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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 1722** Session of  
1989

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INTRODUCED BY VEON, BOWLEY, PETRARCA, STISH, PESCI, ROBINSON,  
PISTELLA, MORRIS, MELIO, D. W. SNYDER, B. D. CLARK, TRICH,  
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DOMBROWSKI, ITKIN, TRELLO, WILLIAMS, WOGAN, KAISER, BELARDI,  
SAURMAN, KASUNIC, CIVERA AND LINTON, JUNE 19, 1989

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REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 19, 1989

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, providing for commercial drivers; further providing  
3 for buses, for exemptions from licensing, for classes of  
4 licenses, for school bus drivers, for issuance and content of  
5 driver's license, for revocation or suspension of operating  
6 privilege, for schedule of convictions and points, for  
7 surrender of license, for chemical testing to determine  
8 amount of alcohol or controlled substance, for judicial  
9 review, for violations concerning licenses, for driving under  
10 foreign license during suspension or revocation, for reckless  
11 driving, for driving under the influence of alcohol or  
12 controlled substance, for enforcement agreements and for  
13 reports by courts; and providing for careless driving.

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

16 Section 1. The definitions of "bus," "passenger car" and  
17 "school bus" in section 102 of Title 75 of the Pennsylvania  
18 Consolidated Statutes are amended and the section is amended by  
19 adding a definition to read:

20 § 102. Definitions.

21 Subject to additional definitions contained in subsequent  
22 provisions of this title which are applicable to specific

1 provisions of this title, the following words and phrases when  
2 used in this title shall have, unless the context clearly  
3 indicates otherwise, the meanings given to them in this section:

4 \* \* \*

5 "Bus."

6 [(1) At all times prior to July 1, 1986, a motor vehicle  
7 designed for carrying more than ten passengers, exclusive of  
8 the driver, and used for the transportation of persons and a  
9 motor vehicle, other than a taxicab, designed and used for  
10 the transportation of persons for compensation.

11 (2) On and after July 1, 1986, a motor vehicle designed  
12 for carrying more than ten persons, including the driver, and  
13 used for the transportation of persons and a motor vehicle,  
14 other than a taxicab, designed and used for the  
15 transportation of persons for compensation. The term does not  
16 include a vehicle owned by a natural person which is used  
17 solely for noncommercial purposes, or a vehicle used in a  
18 ridesharing arrangement, as defined in the act of December  
19 14, 1982 (P.L.1211, No.279), entitled "An act providing for  
20 ridesharing arrangements and providing that certain laws  
21 shall be inapplicable to ridesharing arrangements."]

22 (1) a motor vehicle designed to transport 16 or more  
23 passengers, including the driver; and

24 (2) a motor vehicle, other than a taxicab, designed to  
25 transport not more than 15 passengers, including the driver,  
26 and used for the transportation of persons for compensation.  
27 The term does not include a vehicle used in a ridesharing  
28 arrangement, as defined in the act of December 14, 1982  
29 (P.L.1211, No.279), entitled "An act providing for  
30 ridesharing arrangements and providing that certain laws

1 shall be inapplicable to ridesharing arrangements," or a  
2 school bus.

3 \* \* \*

4 "Passenger car." A motor vehicle, except a motorcycle,  
5 designed for carrying [ten] no more than fifteen passengers [or  
6 less], including the driver, and primarily used for the  
7 transportation of persons.

8 \* \* \*

9 "School bus." A motor vehicle which [complies with the color  
10 and lighting identification requirements of section 4552  
11 (relating to general requirements for school buses).]:

12 (1) is designed or used to carry 11 passengers or more,  
13 including the driver;

14 (2) is used for the transportation of preprimary,  
15 primary or secondary school students, personnel or chaperones  
16 to such schools or school-related activities from home, or  
17 from such schools or school-related activities to home.

18 "School vehicle." A motor vehicle, except a motorcycle,  
19 designed for carrying no more than ten passengers, including the  
20 driver, and used for the transportation of preprimary, primary  
21 or secondary school students while registered by or under  
22 contract to a school district or private or parochial school.  
23 The term includes vehicles having chartered, group and party  
24 rights under the Pennsylvania Public Utility Commission and used  
25 for the transportation of school children.

26 \* \* \*

27 Section 2. Sections 1501(c) and 1502(1) of Title 75 are  
28 amended to read:

29 § 1501. Drivers required to be licensed.

30 \* \* \*

1 (c) Limitation on number of licenses.--No person shall  
2 receive a driver's license unless and until the person  
3 surrenders to the department all valid licenses in the person's  
4 possession issued by this or any other state. All surrendered  
5 licenses issued by another state shall be returned to that  
6 state, together with information that the person is licensed in  
7 this Commonwealth. No person shall be permitted to have more  
8 than one valid driver's license issued by this or any other  
9 state at any time. This subsection shall not apply to a  
10 nonresident who holds a nonresident commercial driver's license  
11 issued under Chapter 16 (relating to commercial drivers).

12 \* \* \*

13 § 1502. Persons exempt from licensing.

14 The following persons are not required to obtain a driver's  
15 license under this chapter:

16 (1) Any employee of the Federal Government while  
17 operating a motor vehicle owned by or leased to the Federal  
18 Government and being operated on official business unless the  
19 employee is required by the Federal Government or any agency  
20 thereof to have a state driver's license. This exemption  
21 shall not apply to the operation of commercial motor  
22 vehicles, as defined in Chapter 16 (relating to commercial  
23 drivers).

24 \* \* \*

25 Section 3. Section 1504(d) of Title 75 is amended and the  
26 section is amended by adding a subsection to read:

27 § 1504. Classes of licenses.

28 \* \* \*

29 (d) Number and description of classes.--Licenses issued by  
30 the department shall be classified in the following manner:

1            [(1) Class 1.--A Class 1 license shall be issued to  
2 those persons who have demonstrated their qualifications to  
3 operate a single vehicle not in excess of 30,000 pounds  
4 registered gross weight or any such vehicle towing a trailer  
5 not in excess of 10,000 pounds gross weight. Any fireman who  
6 is the holder of a Class 1 license and who has a certificate  
7 of authorization from his fire chief shall be authorized to  
8 operate any vehicle registered to the fire department  
9 regardless of the other requirements of this section as to  
10 the class of license required. The holder of a Class 1  
11 license shall also be authorized to drive a motorized  
12 pedalcycle or a three-wheeled motorcycle equipped with an  
13 enclosed cab. The holder of a Class 1 license shall not be  
14 deemed qualified to operate buses, school buses or  
15 motorcycles unless the license is endorsed as provided in  
16 this section.

17            (2) Class 2.--A Class 2 license shall be issued to those  
18 persons over 18 years of age who have demonstrated their  
19 qualifications to operate a single vehicle of over 30,000  
20 pounds registered gross weight or any bus or any such vehicle  
21 towing a trailer not in excess of 10,000 pounds gross weight.  
22 The holder of a Class 2 license shall be deemed qualified to  
23 operate those vehicles for which a Class 1 license is issued,  
24 but not school buses or motorcycles unless the license is  
25 endorsed as provided in this section.

26            (3) Class 3.--A Class 3 license shall be issued to those  
27 persons over 18 years of age who have demonstrated their  
28 qualifications to operate a vehicle while in combination with  
29 or towing a trailer in excess of 10,000 pounds gross weight.  
30 The holder of a Class 3 license shall be deemed qualified to

1 operate those vehicles for which a Class 1 or Class 2 license  
2 is issued, but not school buses or motorcycles unless the  
3 license is endorsed as provided in this section.

