

AMENDMENTS TO HOUSE BILL NO. 2296

Sponsor: SENATOR K. WARD

Printer's No. 3305

1 Amend Bill, page 1, lines 2 and 3, by striking out "in
2 commercial drivers, further providing for" in line 2 and all of
3 line 3 and inserting
4 in general provisions, further providing for definitions; in
5 licensing of drivers, further providing for learners'
6 permits, for examination of applicant for driver's license
7 and for restrictions on drivers' licenses; in commercial
8 drivers, further providing for notification requirements for
9 drivers, for requirement for commercial driver's license, for
10 commercial driver's license qualification standards and for
11 disqualification; and in fees, further providing for
12 exemption of persons, entities and vehicles from fees.

13 Amend Bill, page 1, lines 6 through 8, by striking out all of
14 said lines and inserting

15 Section 1. Section 102 of Title 75 of the Pennsylvania
16 Consolidated Statutes is amended by adding definitions to read:
17 § 102. Definitions.

18 Subject to additional definitions contained in subsequent
19 provisions of this title which are applicable to specific
20 provisions of this title, the following words and phrases when
21 used in this title shall have, unless the context clearly
22 indicates otherwise, the meanings given to them in this section:

23 * * *

24 "Certified driver rehabilitation specialist." An experienced
25 practitioner in the field of driver rehabilitation training who,
26 through successful completion of a formal certification
27 examination, has proven their capacity to provide driver
28 rehabilitation services.

29 "Certified driving instructor." An individual who is
30 certified by the Department of Education to teach the safe
31 operation of motor vehicles.

32 * * *

33 "Low-vision rehabilitation specialist." An individual who
34 has been trained and certified regarding bioptic telescopes by
35 an appropriate training program as approved by the department.

1 The term includes an occupational therapist with specialty
2 certification in low vision, a certified orientation and
3 mobility specialist, a certified low-vision therapist, a teacher
4 of visually impaired students, an optometrist, ophthalmologist
5 and other eye care practitioner.

6 * * *

7 Section 2. Sections 1505, 1508 and 1512 of Title 75 are
8 amended by adding subsections to read:
9 § 1505. Learners' permits.

10 * * *

11 (h) Requirements for a bioptic telescope learner's permit.--
12 An individual with visual acuity less than 20/100 combined
13 visual acuity but at least 20/200 visual acuity in the best
14 corrected eye shall be eligible to apply for a bioptic telescope
15 learner's permit provided the individual meets the following:

16 (1) The applicant is given a complete vision
17 examination, including plotted visual fields, and meets the
18 visual requirements necessary for bioptic telescope driving.

19 (2) The applicant has color vision sufficient to respond
20 correctly to the presence of, or changes in, traffic light
21 color, pavement markings, road signs, turn indicators, brake
22 lights, emergency flashers or the presence of other road
23 users, including emergency vehicles, as determined by a
24 qualified health care provider.

25 (3) The applicant provides proof of having a
26 prescription bioptic telescope lens system in the applicant's
27 physical possession for at least three months, and a
28 statement of successful completion of at least 10 hours of
29 front seat passenger-in-car instruction while wearing a
30 bioptic telescope by a low-vision rehabilitation
31 professional.

32 (4) The applicant provides a letter of enrollment with a
33 low-vision rehabilitation professional.

34 (5) Bioptic telescope correction is no greater than a 6X
35 telescope and firmly fixed in the glasses or attached
36 permanently to the bridge of the frame.

37 (i) Issuance of bioptic telescope learner's permit.--

38 (1) Upon application by an eligible individual, the
39 department shall issue a bioptic telescope learner's permit
40 authorizing the permittee to drive only while wearing a
41 bioptic telescope lens and during 30 minutes after sunrise
42 through 30 minutes before sunset only.

43 (2) The bioptic telescope learner's permit shall be
44 valid for 12 months.

45 (j) Authorization to test for driver's license with bioptic
46 telescopes.--The following shall apply:

47 (1) Before an individual with a bioptic telescope
48 learner's permit may take the examination for a driver's
49 license, the individual must:

50 (i) Obtain a minimum of 20 hours of behind-the-wheel
51 driver training using a bioptic telescope with a

1 certified driving instructor or certified driver
2 rehabilitation specialist knowledgeable in the use of a
3 bioptic telescope for driving.

4 (ii) After completion of the training under
5 subparagraph (i), complete a minimum of 45 hours of
6 observed driving hours with a licensed driver who is at
7 least 21 years of age. The driving under this paragraph
8 must include five hours of adverse weather driving.

