

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2606 Session of
1998

INTRODUCED BY DeLUCA, OLASZ, GIGLIOTTI, SCHULER, ADOLPH,
READSHAW, COLAIZZO, HARHAI, MELIO, TRICH, TRELLO, SCRIMENTI,
STEELMAN, TANGRETTI, CARONE AND C. WILLIAMS, MAY 6, 1998

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 6, 1998

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for persons ineligible for
3 licensing and for learner's permits; providing for junior
4 learner's permit and for probationary driver's license; and
5 further providing for revocation or suspension of operating
6 privilege and for fees for driver's license, learner's permit
7 and probationary driver's license.

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

10 Section 1. Sections 1503 and 1505(a) of Title 75 of the
11 Pennsylvania Consolidated Statutes are amended to read:

12 § 1503. Persons ineligible for licensing.

13 [(a) General rule.--]The department shall not issue any
14 driver's license to, or renew the driver's license of, any
15 person:

16 (1) Whose operating privilege is suspended or revoked in
17 this or any other state except as otherwise provided in this
18 title.

19 (2) Whose operating privilege is suspended or revoked in
20 any other state upon grounds which would authorize the

1 suspension or revocation of the operating privilege under
2 this title.

3 (3) Who is a user of alcohol or any controlled substance
4 to a degree rendering the user incapable of safely driving a
5 motor vehicle. This paragraph does not apply to any person
6 who is enrolled or otherwise participating in a methadone or
7 other controlled substance treatment program approved by the
8 Governor's Council on Drug and Alcohol Abuse provided that
9 the person is certified to be competent to drive by a
10 physician designated by the Governor's Council on Drug and
11 Alcohol Abuse.

12 (4) Who has been adjudged to be afflicted with or
13 suffering from any mental disability or disease and who has
14 not at the time of application been restored to competency by
15 the methods provided by law.

16 (5) Whose name has been submitted under the provisions
17 of section 1518 (relating to reports on mental or physical
18 disabilities or disorders).

19 (6) Who is required by the department to take an
20 examination until the person has successfully passed the
21 examination.

22 (7) Who is under 18 years of age except [in accordance
23 with subsections (b) and (c)] as provided in sections 1505.1
24 (relating to junior learner's permit), 1505.2 (relating to
25 probationary driver's license), 1505.3 (relating to
26 additional restriction) and 1505.4 (relating to moving
27 violations).

28 (8) Who has repeatedly violated any of the provisions of
29 this chapter. The department shall provide an opportunity for
30 a hearing upon invoking this paragraph.

1 [(b) Minors completing training course.--The department
2 shall issue a driver's license to a person 17 years of age who:

3 (1) has successfully completed a driver's training
4 course approved by the department; and

5 (2) has not been involved in an accident for which they
6 are partially or fully responsible in the opinion of the
7 department or is convicted of any violation of this title.

8 (c) Junior driver's license.--The department may issue a
9 junior driver's license to a person 16 or 17 years of age under
10 rules and regulations adopted by the department and subject to
11 the provisions of this section. A junior driver's license shall
12 automatically become a regular driver's license when the
13 licensee attains 18 years of age.

14 (1) Except as provided in paragraph (2), no licensed
15 junior driver shall drive a vehicle upon a public highway
16 between 12 midnight and 5 a.m. unless accompanied by a spouse
17 18 years of age or older, a parent or a person in loco
18 parentis.

19 (2) A licensed junior driver conforming to the
20 requirements of section 1507 (relating to application for
21 driver's license or learner's permit by minor) may drive a
22 vehicle upon a public highway between 12 midnight and 5 a.m.
23 between their home and their activity or employment or in the
24 course of their activity or employment if they are a member
25 of a volunteer fire company authorized by the fire chief to
26 engage in fighting fires, engaged in public or charitable
27 service or employed and they are carrying an affidavit signed
28 by their fire chief, supervisor or employer indicating the
29 probable schedule of their activities. Upon termination of
30 the junior driver's activity or employment, the junior

licensee shall surrender the affidavit to the fire chief, supervisor or employer. If the junior licensee shall fail to surrender the affidavit, the employer, fire chief or supervisor shall immediately notify the Pennsylvania State Police.

(3) In addition to the other provisions of this title relating to the suspension or revocation of operating privileges, in the event that a licensed junior driver is involved in an accident for which they are partially or fully responsible in the opinion of the department or is convicted of any violation of this title, the department may suspend the operating privileges of such person until the person attains 18 years of age or for a period of time not exceeding 90 days.

(4) Any junior licensee or other person violating any provision of this subsection is guilty of a summary offense.]

§ 1505. Learners' permits.

(a) General rule.--A person 18 years of age or older who desires to obtain a driver's license or who desires to be licensed in a class for which the person is not already licensed shall apply to the department for the class or classes of license in which the person desires to be licensed. The department shall issue to each applicant a learner's permit which shall clearly identify the class of license applied for as provided in section 1504 (relating to classes of licenses).