4 (4) Class 4.--Persons who have qualified to operate  
5 school buses in accordance with this title and the rules and  
6 regulations promulgated and adopted by the department shall  
7 have the qualification endorsed on the license on the license  
8 as provided in this section.

9 (5) Class 5.--Those persons who have demonstrated their  
10 qualifications to operate a motorcycle, shall have that  
11 qualification endorsed on one of the basic classes of license  
12 described in this section. If a person is qualified only to  
13 operate a motorcycle he shall be issued a license with only  
14 that qualification endorsed on the license.

15 (6) Class 6.--Those persons who have demonstrated their  
16 qualifications to operate a motor-driven cycle or motorized  
17 pedalcycle shall have that qualification endorsed on one of  
18 the basic classes of license described in this section. If a  
19 person is qualified only to operate a motor-driven cycle or  
20 motorized pedalcycle he shall be issued a license with only  
21 that qualification endorsed on the license.]

22 (1) Class A.--A Class A license shall be issued to those  
23 persons 21 years of age or older who have demonstrated their  
24 qualifications to operate any combination of vehicles with a  
25 gross vehicle weight rating of 26,001 pounds or more,  
26 provided the gross vehicle weight rating of the vehicle or  
27 vehicles being towed is in excess of 10,000 pounds.

28 (i) The holder of a Class A license shall be deemed  
29 qualified to operate those vehicles for which a Class B,  
30 Class C or Class D license is issued.

1           (ii) Where required under this title, appropriate  
2           endorsements must be obtained.

3           (iii) A Class A license is a commercial driver's  
4           license as defined in this title.

5           (2) Class B.--A Class B license shall be issued to those  
6           persons 21 years of age or older who have demonstrated their  
7           qualifications to operate any single vehicle with a gross  
8           vehicle weight rating of 26,001 pounds or more, or any bus or  
9           school bus designed to transport 26 or more passengers,  
10          including the driver, or any such vehicle towing a vehicle  
11          having a gross vehicle weight rating of not more than 10,000  
12          pounds.

13          (i) The holder of a Class B license shall be deemed  
14          qualified to operate those vehicles for which a Class C  
15          or Class D license is issued.

16          (ii) Where required under this title, appropriate  
17          endorsements must be obtained.

18          (iii) A Class B license is a commercial driver's  
19          license as defined in this title.

20          (3) Class C.--A Class C license shall be issued to those  
21          persons 21 years of age or older who have demonstrated their  
22          qualifications to operate any single vehicle with a gross  
23          vehicle weight rating of not more than 26,000 pounds or any  
24          such vehicle towing a vehicle with a gross vehicle weight  
25          rating of not more than 10,000 pounds or any bus or school  
26          bus designed to transport not more than 25 passengers,  
27          including the driver.

28          (i) The holder of a Class C license shall be deemed  
29          qualified to operate those vehicles for which a Class D  
30          license is issued.

1           (ii) Where required under this title, appropriate  
2           endorsements must be obtained.

3           (iii) A Class C license is a commercial driver's  
4           license, as defined in this title.

5           (4) Class D.--A Class D license shall be issued to those  
6           persons who have demonstrated their qualifications to operate  
7           any single vehicle, other than a bus, with a gross vehicle  
8           weight rating not in excess of 26,000 pounds or any such  
9           vehicle towing a vehicle with a gross vehicle weight rating  
10           not in excess of 10,000 pounds.

11           (i) Any fireman who is the holder of a Class D  
12           license and who has a certificate of authorization from  
13           his fire chief shall be authorized to operate any fire or  
14           emergency vehicle registered to the fire department,  
15           regardless of the other requirements of this section as  
16           to the class of license required.

17           (ii) The holder of a Class D license shall also be  
18           authorized to drive a motorized pedalcycle or a three-  
19           wheeled motorcycle equipped with an enclosed cab, but not  
20           a motorcycle unless the license is endorsed, as provided  
21           in this title.

22           (5) Class M.--A Class M license shall be issued to those  
23           persons who have demonstrated their qualifications to operate  
24           a motorcycle or motor-driven cycle. If a person is qualified  
25           to operate only a motorcycle or motor-driven cycle, he shall  
26           be issued a Class M license only.

27           (d.1) Special provisions for current Class 2, 3 or 4  
28           drivers.--Any person who holds a valid Class 2, 3 or 4 license,  
29           but is under 21 years of age on the effective date of this  
30           section, shall be treated as if he is 21 years of age for

1 purposes of applying for and obtaining a commercial driver's  
2 license.

3 \* \* \*

4 Section 4. The heading and subsection (a) of section 1509  
5 and sections 1510(a), 1532(b)(1), 1535(a), 1540(b) and (c),  
6 1547(d), 1550, 1571(a)(1) and (4) and 1573 of Title 75 are  
7 amended to read:

8 § 1509. Qualifications for [Class 4 license] school bus driver  
9 endorsement.

10 (a) School bus driver requirements.--No person shall be  
11 issued [a Class 4 license] an endorsement to operate a school  
12 bus unless the person:

13 (1) has successfully completed a course of instruction  
14 as provided in subsection (c);

15 (2) has satisfactorily passed an annual physical  
16 examination to be given by the physician for the school  
17 district by which the person is employed; and

18 (3) is [18] 21 years of age or older.

19 \* \* \*

20 § 1510. Issuance and content of driver's license.

21 (a) General rule.--The department shall, upon payment of the  
22 required fee, issue to every qualified applicant a driver's  
23 license indicating the type or general class of vehicles the  
24 licensee is authorized to drive and any endorsements or  
25 restrictions, which license shall contain a distinguishing  
26 number assigned by the department to the licensee, the [social  
27 security] Social Security number of the licensee, the actual  
28 name, date of birth, residence address, a color photograph or  
29 photographic facsimile of the licensee, such other information  
30 as may be required by the department, and either a facsimile of

1 the signature of the licensee or a space upon which the licensee  
2 shall write his usual signature with pen and ink. Personal  
3 medical data and other information for use in an emergency may  
4 be included as a part of the license. Information other than  
5 that required to identify the licensee, the distinguishing  
6 number and the class of license issued may be included in  
7 microdata form. No driver's license shall be valid until it has  
8 been signed by the licensee.

9 \* \* \*

10 § 1532. Revocation or suspension of operating privilege.

11 \* \* \*

12 (b) Suspension.--

13 (1) The department shall suspend the operating privilege  
14 of any driver for six months upon receiving a certified  
15 record of the driver's conviction of any offense under the  
16 following provisions:

17 Section 3367 (relating to racing on highways).

18 Section 3733 (relating to fleeing or attempting to  
19 elude police officer).

20 Section 3734 (relating to driving without lights to  
21 avoid identification or arrest).

22 Section 3736 (relating to reckless driving).

23 Section 3743 (relating to accidents involving damage  
24 to attended vehicle or property).

25 \* \* \*

26 § 1535. Schedule of convictions and points.