9 (iii) After completion of the training and driving
10 under subparagraphs (i) and (ii), the permittee must be
11 reevaluated by a low-vision rehabilitation professional.
12 Based on the reevaluation, the low-vision rehabilitation
13 specialist may recommend the department schedule the
14 permittee for an on-road driving examination administered
15 by the department.

16 (2) Paragraph (1)(ii) may be waived for experienced
17 drivers with stable visual acuity and fields of vision and a
18 clean driving record based on the recommendation of a low-
19 vision rehabilitation professional.

20 § 1508. Examination of applicant for driver's license.

21 * * *

22 (b.1) Issuance of bioptic telescope driver's license to
23 licensed nonresident.

24 (1) A driver wishing to transfer the driver's out-of-
25 state bioptic telescope driver's license to this Commonwealth
26 must satisfy all the bioptic telescope-related requirements
27 in section 1505 (relating to learners' permits).

28 (2) The department may grant a waiver of the
29 requirements under paragraph (1), provided the following
30 conditions are met:

31 (i) The individual shows proof of at least three
32 years of experience driving with a valid bioptic
33 telescope driver's license.

34 (ii) The individual shows proof of a clean driving
35 record for the previous three years prior to application
36 for a driver's license in this Commonwealth with bioptic
37 telescope restrictions.

38 (3) The individual has been assessed by a low-vision
39 rehabilitation professional. The low-vision rehabilitation
40 professional must determine whether the individual
41 demonstrates the appropriate skills to operate a motor
42 vehicle safely while using bioptic telescopes.

43 * * *

44 § 1512. Restrictions on drivers' licenses.

45 * * *

46 (c) Bioptic telescope restrictions.--After an individual
47 meets the bioptic telescope learner's permit requirements and
48 successfully passes a driver's examination administered by the
49 department, the individual may be issued a restricted license
50 with the following restrictions:

51 (1) The individual's driving privilege is limited to

1 roads other than freeways.

2 (2) The individual's driving privilege is limited to
3 passenger vehicles weighing no more than 10,000 pounds and
4 excludes operation of a motorcycle.

5 (3) If determined by the department or low-vision
6 rehabilitation professional to be appropriate, the
7 individual's driving privilege may be limited to driving
8 within a limited radius of the individual's residence.

9 (4) If the individual has visual acuity of less than
10 20/50 vision using bioptic telescope lenses while driving,
11 the individual may drive in daylight hours only.

12 (5) If the applicant has visual acuity of 20/40 or
13 better vision using bioptic telescope lenses while driving,
14 the individual may apply for nighttime driving after one year
15 provided:

16 (i) the individual has committed no violations of
17 this title and had no accidents reported during that
18 year; and

19 (ii) the individual is reevaluated by a certified
20 driving instructor or certified driver rehabilitation
21 specialist knowledgeable in the use of bioptic telescopes
22 for driving, and the instructor or specialist recommends
23 allowing nighttime driving.

24 (6) A violation of a condition or limitation in this
25 subsection shall result in the recall of the bioptic
26 telescope license. An annual review of the individual's
27 accident and violation history shall be conducted by the
28 department. The bioptic telescope license may be recalled if
29 the department determines that the individual was involved in
30 an at-fault accident or convicted of two moving violations
31 committed within a one-year period. A bioptic telescope
32 licensee shall be subject to an annual vision assessment to
33 determine whether the licensee's vision continues to meet the
34 bioptic telescope-related vision standards in section 1505
35 (relating to learners' permits).

36 Section 3. Section 1604(a) and (d) of Title 75 are amended
37 and the section is amended by adding a subsection to read:

38 Amend Bill, page 3, line 11, by striking out all of said line
39 and inserting

40 Section 4. Section 1606(b) of Title 75 is amended by adding
41 a paragraph to read:

42 § 1606. Requirement for commercial driver's license.

43 * * *

44 (b) Exemptions.--The following persons are not required to
45 obtain a commercial driver's license in order to drive the
46 commercial motor vehicle specified:

47 * * *

48 (8) The following shall apply:

49 (i) A driver who is 18 years of age or older and

1 employed by a political subdivision may operate a
2 commercial motor vehicle within the boundaries of the
3 political subdivision for the purpose of removing snow or
4 ice from a roadway by plowing, sanding or salting, if:

5 (A) the properly licensed employee who
6 ordinarily operates a commercial motor vehicle for
7 the purpose of removing snow or ice from a roadway by
8 plowing, sanding or salting is unable to operate the
9 vehicle; or

10 (B) the political subdivision determines that a
11 snow or ice emergency exists that requires additional
12 assistance.

