

RICHARD A. "RICK" GEIST, MEMBER

144 MAIN CAPITOL, BUILDING  
PO BOX 202079  
HARRISBURG, PA 17120-2079  
PHONE: (717) 787-6419  
FAX: (717) 772-6952

GABLES OFFICE BUILDING  
1331 12TH AVENUE, SUITE 104  
ALTOONA, PA 16601  
PHONE: (814) 946-7218  
FAX: (814) 949-7915



House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

TRANSPORTATION, CHAIRMAN  
COMMITTEE ON COMMITTEES, CHAIRMAN  
COMMERCE

# 2779

September 21, 2009

James M. Smith  
Regulatory Analyst  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

RECEIVED  
2009 SEP 25 10 50 AM  
INDEPENDENT REGULATORY REVIEW COMMISSION

Dear Mr. Smith:

I am writing to comment on the Pennsylvania Department of Transportation's proposed Regulation #18-415, 67 PA Code Chapter 233 -- "Transportation Enhancement Grants from Automated Red Light Enforcement Revenues" -- currently under review by the Independent Regulatory Review Commission (IRCC #2779).

Act 123 of 2002 established the automated red light camera pilot program in Cities of the First Class. I was Majority Chairman of the House Transportation Committee during that legislative session and I led the floor debate over the enabling legislation in the House. I can assure you that when crafting this legislation, and when debating it, we were adamant that the pilot program was not to be used as a revenue generator for the City of Philadelphia. Specifically to guard against that possibility, we included the provision that all excess revenue generated by the program be deposited in the Commonwealth's Motor License Fund and be used for transportation enhancement projects throughout the state. I cite Section 3116(1)(2) of the state Vehicle Code (Title 75, Pa. C.S.):

"The system administrator shall remit the fine to the department for deposit into the Motor License Fund. Fines deposited in the fund under this paragraph shall be used by the department as follows:

- (i) To reimburse the system administrator for costs associated with the implementation of this section. This subparagraph includes costs for operation and maintenance.
- (ii) To develop, by regulation, a Transportation Enhancements Grant program."

As I said in my remarks on the House floor in 2002, this is a safety issue first and foremost. It is not a revenue enhancement issue. At the time, Roosevelt Boulevard in

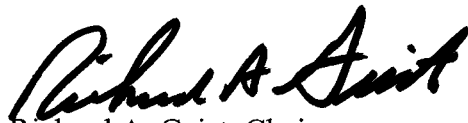
Philadelphia had some of the most dangerous intersections in the nation, which prompted us to try this pilot program in an effort to save lives. In the intervening years, the program has proven to be successful in saving lives and improving driver behavior, which was the legislative intent.

Having examined the proposed regulation currently under review by the IRCC, I am concerned that nowhere in the regulation does it explicitly prohibit the City of Philadelphia from capturing all of the excess revenues generated by the red light camera program via the grant process. I believe there is sufficient cause for my concern. Within the past month, a former state representative who sponsored a version of red light camera legislation that was never considered by the House, as well as Philadelphia's Deputy Mayor of Transportation and Utilities, have gone on record stating that all excess revenues generated by the automated red light camera program should be used for Transportation Enhancement projects within the City of Philadelphia.

From the very inception of this plan which I personally worked out in negotiations with Speaker Perzel and his staff, the idea was to draft a pilot program that would not provide the City of Philadelphia any incentive to boost the number of tickets written in order to profit from the program. The City was only to get enough to administer expenses and send the rest to the state. That way there could be no criticism that this was a "revenue generator" rather than a "safety program". I have attached the House Floor debate to clarify intent further.

Obviously, their position violates legislative intent. Therefore, I would respectfully suggest that a caveat be inserted into the regulation that would explicitly prohibit Philadelphia from laying claim to all of the excess revenues generated by the pilot program. I trust that the Department of Transportation, in evaluating applications in the grant program, would be fair in awarding grants at its discretion. However, inserting such a caveat in the regulation would provide an assurance that legislative intent would be maintained.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Geist". The signature is written in a cursive, flowing style.

Richard A. Geist, Chairman  
House Transportation Committee  
State Representative, 79<sup>th</sup> District

RAG/vt

Baker, M.	Fairchild	McNaughton	Schuler
Belfanti	Feese	Metcalfe	Smith, S. H.
Boyes	Fichter	Micozzie	Stairs
Bunt	Geist	O'Brien	Stern
Cappelli	Godshall	Oliver	Strittmatter
Clark	Gordner	Petrarca	Tangretti
Cohen, L. I.	Hanna	Phillips	Taylor, J.
Creighton	Harper	Pickett	Travaglio
Curry	Hasay	Rieger	Turzai
Dailey	Hess	Roberts	Watson
Daley	Kenney	Sainato	Zimmerman
DeWeese	McGill	Sather	Zug
Donatucci	McIlhinney	Scavello	

NOT VOTING—0

EXCUSED—4

Armstrong	Kirkland	LaGrotta	Ryan, Speaker
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

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The House proceeded to third consideration of **SB 238, PN 2148**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for suspension of operating privileges, for driving with suspended or revoked licenses, for chemical testing to determine alcohol or controlled substance amounts, for probationary licenses, for alcohol restrictions for certain drivers and for insurance benefits; providing for automated red light enforcement systems in first class cities; and further providing for meeting or overtaking school buses, for parking regulations, for driving under the influence of alcohol or a controlled substance, for slow moving vehicle emblems, for suspensions of inspection stations, for limitations on record disclosure, for vehicle impoundment, for vehicle immobilization, towing and storage, for disposition of impounded vehicles, combinations and loads and for recidivism.

On the question,

Will the House agree to the bill on third consideration?

Mr. **MAYERNIK** offered the following amendment No. **A3916**:

Amend Title, page 1, line 18, by inserting after "CITIES;" prohibiting operators from using mobile phones under certain circumstances;

Amend Sec. 4, page 14, line 8, by striking out "A SECTION" and inserting sections

Amend Bill, page 23, by inserting between lines 7 and 8 § 3315. Prohibiting use of mobile phones.

(a) Drivers subject to restrictions.—No driver with a learner's permit shall drive a motor vehicle on a highway in this Commonwealth, which shall include Federal, State and municipal highways, while using a mobile phone.

(b) Exception.—This section shall not apply to persons who use a mobile phone for the sole purpose of reporting an accident or emergency.

(c) Seizure.—The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a mobile phone, unless otherwise

provided by law.

(d) Penalty.—A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$1 nor more than \$300 or to a period of community service to be determined by the sentencing authority.

(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Mobile hands-free phone." A telecommunications device that receives an analog signal or digital signal, or both, and is designed for use without being held by a person's hand while speaking into the device.

"Mobile phone." A telecommunications device that receives an analog signal or digital signal, or both, and that is designed for handheld use. The term includes a mobile hands-free phone.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Mayernik.

The Chair recognizes the gentleman, Mr. Ross, from Chester County on the amendment.

Mr. ROSS. Thank you, Madam Speaker.

I want to speak against this amendment and urge a "no" vote on it, and I am fully aware of concern about distraction in driving, particularly in the use of cell phones. We have talked about this issue on the floor in the past in other forms, and we have rejected this concept, and I want to make sure that the members are aware that there is an alternative available in a bill that I have put forward to consider the entire question of distracted drivers and not just to try and take it piecemeal. It is a much more—

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Mayernik, rise?

Mr. MAYERNIK. That amendment is withdrawn, Madam Speaker.

Mr. ROSS. Oh; thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **TRELLO** offered the following amendment No. **A3922**:

Amend Title, page 1, line 19, by removing the comma after "BUSES" and inserting and

Amend Title, page 1, line 19, by removing the comma after "REGULATIONS" and inserting

; adding a penalty for violating provisions relating to blind pedestrians; and further providing

Amend Bill, page 29, by inserting between lines 29 and 30

Section 7. Section 3549 of Title 75 is amended by adding a subsection to read:

§ 3549. Blind pedestrians.

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(c) Penalty.—A violation of subsection (a) constitutes a summary offense punishable by a fine of not less than \$50 nor more than \$150.

Section 8. Section 3552 of Title 75 is amended to read:

§ 3552. Penalty for violation of subchapter.

[Any] Except as otherwise provided for in this subchapter, any pedestrian violating any provision of this subchapter is guilty of a

summary offense and shall, upon conviction, be sentenced to pay a fine of \$5.

Amend Sec. 7, page 29, line 30, by striking out “7” and inserting 9

Amend Sec. 8, page 32, line 16, by striking out “8” and inserting 10

Amend Sec. 9, page 46, line 19, by striking out “9” and inserting 11

Amend Sec. 10, page 47, line 13, by striking out “10” and inserting 12

Amend Sec. 11, page 47, line 19, by striking out “11” and inserting 13

Amend Sec. 12, page 48, line 8, by striking out “12” and inserting 14

On the question,  
Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Blair County, Mr. Geist.  
Mr. GEIST. Thank you, Madam Speaker.  
This amendment is agreed to, and I would urge a “yes” vote.

On the question recurring,  
Will the House agree to the amendment?

(Members proceeded to vote.)

VOTE STRICKEN

Mr. COY. Madam Speaker?  
The SPEAKER pro tempore. Strike the vote.  
For what purpose does the gentleman, Mr. Coy, rise?  
Mr. COY. Just a point of personal privilege.

I believe the bill has quite a few amendments, and I would appreciate if we could have a brief explanation of each, even if it is agreed to, on each amendment; just a brief explanation from the sponsor.

Mr. GEIST. I am sure that you went over these in caucus.  
Mr. COY. I am sure we did.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Trello, for a brief explanation of the amendment.

Mr. TRELLO. Thank you, Madam Speaker.

The organization that represents the blind all over the Commonwealth had contacted me back in February, indicating that there were problems with our friends with disabilities that cannot see, having problems crossing the street, walking their dogs, and having just a number of problems. They met with me in February, and there were several bills in the House and the Senate, but for some reason or other, they were not enacted, and they asked me to find a bill and amend it to increase the fines and maybe make people more aware of people with disabilities that have to walk with a white cane or a dog.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph                  Evans, D.                  Major                  Saylor

Allen	Evans, J.	Manderino	Scavello
Argall	Fairchild	Mann	Schroder
Baker, J.	Feese	Markosek	Schuler
Baker, M.	Fichter	Marsico	Scrimenti
Bard	Fleagle	Mayernik	Semmel
Barrar	Flick	McCall	Shaner
Bastian	Forcier	McGeehan	Smith, B.
Bebko-Jones	Frankel	McGill	Smith, S. H.
Belardi	Freeman	McIlhattan	Solobay
Belfanti	Gabig	McIlhinney	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Steelman
Bishop	George	Metcalfe	Steil
Blaum	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Brooks	Grucela	Miller, R.	Stevenson, R.
Browne	Gruitza	Miller, S.	Stevenson, T.
Bunt	Habay	Mundy	Strittmatter
Butkovitz	Haluska	Myers	Sturla
Buxton	Hanna	Nailor	Surra
Caltagirone	Harhai	Nickol	Tangretti
Cappelli	Harhart	O'Brien	Taylor, E. Z.
Casorio	Harper	Oliver	Taylor, J.
Cawley	Hasay	Pallone	Thomas
Civera	Hennessey	Perzel	Tigue
Clark	Herman	Petrarca	Travaglio
Clymer	Hershey	Petrone	Trello
Cohen, L. I.	Hess	Phillips	Trich
Cohen, M.	Horsey	Pickett	Tulli
Colafella	Hutchinson	Pippy	Turzai
Coleman	Jadlowiec	Pistella	Vance
Cornell	James	Preston	Veon
Corrigan	Josephs	Raymond	Vitali
Costa	Kaiser	Readshaw	Walko
Coy	Keller	Reinard	Wansacz
Creighton	Kenney	Rieger	Washington
Cruz	Krebs	Roberts	Waters
Curry	Laughlin	Robinson	Watson
Dailey	Lawless	Roebuck	Williams, J.
Daley	Lederer	Rohrer	Wilt
Dally	Leh	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright, G.
Dermody	Levdansky	Rubley	Wright, M.
DeWeese	Lewis	Ruffing	Yewcic
DiGirolamo	Lucyk	Sainato	Youngblood
Diven	Lynch	Samuelson	Yudichak
Donatucci	Mackereth	Santoni	Zimmerman
Eachus	Maher	Sather	Zug
Egolf	Maitland		

NAYS—0

NOT VOTING—0

EXCUSED—4

Armstrong	Kirkland	LaGrotta	Ryan, Speaker
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,  
Will the House agree to the bill on third consideration as amended?

Mr. McCALL offered the following amendment No. A3943:

Amend Sec. 12, page 49, line 5, by striking out “and (a.1)” and inserting

, (a.1) and (b)(4)

On the question,  
Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. McCall.

Mr. McCALL. Thank you, Madam Speaker.

Madam Speaker, this is a technical amendment requested by the Governor's Office. It simply changes the effective date from immediate to 6 months to allow for system changes by the Department of Transportation.

I would ask for an affirmative vote.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Blair County, Mr. Geist.

Mr. GEIST. Thank you, Madam Speaker.

This is an agreed-to amendment, and we would urge a "yes" vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Columbia County, Mr. Gordner.

Mr. GORDNER. Thank you, Madam Speaker.

I heard the explanation of Representative McCall, and I looked at the number on the board, and they do not seem to go together, and I am just wondering if his explanation goes with the amendment on the board.

The SPEAKER pro tempore. 3943 is what was read.

The Chair recognizes the gentleman, Mr. McCall.

Mr. McCALL. Yes, Madam Speaker; it is just changing the effective date of the act from immediate to 6 months.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Major	Saylor
Allen	Evans, J.	Manderino	Scavello
Argall	Fairchild	Mann	Schroder
Baker, J.	Feese	Markosek	Schuler
Baker, M.	Fichter	Marsico	Scrimenti
Bard	Fleagle	Mayermik	Semmel
Barrar	Flick	McCall	Shaner
Bastian	Forcier	McGeehan	Smith, B.
Bebko-Jones	Frankel	McGill	Smith, S. H.
Belardi	Freeman	McIlhattan	Solobay
Belfanti	Gabig	McIlhinney	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Stelman
Bishop	George	Metcalfe	Steil
Blaum	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Brooks	Grucela	Miller, R.	Stevenson, R.
Browne	Gruitza	Miller, S.	Stevenson, T.
Bunt	Habay	Mundy	Strittmatter
Butkovitz	Haluska	Myers	Sturla
Buxton	Hanna	Nailor	Surra
Caltagirone	Harhai	Nickol	Tangretti
Cappelli	Harhart	O'Brien	Taylor, E. Z.
Casorio	Harper	Oliver	Taylor, J.
Cawley	Hasay	Pallone	Thomas
Civera	Hennessey	Perzel	Tigue
Clark	Herman	Petrarca	Travaglio
Clymer	Hershey	Petrone	Trello
Cohen, L. I.	Hess	Phillips	Trich
Cohen, M.	Horsey	Pickett	Tulli

Colafella	Hutchinson	Pippy	Turzai
Coleman	Jadlowiec	Pistella	Vance
Cornell	James	Preston	Veon
Corrigan	Josephs	Raymond	Vitali
Costa	Kaiser	Readshaw	Walko
Coy	Keller	Reinard	Wansacz
Creighton	Kenney	Rieger	Washington
Cruz	Krebs	Roberts	Waters
Curry	Laughlin	Robinson	Watson
Dailey	Lawless	Roebuck	Williams, J.
Daley	Lederer	Rohrer	Wilt
Dally	Leh	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright, G.
Dermody	Levdansky	Rubley	Wright, M.
DeWeese	Lewis	Ruffing	Yewcic
DiGirolo	Lucyk	Sainato	Youngblood
Diven	Lynch	Samuelson	Yudichak
Donatucci	Mackereth	Santoni	Zimmerman
Eachus	Maher	Sather	Zug
Egolf	Maitland		

NAYS—0

NOT VOTING—0

EXCUSED—4

Armstrong	Kirkland	LaGrotta	Ryan, Speaker
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. McCALL offered the following amendment No. A3944:

Amend Sec. 6 (Sec. 3354), page 25, line 24, by striking out "A HANDICAPPED PARKING SYMBOL" and inserting an international symbol for access for persons with disabilities

Amend Sec. 6 (Sec. 3354), page 25, line 26, by inserting after "SUBSECTION."

