for which the taxpayer is
25 liable under this chapter after demand, the amount, including
26 interest, addition or penalty, together with additional costs
27 that may accrue, shall be a lien in favor of the Commonwealth
28 upon the real and personal property of the taxpayer but only
29 after the same has been entered and docketed of record by the
30 prothonotary of the county where the property is situated. The

1 department may, at any time, transmit to the prothonotaries of
2 the respective counties certified copies of all liens imposed by
3 this section. It shall be the duty of the prothonotary receiving
4 the lien to enter and docket the same of record to the office of
5 the prothonotary. The lien shall be indexed as judgments are now
6 indexed. No prothonotary shall require as a condition precedent
7 to the entry of the lien the payment of costs incidental to its
8 entry.

9 (b) Priority of lien and effect on judicial sale.--Except
10 for the costs of the sale and the writ upon which the sale was
11 made and real estate taxes and municipal claims against the
12 property, a lien imposed under this section shall have priority
13 from the date of its recording and shall be fully paid and
14 satisfied out of the proceeds of any judicial sale of property
15 subject to the lien, before any other obligation, judgment,
16 claim, lien or estate to which the property may subsequently
17 become subject, but shall be subordinate to mortgages and other
18 liens existing and duly recorded or entered of record prior to
19 the recording of the lien.

20 (c) No discharge by sale on junior lien.--In the case of a
21 judicial sale of property subject to a lien imposed under this
22 section, upon a lien or claim over which the lien imposed under
23 this section has priority, the sale shall discharge the lien
24 imposed under this section to the extent only that the proceeds
25 are applied to its payment, and the lien shall continue in full
26 force and effect as to the balance remaining unpaid. There shall
27 be no inquisition or condemnation upon any judicial sale of real
28 estate made by the Commonwealth under the provisions of this
29 chapter. The lien shall continue as provided in the act of April
30 9, 1929 (P.L.343, No.176), known as The Fiscal Code, and a writ

1 of execution may directly issue upon the lien without the
2 issuance and prosecution to judgment of a writ of scire facias,
3 provided that not less than ten days before issuance of any
4 execution on the lien, notice of the filing and the effect of
5 the lien shall be sent by registered mail to the taxpayer at its
6 last known post office address, provided further that the lien
7 shall have no effect upon any stock of goods, wares or
8 merchandise regularly sold or leased in the ordinary course of
9 business by the taxpayer against whom the lien has been entered,
10 unless and until a writ of execution has been issued and a levy
11 made upon the stock of goods, wares and merchandise.

12 (d) Duty of prothonotary.--Any willful failure of any
13 prothonotary to carry out any duty imposed upon him by this
14 section shall be a misdemeanor. Upon conviction, he shall be
15 sentenced to pay a fine of not more than \$1,000 and costs of
16 prosecution or to imprisonment for not more than one year, or
17 both.

18 (e) Priority.--Except as provided in this chapter, the
19 distribution, voluntary or compulsory, in receivership,
20 bankruptcy or otherwise of the property or estate of any person,
21 all taxes imposed by this chapter which are due and unpaid and
22 are not collectible under the provisions of section 225 of the
23 act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code
24 of 1971, shall be paid from the first money available for
25 distribution in priority to all other claims and liens, except
26 as the laws of the United States may give priority to a claim to
27 the Federal Government. A person charged with the administration
28 or distribution of the property or estate who violates the
29 provisions of this section shall be personally liable for the
30 taxes imposed by this chapter which are accrued and unpaid and

1 chargeable against the person whose property or estate is being
2 administered or distributed.

3 (f) Other remedies.--Subject to the limitations contained in
4 this chapter as to the assessment of taxes, nothing contained in
5 this section shall be construed to restrict, prohibit or limit
6 the use by the department in collecting taxes due and payable of
7 another remedy or procedure available at law or equity for the
8 collection of debts.

9 § 1617. Tax suit reciprocity.

10 The courts of this Commonwealth shall recognize and enforce
11 liabilities for natural gas severance or extraction taxes
12 lawfully imposed by any other state, provided that the other
13 state recognizes and enforces the tax imposed under this
14 chapter.

15 § 1618. Service.

16 A producer is deemed to have appointed the Secretary of the
17 Commonwealth its agent for the acceptance of service of process
18 or notice in a proceeding for the enforcement of the civil
19 provisions of this chapter and service made upon the Secretary
20 of the Commonwealth as agent shall be of the same legal force
21 and validity as if the service had been personally made upon the
22 producer. Where service cannot be made upon the producer in the
23 manner provided by other laws of this Commonwealth relating to
24 service of process, service may be made upon the Secretary of
25 the Commonwealth. In that case, a copy of the process or notice
26 shall be personally served upon any agent or representative of
27 the producer who may be found within this Commonwealth or, where
28 no agent or representative may be found, a copy of the process
29 or notice shall be sent via registered mail to the producer at
30 the last known address of its principal place of business, home

1 office or residence.

2 § 1619. Refunds.

3 Under Article XXVII of the act of March 4, 1971 (P.L.6,
4 No.2), known as the Tax Reform Code of 1971, the department
5 shall refund all taxes, interest and penalties paid to the
6 Commonwealth under the provisions of this chapter to which the
7 Commonwealth is not rightfully entitled. The refunds shall be
8 made to the person or the person's heirs, successors, assigns or
9 other personal representatives who paid the tax, provided that
10 no refund shall be made under this section regarding a payment
11 made by reason of an assessment where a taxpayer has filed a
12 petition for reassessment under section 2702 of the Tax Reform
13 Code of 1971 to the extent the petition is adverse to the
14 taxpayer by a decision which is no longer subject to further
15 review or appeal. Nothing in this chapter shall prohibit a
16 taxpayer who has filed a timely petition for reassessment from
17 amending it to a petition for refund where the petitioner paid
18 the tax assessed.

19 § 1620. Refund petition.

20 (a) General rule.--Except as provided for in subsection (b),
21 the refund or credit of tax, interest or penalty provided for by
22 section 1519 (relating to refunds) shall be made only where the
23 person who has paid the tax files a petition for refund with the
24 department under Article XXVII of the act of March 4, 1971
25 (P.L.6, No.2), known as the Tax Reform Code of 1971, within the
26 time limits of section 3003.1 of the Tax Reform Code of 1971.

27 (b) Natural gas severance tax.--A refund or credit of tax,
28 interest or penalty paid as a result of an assessment made by
29 the department under section 1606 (relating to assessment) shall
30 be made only where the person who has paid the tax files with

1 the department a petition for a refund with the department under
2 Article XXVII of the Tax Reform Code of 1971 within the time
3 limits of section 3003.1 of the Tax Reform Code of 1971. The
4 filing of a petition for refund under the provisions of this
5 subsection shall not affect the abatement of interest, additions
6 or penalties to which the person may be entitled by reason of
7 his payment of the assessment.

8 § 1621. Rules and regulations.

