

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 498 Session of  
1989

INTRODUCED BY WILT, SCANLON, SALVATORE, ANDREZESKI AND MADIGAN,  
FEBRUARY 10, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
FEBRUARY 6, 1990

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, FURTHER PROVIDING FOR PAYMENT OF FEES AND TAXES <—  
3 WHEN APPLYING FOR A CERTIFICATE OF TITLE; PROVIDING FOR <—  
4 COMMERCIAL DRIVERS; FURTHER PROVIDING FOR BUSES, FOR ANTIQUE <—  
5 AND CLASSIC VEHICLES, FOR EXEMPTIONS FROM LICENSING, FOR  
6 CLASSES OF LICENSES, FOR SCHOOL BUS DRIVERS, FOR ISSUANCE AND  
7 CONTENT OF DRIVER'S LICENSE, FOR PRODUCTION OF A DRIVER'S <—  
8 LICENSE OR EVIDENCE TO AVOID CERTAIN PENALTIES, FOR  
9 REVOCATION OR SUSPENSION OF OPERATING PRIVILEGE, FOR SCHEDULE  
10 OF CONVICTIONS AND POINTS, FOR SURRENDER OF LICENSE, FOR  
11 CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED  
12 SUBSTANCE, FOR OCCUPATIONAL LIMITED LICENSES, FOR JUDICIAL <—  
13 REVIEW, FOR VIOLATIONS CONCERNING LICENSES, FOR DRIVING UNDER  
14 FOREIGN LICENSE DURING SUSPENSION OR REVOCATION AND FOR <—  
15 CERTAIN INDEMNIFICATION PAYMENTS; PROVIDING FOR REGISTRATION  
16 OF LIMOUSINES; authorizing dealers of motor carrier vehicles  
17 and designated agents of the Department of Transportation to  
18 be agents for the Department of Revenue for certain purposes  
19 relating to the motor carrier road tax identification marker;  
20 ~~and~~ further providing for penalties for operation of certain <—  
21 vehicles without required identification markers, FOR <—  
22 RECKLESS DRIVING, FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL  
23 OR CONTROLLED SUBSTANCE, FOR ENFORCEMENT AGREEMENTS AND FOR  
24 REPORTS BY COURTS; AND PROVIDING FOR CARELESS DRIVING.

25 The General Assembly of the Commonwealth of Pennsylvania  
26 hereby enacts as follows:

27 ~~Section 1. Section 2102(c) of Title 75 of the Pennsylvania~~ <—

1 ~~Consolidated Statutes is amended to read:~~

2 SECTION 1. THE DEFINITIONS OF "BUS," "CLASSIC MOTOR <—  
3 VEHICLE," "PASSENGER CAR" AND "SCHOOL BUS" IN SECTION 102 OF  
4 TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED  
5 AND THE SECTION IS AMENDED BY ADDING ~~A DEFINITION~~ DEFINITIONS TO <—  
6 READ:

7 § 102. DEFINITIONS.

8 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT  
9 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC  
10 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN  
11 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY  
12 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

13 \* \* \*

14 "BUS."

15 [(1) AT ALL TIMES PRIOR TO JULY 1, 1986, A MOTOR VEHICLE  
16 DESIGNED FOR CARRYING MORE THAN TEN PASSENGERS, EXCLUSIVE OF  
17 THE DRIVER, AND USED FOR THE TRANSPORTATION OF PERSONS AND A  
18 MOTOR VEHICLE, OTHER THAN A TAXICAB, DESIGNED AND USED FOR  
19 THE TRANSPORTATION OF PERSONS FOR COMPENSATION.

20 (2) ON AND AFTER JULY 1, 1986, A MOTOR VEHICLE DESIGNED  
21 FOR CARRYING MORE THAN TEN PERSONS, INCLUDING THE DRIVER, AND  
22 USED FOR THE TRANSPORTATION OF PERSONS AND A MOTOR VEHICLE,  
23 OTHER THAN A TAXICAB, DESIGNED AND USED FOR THE  
24 TRANSPORTATION OF PERSONS FOR COMPENSATION. THE TERM DOES NOT  
25 INCLUDE A VEHICLE OWNED BY A NATURAL PERSON WHICH IS USED  
26 SOLELY FOR NONCOMMERCIAL PURPOSES, OR A VEHICLE USED IN A  
27 RIDESHARING ARRANGEMENT, AS DEFINED IN THE ACT OF DECEMBER  
28 14, 1982 (P.L.1211, NO.279), ENTITLED "AN ACT PROVIDING FOR  
29 RIDESHARING ARRANGEMENTS AND PROVIDING THAT CERTAIN LAWS  
30 SHALL BE INAPPLICABLE TO RIDESHARING ARRANGEMENTS." ]

1           (1) A MOTOR VEHICLE DESIGNED TO TRANSPORT 16 OR MORE  
2           PASSENGERS, INCLUDING THE DRIVER; ~~AND~~ OR <—

3           (2) A MOTOR VEHICLE, OTHER THAN A TAXICAB OR LIMOUSINE, <—  
4           DESIGNED TO TRANSPORT NOT MORE THAN 15 PASSENGERS, INCLUDING  
5           THE DRIVER, AND USED FOR THE TRANSPORTATION OF PERSONS FOR  
6           COMPENSATION.

7           THE TERM DOES NOT INCLUDE A VEHICLE USED IN A RIDESHARING  
8           ARRANGEMENT, AS DEFINED IN THE ACT OF DECEMBER 14, 1982  
9           (P.L.1211, NO.279), ENTITLED "AN ACT PROVIDING FOR RIDESHARING  
10          ARRANGEMENTS AND PROVIDING THAT CERTAIN LAWS SHALL BE  
11          INAPPLICABLE TO RIDESHARING ARRANGEMENTS," OR A SCHOOL BUS.