A vehicle may only be towed under this paragraph if the parking space is posted with a sign indicating that vehicles in violation of this section may be towed.

Amend Sec. 6 (Sec. 3354), page 26, lines 9 and 10, by striking out "A HANDICAPPED PARKING SYMBOL" and inserting an international symbol for access for persons with disabilities

Amend Sec. 6 (Sec. 3354), page 26, lines 18 and 19, by striking out "A HANDICAPPED PARKING SYMBOL" and inserting an international symbol for access for persons with disabilities

Amend Sec. 6 (Sec. 3354), page 26, line 24, by inserting after "COSTS."

A vehicle may only be towed under this paragraph if the parking space is posted with a sign indicating that vehicles in violation of this section may be towed.

On the question,  
Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. McCall.

Mr. McCALL. Thank you, Madam Speaker.

Again, Madam Speaker, this is clarifying language to ensure that the Vehicle Code conforms with the usage of the international symbol for access for persons with disabilities, to say that that sign has to be present for the automobile to be towed.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Blair County, Mr. Geist.

Mr. GEIST. Thank you, Madam Speaker.

This amendment is also agreed upon, and we would urge a “yes” vote.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Major	Saylor
Allen	Evans, J.	Manderino	Scavello
Argall	Fairchild	Mann	Schroder
Baker, J.	Feese	Markosek	Schuler
Baker, M.	Fichter	Marsico	Scriminti
Bard	Fleagle	Mayernik	Semmel
Barrar	Flick	McCall	Shaner
Bastian	Forcier	McGeehan	Smith, B.
Bebko-Jones	Frankel	McGill	Smith, S. H.
Belardi	Freeman	McIlhattan	Solobay
Belfanti	Gabig	McIlhinney	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Steelman
Bishop	George	Metcalfe	Steil
Blaum	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Brooks	Grucela	Miller, R.	Stevenson, R.
Browne	Gruitza	Miller, S.	Stevenson, T.
Bunt	Habay	Mundy	Strittmatter
Butkovitz	Haluska	Myers	Sturla
Buxton	Hanna	Nailor	Surra
Caltagirone	Harhai	Nickol	Tangretti
Cappelli	Harhart	O'Brien	Taylor, E. Z.
Casorio	Harper	Oliver	Taylor, J.
Cawley	Hasay	Pallone	Thomas
Civera	Hennessey	Perzel	Tigue
Clark	Herman	Petrarca	Travaglio
Clymer	Hershey	Petrone	Trello
Cohen, L. I.	Hess	Phillips	Trich
Cohen, M.	Horsey	Pickett	Tulli
Colafella	Hutchinson	Pippy	Turzai
Coleman	Jadlowiec	Pistella	Vance
Cornell	James	Preston	Veon
Corrigan	Josephs	Raymond	Vitali
Costa	Kaiser	Readshaw	Walko
Coy	Keller	Reinard	Wansacz
Creighton	Kenney	Rieger	Washington
Cruz	Krebs	Roberts	Waters
Curry	Laughlin	Robinson	Watson
Dailey	Lawless	Roebuck	Williams, J.
Daley	Lederer	Rohrer	Wilt
Dally	Leh	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright, G.
Dermody	Levdansky	Rublely	Wright, M.
DeWeese	Lewis	Ruffing	Yewcic
DiGirolo	Lucyk	Sainato	Youngblood
Diven	Lynch	Samuelson	Yudichak
Donatucci	Mackereth	Santoni	Zimmerman
Eachus	Maher	Sather	Zug

Egolf Maitland

NAYS—0

NOT VOTING—0

EXCUSED—4

Armstrong Kirkland LaGrotta Ryan,  
Speaker

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. McCALL offered the following amendment No. A3947:

Amend Title, page 1, line 22, by inserting after “STATIONS,”  
for moving wooden structures,  
Amend Sec. 8, page 32, line 17, by inserting after “4724,”  
4977(3) and (4),

Amend Sec. 8, page 34, by inserting between lines 20 and 21  
§ 4977. Permit for movement of wooden structures.

An annual permit may be issued for the movement on highways of certain wooden structures which exceed the maximum length, width and height specified in Subchapter B (relating to width, height and length), subject to the following conditions:

\* \* \*

(3) The wooden structure or structures must be transported on a trailer [designed solely for] of a type approved by the department to accommodate the transportation of [such] structures [and not used for the transportation of any other type of load] which do not exceed the width, length or height specified in this section.

(4) Movement under this section is limited to roof trusses, wooden utility sheds, gazebos, garages and play equipment. Other components that do not exceed width, length or height specified in this section may be carried in conjunction with movements under this permit.

On the question,  
Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. McCall.

Mr. McCALL. Thank you, Madam Speaker.

Madam Speaker, this is actually a business-friendly amendment. It corrects language that was inserted into the code a number of years ago that allowed only one company, one make of vehicle, to transport roof trusses throughout the Commonwealth of Pennsylvania. This would change that language from designated solely to transport trusses to a type approved by the Department of Transportation.

I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Blair County, Mr. Geist.

Mr. GEIST. Thank you, Madam Speaker.

This is corrective language. It is agreed upon, and we think it strengthens the bill and would ask for a “yes” vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Major	Saylor
Allen	Evans, J.	Manderino	Scavello
Argall	Fairchild	Mann	Schroder
Baker, J.	Feese	Markosek	Schuler
Baker, M.	Fichter	Marsico	Scrimenti
Bard	Fleagle	Mayernik	Semmel
Barrar	Flick	McCall	Shaner
Bastian	Forcier	McGeehan	Smith, B.
Bebko-Jones	Frankel	McGill	Smith, S. H.
Belardi	Freeman	McIlhattan	Solobay
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Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Steelman
Bishop	George	Metcalfe	Steil
Blaum	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Brooks	Grucela	Miller, R.	Stevenson, R.
Browne	Gruitza	Miller, S.	Stevenson, T.
Bunt	Habay	Mundy	Strittmatter
Butkovitz	Haluska	Myers	Sturla
Buxton	Hanna	Nailor	Surra
Caltagirone	Harhai	Nickol	Tangretti
Cappelli	Harhart	O'Brien	Taylor, E. Z.
Casorio	Harper	Oliver	Taylor, J.
Cawley	Hasay	Pallone	Thomas
Civera	Hennessey	Perzel	Tigue
Clark	Herman	Petrarca	Travaglio
Clymer	Hershey	Petrone	Trello
Cohen, L. I.	Hess	Phillips	Trich
Cohen, M.	Horse	Pickett	Tulli
Colafella	Hutchinson	Pippy	Turzai
Coleman	Jadlowiec	Pistella	Vance
Cornell	James	Preston	Veon
Corrigan	Josephs	Raymond	Vitali
Costa	Kaiser	Readshaw	Walko
Coy	Keller	Reinard	Wansacz
Creighton	Kenney	Rieger	Washington
Cruz	Krebs	Roberts	Waters
Curry	Laughlin	Robinson	Watson
Dailey	Lawless	Roebuck	Williams, J.
Daley	Lederer	Rohrer	Wilt
Dally	Leh	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright, G.
Dermody	Levdansky	Ruble	Wright, M.
DeWeese	Lewis	Ruffing	Yewcic
DiGirolamo	Lucyk	Sainato	Youngblood
Diven	Lynch	Samuelson	Yudichak
Donatucci	Mackereth	Santoni	Zimmerman
Eachus	Maher	Sather	Zug
Egolf	Maitland		

NAYS—0

NOT VOTING—0

EXCUSED—4

Armstrong	Kirkland	LaGrotta	Ryan, Speaker
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. McCALL offered the following amendment No. A3968:

Amend Title, page 1, line 20, by removing the comma after "SUBSTANCE" and inserting  
and

Amend Title, page 1, line 21, by removing the comma after "EMBLEMS" and inserting

; providing for operation of motor homes on certain highways; further providing for length of vehicles,

Amend Sec. 8, page 32, lines 16 through 18, by striking out all of said lines and inserting

Section 8. Sections 4529(a) and 4724 of Title 75 are amended to read:

Amend Bill, page 34, by inserting between lines 20 and 21

Section 8.1. Title 75 is amended by adding a section to read:

§ 4908.1. Operation of motor homes on interstate and certain other highways.

(a) General rule.—Motor homes exceeding 40 feet in length but not exceeding 45 feet in length may be driven only on the types of highways and under the limitations set forth below:

(1) On a designated network consisting of all interstate highways and portions of Federal aid primary highways having at least a 48-foot-wide roadway or two 24-foot-wide roadways and designated by the department as capable of safely accommodating motor homes.

(2) Between the designated national network and:

(i) The location where the motor home is garaged.

(ii) The destination of the recreational vehicle.

(iii) A facility for food, fuel, repair, service or rest having an entrance within the access limitation prescribed under Federal Highway Administration regulation of the nearest ramp or intersection, but only on highways having lanes at least ten feet wide.

(3) On highways marked with traffic route signs having travel lanes at least ten feet in width unless prohibited by the department on State highways or the municipality on local highways based on safety reasons and marked with signs prohibiting such vehicles.

(4) Between the highways authorized under paragraph (3) and:

(i) The location where the recreational vehicle is garaged.

(ii) The destination of the recreational vehicle.

(iii) A terminal or facility for food, fuel, repair, service or rest having an entrance within two miles of the nearest ramp or intersection, but only on highways having lanes at least ten feet wide.

(5) Approval of a highway other than as designated under paragraphs (1) through (4) shall be obtained from the:

(i) City in the case of a highway in a city.

(ii) Department in the case of a State highway not in a city, except that the department will, upon request, delegate authority to approve routes under this subsection to a municipality which has been delegated authority to issue permits under section 420 of the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law.

(iii) Municipality in the case of a local highway not in a city.

(b) Notice.—Notice regarding approval and revocation of routes shall be in conformance with section 4908 (relating to operation of certain combinations on interstate and certain other highways).

Section 8.2. Sections 4923(a), 6114(c), 6309, 6309.1, 6309.2, 6310

and 6503 of Title 75 are amended to read:  
 § 4923. Length of vehicles.

(a) Motor vehicles.—

(1) Except as provided in paragraph (2), no motor vehicle, including any load and bumpers, shall exceed an overall length of 40 feet.

(2) Paragraph (1) does not apply to the following:

(i) A motor vehicle equipped with a boom or boomlike device if the vehicle does not exceed 55 feet.

(ii) A bus or motor home which does not exceed 45 feet.

(iii) An articulated bus which does not exceed 60 feet.

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On the question,  
 Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. McCall.

Mr. McCALL. Thank you, Madam Speaker.

Madam Speaker, this amendment would allow for motor homes up to the length of 45 feet to travel on designated highways and our interstate highways in the Commonwealth. We would be increasing that number from 40 feet to 45 feet.

We do have a number of manufacturers that manufacture these homes currently in the Commonwealth. The Commonwealth currently titles and licenses these vehicles. However, they are not allowed to travel the roads of the Commonwealth. We are just allowing these types of motor homes to travel interstate highways and designated highways as well as to and from where they are garaged and their destination.

I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Blair County, Mr. Geist.

Mr. GEIST. Thank you, Madam Speaker.

This amendment restricts these motor homes to certain highways in Pennsylvania, and it is a compromise amendment that has been worked out, and we would hope that the administration will go along with it now instead of later, and I would ask for a "yes" vote.

On the question recurring,  
 Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Major	Saylor
Allen	Evans, J.	Manderino	Scavello
Argall	Fairchild	Mann	Schroder
Baker, J.	Feese	Markosek	Schuler
Baker, M.	Fichter	Marsico	Scrimenti
Bard	Fleagle	Mayernik	Semmel
Barrar	Flick	McCall	Shaner
Bastian	Forcier	McGeehan	Smith, B.
Bebko-Jones	Frankel	McGill	Smith, S. H.
Belardi	Freeman	McIlhattan	Solobay
Belfanti	Gabig	McIlhinney	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Steelman
Bishop	George	Metcalfe	Steil
Blaum	Godshall	Michlovic	Stern

Boyes	Gordner	Micozzie	Stetler
Brooks	Grucela	Miller, R.	Stevenson, R.
Browne	Gruitza	Miller, S.	Stevenson, T.
Bunt	Habay	Mundy	Strittmatter
Butkovitz	Haluska	Myers	Sturla
Buxton	Hanna	Nailor	Surra
Caltagirone	Harhai	Nickol	Tangretti
Cappelli	Harhart	O'Brien	Taylor, E. Z.
Casorio	Harper	Oliver	Taylor, J.
Cawley	Hasay	Pallone	Thomas
Civera	Hennessey	Perzel	Tigue
Clark	Herman	Petrarca	Travaglio
Clymer	Hershey	Petrone	Trello
Cohen, L. I.	Hess	Phillips	Trich
Cohen, M.	Horsey	Pickett	Tulli
Colafella	Hutchinson	Pippy	Turzai
Coleman	Jadlowiec	Pistella	Vance
Cornell	James	Preston	Veon
Corrigan	Josephs	Raymond	Vitali
Costa	Kaiser	Readshaw	Walko
Coy	Keller	Reinard	Wansacz
Creighton	Kenney	Rieger	Washington
Cruz	Krebs	Roberts	Waters
Curry	Laughlin	Robinson	Watson
Dailey	Lawless	Roebuck	Williams, J.
Daley	Lederer	Rohrer	Wilt
Dally	Leh	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright, G.
Dermody	Levdansky	Rubley	Wright, M.
DeWeese	Lewis	Ruffing	Yewcic
DiGirolamo	Lucyk	Sainato	Youngblood
Diven	Lynch	Samuelson	Yudichak
Donatucci	Mackereth	Santoni	Zimmerman
Eachus	Maher	Sather	Zug
Egolf	Maitland		

NAYS—0

NOT VOTING—0

EXCUSED—4

Armstrong	Kirkland	LaGrotta	Ryan, Speaker
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,  
 Will the House agree to the bill on third consideration as amended?

Mr. McCALL offered the following amendment No. A4004:

Amend Sec. 6 (Sec. 3354), page 26, line 11, by inserting a bracket before the comma

Amend Sec. 6 (Sec. 3354), page 26, line 12, by inserting a bracket after "INDICATING" and inserting immediately thereafter  
and

On the question,  
 Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. McCall.