27 (a) General rule.--A point system for driver education and  
28 control is hereby established which is related to other  
29 provisions for use, suspension and revocation of the operating  
30 privilege as specified under this title. Every driver licensed

1 in this Commonwealth who is convicted of any of the following  
 2 offenses shall be assessed points as of the date of violation in  
 3 accordance with the following schedule:

4 Section Number	Offense	Points
5 1512	Violation of restriction on	
6	driver's license.	2
7 1571	Violation concerning license.	3
8 3102	Failure to obey policeman or	
9	authorized person.	2
10 3112(a)(3)(i)	Failure to stop for a red light.	3
11 3114(a)(1)	Failure to stop for a flashing	
12	red light.	3
13 3302	Failure to yield half of roadway	
14	to oncoming vehicle.	3
15 3303	Improper passing.	3
16 3304	Other improper passing.	3
17 3305	Other improper passing.	3
18 3306(a)(1)	Other improper passing.	4
19 3306(a)(2)	Other improper passing.	3
20 3306(a)(3)	Other improper passing.	3
21 3307	Other improper passing.	3
22 3310	Following too closely.	3
23 3321	Failure to yield to driver on the	
24	right at intersection.	3
25 3322	Failure to yield to oncoming	
26	driver when making left turn.	3
27 3323(b)	Failure to stop for stop sign.	3
28 3323(c)	Failure to yield at yield sign.	3
29 3324	Failure to yield when entering or	
30	crossing roadway between inter-	

1		sections.	3
2	3332	Improper turning around.	3
3	3341	Failure to stop for flashing red	
4		lights or gate at railroad	
5		crossing.	3
6	3344	Failure to stop when entering from	
7		alley, driveway or building.	3
8	3345(a)	Failure to stop for school bus	
9		with flashing red lights.	5
10		(and 60 days suspension)	
11	3361	Driving too fast for conditions.	2
12	3362	Exceeding maximum speed.--Over Limit:	
13		6-10	2
14		11-15	3
15		16-25	4
16		26-30	5
17		31-over	5
18		(and departmental hearing	
19		and sanctions provided	
20		under section 1538(d))	
21	3365(b)	Exceeding special speed limit	
22		in school zone.	3
23	3365(c)	Exceeding special speed limit	
24		for trucks on downgrades.	3
25	3542(a)	Failure to yield to pedestrian in	
26		crosswalk.	2
27	3547	Failure to yield to pedestrian on	
28		sidewalk.	3
29	3549(a)	Failure to yield to blind	
30		pedestrian.	3

1 3702 Improper backing. 3  
2 3714 [Reckless] Careless driving. 3  
3 3745 Leaving scene of accident  
4 involving property damage only. 4

5 \* \* \*

6 § 1540. Surrender of license.

7 \* \* \*

8 (b) Suspension [or], revocation or disqualification of  
9 operating privilege.--Upon the suspension or revocation of the  
10 operating privilege or the disqualification of the commercial  
11 operating privilege of any person by the department, the  
12 department shall forthwith notify the person in writing at the  
13 address of record to surrender his driver's license to the  
14 department for the term of suspension [or], revocation or  
15 disqualification. The suspension [or], revocation or  
16 disqualification shall be effective upon a date determined by  
17 the department or the date of surrender of the license to the  
18 department if that date is subsequent to the department's notice  
19 to surrender the license, whichever occurs first. Upon surrender  
20 of the license, the department shall issue a receipt showing the  
21 date that it received the license.

22 (c) Seizure of revoked [and], suspended, canceled or  
23 disqualified licenses.--The department may delegate authority to  
24 any authorized [department] Commonwealth employee, member of the  
25 Pennsylvania State Police or local police officer to seize the  
26 driver's license of any person when the operating privilege of  
27 that person has been revoked [or], suspended, canceled or  
28 disqualified and his driver's license has been ordered to be  
29 surrendered by a court or district attorney or by the  
30 department. The department shall, by regulation, prescribe the

1 manner of selecting the Commonwealth employees and [State and]  
2 local police officers to seize the drivers' licenses.

3 § 1547. Chemical testing to determine amount of alcohol or  
4 controlled substance.

5 \* \* \*

6 (d) Presumptions from amount of alcohol.--If chemical  
7 testing of a person's breath, blood or urine shows:

8 (1) That the amount of alcohol by weight in the blood of  
9 the person tested is 0.05% or less, it shall be presumed that  
10 the person tested was not under influence of alcohol and the  
11 person shall not be charged with any violation under section  
12 3731(a)(1) or (4) (relating to driving under influence of  
13 alcohol or controlled substance), or, if the person was so  
14 charged prior to the test, the charge shall be void ab  
15 initio. This fact shall not give rise to any presumption  
16 concerning a violation of section 3731(a)(2) or (3) or (i).

17 (2) That the amount of alcohol by weight in the blood of  
18 the person tested is in excess of 0.05% but less than 0.10%,  
19 this fact shall not give rise to any presumption that the  
20 person tested was or was not under the influence of alcohol,  
21 but this fact may be considered with other competent evidence  
22 in determining whether the person was or was not under the  
23 influence of alcohol. This provision shall not negate the  
24 provisions of section 3731(i).

25 (3) That the amount of alcohol by weight in the blood of  
26 the person tested is 0.10% or more, this fact may be  
27 introduced into evidence if the person is charged with  
28 violating section 3731.

29 \* \* \*

30 § 1550. Judicial review.

1 (a) General rule.--Any person denied a driver's license or  
2 whose operating privilege has been recalled, canceled, suspended  
3 [or], revoked or disqualified by the department shall have the  
4 right to appeal to the court vested with jurisdiction of such  
5 appeals by or pursuant to Title 42 (relating to judiciary and  
6 judicial procedure).

7 (b) Supersedeas.--[The]

8 (1) In the case of a recall, suspension, cancellation or  
9 revocation, the filing of the petition shall operate as a  
10 supersedeas, and no recall, suspension, cancellation or  
11 revocation shall be imposed against such person until final  
12 determination of the matter.

13 (2) In the case of a disqualification of the commercial  
14 operating privilege, the driver may petition to the court of  
15 common pleas of his county of residence, which court may  
16 grant a supersedeas ex parte upon a showing of reasonable  
17 likelihood of successful prosecution of the appeal.

18 (c) Proceedings of court.--The court shall set the matter  
19 for hearing upon 30 days written notice to the department and  
20 determine whether the petitioner is in fact the person whose  
21 operating privilege is subject to the recall, suspension,  
22 cancellation [or], revocation or disqualification.

23 § 1571. Violations concerning licenses.

24 (a) Offenses defined.--It is unlawful for any person:

25 (1) To exhibit or cause or permit to be exhibited or  
26 have in possession any recalled, canceled, suspended,  
27 revoked, disqualified, fictitious or fraudulently altered  
28 driver's license.

29 \* \* \*

30 (4) To fail or refuse to surrender to the department

1 upon lawful demand a recalled, canceled, suspended, revoked,  
2 disqualified, fictitious or fraudulently altered driver's  
3 license.

4 \* \* \*

5 § 1573. [Driving under] Displaying a foreign license during  
6 suspension or revocation.

7 [Any] (a) Offense defined.--It is unlawful for any resident  
8 or nonresident whose operating privilege to drive a motor  
9 vehicle in this Commonwealth has been recalled, canceled,  
10 suspended [or], revoked or disqualified as provided in this  
11 title shall not [drive a motor vehicle in this Commonwealth  
12 under] display a license or permit issued by any other  
13 jurisdiction or otherwise during the suspension or after the  
14 recall, cancellation [or], revocation or disqualification until  
15 [a new driver's license is obtained when and as permitted under  
16 this chapter] the individual's operating privilege has been  
17 restored by the department.

18 (b) Penalty.--Any person violating the provisions of this  
19 section commits a summary offense and shall, upon conviction, be  
20 sentenced to pay a fine of \$100. This penalty shall be in  
21 addition to any other penalties imposed under this title.