9 The department is charged with the enforcement of the
10 provisions of this chapter and is authorized and empowered to
11 prescribe, adopt, promulgate and enforce rules and regulations
12 not inconsistent with the provisions of this chapter relating to
13 any matter or thing pertaining to the administration and
14 enforcement of the provisions of this chapter and the collection
15 of taxes, penalties and interest imposed by this chapter. The
16 department may prescribe the extent, if any, to which any of the
17 rules and regulations shall be applied without retroactive
18 effect.

19 § 1622. Recordkeeping.

20 (a) General rule.--Every person liable for any tax imposed
21 by this chapter, or for the collection of the tax, shall keep
22 records, including those enumerated in subsection (b), render
23 statements, make returns and comply with the rules and
24 regulations as the department may prescribe regarding matters
25 pertinent to the person's business. Whenever it is necessary,
26 the department may require a person, by notice served upon the
27 person or by regulations, to make returns, render statements or
28 keep records as the department deems sufficient to show whether
29 or not a person is liable to pay tax under this chapter.

30 (a.1) Records.--Records to be maintained are:

1 (1) Wellhead meter charts for each reporting period and
2 the meter calibration and maintenance records. If turbine
3 meters are in use, the maintenance records will be made
4 available to the department upon request.

5 (2) Records, statements and other instruments furnished
6 to a producer by a person to whom the producer delivers for
7 sale, transport or delivery of natural gas.

8 (3) Records, statements and other instruments as the
9 department may prescribe by regulation.

10 (b) Records of nonresidents.--A nonresident who does
11 business in this Commonwealth as a producer shall keep adequate
12 records of the business and of the tax due as a result. The
13 records shall be retained within this Commonwealth unless
14 retention outside this Commonwealth is authorized by the
15 department. The department may require a taxpayer who desires to
16 retain records outside this Commonwealth to assume reasonable
17 out-of-State audit expenses.

18 (c) Keeping of separate records.--A producer who is engaged
19 in another business or businesses which do not involve the
20 severing of natural gas taxable under this chapter shall keep
21 separate books and records of the businesses so as to show the
22 taxable severing of natural gas under this chapter separately
23 from other business activities not taxable hereunder. If any
24 person fails to keep separate books and records, the person
25 shall be liable for a penalty equaling 100% of tax due under
26 this chapter for the period where separate records were not
27 maintained.

28 § 1623. Examinations.

29 The department or any of its authorized agents are authorized
30 to examine the books, papers and records of any taxpayer in

1 order to verify the accuracy and completeness of any return made
2 or, if no return was made, to ascertain and assess the tax
3 imposed by this chapter. The department may require the
4 preservation of all books, papers and records for any period
5 deemed proper by it but not to exceed three years from the end
6 of the calendar year to which the records relate. Every taxpayer
7 is required to give to the department or its agent the means,
8 facilities and opportunity for examinations and investigations
9 under this section. The department is further authorized to
10 examine any person, under oath, concerning the taxable severing
11 of natural gas by any taxpayer or concerning any other matter
12 relating to the enforcement or administration of this chapter,
13 and to this end may compel the production of books, papers and
14 records and the attendance of all persons whether as parties or
15 witnesses whom it believes to have knowledge of relevant
16 matters. The procedure for the hearings or examinations shall be
17 the same as that provided by the act of April 9, 1929 (P.L.343,
18 No. 176), known as The Fiscal Code.

19 § 1624. Unauthorized disclosure.

20 Any information gained by the department as a result of any
21 return, examination, investigation, hearing or verification
22 required or authorized by this chapter shall be confidential
23 except for official purposes and except in accordance with
24 proper judicial order or as otherwise provided by law, and any
25 person unlawfully divulging the information shall be guilty of a
26 misdemeanor and shall, upon conviction, be sentenced to pay a
27 fine of not more than \$1,000 and costs of prosecution or to
28 imprisonment for not more than one year, or both.

29 § 1625. Cooperation with other governments.

30 Notwithstanding the provisions of section 1617 (relating to

1 tax suit reciprocity), the department may permit the
2 Commissioner of the Internal Revenue Service of the United
3 States, the proper officer of any state or the authorized
4 representative of either of them to inspect the tax returns of
5 any taxpayer, or may furnish to the commissioner or officer or
6 to either of their authorized representative an abstract of the
7 return of any taxpayer, or supply him with information
8 concerning any item contained in any return or disclosed by the
9 report of any examination or investigation of the return of any
10 taxpayer. This permission shall be granted only if the laws of
11 the United States or another state grant substantially similar
12 privileges to the proper officer of the Commonwealth charged
13 with the administration of this chapter.

14 § 1626. Bonds.

15 (a) Taxpayer to file bond.--The department may require a
16 nonresident natural person or any foreign corporation,
17 association, fiduciary or other entity, not authorized to do
18 business within this Commonwealth or not having an established
19 place of business in this Commonwealth and subject to the tax
20 imposed by section 1603 (relating to imposition of tax), to file
21 a bond issued by a surety company authorized to do business in
22 this Commonwealth and approved by the Insurance Commissioner as
23 to solvency and responsibility, in amounts as it may fix, to
24 secure the payment of any tax or penalties due or which may
25 become due from a nonresident natural person, corporation,
26 association, fiduciary or other entity whenever it deems it
27 necessary to protect the revenues obtained under this chapter.
28 The department may also require a bond of a person petitioning
29 the department for reassessment in the case of any assessment
30 over \$500 or where, in its opinion, the ultimate collection is

1 in jeopardy. For a period of three years, the department may
2 require a bond of any person who has, on three or more occasions
3 within a 12-month period, either filed a return or made payment
4 to the department more than 30 days late. In the event the
5 department determines a taxpayer is required to file a bond, it
6 shall give notice to the taxpayer specifying the amount of the
7 bond required. The taxpayer shall file the bond within five days
8 after notice is given by the department unless, within five
9 days, the taxpayer shall request in writing a hearing before the
10 secretary or his representative. At the hearing, the necessity,
11 propriety and amount of the bond shall be determined by the
12 secretary or the secretary's representative. The determination
13 shall be final and the taxpayer shall comply with it within 15
14 days after notice is mailed to the taxpayer.

15 (b) Securities in lieu of bond.--In lieu of the bond
16 required by this section securities approved by the department
17 or cash in a prescribed amount may be deposited. The securities
18 or cash shall be kept in the custody of the department. The
19 department may apply the securities or cash to the tax imposed
20 by this chapter and interest or penalties due without notice to
21 the depositor. The securities may be sold by the department to
22 pay the tax and/or interest or penalties due at public or
23 private sale upon five days' written notice to the depositor.

24 (c) Failure to file bond.--The department may file a lien
25 under section 1616 (relating to tax liens) against any taxpayer
26 who fails to file a bond when required to do so under this
27 section. All funds received upon execution of the judgment on
28 the lien shall be refunded to the taxpayer with 3% interest,
29 should a final determination be made that it does not owe any
30 payment to the department.

1 § 1627. Appropriation.

2 The amount of the proceeds from the tax imposed by this
3 chapter as shall be necessary for the payment of refunds,
4 enforcement or administration under this chapter is hereby
5 appropriated to the department for those purposes.