Mr. McCALL. Thank you, Madam Speaker.

Again, this is clarifying language that would say that only



one sign designating both the fine and penalties would be required for handicapped parking spaces.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Blair County, Mr. Geist.

Mr. GEIST. Thank you very much, Madam Speaker.

This is an agreed-to amendment. This is an either/or on the signs. We think it is an excellent piece, and we would urge a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Major	Saylor
Allen	Evans, J.	Manderino	Scavello
Argall	Fairchild	Mann	Schroder
Baker, J.	Feese	Markosek	Schuler
Baker, M.	Fichter	Marsico	Scrimanti
Bard	Fleagle	Mayernik	Semmel
Barrar	Flick	McCall	Shaner
Bastian	Forcier	McGeehan	Smith, B.
Bebko-Jones	Frankel	McGill	Smith, S. H.
Belardi	Freeman	McIlhattan	Solobay
Belfanti	Gabig	McIlhinney	Staback
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Melio	Steelman
Bishop	George	Metcalfe	Steil
Blaum	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Brooks	Grucela	Miller, R.	Stevenson, R.
Browne	Gruitza	Miller, S.	Stevenson, T.
Bunt	Habay	Mundy	Strittmatter
Butkovitz	Haluska	Myers	Sturla
Buxton	Hanna	Nailor	Surra
Caltagirone	Harhai	Nickol	Tangretti
Cappelli	Harhart	O'Brien	Taylor, E. Z.
Casorio	Harper	Oliver	Taylor, J.
Cawley	Hasay	Pallone	Thomas
Civera	Hennessey	Perzel	Tigue
Clark	Herman	Petrarca	Travaglio
Clymer	Hershey	Petrone	Trello
Cohen, L. I.	Hess	Phillips	Trich
Cohen, M.	Horsey	Pickett	Tulli
Colafella	Hutchinson	Pippy	Turzai
Coleman	Jadlowiec	Pistella	Vance
Cornell	James	Preston	Veon
Corrigan	Josephs	Raymond	Vitali
Costa	Kaiser	Readshaw	Walko
Coy	Keller	Reinard	Wansacz
Creighton	Kenney	Rieger	Washington
Cruz	Krebs	Roberts	Waters
Curry	Laughlin	Robinson	Watson
Dailey	Lawless	Roebuck	Williams, J.
Daley	Lederer	Rohrer	Wilt
Dally	Leh	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright, G.
Dermody	Levdansky	Rublely	Wright, M.
DeWeese	Lewis	Ruffing	Yewcic
DiGirolamo	Lucyk	Sainato	Youngblood
Diven	Lynch	Samuelson	Yudichak
Donatucci	Mackereth	Santoni	Zimmerman
Eachus	Maher	Sather	Zug
Egolf	Maitland		

NAYS—0

NOT VOTING—0

EXCUSED—4

Armstrong Kirkland LaGrotta Ryan,  
Speaker

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. HALUSKA offered the following amendment No. A3945:

Amend Title, page 1, lines 20 and 21, by striking out "FOR SLOW MOVING VEHICLE EMBLEMS,"

Amend Sec. 8, page 32, line 16, by striking out "4529(a),"

Amend Sec. 8 (Sec. 4529), page 32, lines 19 through 30; page 33, lines 1 and 2, by striking out all of said lines on said pages

On the question,  
Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Haluska.

Mr. HALUSKA. Thank you, Madam Speaker.

Madam Speaker, I have to bring this amendment today for the simple fact that the Senate inserted language, section 4529, into this bill. In my district we have had a real problem with a group of Amish that have moved into Cambria County from Ohio, and this certain bishop will not allow them to use the slow-moving-vehicle sign, the orange triangle, in the back of their buggies. The State Police have ticketed 29 times this family, and they refuse to pay the tickets. It went to Cambria County Court. Cambria County Court, after the deliberation and the trial, has found them guilty, and now the ACLU (American Civil Liberties Union) has gotten involved, taking it through Cambria County Court, and now they are appealing it to the Commonwealth Court.

What they want to do and what the Senate inserted into this bill was to allow any vehicle that is drawn by an animal not to have to use the triangle on the rear of the vehicle. There are tens of thousands of Amish in this State, and they all adhere to this, and not only do they do that; they put lights, turn signals, and reflective tape on their buggies. This particular group does not want to do any of the above, and they will furnish themselves with some gray reflective tape, which works well at night but it does not do anything in dusk and dawn situations, in foggy and snowy days. And the triangle is basically a universal symbol across the United States that alerts people as they approach this vehicle that it is a slow-moving vehicle and to beware and to know that it is a slow-moving vehicle because they are going to be closing in on it very fast.

The Pennsylvania Farm Bureau in Cambria County, the township supervisors of Cambria County, and I had written letters to the judge, asking them to enforce the law in Pennsylvania, and what we are going to do here today if we do not pass my amendment is, across Pennsylvania anything that is drawn by an animal is going to be able to remove that triangle, and it is going to

be a safety issue. It is not a religious issue; it is a safety issue. When the carriages in Philadelphia take people on rides downtown, when the carriages in Harrisburg and Pittsburgh and across this State, they will no longer have to use that symbol on the back of their vehicles if we let this language stand in this bill.

So what I am asking today is to adopt this amendment, to take this language out, and to adhere to the laws that we have in Pennsylvania that the slow-moving triangle must be on a vehicle that is moved under 25 miles an hour.

And I understand this sect from Ohio that came to Pennsylvania, that does not want to adhere to our laws, they have threatened to go back to Ohio. Well, I really feel if they are going to use our transportation corridors and they are going to put our people at risk of hitting them and injuring themselves plus the Amish, that we cannot afford to change the law in Pennsylvania for a few families of Amish which have moved here from Ohio.

So to that degree, I am asking for support for this, and I did supply a tape to all of the members of the Transportation Committee, and I would like to have a few of those people stand up and give some comments on this bill, but I implore everybody in this House to adopt this amendment so that we do not change the laws of Pennsylvania and put a lot of people at risk, not only the Amish but the people that are going to run into the Amish in their buggies.

So I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lancaster County, Mr. Schuler.

Mr. SCHULER. Thank you, Madam Speaker.

I rise in support of the gentleman's amendment.

I represent approximately 80-some percent of the Amish population in Lancaster County and probably the largest Amish population in Pennsylvania. Over a number of years, I have worked with the Amish community, and we came to an agreement with the Lancaster County Amish regarding the protection for their carriages.

What we are doing today, if this stays in the bill, is we are going to open this up to a very unsafe situation. Lancaster County, as you know, is one of the largest tourist areas in Pennsylvania. We have tremendous traffic problems there at the present time. We cannot afford to take this triangle off these buggies and wagons, as we call them in Lancaster County. It is not only the Amish; there are other sects in Lancaster County who are not Amish who still use the horse and wagon. So I think what we have here is a safety issue that we have to be very, very careful in what we are doing.

To me, in Lancaster County right now, just about 2 weeks ago, we had a tragic accident with an Amish carriage, where a van moved into the back end of a carriage and a few people were killed. We cannot afford for this to happen. It is not only for the Amish group, but it is also for the people who are the motoring public.

I understand the situation with this Amish sect, and I appreciate it, but I think safety has to be the major concern, and therefore, I ask for an affirmative vote for the Haluska amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Indiana County, Ms. Steelman.

Ms. STEELMAN. Thank you, Madam Speaker.

Although I am unhappy to be at odds with two members I respect as much as I do the previous two speakers, I rise to ask for a negative vote on this amendment for two reasons, the primary one being that as I understand it, we as a State government can

only interfere with the expression of religious beliefs by our citizens when we can demonstrate that there is a compelling State interest in doing so.

My original impression of this Amish group was that their desire to use a different method of marking their vehicles was not reasonable and that conceivably forbidding them to do so did represent a compelling State interest. However, after looking at data that has been provided to us concerning, for example, the observation that there is no difference in the accident rate between buggies that are marked in the way that the Swartzentruber Amish wish to mark theirs and buggies that are marked using the orange triangle; after looking at a diagram of the tape markings that are proposed to be used, which actually outline the form of the vehicle more effectively and make it clearer that what you are approaching as a driver is in fact a large, boxy vehicle; and after reading the study of the relative reflectivity of the tape versus the orange triangle, taking into consideration the fact that even in dusk or in snowy conditions, drivers in Pennsylvania are supposed to be using their headlights if they cannot see more than 1,000 feet ahead, it seems to me that there are no valid scientific or statistical reasons to assume that forcing these individuals to violate their religious convictions, which we may not agree with but which are not subject to our definition of religious belief, whatever that may be, we are imposing upon them an unnecessary, undesirable, and possibly unconstitutional interference with their religious belief to no particular purpose.

Therefore, I would suggest that we defeat the amendment and offer these people the opportunity to express their religious beliefs in the way that they feel is most appropriate and safest.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Montgomery County, Mr. Bunt.

Mr. BUNT. Thank you, Madam Speaker.

Madam Speaker, I rise to support the amendment introduced by Representative Haluska.

I would disagree with the previous speaker as to the new emblem, that it just is not seen in the daytime. It seems to be blending in with the carriages and the carts that are on the roads. We have come, since the 1950s, to accept the triangle and recognize it as a symbol that indicates to the motoring public that it is a slow-moving vehicle.

Madam Speaker, there is a large agricultural and rural community that exists in Pennsylvania. A higher percentage of Pennsylvanians live in rural communities than any other State in the nation, and as such, we have a lot of communities throughout the Commonwealth that utilize this symbol, and it is recognized by the largest percentage of people here in Pennsylvania to indicate to them the safety factor of a slow-moving vehicle.

In addition, this particular emblem that has been accepted throughout the Commonwealth has been defined by the American Society of Agricultural Engineers, and it is one that has been, as I had indicated, accepted by the motoring public and the community at large as to indicate to them slow-moving vehicles, and so I would rise to support the gentleman's amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Centre and Mifflin Counties, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Madam Speaker.

I was not sure what I wanted to do on this bill when I first came here today, but I think Representative Haluska has presented some interesting information. I have a question as well as a statement.

That reflective tape, is that similar to what we use in EMS (emergency medical services)?

The SPEAKER pro tempore. Are you asking to interrogate the maker of the amendment?

Mr. BENNINGHOFF. I apologize; yes. Could I ask the maker of the amendment a question, please?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. HALUSKA. Yes, Madam Speaker; that tape basically is the same reflective tape that you use on any vehicle, whether it be a tractor-trailer, an EMS vehicle. It is a reflective, Scotchlike material, and it shows up very well at night, but that does not do anything for us for during the day.

Mr. BENNINGHOFF. That is the point I would like you to just highlight. You said that it is not as effective probably in foggy situations, snow situations, and/or different light times of the day. Is that correct?

Mr. HALUSKA. If there is not light shining on it, it is not effective.

Mr. BENNINGHOFF. Thank you.  
If I may make a statement?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. BENNINGHOFF. I want to thank the maker of the amendment for clarifying that, because I think we need to think about our practices in our hunting. In Pennsylvania, as hunting has evolved, we used different colors – the old Woolrich black-and-white outfit; some guys have worn yellow – but the most universally recognized color is blaze orange. We have a requirement to wear a certain amount, I think it is 122 inches of blaze orange, while we are hunting.

We have young drivers on the road, and one of the things that they are trained in their driver's ed is to be respective of those orange triangles. When we talk about safety on the road, we are not only talking about the buggy operators; I think we need to be thinking about the respect and the safety of the individuals that are driving behind these vehicles and other motorists on the road. Many of you have probably experienced a time driving on a foggy day where you think a motorcycle is coming to you in the other direction, only to be frightened when you realize it is a full-size vehicle with a headlight out.

I think we need to support Representative Haluska's amendment. I think we have a universally recognized symbol that all drivers, all motorists on the road, know that that is an animal-driven vehicle, and more importantly, that the blaze orange is a universally accepted sign. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair interrupts the proceeding to request that the gentleman, Mr. WRIGHT, from Bucks County be placed on leave for the remainder of the day. Without objection, the leave is granted.

### CONSIDERATION OF SB 238 CONTINUED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Allegheny County, Mr. PIPPY.

Mr. PIPPY. Thank you, Madam Speaker.

Would the maker of the amendment be willing to interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. PIPPY. I have a couple questions, Madam Speaker.

First, we had discussed this issue preliminarily in the Transportation Committee, and one of the issues that did come out was that other States have already allowed this alternative signage.

I want to make sure I understand your problem with this. Is it a daylight-versus-night issue, or is it you do not believe that they should be allowed to have alternative signage on the slow-moving, horse-drawn vehicles?

Mr. HALUSKA. No, Madam Speaker. I would agree that any other markings would be welcome, whether it be reflective tape, turn signals, lanterns, whatever they want to use, but during the day, those are very ineffective. The only thing that is effective at dusk, twilight, during the day, is the orange triangle, because it is not in a low enough light situation that you get a reflection but it obviously is a symbol that drivers are trained to know that when they come upon this symbol, they have a slow-moving vehicle ahead of them and to prepare to start to slow down.

Mr. PIPPY. Thank you.

One of the issues and concerns I have is, is there any statistical data showing that carts, wagons, that are marked in the alternative manner have had a higher rate or incidence of accidents either during the daytime or night in Pennsylvania or – well, obviously not in Pennsylvania yet but in other States?

Mr. HALUSKA. It depends whose study you believe. There are studies that have come up with statistics that show either way that the orange triangle is an advantage. Some people say that it is not an advantage. But the trouble that we have is, it is a universally recognized insignia, which is today in place across the United States, and what we are doing is trying to break that. It is strictly a safety issue not only for the people that are driving the vehicles, the Amish or whoever, like Representative Schuler said; it is the people that have a chance of having an accident, running into one of these vehicles.

### PARLIAMENTARY INQUIRY

Mr. PIPPY. Madam Speaker, I have a question. Would it be appropriate to either ask the maker of the amendment or someone else? My question concerns the language he wants to strip out, so it is not the amendment itself but the language in the bill that he wants to strip out. I want to make sure I completely understand what we are trying to pull out of this bill.

The SPEAKER pro tempore. You should address the maker of the amendment.

Mr. PIPPY. Thank you, Madam Speaker.

Mr. HALUSKA. It is section 4529, "Slow moving vehicle emblem." The section is amended to permit the display of strips of gray reflective material, tape, to outline the perimeter of the rear of an animal-drawn vehicle instead of the current fluorescent orange, slow-moving-vehicle emblem.

So basically, what the language that the Senate put in was to say, if they put a reflective gray tape at the rear of the vehicle, they can remove the orange triangle.

Mr. PIPPY. Now, would that apply to all Amish sects or any individual with a horse-drawn, slow-moving vehicle, or would that apply to the limited group that we are talking about today?

Mr. HALUSKA. That would apply to any animal-drawn vehicle, period.

Mr. PIPPY. If we could get that language limited to individuals

or organizations that have religious convictions against that and come up with some type of alternative marking system not only to cover what we, I think, uniformly agree is a better system at night but potentially address either red tape or some other type of daytime marking system, would you be more acceptable to that in the future?