12          \* \* \*

13          ["CLASSIC MOTOR VEHICLE." A SELF-PROPELLED VEHICLE, BUT NOT <—  
14          A REPRODUCTION THEREOF, MANUFACTURED MORE THAN TEN YEARS PRIOR  
15          TO THE CURRENT YEAR AND, BECAUSE OF DISCONTINUED PRODUCTION AND  
16          LIMITED AVAILABILITY, DETERMINED BY THE DEPARTMENT TO BE A MODEL  
17          OR MAKE OF SIGNIFICANT VALUE TO COLLECTORS OR EXHIBITORS AND  
18          WHICH HAS BEEN MAINTAINED IN OR RESTORED TO A CONDITION WHICH IS  
19          SUBSTANTIALLY IN CONFORMITY WITH MANUFACTURER SPECIFICATIONS AND  
20          APPEARANCE.]

21          "CLASSIC MOTOR VEHICLE." A MOTOR VEHICLE, BUT NOT A  
22          REPRODUCTION THEREOF, MANUFACTURED AT LEAST TEN YEARS PRIOR TO  
23          THE EFFECTIVE DATE OF THE AMENDMENT TO THIS DEFINITION AND,  
24          BECAUSE OF LIMITED AVAILABILITY, DETERMINED BY THE DEPARTMENT TO  
25          BE A MODEL OR MAKE OF SIGNIFICANT VALUE TO COLLECTORS OR  
26          EXHIBITORS AND WHICH HAS BEEN MAINTAINED IN OR RESTORED TO A  
27          CONDITION WHICH IS SUBSTANTIALLY IN CONFORMITY WITH MANUFACTURER  
28          SPECIFICATIONS AND APPEARANCE, PROVIDED THAT FIVE YEARS FROM THE  
29          EFFECTIVE DATE OF THE AMENDMENT TO THIS DEFINITION AND  
30          THEREAFTER, ONLY A VEHICLE WHICH WAS MANUFACTURED AT LEAST 15

YEARS PRIOR THERETO AND, BECAUSE OF LIMITED AVAILABILITY,  
DETERMINED BY THE DEPARTMENT TO BE A MODEL OR MAKE OF  
SIGNIFICANT VALUE TO COLLECTORS OR EXHIBITORS AND WHICH HAS BEEN  
MAINTAINED IN OR RESTORED TO CONDITION WHICH IS SUBSTANTIALLY IN  
CONFORMITY WITH MANUFACTURER SPECIFICATIONS AND APPEARANCE SHALL  
BE CONSIDERED A CLASSIC MOTOR VEHICLE UNDER THIS TITLE. ANY  
CLASSIC MOTOR VEHICLE REGISTERED UNDER SECTION 1340 (RELATING TO  
ANTIQUE AND CLASSIC PLATES) ON THE EFFECTIVE DATE OF THE  
AMENDMENT TO THIS DEFINITION WHICH FAILS TO QUALIFY AS A CLASSIC  
MOTOR VEHICLE PURSUANT TO THESE PROVISIONS MAY RETAIN SUCH  
CLASSIC REGISTRATION UNLESS ANOTHER TYPE OF REGISTRATION IS  
APPLIED FOR AND ISSUED FOR THE VEHICLE.

\* \* \*

"LIMOUSINE." A MOTOR VEHICLE DESIGNED FOR CARRYING NO MORE  
THAN NINE PASSENGERS, EXCLUSIVE OF THE DRIVER, AND USED FOR THE  
TRANSPORTATION OF PERSONS FOR COMPENSATION.

\* \* \*

"PASSENGER CAR." A MOTOR VEHICLE, EXCEPT A MOTORCYCLE,  
DESIGNED FOR CARRYING [TEN] NO MORE THAN 15 PASSENGERS [OR  
LESS], INCLUDING THE DRIVER, AND PRIMARILY USED FOR THE  
TRANSPORTATION OF PERSONS.

\* \* \*

"SCHOOL BUS." A MOTOR VEHICLE WHICH [COMPLIES WITH THE COLOR  
AND LIGHTING IDENTIFICATION REQUIREMENTS OF SECTION 4552  
(RELATING TO GENERAL REQUIREMENTS FOR SCHOOL BUSES).]:

(1) IS DESIGNED AND USED TO CARRY 11 PASSENGERS OR MORE,  
INCLUDING THE DRIVER; AND

(2) IS USED FOR THE TRANSPORTATION OF PREPRIMARY,  
PRIMARY OR SECONDARY SCHOOL STUDENTS, PERSONNEL OR CHAPERONES  
TO SUCH SCHOOLS OR SCHOOL-RELATED ACTIVITIES FROM HOME, OR

1       FROM SUCH SCHOOLS OR SCHOOL-RELATED ACTIVITIES TO HOME.  
2       "SCHOOL VEHICLE." A MOTOR VEHICLE, EXCEPT A MOTORCYCLE,  
3       DESIGNED FOR CARRYING NO MORE THAN TEN PASSENGERS, INCLUDING THE  
4       DRIVER, AND USED FOR THE TRANSPORTATION OF PREPRIMARY, PRIMARY  
5       OR SECONDARY SCHOOL STUDENTS WHILE REGISTERED BY OR UNDER  
6       CONTRACT TO A SCHOOL DISTRICT OR PRIVATE OR PAROCHIAL SCHOOL.  
7       THE TERM INCLUDES VEHICLES HAVING CHARTERED, GROUP AND PARTY  
8       RIGHTS UNDER THE PENNSYLVANIA PUBLIC UTILITY COMMISSION AND USED  
9       FOR THE TRANSPORTATION OF SCHOOL CHILDREN.