6 § 1628. Deposit of proceeds.

7 The proceeds of the tax imposed under section 1603 (relating
8 to imposition of tax) and penalties and interest imposed under
9 this chapter, less the amounts appropriated under section 1627
10 (relating to appropriation) shall be deposited into the Public
11 Transportation Trust Fund established in section 1506 (relating
12 to fund).

13 CHAPTER 21

14 MULTIMODAL TRANSPORTATION FUNDING

15 Sec.

16 2101. Multimodal Transportation Fund.

17 2102. Deposits to fund.

18 2103. Use of revenue.

19 2104. Distribution of revenue.

20 2105. Project selection criteria and agreement.

21 2106. Local match.

22 § 2101. Multimodal Transportation Fund.

23 A special fund is established within the State Treasury to be
24 known as the Multimodal Transportation Fund. Money in the fund
25 is appropriated to the department for the purposes authorized
26 under this chapter.

27 § 2102. Deposits to fund.

28 The following shall be deposited in the Multimodal
29 Transportation Fund:

30 (1) Twenty million dollars annually of the revenue

1 deposited in the Public Transportation Trust Fund under
2 section 1506(b)(1)(relating to fund).

3 (2) Twenty three percent annually of the revenue
4 deposited in the fund in accordance with 75 Pa.C.S. § 1904
5 (b)(2) (relating to collection and disposition of fees and
6 moneys).

7 (3) For fiscal year 2015-2016 and each fiscal year
8 thereafter, the amount authorized from the oil company
9 franchise tax imposed under 75 Pa.C.S. § 9502 (relating to
10 imposition of tax) to be expended in accordance with section
11 11 of Article VIII of the Constitution of Pennsylvania.

12 (4) Other appropriations, deposits or transfers to the
13 fund.

14 (5) The interest earned on money in the fund.

15 § 2103. Use of revenue.

16 Subject to the provisions of section 2104 (relating to
17 distribution of revenue), the money in the fund shall be used by
18 the department as follows:

19 (1) To provide grants through the department's programs
20 relating to aviation, rail freight, passenger rail, port and
21 waterway, bicycle and pedestrian facilities, road and bridge
22 and other transportation modes.

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

25 (3) To incur costs for activities initiated or
26 undertaken directly by the department related to the programs
27 under paragraph (1).

28 § 2104. Distribution of revenue.

29 Upon agreement of the chairman and minority chairman of the
30 Transportation Committee of the Senate and the chairman and

1 minority chairman of the Transportation Committee of the House
2 of Representatives the revenue deposited in the fund shall be
3 distributed annually as follows:

4 (1) Three million dollars shall be designated for
5 programs related to aviation.

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

8 (3) Six million dollars shall be designated for programs
9 related to rail passengers.

10 (4) Eight million dollars shall be designated for
11 programs related to ports and waterways.

12 (5) Two million dollars for programs related to bicycle
13 and pedestrian facilities.

14 (6) The remaining revenue shall be designated for
15 eligible programs under this chapter.

16 (7) The department may provide grants from money
17 available under paragraph (6) for the following:

18 (i) Projects which coordinate local land use with
19 transportation assets to enhance existing communities.

20 (ii) Streetscape, lighting, sidewalk enhancement,
21 pedestrian safety and related projects.

22 (iii) Projects improving connectivity or utilization
23 of existing transportation assets.

24 § 2105. Project selection criteria and agreement.

25 The department shall award grants under this chapter on a
26 competitive basis. The department may not reserve, designate or
27 set aside a specific level of funds or percentage of funds to an
28 applicant prior to the completion of the application process,
29 nor may the department designate a set percentage of funds to an
30 applicant.

1 § 2106. Local match.
2 Financial assistance under section 2104 (relating to
3 distribution of revenues) shall be matched by county, municipal
4 or private funding in an amount not less than 30% of the non-
5 Federal share of the project cost. Matching funds from a county
6 or municipality shall only consist of cash contributions
7 provided by one or more counties or municipalities.

8 Section 12. Chapter 59 of Title 74 is amended by adding a
9 subchapter to read:

10 SUBCHAPTER C

11 FIRST CLASS CITY CONSOLIDATED

12 CAR RENTAL FACILITY

13 Sec.

14 5931. Scope of subchapter.

15 5932. Definitions.

16 5933. Customer facility charge and rental facility agreement.

17 § 5931. Scope of subchapter.

18 This subchapter relates to first class city consolidated
19 rental car facilities.

20 § 5932. Definitions.

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

24 "Airport." A public international airport located partially
25 in a city of the first class and partially in an adjacent
26 municipality.

27 "Airport owner." Any of the following:

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

29 (2) An authority created by a city of the first class to
30 own and operate an airport or any portion or activity of the

1 airport.

2 "Airport property." Property owned and operated by an
3 airport owner, including property that is leased, licensed or
4 made available for use by the airport owner.

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

6 "Concession agreement." A regulation, contract, permit,
7 license or other agreement entered into between an airport owner
8 and a vehicle rental company which includes the terms and
9 conditions under which the company may conduct any aspect of its
10 rental vehicle business at the airport or through the use of
11 airport property, including a vehicle rental company which
12 provides a customer access to a vehicle or executes a rental
13 contract either on or off of airport property.

14 "Customer facility charge." A fee assessed on each motor
15 vehicle rental under this subchapter used for the purposes
16 described under section 5933(i) (relating to customer facility
17 charge and rental facility agreement).

18 "Motor vehicle." A private passenger motor vehicle that
19 meets all of the following:

20 (1) Is designed to transport not more than 15
21 passengers.

22 (2) Is rented for not more than 30 days without a
23 driver.

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

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

28 "Rental facility agreement." A written agreement entered
29 into between an airport owner and a vehicle rental company which
30 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

1 of renting a motor vehicle in this Commonwealth that provides a
2 motor vehicle rental to a customer which utilizes airport
3 property in any aspect of its business, including to do any of
4 the following:

5 (1) Contact customers or pick up or drop off customers
6 on airport property.

7 (2) Advertise the availability of a vehicle rental
8 service, notwithstanding if other aspects of the rental
9 company business are not conducted on airport property.

10 § 5933. Customer facility charge and rental facility agreement.

11 (a) Rental facility agreement.--A rental facility agreement
12 shall be enforceable if it is executed by the airport owner and
13 at least 80% of the vehicle rental companies which utilized
14 airport property and which provided at least 90% of the motor
15 vehicle rentals conducted utilizing airport property in the most
16 recently completed calendar year.

17 (b) Imposition of customer facility charge.--

18 (1) Except as provided under paragraph (2), a city may
19 impose a customer facility charge of not more than \$8 per
20 rental day on a customer renting a motor vehicle from a
21 vehicle rental company doing business at an airport. The
22 charge may:

23 (i) be imposed notwithstanding the absence of
24 authority in a regulation or concession agreement; and

25 (ii) not affect the validity or enforceability of a
26 concession agreement.

27 (2) Notwithstanding paragraph (1), a rental facility
28 agreement may provide for a customer facility charge which
29 exceeds \$8 per rental day.