Mr. HALUSKA. At this point I believe what Representative Schuler had said, that they fought long and hard with Amish across this State and the Mennonites that still use buggies to get to this point, and I would not want to regress and go backwards.

Mr. PIPPY. Okay. Thank you.

Madam Speaker, a comment on the amendment?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PIPPY. First, I understand the gentleman's issues with standardization of marking, in particular when it deals with safety. One of my biggest concerns, however, and the reason I asked that last question was, our Commonwealth was built, was founded, on religious freedoms and expression. I do not have any individuals who are constituency, by the way, that have, quote, "a horse in this race." What I do have, though, is a concern that we are not willing to try to find an alternative means to address what is, based on other States and other Supreme Courts, a legitimate religious concern.

I had even offered to the gentleman that potentially we could amend it so we could address the daylight issue as well as additional markings. I, as much as anyone else, do not want to put the traveling public at risk. However, we have situations where other States are able to accommodate not only the safety issue but the ability to have tolerance in religion. I think that is the median that we as a Commonwealth have traditionally sought to find and should find now.

For that reason I am going to vote "no" on this amendment. I think the bill as it is drafted is a little broad and should be corrected to be specific to "religious," and I completely respect the wishes of the gentleman and his desire to pull that out, but I think in many cases, especially where there is no statistical data to say that there is a safety risk, that we should err on the side of tolerance, and for that I would ask my colleagues to vote "no."

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Mr. Melio.

Mr. MELIO. Thank you, Madam Speaker.

I rise in support of Representative Haluska's amendment.

As a member of the Transportation Committee, we were provided videos, and they were very impressive. As a matter of fact, when you have a vehicle that goes 5 to 8 miles per hour and you do not know whether the horse is going to go left or right or back up or whatever and the vehicles that are coming behind them are traveling 50 miles an hour and sometimes a lot faster, it could really present a hazard, and this is really a great safety benefit to anyone who has this kind of a vehicle, and I urge passage.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Huntingdon County, Mr. Sather.

Mr. SATHER. Thank you, Madam Speaker.

For the purpose of interrogation.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. SATHER. Madam Speaker, I had two questions. One has been resolved for me by one of the previous speakers.

The question I have deals with the defense of the charges that were made in common pleas court? Am I correct?

Mr. HALUSKA. It is now going to the Commonwealth Court.

Mr. SATHER. All right.

PENNDOT made their position known at that time and the compelling reasons why they felt that this was not appropriate. I know you have touched on that, but could you amplify what PENNDOT's position was as compelling safety reasons?

Mr. HALUSKA. Yes, Madam Speaker.

What happened is, they were giving warnings to this particular sect that moved into the area in northern Cambria County, but they basically were refusing to put the triangle on, so as the complaints came from the citizens which had the near collisions, then, of course, the State Police got a lot of phone calls; I got a lot of phone calls. We in turn called the State Police and asked them why they were not enforcing the law. Once the heat from the people was turned up, then they had no other means but to start writing citations. I mean, you know, the citizenry was up in arms basically on the State Police, and they basically started writing these citations.

Mr. SATHER. But when the case was in court—

Mr. HALUSKA. Yes.

Mr. SATHER. —PENNDOT responded to the reasons why they felt it was still inappropriate to use the gray tape, and they stated some compelling reasons for that, did they not?

Mr. HALUSKA. I did not follow the court hearing verbatim, but I followed the news stories that came out of it, and they had expert witnesses on both sides of this issue testify, and I am sure PENNDOT was in that mix, and as far as I know, the judge made his decision on the evidence that was presented, and he ruled against the Amish.

Mr. SATHER. The other part, you said that this ruling by the courts would not just apply to this one sect but all?

Mr. HALUSKA. This would basically, if we were to overturn this with this legislation, if we did not put this amendment in, anybody across this State, any Amish, any Mennonite, anybody that had just a sleigh that they basically went out or a buggy, a surrey, that they took a ride, would be able to remove that slow-moving triangle from their wagon or buggy or whatever. We are erasing this across the State.

Mr. SATHER. Thank you.

That is all. I would just like for a comment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SATHER. I am going to support this amendment. I think it is rather clear and convincing evidence that I was able to read some of it in the paper back home that PENNDOT made its point rather clearly and the courts ruled. Now, I know this is going to go up to higher court, but my position and I recommend that others will support this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Washington County, Mr. Daley.

Mr. DALEY. Thank you, Madam Speaker.

Will the maker of the amendment stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. DALEY. Madam Speaker, it is my understanding then, the crux of this issue is that there is a small group of Amish religious sect in and around Cambria County that do not adhere to using the

triangle symbol because of some religious reason. Is that correct?

Mr. HALUSKA. That is true.

Mr. DALEY. And what is that religious reason? Are you aware of that?

Mr. HALUSKA. Because of the color; it is a bright color.

Mr. DALEY. And do you have any idea as to what the connotation of wearing a bright color on an Amish vehicle would represent to the Amish in this particular sect?

Mr. HALUSKA. Evidently, it does not affect tens of thousands of them in this State, because I have seen many of those myself in the Big Valley or through Lancaster or wherever you go. I think it is a sect that basically has dug in their heels and just will not cooperate with us, with the law that we have on the book.

Mr. DALEY. Now, my question was, do you know why orange is so offensive to them?

Mr. HALUSKA. No, I do not.

Mr. DALEY. And what your amendment basically does is, it says that they must be compelled to use this symbol which represents this color that is offensive religiously to them. Is that correct?

Mr. HALUSKA. We are saying, if you are going to use our transportation system, you must use it. If you want to drive in the fields or you want to go anywhere else, that is fine. Do not use our transportation system and put our people in jeopardy if you do not want to use our symbol.

Mr. DALEY. Now, I think you said earlier that there have been studies that indicate both positively and negatively the impact of wearing a triangle on the back of a slow-moving vehicle. Is that correct?

Mr. HALUSKA. That is correct.

Mr. DALEY. Have there been any studies that indicate that accidents have been prevented by using this symbol on the back of a slow-moving vehicle?

Mr. HALUSKA. That, I cannot answer.

Mr. DALEY. I know for a fact, Mr. Speaker, that it is not true; that last week someone was killed, a mother and a daughter were killed in Lancaster County, and it is my understanding that that particular sect has this orange symbol on the back, but nevertheless, that did not stop that accident from occurring. Are you aware of that?

Mr. HALUSKA. And they also had lights and reflective tape on that buggy.

Mr. DALEY. But none of that stopped an accident from occurring. Is that correct?

Mr. HALUSKA. Right.

Mr. DALEY. Now, we let bicycles share the road, Mr. Speaker, in Pennsylvania. Is that true?

Mr. HALUSKA. Very true.

Mr. DALEY. And are there any requirements that require that a bicycle have an orange triangle on the back?

Mr. HALUSKA. If you will notice, all bicycles today have reflective material all over them – sides, front, and back.

Mr. DALEY. Is that required by law, Mr. Speaker? Do you know that?

Mr. HALUSKA. I do not know if it is required by law, but the bike manufacturers have seen fit to put the reflective material on their products.

Mr. DALEY. Now, my understanding, Mr. Speaker, the case that you talked about that is going to Commonwealth Court is one individual who refused to pay citations, who was found guilty in the court of common pleas in Cambria County; that he did not

abide by the law. Is that correct?

Mr. HALUSKA. Several family members have been cited; 29 violations in all.

Mr. DALEY. And how many people are actually involved with this religious group?

Mr. HALUSKA. I do not know what the families contain; maybe upwards of 80 people in these numerous families.

Mr. DALEY. How many accidents have occurred because there were no symbols on the back of these slow-moving vehicles in Cambria County?

Mr. HALUSKA. Thank God, none so far.

Mr. DALEY. But there have been no accidents?

Mr. HALUSKA. There have been quite a few near-misses.

Mr. DALEY. As well as bicycles, I am assuming, too, in Cambria County?

Mr. HALUSKA. As well as Amish buggies; there have been quite a few near-misses.

Mr. DALEY. And is there any consequence if we pass this legislation that that group may decide to move out of Pennsylvania because of this oppressive, as they may view it, oppressive law that we may pass?

Mr. HALUSKA. Yes; they have threatened to move back to Ohio.

Mr. DALEY. Madam Speaker, on the amendment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DALEY. Madam Speaker, with all deference to my good friend, Representative Haluska, I rise to oppose this amendment. I think we all ought to take a chance to look, that this is a religious issue; it is not a safety issue, by and large. We have a religious group, the Amish – they are not in my district; unfortunately, they are in his district, but they are all over Pennsylvania – that really, truly believe that they cannot have this symbol on the back of their vehicle because of religious reasons. If we decide to take it to the next step and tell them that you cannot have this or you have to have this, I think what we are doing is really overreaching and overstepping our constitutional rights here, and I believe that that legislation, when that case goes to Commonwealth Court or goes to the Supreme Court of Pennsylvania, it is going to be stricken down as unconstitutional.

So I ask for a negative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Carbon County, Mr. McCall.

Mr. McCALL. Thank you, Madam Speaker.

I would ask the members of this General Assembly to support the Haluska amendment. Madam Speaker, I think we have heard a number of speakers who spoke on this issue and talked about how it has been studied for the last 50 years, and truly it has been studied for the last 50 years by Ohio State University, the Automotive Safety Foundation, the American Society of Engineers, and it has been adopted as a national standard as far as the slow-moving-vehicle emblem by the American National Standards Institute.

But the bottom line is this, that this is a public safety issue. And I understand about religious freedom; I think we all do. But when individuals are using public thoroughfares and we are endangering the motoring public because of vehicles that are moving slowly on Commonwealth roads, Commonwealth highways, we should be protecting the motoring public, and I think the Haluska amendment is a good amendment and that we should be supporting it.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman

and recognizes the gentleman from Bedford County, Mr. Hess.

Mr. HESS. Thank you, Madam Speaker.

Just a few questions of the maker of the amendment, if I may.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. HESS. Thank you.

Madam Speaker, in the previous interrogation, I did not catch the answer. I think the question was asked, were there any accidents in the last 2 years concerning buggies or horse-drawn vehicles?

Mr. HALUSKA. No, Madam Speaker, we have had no accidents; we have had a lot of near-misses.

Mr. HESS. How do you document near-misses?

Mr. HALUSKA. When people go to the State Police and file a complaint, when people come into my office and file a complaint, that they almost had an accident because they almost ran into a buggy because they did not see it in time, and they want to know why they are not having any markings on their vehicles or the slow-moving triangle to alert them that they are a slow-moving vehicle ahead of them.

Mr. HESS. Just one more question.

Do they have any markings at all on the vehicles?

Mr. HALUSKA. As of now, no.

Mr. HESS. No markings at all?

Mr. HALUSKA. No.

Mr. HESS. Thank you, Madam Speaker.

If I may.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. HESS. I would just like to say that this is a standard across the State, and I think this is a safety issue, and I think that we ought to support the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Indiana County, Ms. Steelman, for the second time on the amendment.

Ms. STEELMAN. Thank you, Madam Speaker.

I want to reiterate that, yes, it is a safety issue. However, no evidence has been presented that suggests that the reflective tape that the Swartzentruber Amish propose to use is less safe than the orange triangle that PENNDOT wants to impose upon them. I do not think there is any question that having some kind of marking on a slow-moving vehicle is safer than nothing at all, but we have not seen any indication that one method of marking a vehicle is comparatively safer than the other. And I know, because we also have a significant Amish community in Indiana County, that having orange triangles on buggies does not mean that there are not near-misses and it does not mean that there are not accidents, and as far as I can see, if there is no perceptible difference in the degree of safety conferred by the two methods, that we should not be suppressing the religious expression of a minority religion just because, apparently, as some people are suggesting, it is a minority religion. The fact that it is not a system of belief for the majority of Amish does not mean that it is not a valid religious belief, and it is my contention that in the absence of evidence of a significant difference in safety, that we should respect the religious belief even of a rather small group of devout Pennsylvanians.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Blair County, Mr. Stern.

Mr. STERN. Thank you.

I was wondering if I could interrogate the chairman of the Transportation Committee?

The SPEAKER pro tempore. The gentleman agrees. You may

proceed.

Mr. STERN. Thank you, Madam Speaker.

Madam Speaker, I am looking at the language in the bill, and I understand the ramifications of the amendment as it was inserted in the Senate, what it was intended to do, and I know and I do believe that it is a religious rights issue by a particular sect of Amish.

My question to the chairman of the Transportation Committee, is this amendment drafted correctly or is the language that was inserted in the Senate inserted properly to do the intent, to protect this one particular sect that was having the problem that did not have the previous reflective tape on the buggies?

Mr. GEIST. Thank you very much.

Madam Speaker, the language that is in the bill currently is drafted wrong. The intent, I believe, is right. I believe that the language is wrong, and it is inclusive of everything statewide when it should be really a rifle shot that comes into this sect only.

I also believe that the department, working along with the courts and with the sect themselves, can come up with regulations that would satisfy their religious needs as well as meet the safety requirements of the State.

We in this General Assembly should not be about telling people how they should worship and what they should wear and what they should do, but we should be about the idea of what we have on the road to make it safe.

I believe that if the State Police in Ohio and Indiana can work this out, the State Police in Pennsylvania and the law firm that is representing the sect, Reed Smith, and others in the department can reach a compromise that Representative Haluska can come back to this body with language that will respect and honor their religious rights and at the same time make sure that the motoring public and the people in those buggies are protected.

The idea that 29 citations have been served and people are willing to go to jail for their religious freedom is a very, very serious issue that we all should address. It was not too many years ago that people like Representative Stern and his family and Representative Hershey and my family left Germany to come to Pennsylvania for religious freedom, and although our church, the Dunkards, have modernized, there are still some that are not. Penn established us for that purpose, and I believe that all of this can be worked out with the right language and the right intelligence and the right people working together, not writing citations against people in Cambria County.

The SPEAKER pro tempore. Is the gentleman finished answering Mr. Stern's question?

Mr. STERN. Well, I thank the chairman of the Transportation Committee for that comment.

I guess my question is, where does this put us right now with this amendment and with what you would like to see occur as chairman of the Transportation Committee?

Mr. GEIST. If I were to say what I was going to do right now, I would vote with Representative Haluska with the caveat that we come back and that the Transportation Committee in the House and the Senate work along with the State Police and the department and others interested to come up with a spec that will satisfy everyone.

Mr. STERN. Thank you, Madam Speaker.

With that recommendation, then I will in fact support the Haluska amendment as it is currently written with the caveat, hopefully, that the chairman and the House Transportation Committee will come back and address this particular issue with

this particular sect. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Thank you, Madam Speaker.