13 (ii) The driver must have a certificate of
14 authorization from the head of the political subdivision
15 while operating the commercial motor vehicle. An
16 individual operating a commercial motor vehicle under
17 this paragraph shall not be subject to sanctions under
18 the provisions of this chapter or section 3742.1
19 (relating to accidents involving death or personal injury
20 while not properly licensed).

21 * * *

22 Section 5. Section 1607(c) of Title 75 is amended by adding
23 a paragraph, subsection (d)(4) is amended and the subsection is
24 amended by adding paragraphs to read:

25 § 1607. Commercial driver's license qualification standards.

26 * * *

27 (c) Limitations on issuance of license.--

28 * * *

29 (4) A person must complete training as prescribed by 49
30 CFR Part 380 (relating to special training requirements)
31 before taking the knowledge test for a hazardous materials
32 endorsement for the first time.

33 (d) Commercial driver learner's permit.--

34 * * *

35 (4) A commercial driver learner's permit shall be valid
36 for a period of [180 days from the date of issuance and may
37 be renewed for an additional period of up to 180 days] one
38 year from the date of issuance without having to retake the
39 general and endorsement knowledge tests.

40 * * *

41 (12) A person must complete training as prescribed by 49
42 CFR Part 380 before taking the skills test for a Class A or
43 Class B commercial driver's license for the first time.

44 (13) A person must complete training as prescribed by 49
45 CFR Part 380 before taking the skills test for a passenger
46 (P) or school bus (S) endorsement for the first time.

47 (14) The requirements of paragraphs (12) and (13) do not
48 apply to an individual who obtained a commercial driver
49 learner's permit before February 7, 2020, or a later date as
50 permitted by Federal regulation, if the individual obtains a
51 commercial driver's license before the commercial driver

1 learner's permit or commercial driver learner's permit
2 renewal expires.

3 (15) The department shall waive the knowledge test
4 specified under this section, subject to the limitations in
5 49 CFR 383.77, for an applicant who meets all the
6 requirements for a waiver under 49 CFR 383.77(a).

7 * * *

8 Section 6. Sections 1611 and 1901 of Title 75 are amended by
9 adding subsections to read:

10 § 1611. Disqualification.

11 * * *

12 (q) Human trafficking.--The department shall disqualify an
13 individual from operating a commercial motor vehicle for life
14 upon receiving a record of conviction of using a commercial
15 motor vehicle in commission of a felony involving an act or
16 practice of a severe form of trafficking in persons, as defined
17 under section 103 of the Victims of Trafficking and Violence
18 Protection Act of 2000 (Public Law 106-386, 114 Stat. 1464).

19 § 1901. Exemption of persons, entities and vehicles from fees.

20 * * *

21 (b.1) Identification card fees.--No fee shall be charged for
22 an initial or renewal identification card, including for a
23 photograph required for an initial or renewal identification
24 card, to an individual who affirms in writing that the
25 individual is:

26 (1) homeless, as defined on the effective date of this
27 subsection in section 103 of the McKinney-Vento Homeless
28 Assistance Act (Public Law 100-77, 42 U.S.C. § 11302);

29 (2) a resident of this Commonwealth; and

30 (3) aware of the prohibitions on unsworn falsification
31 to authorities set forth in 18 Pa.C.S. § 4904 (relating to
32 unsworn falsification to authorities).

33 * * *

34 Section 7. This act shall take effect as follows:

35 (1) The following provisions shall take effect in 60
36 days:

37 (i) The amendment of 75 Pa.C.S. § 1604(a) and (d).

38 (ii) The amendment of 75 Pa.C.S. § 1607(d) (15).

39 (iii) The addition of 75 Pa.C.S. § 1901(b.1).

40 (2) The following provisions shall take effect in six
41 months:

42 (i) The amendment of 75 Pa.C.S. § 1607(d) (4).

43 (ii) The addition of 75 Pa.C.S. § 1611(q).

44 (3) The following provisions shall take effect in 10
45 months:

46 (i) The amendment of 75 Pa.C.S. § 102.

47 (ii) The amendment of 75 Pa.C.S. § 1505.

48 (iii) The amendment of 75 Pa.C.S. § 1508.

49 (iv) The amendment of 75 Pa.C.S. § 1512.

50 (4) The following shall take effect January 1, 2022:

51 (i) The addition of 75 Pa.C.S. § 1607(c) (4).

1 (ii) The addition of 75 Pa.C.S. § 1607(d)(12), (13)
2 and (14).
3 (5) The reminder of this act shall take effect
4 immediately.