

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 3041 Session of
1992

INTRODUCED BY FAJT, NOVEMBER 17, 1992

REFERRED TO COMMITTEE ON TRANSPORTATION, NOVEMBER 17, 1992

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, requiring a due process hearing prior to suspension
3 of a driver's license under certain circumstances.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 1519 of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 1519. Determination of incompetency.

9 (a) General rule.--The department, after a due process
10 hearing held in accordance with subsection (d), having cause to
11 believe that a licensed driver or applicant may not be
12 physically or mentally qualified to be licensed, may obtain the
13 advice of a physician who shall cause an examination to be made
14 or who shall designate any other qualified physician. The
15 licensed driver or applicant may cause a written report to be
16 forwarded to the department by a physician of the driver's or
17 applicant's choice. Vision qualifications shall be determined by
18 an optometrist or ophthalmologist. The department shall appoint

1 one or more qualified persons who shall consider all medical
2 reports and testimony and determine the competency of the driver
3 or the applicant to drive.

4 (b) Confidentiality of reports and evidence.--Reports
5 received by the department for the purpose of assisting the
6 department in determining whether a person is qualified to be
7 licensed are for the confidential use of the department and may
8 not be divulged to any person or used as evidence in any trial
9 except that the reports may be admitted in proceedings under
10 subsection (c) and any physician or optometrist conducting an
11 examination pursuant to subsection (a) may be compelled to
12 testify concerning observations and findings in such
13 proceedings. The party calling the physician or optometrist as
14 an expert witness shall be obliged to pay the reasonable fee for
15 such testimony.

16 (c) Recall of operating privilege.--The department shall
17 recall the operating privilege of any person whose incompetency
18 has been established under the provisions of this chapter. The
19 recall shall be for an indefinite period until satisfactory
20 evidence is presented to the department in accordance with
21 regulations to establish that such person is competent to drive
22 a motor vehicle. Any person aggrieved by recall of the operating
23 privilege may appeal in the manner provided in section 1550
24 (relating to judicial review).

25 (d) Hearing.--The department shall provide a due process
26 hearing to any individual who so requests prior to any decision
27 involving the suspension of his license. The hearing shall be
28 held pursuant to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice
29 and procedure of Commonwealth agencies) and 7 (relating to
30 judicial review).

1 Section 2. This act shall take effect in 60 days.