30 (3) A city may unilaterally decrease the customer

1 facility charge provided in a rental facility agreement or
2 otherwise provided. An increase in the customer facility
3 charge, decreased under this paragraph, shall require an
4 amendment of the rental facility agreement if the increase
5 will cause the customer facility charge to exceed the
6 original amount.

7 (c) Amendment of rental facility agreement.--The following
8 shall apply:

9 (1) An amendment to a rental facility agreement must be
10 executed by the vehicle rental companies or their successors,
11 which are a party to the original rental facility agreement.

12 (2) The terms of the rental facility agreement may be
13 amended no more than one time per calendar year to authorize
14 the increase of the amount of the customer facility charge to
15 fund the current costs authorized under the rental facility
16 agreement.

17 (d) Enforcement.--The terms of a rental facility agreement
18 may be interpreted and enforced by a court of competent
19 jurisdiction through the imposition of a mandatory or
20 prohibitive injunction. A monetary damage may not be awarded to
21 a vehicle rental company or to a person required to pay the
22 customer facility charge for a violation of the terms and
23 conditions of the rental facility agreement.

24 (e) Limitation on use.--Notwithstanding the authorization
25 for the use of the proceeds of the customer facility charge
26 imposed under subsection (b)(1)(i) and, except as provided under
27 subsection (f), until a rental facility agreement is executed,
28 the proceeds of the customer facility charge may be used only
29 for planning, design, feasibility studies and other preliminary
30 expenses necessary for the uses authorized under subsection

1 (b) (1) (i).

2 (f) Time limitation.--If a rental facility agreement is not
3 executed within two years of the date a vehicle rental company
4 is required to begin collecting the customer facility charge, a
5 city may continue to impose and collect the customer facility
6 charge authorized under subsection (b) (1). After notice to the
7 vehicle rental companies, the city may use the proceeds of the
8 customer facility charge in the manner authorized under
9 subsection (b) (1) (i), except that an expense imposed on a
10 vehicle rental company for the purposes under subsection (e) may
11 not exceed the proceeds of the customer facility charge.

12 (g) Additional cost.--A customer facility charge shall be in
13 addition to other motor vehicle rental fees and taxes imposed by
14 law, except that the customer facility charge may not constitute
15 part of the purchase price of a motor vehicle rental imposed
16 under any of the following:

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

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

22 (3) A law similar to the statutes under paragraphs (1)
23 and (2).

24 (h) Collection.--The following shall apply:

25 (1) A customer facility charge shall be:

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

29 (ii) paid to the airport owner no later than the
30 last day of the month following the month in which

1 customer facility charge revenues are collected, or if
2 necessary to facilitate a pledge of customer facility
3 charge revenues under subsection (j), at an earlier date
4 as designated by the airport owner, but not sooner than
5 the 15th day of the month following the month in which
6 the customer facility charges are collected.

7 (2) A customer facility charge may not constitute gross
8 receipts or income of a vehicle rental company for purposes
9 of a tax imposed by the Commonwealth, the city or any other
10 municipality.

11 (3) A vehicle rental company may not pledge, subject to
12 a lien, or encumber funds in a segregated trust fund under
13 paragraph (1)(i).

14 (i) Use.--The proceeds of the customer facility charge shall
15 be deposited by the airport owner into a segregated account to
16 be used for the planning, development, financing, construction
17 and operation of:

18 (1) a rental facility;

19 (2) a rental facility improvement;

20 (3) transportation system costs; or

21 (4) a rental facility operation and maintenance expense.

22 (j) Pledge.--An airport owner may pledge customer facility
23 charge revenues for any of the following:

24 (1) Any use authorized under subsection (i).

25 (2) The creation and maintenance of a reasonable reserve
26 and for the payment of debt service for any use authorized
27 under subsection (i).

28 (k) Administration.--An airport owner may do any of the
29 following:

30 (1) Require a vehicle rental company to provide it with

1 periodic statements of account, file returns, authorize
2 payments and maintain records, in accordance with its
3 obligations under this subchapter.

4 (2) Conduct an examination to ensure a vehicle rental
5 company's compliance with its obligations under this
6 subchapter and may do any of the following:

7 (i) Collect an amount due.

8 (ii) Impose a lien and file a suit to recover an
9 amount due.

10 (iii) Grant a refund.

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

13 (v) Adopt reasonable rules and regulations to
14 implement this section.

15 (vi) Seek criminal penalties, as provided for a city
16 of the first class for the collection of taxes, for
17 failure to comply with the requirements of this
18 subchapter.

19 (1) Commonwealth pledge.--The Commonwealth pledges to and
20 agrees with:

21 (1) Any person, firm or corporation, government agency,
22 whether in this Commonwealth or elsewhere, or Federal agency
23 subscribing to or acquiring debt obligations secured by
24 customer facility charges to be issued by an airport that the
25 Commonwealth will not limit or alter the rights vested in the
26 airport owner under this subchapter in a manner inconsistent
27 with the obligations of the airport owner to the obligees of
28 the airport owner until all debt obligations secured by
29 customer facility charges and interest on the debt
30 obligations are fully paid or provided for.

1 (2) Any Federal agency that, if the Federal Agency
2 contributes funds for the airport owner or project, the
3 Commonwealth will not alter or limit the rights and powers of
4 the airport owner in a manner which would be inconsistent
5 with the due performance of an agreement between the airport
6 owner and a Federal agency.

7 Section 13. Title 74 is amended by adding chapters to read:

8 CHAPTER 92

9 TRAFFIC SIGNALS

10 Sec.

11 9201. Definitions.

12 9202. Maintenance agreement.

13 § 9201. 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 "Critical corridor." A State highway segment intersecting
18 with a limited access ramp or with bi-directional average annual
19 daily traffic greater than 10,000 vehicles per day. The
20 department's Roadway Management System shall identify the
21 current average annual daily traffic.

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

24 "Existing agreement." An agreement between the department
25 and a municipality on the maintenance of a traffic signal
26 existing prior to the effective date of this section.

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

28 "Maintenance." The activity of keeping a traffic signal in
29 proper working condition during the useful life of the traffic
30 signal.

1 "Replace." The modernization of an existing traffic signal
2 within a designated traffic corridor.

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

6 "Timing." The programming of traffic signals within a
7 designated traffic corridor in order to synchronize the signals.
8 § 9202. Maintenance agreement.

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

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

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

30 (d) Intergovernmental cooperation.--Two or more

1 municipalities may enter into an agreement with the department
2 if a designated corridor is located in two or more
3 municipalities.

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

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

1 municipalities unless the contract is specifically related to
2 traffic signal mediation.

3 (f) Failure of municipality to perform.--If a municipality
4 that has entered into an agreement with the department under
5 subsection (a) fails to meet the requirements of subsection (c)
6 (1) or (2), the department may take action to correct the
7 deficiencies specified in the notice under subsection (c).