Madam Speaker, a couple of the speakers today basically presented some information like we were on trial. The trial has taken place; the judge has ruled. He wants to uphold the laws of Pennsylvania. I just hope that this House votes to uphold the laws that we have made in Pennsylvania, and please support the amendment. Thank you.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—167

Adolph	Egolf	Markosek	Schroder
Allen	Evans, D.	Marsico	Schuler
Argall	Evans, J.	Mayermik	Scrimenti
Baker, J.	Fairchild	McCall	Semmel
Baker, M.	Feese	McGeehan	Shaner
Bard	Fichter	McGill	Smith, B.
Barrar	Fleagle	McIlhattan	Smith, S. H.
Bastian	Flick	McIlhinney	Solobay
Bebko-Jones	Frankel	McNaughton	Staback
Belardi	Freeman	Melio	Stairs
Belfanti	Gabig	Michlovic	Steil
Benninghoff	Gannon	Micozzie	Stem
Bishop	Geist	Miller, R.	Stetler
Boyes	George	Mundy	Stevenson, R.
Brooks	Gordner	Myers	Strittmatter
Bunt	Grucela	Nailor	Sturla
Butkovitz	Gruitza	Nickol	Surra
Buxton	Habay	O'Brien	Tangretti
Caltagirone	Haluska	Oliver	Taylor, E. Z.
Cappelli	Hanna	Pallone	Taylor, J.
Casorio	Harhart	Perzel	Thomas
Cawley	Hasay	Petrarca	Tigue
Civera	Hess	Petrone	Travaglio
Clark	Horsey	Phillips	Trello
Clymer	Hutchinson	Pickett	Trich
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Colafella	James	Preston	Turzai
Coleman	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Wansacz
Corrigan	Kenney	Reinard	Washington
Costa	Krebs	Rieger	Waters
Coy	Lawless	Robinson	Watson
Creighton	Lederer	Roebuck	Williams, J.
Cruz	Lescovitz	Rooney	Wilt
Curry	Levdansky	Ross	Wojnaroski
Dailey	Lewis	Rubley	Wright, G.
Dally	Lucyk	Ruffing	Yewcic
DeLuca	Lynch	Sainato	Youngblood
DeWeese	Mackereth	Samuelson	Yudichak
DiGirolamo	Maitland	Santoni	Zimmerman
Donatucci	Major	Sather	Zug
Eachus	Mann	Scavello	

NAYS—29

Birmelin	Harhai	Leh	Rohrer
Blaum	Harper	Maher	Saylor
Browne	Hennessey	Manderino	Steelman
Cohen, M.	Herman	Metcalfe	Stevenson, T.
Daley	Hershey	Miller, S.	Vance

Dermody	Josephs	Pippy	Vitali
Forcier	Laughlin	Roberts	Walko
Godshall			

NOT VOTING—1

Diven

EXCUSED—5

Armstrong	LaGrotta	Wright, M.	Ryan,
Kirkland			Speaker

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. YUDICHAK offered the following amendment No. A3976:

Amend Title, page 1, line 14, by inserting after "AMOUNTS,"  
for occupational limited license,  
Amend Sec. 3, page 4, line 26, by inserting after "1547(C),"  
1553(b),

Amend Sec. 3, page 10, by inserting between lines 25 and 26  
§ 1553. Occupational limited license.

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(b) Petition.—

(1) The applicant for an occupational limited license must file a petition with the department, by certified mail, setting forth in detail the need for operating a motor vehicle. The petition shall be on a form prescribed by the department and shall identify the specific motor vehicle or vehicles the petitioner seeks permission to operate. The petition shall include an explanation as to why the operation of a motor vehicle is essential to the petitioner's occupation, work, trade or study. The petition shall identify the petitioner's employer and shall include proof of financial responsibility covering all vehicles which the petitioner requests to be allowed to operate. The department may require additional information as well as additional evidence to verify the information contained in the petition.

(2) The petitioner shall surrender his driver's license in accordance with section 1540 (relating to surrender of license). If the petitioner's driver's license has been lost or stolen, the petitioner shall submit an application for a replacement license, along with the proper fee. If the petitioner is a nonresident licensed driver, the petitioner shall submit an acknowledgment of suspension in lieu of a driver's license. If the petitioner's license has expired, the petitioner shall submit an application for renewal, along with the appropriate fee. All fines, costs and restoration fees must be paid at the time of petition.

(3) Consistent with the provisions of this section, the department shall issue an occupational limited license to the applicant within 20 days of receipt of the petition.

(4) (i) A person whose operating privilege has been suspended for a conviction of section 1543 (relating to driving while operating privilege is suspended or revoked) may not petition for an occupational limited license unless department records show that the suspension for a

conviction of section 1543 occurred only as the result of:

(A) a suspension for failure to respond to a citation imposed under the authority of section 1533 (relating to suspension of operating privilege for failure to respond to citation) or 6146 (relating to enforcement agreements);

(B) a suspension for failure to undergo a special examination imposed under the authority of section 1538(a) (relating to school, examination or hearing on accumulation of points or excessive speeding); [or]

(C) a suspension for failure to attend a departmental hearing imposed under the authority of section 1538(b).]; or

(D) a suspension that occurred as a result of a violation of section 1772(b) (relating to suspension for nonpayment of judgments), 1774 (relating to payments sufficient to satisfy judgments) or 1775 (relating to installment payment of judgments).

(ii) The petition may not be filed until three months have been served for the suspension under section 1543(a).

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On the question,  
Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Yudichak, for a brief explanation of the amendment.

Mr. YUDICHAK. Thank you, Madam Speaker.

What amendment 3976 would do would allow Pennsylvania drivers to get an occupational limited license who have entered into a payment plan and satisfied at least 3 months of that suspension before they can get that limited license.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Blair County, Mr. Geist.

Mr. GEIST. Thank you, Madam Speaker.

This is an agreed-to amendment. We would urge a "yes" vote.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Evans, J.	Major	Sather
Allen	Fairchild	Manderino	Saylor
Argall	Feese	Mann	Scavello
Baker, J.	Fichter	Markosek	Schroder
Baker, M.	Fleagle	Marsico	Schuler
Bard	Flick	Mayermik	Scrimenti
Barrar	Forcier	McCall	Semmel
Bastian	Frankel	McGeehan	Shaner
Bebko-Jones	Freeman	McGill	Smith, B.
Belardi	Gabig	McIlhattan	Smith, S. H.
Belfanti	Gannon	McIlhinney	Solobay
Benninghoff	Geist	McNaughton	Staback
Birmelin	George	Melio	Stairs
Bishop	Godshall	Metcalfe	Steelman
Boyes	Gordner	Michlovic	Steil
Brooks	Grucela	Micozzie	Stern
Browne	Gruitza	Miller, R.	Stetler
Bunt	Habay	Miller, S.	Stevenson, R.
Butkovitz	Haluska	Mundy	Stevenson, T.

Buxton	Hanna	Myers	Strittmatter
Caltagirone	Harhai	Nailor	Sturla
Cappelli	Harhart	Nickol	Surra
Casorio	Harper	O'Brien	Tangretti
Cawley	Hasay	Oliver	Taylor, E. Z.
Civera	Hennessey	Pallone	Taylor, J.
Clark	Herman	Perzel	Thomas
Clymer	Hershey	Petrarca	Tigue
Cohen, L. I.	Hess	Petrone	Travaglio
Cohen, M.	Horsley	Phillips	Trich
Colafella	Hutchinson	Pickett	Tulli
Coleman	Jadlowiec	Pippy	Turzai
Cornell	James	Pistella	Vance
Corrigan	Josephs	Preston	Veon
Costa	Kaiser	Raymond	Vitali
Coy	Keller	Readshaw	Walko
Creighton	Kenney	Reinard	Wansacz
Cruz	Krebs	Rieger	Washington
Curry	Laughlin	Roberts	Waters
Dailey	Lawless	Robinson	Watson
Daley	Lederer	Roebuck	Williams, J.
Dally	Leh	Rohrer	Wilt
DeLuca	Lescovitz	Rooney	Wojnaroski
Dermody	Levdansky	Ross	Wright, G.
DeWeese	Lewis	Rubley	Yewcic
DiGirolo	Lucyk	Ruffing	Youngblood
Donatucci	Lynch	Sainato	Yudichak
Eachus	Mackereth	Samuelson	Zimmerman
Egolf	Maher	Santoni	Zug
Evans, D.	Maitland		

NAYS—2

Blaum Trello

NOT VOTING—1

Diven

EXCUSED—5

Armstrong LaGrotta Wright, M. Ryan,  
Kirkland Speaker

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. VITALI offered the following amendment No. A3984:

Amend Sec. 3 (Sec. 1543), page 7, line 18, by striking out "two years" and inserting one year

On the question,  
Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Madam Speaker, I have three amendments. Could I do 3980 first?

The SPEAKER pro tempore. Would you like to temporarily withdraw the one that has been read?

Mr. VITALI. Please.



## AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER pro tempore. The gentleman requests that 3984 be temporarily withdrawn in order to offer amendment number— Please repeat the number.

Mr. VITALI. 3980.

The SPEAKER pro tempore. 3980.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. VITALI offered the following amendment No. A3980:

Amend Title, page 1, line 16, by striking out “AND” and inserting a comma

Amend Title, page 1, lines 16 through 18, by striking out “; PROVIDING FOR” in line 16, all of line 17 and “CITIES; AND FURTHER PROVIDING” in line 18 and inserting a comma

Amend Sec. 4, page 14, lines 8 through 30; pages 15 through 22, lines 1 through 30; page 23, lines 1 through 7, by striking out all of said lines on said pages

Amend Sec. 5, page 23, line 8, by striking out “5” and inserting  
4

Amend Sec. 6, page 23, line 15, by striking out “6” and inserting  
5

Amend Sec. 7, page 29, line 30, by striking out “7” and inserting  
6

Amend Sec. 8, page 32, line 16, by striking out “8” and inserting  
7

Amend Sec. 9, page 46, line 19, by striking out “9” and inserting  
8

Amend Sec. 10, page 47, line 13, by striking out “10” and inserting  
9

Amend Sec. 11, page 47, line 19, by striking out “11” and inserting  
10

Amend Sec. 12, page 48, line 8, by striking out “12” and inserting  
11

Amend Sec. 12, page 49, line 1, by striking out “9” and inserting  
8

Amend Sec. 12, page 49, line 2, by striking out “11” and inserting  
10

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Madam Speaker.

The bill in chief contains a segment that establishes in Philadelphia a red light camera program at, I am going to guess, about 8 or 10 intersections in Philadelphia. I do not know the exact number. Essentially, it is a system where a camera takes pictures of vehicles which cross through the intersection and automatically issues tickets to cars who have gone through that red light. What my amendment does is, basically, simply removes that provision from the bill.

I have a number of concerns with this system, and I would like to just outline those concerns. I think, first and foremost, I think this camera red light enforcement system just sort of reeks of Big Brotherism. Even if we concede it will help us enforce the

laws, I am wondering if we really want a society where we start over time having more and more TV cameras monitoring our conduct in various places just to make sure the laws are enforced. I think it is an intrusion on our privacy, and I think it simply just goes too far.

It is a slippery slope, I think, that we are going down when we enact this sort of legislation, and I think the New York Times editorialized against it, and I will just read very quickly. They said, “Is this but another step down the slippery slope toward a more intrusive, less private world, overseen by a government that supposedly has only the greater...good as its objective?” And I think— I am sorry; I just quoted from the Harrisburg Patriot. The New York Times goes as follows: “What’s next? Cameras to catch those smoking, using cell phones or not wearing seat belts? We’re all for traffic enforcement, but there is a danger that this technology could ultimately be used to monitor the comings and goings of citizens.”

I think the New York Times also called this system an Orwellian cash cow, and I think that term, “Orwellian cash cow,” underscores two problems: one, the Orwellian nature of this surveillance in our day-to-day lives, but two, the fact that it has become a cash cow for many municipalities; it really can generate ticket after ticket after ticket, and there is a danger in this system and there have been problems reported in the past. By manipulating the length of the yellow light, you can greatly increase the number of tickets and in fact the amount of revenue for a municipality. So there is that danger when you have a system

like this, that it simply becomes a revenue device for a municipality, and that is not being fair to our constituents.


Now, the maker of the bill might point out that there is a limiting factor in this bill that limits it to 5 percent of the municipality’s budget, but we are dealing with a city budget of \$3.1 billion. So 5 percent of \$3.1 billion is \$155 million or 1.5 million tickets as a limit. That is not much of a limit since that is about how many people live in Philadelphia with a couple of thousand extra tickets for the suburbs. So there is really not a limit on this bill as far as tickets.

I think another concern with this system is, the way the system is set up it really compromises some basic due-process rights we have become used to as citizens, and I think the first and most basic right is the presumption of innocence. The reality is, under this system, if a car you own drives through and gets a ticket, you are in fact presumed guilty. You are presumed guilty as the owner of the car even though it may have been your son or your neighbor or someone else who has made the infraction.

I think the second infringement on due process is the burden of proof. Generally, the prosecution should have the burden of proof under our system of justice, but in this system it shifts to the citizen to prove he is not guilty as opposed to the Commonwealth proving he is guilty as far as whether that person was the driver or not.

And I think a third basic right this system infringes upon is the right of someone to confront those testifying against him. Under this, police officers do not have to come to trial and testify.

Madam Speaker, I think another problem with this system is it could potentially — and this is probably more important to Philadelphia legislators — this system could take revenues away from the city of Philadelphia, because under the system as it is currently set up — well, under the present system moneys for tickets in Philadelphia go to the city of Philadelphia, so you get



that revenue. If you go through a red light, pay a \$100 fine, that money goes to the city. Under this system this would go to the Philadelphia Parking Authority and eventually to a fund in the State to be used for State purposes. So fines under this system do not go to the city but go to the State. So that is something Philadelphia legislators might want to be concerned about.

Another problem with this system is that – and this has been advanced in a recent study by a Republican Federal Representative, Dick Arney. His contention is that you can reduce these intersection problems, you can reduce these collisions in intersections, which this system is attempting to address, by lengthening the length of the yellow light. His study has shown if you lengthen the length of the yellow light, you will decrease the number of accidents in an intersection. So he would suggest, rather than using this system with its problems, that the problem be approached in a different way.

I think, finally, there is a certain political problem with that, and that is that under this bill, SB 238, and under this system which is being laid out, it is being administered by the Philadelphia Parking Authority, I mean, whose basic job is to find parking spots for cars and enforce parking violations. Logically, you would expect this to go to the department of streets because they enforce red light violations currently, and I think, obviously— Well, there has been a trend in this House and I think it is basically simply raw politics to move more and more traditional city functions away from the control of the elected city officials and into, well, the parking authority being the first, the schools, and this. It is simply, I would call it, a part of a power grab, if you will.

So I think the final problem with this bill is that it inappropriately shifts enforcement of red light enforcement and traffic enforcement to the Philadelphia Parking Authority, which I would suspect is inappropriate.

So for those reasons I would ask for a “yes” vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the lady from Indiana County, Ms. Steelman.

Ms. STEELMAN. Thank you, Madam Speaker.

Orwellian cash cow sounds about right.

In my district office, as in many district offices, my staff spends a significant amount of time helping constituents from western Pennsylvania deal with parking tickets that have been issued to them by the Philadelphia Parking Authority in error, charging them for parking violations they have not committed, in cars they do not own, on days that they could not physically have been anywhere near Philadelphia.

With the establishment of the red light camera system in New York City, we have now begun to get people walking into the district office who are getting summonses from New York City for violations committed by cars that they do not own, on days that they could not have been in New York City, and looking at the picture, quite obviously committed by license plates that are not license plates owned by the constituent who is in the office saying, why am I getting this bill? This has nothing to do with me. This is another exciting clerical error, and when a clerical error can cost you \$100, I think you are right to get a little agitated about it.

