

HOUSE BILL 461

INTRODUCED BY BELLOMINI, DOMBROWSKI, DiCARLO AND FEE,
FEBRUARY 18, 1975

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 18, 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 that persons desiring to
6 operate commercial motor vehicles must obtain a chauffeur's
7 license, setting requirements and fees for such licenses,
8 providing for the suspension and revocation of such licenses,
9 and imposing penalties.
10 The General Assembly of the Commonwealth of Pennsylvania

11 hereby enacts as follows:

12 Section 1. Section 102, act of April 29, 1959 (P.L.58,
13 No.32), known as "The Vehicle Code," is amended by adding after
14 the definition "Chassis," a definition to read:

15 Section 102. Definitions.--The following words and phrases
16 when used in this act shall, for the purpose of this act, have
17 the following meanings, respectively, except in those instances
18 where the context clearly indicates a different meaning:

19 * * *

20 "Chauffeur's License."--The license issued to a person
21 twenty-one (21) years of age or over to operate a commercial

1 motor vehicle.

2 * * *

3 Section 2. The definition of "Commercial Motor Vehicle" in
4 section 102 of the act, amended October 14, 1959 (P.L.1321,
5 No.445), is amended to read:

6 Section 102. Definitions.--The following words and phrases
7 when used in this act shall, for the purpose of this act, have
8 the following meanings, respectively, except in those instances
9 where the context clearly indicates a different meaning:

10 * * *

11 "Commercial Motor Vehicle."--Any motor vehicle designed for
12 carrying freight or merchandise: Provided, however, That a motor
13 vehicle originally designed for passenger transportation, to
14 which has been added a removable box body without materially
15 altering said motor vehicle, when owned and used by a farmer,
16 shall not be deemed a "commercial motor vehicle" for the purpose
17 of this act. And further provided, That any motor vehicle of the
18 bus type [, operated under contract with or owned by any school
19 district, private school or parochial school of this
20 Commonwealth for the transportation of school children or
21 children between their homes and Sunday school,] or a motor
22 vehicle used as a taxicab shall be deemed a "commercial motor
23 vehicle": And further provided, That a "suburban motor vehicle,"
24 as defined in this section, shall not be deemed to be a
25 "commercial motor vehicle" for the purpose of this act
26 regardless of the purpose for which the vehicle shall be used.

27 * * *

28 Section 3. The definition of "Operator's License," in
29 section 102 of the act, is amended to read:

30 Section 102. Definitions.--The following words and phrases

1 when used in this act shall, for the purpose of this act, have
2 the following meanings, respectively, except in those instances
3 where the context clearly indicates a different meaning:

4 * * *

5 "Operator's License."--The license issued to any natural
6 person to operate a motor vehicle or tractor, except a
7 commercial motor vehicle. The provisions of the act relating to
8 an "operator's license" shall be applicable to a "chauffeur's
9 license" unless specific provisions are made for a "chauffeur's
10 license" in which case such specific provisions shall be
11 controlling.

12 * * *

13 Section 4. Section 601 of the act, amended August 18, 1967
14 (P.L.250, No.101), and December 2, 1971 (P.L.591, No.157), is
15 amended to read:

16 Section 601. Operators Must Be Licensed.--(a) No person,
17 except those expressly exempted under this act, shall operate
18 any motor vehicle or tractor upon a highway in this
19 Commonwealth, unless such person has been licensed as an
20 operator or chauffeur or a learner by the department under the
21 provisions of this act.

22 Penalty.--Any person violating any of the provisions of
23 [subsection (a)] subsections (a) and (c) of this section, shall,
24 upon summary conviction before a magistrate for a first offense
25 be sentenced to pay a fine of fifty dollars (\$50.00) and costs
26 of prosecution, and, in default of the payment thereof, shall
27 undergo imprisonment for not more than ten (10) days, and for
28 the second and any subsequent offense, shall, upon summary
29 conviction thereof, be sentenced to pay a fine of not less than
30 fifty dollars (\$50.00), or more than three hundred dollars

1 (\$300.00), or undergo imprisonment for not more than three (3)
2 months, or both, and if any person charged with violating [this
3 subsection (a)] subsections (a) or (c) shall not have previously
4 violated [this subsection (a)] subsections (a) or (c), and
5 furnishes satisfactory proof of having held a Pennsylvania
6 operator's or chauffeur's license as the case may be during the
7 preceding operator's license period and sixty (60) or fewer days
8 have elapsed from the last date for renewal, the fine shall be
9 twenty-five dollars (\$25.00) and costs of prosecution and in
10 default of the payment thereof, shall undergo imprisonment for
11 not more than five (5) days. If such person fails to renew and
12 more than sixty (60) days have elapsed, then such fine shall be
13 fifty dollars (\$50.00) and costs of prosecution and in default
14 of the payment thereof, shall undergo imprisonment for not more
15 than ten (10) days.