10       \* \* \*

11       SECTION 2. SECTIONS 1103(B) AND (D), 1340, 1501(C) AND (D), <—  
12       1502(1), 1504(D), 1509 HEADING AND (A), 1510(A), 1511(B), <—  
13       1532(B)(1), 1535(A), 1540(B) AND (C), 1547(D), ~~1550, 1571(A)(1)~~ <—  
14       ~~AND (4) AND 1573, 1573 AND 1575~~ AND 1550 OF TITLE 75 ARE AMENDED <—  
15       TO READ:

16       § 1103. APPLICATION FOR CERTIFICATE OF TITLE. <—

17       \* \* \*

18       (B) SIGNING AND FILING OF APPLICATION.--APPLICATION FOR A  
19       CERTIFICATE OF TITLE SHALL BE MADE WITHIN TEN DAYS OF THE SALE  
20       OR TRANSFER OF A VEHICLE OR ITS ENTRY INTO THIS COMMONWEALTH  
21       FROM ANOTHER JURISDICTION, WHICHEVER IS LATER. THE APPLICATION  
22       SHALL BE ACCOMPANIED BY THE FEE PRESCRIBED IN THIS TITLE, AND  
23       ANY TAX PAYABLE BY THE APPLICANT UNDER THE LAWS OF THIS  
24       COMMONWEALTH IN CONNECTION WITH THE ACQUISITION OR USE OF A  
25       VEHICLE OR EVIDENCE TO SHOW THAT THE TAX HAS BEEN COLLECTED. THE  
26       FEE PRESCRIBED BY THIS TITLE AND THE TAX DUE THE COMMONWEALTH  
27       SHALL EACH BE PAID BY SEPARATE CHECKS OR OTHER INSTRUMENTS DRAWN  
28       BY THE APPLICANT OR HIS LENDER PAYABLE TO THE ORDER OF THE  
29       DEPARTMENT. THE APPLICATION SHALL BE SIGNED AND VERIFIED BY OATH  
30       OR AFFIRMATION BY THE APPLICANT IF A NATURAL PERSON; IN THE CASE

1 OF AN ASSOCIATION OR PARTNERSHIP, BY A MEMBER OR A PARTNER; AND  
2 IN THE CASE OF A CORPORATION, BY AN EXECUTIVE OFFICER OR SOME  
3 PERSON SPECIFICALLY AUTHORIZED BY THE CORPORATION TO SIGN THE  
4 APPLICATION.

5 \* \* \*

6 (D) VEHICLES PURCHASED FROM DEALERS.--IF THE APPLICATION  
7 REFERS TO A VEHICLE PURCHASED FROM A DEALER, THE DEALER SHALL  
8 MAIL OR DELIVER THE APPLICATION TO THE DEPARTMENT WITHIN TEN  
9 DAYS OF THE DATE OF PURCHASE. THE APPLICATION SHALL CONTAIN THE  
10 NAMES AND ADDRESSES OF ANY LIENHOLDERS IN ORDER OF PRIORITY, THE  
11 AMOUNTS AND THE DATES OF THE SECURITY AGREEMENTS, AND BE  
12 ASSIGNED BY THE DEALER TO THE OWNER AND SIGNED BY THE OWNER. ANY  
13 DEALER VIOLATING THIS SUBSECTION IS GUILTY OF A SUMMARY OFFENSE  
14 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$50  
15 FOR EACH VIOLATION. THE REQUIREMENT THAT THE DEALER MAIL OR  
16 DELIVER THE APPLICATION TO THE DEPARTMENT DOES NOT APPLY TO  
17 VEHICLES PURCHASED BY FLEET OWNERS OR GOVERNMENTAL OR QUASI-  
18 GOVERNMENTAL AGENCIES. ANY DEALER WHO COLLECTS TAXES AND FEES  
19 DUE THE COMMONWEALTH AS A PART OF THE TRANSACTION AND FAILS TO  
20 REMIT THE TAXES AND FEES WITHIN THE PRESCRIBED TIME SHALL BE THE  
21 PARTY SOLELY LIABLE FOR THE TAXES AND FEES DUE, AND  
22 NOTWITHSTANDING THE PROVISIONS OF SECTION 1109 (RELATING TO  
23 REFUSING ISSUANCE OF CERTIFICATE OF TITLE) SUCH NONPAYMENT SHALL  
24 NOT DELAY THE ISSUANCE OF THE TITLE OR A VALID REGISTRATION TO  
25 THE PURCHASER.

26 \* \* \*

27 § 1340. ANTIQUE AND CLASSIC PLATES.

28 (A) GENERAL RULE.--UPON SUBMISSION BY A VEHICLE OWNER OF  
29 INFORMATION SATISFACTORY TO THE DEPARTMENT THAT A MOTOR VEHICLE  
30 IS AN ANTIQUE MOTOR VEHICLE OR CLASSIC MOTOR VEHICLE,

1 ACCOMPANIED BY THE APPROPRIATE FEE, THE DEPARTMENT MAY ISSUE  
2 SPECIAL PLATES FOR THE VEHICLE. NO ANNUAL REGISTRATION FEE MAY  
3 BE CHARGED FOR ANTIQUE OR CLASSIC MOTOR VEHICLES.

4 (B) USE OF PLATES.--IT IS UNLAWFUL FOR ANY PERSON TO OPERATE  
5 A VEHICLE WITH ANTIQUE OR CLASSIC REGISTRATION PLATES FOR  
6 GENERAL DAILY TRANSPORTATION. PERMITTED USE SHALL BE LIMITED TO  
7 PARTICIPATION IN CLUB ACTIVITIES, EXHIBITS, TOURS, PARADES,  
8 OCCASIONAL TRANSPORTATION AND SIMILAR USES. OCCASIONAL  
9 TRANSPORTATION SHALL MEAN NO MORE THAN TWO DAYS PER WEEK.

10 § 1501. DRIVERS REQUIRED TO BE LICENSED.

