

## AN ACT

1 Amending Titles 53 (Municipalities Generally), 66 (Public  
2 Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated  
3 Statutes, in municipal police education and training relating  
4 to employees, further providing for definitions, for police  
5 training and for automatic certification; in general  
6 provisions relating to the Pennsylvania Public Utility  
7 Commission, further providing for inspectors for enforcement;  
8 in violations and penalties, further providing for the  
9 offenses of refusal to obey subpoena and testify, of  
10 unauthorized operation by carriers and brokers and of evasion  
11 of motor carrier and broker regulations; and, in other  
12 required equipment relating to vehicles, further providing  
13 for visual and audible signals on emergency vehicles.

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

16 Section 1. The definitions of "police department" and  
17 "police officer" in section 2162 of Title 53 of the Pennsylvania  
18 Consolidated Statutes are amended to read:

19 § 2162. Definitions.

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

23 \* \* \*

1 "Police department." Any of the following:

2 (1) A public agency of a political subdivision having  
3 general police powers and charged with making arrests in  
4 connection with the enforcement of the criminal or traffic  
5 laws. This paragraph includes the sheriff's office in a  
6 county of the second class.

7 (2) A campus police or university police department, as  
8 used in section 2416 of the act of April 9, 1929 (P.L.177,  
9 No.175), known as The Administrative Code of 1929, certified  
10 by the Office of Attorney General as a criminal justice  
11 agency under the definition of "criminal justice agency" in  
12 18 Pa.C.S. § 9102 (relating to definitions). This paragraph  
13 does not include a campus police or university police  
14 department of the State System of Higher Education and its  
15 member institutions.

16 (3) A railroad or street railway police department  
17 formed with officers commissioned under 22 Pa.C.S. Ch. 33  
18 (relating to railroad and street railway police) or any prior  
19 statute providing for such commissioning.

20 (4) The Capitol Police.

21 (5) The Harrisburg International Airport Police.

22 (6) An airport authority police department.

23 (7) A unit of inspectors employed by the Pennsylvania  
24 Public Utility Commission under 66 Pa.C.S. § 307 (relating to  
25 inspectors for enforcement).

26 "Police officer." Any of the following:

27 (1) A full-time or part-time employee assigned to  
28 criminal or traffic law enforcement duties of any of the  
29 following:

30 (i) A police department of a county, city, borough,

1 town or township.

2 (ii) Any railroad or street railway police.

3 (iii) Any campus or university police department.

4 (iv) The Capitol Police.

5 (v) The Harrisburg International Airport Police.

6 (vi) An airport authority police department.

7 (2) A deputy sheriff of a county of the second class.

8 (3) A security officer of a first class city housing  
9 authority or a police officer of a second class city housing  
10 authority.

11 (4) An inspector employed by the Pennsylvania Public  
12 Utility Commission under 66 Pa.C.S. § 307 (relating to  
13 inspectors for enforcement).

14 The term excludes persons employed to check parking meters or to  
15 perform only administrative duties and auxiliary and fire  
16 police.

17 \* \* \*

18 Section 2. Section 2167(a) of Title 53 is amended to read:  
19 § 2167. Police training.

20 (a) General rule.--All municipalities of this Commonwealth  
21 or groups of municipalities acting in concert [and], all  
22 colleges and universities and the Pennsylvania Public Utility  
23 Commission shall be required to train all members of their  
24 police departments pursuant to this subchapter prior to their  
25 enforcing criminal laws, enforcing moving traffic violations  
26 under Title 75 (relating to vehicles) or being authorized to  
27 carry a firearm.

28 \* \* \*

29 Section 3. Section 2168 of Title 53 is amended by adding a  
30 subsection to read:

1 § 2168. Automatic certification.

2 \* \* \*

3 (e) Inspectors of the Pennsylvania Public Utility  
4 Commission.--Any inspector employed by the Pennsylvania Public  
5 Utility Commission under 66 Pa.C.S. § 307 (relating to  
6 inspectors for enforcement) who, as of the effective date of  
7 this subsection, has successfully completed a basic training  
8 course similar to that required under this chapter shall, after  
9 review by the commission, be certified as having met the basic  
10 requirements of this chapter. Any such inspector who, as of the  
11 effective date of this subsection, has not successfully  
12 completed a basic training course similar to that required under  
13 this chapter which qualifies the inspector for certification  
14 shall be able to perform the duties of an inspector employed by  
15 the Pennsylvania Public Utility Commission until certified by  
16 the commission, but no longer than one year from the effective  
17 date of this subsection.

18 Section 4. Sections 307, 3307, 3310 and 3312 of Title 66 are  
19 amended to read:

20 § 307. Inspectors for enforcement.

21 (a) Authority.--The commission may employ such inspectors,  
22 as it may deem necessary, for the purpose of enforcing the  
23 provisions of this part[.] or the criminal laws of this  
24 Commonwealth or enforcing the moving traffic violations of 75  
25 Pa.C.S. (relating to vehicles) and shall assign a county of  
26 jurisdiction for each inspector. Such inspectors are hereby  
27 declared to be police officers, and are hereby given police  
28 power and authority throughout this Commonwealth [to arrest];

29 (1) To arrest on view, without writ, rule, order, or  
30 process, any person operating as a motor carrier or common

1 carrier by airplane without a certificate or permit required  
2 by this part. [Such inspectors are hereby given authority to]

3 (2) To stop vehicles on the highways of this  
4 Commonwealth, and to inspect the cargoes of such vehicles,  
5 and any receipts or bills of lading pertaining to such  
6 cargoes.

