

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2013 Session of
1975

INTRODUCED BY RYAN, DECEMBER 9, 1975

REFERRED TO COMMITTEE ON TRANSPORTATION, DECEMBER 10, 1975

AN ACT

1 Amending the act of April 29, 1959 (P.L.58, No.32), entitled "An
2 act consolidating and revising the Vehicle Code, the Tractor
3 Code, the Motor Vehicle Financial Responsibility Act and
4 other acts relating to the ownership, possession and use of
5 vehicles and tractors," providing for the issuance of limited
6 operators' licenses in certain cases; establishing a
7 commission; providing penalties and making an appropriation.

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

10 Section 1. The act of April 29, 1959 (P.L.58, No.32), known
11 as "The Vehicle Code," is amended by adding a section to read:

12 Section 619.4. Limited Operators' Licenses.--(a) Whenever a
13 person is notified by the secretary that his operator's license
14 is suspended he may make application for a limited license which
15 shall be accompanied by a fee of twenty-five dollars (\$25.00),
16 or such greater fee as the limited license commission shall
17 determine, and satisfactory proof of financial responsibility.

18 All fees collected pursuant to this section shall be
19 deposited to the credit of the Motor License Fund.

20 (b) No license shall be granted unless it is shown that an
21 operator's license is needed (i) for the purpose of carrying on

1 an occupation, trade or profession which makes it essential that
2 he operate a motor vehicle, or (ii) for the purpose of obtaining
3 medical care, or (iii) for the purpose of obtaining basic
4 nutritional needs where access thereto is not reasonably
5 available without the use of a motor vehicle.

6 (c) A person shall be eligible for only one (1) limited
7 license in any two (2) year period.

8 (d) No person whose license has been revoked and no person
9 whose license has been suspended pursuant to section 624.1 shall
10 be eligible for a limited license.

11 (e) The Limited License Commission, herein called the
12 commission, is established as a departmental commission in the
13 Department of Transportation. The commission shall consist of
14 three (3) members, one (1) of whom shall be the Secretary of
15 Transportation or his designee. The other two (2) members shall
16 be appointed by the Governor with the advice and consent of the
17 Senate and whose salaries shall be fixed by the Executive Board.

18 Each person appointed shall serve at the pleasure of the
19 appointing power. Subject to the approval of the Executive Board
20 the commission shall have the power and the duty to appoint such
21 number of limited license examiners as it deems necessary to
22 carry out the provisions of this section. The examiners so
23 appointed shall be in classified service under the Civil Service
24 Act. The Executive Board shall fix the salaries of the
25 examiners. The commission shall designate those locations where
26 the examiners shall sit which locations shall be located
27 throughout the Commonwealth. The commission shall promulgate
28 rules and regulations in accordance with law relating to the
29 conduct of the hearings and such other matters as may be
30 necessary to carry out the intent of this section. Applications

1 for limited licenses shall be submitted to the commission, who,
2 after making a determination that the applicant is eligible to
3 apply, shall assign the case to an examiner located as close as
4 possible to the applicant's residence and the commission shall
5 direct the examiner to hold a hearing as soon as possible. Upon
6 assigning the case the commission shall notify the secretary
7 that a hearing has been granted and thereupon the secretary
8 shall hold the suspension in abeyance and so notify the
9 operator.

10 (f) The limited license examiner shall, upon receipt of
11 notification by the commission, immediately notify the applicant
12 of the time and place of the hearing. At the hearing the
13 applicant may be represented by counsel and may present
14 testimony concerning his need for a limited license. Notes of
15 testimony shall be taken and the examiner shall render a
16 decision as to whether or not the notes shall be reduced to
17 writing and filed of record. Strict rules of evidence need not
18 be complied with at the hearing.

19 (g) Within five (5) days after hearing the testimony the
20 examiner shall forward to the commission for its action, his
21 recommendation to deny the applicant a limited license or to
22 grant a limited license with any restrictions thereon that he
23 may deem appropriate. The commission shall not grant nor shall
24 an examiner recommend that an applicant be granted a limited
25 license whenever it is found upon sufficient evidence that such
26 applicant's license was suspended under circumstances in which
27 the applicant displayed reckless, wilful and wanton disregard
28 for the safety of others or operated his vehicle in a grossly
29 negligent manner. If the commission grants the applicant a
30 limited license the restrictions shall be noted on the same and

1 it shall be valid for the period of the suspension unless
2 otherwise noted. In granting a limited license the commission
3 may require the operator to attend an approved driver
4 improvement school or require him to attend a clinic or any
5 combination of the two. If a limited license is granted the
6 commission shall immediately notify the secretary of its action.

7 (h) Any applicant who is denied a limited license under the
8 provisions of this section shall have the right to file a
9 petition, within thirty (30) days thereafter, for a hearing on
10 the matter in the court of common pleas of the county in which
11 the applicant resides. The Commonwealth shall also have the
12 right to appeal the decisions of a limited license commission.
13 Such courts are hereby vested with jurisdiction, and it shall be
14 their duty, to set the matter down for hearing upon thirty (30)
15 days' written notice to the commission and the applicant, and
16 thereupon to take testimony and examine into the facts of the
17 case, and to determine whether the applicant shall be granted a
18 limited license.

19 (i) If any person operates a motor vehicle or tractor in
20 violation of the restrictions of a limited license as provided
21 by this section, the secretary shall suspend the operating
22 privileges of such person for a period twice as long as the
23 original suspension during which period such person shall not be
24 eligible to apply for a limited operator's license. If any
25 person is convicted of any violation to which the point system
26 of section 619.1 of this act applies, while operating a motor
27 vehicle or tractor under the provisions of this section, the
28 secretary shall immediately revoke such operator's limited
29 license.

30 Section 2. The sum of \$125,000, or as much thereof as may be

1 necessary, is hereby appropriated out of the Motor License Fund
2 for the purpose of funding this commission.

3 Section 3. This act shall take effect February 1, 1976.