22 Section 5. Title 75 is amended by adding a chapter to read:

23 CHAPTER 16

24 COMMERCIAL DRIVERS

25 Sec.

26 1601. Short title of chapter.

27 1602. Purpose and construction of chapter.

28 1603. Definitions.

29 1604. Notification requirements for drivers.

30 1605. Employer responsibilities.

- 1 1606. Requirement for commercial driver's license.
- 2 1607. Commercial driver's license qualification standards.
- 3 1608. Nonresident CDL.
- 4 1609. Application for commercial driver's license.
- 5 1610. Commercial driver's license.
- 6 1611. Disqualification.
- 7 1612. Commercial drivers prohibited from operating with any  
8 alcohol in system.
- 9 1613. Implied consent requirements for commercial motor vehicle  
10 drivers.
- 11 1614. Notification of traffic convictions.
- 12 1615. Authority to enter agreements.
- 13 1616. Reciprocity.
- 14 1617. Fees.

15 § 1601. Short title of chapter.

16 This chapter shall be known and may be cited as the Uniform  
17 Commercial Driver's License Act.

18 § 1602. Purpose and construction of chapter.

19 (a) Purpose.--The purpose of this chapter is to implement  
20 the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-  
21 570, 49 U.S.C. app. § 2701 et seq.) and reduce or prevent  
22 commercial motor vehicle accidents, fatalities and injuries by:

23 (1) Permitting commercial drivers to hold only one  
24 driver's license.

25 (2) Disqualifying commercial drivers who have committed  
26 certain serious traffic violations, or other specified  
27 offenses.

28 (3) Strengthening licensing and testing standards.

29 (b) Construction.--This chapter is a remedial law and shall  
30 be liberally construed to promote the public health, safety and

1 welfare. To the extent that this chapter conflicts with other  
2 driver licensing provisions, this chapter prevails. Where this  
3 chapter is silent, the general driver licensing provisions  
4 apply.

5 § 1603. Definitions.

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

9 "Commercial driver's license" or "CDL." A license issued in  
10 accordance with the requirements of this chapter authorizing an  
11 individual to drive a class of commercial motor vehicle.

12 "Commercial Driver's License Information System" or "CDLIS."  
13 The information system established pursuant to the Commercial  
14 Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C.  
15 app. § 2701 et seq.) to serve as a clearinghouse for locating  
16 information related to the licensing and identification of  
17 commercial motor vehicle drivers.

18 "Commercial driver learner's permit." A permit issued  
19 pursuant to section 1607(d) (relating to commercial driver's  
20 license qualification standards).

21 "Commercial motor vehicle." A motor vehicle designed or used  
22 to transport passengers or property:

23 (1) if the vehicle has a gross vehicle weight rating of  
24 26,001 or more pounds or such lesser rating as the department  
25 shall adopt under the provisions of section 6103(c) (relating  
26 to promulgation of rules and regulations by department), as  
27 determined by Federal regulation and published by the  
28 department as a notice in the Pennsylvania Bulletin;

29 (2) if the vehicle is designed to transport 16 or more  
30 passengers, including the driver; or

- 1 (3) if the vehicle is a school bus; or  
2 (4) if the vehicle is transporting hazardous materials  
3 and is required to be placarded in accordance with department  
4 regulations.

5 The term does not include an implement of husbandry.

6 "Controlled substance." Any substance so defined or  
7 classified under:

8 (1) The act of April 14, 1972 (P.L.233, No.64), known as  
9 The Controlled Substance, Drug, Device and Cosmetic Act.

10 (2) Section 102(6) of the Controlled Substance Act  
11 (Public Law 91-513 § 21 U.S.C. 802(6)).

12 (3) Schedules I through V of 21 CFR Part 1308.

13 (4) Any revisions to paragraphs (2) or (3) which are  
14 published by the department as notices in the Pennsylvania  
15 Bulletin.

16 "Disqualification." A prohibition against driving a  
17 commercial motor vehicle.

18 "Employer." Any person, including the United States, a state  
19 or a political subdivision of a state, who owns or leases a  
20 commercial motor vehicle, or assigns a person to drive a  
21 commercial motor vehicle.

22 "Felony." An offense under state or Federal law which is  
23 punishable by death or imprisonment exceeding one year.

24 "Foreign jurisdiction." Any jurisdiction other than a state  
25 of the United States.

26 "Nonresident CDL." A commercial driver's license issued by a  
27 state to an individual who resides in a foreign jurisdiction.

28 "Out-of-service order." A temporary prohibition against  
29 driving a commercial motor vehicle.

30 "Serious traffic violation:"

1 (1) Excessive speeding as defined by the United States  
2 Secretary of Transportation by regulation and published by  
3 the department as a notice in the Pennsylvania Bulletin.

4 (2) Reckless driving.

5 (3) Any offense under this title relating to motor  
6 vehicle traffic control arising in connection with an  
7 accident resulting in death to any person.

8 (4) Any violation of section 3326 (relating to duty of  
9 driver in construction and maintenance areas) or 3365(c)  
10 (relating to special speed limitations).

11 (5) Any other offenses defined by the United States  
12 Secretary of Transportation as serious traffic violations and  
13 published by the department as a notice in the Pennsylvania  
14 Bulletin.

15 "State." A state of the United States or the District of  
16 Columbia.

17 "United States." The fifty states and the District of  
18 Columbia.

19 § 1604. Notification requirements for drivers.

20 (a) Notification of convictions.--A driver of a commercial  
21 motor vehicle holding a driver's license issued by this  
22 Commonwealth who is convicted of violating a Federal or state  
23 law or local ordinance relating to motor vehicle traffic control  
24 in this or any other state or any Federal, provincial,  
25 territorial or municipal law relating to motor vehicle traffic  
26 control in Canada, other than parking violations, shall notify  
27 his employer, in writing, of the conviction within 30 days of  
28 the date of conviction.

29 (b) Notification of suspensions, revocations, cancellations  
30 and disqualifications.--Each driver whose operating privilege is

1 suspended, revoked or canceled by any state, who loses the  
2 privilege to drive a commercial motor vehicle in any state for  
3 any period or who is disqualified from driving a commercial  
4 motor vehicle for any period, shall notify his employer of that  
5 fact before the end of the business day following the day the  
6 driver received notice of the suspension, revocation,  
7 cancellation, loss or disqualification.

8 (c) Notification of previous employment.--

9 (1) Each person who applies for employment as a  
10 commercial motor vehicle driver shall provide the employer,  
11 at the time of the application for employment, with the  
12 following information for the ten years preceding the date of  
13 application:

14 (i) A list of the names and addresses of the  
15 applicant's previous employers for which the applicant  
16 was a driver of a commercial motor vehicle.

17 (ii) The dates between which the applicant drove for  
18 each employer.

19 (iii) The reason for leaving that employer.

20 (2) The applicant shall certify that all information  
21 furnished is true and complete.

22 (3) An employer may require an applicant to provide  
23 additional information.

24 (d) Penalties.--

25 (1) Any person who knowingly and willfully violates any  
26 provision of this section commits a summary offense and  
27 shall, upon conviction, be sentenced to pay a fine not to  
28 exceed \$5,000 or to imprisonment not to exceed 90 days, or  
29 both.

30 (2) Any person who is determined by the department,

1 after notice and opportunity for hearing, to have committed  
2 an act which is in violation of this section shall be liable  
3 to the Commonwealth for a civil penalty not to exceed \$2,500  
4 for each offense.

5 (3) Any person having a civil penalty imposed by the  
6 department under this section shall have the right to appeal  
7 to the Commonwealth Court pursuant to Title 42 (relating to  
8 judiciary and judicial procedure).