11 \* \* \*

12 (C) LIMITATION ON NUMBER OF LICENSES.--NO PERSON SHALL  
13 RECEIVE A DRIVER'S LICENSE UNLESS AND UNTIL THE PERSON  
14 SURRENDERS TO THE DEPARTMENT ALL VALID LICENSES IN THE PERSON'S  
15 POSSESSION ISSUED BY THIS OR ANY OTHER STATE. ALL SURRENDERED  
16 LICENSES ISSUED BY ANOTHER STATE SHALL BE RETURNED TO THAT  
17 STATE, TOGETHER WITH INFORMATION THAT THE PERSON IS LICENSED IN  
18 THIS COMMONWEALTH. NO PERSON SHALL BE PERMITTED TO HAVE MORE  
19 THAN ONE VALID DRIVER'S LICENSE ISSUED BY THIS OR ANY OTHER  
20 STATE AT ANY TIME. A NONRESIDENT WHO HOLDS A NONRESIDENT  
21 COMMERCIAL DRIVER'S LICENSE ISSUED BY THE COMMONWEALTH UNDER  
22 CHAPTER 16 (RELATING TO COMMERCIAL DRIVERS) SHALL BE PERMITTED  
23 TO HAVE A REGULAR DRIVER'S LICENSE ISSUED BY THE COUNTRY OF HIS  
24 RESIDENCE.

25 \* \* \*

26 (D) PENALTY.--ANY PERSON VIOLATING SUBSECTION (A) IS GUILTY  
27 OF A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO  
28 PAY A FINE OF \$200, EXCEPT THAT, IF THE PERSON CHARGED FURNISHES  
29 SATISFACTORY PROOF OF HAVING HELD A DRIVER'S LICENSE VALID ON  
30 THE LAST DAY OF THE PRECEDING DRIVER'S LICENSE PERIOD AND NO

1 MORE THAN ONE YEAR HAS ELAPSED FROM THE LAST DATE FOR RENEWAL,  
2 THE FINE SHALL BE \$25. NO PERSON CHARGED WITH VIOLATING  
3 SUBSECTION (A) OR (B) SHALL BE CONVICTED IF THE PERSON PRODUCES  
4 AT THE OFFICE OF THE ISSUING AUTHORITY WITHIN [FIVE] 15 DAYS OF  
5 THE VIOLATION:

6 (1) A DRIVER'S LICENSE VALID IN THIS COMMONWEALTH AT THE  
7 TIME OF THE VIOLATION; OR

8 (2) IF THE DRIVER'S LICENSE IS LOST, STOLEN, DESTROYED  
9 OR ILLEGIBLE, EVIDENCE THAT THE DRIVER WAS LICENSED AT THE  
10 TIME OF THE VIOLATION.

11 § 1502. PERSONS EXEMPT FROM LICENSING.

12 THE FOLLOWING PERSONS ARE NOT REQUIRED TO OBTAIN A DRIVER'S  
13 LICENSE UNDER THIS CHAPTER:

14 (1) ANY EMPLOYEE OF THE FEDERAL GOVERNMENT WHILE  
15 OPERATING A MOTOR VEHICLE OWNED BY OR LEASED TO THE FEDERAL  
16 GOVERNMENT AND BEING OPERATED ON OFFICIAL BUSINESS UNLESS THE  
17 EMPLOYEE IS REQUIRED BY THE FEDERAL GOVERNMENT OR ANY AGENCY  
18 THEREOF TO HAVE A STATE DRIVER'S LICENSE. THIS EXEMPTION  
19 SHALL NOT APPLY TO THE OPERATION OF COMMERCIAL MOTOR  
20 VEHICLES, AS DEFINED IN CHAPTER 16 (RELATING TO COMMERCIAL  
21 DRIVERS)).

22 \* \* \*

23 § 1504. CLASSES OF LICENSES.

24 \* \* \*

25 (D) NUMBER AND DESCRIPTION OF CLASSES.--LICENSES ISSUED BY  
26 THE DEPARTMENT SHALL BE CLASSIFIED IN THE FOLLOWING MANNER:

27 [(1) CLASS 1.--A CLASS 1 LICENSE SHALL BE ISSUED TO  
28 THOSE PERSONS WHO HAVE DEMONSTRATED THEIR QUALIFICATIONS TO  
29 OPERATE A SINGLE VEHICLE NOT IN EXCESS OF 30,000 POUNDS  
30 REGISTERED GROSS WEIGHT OR ANY SUCH VEHICLE TOWING A TRAILER



1 NOT IN EXCESS OF 10,000 POUNDS GROSS WEIGHT. ANY FIREMAN WHO  
2 IS THE HOLDER OF A CLASS 1 LICENSE AND WHO HAS A CERTIFICATE  
3 OF AUTHORIZATION FROM HIS FIRE CHIEF SHALL BE AUTHORIZED TO  
4 OPERATE ANY VEHICLE REGISTERED TO THE FIRE DEPARTMENT  
5 REGARDLESS OF THE OTHER REQUIREMENTS OF THIS SECTION AS TO  
6 THE CLASS OF LICENSE REQUIRED. THE HOLDER OF A CLASS 1  
7 LICENSE SHALL ALSO BE AUTHORIZED TO DRIVE A MOTORIZED  
8 PEDALCYCLE OR A THREE-WHEELED MOTORCYCLE EQUIPPED WITH AN  
9 ENCLOSED CAB. THE HOLDER OF A CLASS 1 LICENSE SHALL NOT BE  
10 DEEMED QUALIFIED TO OPERATE BUSES, SCHOOL BUSES OR  
11 MOTORCYCLES UNLESS THE LICENSE IS ENDORSED AS PROVIDED IN  
12 THIS SECTION.

13 (2) CLASS 2.--A CLASS 2 LICENSE SHALL BE ISSUED TO THOSE  
14 PERSONS OVER 18 YEARS OF AGE WHO HAVE DEMONSTRATED THEIR  
15 QUALIFICATIONS TO OPERATE A SINGLE VEHICLE OF OVER 30,000  
16 POUNDS REGISTERED GROSS WEIGHT OR ANY BUS OR ANY SUCH VEHICLE  
17 TOWING A TRAILER NOT IN EXCESS OF 10,000 POUNDS GROSS WEIGHT.  
18 THE HOLDER OF A CLASS 2 LICENSE SHALL BE DEEMED QUALIFIED TO  
19 OPERATE THOSE VEHICLES FOR WHICH A CLASS 1 LICENSE IS ISSUED,  
20 BUT NOT SCHOOL BUSES OR MOTORCYCLES UNLESS THE LICENSE IS  
21 ENDORSED AS PROVIDED IN THIS SECTION.