16 No person charged with violating [this subsection (a)]
17 subsections (a) and (c) shall be convicted if he produces in
18 court or at the office of the arresting officer an operator's
19 license, chauffeur's license or learner's permit theretofore
20 issued to him and valid in Pennsylvania at the time of his
21 arrest.

22 (b) No person who has been issued a restricted license to
23 operate motor vehicles or tractors by the secretary shall
24 operate any motor vehicle or tractor in violation of such
25 restrictions.

26 Penalty.--Any person violating the provisions of subsection
27 (b) of this section shall upon summary conviction before a
28 magistrate be sentenced to pay a fine of ten dollars (\$10.00)
29 and costs of prosecution, and, in default of payment thereof,
30 shall undergo imprisonment for not more than five (5) days.

1 (c) No person, except those expressly exempted under this
2 act, shall operate a commercial motor vehicle upon a highway in
3 this Commonwealth unless such person has been licensed as a
4 chauffeur or learner by the department under the provisions of
5 this act.

6 (d) Any person duly licensed as a chauffeur hereunder shall
7 not be required to secure an operator's license but he may do so
8 if he so desires.

9 Section 5. The act is amended by adding sections to read:

10 Section 606.1. Chauffeur Learners' Permits.--

11 (a) The department upon receiving from any person twenty-one
12 (21) years of age or over an application for a chauffeur
13 learner's permit may, in its discretion, issue such a permit
14 entitling the applicant, while having such permit in his
15 immediate possession, to operate a commercial motor vehicle upon
16 the highways for a period of ninety (90) days from the date of
17 issue or until such learner has failed three (3) times at any
18 time within the ninety (90) day period the examination
19 prescribed by the secretary and when accompanied by a licensed
20 operator of that type vehicle who is actually occupying a seat
21 beside the holder of the learner's permit.

22 (b) Every application for a chauffeur learner's permit shall
23 be sworn to before a notary public or other officer empowered to
24 administer oaths on a form provided by the department and
25 accompanied by the fee provided in this act and shall state the
26 name, age, sex and actual or bona fide address of the applicant
27 together with any other information the secretary may desire,
28 and whether or not the applicant has heretofore been licensed as
29 an operator or chauffeur, and if so when and by what state, and
30 whether or not such license has ever been revoked or suspended,

1 and if so the date of and reason for such suspension or
2 revocation. Such application shall be accompanied by a
3 photograph of the applicant of a minimum size and two (2) inches
4 by two (2) inches, taken within thirty (30) days of the date of
5 the application.

6 Penalty.--Any person violating any of the provisions of this
7 section shall, upon summary conviction before a magistrate, be
8 sentenced to pay a fine of ten dollars (\$10.00) and costs of
9 prosecution and in default of the payment thereof shall undergo
10 imprisonment for not more than five (5) days.

11 Section 608.1. Examination for Chauffeur's License.--

12 (a) After the effective date of this act no person shall
13 operate a commercial motor vehicle on the highways of the
14 Commonwealth unless he:

15 (1) Shall make application for a chauffeur's license upon a
16 form furnished by the department and pay the prescribed fee.
17 Such application shall be accompanied by a photograph of the
18 applicant of a minimum size of two (2) inches by two (2) inches,
19 taken within thirty (30) days of the date of the application. It
20 shall also be accompanied by a statement of the applicant's
21 experience and/or training in the operation of commercial motor
22 vehicles and evidence of having satisfactorily passed the
23 physical examination specified in subsection (b) of this
24 section.

