

## AMENDMENTS TO SENATE BILL NO. 1147

Sponsor: REPRESENTATIVE GEIST

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1 Amend Bill, page 1, line 2, by inserting after "Statutes,"  
2 in commercial drivers, further providing for employer  
3 responsibilities and for requirement for commercial  
4 driver's license;

5 Amend Bill, page 1, line 3, by striking out "AND," and  
6 inserting  
7 in rules of the road, further providing for vehicles required  
8 to stop at railroad crossings; in powers of department and local  
9 authorities, further providing for applicability and uniformity  
10 of title; in liquid fuels and fuels tax, further providing for  
11 disposition and use of tax;

12 Amend Bill, page 1, lines 10 and 11, by striking out all of  
13 said lines and inserting

14 Section 1. Sections 1605(b) and 1606(a) of Title 75 of the  
15 Pennsylvania Consolidated Statutes are amended to read:  
16 § 1605. Employer responsibilities.

17 \* \* \*

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

21 (1) during any period in which:

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

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

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

28 (iv) the driver is not licensed to drive a  
29 commercial vehicle;

30 (v) the driver is not qualified by required class or  
31 endorsement to operate the commercial vehicle being  
32 driven; or

33 (vi) the driver, or the commercial motor vehicle the  
34 driver is driving, or the motor carrier operation is  
35 subject to an out-of-service order; [or]

1 (2) during any period in which the driver has more than  
2 one driver's license[.]; or

3 (3) in violation of a Federal, State or local law or  
4 regulation pertaining to railroad-highway grade crossing.

5 \* \* \*

6 § 1606. Requirement for commercial driver's license.

7 (a) When required.--No person, except those specifically  
8 exempted in subsection (b), shall drive a commercial motor  
9 vehicle unless [the person has been issued and is in immediate  
10 possession of a valid commercial driver's license and applicable  
11 endorsements valid for the vehicle he is driving.]:

12 (1) the person has been issued a commercial driver's  
13 license;

14 (2) the person's commercial driver's license is in his  
15 immediate possession; and

16 (3) the person's commercial driver's license was issued  
17 for the class of commercial motor vehicle operated and  
18 contains all applicable license endorsements.

19 \* \* \*

20 Section 2. Section 1943 of Title 75 is amended by adding a  
21 subsection to read:

22 Amend Bill, page 1, by inserting between lines 17 and 18

23 Section 3. Section 3342(g) of Title 75 is amended and the  
24 section is amended by adding subsections to read:

25 § 3342. Vehicles required to stop at railroad crossings.

26 \* \* \*

27 (g) Requirement upon approaching tracks.--[Every] Upon  
28 approaching any track of a railroad, the driver of every  
29 commercial motor vehicle as defined by section 1603 (relating to  
30 definitions) other than those listed in subsection (b) shall[,  
31 upon approaching any track or tracks of a railroad, be driven at  
32 a rate of speed which will permit the commercial motor vehicle  
33 to be stopped before reaching the nearest rail of the railroad  
34 crossing and shall not be driven upon or over such crossing  
35 until the course is clear.]:

36 (1) reduce the rate of speed of the commercial motor  
37 vehicle and check that the tracks are free of approaching  
38 trains; and

39 (2) stop the vehicle if the tracks are not clear.

40 (h) Railroad grade crossing.--No commercial motor vehicle  
41 may proceed onto a railroad grade crossing unless:

42 (1) there is sufficient space to drive completely  
43 through the crossing without stopping; and

44 (2) the vehicle has sufficient undercarriage clearance  
45 to allow the vehicle to drive completely through the railroad  
46 grade crossing without stopping.

47 (i) Traffic control.--No driver of a commercial motor  
48 vehicle may fail to obey a traffic control device or direction  
49 of an enforcement officer at a railway grade crossing.

1 Amend Bill, page 1, line 18, by striking out "2" and  
2 inserting

3 4

4 Amend Bill, page 3, line 10, by striking out "3" and  
5 inserting

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7 Amend Bill, page 4, line 7, by striking out "4" and inserting  
8 6

9 Amend Bill, page 4, by inserting between lines 22 and 23

10 Section 7. Section 6101 of Title 75 is amended to read:  
11 § 6101. Applicability and uniformity of title.

12 (a) Requirement.--The provisions of this title shall be  
13 applicable and uniform throughout this Commonwealth and in all  
14 political subdivisions in this Commonwealth, and no local  
15 authority shall enact or enforce any ordinance on a matter  
16 covered by the provisions of this title unless expressly  
17 authorized.

18 (b) Sanctions.--When a court of competent jurisdiction  
19 determines and notifies the department that an ordinance adopted  
20 by a local authority is in violation of subsection (a),  
21 commencing 40 days following entry of a final order, unless an  
22 appeal has been timely filed with a court of record, the  
23 following sanctions apply until the local authority repeals or  
24 substantially amends the ordinance to remove the language that  
25 was found to be in violation of subsection (a):

26 (1) Suspension of unobligated capital expenditures for  
27 bridges and highways.

28 (2) Suspension of allocation under the act of June 1,  
29 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels  
30 Tax Municipal Allocation Law.

31 (3) Suspension of allocation and apportionment under  
32 section 9010(c.1) (relating to disposition and use of tax).

33 (4) Suspension of expenditures from the special fund  
34 into which allocations under the act of June 1, 1956 (1955  
35 P.L.1944, No.655), referred to as the Liquid Fuels Tax  
36 Municipal Allocation Law, are deposited, unless a contract  
37 for the work that is the subject of the expenditure has been  
38 fully executed or the moneys have been otherwise obligated.

39 (c) Suspended funds.--Upon notification that the local  
40 authority has repealed or substantially amended the ordinance to  
41 remove the language that was found to be in violation of  
42 subsection (a), the department shall immediately end all  
43 sanctions against the local authority and return all suspended  
44 funds to the local authority.

1 Section 8. Section 9010(c) introductory paragraph of Title  
2 75 is amended and the section is amended by adding subsections  
3 to read:

4 § 9010. Disposition and use of tax.

5 \* \* \*

6 (c) Allocation of money.--[The] Except as set forth in  
7 subsection (c.1), the county commissioners may allocate and  
8 apportion money from the County Liquid Fuels Tax Fund to the  
9 political subdivisions within the county in the ratio as  
10 provided in this subsection. When the unencumbered balance in  
11 the County Liquid Fuels Tax Fund is greater than the receipts  
12 for the 12 months immediately preceding the date of either of  
13 the reports, the county commissioners shall notify the political  
14 subdivisions to make application within 90 days for  
15 participation in the redistribution of the unencumbered balance.  
16 Redistribution shall be effected within 120 days of the date of  
17 either of the reports. The county commissioners may distribute  
18 the unencumbered balance in excess of 50% of the receipts for  
19 the previous 12 months to the political subdivisions making  
20 application in the following manner:

21 \* \* \*

22 (c.1) Forfeiture.--All money allocated under subsection (c)  
23 to a political subdivision which, under section 6109(a)  
24 (relating to specific powers of department and local  
25 authorities), violates section 6101(a) (relating to  
26 applicability and uniformity of title) shall be withheld by the  
27 county during the period of time in which the municipality is in  
28 violation of section 6101(a).

29 (c.2) Release funds.--Upon notification that the local  
30 authority has repealed or substantially amended the ordinance to  
31 remove the language that was found to be in violation of section  
32 6101(a), the county shall release those funds withheld by the  
33 county and due the local agency.

34 \* \* \*

35 Amend Bill, page 4, line 23, by striking out "5" and  
36 inserting

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