I do not think that those of us who try to help our constituents out with the transportation problems that they already have need another stream of constituents coming into our office because they have gotten erroneously ticketed by the Philadelphia Parking Authority. Please join Representative Vitali and me in getting rid

of this program. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Blair County, Mr. Geist.

Mr. GEIST. Thank you very much, Madam Speaker.

I would just like to compliment Representative Vitali for coming over and joining with another good liberal, Representative Arney. I think that that is a very good political move to make.

I rise today to support this, and I believe that every one of the contentions that the Representative has made can be knocked down.

First and foremost, this is a safety issue. It is not a revenue enhancement issue at all. Two of the most dangerous intersections in the United States are spelled out in this bill, and if we in this General Assembly can give the tools to the Philadelphians in an experimental program that will ensure public safety, ensure that we have less accidents, less killings, less maimings in these intersections, I believe that we should try it in this program.

The moneys that are collected from this program that are not used to administer the program will go into the enhancement programs, and for people like Representative Steelman and others, that is money for the Ghost Town Trail and other enhancement projects throughout the State.

This technology now has been proven. Only the owner of the vehicle is cited. The provisions are there for the owner of that vehicle to inform the traffic court that they were not part of that process. The time, the dwell times are fixed. The lights cannot be played with to increase the number of citations written. There is no incentive to increase the number of citations written because there is no financial enhancement for the city of Philadelphia to do this. The only motivating factor that the city of Philadelphia should have now is the safety of motorists in those intersections. This technology will be tried, and for 120 days, only – only – warnings will be issued. After 120 days then the program kicks in and fines will be assessed to the vehicle.

I believe it is time that we tried something like this. I believe that if you study those intersections that are named and the history of those intersections which were provided to us by that administration, you will find that this program makes sense, it works, and all the arguments that were made against it are truly frivolous.

I would urge a “no” vote on the amendment and a “yes” vote on the bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, I confess that like Representative Vitali on traffic matters, I am a Dick Arney Democrat. I think the retiring Republican leader in the U.S. Congress is right in his concern for the civil liberties implications of this. I think he is also right in being concerned that this is just another big-government enhancement tool by which people are taxed on the whimsical matter of what streets they drive through.

Hundreds of thousands of Philadelphians drive through these intersections every day; so probably do hundreds of thousands of residents of Bucks County and countless thousands – I have no way of knowing how many – from Montgomery and Delaware Counties.

In addition, Madam Speaker, it is our experience that no technology works perfectly. There always are errors of one kind or another, and the more tickets that are issued, the more errors there are going to be. Even if only one-tenth of 1 percent of traffic

tickets issued under this plan are issued in error, that is going to be a lot of traffic tickets because there are going to be so many tickets potentially issued. If you have 1.5 million tickets issued a year out of these five intersections and just a tiny fraction of them are issued in error, that could be many, many thousands of erroneous tickets issued in error that will take up our time and the time of our district staff.

I favor traffic safety measures. This measure may prove to be a traffic safety measure; that remains to be seen, but certainly this is an excellent revenue generation measure, and while Philadelphia and Bucks Counties are the counties that are most heavily going to have revenue generated from them, I am sure every county in this State is going to have people getting some tickets at some time.

I join Mr. Vitali in urging a “no” vote on this measure.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Elk County, Mr. Surra.

Mr. SURRA. Thank you, Madam Speaker.

Madam Speaker, I rise in support of the Vitali amendment.

Innocent until proven guilty; innocent until proven guilty. It is one of the foundation blocks of our Constitution. This red light scheme throws that out the window. Sure, it is a public safety issue, but we could certainly make this country a lot safer with changes in law enforcement if we are willing to shred the Constitution.

Madam Speaker, it does away with due process. I will give you some examples. Let us say my son is a college student in Philadelphia. He is driving a car registered in my and my wife’s name. He lets one of his friends borrow his car. Three months later we get a fine in the mail. I call my son up. “Did you run a red light in Philadelphia?” “Jeez, Dad, I don’t remember doing that.” But I am guilty; I am guilty because my son let someone use my car and he ran a red light. There is something inherently wrong with that system, Madam Speaker, and this is what we are advocating on the House floor today? In the interest of public safety we are going to pass something like this?

Madam Speaker, I constantly, representing a rural district in Pennsylvania, am forced to advocate for my constituents because of parking tickets that they receive in Philadelphia. They have never been in Philadelphia. So I have to make the phone calls and go jump through the hoops. In fact, one time a man with a motorcycle in the middle of February received a parking ticket in Philadelphia. Now, his motorcycle was in storage back in Elk County, but we still had to jump through the hoops.

What are we going to do with this? If an individual cannot walk behind a car, record a license plate on a ticket sheet, and send it in properly, they are going to be able to read a photo of a car passing through an intersection accurately?

Madam Speaker, for all of those reasons and especially for what it does to our constitutional right to due process, I urge a “no” vote for this. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Dauphin County, Mr. McNaughton, on the amendment.

Mr. McNAUGHTON. Thank you, Madam Speaker.

I, too, rise in support of the Vitali amendment.

Similar concerns with those folks who have spoken earlier, but I would like to take it a little bit further than that. There are no provisions in this bill to prevent the manipulation of these cameras to expand the scope of the surveillance beyond a traffic vehicular stop. That is going even further down the slippery slope than this bill proposes to do.

We heard earlier that these intersections are the two most dangerous intersections in the United States in this proposed bill. If you know that already, why is it that you are not enforcing the traffic violations at those intersections already?

I do not believe that we need to install cameras and expand the scope of surveillance by government into our lives further, and I urge a “yes” vote on the Vitali amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Kenney, on the amendment.

Mr. KENNEY. Thank you, Madam Speaker.

I rise to oppose the Vitali amendment.

The gentleman from Philadelphia used the term “whimsical matter” as you travel roads throughout Philadelphia. Well, when people are dying on Roosevelt Boulevard because of red light runners, I think we need recourse, and those innocent citizens that travel those roadways, whether they be from Philadelphia, Bucks County, or anywhere else in this Commonwealth, need an answer.

And to the gentleman prior that just spoke about the police, this is a police matter. Police would issue the tickets. We have had police sit at these intersections, but with the mass and the number of cars that travel Roosevelt Boulevard, they just cannot keep up with the violators.

So the other issue of intrusion. I do not believe taking a picture of someone’s bumper and their license plate is so intrusive when you are trying to save lives is an issue.

And this is a “may” provision. The gentleman from Delaware County spoke about political implications in the city of Philadelphia and revenue loss. This provision in this legislation would allow the city council of Philadelphia to move forward on this pilot program if they saw fit to move forward. It says they can do this. We give them the authority to move forward for 120 days.

So I stand with the police force in the city of Philadelphia and with law enforcement and those concerned about safety – Mothers Against Drunk Driving and others – to ask you to vote “no” on the Vitali amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Cohen, for the second time.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, several people have pointed out to me that I misspoke at the conclusion of my statement. I share the concerns that have been raised about the dangers of this. I am not convinced that preventing an accident here or there, as this amendment may well do, is worth the tremendous inconvenience that it will cause to many, many thousands of people over the upcoming years.

I support the Vitali amendment, and I urge a “yes” vote on the Vitali amendment in order to defeat this plan.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Westmoreland County, Mr. Casorio.

Mr. CASORIO. Thank you, Madam Speaker.

Briefly, I wanted to let the membership know that I am also supporting the Vitali amendment to strip this language.

My local law enforcement officials, the Fraternal Order of Police Allegheny Valley Lodge No. 39 that serves Armstrong County, parts of Allegheny County, Westmoreland County, they are opposed to this provision; they are opposed to this amendment.

They are concerned about the potential for fraud abuse and also for the potential taking of law enforcement officers' jobs.

So I ask for an affirmative vote on the Vitali amendment in support of Allegheny Valley Lodge F.O.P. No. 39. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Perzel, on the amendment.

Mr. PERZEL. Thank you, Madam Speaker.

Madam Speaker, this is about safety; it is not about collecting fines. That is not the intent. That is why we put the money in the Pennsylvania Motor License Fund and not in the city of Philadelphia.

There is no particular reason why anyone would try to give out additional fines when the local municipality is not the beneficiary of the additional money that would be coming in. You only get a ticket if you are guilty. Now, I understand that there are always victims out there – as Mr. Keller told me, he is a victim of Breyer's vanilla ice cream – but there are always victims out there who may lend their car to someone who does not follow the rules the way they are supposed to and ends up with a ticket. That can always happen, Madam Speaker.

But if you look at the city of Philadelphia and the roads that are traveled there, the number of total crashes between 1996 and the year 2000, on Interstate 95 it was 2,145; personal injuries were 2,390. On Interstate 76 there were 1,500 crashes with 1,600 injuries, 9 deaths; 37 deaths on Interstate 95. On the five intersections, two of them – one in Representative Kenney's area, one in my area – are two of the highest traffic intersections in the country. Along U.S. 1, which is one of the most heavily traveled routes in the country, the number of total crashes is 2,700, 20 percent higher than Interstate 95 or Interstate 76, and the number of personal injuries is up 33 percent over Interstate 95 or Interstate 76 at 3,800, most of those occurring at five intersections, three of which are in the 172d Legislative District, albeit the new 172d Legislative District, and one of those is in Representative Butkowitz's and the other is in Representative Kenney's area, of the five worst intersections.

We are asking for an opportunity, number one, to slow people down when they come to the intersection, and number two, to stop them from going through the red lights. Right now in the city of Philadelphia red lights killed 16 people last year and there were 4,782 injuries, Madam Speaker. It is the leading cause of traffic accidents and fatalities in Philadelphia, people not slowing down and not stopping for the red lights, Madam Speaker.

And talk about letters of support. The mayor of the city of Philadelphia has indicated that he is for it. I have a letter from the mayor. The police commissioner is for this on a pilot basis to see how it works, the county detectives, Mothers Against Drunk Driving, the National Campaign to Stop Red Light Running, Advocates for Highway and Auto Safety, and the Insurance Federation.

Madam Speaker, we are asking for an opportunity, truthfully, to talk about safety and stop letting people have accidents and get killed at these intersections. It is not about fines; it is not about Philadelphia collecting additional money. It is about stopping people at red lights and not letting them run through.

For those reasons I would ask that we vote "no" on the Vitali amendment to strip out this piece of legislation, this amendment to that piece of legislation.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Clearfield County, Mr. George,

on the amendment.

Mr. GEORGE. Thank you, Madam Speaker.

Madam Speaker, I would not want what I am about to say taken out of any context that I was not as concerned about safety as the majority leader. I know we all are. I just ask the majority leader, if safety is what we are concerned about, then we had better start doing something about all these trash trucks that are running up and down the roads in Pennsylvania committing offenses and causing the fatalities, as it happened here a couple of months ago. So if we are talking about safety, let us talk about safety all over and let us support the Vitali amendment. Thank you.

Mr. PERZEL. Madam Speaker?

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Surra, for the second time.

Mr. SURRA. Thank you, Madam Speaker.

Very briefly.

The SPEAKER pro tempore. Can we please have order. We have several more speakers.

Mr. SURRA. I have all night.

The gentleman, Mr. Arney, Congressman Arney, got involved because of the thousands of errors that were involved in this system in Washington, and that is why he is opposed to this type of thing.

I just want to address a statement made by the gentleman, the majority leader, that you are only guilty unless you break the law. That is the point. You can be guilty and you are not the one that broke the law.

I support the Vitali amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Madam Speaker.

The issue has been defined both by the Transportation chair and the majority leader as an issue of safety. If indeed the issue is safety, then why should we only be safe in Philadelphia? Why does this not apply across the Commonwealth, Madam Speaker?

We are told it is an experiment. It is an experiment that is only to be applicable to Philadelphia in the future. I wonder what the real interest here is. If indeed we have bad intersections everywhere, why test them only in one locality? How does this affect the rest of the State if indeed it works in Philadelphia? Do we do this in other places? The language here is not clear.

Further, I remember very well when we had a problem with license plates and license plates being damaged. We did an experiment in Philadelphia where we put stickers in the windows, and you know what? The experiment worked, and guess what happened? We are not doing it anymore.

So the reality is that we can talk about an experiment, but unless there is some intent to carry the law forward and apply it everywhere and apply it in a fair way, it does not mean much. In fact, it means nothing at all.

We are told that there are accidents in intersections, and that certainly is something we all should be concerned about, but this does not stop accidents, Madam Speaker; it does not stop accidents.

We are told that the police cannot keep up with the volume of cars going through an intersection. That is nonsense, Madam Speaker. I believe that the police can do the job that they are called upon to do, and I do not think that they lack the ability to deal with a situation because there are volumes of cars going through an intersection.

This amendment of Mr. Vitali's is a good amendment.

It deserves our support. I hope that the legislature will indeed vote for this amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Philadelphia, Ms. Bishop, on the amendment.

Ms. BISHOP. Thank you, Madam Speaker.

I rise in opposition to the Vitali amendment, and I certainly would like to ask all of you to do so for this simple reason: the traffic in Philadelphia on major streets moves too fast. I live at the corner of Route 1 or City Avenue. There is never a week that someone at that corner does not get hurt or there is not an accident, because the traffic is flowing too fast on City Avenue. In a 45-mile speed zone, the traffic night and day is usually 55, 60 miles an hour. We cannot afford to put police on the street to stand and watch cars all night and all day. This device would help to slow down the traffic flow on City Avenue or Route 1 avenue.

In addition to that, it would help to prevent accidents. I cannot say to you that it is not a moneymaker. I do not know, but I do believe that it will certainly save lives on City Avenue and main thoroughfare streets. I welcome something that would slow that particular traffic flow down so that every week I do not have to go out, do not have to call the police, and do not have to hear the screeching of tires and sometimes the crying of people who have been harmed by the speed on City Avenue. We need something to slow it down.

As far as those who say that it offers an opportunity for them to get a ticket when they were not driving their car, I do need to remind you that we are all responsible for our cars. No matter whether we have loaned it to a kid and that kid has loaned it to someone else or not, it is our car. We are held responsible for it. When there is a picture taken, as I understand this, if that is not your car and you are in error, you have the same chance of going before a judge and hearing what your concerns are as you would do if you had received a written violation.

To those of our colleagues who have been afraid because they do not live in Philadelphia and have gotten tickets that have been written to them, they have had to go to court on citations that were written, or either they have had to pay the fine, then the same thing happens here. If you get a ticket if they flashed your car, you do not feel that it was your car, you go to court, you fight it, or you pay the fine.

I think the Vitali amendment is an amendment that should be voted down to give those of us who live in areas where the traffic should be slowed down an opportunity to save lives, and I thank you for your negative vote.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Vitali, for the second time.

Mr. VITALI. Thank you, Madam Speaker.

Let me just address some of the points that have been made. I think the first point is I have no doubt that placing cameras at intersections may help enforce the laws. I think you could enforce all sorts of laws better if you placed surveillance cameras throughout our society, throughout our public buildings and private streets. The question really is, do we want a world and a society where we are under this surveillance of cameras to make sure laws are enforced? I would suggest that that is not the kind of society I would choose to live in.

I also would suggest and I also sympathize with the fact that these are dangerous intersections, but there are other ways to deal

with those dangers. Representative Arney suggested lengthening of yellow lights, certainly increased enforcement, certainly other measures. There are other things you can do besides placing surveillance cameras around.