25 (2) Shall have satisfactorily demonstrated to the secretary
26 or his representative by means of a driving examination in
27 equipment supplied by the applicant that such applicant is a
28 proper person to operate a commercial motor vehicle, has
29 sufficient knowledge of the mechanism of a commercial motor
30 vehicle to insure its safe operation and by means of a written

1 examination prepared by the secretary in cooperation with the
2 Pennsylvania State Police, shall have demonstrated a
3 satisfactory knowledge of the laws or regulations concerning
4 commercial motor vehicles and their operation. The secretary may
5 in his discretion issue a chauffeur's license under this act
6 without examination to any person applying therefor who is of
7 sufficient age as required by this act to receive the license
8 applied for when the secretary is satisfied that the applicant
9 is fully qualified as an operator of commercial motor vehicles,
10 and to any person who at the time of such application has a
11 valid unrevoked license of like nature issued to such person in
12 another state under a law requiring the licensing and
13 examination of operators.

14 (b) Such person shall carry a certificate indicating that he
15 has satisfactorily passed a physical examination prescribed by
16 the secretary which indicates that such person is physically and
17 mentally capable of safely operating a commercial motor vehicle
18 over the highways of the Commonwealth. Such physical examination
19 shall be by a licensed physician other than the person's family
20 physician, and shall remain valid for a period of three (3)
21 years provided, however, that an earlier examination may be
22 required pursuant to subsection (e) of this section. The
23 secretary may issue the certificate without a physical
24 examination if the person is required to be physically examined
25 as a prior requirement of his employment if the examination is
26 in a form approved by the secretary and if proof of his passing
27 the examination is supplied to the secretary. Such certificate
28 issued by the examining physician or the secretary shall be
29 valid for a period of three (3) years from date of its issuance.

30 (c) Following any examination and pending the issue of the

chauffeur's license the secretary's representative may authorize any applicant who has qualified as a chauffeur to operate for a period of thirty (30) days a motor vehicle or tractor with his chauffeur learner's permit card without being accompanied by a licensed operator, provided such learner's permit card is properly approved for such purpose.

(d) The secretary may in his discretion require the special examination by such agencies as the secretary may direct of any applicant for a chauffeur learner's permit or chauffeur's license or of any operator to determine incompetency, physical or mental disability or disease or any other condition which might prevent such applicant from exercising reasonable and ordinary control over a commercial motor vehicle.

(e) The secretary may require such examination or re-examination to be given after three (3) years from the date of issuance of the original chauffeur's license or after three (3) years from date of last examination or re-examination.

(f) Upon conclusion of such examination the secretary shall take action as may be appropriate and permit such person to retain his license or may issue a license subject to certain restrictions or limitations or may suspend the operating privileges of such person.

Penalty.--Any person violating any of the provisions of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) and not more than fifty dollars (\$50.00) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not less than ten (10) days and not more than twenty-five (25) days.

Section 611.1. Issuance of Chauffeur's License.--

1 (a) The department shall issue to every person licensed as a
2 commercial motor vehicle operator a chauffeur's license.

3 (b) Every such license shall bear thereon the chauffeur's
4 license number, the name, address and occupation, and such other
5 information as may be required, and also a space for the
6 signature of the licensee.

7 Section 6. Section 618 of the act is amended by adding a
8 subsection to read:

9 Section 618. Suspension of Licenses or Operating
10 Privileges.--

11 * * *

12 (k) When, under the provisions of any section of this act,
13 the secretary suspends or revokes the operator's license of any
14 person for any violation committed while operating a commercial
15 motor vehicle, only the "chauffeur's license," issued to such
16 person, shall be suspended or revoked.

17 Section 7. Section 619.1 of the act, added January 24, 1966
18 (1965 P.L.1497, No.527), is amended to read:

19 Section 619.1. Point System for Driver Education, Testing
20 and Suspension.--

21 (a) In addition to the powers and duties of revocation and
22 suspension conferred upon the secretary under sections 616, 617,
23 618 and 619 of this act, he shall administer a system for driver
24 education, testing and suspension as hereinafter provided.