22 (3) CLASS 3.--A CLASS 3 LICENSE SHALL BE ISSUED TO THOSE  
23 PERSONS OVER 18 YEARS OF AGE WHO HAVE DEMONSTRATED THEIR  
24 QUALIFICATIONS TO OPERATE A VEHICLE WHILE IN COMBINATION WITH  
25 OR TOWING A TRAILER IN EXCESS OF 10,000 POUNDS GROSS WEIGHT.  
26 THE HOLDER OF A CLASS 3 LICENSE SHALL BE DEEMED QUALIFIED TO  
27 OPERATE THOSE VEHICLES FOR WHICH A CLASS 1 OR CLASS 2 LICENSE  
28 IS ISSUED, BUT NOT SCHOOL BUSES OR MOTORCYCLES UNLESS THE  
29 LICENSE IS ENDORSED AS PROVIDED IN THIS SECTION.

30 (4) CLASS 4.--PERSONS WHO HAVE QUALIFIED TO OPERATE

1 SCHOOL BUSES IN ACCORDANCE WITH THIS TITLE AND THE RULES AND  
2 REGULATIONS PROMULGATED AND ADOPTED BY THE DEPARTMENT SHALL  
3 HAVE THE QUALIFICATION ENDORSED ON THE LICENSE ON THE LICENSE  
4 AS PROVIDED IN THIS SECTION.

5 (5) CLASS 5.--THOSE PERSONS WHO HAVE DEMONSTRATED THEIR  
6 QUALIFICATIONS TO OPERATE A MOTORCYCLE, SHALL HAVE THAT  
7 QUALIFICATION ENDORSED ON ONE OF THE BASIC CLASSES OF LICENSE  
8 DESCRIBED IN THIS SECTION. IF A PERSON IS QUALIFIED ONLY TO  
9 OPERATE A MOTORCYCLE HE SHALL BE ISSUED A LICENSE WITH ONLY  
10 THAT QUALIFICATION ENDORSED ON THE LICENSE.

11 (6) CLASS 6.--THOSE PERSONS WHO HAVE DEMONSTRATED THEIR  
12 QUALIFICATIONS TO OPERATE A MOTOR-DRIVEN CYCLE OR MOTORIZED  
13 PEDALCYCLE SHALL HAVE THAT QUALIFICATION ENDORSED ON ONE OF  
14 THE BASIC CLASSES OF LICENSE DESCRIBED IN THIS SECTION. IF A  
15 PERSON IS QUALIFIED ONLY TO OPERATE A MOTOR-DRIVEN CYCLE OR  
16 MOTORIZED PEDALCYCLE HE SHALL BE ISSUED A LICENSE WITH ONLY  
17 THAT QUALIFICATION ENDORSED ON THE LICENSE.]

18 (1) CLASS A.--A CLASS A LICENSE SHALL BE ISSUED TO THOSE  
19 PERSONS 18 YEARS OF AGE OR OLDER WHO HAVE DEMONSTRATED THEIR  
20 QUALIFICATIONS TO OPERATE ANY COMBINATION OF VEHICLES WITH A  
21 GROSS VEHICLE WEIGHT RATING OF 26,001 POUNDS OR MORE,  
22 PROVIDED THE GROSS VEHICLE WEIGHT RATING OF THE VEHICLE OR  
23 VEHICLES BEING TOWED IS IN EXCESS OF 10,000 POUNDS., <— OR ANY  
24 COMBINATION OF VEHICLES WITH A GROSS COMBINATION VEHICLE  
25 WEIGHT RATING OF NOT MORE THAN 26,000 POUNDS, PROVIDED THE  
26 GROSS VEHICLE WEIGHT RATING OF THE VEHICLE OR VEHICLES BEING  
27 TOWED IS IN EXCESS OF 10,000 POUNDS, IN WHICH CASE THE  
28 LICENSE WILL BE RESTRICTED TO SUCH COMBINATIONS.

29 (I) THE HOLDER OF A CLASS A LICENSE SHALL BE DEEMED  
30 QUALIFIED TO OPERATE THOSE VEHICLES FOR WHICH A CLASS B

1           OR CLASS C LICENSE IS ISSUED.

2           (II) WHERE REQUIRED UNDER THIS TITLE, APPROPRIATE  
3           ENDORSEMENTS MUST BE OBTAINED.

4           (2) CLASS B.--A CLASS B LICENSE SHALL BE ISSUED TO THOSE  
5           PERSONS 18 YEARS OF AGE OR OLDER WHO HAVE DEMONSTRATED THEIR  
6           QUALIFICATIONS TO OPERATE ANY SINGLE VEHICLE WITH A GROSS  
7           VEHICLE WEIGHT RATING OF 26,001 POUNDS OR MORE, OR ANY SUCH  
8           VEHICLE TOWING A VEHICLE HAVING A GROSS VEHICLE WEIGHT RATING  
9           OF NOT MORE THAN 10,000 POUNDS.

10           (I) THE HOLDER OF A CLASS B LICENSE SHALL BE DEEMED  
11           QUALIFIED TO OPERATE THOSE VEHICLES FOR WHICH A CLASS C  
12           LICENSE IS ISSUED.

13           (II) WHERE REQUIRED UNDER THIS TITLE, APPROPRIATE  
14           ENDORSEMENTS MUST BE OBTAINED.