7 (b) Firearms education and training.--No such inspector may  
8 be authorized to carry a firearm unless the inspector has been  
9 certified in accordance with the provisions of 53 Pa.C.S. Ch. 21  
10 Subch. D (relating to municipal police education and training).  
11 § 3307. Refusal to obey subpoena and testify.

12 If any individual who shall be subpoenaed to attend before  
13 the commission, or its representative, shall fail to obey the  
14 command of such subpoena, or if any individual in attendance  
15 before the commission, or its representative, shall refuse to be  
16 sworn or to be examined, or to answer any relevant question, or  
17 to produce any relevant data, book, record, paper, or document  
18 when ordered so to do by the commission, or its representative,  
19 such person shall be guilty of a [summary offense] misdemeanor  
20 of the third degree.

21 § 3310. Unauthorized operation by carriers and brokers.

22 (a) General rule.--Any person or corporation operating as a  
23 motor carrier or as a common carrier by airplane, and any  
24 operator or employee of such carrier, and any person or  
25 corporation operating as a broker, without a certificate of  
26 public convenience, permit or license, authorizing the service  
27 performed, as required by this part, shall be guilty of a  
28 [summary offense, and any subsequent offense by such person or  
29 corporation shall constitute] misdemeanor of the third degree  
30 and shall, upon conviction, be sentenced to pay a fine of not

1 more than \$1,000. A second or subsequent violation shall  
2 constitute a misdemeanor of the [third degree.] first degree and  
3 shall, upon conviction, result in imposition of a fine of not  
4 more than \$10,000.

5 (b) Forfeiture.--Upon conviction of a defendant under this  
6 section, the court may, in addition to any other sentence  
7 authorized by law, direct that the defendant forfeit any  
8 vehicle in the defendant's possession or control which was  
9 involved in the violation for which the defendant was convicted.

10 § 3312. Evasion of motor carrier and broker regulations.

11 (a) General rule.--Any person, whether carrier, shipper,  
12 consignee, or broker, or any officer, employee, agent, or  
13 representative thereof, who shall knowingly offer, grant, or  
14 give, or solicit, accept, or receive any rebate, concession, or  
15 discrimination, in violation of any provision of this part with  
16 respect to motor carriers, or who, by means of false statements  
17 or representations or by use of false or fictitious bill, bill  
18 of lading, receipt, voucher, roll, account, claim, certificate,  
19 affidavit, deposition, lease, or bill of sale, or by any other  
20 means or device, shall knowingly and willfully, assist, suffer  
21 or permit any person or persons, natural or artificial, to  
22 obtain transportation of property by motor carrier subject to  
23 this part, for less than the applicable rate, fare or charge, or  
24 who shall knowingly and willfully, by any such means, or  
25 otherwise seek to evade or defeat regulation in this part  
26 provided for motor carriers or brokers, shall be guilty of a  
27 [summary offense for the first offense and a misdemeanor of the  
28 third degree for subsequent offenses.] misdemeanor of the third  
29 degree and shall, upon conviction, be sentenced to pay a fine of  
30 not more than \$1,000. A second or subsequent violation shall

1 constitute a misdemeanor of the first degree and shall, upon  
2 conviction, result in imposition of a fine of not more than  
3 \$10,000.

4 (b) Forfeiture.--Upon conviction of a defendant under this  
5 section, the court may, in addition to any other sentence  
6 authorized by law, direct that the defendant forfeit any  
7 vehicle in the defendant's possession or control which was  
8 involved in the violation for which the defendant was convicted.

9 Section 5. Section 4571(b)(1), (c.1) and (e) of Title 75 are  
10 amended to read:

11 § 4571. Visual and audible signals on emergency vehicles.

12 \* \* \*

13 (b) Police, sheriff, fire and coroner or medical examiner  
14 vehicles.--

15 (1) Police, sheriff, coroner, medical examiner or fire  
16 police vehicles may in addition to the requirements of  
17 subsection (a) be equipped with one or more revolving or  
18 flashing blue lights. [The] Except as otherwise provided in  
19 subsection (c.1), the combination of red and blue lights may  
20 be used only on police, sheriff, coroner, medical examiner or  
21 fire police vehicles.

22 \* \* \*

23 (c.1) Public Utility Commission vehicles.--Vehicles owned or  
24 operated by the Pennsylvania Public Utility Commission and used  
25 in the enforcement of 66 Pa.C.S. § 307(a)(3) (relating to  
26 inspectors for enforcement) and Chs. 23 (relating to common  
27 carriers) and 25 (relating to contract carrier by motor vehicle  
28 and broker) may be equipped with revolving or flashing red  
29 lights in accordance with subsection (a) and, when acting under  
30 the authority of 66 Pa.C.S. § 307(a)(3), a combination of red

1 and blue lights.

2 \* \* \*

3 (e) Authorized period of use.--The lights and warning  
4 systems specified by this section may be used only during an  
5 emergency, or in the interest of public safety, or by police  
6 officers, sheriffs and deputy sheriffs and inspectors of the  
7 Pennsylvania Public Utility Commission in enforcement of the  
8 law. Unauthorized use of the lights and warning systems  
9 specified by this section shall be a summary offense punishable  
10 by a fine of not less than \$500 nor more than \$1,000.

11 \* \* \*

12 Section 6. This act shall take effect in 60 days.