25 (b) The secretary shall maintain a record of convictions of
26 every person licensed under the provisions of section 601 of
27 this act, and shall enter therein records of all convictions of
28 such persons for any violation of the motor vehicle laws of this
29 Commonwealth and shall assign to the operator's license record
30 or chauffeur's license record of such person as of the date of

1 conviction of the offense, a number of points for each such
2 conviction in accordance with the following schedule of
3 convictions and points. If the conviction was as the result of
4 an offense that took place while the licensee was operating a
5 commercial motor vehicle, the points shall be assigned to or
6 removed from his chauffeur's license or chauffeur learner's
7 permit record. If the conviction was the result of an offense
8 that took place while the licensee was operating a vehicle other
9 than a commercial motor vehicle, the points shall be assigned to
10 or removed from his operator's license or operator's learner's
11 permit record. If a person does not have an operator's license
12 or operator's learner's permit, the points shall be assigned to
13 or removed from his chauffeur's license or chauffeur learner's
14 permit record. The point system shall apply to the following
15 violations:

16	Section of Code	Number of Points
17	1001 (1)	Reckless driving.....5
18	1002 (a)	Driving too fast for conditions.....5
19	1002 (b) (1)	Exceeding speed limit of 10 miles
20		per hour in passing any interurban
21		or streetcar taking on or discharging
22		passengers, or at intersection where
23		safety zone has been established,
24		or where traffic is controlled by a
25		peace officer or a traffic signal.....4
26	1002 (b) (1.1)	Exceeding 15 or 20 miles per hour
27		limit in residence district.....4
28	1002 (b) (2)	Exceeding speed limit of 15 miles
29		per hour in school zone.....5
30	1002 (b) (3)	Exceeding speed limit 20 miles per

1	hour within 200 feet of railway	
2	grade crossing.....	3
3	1002 (b), (4), (5), (6),	
4	(7), (9), 1002 (c)	Speed Over Legal Limit
5		6 to 10.....
6		11 to 15.....
7		16 to 20.....
8		(and 15 days suspension)
9		21 to 29.....
10		(and 30 days suspension)
11		30 and over.....
12		(and 60 days suspension)
13	1004	Driving to left center of highway.....
14	1005	Passing at intersection or railroad
15		crossing.....
16	1006	Failure to drive on right half of
17		highway.....
18	1007	Improper overtaking.....
19	1008 (a), (c), (d),	
20	(e)	Improper passing.....
21	1008 (b)	Improper passing on curve or crest
22		of hill.....
23	1009 (a)	Failure to yield to overtaking
24		vehicle.....
25	1010 (a)	Following too closely.....
26	1010 (b)	Following too closely (Commercial
27		vehicles).....
28	1011 (a), (b), (d)	Improper turning.....
29	1012	Failure to give proper signals.....
30	1013 (a), (b), (c)	Right of way (two vehicles at

1		intersections at same time).....3
2	1014 (a), (b), (c)	Exceptions to right of way.....3
3	1016 (a), (b)	Driving through stop sign.....5
4	1016.1	Failure to yield right of way.....5
5	1018 (a), (b), (c),	
6	(d), (e)	Passing school bus--loading or
7		unloading.....6
8	1020 (a)	Stopping on highway.....3
9	1026	Coasting (passenger or commercial
10		vehicle).....3
11	1028 (a)	Driving through traffic light.....5
12	1036	Moving violations on Pennsylvania
13		Turnpike other than speed.....3
14	1113.1	Restricted zones for certain Com-
15		mercial Vehicles.....4
16	(c)	In case of conviction of any person for two (2) or more
17		of the offenses enumerated in subsection (b) of this section
18		committed on a single occasion, points may be assessed against
19		such person only for the offense highest in points.
20	(d)	In the case of a conviction in another state, the
21		secretary may assign points when such conviction, if committed
22		in Pennsylvania, would result in assignment of points to such
23		person's record.
24	(e)	When any person's record shows as many as three (3)
25		points, the secretary shall send to such person at his last
26		known address a letter of notice pointing out such fact and
27		emphasizing the nature and effects of the point system. Failure
28		of any person to receive such a letter of notice shall not
29		prevent suspension of his operator's license, <u>chauffeur's</u>
30		<u>license</u> or learner's permit pursuant to this section. In the

1 case of an operator who is a minor, the secretary may send a
2 similar letter of notice to the minor's parent or guardian for
3 his information.

4 (f) When any person's record for the first time shows as
5 many as six (6) points, the secretary shall require such person
6 to undergo a special examination as provided for in section 608
7 (g) of this act, or require such person to attend an approved
8 driver improvement school, or require such person to attend a
9 clinic, or any combination of the foregoing and shall so notify
10 the person in writing. When a driver has successfully attended
11 and passed the course at a driver improvement school, his record
12 shall be credited with one (1) point for such attendance. If any
13 person fails to attend and satisfactorily complete the
14 requirements of such examination, school or clinic, an
15 additional five (5) points shall be assigned to his record, and
16 his operator's license, chauffeur's license or learner's permit
17 shall be suspended as provided in subsection (k) of this
18 section.