15           (3) CLASS C.--A CLASS C LICENSE SHALL BE ISSUED TO THOSE  
16           PERSONS 18 YEARS OF AGE OR OLDER, EXCEPT AS PROVIDED IN  
17           SECTION 1503 (RELATING TO PERSONS INELIGIBLE FOR LICENSING),  
18           WHO HAVE DEMONSTRATED THEIR QUALIFICATIONS TO OPERATE ANY  
19           SINGLE VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF NOT MORE  
20           THAN 26,000 POUNDS OR ANY SUCH VEHICLE TOWING A VEHICLE WITH <—  
21           A GROSS VEHICLE WEIGHT RATING OF NOT MORE THAN 10,000 POUNDS.  
22           IF THE GROSS COMBINATION VEHICLE WEIGHT RATING IS NOT MORE <—  
23           THAN 26,000 POUNDS.

24           (I) WHERE REQUIRED UNDER THIS TITLE, APPROPRIATE  
25           ENDORSEMENTS MUST BE OBTAINED.

26           (II) ANY FIREFIGHTER WHO IS THE HOLDER OF A CLASS C  
27           LICENSE AND WHO HAS A CERTIFICATE OF AUTHORIZATION FROM  
28           HIS FIRE CHIEF SHALL BE AUTHORIZED TO OPERATE ANY FIRE OR  
29           EMERGENCY VEHICLE REGISTERED TO THE FIRE DEPARTMENT,  
30           REGARDLESS OF THE OTHER REQUIREMENTS OF THIS SECTION AS

1       TO THE CLASS OF LICENSE REQUIRED. NO FIRE CHIEF, FIRE  
2       DEPARTMENT, INCLUDING ANY VOLUNTEER FIRE COMPANY, OR  
3       MUNICIPALITY SHALL BE LIABLE FOR ANY CIVIL DAMAGES AS A  
4       RESULT OF THE ISSUANCE OF A CERTIFICATE AUTHORIZED UNDER  
5       THIS PARAGRAPH UNLESS SUCH ACT CONSTITUTED A CRIME,  
6       ACTUAL FRAUD, ACTUAL MALICE OR WILLFUL MISCONDUCT.

7       (III) THE HOLDER OF A CLASS C LICENSE SHALL ALSO BE  
8       AUTHORIZED TO DRIVE A MOTORIZED PEDALCYCLE OR A THREE-  
9       WHEELED MOTORCYCLE EQUIPPED WITH AN ENCLOSED CAB, BUT NOT  
10      A MOTORCYCLE UNLESS THE LICENSE IS ENDORSED, AS PROVIDED  
11      IN THIS TITLE.

12      (4) CLASS M.--A CLASS M LICENSE SHALL BE ISSUED TO THOSE  
13      PERSONS WHO HAVE DEMONSTRATED THEIR QUALIFICATIONS TO OPERATE  
14      A MOTORCYCLE OR MOTOR-DRIVEN CYCLE. IF A PERSON IS QUALIFIED  
15      TO OPERATE ONLY A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, HE SHALL  
16      BE ISSUED A CLASS M LICENSE ONLY.

17      \* \* \*

18      § 1509.   QUALIFICATIONS FOR [CLASS 4 LICENSE] SCHOOL BUS DRIVER  
19              ENDORSEMENT.

20      (A)   SCHOOL BUS DRIVER REQUIREMENTS.--NO PERSON SHALL BE  
21      ISSUED [A CLASS 4 LICENSE] AN ENDORSEMENT TO OPERATE A SCHOOL  
22      BUS UNLESS THE PERSON:

23           (1)   HAS SUCCESSFULLY COMPLETED A COURSE OF INSTRUCTION  
24           AS PROVIDED IN SUBSECTION (C);

25           (2)   HAS SATISFACTORILY PASSED AN ANNUAL PHYSICAL  
26           EXAMINATION TO BE GIVEN BY THE PHYSICIAN FOR THE SCHOOL  
27           DISTRICT BY WHICH THE PERSON IS EMPLOYED[; AND], IN  
28           ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED AND ADOPTED  
29           BY THE DEPARTMENT;

30           (3)   IS 18 YEARS OF AGE OR OLDER[.]; AND



1 WITHIN [FIVE] 15 DAYS A DRIVER'S LICENSE VALID IN THIS  
2 COMMONWEALTH AT THE TIME OF THE ARREST.

3 § 1532. REVOCATION OR SUSPENSION OF OPERATING PRIVILEGE.

4 \* \* \*

5 (B) SUSPENSION.--

6 (1) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE  
7 OF ANY DRIVER FOR SIX MONTHS UPON RECEIVING A CERTIFIED  
8 RECORD OF THE DRIVER'S CONVICTION OF ANY OFFENSE UNDER THE  
9 FOLLOWING PROVISIONS:

10 SECTION 3367 (RELATING TO RACING ON HIGHWAYS).

11 SECTION 3733 (RELATING TO FLEEING OR ATTEMPTING TO  
12 ELUDE POLICE OFFICER).

13 SECTION 3734 (RELATING TO DRIVING WITHOUT LIGHTS TO  
14 AVOID IDENTIFICATION OR ARREST).

15 SECTION 3736 (RELATING TO RECKLESS DRIVING).

16 SECTION 3743 (RELATING TO ACCIDENTS INVOLVING DAMAGE  
17 TO ATTENDED VEHICLE OR PROPERTY).

18 \* \* \*

19 § 1535. SCHEDULE OF CONVICTIONS AND POINTS.