I also would like to point out, in perhaps an argument to the majority leader, I think there is an enormous financial incentive here, and that is one of the dangers of this system, and that is why the Philadelphia Daily News really condemned this system under the recent editorial, "Parking Authority is still hungry." They call it "...yet another power-grab proposal aimed at expanding Parking Authority turf..." and they talked about in that that the program is nonetheless a, quote, "...financial windfall for the agency. As system administrator, the Parking Authority would be compensated for all its costs – including an untold number of new jobs created to implement the program.

"Known mainly for its patronage-bloated payroll, the Parking Authority's latest gambit is its second stab at broadening its powers – and workforce – this week."

So I would argue that, yes, in fact, according to the Philadelphia Daily News and history we are dealing with here, there is a great incentive to ticket people.

I would also refute the fact, the contention, that if you are convicted wrongly, if you are accused wrongly by these cameras, you can simply go to court. The fact of the matter is, if you get a \$100 ticket, is it really worth your time to go to court? Of course it is not. You really do not have that. It is not really a realistic option.

The gentleman from the northeast made the point that this is a police matter, and I agree it is a police matter. So why do we have the parking authority involved in this thing as this bill would do? Well, my amendment would strip out "Parking Authority," because it is in fact, I agree with the gentleman from the northeast, this is a police matter. This is not a parking authority matter.

That really concludes my remarks, and I would ask for an affirmative vote. Thank you.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—49

Barrar	Gordner	Melio	Stairs
Bebko-Jones	Gruitza	Mundy	Steelman
Belardi	Habay	Nickol	Stetler
Blaum	Haluska	Pallone	Stevenson, R.
Caltagirone	Hanna	Reinard	Surra
Casorio	Hutchinson	Roebuck	Tigue
Cohen, M.	Josephs	Sainato	Veon
Coy	Levdansky	Samuelson	Vitali
Curry	Manderino	Saylor	Wansacz
Eachus	McIlhattan	Scrimenti	Wright, G.
Fairchild	McIlhinney	Solobay	Yewcic
Freeman	McNaughton	Staback	Yudichak
George			

NAYS—146

Adolph	Diven	Lucyk	Ross
Allen	Donatucci	Lynch	Ruffing
Argall	Egolf	Mackereth	Santoni
Baker, J.	Evans, D.	Maher	Sather
Baker, M.	Evans, J.	Maitland	Scavello
Barb	Feese	Major	Schroder

Bastian	Fichter	Mann	Schuler
Belfanti	Fleagle	Markosek	Semmel
Benninghoff	Flick	Marsico	Shaner
Birmelin	Forcier	Mayernik	Smith, B.
Bishop	Frankel	McCall	Smith, S. H.
Boyes	Gabig	McGeehan	Steil
Brooks	Gannon	McGill	Stern
Browne	Geist	Metcalfe	Stevenson, T.
Bunt	Godshall	Michlovic	Strittmatter
Butkovitz	Grucela	Micozzie	Sturla
Buxton	Harhai	Miller, R.	Tangretti
Cappelli	Harhart	Miller, S.	Taylor, E. Z.
Cawley	Harper	Myers	Taylor, J.
Civera	Hasay	Nailor	Thomas
Clark	Hennessey	O'Brien	Travaglio
Clymer	Herman	Oliver	Trello
Cohen, L. I.	Hershey	Perzel	Trich
Colafella	Hess	Petrarca	Tulli
Coleman	Horsey	Petrone	Turzai
Cornell	Jadlowiec	Phillips	Vance
Corrigan	James	Pickett	Walko
Costa	Kaiser	Pippy	Washington
Creighton	Keller	Preston	Waters
Cruz	Kenney	Raymond	Watson
Dailey	Krebs	Readshaw	Williams, J.
Daley	Laughlin	Rieger	Wilt
Dally	Lawless	Roberts	Wojnaroski
DeLuca	Lederer	Robinson	Youngblood
Dermody	Leh	Rohrer	Zimmerman
DeWeese	Lescovitz	Rooney	Zug
DiGirolamo	Lewis		

NOT VOTING—2

Pistella Rubley

EXCUSED—5

Armstrong LaGrotta Wright, M. Ryan,  
Kirkland Speaker

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. VITALI reoffered the following amendment No. A3984:

Amend Sec. 3 (Sec. 1543), page 7, line 18, by striking out "two years" and inserting one year

On the question recurring,  
Will the House agree to the amendment?

AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Madam Speaker, could we temporarily pass over that amendment and consider 3985, because it is a related matter.

The SPEAKER pro tempore. Mr. Vitali temporarily withdraws this amendment in order to offer amendment 3985.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. VITALI offered the following amendment No. A3985:

Amend Sec. 4 (Sec. 3112.1), page 19, line 8, by striking out "PARKING AUTHORITY" and inserting Department of Streets

On the question,  
Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Madam Speaker.

This amendment is a much more limited amendment in its scope. It deals with the same section which deals with red light enforcement but it only deals with those several lines that give authority to administer this to the Philadelphia Parking Authority. Instead, what it does is transfer the authority to administer this to the Philadelphia Department of Streets. Now, the Philadelphia Department of Streets is a much more appropriate entity to administer this because they administer the other matters relating to the enforcement of red lights and drivers who go through red lights. So it is the same agency.

I will just refresh members with regard to the Daily News editorial which talked about the problems and the politics and the bad politics of assigning this to the Philadelphia Parking Authority. If we really believe in this system, if we really believe in its merits, let us give it to the agency in Philadelphia that deals with the enforcement of red light violations. That is the department of streets; it is not the parking authority.

So I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman, Mr. Kenney.

Mr. KENNEY. Thank you, Madam Speaker.

As a Philadelphia legislator, let me just correct Mr. Vitali. The streets department has absolutely nothing to do with the enforcement of traffic signals in Philadelphia. So if that is his argument why we should now give it to a department that has nothing to do with enforcement, that is a flawed argument. So I would ask you to defeat this amendment.

Presently, the parking authority enforces these violations. The police would issue these citations and send them to, you know, to those that violate the law. The streets department has nothing to do with enforcement presently and I am sure would not want this new added procedure in their department.

Thank you, and I ask for a negative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, I do not know whether the streets department wants it or not. If the streets department does not want it, they might not want it because they are accountable to elected officials in the city of Philadelphia, whereas the parking authority is not accountable to elected officials in Philadelphia or elected officials anywhere else in this Commonwealth.

It would seem to me, Madam Speaker, that if you want more traffic tickets issued, you vote against this proposal. If you want

fewer traffic tickets issued, you vote for this proposal. I favor fewer traffic tickets, and I am for this proposal.

I also favor administration by civil servants instead of patronage workers. This amendment is pro-civil service and anti-patronage as well as being for fewer tickets as opposed to more tickets.

I urge support for this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Could we have some order in the hall of the House, please. Could we have some quiet.

The Chair recognizes the gentleman, Mr. McCall, on the amendment.

Mr. McCALL. Thank you, Madam Speaker.

Madam Speaker, I would ask the members to approve the Vitali amendment.

I like the idea of putting enforcement in the streets department, because with enforcement going or oversight going to the streets department, the accountability will be to the borough council; the accountability will be to the mayor. With it under the auspices of the parking authority, the accountability is to the parking authority. No elected members on that parking authority.

I think if we want accountability in this legislation, support the Vitali amendment, put it with the streets department, and make those individuals accountable to elected officials who are going to respond to the concerns that individual constituents may have in the city of Philadelphia.

I would ask for the support of the Vitali amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Perzel.

Mr. PERZEL. Thank you, Madam Speaker.

I have in front of me a letter from the mayor of the city of Philadelphia, Mayor John Street, who indicates that he is for the provisions of this particular piece of legislation, Madam Speaker, and he runs the department of streets in the city.

I do not know whether – I have to apologize – I do not know how all the counties are run, but in the city of Philadelphia, the department of streets is basically responsible for potholes and putting up signs, Madam Speaker. They do do the timing for the red lights, I will admit that, but they have no agency that could administer tickets; they have no administration that could send out the tickets; and they have no way to collect the tickets right now. You would need an entire new bureaucracy set up to do all of the things I just mentioned.

For those reasons I would respectfully ask the members to oppose the Vitali amendment, Madam Speaker.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—47

Bebko-Jones	DeWeese	Lucyk	Stetler
Belardi	Eachus	McCall	Sturla
Belfanti	Freeman	Melio	Surra
Blaum	George	Michlovic	Tigue
Caltagirone	Grucela	Mundy	Veon
Casorio	Gruitza	Pallone	Vitali
Cohen, M.	Haluska	Roebuck	Walko
Colafella	Hanna	Samuelson	Wansacz
Corrigan	Josephs	Santoni	Wright, G.
Coy	Lawless	Scrimenti	Yewcic

Curry	Lescovitz	Staback	Yudichak
Daley	Levdansky	Steelman	

NAYS—150

Adolph	Fairchild	Manderino	Ruffing
Allen	Feese	Mann	Sainato
Argall	Fichter	Markosek	Sather
Baker, J.	Fleagle	Marsico	Saylor
Baker, M.	Flick	Mayernik	Scavello
Bard	Forcier	McGeehan	Schroder
Barrar	Frankel	McGill	Schuler
Bastian	Gabig	McIlhattan	Semmel
Benninghoff	Gannon	McIlhinney	Shaner
Birmelin	Geist	McNaughton	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Boyes	Gordner	Micozzie	Solobay
Brooks	Habay	Miller, R.	Stairs
Browne	Harhai	Miller, S.	Steil
Bunt	Harhart	Myers	Stern
Butkovitz	Harper	Nailor	Stevenson, R.
Buxton	Hasay	Nickol	Stevenson, T.
Cappelli	Hennessey	O'Brien	Strittmatter
Cawley	Herman	Oliver	Tangretti
Civera	Hershey	Perzel	Taylor, E. Z.
Clark	Hess	Petrarca	Taylor, J.
Clymer	Horsey	Petrone	Thomas
Cohen, L. I.	Hutchinson	Phillips	Travaglio
Coleman	Jadlowiec	Pickett	Trello
Cornell	James	Pippy	Trich
Costa	Kaiser	Pistella	Tulli
Creighton	Keller	Preston	Turzai
Cruz	Kenney	Raymond	Vance
Dailey	Krebs	Readshaw	Washington
Daily	Laughlin	Reinard	Waters
DeLuca	Lederer	Rieger	Watson
Dermody	Leh	Roberts	Williams, J.
DiGirolamo	Lewis	Robinson	Wilt
Diven	Lynch	Rohrer	Wojnaroski
Donatucci	Mackereth	Rooney	Youngblood
Egolf	Maher	Ross	Zimmerman
Evans, D.	Maitland	Rublely	Zug
Evans, J.	Major		

NOT VOTING—0

EXCUSED—5

Armstrong	LaGrotta	Wright, M.	Ryan,
Kirkland			Speaker

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. VITALI reoffered the following amendment No. A3984:

Amend Sec. 3 (Sec. 1543), page 7, line 18, by striking out “two years” and inserting  
one year

On the question recurring,  
Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Madam Speaker.

Madam Speaker, this amendment deals with a somewhat obscure section of the bill which, as I read the bill, struck me as imposing a penalty out of line with the rest of the bill. I understand there may not be a lot of patience or tolerance for this sort of detailed discussion at this hour, but I think it is important that we do justice in this system, so please bear with me, if you would.

We are dealing with the section of the bill that deals with people who are driving under a suspended license, whose license is suspended because it is DUI (driving under the influence) related, and they have .02 blood alcohol content in their system or perhaps the equivalent of less than a beer. So you are dealing with a person who is driving under a suspended license and it is suspended because he was DUI, and he does have some trace content of alcohol in his system.

Now, under the bill as it stands, under the bill as it stands, first offense is 90 days, second offense is 6 months, third offense is 2 years. Now, what struck me is that final 2 years was too big of a jump. What I am proposing is we keep the first offense at 90 days, second offense at 6 months, third offense at 1 year. So that is, the change in this amendment would simply be for a third offense, driving under a suspended license, not driving while intoxicated but driving under a suspended license, simply your penalty would be 1 year in jail instead of 2 years in jail, because you could have a situation where you get picked up for drunk driving, your license is suspended, and three consecutive weekends you go out, you have one beer, and you just keep getting your license suspended, and that third time would be 2 years in jail. I would suspect if you are dealing with a person who continues to drive under a suspended license, you are probably dealing with an alcoholic, a person with an alcohol problem, and probably just exponentially increasing jail is probably not the better approach. And I also would suggest to you that the cost of keeping someone in jail is about \$27,000 a year, so you probably should just be cognizant of that. So I am simply suggesting for a third offense, a third offense should be 1 year in jail for driving while under a suspended license instead of 2 years.

I will say this: Current law, if you did this same offense under current law, I believe it would just be either 90 days, 90 days or 6 months. It would be much less. Even if you pass my amendment, it is still significantly more than current law. And I know the arguments, we should not coddle people like this, yadda yadda yadda, but let us look in absolute terms at what we are doing. Even if you vote for my amendment, you are increasing the penalty. You just have to take a look at the crime versus the punishment.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Madam Speaker.

I think since I have been here in the House, this is probably the easiest amendment I have ever had to suggest to this chamber that we definitely oppose.

You know, in society today one of our biggest problems on our highways is DUIs, and we still have not solved that problem as we pass tougher and tougher legislation. And throughout this State and this Commonwealth, every day people are dying on a regular basis from people who have committed crimes of driving while drinking, and to say that on the third time we are going to let you off with a lesser penalty than what we currently give is ridiculous.

You know, it is lucky on the third time we do not put them away with three strikes and you are out of here.

The people of this Commonwealth need to feel that if you have been given two previous chances, you no longer deserve the opportunity to drive on our highways and kill our children or kill some other innocent victim who may be even in your car. This is just kind of an outlandish amendment that I believe should easily, by all of us with our clear conscience, vote it down today.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Carbon County, Mr. McCall.

Mr. McCALL. Thank you, Madam Speaker.

Madam Speaker, I would ask the members to oppose the Vitali amendment. I agree with the previous speaker. The Vitali amendment would simply do nothing. It would just create a penalty or impose a penalty that currently is in statute.

What this language does and this legislation says is, if you have a third DUI offense and subsequent offense and there is a mitigating circumstance, and that mitigating circumstance is that you have alcohol in your system with that third and subsequent violation, that your prison term is now not only going to be a year, it is going to be 2 years. I think that is what we want to do. We want that habitual offender off the road and maybe in prison for 2 years to get some help.

This amendment is not a good amendment, and I would ask the members to oppose it.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Mr. Melio.

Mr. MELIO. Thank you, Madam Speaker.

I would just like to remind my colleagues that we had an accident in my district where a lady hit a youngster in front of the high school while she was under the influence. She killed the youngster. She had 30 violations while driving with a suspended license – 30.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes— Does the gentleman, Mr. Vitali, wish to be recognized?

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—8

Bebko-Jones	Freeman	Pallone	Vitali
Cohen, M.	Lucyk	Scrimenti	Wright, G.