* * *

Section 2. Title 75 is amended by adding sections to read:

§ 1505.1. Junior learner's permit.

(a) Issuance.--The department may issue a junior learner's permit valid for one year to a person who is 16 or 17 years of

1 age.

2 (b) Driving limitations.--A person holding a junior
3 learner's permit may drive a vehicle only:

4 (1) After passing vision and driving knowledge tests,
5 including rules of the road, signs and signals.

6 (2) If every occupant of the vehicle is wearing a seat
7 belt.

8 (3) Between the hours of 5:00 a.m. and midnight.

9 (4) If accompanied by a licensed driver 21 years of age
10 or older occupying the seat next to the driver.

11 § 1505.2. Probationary driver's license.

12 (a) Driver's license examination.--

13 (1) A person 16 or 17 years of age may take the
14 examination for a driver's license under section 1508
15 (relating to examination of applicant for driver's license)
16 if:

17 (i) The person has held a temporary instruction
18 permit for at least six months.

19 (ii) The person has successfully completed an
20 approved driver education or training course which
21 includes at least 12 hours of classroom instruction.

22 (iii) The person has presented an affidavit of a
23 licensed driving instructor; a parent, guardian or legal
24 custodian who holds a valid driver's license; or a
25 licensed driver at least 21 years of age acting in loco
26 parentis, that the person has had at least 50 hours of
27 actual driving experience, including at least ten hours
28 of night driving.

29 (2) Upon payment of the applicable fee, the department
30 may issue a probationary driver's license to the permittee

1 when the permittee successfully passes the examination.

2 (b) Driving restrictions.--A person holding a probationary
3 driver's license may drive a vehicle only:

4 (1) If every occupant of the vehicle is wearing a seat
5 belt.

6 (2) Between the hours of 5 a.m. and 12 midnight, unless
7 the person is driving between the person's home and place of
8 employment or in an emergency situation.

9 (c) Term of license.--A probationary driver's license is
10 valid until 30 days after the month in which the licensee
11 reaches 18 years of age. Two months before the month in which
12 the licensee reaches 18 years of age, the licensee may apply for
13 a regular driver's license under section 1507 (relating to
14 application for junior learner's permit or probationary
15 license).

16 Section 3. Section 1507 of Title 75 is amended to read:

17 § 1507. Application for [driver's license or] junior learner's
18 permit [by minor] or probationary license.

19 (a) Signature of parent or guardian.--The application of any
20 person under the age of 18 years for a junior learner's permit
21 [or driver's license] shall also be signed by the father,
22 mother, guardian or person in loco parentis, which signature
23 shall be verified before a person authorized to administer oaths
24 or before an authorized department employee.

25 (b) Signature of spouse of married minor.--The application
26 of any married person under the age of 18 years may be signed by
27 the spouse, if the spouse is at least 18 years of age, and
28 verified before a person authorized to administer oaths.

29 (c) Certification of person signing.--Any person signing the
30 application shall certify that the statements made thereon are

1 true and correct to the best of the applicant's knowledge,
2 information and belief and that the person consents to the
3 issuance of the [driver's license or] junior learner's permit.

4 (d) Withdrawal of consent.--Any person who has signed the
5 application of a person under the age of 18 years for a
6 [driver's license or] junior learner's permit may thereafter
7 file with the department a verified written request that the
8 probationary driver's license or junior learner's permit of the
9 person be cancelled and the department shall cancel the
10 probationary driver's license or junior learner's permit.

11 (e) Junior learner's permit and probationary driver's
12 license.--No junior learner's permit or probationary driver's
13 license shall be issued to a person under 18 years of age who
14 has been convicted of or adjudicated delinquent or admitted to
15 any preadjudication program for a violation of 18 Pa.C.S. § 6307
16 (relating to purchase, consumption, possession or transportation
17 of liquor or malt or brewed beverages) or 6310.3 (relating to
18 carrying a false identification card.

19 Section 4. Section 1532 of Title 75 is amended by adding a
20 subsection to read:

21 § 1532. Revocation or suspension of operating privilege.

22 * * *

23 (e) Junior learner's permits and probationary driver's
24 licenses.--The junior learner's permit or probationary driver's
25 license of a person who is convicted of two moving violations
26 prior to reaching 18 years of age shall be suspended for 90
27 days.

28 Section 5. Section 1951 of Title 75 is amended to read:

29 § 1951. Driver's license and learner's permit.

30 (a) Driver's license.--The annual fee for a driver's license

1 shall be \$5 plus the cost of the photograph required in section
2 1510(a) (relating to issuance and content of driver's license).

3 (b) Learner's permit, junior learner's permit and
4 probationary driver's license.--The fee for a learner's permit,
5 junior learner's permit or probationary driver's license shall
6 be \$5.

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

9 (d) Replacement license or card.--The fee for a replacement
10 driver's license, learner's permit, junior learner's permit,
11 probationary driver's license or identification card shall be \$5
12 plus the cost of the photograph.

13 Section 4. This act shall take effect in 60 days.