20 (A) GENERAL RULE.--A POINT SYSTEM FOR DRIVER EDUCATION AND  
21 CONTROL IS HEREBY ESTABLISHED WHICH IS RELATED TO OTHER  
22 PROVISIONS FOR USE, SUSPENSION AND REVOCATION OF THE OPERATING  
23 PRIVILEGE AS SPECIFIED UNDER THIS TITLE. EVERY DRIVER LICENSED  
24 IN THIS COMMONWEALTH WHO IS CONVICTED OF ANY OF THE FOLLOWING  
25 OFFENSES SHALL BE ASSESSED POINTS AS OF THE DATE OF VIOLATION IN  
26 ACCORDANCE WITH THE FOLLOWING SCHEDULE:

27	SECTION NUMBER	OFFENSE	POINTS
28	1512	VIOLATION OF RESTRICTION ON	
29		DRIVER'S LICENSE.	2
30	1571	VIOLATION CONCERNING LICENSE.	3

1	3102	FAILURE TO OBEY POLICEMAN OR	
2		AUTHORIZED PERSON.	2
3	3112(A)(3)(I)	FAILURE TO STOP FOR A RED LIGHT.	3
4	3114(A)(1)	FAILURE TO STOP FOR A FLASHING	
5		RED LIGHT.	3
6	3302	FAILURE TO YIELD HALF OF ROADWAY	
7		TO ONCOMING VEHICLE.	3
8	3303	IMPROPER PASSING.	3
9	3304	OTHER IMPROPER PASSING.	3
10	3305	OTHER IMPROPER PASSING.	3
11	3306(A)(1)	OTHER IMPROPER PASSING.	4
12	3306(A)(2)	OTHER IMPROPER PASSING.	3
13	3306(A)(3)	OTHER IMPROPER PASSING.	3
14	3307	OTHER IMPROPER PASSING.	3
15	3310	FOLLOWING TOO CLOSELY.	3
16	3321	FAILURE TO YIELD TO DRIVER ON THE	
17		RIGHT AT INTERSECTION.	3
18	3322	FAILURE TO YIELD TO ONCOMING	
19		DRIVER WHEN MAKING LEFT TURN.	3
20	3323(B)	FAILURE TO STOP FOR STOP SIGN.	3
21	3323(C)	FAILURE TO YIELD AT YIELD SIGN.	3
22	3324	FAILURE TO YIELD WHEN ENTERING OR	
23		CROSSING ROADWAY BETWEEN INTER-	
24		SECTIONS.	3
25	3332	IMPROPER TURNING AROUND.	3
26	3341	FAILURE TO STOP FOR FLASHING RED	
27		LIGHTS OR GATE AT RAILROAD	
28		CROSSING.	3
29	3344	FAILURE TO STOP WHEN ENTERING FROM	
30		ALLEY, DRIVEWAY OR BUILDING.	3

1	3345(A)	FAILURE TO STOP FOR SCHOOL BUS	
2		WITH FLASHING RED LIGHTS.	5
3		(AND 60 DAYS SUSPENSION)	
4	3361	DRIVING TOO FAST FOR CONDITIONS.	2
5	3362	EXCEEDING MAXIMUM SPEED.--OVER LIMIT:	
6		6-10	2
7		11-15	3
8		16-25	4
9		26-30	5
10		31-OVER	5
11		(AND DEPARTMENTAL HEARING	
12		AND SANCTIONS PROVIDED	
13		UNDER SECTION 1538(D))	
14	3365(B)	EXCEEDING SPECIAL SPEED LIMIT	
15		IN SCHOOL ZONE.	3
16	3365(C)	EXCEEDING SPECIAL SPEED LIMIT	
17		FOR TRUCKS ON DOWNGRADES.	3
18	3542(A)	FAILURE TO YIELD TO PEDESTRIAN IN	
19		CROSSWALK.	2
20	3547	FAILURE TO YIELD TO PEDESTRIAN ON	
21		SIDEWALK.	3
22	3549(A)	FAILURE TO YIELD TO BLIND	
23		PEDESTRIAN.	3
24	3702	IMPROPER BACKING.	3
25	3714	[RECKLESS] <u>CARELESS</u> DRIVING.	3
26	3745	LEAVING SCENE OF ACCIDENT	
27		INVOLVING PROPERTY DAMAGE ONLY.	4

28 \* \* \*

29 § 1540. SURRENDER OF LICENSE.

30 \* \* \*



1 (B) SUSPENSION [OR], REVOCATION OR DISQUALIFICATION OF  
2 OPERATING PRIVILEGE.--UPON THE SUSPENSION OR REVOCATION OF THE  
3 OPERATING PRIVILEGE OR THE DISQUALIFICATION OF THE COMMERCIAL  
4 OPERATING PRIVILEGE OF ANY PERSON BY THE DEPARTMENT, THE  
5 DEPARTMENT SHALL FORTHWITH NOTIFY THE PERSON IN WRITING AT THE  
6 ADDRESS OF RECORD TO SURRENDER HIS DRIVER'S LICENSE TO THE  
7 DEPARTMENT FOR THE TERM OF SUSPENSION [OR], REVOCATION OR  
8 DISQUALIFICATION. THE SUSPENSION [OR], REVOCATION OR  
9 DISQUALIFICATION SHALL BE EFFECTIVE UPON A DATE DETERMINED BY  
10 THE DEPARTMENT OR THE DATE OF SURRENDER OF THE LICENSE TO THE  
11 DEPARTMENT IF THAT DATE IS SUBSEQUENT TO THE DEPARTMENT'S NOTICE  
12 TO SURRENDER THE LICENSE, WHICHEVER OCCURS FIRST. UPON SURRENDER  
13 OF THE LICENSE, THE DEPARTMENT SHALL ISSUE A RECEIPT SHOWING THE  
14 DATE THAT IT RECEIVED THE LICENSE.

15 (C) SEIZURE OF REVOKED [AND], SUSPENDED, CANCELED OR  
16 DISQUALIFIED LICENSES.--THE DEPARTMENT MAY DELEGATE AUTHORITY TO  
17 ANY AUTHORIZED [DEPARTMENT] COMMONWEALTH EMPLOYEE, MEMBER OF THE  
18 PENNSYLVANIA STATE POLICE OR LOCAL POLICE OFFICER TO SEIZE THE  
19 DRIVER'S LICENSE OF ANY PERSON WHEN THE OPERATING PRIVILEGE OF  
20 THAT PERSON HAS BEEN REVOKED [OR], SUSPENDED, CANCELED OR  
21 DISQUALIFIED AND HIS DRIVER'S LICENSE HAS BEEN ORDERED TO BE  
22 SURRENDERED BY A COURT OR DISTRICT ATTORNEY OR BY THE  
23 DEPARTMENT. THE DEPARTMENT SHALL, BY REGULATION, PRESCRIBE THE  
24 MANNER OF SELECTING THE COMMONWEALTH EMPLOYEES AND [STATE AND]  
25 LOCAL POLICE OFFICERS TO SEIZE THE DRIVERS' LICENSES.