NAYS—189

Adolph	Evans, D.	Maitland	Santoni
Allen	Evans, J.	Major	Sather
Argall	Fairchild	Manderino	Saylor
Baker, J.	Feese	Mann	Scavello
Baker, M.	Fichter	Markosek	Schroder
Bard	Fleagle	Marsico	Schuler
Barrar	Flick	Mayernik	Semmel
Bastian	Forcier	McCall	Shaner
Belardi	Frankel	McGeehan	Smith, B.
Belfanti	Gabig	McGill	Smith, S. H.
Benninghoff	Gannon	McIlhattan	Solobay
Birmelin	Geist	McIlhinney	Staback



Bishop	George	McNaughton	Stairs
Blaum	Godshall	Melio	Steelman
Boyes	Gordner	Metcalfe	Steil
Brooks	Grucela	Michlovic	Stern
Browne	Gruitza	Micozzie	Stetler
Bunt	Habay	Miller, R.	Stevenson, R.
Butkovitz	Haluska	Miller, S.	Stevenson, T.
Buxton	Hanna	Mundy	Strittmatter
Caltagirone	Harhai	Myers	Sturla
Cappelli	Harhart	Nailor	Surra
Casorio	Harper	Nickol	Tangretti
Cawley	Hasay	O'Brien	Taylor, E. Z.
Civera	Hennessey	Oliver	Taylor, J.
Clark	Herman	Perzel	Thomas
Clymer	Hershey	Petrarca	Tigue
Cohen, L. I.	Hess	Petrone	Travaglio
Colafella	Horsey	Phillips	Trello
Coleman	Hutchinson	Pickett	Trich
Cornell	Jadlowiec	Pippy	Tulli
Corrigan	James	Pistella	Turzai
Costa	Josephs	Preston	Vance
Coy	Kaiser	Raymond	Veon
Creighton	Keller	Readshaw	Walko
Cruz	Kenney	Reinard	Wansacz
Curry	Krebs	Rieger	Washington
Dailey	Laughlin	Roberts	Waters
Daley	Lawless	Robinson	Watson
Dally	Lederer	Roebuck	Williams, J.
DeLuca	Leh	Rohrer	Wilt
Dermody	Lescovitz	Rooney	Wojnaroski
DeWeese	Levdansky	Ross	Yewcic
DiGirolamo	Lewis	Rubley	Youngblood
Diven	Lynch	Ruffing	Yudichak
Donatucci	Mackereth	Sainato	Zimmerman
Eachus	Maher	Samuelson	Zug
Egolf			

NOT VOTING—0

EXCUSED—5

Armstrong	LaGrotta	Wright, M.	Ryan,
Kirkland			Speaker

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. MELIO offered the following amendment No. A3946:

Amend Title, page 1, line 14, by inserting after "AMOUNTS,"  
for occupational limited license,

Amend Sec. 3, page 4, line 26, by inserting after "1547(C)"  
1553(d),

Amend Sec. 3, page 10, by inserting between lines 25 and 26  
§ 1553. Occupational limited license.

\*\*\*

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

- (1) A driver who is not licensed to drive by this or any other state.
- (2) Any person who is required by this title to take an examination and who has failed to take and pass such an examination.
- (3) Any person who has an unsatisfied judgment against

him as the result of a motor vehicle operation, until such judgment has been satisfied under the provisions of section 1774 (relating to payments sufficient to satisfy judgments) or an installment agreement has been entered into to satisfy the judgment as permitted under section 1772(b) (relating to suspension for nonpayment of judgments) or 1775 (relating to installment payment of judgments) and the financial responsibility of such person has been established.

(4) Any person applying for an occupational limited license to operate a commercial motor vehicle whose commercial driver's license privilege is disqualified under the provisions of section 1611 (relating to disqualification).

(5) Any person who, at the time he applies for an occupational limited license, has previously been granted such a privilege within the period of five years next preceding such application.

(6) Any person who has been adjudicated delinquent or convicted of driving under the influence of alcohol or controlled substance unless the suspension or revocation imposed for that conviction has been fully served.

(7) Any person whose operating privilege has been suspended for refusal to submit to chemical testing to determine the amount of alcohol or controlled substance unless that suspension has been fully served.

(8) Any person who has been granted a consent decree or Accelerated Rehabilitative Disposition for driving under the influence of alcohol or controlled substance and whose license has been suspended by the department unless the suspension imposed has been fully served.

(9) Any person whose operating privilege has been suspended for a violation of 18 Pa.C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) unless the suspension imposed has been fully served.

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

(11) Any person whose operating privilege has been suspended or revoked as the result of a conviction of or as a result of a court order in conjunction with an adjudication of delinquency or the granting of a consent decree for any offense under the following provisions, unless the suspension or revocation has been fully served:

- Section 3345(a) (relating to meeting or overtaking school bus).
- Section 3367 (relating to racing on highways).
- Section 3733 (relating to fleeing or attempting to elude police officer).
- Section 3734 (relating to driving without lights to avoid identification or arrest).
- Section 3736 (relating to reckless driving).
- Section 3742 (relating to accidents involving death or personal injury).
- Section 3743 (relating to accidents involving damage to attended vehicle or property).

(12) Any person whose operating privilege is currently suspended for failure to respond to a citation pursuant to section 1533 or 6146.

(13) Any person whose operating privilege is currently suspended pursuant to section 1784 (relating to proof of financial responsibility following violation), 1785 (relating to proof of financial responsibility following accident) or 1786 (relating to required financial responsibility).

(14) Any person whose operating privilege is currently

suspended for failure to attend and satisfactorily complete a driver improvement course or failure to attend a hearing required under section 1538.

(15) Any person whose operating privilege has been suspended for a conviction of section 1543 unless department records show that the suspension for a conviction of section 1543 occurred only as a result of:

(i) a suspension for failure to respond to a citation imposed under the authority of section 1533 or 6146;

(ii) a suspension for failure to undergo a special examination imposed under the authority of section 1538(a); or

(iii) a suspension for failure to attend a departmental hearing imposed under the authority of section 1538(b).

(16) Any person whose operating privilege has been suspended under an interjurisdictional agreement as provided for in section 6146 as the result of a conviction or adjudication if the conviction or adjudication for an equivalent offense in this Commonwealth would have prohibited the issuance of an occupational limited license.

(17) Any person whose operating privilege has been suspended as the result of a conviction of a violation of section 7102(b) (relating to removal or falsification of identification number), 7103(b) (relating to dealing in vehicles with removed or falsified numbers), 7111 (relating to dealing in titles and plates for stolen vehicles), 7121 (relating to false application for certificate of title or registration) or 7122 (relating to altered, forged or counterfeit documents and plates) unless the suspension has been fully served.

(18) Any person whose operating privilege has been suspended under section 1532 (a.1) for conviction or adjudication of delinquency based on a violation of section 3732 (relating to homicide by vehicle) or 3735 (relating to homicide by vehicle while driving under influence).

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On the question,  
Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Melio.

Mr. MELIO. Thank you, Madam Speaker.

My amendment would improve the bill. It would preclude the issuance of an occupational limited license for persons whose operating privilege is suspended for 3 years based on a conviction for homicide by vehicle or homicide by vehicle while driving under the influence.

Thank you, Madam Speaker.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Maher	Santoni
Allen	Evans, D.	Maitland	Sather
Argall	Evans, J.	Major	Saylor
Baker, J.	Fairchild	Manderino	Scavello
Baker, M.	Feese	Mann	Schroder
Bard	Fichter	Markosek	Schuler
Barrar	Fleagle	Marsico	Scrimenti
Bastian	Flick	Mayernik	Semmel

Bebko-Jones	Forcier	McCall	Shaner
Belardi	Frankel	McGeehan	Smith, B.
Belfanti	Freeman	McGill	Smith, S. H.
Benninghoff	Gabig	McIlhattan	Solobay
Birmelin	Gannon	McIlhinney	Staback
Bishop	Geist	McNaughton	Stairs
Blaum	George	Melio	Steelman
Boyes	Godshall	Metcalfe	Steil
Brooks	Gordner	Michlovic	Stern
Browne	Grucela	Micozzie	Stetler
Bunt	Gruitza	Miller, R.	Stevenson, R.
Butkovitz	Habay	Miller, S.	Stevenson, T.
Buxton	Haluska	Mundy	Sturla
Caltagirone	Hanna	Myers	Surra
Cappelli	Harhai	Nailor	Tangretti
Casorio	Harhart	Nickol	Taylor, E. Z.
Cawley	Harper	O'Brien	Taylor, J.
Civera	Hasay	Oliver	Thomas
Clark	Hennessey	Pallone	Tigue
Clymer	Herman	Perzel	Travaglio
Cohen, L. I.	Hershey	Petrarca	Trello
Cohen, M.	Hess	Petrone	Trich
Colafella	Horsey	Phillips	Tulli
Coleman	Hutchinson	Pickett	Turzai
Cornell	Jadlowiec	Pippy	Vance
Corrigan	James	Pistella	Veon
Costa	Josephs	Preston	Vitali
Coy	Kaiser	Raymond	Walko
Creighton	Keller	Readshaw	Wansacz
Cruz	Kenney	Reinard	Washington
Curry	Krebs	Rieger	Waters
Dailey	Laughlin	Roberts	Watson
Daley	Lawless	Robinson	Williams, J.
Dally	Lederer	Roebuck	Wilt
DeLuca	Leh	Rohrer	Wojnaroski
Dermody	Lescovitz	Rooney	Wright, G.
DeWeese	Levdansky	Ross	Yewcic
DiGirolamo	Lewis	Rublely	Youngblood
Diven	Lucyk	Ruffing	Yudichak
Donatucci	Lynch	Sainato	Zimmerman
Eachus	Mackereth	Samuelson	Zug

NAYS—1

Strittmatter

NOT VOTING—0

EXCUSED—5

Armstrong	LaGrotta	Wright, M.	Ryan,
Kirkland			Speaker

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

(The bill analysis was read.)

The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—174

Adolph	Evans, J.	Maher	Ruffing
Allen	Fairchild	Maitland	Samuelson
Argall	Feese	Major	Santoni
Baker, J.	Fichter	Mann	Sather
Baker, M.	Fleagle	Markosek	Saylor
Bard	Flick	Marsico	Scavello
Barrar	Forcier	Mayernik	Schroder
Bastian	Frankel	McCall	Schuler
Bebko-Jones	Freeman	McGeehan	Semmel
Belfanti	Gabig	McGill	Shaner
Benninghoff	Gannon	McIlhattan	Smith, B.
Birmelin	Geist	McIlhinney	Smith, S. H.
Bishop	Godshall	McNaughton	Solobay
Boyes	Gordner	Melio	Stairs
Brooks	Grucela	Metcalfe	Steil
Browne	Habay	Michlovic	Stern
Bunt	Haluska	Micozzie	Stetler
Butkovitz	Hanna	Miller, R.	Stevenson, R.
Buxton	Harhai	Miller, S.	Stevenson, T.
Caltagirone	Harhart	Myers	Strittmatter
Cappelli	Harper	Nailor	Sturla
Cawley	Hasay	Nickol	Tangretti
Civera	Hennessey	O'Brien	Taylor, E. Z.
Clark	Herman	Oliver	Taylor, J.
Clymer	Hershey	Pallone	Thomas
Cohen, L. I.	Hess	Perzel	Travaglio
Colafella	Horsey	Petrarca	Trello
Coleman	Hutchinson	Petrone	Trich
Cornell	Jadlowiec	Phillips	Tulli
Corrigan	James	Pickett	Turzai
Costa	Kaiser	Pippy	Vance
Creighton	Keller	Pistella	Walko
Cruz	Kenney	Preston	Washington
Dailey	Krebs	Raymond	Waters
Daley	Laughlin	Readshaw	Watson
Dally	Lawless	Reinard	Williams, J.
DeLuca	Lederer	Rieger	Wilt
Dermody	Leh	Roberts	Wojnaroski
DeWeese	Lescovitz	Robinson	Wright, G.
DiGirolamo	Levdansky	Rohrer	Yewcic
Diven	Lewis	Rooney	Youngblood
Donatucci	Lucyk	Ross	Zimmerman
Egolf	Lynch	Rublely	Zug
Evans, D.	Mackereth		

NAYS—23

Belardi	Eachus	Roeback	Tigue
Blaum	George	Sainato	Veon
Casorio	Gruitza	Scrimenti	Vitali
Cohen, M.	Josephs	Staback	Wansacz
Coy	Manderino	Steelman	Yudichak
Curry	Mundy	Surra	

NOT VOTING—0

EXCUSED—5

Armstrong	LaGrotta	Wright, M.	Ryan,
Kirkland			Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

**RULES SUSPENDED**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Madam Speaker, I move to suspend the rules for the immediate consideration of HR 557, PN 3776.

On the question,  
Will the House agree to the motion?

The following roll call was recorded:

YEAS—197

Adolph	Evans, D.	Maitland	Sather
Allen	Evans, J.	Major	Saylor
Argall	Fairchild	Manderino	Scavello
Baker, J.	Feese	Mann	Schroder
Baker, M.	Fichter	Markosek	Schuler
Bard	Fleagle	Marsico	Scrimenti
Barrar	Flick	Mayernik	Semmel
Bastian	Forcier	McCall	Shaner
Bebko-Jones	Frankel	McGeehan	Smith, B.
Belardi	Freeman	McGill	Smith, S. H.
Belfanti	Gabig	McIlhattan	Solobay
Benninghoff	Gannon	McIlhinney	Staback
Birmelin	Geist	McNaughton	Stairs
Bishop	George	Melio	Steelman
Blaum	Godshall	Metcalfe	Steil
Boyes	Gordner	Michlovic	Stern
Brooks	Grucela	Micozzie	Stetler
Browne	Gruitza	Miller, R.	Stevenson, R.
Bunt	Habay	Miller, S.	Stevenson, T.
Butkovitz	Haluska	Mundy	Strittmatter
Buxton	Hanna	Myers	Sturla
Caltagirone	Harhai	Nailor	Surra
Cappelli	Harhart	Nickol	Tangretti
Casorio	Harper	O'Brien	Taylor, E. Z.
Cawley	Hasay	Oliver	Taylor, J.
Civera	Hennessey	Pallone	Thomas
Clark	Herman	Perzel	Tigue
Clymer	Hershey	Petrarca	Travaglio
Cohen, L. I.	Hess	Petrone	Trello
Cohen, M.	Horsey	Phillips	Trich
Colafella	Hutchinson	Pickett	Tulli
Coleman	Jadlowiec	Pippy	Turzai
Cornell	James	Pistella	Vance
Corrigan	Josephs	Preston	Veon
Costa	Kaiser	Raymond	Vitali
Coy	Keller	Readshaw	Walko
Creighton	Kenney	Reinard	Wansacz
Cruz	Krebs	Rieger	Washington
Curry	Laughlin	Roberts	Waters
Dailey	Lawless	Robinson	Watson
Daley	Lederer	Roebuck	Williams, J.
Dally	Leh	Rohrer	Wilt
DeLuca	Lescovitz	Rooney	Wojnaroski
Dermody	Levdansky	Ross	Wright, G.
DeWeese	Lewis	Rublely	Yewcic
DiGirolamo	Lucyk	Ruffing	Youngblood
Diven	Lynch	Sainato	Yudichak
Donatucci	Mackereth	Samuelson	Zimmerman
Eachus	Maher	Santoni	Zug