9 § 1605. Employer responsibilities.

10 (a) Requirements.--Each employer shall require the applicant  
11 to provide the information specified in section 1604(c)  
12 (relating to notification requirements for drivers). Each  
13 employer shall inform the applicant that the information he  
14 provides in accordance with section 1604(c) may be used, and the  
15 applicant's previous employers may be contacted for the purpose  
16 of investigating the applicant's work history.

17 (b) Prohibitions.--No employer shall knowingly allow,  
18 require, permit or authorize a driver to drive a commercial  
19 motor vehicle during any period:

20 (1) in which:

21 (i) the driver's license was suspended, revoked or  
22 canceled by a state;

23 (ii) the driver has lost the privilege to drive a  
24 commercial motor vehicle in a state; or

25 (iii) the driver has been disqualified from driving  
26 a commercial motor vehicle; or

27 (2) in which the driver has more than one driver's  
28 license.

29 (c) Penalties.--

30 (1) Any person who knowingly and willfully violates any

1 provision of this section commits a summary offense and  
2 shall, upon conviction, be sentenced to pay a fine not to  
3 exceed \$5,000 or to imprisonment not to exceed 90 days, or  
4 both.

5 (2) Any person who is determined by the department,  
6 after notice and opportunity for hearing, to have committed  
7 an act which is in violation of this section shall be liable  
8 to the Commonwealth for a civil penalty not to exceed \$2,500  
9 for each offense.

10 (3) Any person against whom a civil penalty is imposed  
11 by the department under this section shall have the right to  
12 appeal to the Commonwealth Court pursuant to Title 42  
13 (relating to judiciary and judicial procedure).

14 § 1606. Requirement for commercial driver's license.

15 (a) When required.--No person, except those specifically  
16 exempted in subsection (b), shall drive a commercial motor  
17 vehicle unless the person has been issued and is in immediate  
18 possession of a valid commercial driver's license and applicable  
19 endorsements valid for the vehicle he is driving.

20 (b) Exemptions.--The following persons are not required to  
21 obtain a commercial driver's license in order to drive the  
22 commercial motor vehicle specified:

23 (1) A person with a commercial driver learner's permit  
24 who is accompanied by the holder of a commercial driver's  
25 license valid for the vehicle being driven.

26 (2) A person in the service of the Armed Forces of the  
27 United States, including members of the Reserves and National  
28 Guard on active duty; personnel on full-time National Guard  
29 duty; and personnel on inactive National Guard duty training  
30 or part-time National Guard training and National Guard

1 military technicians who are required to wear military  
2 uniforms and are subject to the Uniform Code of Military  
3 Justice when operating equipment owned or operated by the  
4 Department of Defense.

5 (3) A person who is a volunteer or paid fireman with a  
6 Class D license and who has a certificate of authorization  
7 from his fire chief while operating a fire or emergency  
8 vehicle registered to the fire department.

9 (4) A farmer operating a farm vehicle used exclusively  
10 to transport agricultural products, farm machinery or farm  
11 supplies to or from a farm owned or operated by the owner of  
12 the farm vehicle. The farm vehicle may not be used in the  
13 operations of a common or contract carrier and may be used  
14 only within a radius of 25 miles of the farm.

15 (c) Prohibitions.--

16 (1) No person shall drive a commercial motor vehicle  
17 while their operating privilege is suspended, revoked,  
18 canceled or recalled; while subject to a disqualification; or  
19 in violation of an out-of-service order.

20 (2) No person who operates a commercial motor vehicle  
21 shall at any time have more than one driver's license.

22 (d) Penalties.--

23 (1) Except as provided in paragraph (8), a person who  
24 violates subsection (a) commits a summary offense and shall,  
25 upon conviction, be sentenced to pay a fine not to exceed  
26 \$5,000 or to imprisonment not to exceed 90 days, or both.

27 (2) Except as provided in paragraph (8), a person who is  
28 determined by the department, after notice and opportunity  
29 for a hearing, to have committed an act which is in violation  
30 of subsection (a) shall be liable to the Commonwealth for a

1 civil penalty not to exceed \$2,500 for each offense.

2 (3) A person who drives a commercial motor vehicle while  
3 subject to disqualification commits a summary offense and  
4 shall, upon conviction, be sentenced to pay a fine of \$500.  
5 The department shall impose an additional one-year  
6 disqualification upon receipt of a certified record of the  
7 driver's conviction.

8 (4) A person who drives a commercial motor vehicle while  
9 subject to disqualification under section 1611(b) or (e)  
10 (relating to disqualification) commits a summary offense and  
11 shall, upon conviction, be sentenced to pay a fine of \$1,000  
12 or to imprisonment for six months, or both. In cases where  
13 the disqualification for life under section 1611(b) is  
14 reduced under section 1611(d), the department shall impose an  
15 additional one-year disqualification upon receipt of a  
16 certified record of the driver's conviction.

17 (5) A person who knowingly and willfully drives a  
18 commercial motor vehicle in violation of an out-of-service  
19 order issued under section 1612 (relating to commercial  
20 drivers prohibited from operating with any alcohol in system)  
21 commits a summary offense and shall, upon conviction, be  
22 sentenced to pay a fine not to exceed \$5,000 or imprisonment  
23 not to exceed 90 days, or both.

24 (6) A person who is determined by the department, after  
25 notice and opportunity for a hearing, to have been driving a  
26 commercial motor vehicle in violation of an out-of-service  
27 order issued under section 1612 shall be liable to the  
28 Commonwealth for a civil penalty not to exceed \$2,500 for  
29 each offense. Appeals of such a determination shall be to the  
30 Commonwealth Court pursuant to Title 42 (relating to

1        judiciary and judicial procedure).

2            (7) A person who drives a commercial motor vehicle in  
3 violation of an out-of-service order (other than an out-of-  
4 service order issued under section 1612) commits a summary  
5 offense and shall, upon conviction, be sentenced to pay a  
6 fine of \$500. The department shall also impose a one-year  
7 disqualification upon the person upon receipt of a certified  
8 record of the conviction.

9            (8) A person charged with violating subsection (a)  
10 commits a summary offense and shall, upon conviction, pay a  
11 fine of \$100 in lieu of the fine and disqualification under  
12 paragraph (2) if the person produces at the office of the  
13 issuing authority within five days of the violation:

14            (i) a commercial driver's license valid in this  
15 Commonwealth at the time of the violation; or

16            (ii) if the commercial driver's license is lost,  
17 stolen, destroyed or illegible, evidence that the driver  
18 was licensed at the time of the violation and that  
19 application for a duplicate license had been made at the  
20 time of the violation.

21            (9) A person who knowingly and willfully drives a  
22 commercial motor vehicle in violation of paragraph (2)  
23 commits a summary offense and shall, upon conviction, be  
24 sentenced to pay a fine not to exceed \$5,000 or to  
25 imprisonment not to exceed 90 days, or both.

26            (10) A person who is determined by the department, after  
27 notice and opportunity for a hearing, to have committed an  
28 act which is in violation of paragraph (2) shall be liable to  
29 the Commonwealth for a civil penalty not to exceed \$2,500 for  
30 each offense. Appeal of such a determination shall be to the

1 Commonwealth Court pursuant to Title 42.

2 § 1607. Commercial driver's license qualification standards.