19 (g) When any person's record has been reduced below six (6)
20 points and for the second time shows as many as six (6) points,
21 the secretary shall require a special examination as provided in
22 section 608 (g) of this act, and may again require such person
23 to attend an approved driver improvement school and/or clinic
24 and shall so notify such person in writing. If such person fails
25 to attend and satisfactorily complete the requirements of the
26 examination, or the approved driver improvement school or clinic
27 an additional five (5) points shall be assigned to his record
28 and his operator's license, chauffeur's license or learner's
29 permit shall be suspended as provided in subsection (k) of this
30 section.

1 (h) When any person's record has been reduced below six (6)
2 points and for the third or any additional time shows as many as
3 six (6) points, the secretary or his representative shall
4 require such person to attend an interview wherein the record of
5 such person shall be reviewed, and the secretary shall take such
6 action as he shall deem proper.

7 (i) When any person's record shows an accumulation of eleven
8 (11) points or more, the secretary shall suspend such person's
9 operator's license, chauffeur's license or learner's permit.

10 (j) Except as provided in subsection (m) of this section,
11 points recorded against any person shall be removed from the
12 date of last conviction at the rate of two (2) for each year in
13 which such person is not convicted of any violation of the laws
14 of the Commonwealth relating to vehicles or tractors.

15 (k) Whenever an operator's license, chauffeur's license or
16 learner's permit is suspended pursuant to the provisions of this
17 section, unless otherwise provided, the first such suspension
18 shall be for a period of sixty (60) days; the second such
19 suspension shall be for a period of ninety (90) days, and any
20 subsequent suspension shall be for such period of time as the
21 secretary may, in his discretion deem proper, such period to be
22 not less than one hundred twenty (120) days nor more than one
23 (1) year.

24 (l) Upon the suspension of the operator's license,
25 chauffeur's license or learner's permit of any person as
26 authorized by this section, the secretary shall immediately
27 notify such person, in writing, to surrender his operator's
28 license, chauffeur's license or learner's permit to the
29 secretary or his authorized representative for the term of the
30 suspension.

1 (m) Upon the restoration of driving privileges of any person
2 whose operator's license, chauffeur's license or learner's
3 permit has been suspended pursuant to this act, such person's
4 record shall show five (5) points and from the date of
5 restoration such points shall be removed from his record at the
6 rate of two (2) each year, as provided, in subsection (j).

7 (n) The secretary may, after a hearing before him or his
8 representative, when it is indicated that such person is at
9 fault or partly at fault in causing an accident, require such
10 person to undergo a special examination or attend an approved
11 driver improvement school or clinic as provided in subsection
12 (f) of this section.

13 Section 8. Section 717 of the act is amended by adding
14 subsections to read:

15 Section 717. Operator's Licenses; Duplicate Registration or
16 Operator's License Card.--

17 * * *

18 (f) The fee for issuing a chauffeur learner's permit shall
19 be five dollars (\$5.00), which fee shall entitle the applicant
20 to such permit which shall be valid for ninety (90) days from
21 the date of issue, and if the chauffeur's examination shall have
22 been passed during the ninety (90) day period to a chauffeur's
23 license for the current period not to exceed one (1) year from
24 the date of such permit or until the occurrence of the month of
25 birth of the commercial motor vehicle operator at the discretion
26 of the secretary.

27 (g) The fee for initial issuance of a chauffeur's license
28 shall be five dollars (\$5.00) per year.

29 (h) The fee for renewal of a chauffeur's license shall be
30 five dollars (\$5.00) per year.

1 Section 9. Any person licensed to operate a motor vehicle by
2 the department who within thirty (30) days after this act takes
3 effect makes application to be licensed as a commercial motor
4 vehicle operator shall not be required to comply with the
5 examination requirements of clause (2) of subsection (a) of
6 section 608.1, if the application is accompanied with a sworn
7 statement sworn to before a notary public or other officer
8 empowered to administer oaths that he has operated a commercial
9 motor vehicle for at least one (1) year immediately preceding
10 the effective date of this act.

11 Section 10. This act shall take effect in one year.