8 (g) Payment for failure to correct deficiencies.--If the
9 department takes action under subsection (c), the department may
10 deduct the actual costs of correcting the deficiencies in
11 maintenance and timing from the payments made to the
12 municipality under the act of June 1, 1956 (1955 P.L.1944,
13 No.655), referred to as the Liquid Fuels Tax Municipal
14 Allocation Law, and 75 Pa.C.S. Chs. 89 (relating to Pennsylvania
15 Turnpike) and 95 (relating to taxes for highway maintenance and
16 construction).

17 CHAPTER 93

18 BRIDGE BUNDLING PROGRAM

19 Sec.

20 9301. Definitions.

21 9302. Bundling authorization.

22 9303. Bridge Bundling Program.

23 9304. Grant limitation exceptions.

24 § 9301. 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 "Bridge budget act." The act of December 8, 1982 (P.L.848,
29 No. 235), known as the Highway-Railroad and Highway Bridge
30 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.

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

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

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

13 (4.1) A determination shall not be:

14 (i) considered to an adjudication under 2 Pa.C.S.
15 Chs. 5 Subch. A (relating to practice and procedure of
16 Commonwealth agencies) and 7 Subch. A (relating to
17 judicial review of Commonwealth agency action); and

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

19 (5) The following shall apply:

20 (i) A local government that agrees to participate in
21 the program for one or more of its bridges that qualify
22 for the program must enter into an agreement with the
23 department. The agreement shall define the department's
24 responsibility for the design and construction of the
25 bridges and the continuing ownership and maintenance
26 responsibilities of the local government for the local
27 bridges replaced or rehabilitated under this program.

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

30 (iii) Failure to return an agreement executed by

1 authorized local government officials shall be deemed a
2 refusal to participate in the program.

3 (6) Upon full execution of an agreement under the
4 program, the department shall manage the project design and
5 construction in a manner consistent with the purpose of the
6 program.

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

11 § 9304. Grant limitation exceptions.

12 (a) Exceptions.--Notwithstanding section 2(c) of the bridge
13 budget act, the department shall agree to a reduction of the
14 local share of costs associated with the design and construction
15 of the bridge of up to 100% for a local government that
16 participates in the program.

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

22 Section 14. Sections 1786(d) and 1904 of Title 75 are
23 amended to read:

24 § 1786. Required financial responsibility.

25 * * *

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

27 (1) The Department of Transportation shall suspend the
28 registration of a vehicle for a period of three months if it
29 determines the required financial responsibility was not
30 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

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

1 (ii) there has been either notice to the department
2 of a lapse, termination or cancellation in the financial
3 responsibility coverage as required by law for that
4 vehicle or that the owner, registrant or driver was
5 requested to provide proof of financial responsibility to
6 the department, a police officer or another driver and
7 failed to do so. Notice to the department of the lapse,
8 termination or cancellation or the failure to provide the
9 requested proof of financial responsibility shall create
10 a presumption that the vehicle lacked the requisite
11 financial responsibility. This presumption may be
12 overcome by producing clear and convincing evidence that
13 the vehicle was insured at all relevant times.

14 (4) Where an owner or registrant's operating privilege
15 has been suspended under this subsection, the owner or
16 registrant shall have the same right of appeal under section
17 1550 (relating to judicial review) as provided for in cases
18 of suspension for other reason. The court's scope of review
19 in an appeal from an operating privilege suspension shall be
20 limited to determining whether:

21 (i) the vehicle was registered or of a type required
22 to be registered under this title; and

23 (ii) the owner or registrant operated or permitted
24 the operation of the same vehicle when it was not covered
25 by financial responsibility. The fact that an owner,
26 registrant or operator of the motor vehicle failed to
27 provide competent evidence of insurance or the fact that
28 the department received notice of a lapse, termination or
29 cancellation of insurance for the vehicle shall create a
30 presumption that the vehicle lacked the requisite

1 financial responsibility. This presumption may be
2 overcome by producing clear and convincing evidence that
3 the vehicle was insured at the time that it was driven.

4 (5) An alleged lapse, cancellation or termination of a
5 policy of insurance by an insurer may only be challenged by
6 requesting review by the Insurance Commissioner pursuant to
7 Article XX of the act of May 17, 1921 (P.L.682, No.284),
8 known as The Insurance Company Law of 1921. Proof that a
9 timely request has been made to the Insurance Commissioner
10 for such a review shall act as a supersedeas, staying the
11 suspension of registration or operating privilege under this
12 section pending a determination pursuant to section 2009(a)
13 of The Insurance Company Law of 1921 or, in the event that
14 further review at a hearing is requested by either party, a
15 final order pursuant to section 2009(i) of The Insurance
16 Company Law of 1921.

17 (6) The civil penalty under paragraph (1.1) shall be
18 deposited into the Public Transportation Trust Fund.

19 * * *

20 § 1904. Collection and disposition of fees and moneys.

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

27 (b) Disposition.--Fees collected under sections 1951(c)
28 (relating to driver's license and learner's permit), 1952
29 (relating to certificate of title), 1953 (relating to security
30 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) For fiscal years 2013-2014 and 2014-2015:

5 (i) 10% to the Public Transportation Trust Fund;

6 (ii) 23% to the Multimodal Transportation Fund; and

7 (iii) 67% to the Motor License Fund.

8 (2) For fiscal years 2015-2016 and 2016-2017:

9 (i) 43.6% percent to the Public Transportation Trust
10 Fund;

11 (ii) 23% to the Multimodal Transportation Fund; and

12 (iii) 33.4% to the Motor License Fund.

13 (3) For each fiscal year beginning after June 30, 2017:

14 (i) 77% to the Public Transportation Trust Fund; and

15 (ii) 23% to the Multimodal Transportation Fund.

16 (c) Automatic four-year adjustment.--For the 48-month period

17 beginning July 1, 2017, through June 30, 2021 and for each like

18 48-month period thereafter, fees collected under sections

19 1951(c) (relating to driver's license and learner's permit),

20 1952 (relating to certificate of title), 1953 (relating to

21 security interest), 1955 (relating to information concerning

22 drivers and vehicles), 1956 (relating to certified copies of

23 records) and 1958 (relating to certificate of inspection) shall

24 be increased by an amount calculated by applying the percentage

25 change in the Consumer Price Index for All Urban Consumers (CPI-

26 U) for the most recent 48-month period, calculated from March 1

27 through February 28, beginning on the date the fees charged

28 under this title were last increased and for which figures have

29 been officially reported by the United States Department of

30 Labor, Bureau of Labor Statistics, immediately prior to the date

1 the adjustment is due to take effect, to the then current fee
2 amounts authorized.

3 Section 15. Sections 1951(c), 1952, 1953, 1955(a), 1956(a)
4 and 1958(a) of Title 75 are amended to read:

5 § 1951. Driver's license and learner's permit.

6 * * *

7 (c) Identification card.--The [fee for an] identification
8 card fee shall be [\$5] \$19 plus the cost of the photograph.

9 * * *

10 § 1952. Certificate of title.

11 (a) General rule.--The fee for issuance of a certificate of
12 title shall be [\$22.50] \$33.