3 (a) Testing.--

4 (1) No person shall be issued a commercial driver's  
5 license unless the person is a resident of this Commonwealth  
6 and has passed a knowledge and skills test for driving a  
7 commercial motor vehicle which complies with minimum Federal  
8 standards established by Federal regulation, all other  
9 requirements of the Commercial Motor Vehicle Safety Act of  
10 1986 (Public Law 99-570, 49 U.S.C. app. § 2701 et seq.) and  
11 other requirements imposed under Federal regulation which are  
12 published by the department as a notice in the Pennsylvania  
13 Bulletin, as well as all requirements of this title or State  
14 regulation. The tests shall be prescribed and conducted by  
15 the department or its agents.

16 (2) The department may authorize a person, including an  
17 agency of this or another state, an employer, a private  
18 institution or association, or a department, agency or  
19 instrumentality of local government to administer the skills  
20 test specified by this section, provided:

21 (i) The test is the same as that which would  
22 otherwise be administered by the department.

23 (ii) The third party has entered into an agreement  
24 with the department.

25 (b) Waiver of test.--The department may establish procedures  
26 to waive the skills test specified in this section for a  
27 commercial driver's license applicant who meets the requirements  
28 of Federal regulations. If permitted by Federal regulation, the  
29 department's waiver procedures may waive the written test  
30 requirement for a commercial driver's license applicant holding

1 a valid Class 2, 3 or 4 license.

2 (c) Limitations on issuance of license.--A commercial  
3 driver's license or commercial driver learner's permit shall not  
4 be issued to a person while the person is subject to a  
5 disqualification from driving a commercial motor vehicle or  
6 while the person's driver's license is suspended, revoked or  
7 canceled in any state; nor shall a commercial driver's license  
8 be issued to a person who has a commercial driver's license  
9 issued by any other state unless the person first surrenders all  
10 such licenses, which shall be returned to the issuing state for  
11 cancellation.

12 (d) Commercial driver learner's permit.--The department  
13 shall issue a commercial driver learner's permit in accordance  
14 with section 1505 (relating to learners' permits). A commercial  
15 driver learner's permit is required for the addition of  
16 endorsements and the removal of restrictions established under  
17 this chapter, including those established by regulation.

18 § 1608. Nonresident CDL.

19 (a) Issuance of nonresident CDL.--The department may issue a  
20 nonresident CDL to a resident of a foreign jurisdiction if the  
21 United States Secretary of Transportation has determined that  
22 the commercial motor vehicle testing and licensing standards in  
23 the foreign jurisdiction do not meet the testing standards  
24 established in Federal regulations.

25 (1) The word "nonresident" shall appear on the face of  
26 the nonresident CDL.

27 (2) An applicant shall surrender any nonresident CDL  
28 issued by another state.

29 (3) Prior to issuing a nonresident CDL, the department  
30 shall establish the practical capability of revoking,

1 suspending or canceling the nonresident CDL and disqualifying  
2 the commercial motor vehicle driving privilege of that  
3 person.

4 (b) Other provisions applicable.--All provisions of this  
5 chapter applicable to the commercial driver's license for a  
6 resident of this Commonwealth, except the residency requirement,  
7 and all provisions of this title applicable to drivers' licenses  
8 shall be applicable to a nonresident CDL.

9 § 1609. Application for commercial driver's license.

10 (a) Contents of application.--The application for a  
11 commercial driver's license or commercial drivers learner's  
12 permit shall include the following:

13 (1) The full name and current residential address of the  
14 person.

15 (2) A physical description of the person, including sex,  
16 height and eye color.

17 (3) Date of birth.

18 (4) The applicant's Social Security number.

19 (5) The person's signature.

20 (6) Certifications, including those required by Federal  
21 regulations.

22 (7) Any other information required by the department.

23 (b) Change of name or address.--Whenever any person, after  
24 applying for or receiving a commercial driver's license or  
25 commercial driver learner's permit, moves from the address named  
26 in the application or in the driver's license or learner's  
27 permit issued, or when the name of the licensee or permittee is  
28 changed, such person shall within 15 days make application for a  
29 duplicate license. The duplicate shall be issued upon payment of  
30 the required fee and return of the original, or previous

1 duplicate, license.

2 (c) New residents.--No person who is a resident of this  
3 Commonwealth for 30 days shall drive a commercial motor vehicle  
4 under the authority of a commercial driver's license issued by  
5 another jurisdiction.

6 § 1610. Commercial driver's license.

7 (a) Content of license.--The commercial driver's license  
8 shall indicate "commercial driver's license" or "CDL" and shall  
9 include, but not be limited to, the following information:

10 (1) The name and residential address of the person.

11 (2) The person's color photograph or photographic  
12 facsimile.

13 (3) A physical description of the person, including sex,  
14 height and eye color.

15 (4) Date of birth.

16 (5) The license number assigned by the department.

17 (6) The person's signature or a facsimile of that  
18 signature.

19 (7) The class or type of commercial motor vehicle or  
20 vehicles which the person is authorized to drive, together  
21 with any endorsements or restrictions.

22 (b) Classifications, endorsements and restrictions.--

23 Commercial drivers' licenses may be issued with the following  
24 classifications, endorsements and restrictions. The holder of a  
25 valid commercial driver's license may drive all vehicles in the  
26 class for which that license is issued and all lesser classes of  
27 vehicles except motorcycles. Vehicles requiring an endorsement  
28 may not be driven unless the proper endorsement appears on the  
29 license:

30 (1) Commercial driver classifications are Classes A, B

1 and C, as set forth in section 1504 (relating to classes of  
2 licenses).

3 (2) The following codes shall be used as required to  
4 describe the commercial driver's license endorsements and  
5 restrictions. Additional endorsements and restrictions may be  
6 added by regulation for use on the commercial driver's  
7 license:

8 H - Authorizes the driver to operate a vehicle  
9 transporting hazardous materials.

10 K - Restricts the driver to vehicles not equipped  
11 with airbrakes.

12 N - Authorizes driving tank vehicles.

13 P - Authorizes driving vehicles carrying passengers.

14 S - Authorizes the driver to operate a school bus.

15 T - Authorizes driving double and triple trailers.

16 X - Represents a combination of hazardous materials  
17 and tank vehicle endorsements.

18 (c) Applicant record check.--Before issuing a commercial  
19 driver's license, the department shall obtain driving record  
20 information through the Commercial Driver's License Information  
21 System and the National Driver Register.

22 (d) Notification of license issuance.--When the department  
23 has electronic access, but no later than March 31, 1992, the  
24 department, within ten days after issuing a commercial driver's  
25 license, shall notify the Commercial Driver's License  
26 Information System of that fact, providing all information  
27 required to ensure identification of the person.

28 (e) License renewal procedures.--When applying for renewal  
29 of a commercial driver's license, the applicant must complete  
30 the application form required by section 1609(a) (relating to

1 application for commercial driver's license), providing current  
2 and valid information and required certifications. If the  
3 applicant wishes to retain a hazardous materials endorsement,  
4 the written test for a hazardous materials endorsement must be  
5 taken and passed.

6 § 1611. Disqualification.

