
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1285

Session of
2005

INTRODUCED BY McCALL, GEIST, BELFANTI, CALTAGIRONE, FABRIZIO,
GEORGE, GOODMAN, JAMES, PRESTON, READSHAW, REICHLEY,
SCAVELLO, THOMAS, WALKO, YOUNGBLOOD AND MELIO, APRIL 6, 2005

SENATOR WENGER, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 26, 2006

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
2 Consolidated Statutes, providing for administrative practice
3 and procedure; and making a related repeal.

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

6 Section 1. Title 74 of the Pennsylvania Consolidated
7 Statutes is amended by adding a part to read:

8 PART I

9 PRELIMINARY PROVISIONS

10 Chapter

11 1. Preliminary Provisions (Reserved)

12 3. Administrative Practice and Procedure

13 CHAPTER 1

14 PRELIMINARY PROVISIONS (Reserved)

15 CHAPTER 3

16 ADMINISTRATIVE PRACTICE AND PROCEDURE

17 Sec.

1 301. Definitions.

2 302. Administrative law judges.

3 303. Procedure.

4 § 301. Definitions.

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

8 "Department." The Department of Transportation of the
9 Commonwealth.

10 § 302. Administrative law judges.

11 (a) General rule.--The office of administrative law judge to
12 the department is created.

13 (b) Appointment.--The Governor shall appoint from a list of
14 qualified candidates submitted by the State Civil Service
15 Commission after appropriate examination under the act of August
16 5, 1941 (P.L.752, No.286), known as the Civil Service Act, as
17 many administrative law judges as the department, with the
18 approval of the Governor, deems necessary for activities and
19 proceedings before the department. The Governor shall designate
20 one of the civil service appointees as the chief administrative
21 law judge.

22 (c) Qualifications.--Administrative law judges appointed
23 under this section shall be learned in the law and shall be
24 members in good standing of the bar of the Supreme Court of
25 Pennsylvania.

26 (d) Compensation.--Compensation for the administrative law
27 judges shall be established by the ~~department~~ EXECUTIVE BOARD. <—

28 (e) Performance.--Administrative law judges shall devote
29 full time to their official duties and shall perform no duties
30 inconsistent with their duties and responsibilities as

1 administrative law judges.

2 (f) Employment security.--Administrative law judges
3 appointed under this section shall be afforded employment
4 security as provided by the Civil Service Act.

5 (g) Staff.--The department may appoint secretaries and legal
6 or technical advisors to assist each judge in the performance of
7 his duties or may assign personnel from any of the other bureaus
8 within the department.

9 § 303. Procedure.

10 (a) Jurisdiction.--An administrative law judge shall have
11 the power and duty to hold hearings and issue adjudications
12 under 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and
13 procedure of Commonwealth agencies) on the following activities
14 and proceedings of the department:

15 (1) Appeals from the department's denial or recall of an
16 occupational limited license.

17 (2) Appeals from the department's cancellation, denial
18 or recall of a probationary license.

19 (3) Requests for record review under 75 Pa.C.S. § 1516
20 (relating to department records).

21 (4) Hearings to request credit toward serving driving
22 privilege or vehicle registration suspensions.

23 (5) Appeals from the department's refusal to issue a
24 certificate of title for reasons other than failure to pay a
25 required fee or tax in connection with or resulting from the
26 acquisition or use of a vehicle.

27 (6) Matters including any of the following:

28 (i) Minimum use driveway permits.

29 (ii) Low, medium and high volume driveway permits.

30 (iii) School bus and hazardous walking routes.

(iv) Overweight or oversize truck hauling permits.

(v) Private airport permits.

(vi) Public airport permits.

(vii) Outdoor advertising sign permits.

(viii) Prequalification, suspension or debarment.

(ix) Personnel salary claims.

(x) Municipal reimbursements.

(xi) Matters pertaining to reasonable access for tractor-trailer vehicle combinations.

(xii) Miscellaneous matters, including petitions to intervene.

(7) Any other matter as determined by the department by regulation.

(b) Appeals.--An adjudication by an administrative law judge shall be considered a final order, appealable to the Commonwealth Court pursuant to 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

Section 2. The Department of Transportation shall do all of the following:

(1) Develop a policy statement to implement the addition of 74 Pa.C.S. Ch. 3 within 180 days of the effective date of this section. The policy statement shall remain in effect until the regulations promulgated under paragraph (2) take effect.

(2) Promulgate regulations implementing the addition of 74 Pa.C.S. Ch. 3 within one year of the effective date of this section.

Section 3. The provisions of 67 Pa. Code Ch. 491 (relating to administrative practice and procedure) are abrogated.

Section 4. This act shall take effect as follows:

1 (1) The following provisions shall take effect
2 immediately:
3 (i) Section 2 of this act.
4 (ii) This section.
5 (2) The remainder of this act shall take effect upon
6 publication of the policy statement under section 2(1) of
7 this act.