13 (b) Manufacturer's or dealer's notification.--The fee for a
14 manufacturer's or dealer's notification of acquisition of a
15 vehicle from another manufacturer or dealer for resale pursuant
16 to section 1113 (relating to transfer to or from manufacturer or
17 dealer) shall be [\$3] \$4.

18 § 1953. Security interest.

19 The fee for recording or changing the amount of security
20 interest on a certificate of title shall be [\$5] \$19.

21 § 1955. Information concerning drivers and vehicles.

22 (a) Drivers, registrations, titles and security interests.--
23 The fee for a copy of written or electronic information relating
24 to a driver, registration, title or security interest shall be
25 [\$5] \$14.

26 * * *

27 § 1956. Certified copies of records.

28 (a) Department records.--The fee for a certified copy of any
29 department record which the department is authorized by law to
30 furnish to the public shall be [\$5] \$19 for each form or

1 supporting document comprising such record.

2 * * *

3 § 1958. Certificate of inspection.

4 (a) General rule.--The department shall charge [~~\$2~~] \$5 for
5 each annual certificate of inspection [~~and \$1~~], \$2 for each
6 semiannual certificate of inspection and \$2 for each certificate
7 of exemption.

8 * * *

9 Section 16. Section 3111 of Title 75 is amended by adding a
10 subsection to read:

11 § 3111. Obedience to traffic-control devices.

12 * * *

13 (a.1) Penalty.--

14 (1) A person who violates this section commits a summary
15 offense and shall, upon conviction, pay a fine of \$75.

16 (2) Notwithstanding 42 Pa.C.S. § 3733(a) (relating to
17 deposits into account), a fine under paragraph (1) shall be
18 distributed as follows:

19 (i) Twenty-five dollars shall be deposited as
20 provided under 42 Pa.C.S. § 3733(a).

21 (ii) After deposit of the amount under subparagraph
22 (i), the remaining portion of the fine shall be deposited
23 into the Public Transportation Trust Fund.

24 * * *

25 Section 17. The definitions of "annual additional payments,"
26 "annual base payments" and "scheduled annual commission
27 contributions" in section 8901 of Title 75 are amended to read:

28 § 8901. 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

1 context clearly indicates otherwise:

2 "Annual additional payments." As follows:

3 (1) During the conversion period and after the
4 conversion date, an amount equal to the scheduled annual
5 commission contribution, minus the sum of:

6 (i) \$200,000,000 paid as annual base payments;

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

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

14 "Annual base payments." An amount equal to the sum of the
15 following:

16 (1) Annual debt service on outstanding bonds issued
17 under section 9511.2 (relating to special revenue bonds)
18 payable as required pursuant to the bonds.

19 (2) Two hundred million dollars payable annually in four
20 equal installments each due the last business day of each
21 July, October, January and April. No annual base payments
22 shall be due after fiscal year 2020-2021.

23 * * *

24 "Scheduled annual commission contribution." The following
25 amounts:

26 (1) \$750,000,000 in fiscal year 2007-2008.

27 (2) \$850,000,000 in fiscal year 2008-2009.

28 (3) \$900,000,000 in fiscal year 2009-2010.

29 (4) For fiscal year 2010-2011 and each fiscal year

30 thereafter, the amount shall be the amount calculated for the

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

7 Section 18. Section 8815.6 of Title 75 is repealed:

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, the amount calculated for the previous year
17 increased by 2.5%.

18 (b) Distribution.--The following shall apply:

19 (1) Annually, 15% of the amount deposited in any fiscal
20 year under subsection (a) shall be distributed at the
21 discretion of the secretary.

22 (2) Annually, \$5,000,000 of the amount deposited in any
23 fiscal year under subsection (a) shall be distributed to
24 counties.

25 (i) The distribution shall be in the ratio of:

26 (A) the square footage of deck area of a
27 county's county-owned bridges; to

28 (B) the total square footage of deck area of
29 county-owned bridges throughout this Commonwealth.

30 (ii) The amount of square footage under subparagraph

1 (i) shall be that reported as part of the National Bridge
2 Inspection Standards Program.

3 (3) Annually, \$30,000,000 of the amount deposited in any
4 fiscal year under subsection (a) shall be distributed to
5 municipalities pursuant to the act of June 1, 1956 (1955
6 P.L.1944, No.655), referred to as the Liquid Fuels Tax
7 Municipal Allocation Law.

8 (4) Any funds deposited under subsection (a) but not
9 distributed under paragraphs (1), (2) and (3) shall be
10 distributed in accordance with needs-based formulas that are
11 developed and subject to periodic revision based on
12 consultation and collaboration among metropolitan planning
13 organizations, rural planning organizations and the
14 department.

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

18 "Metropolitan planning organization." The policy board of an
19 organization created and designated to carry out the
20 metropolitan transportation planning process.

21 "Rural planning organization." The organization of counties
22 with populations of less than 50,000 created and designated as
23 local development districts and which carry out the rural
24 transportation planning process.]

25 Section 19. (Reserved).

26 Section 20. The definition of "average wholesale price" in
27 section 9002 of Title 75 is amended to read:

28 § 9002. 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

1 context clearly indicates otherwise:

2 * * *

3 "Average wholesale price." [The average wholesale price per
4 gallon of all taxable liquid fuels and fuels, excluding the
5 Federal excise tax and all liquid fuels taxes, as determined by
6 the Department of Revenue for the 12-month period ending on the
7 September 30 immediately prior to January 1 of the year for
8 which the rate is to be set. In no case shall the average
9 wholesale price be less than 90¢ nor more than \$1.25 per
10 gallon.] The average wholesale price per gallon of all taxable
11 liquid fuels and fuels, excluding the Federal excise tax and all
12 liquid fuels taxes shall be as follows:

13 (1) For the period beginning July 1, 2013, and ending
14 December 31, 2013, the average wholesale price shall be
15 \$1.87.

16 (2) For the period beginning January 1, 2014, and ending
17 December 31, 2014, the average wholesale price shall be
18 \$2.49.

19 (3) For the period beginning January 1, 2015, and ending
20 December 31, 2015, the average wholesale price shall be
21 \$3.11.

22 (4) Beginning January 1, 2016, in no case shall the
23 average wholesale price be less than [90¢ nor more than
24 \$1.25] \$2.70 per gallon.

25 Section 21. Section 9106 heading, (a) and (b) of Title 75
26 are amended to read:

27 § 9106. Dirt [and], gravel and low-volume road maintenance.

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

30 (1) To fund safe, efficient and environmentally sound

1 maintenance of sections of dirt and gravel roads which have
2 been identified as sources of dust and sediment pollution.

3 (2) To establish a dedicated and earmarked funding
4 mechanism that provides streamlined appropriation to the
5 county level and enables local officials to establish fiscal
6 and environmental controls.