7 (a) Disqualification for first violation of certain  
8 offenses.--Upon receipt of a certified copy of conviction, the  
9 department shall, in addition to any other penalties imposed  
10 under this title, disqualify any person from driving a  
11 commercial motor vehicle for a period of one year for the first  
12 violation of:

13 (1) section 3731(i) (relating to driving under the  
14 influence of alcohol or controlled substance);

15 (2) section 3742 (relating to accidents involving death  
16 or personal injury), where the violation occurred while the  
17 person was driving a commercial motor vehicle;

18 (3) section 3743 (relating to accidents involving damage  
19 to attended vehicle or property), where the violation  
20 occurred while the person was driving a commercial motor  
21 vehicle;

22 (4) section 3745 (relating to accidents involving damage  
23 to unattended vehicle or property), where the violation  
24 occurred while the person was driving a commercial motor  
25 vehicle;

26 (5) any felony in the commission of which a court  
27 determines a commercial motor vehicle was essentially  
28 involved, except as described in subsection (e); or

29 (6) section 1606(b) (relating to requirement for  
30 commercial driver's license), while their driving privilege

1 is suspended, revoked, canceled or recalled or while subject  
2 to disqualification or in violation of an out-of-service  
3 order.

4 (b) Disqualification for offense while carrying hazardous  
5 materials.--The department shall disqualify any person from  
6 driving a commercial motor vehicle for three years if any of the  
7 offenses in subsection (a) occurred while transporting a  
8 hazardous material required to be placarded.

9 (c) Disqualification for two violations of certain  
10 offenses.--The department shall disqualify for life any person  
11 convicted of two or more violations of any of the offenses  
12 specified in subsection (a), or any combination of those  
13 offenses, arising from two or more separate and distinct  
14 incidents. Only offenses committed after the effective date of  
15 this chapter may be considered in applying this subsection.

16 (d) Mitigation of disqualification for life.--The department  
17 may issue regulations establishing guidelines, including  
18 conditions, under which a disqualification for life under  
19 subsection (b) may be reduced to a period of not less than ten  
20 years, if such reductions are permitted by Federal regulations.

21 (e) Disqualification for controlled substance offenses.--The  
22 department shall disqualify any person from driving a commercial  
23 motor vehicle for life who is convicted of using a commercial  
24 motor vehicle in the commission of any felony involving the  
25 manufacture, distribution or dispensing of a controlled  
26 substance, or possession with intent to manufacture, distribute  
27 or dispense a controlled substance. There shall be no exceptions  
28 or reductions to this disqualification for life.

29 (f) Disqualification for failure to have CDL.--The  
30 department shall disqualify any person from driving a commercial

1 motor vehicle for six months upon receiving a certified record  
2 of the person's conviction of violating section 1606(a), except  
3 as provided in section 1606(c)(8).

4 (g) Disqualification for serious traffic offenses.--The  
5 department shall disqualify any person from driving a commercial  
6 motor vehicle for a period of 60 days if convicted of two  
7 serious traffic violations, or 120 days if convicted of three  
8 serious traffic violations, committed in a commercial motor  
9 vehicle arising from separate and distinct incidents occurring  
10 within a three-year period.

11 (h) Disqualification for failure to pay civil penalty.--If a  
12 commercial motor vehicle licensee fails to pay a civil penalty  
13 under section 1604(d)(2) (relating to notification requirements  
14 for drivers), 1605(c)(2) (relating to employer responsibilities)  
15 or 1606(d)(2) or (10), the department shall disqualify the  
16 person from driving a commercial motor vehicle until payment is  
17 made.

18 (i) Conviction in Federal court or another state.--For  
19 purposes of the provisions of this section, a copy of a  
20 certified record of conviction or a copy of a certified record  
21 of administrative adjudication from a Federal court or another  
22 state for an offense essentially similar to those offenses which  
23 would result in disqualification in this section shall be  
24 treated by the department as if the conviction had occurred in  
25 this Commonwealth.

26 (j) Surrender of license.--Upon the disqualification of the  
27 commercial driving privilege of a person, the license shall be  
28 surrendered as provided in section 1540 (relating to surrender  
29 of license).

30 (k) Updating driving record.--After suspending, revoking,

1 recalling or canceling a commercial driver's license, the  
2 department shall update its records to reflect that action.  
3 After suspending, revoking, recalling or canceling a commercial  
4 driving privilege issued by another state, the department shall  
5 notify the licensing authority of the state which issued the  
6 commercial driver's license or nonresident commercial driver's  
7 license.

8 § 1612. Commercial drivers prohibited from operating with any  
9 alcohol in system.

10 (a) Offense defined.--Notwithstanding any other provision of  
11 this title, a person shall not drive, operate or be in physical  
12 control of a commercial motor vehicle while having any alcohol  
13 in his system.

14 (b) Penalty.--A person who violates subsection (a) commits a  
15 summary offense and shall, upon conviction, be sentenced to pay  
16 a fine of \$100. A person who drives, operates or is in physical  
17 control of a commercial motor vehicle while having alcohol in  
18 his system or who refuses to take a test to determine his  
19 alcohol content as provided by section 1613 (relating to implied  
20 consent requirements for commercial motor vehicle drivers) shall  
21 be placed out of service for 24 hours.

22 § 1613. Implied consent requirements for commercial motor  
23 vehicle drivers.

24 (a) Implied consent.--A person who drives a commercial motor  
25 vehicle in this Commonwealth is deemed to have given consent to  
26 take a test or tests of the person's breath, blood or urine for  
27 the purpose of determining the person's alcohol concentration or  
28 the presence of other controlled substances.

29 (b) Tests ordered by police officer.--A test or tests may be  
30 administered at the direction of a police officer who, after

1 stopping or detaining the commercial motor vehicle driver, has  
2 reasonable grounds to believe that the driver was driving a  
3 commercial motor vehicle while having any alcohol in his system.

4 (c) Warning against refusal.--A person requested to submit  
5 to a test as provided in subsection (a) shall be warned by the  
6 police officer requesting the test that refusal to submit to the  
7 test will result in the person's being disqualified from  
8 operating a commercial motor vehicle under subsection (e).

9 (d) Report on test refusal.--If the person refuses testing,  
10 the police officer shall submit a sworn report to the department  
11 certifying that the test was requested pursuant to subsection  
12 (a) and that the person refused to submit to testing.

13 (e) Disqualification for refusal.--Upon receipt of the sworn  
14 report of a police officer submitted under subsection (d), the  
15 department shall disqualify the driver from driving a commercial  
16 motor vehicle for a period of one year.

17 (f) Appeal of disqualification.--Any holder of a commercial  
18 driver's license who is disqualified under the provisions of  
19 this section from driving a commercial motor vehicle shall have  
20 the same right of appeal as provided for in cases of suspension.  
21 § 1614. Notification of traffic convictions.

22 After receiving a report of the conviction of any holder of a  
23 commercial driver's license issued by another state for  
24 violation of Chapter 15, 16, 17, 31, 33 or 37 committed in a  
25 commercial motor vehicle, the department shall notify the driver  
26 licensing authority in the licensing state of the conviction.

27 § 1615. Authority to enter agreements.

28 The department may enter into or make agreements,  
29 arrangements or declarations to carry out the provisions of this  
30 chapter.

1 § 1616. Reciprocity.

2 Notwithstanding any law to the contrary, a person may drive a  
3 commercial motor vehicle if the person has a commercial driver's  
4 license issued by any state, or any province or territory of  
5 Canada in accordance with the minimum Federal standards for the  
6 issuance of commercial motor vehicle drivers' licenses, if the  
7 person's operating privilege is not suspended, revoked or  
8 canceled and if the person is not disqualified from driving a  
9 commercial motor vehicle or subject to an out-of-service order.

10 § 1617. Fees.

11 Fees relating to commercial drivers' licenses to be collected  
12 by the department under this chapter shall be in addition to any  
13 other fees imposed under the provisions of this title and are as  
14 follows:

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

17 (2) In addition to any other restoration fee required by  
18 this title, an additional restoration fee of \$50 shall be  
19 assessed and collected before reinstating a commercial  
20 driver's operating privilege following a suspension or  
21 revocation under this title or disqualification under this  
22 chapter.