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

11 (b) General rule.--Of the funds available under section
12 9502(a)(1) (relating to imposition of tax), [\$1,000,000]
13 \$7,000,000 shall be annually distributed to the Department of
14 Conservation and Natural Resources for the maintenance and
15 mitigation of dust and sediment pollution from parks and
16 forestry roads. Funds in the amount of [\$4,000,000] \$28,000,000
17 shall be appropriated annually to the State Conservation
18 Commission and administered in a nonlapsing, nontransferable
19 account restricted to maintenance and improvement of dirt [and],
20 gravel and low volume State and municipal roads. The State
21 Conservation Commission shall apportion the funds based on
22 written criteria it develops to establish priorities based on
23 preventing dust and sediment pollution. In the first fiscal
24 year, top priority shall be given to specific trouble spot
25 locations already mapped by the Task Force on Dirt and Gravel
26 Roads and available from the department. A minimum of \$8,000,000
27 of the total appropriated annually shall be for maintenance and
28 improvement of low volume roads.

29 * * *

30 Section 27.1. (Reserved).

1 Section 27.2. Sections 9301 and 9502(a) of Title 75 are
2 amended to read:

3 § 9301. Supplemental funding for municipal highway maintenance.

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

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

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

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

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

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

29 (c) Additional allocation to municipalities.--An amount of
30 \$30,000,000 is hereby appropriated out of the Motor License Fund

1 and shall be distributed to municipalities pursuant to the act
2 of June 1, 1956 (1955 P.L.1944, No.655), referred to as the
3 Liquid Fuels Tax Municipal Allocation Law.

4 § 9502. Imposition of tax.

5 (a) General rule.--

6 (1) An "oil company franchise tax for highway
7 maintenance and construction" which shall be an excise tax of
8 60 mills is hereby imposed upon all liquid fuels and fuels as
9 defined and provided in Chapter 90 (relating to liquid fuels
10 and fuels tax), and such tax shall be collected as provided
11 in section 9004(b) (relating to imposition of tax, exemptions
12 and deductions). Of the amount collected in fiscal year 2015-
13 2016, and each fiscal year thereafter, at the discretion of
14 the secretary, a minimum of \$20,000,000 and a maximum of
15 \$35,000,000 shall be deposited in the Multimodal
16 Transportation Fund established under 74 Pa.C.S. § 2101
17 (relating to Multimodal Transportation Fund), to be expended
18 in accordance with section 11 of Article VIII of the
19 Constitution of Pennsylvania.

20 (2) An additional 55 mills is hereby imposed on all
21 liquid fuels and fuels as defined and provided in Chapter 90
22 and such tax shall also be collected as provided in section
23 9004(b), the proceeds of which shall be distributed as
24 follows:

25 (i) [Forty-two] Twenty-nine percent to county
26 maintenance districts for highway maintenance for fiscal
27 year 2013-2014 and 19% for fiscal year 2014-2015 and each
28 year thereafter. This allocation shall be made according
29 to the formula provided in section 9102(b) (2) (relating
30 to distribution of State highway maintenance funds). This

1 allocation shall be made in addition to and not a
2 replacement for amounts normally distributed to county
3 maintenance districts under section 9102.

4 (ii) [Seventeen] Thirty percent for highway capital
5 projects[.] for fiscal year 2013-2014 and 40% for fiscal
6 year 2014-2015 and each year thereafter. Annually, until
7 fiscal year 2023-2024, an amount equal to 15% of all
8 appropriations to the department for highway and bridge
9 capital programs shall be distributed at the discretion
10 of the secretary from the amount distributed under this
11 subparagraph.

12 (iii) Thirteen percent for bridges.

13 (iv) Two percent for bridges identified as county
14 [or forestry] bridges. Distribution under this
15 subparagraph shall be in the ratio of:

16 (A) the square footage of deck areas, as
17 reported as part of the National Bridge Inspection
18 Standards Program, of a county's county-owned
19 bridges; to

20 (B) the total square footage of deck area, as
21 reported as part of the National Bridge Inspection
22 Standards Program, of all county-owned bridges in
23 this Commonwealth.

24 (v) Twelve percent for local roads pursuant to
25 section 9511(c) (relating to basic allocation to
26 municipalities).

27 (vi) Fourteen percent for toll roads designated
28 pursuant to the act of September 30, 1985 (P.L.240,
29 No.61), known as the Turnpike Organization, Extension and
30 Toll Road Conversion Act, to be appropriated under

1 section 9511(h).

2 (3) An additional 38.5 mills is hereby imposed upon all
3 liquid fuels and fuels as defined and provided in Chapter 90,
4 and such tax shall also be collected as provided in section
5 9004(b), the proceeds of which shall be deposited in The
6 Motor License Fund and distributed as follows:

7 (i) Twelve percent to municipalities on the basis of
8 and subject to the provisions of the act of June 1, 1956
9 (1955 P.L.1944, No.655), referred to as the Liquid Fuels
10 Tax Municipal Allocation Law, is appropriated.

11 (ii) [Eighty-eight percent to the department is
12 appropriated as follows:

13 (A) Forty-seven percent for distribution in
14 accordance with section 9102(b)(2) for fiscal year
15 1997-1998.

16 (B) Fifty-three percent for a Statewide highway
17 restoration, betterment and resurfacing program for
18 fiscal year 1997-1998.

19 (C) Fifty-seven percent for distribution in
20 accordance with section 9102(b)(2) for fiscal year
21 1998-1999.

22 (D) Forty-three percent for a Statewide highway
23 restoration, betterment and resurfacing program for
24 fiscal year 1998-1999.

25 (E) Sixty-seven percent for distribution in
26 accordance with section 9102(b)(2) for fiscal year
27 1999-2000.

28 (F) Thirty-three percent for a Statewide highway
29 restoration, betterment and resurfacing program for
30 fiscal year 1999-2000.

1 (G) Seventy-seven percent for distribution in
2 accordance with section 9201(b) (2) for fiscal year
3 2000-2001.

4 (H) Twenty-three percent for a Statewide highway
5 restoration, betterment and resurfacing program for
6 fiscal year 2000-2001.

7 (I) One hundred percent for distribution in
8 accordance with section 9102(b) (2) for fiscal year
9 2001-2002 and each year thereafter.

10 (J) For any fiscal year beginning with 1997-1998
11 through and including fiscal year 2000-2001, the
12 department shall make supplemental maintenance
13 program payments from the Statewide highway
14 restoration betterment program to those county
15 maintenance districts for which the total highway
16 maintenance appropriations and executive
17 authorizations in accordance with section 9102(b)
18 would be less than the amount received in 1996-1997
19 from the highway maintenance appropriation, the
20 Secondary Roads-Maintenance and Resurfacing Executive
21 Authorization, the Highway Maintenance Excise Tax
22 Executive Authorization and the Highway Maintenance
23 Supplemental Appropriation.

24 The words and phrases used in this paragraph shall have the
25 meanings given to them in section 9101 (relating to
26 definitions). This one-time allocation shall be made in
27 addition to and is not a replacement for amounts normally
28 distributed to county maintenance districts under section
29 9102.] Fifty-three percent to the department for distribution
30 in accordance with section 9102(b) (2) for fiscal year 2013-

1 2014 and 40% for fiscal year 2014-2015 and each fiscal year
2 thereafter.