23 (3) If the commercial driving privilege of a driver is  
24 disqualified, a Class D license may be obtained upon payment  
25 of the fees associated with obtaining a duplicate license.

26 Section 6. Section 3714 of Title 75 is amended to read:

27 § 3714. [~~Reckless~~] Careless driving.

28 Any person who drives a vehicle in careless disregard for the  
29 safety of persons or property is guilty of [~~reckless~~] careless  
30 driving, a summary offense.

1 Section 7. Section 3731 of Title 75 is amended by adding a  
2 subsection to read:

3 § 3731. Driving under influence of alcohol or controlled  
4 substance.

5 \* \* \*

6 (i) Driving a commercial motor vehicle while under the  
7 influence of alcohol or controlled substance.--A person shall  
8 not drive, operate or be in physical control of the movement of  
9 any commercial vehicle while:

10 (1) under the influence of alcohol to a degree which  
11 renders the person incapable of safely driving a commercial  
12 motor vehicle;

13 (2) under the influence of any controlled substance as  
14 defined in section 1603 (relating to definitions) to a degree  
15 which renders the person incapable of safely driving a  
16 commercial motor vehicle;

17 (3) under the combined influence of alcohol and any  
18 controlled substance to a degree which renders the person  
19 incapable of safely driving a commercial motor vehicle; or

20 (4) the amount of alcohol by weight in the person's  
21 blood is 0.04% or more.

22 Section 8. Title 75 is amended by adding a section to read:

23 § 3736. Reckless driving.

24 (a) General rule.--Any person who drives any vehicle in  
25 willful or wanton disregard for the safety of persons or  
26 property is guilty of reckless driving.

27 (b) Penalty.--Any person who violates this section commits a  
28 summary offense and shall, upon conviction, be sentenced to pay  
29 a fine of \$200.

30 Section 9. Section 6146 of Title 75 is amended to read:

1 § 6146. Enforcement agreements.

2 The secretary may enter into agreements relating to  
3 enforcement of this title, including, but not limited to[, ]:

4 (1) agreements to notify any state of violations  
5 incurred by residents of that state[, ];

6 (2) agreements to suspend or revoke the operating  
7 privilege of Pennsylvania licensed drivers who are convicted  
8 in Federal Court or in another state of any offense  
9 essentially similar to those enumerated in [Subchapter B of  
10 Chapter 37 (relating to serious traffic offenses) and]  
11 section 1532(a) and (b) (relating to suspension or revocation  
12 of operating privilege);

13 (3) agreements to disqualify the commercial driving  
14 privilege of Pennsylvania-licensed drivers convicted in  
15 Federal Court or in another state of offenses essentially  
16 similar to those resulting in disqualification under section  
17 1611 (relating to disqualification);

18 (4) agreements to establish procedures for the seizure  
19 of suspended, revoked or disqualified drivers' licenses of  
20 residents of other states; and

21 (5) agreements to take measures to assure taking of  
22 chemical tests of breath, blood or urine and payment of fines  
23 or attendance at hearings by persons charged with these or  
24 other violations.

25 Section 10. Section 6323(2) of Title 75 is amended and the  
26 section is amended by adding a paragraph to read:

27 § 6323. Reports by courts.

28 Subject to any inconsistent procedures and standards relating  
29 to reports and transmission of funds prescribed pursuant to  
30 Title 42 (relating to judiciary and judicial procedure):

1 \* \* \*

2 (2) A record of the judgment shall also be forwarded to  
3 the department upon conviction or acquittal of a person of a  
4 felony, a misdemeanor of the first degree or a misdemeanor of  
5 the second degree in the commission of which the judge  
6 determines that a motor vehicle was essentially involved.

7 \* \* \*

8 (4) The record of judgment required to be sent to the  
9 department by subsections (1) and (2) shall indicate if the  
10 vehicle driven by the person was a commercial motor vehicle.

11 Section 11. Section 6501(a) of Title 75 is amended and the  
12 section is amended by adding a subsection to read:

13 § 6501. Definition of conviction.

14 (a) General rule.--For the purposes of this title, a  
15 conviction includes a plea of guilty, a plea of nolo contendere,  
16 a finding of guilty by a court or administrative proceeding, an  
17 adjudication of delinquency by a court or an unvacated  
18 forfeiture of bail or collateral deposited to secure a  
19 defendant's appearance in court.

20 \* \* \*

21 (c) Certified record of convictions.--For the purpose of  
22 this title, a certified record of conviction includes a  
23 certified record of conviction from any Federal or state court  
24 and a certified record of administrative adjudication from any  
25 state. These records or copies of these records shall be  
26 admissible in any court of law without any need for further  
27 documentation.

28 Section 12. (a) For purposes of 75 Pa.C.S. § 1606(a)  
29 (relating to requirement for commercial driver's license), a  
30 driver with a valid driver's license endorsed with Class 2, 3 or

1 4 shall be considered a commercial driver until such time as  
2 established by regulation.

3 (b) The Department of Transportation shall require  
4 applicants with valid Class 2, 3 or 4 learners' permits issued  
5 prior to the effective date of this act to take the examinations  
6 required by this act.

7 (c) The department shall send to a driver holding a valid  
8 Class 2, 3 or 4 license issued by the department which expires  
9 before April 1, 1992, an application for a commercial driver's  
10 license with his license renewal so that he may obtain a  
11 commercial driver's license under this act upon successfully  
12 meeting the requirements of 75 Pa.C.S. § 1607 (relating to  
13 commercial driver's license qualification standards) and payment  
14 of the required fees.

15 (d) The department shall send to a driver holding a valid  
16 Class 2, 3 or 4 driver's license issued by the department which  
17 expires after April 1, 1992, an application for a commercial  
18 driver's license which shall indicate that his Class 2, 3 or 4  
19 license shall expire on a date established by the department.  
20 Upon meeting the requirements of section 1607 and payment of the  
21 appropriate fees, the driver shall be issued a commercial  
22 driver's license.

23 (e) A driver with a valid Class 2, 3 or 4 license issued by  
24 the department, who for the third time fails either of the tests  
25 required for Class A, B or C under section 1607, must make an  
26 application for a commercial learner's permit in order to obtain  
27 a commercial driver's license. If a driver has not passed the  
28 Class A, B or C test by the expiration date established by the  
29 department, his Class 2, 3 or 4 license will no longer be valid  
30 and a Class D license will be issued.

1 (f) A driver holding a valid Class 1 driver's license issued  
2 by the department which expires after April 1, 1992, shall be  
3 considered to be a Class D driver until expiration of the  
4 license.

5 Section 13. For the purpose of implementing the skill test  
6 requirements for all new commercial driver applicants and  
7 current drivers with a Class 2, 3 or 4 license, the Department  
8 of Transportation shall initiate a testing program, which meets  
9 Federal minimum standards for commercial driver testing, on  
10 November 7, 1989.

11 Section 14. This act shall take effect as follows:

12 (1) Section 5 (sections 1604(d), 1605(c), 1606(c) and  
13 (d), 1611, 1612 and 1613) shall take effect April 1, 1992.

14 (2) Section 5 (section 1610(c)) shall take effect when  
15 the Department of Transportation has access to the Commercial  
16 Driver's License Information System, but no later than April  
17 1, 1992.

18 (3) The remainder of this act shall take effect November  
19 1, 1990.