3 (iii) Thirty-five percent to the department for
4 expanded highway and bridge maintenance for fiscal year
5 2013-2014 and 48% for fiscal year 2014-2015 and each
6 fiscal year thereafter to be distributed as follows:

7 (A) Annually, 15% of the amount deposited in a
8 fiscal year shall be distributed at the discretion of
9 the secretary.

10 (B) Any funds deposited but not distributed
11 under clause (A) shall be distributed in accordance
12 with the formula under section 9102(b)(2).

13 (C) Temporary transfers of funds may be made
14 between counties if required for project cash flow.

15 (4) An additional 55 mills is hereby imposed upon all
16 fuels as defined and provided in chapter 90 and such tax
17 shall also be collected as provided in section 9004(b) upon
18 such fuels, the proceeds of which shall be deposited in The
19 Highway Bridge Improvement Restricted Account within the
20 Motor License Fund and is hereby appropriated.

21 Section 28. Section 9511(b) and (g) of Title 75 are amended
22 and the section is amended by adding a subsection to read:

23 § 9511. Allocation of proceeds.

24 * * *

25 (b) State Highway Transfer Restoration Restricted Account
26 and local bridges.--

27 (1) The amount of the proceeds deposited in the Motor
28 License Fund pursuant to this chapter which[, in fiscal year
29 1983-1984,] is attributable to [two] three mills of the tax
30 imposed under section 9502(a) (relating to imposition of tax)

1 [and which, in fiscal year 1984-1985 and thereafter, is
2 attributable to three mills of the tax,] shall be deposited
3 as follows:

4 (i) For fiscal years 2013-2014 through fiscal year
5 2016-2017, as follows:

6 (A) Twenty-seven million dollars shall be
7 deposited in the State Highway Transfer Restoration
8 Restricted Account within the Motor License Fund. The
9 funds deposited in the State Highway Transfer
10 Restoration Restricted Account shall be appropriated
11 annually for expenditure as provided under subsection
12 (g).

13 (B) All funds not deposited in accordance with
14 clause (A) shall be deposited in the Highway Bridge
15 Improvement Restricted Account within the Motor
16 License Fund for local bridges, notwithstanding if
17 the project is administered by a county, municipality
18 or the department.

19 (ii) For fiscal year 2017-2018 and each fiscal year
20 thereafter, as follows:

21 (A) One and one-half mill shall be deposited in
22 the State Highway Transfer Restoration Restricted
23 Account within the Motor License Fund, which account
24 is hereby created. The funds deposited in the State
25 Highway Transfer Restoration Restricted Account are
26 hereby annually appropriated out of the account upon
27 authorization by the Governor for expenditure as
28 provided in subsection (g).

29 (B) One and one-half mill shall be deposited in
30 the Highway Bridge Improvement Restricted Account

1 within the Motor License Fund for local bridges,
2 notwithstanding if the project is administered by a
3 county, municipality or the department.

4 (2) If funds are available to make payments under
5 subsection (g)(1), the department may transfer funds
6 deposited under subparagraphs (i) and (ii) between the State
7 Highway Transfer Restoration Restricted Account and the
8 Highway Bridge Improvement Restricted Account at the
9 discretion of the secretary.

10 * * *

11 (g) Use of funds in the State Highway Transfer Restoration
12 Restricted Account.--The funds appropriated in subsection (b)
13 for deposit in the State Highway Transfer Restoration Restricted
14 Account shall be used to pay for the costs of restoration of
15 such highways as provided in Chapter 92 (relating to transfer of
16 State highways) and annual payments to the municipalities for
17 highway maintenance in accordance with the following:

18 (1) Annual maintenance payments shall be at the rate of
19 \$4,000 per mile for each highway or portion of highway
20 transferred under Chapter 92, section 222 of the act of June
21 1, 1945 (P.L.1242, No.428), known as the State Highway Law,
22 or any statute enacted in 1981.

23 (2) Annual maintenance payments shall be paid at the
24 same time as funds appropriated under the act of June 1, 1956
25 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax
26 Municipal Allocation Law, except that no maintenance payment
27 shall be paid for a highway until after the year following
28 its transfer to the municipality.

29 (3) Annual maintenance payments under this subsection
30 shall be in lieu of annual payments under the Liquid Fuels

1 Tax Municipal Allocation Law.

2 (4) Annual maintenance payments under this subsection
3 shall be deposited into the municipality's liquid fuels tax
4 account and may be used on any streets and highways in the
5 municipality in the same manner and subject to the same
6 restrictions as liquid fuels tax funds paid under the Liquid
7 Fuels Tax Municipal Allocation Law or, in the case of a
8 county, under section 10 of the act of May 21, 1931 (P.L.149,
9 No.105), known as The Liquid Fuels Tax Act.

10 * * *

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

12 (1) When the tax imposed by this chapter has been paid
13 and the fuel on which the tax has been imposed has been
14 consumed in the operation of motorboats or watercraft upon
15 the waters of this Commonwealth, including waterways
16 bordering on this Commonwealth, the full amount of the tax
17 shall be refunded to the Boat Fund on petition to the board
18 in accordance with prescribed procedures.

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

30 (3) For the fiscal years commencing July 1, 2013, July

1 1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the
2 money under paragraph (2) shall be used by the commission
3 acting by itself or by agreement with other Federal and State
4 agencies only for the improvement of hazardous dams
5 impounding waters of this Commonwealth on which boating is
6 permitted, including the development and construction of
7 boating areas and the dredging and clearing of water areas
8 where boats can be used. The commission shall present its
9 plan no later than September 30 of each year through
10 September 30, 2017, to the chairman and minority chairman of
11 the Transportation and Game and Fisheries Committees of the
12 Senate and the chairman and minority chairman of the
13 Transportation and Game and Fisheries Committees of the House
14 of Representatives regarding the use of the funds. For the
15 fiscal year commencing July 1, 2018, and for each fiscal year
16 thereafter, this money shall be used by the commission acting
17 by itself or by agreement with other Federal and State
18 agencies only for the improvement of the waters of this
19 Commonwealth on which motorboats are permitted to operate and
20 may be used for the development and construction of motorboat
21 areas; the dredging and clearing of water areas where
22 motorboats can be used; the placement and replacement of
23 navigational aids; the purchase, development and maintenance
24 of public access sites and facilities to and on waters where
25 motorboating is permitted; the patrolling of motorboating
26 waters; the publishing of nautical charts in those areas of
27 this Commonwealth not covered by nautical charts published by
28 the United States Coast and Geodetic Survey or the United
29 States Army Corps of Engineers and the administrative
30 expenses arising out of such activities; and other similar

1 purposes.

2 Section 25. 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 26. This act shall take effect as follows:

6 (1) The following provisions shall take effect
7 immediately:

8 (i) This section.

9 (ii) The addition of 74 Pa.C.S. Ch. 16.

10 (iii) The addition of 74 Pa.C.S. Ch. 59 Subch. C.

11 (2) The remainder of this act shall take effect in 30
12 days.