26 § 1547. CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR  
27 CONTROLLED SUBSTANCE.

28 \* \* \*

29 (D) PRESUMPTIONS FROM AMOUNT OF ALCOHOL.--IF CHEMICAL  
30 TESTING OF A PERSON'S BREATH, BLOOD OR URINE SHOWS:

1           (1) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF  
2 THE PERSON TESTED IS 0.05% OR LESS, IT SHALL BE PRESUMED THAT  
3 THE PERSON TESTED WAS NOT UNDER INFLUENCE OF ALCOHOL AND THE  
4 PERSON SHALL NOT BE CHARGED WITH ANY VIOLATION UNDER SECTION  
5 3731(A)(1) OR (4) (RELATING TO DRIVING UNDER INFLUENCE OF  
6 ALCOHOL OR CONTROLLED SUBSTANCE), OR, IF THE PERSON WAS SO  
7 CHARGED PRIOR TO THE TEST, THE CHARGE SHALL BE VOID AB  
8 INITIO. THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION  
9 CONCERNING A VIOLATION OF SECTION 3731(A)(2) OR (3) OR (1).

10           (2) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF  
11 THE PERSON TESTED IS IN EXCESS OF 0.05% BUT LESS THAN 0.10%,  
12 THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION THAT THE  
13 PERSON TESTED WAS OR WAS NOT UNDER THE INFLUENCE OF ALCOHOL,  
14 BUT THIS FACT MAY BE CONSIDERED WITH OTHER COMPETENT EVIDENCE  
15 IN DETERMINING WHETHER THE PERSON WAS OR WAS NOT UNDER THE  
16 INFLUENCE OF ALCOHOL. THIS PROVISION SHALL NOT NEGATE THE  
17 PROVISIONS OF SECTION 3731(I).

18           (3) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF  
19 THE PERSON TESTED IS 0.10% OR MORE, THIS FACT MAY BE  
20 INTRODUCED INTO EVIDENCE IF THE PERSON IS CHARGED WITH  
21 VIOLATING SECTION 3731.

22       \* \* \*

23 § 1550. JUDICIAL REVIEW.

24       (A) GENERAL RULE.--ANY PERSON DENIED A DRIVER'S LICENSE OR  
25 WHOSE OPERATING PRIVILEGE HAS BEEN RECALLED, CANCELED, SUSPENDED  
26 [OR], REVOKED OR DISQUALIFIED BY THE DEPARTMENT SHALL HAVE THE  
27 RIGHT TO APPEAL TO THE COURT VESTED WITH JURISDICTION OF SUCH  
28 APPEALS BY OR PURSUANT TO TITLE 42 (RELATING TO JUDICIARY AND  
29 JUDICIAL PROCEDURE).

30       (B) SUPERSEDEAS.--[THE]

1           (1) IN THE CASE OF A RECALL, SUSPENSION, CANCELLATION OR  
2           REVOCATION, THE FILING OF THE PETITION SHALL OPERATE AS A  
3           SUPERSEDEAS, AND NO RECALL, SUSPENSION, CANCELLATION OR  
4           REVOCATION SHALL BE IMPOSED AGAINST SUCH PERSON UNTIL FINAL  
5           DETERMINATION OF THE MATTER.

6           (2) IN THE CASE OF A DISQUALIFICATION OF THE COMMERCIAL  
7           OPERATING PRIVILEGE, THE DRIVER MAY PETITION TO THE COURT OF  
8           COMMON PLEAS OF HIS COUNTY OF RESIDENCE, WHICH COURT MAY  
9           GRANT A SUPERSEDEAS EX PARTE UPON A SHOWING OF REASONABLE  
10          LIKELIHOOD OF SUCCESSFUL PROSECUTION OF THE APPEAL.

11          (C) PROCEEDINGS OF COURT.--THE COURT SHALL SET THE MATTER  
12 FOR HEARING UPON 30 DAYS WRITTEN NOTICE TO THE DEPARTMENT AND  
13 DETERMINE WHETHER THE PETITIONER IS IN FACT THE PERSON WHOSE  
14 OPERATING PRIVILEGE IS SUBJECT TO THE RECALL, SUSPENSION,  
15 CANCELLATION [OR], REVOCATION OR DISQUALIFICATION.

16          SECTION 3. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:     <—  
17          § 1553. OCCUPATIONAL LIMITED LICENSES.

18          (A) ISSUANCE.--THE DEPARTMENT MAY ISSUE AN OCCUPATIONAL  
19 LIMITED LICENSE UNDER THE PROVISIONS OF THIS SECTION TO A DRIVER  
20 WHOSE DRIVER'S LICENSE HAS BEEN SUSPENDED. IF THE UNDERLYING  
21 REASON FOR THE SUSPENSION WAS CAUSED BY VIOLATIONS COMMITTED  
22 WHILE THE DRIVER WAS OPERATING A COMMERCIAL MOTOR VEHICLE, THE  
23 DRIVER SHALL NOT BE ISSUED AN OCCUPATIONAL LIMITED LICENSE FOR  
24 THE PURPOSE OF OPERATING A COMMERCIAL MOTOR VEHICLE. THE  
25 DEPARTMENT SHALL PROHIBIT THE ISSUANCE OF AN OCCUPATIONAL  
26 LIMITED LICENSE WHEN DISQUALIFIED FROM DOING SO UNDER THE  
27 COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 (PUBLIC LAW 99-570,  
28 49 U.S.C. APP. § 2701 ET SEQ.).

29          (B) PETITION.--THE APPLICANT FOR AN OCCUPATIONAL LIMITED  
30 LICENSE MUST FILE A PETITION WITH THE DEPARTMENT OF

1 TRANSPORTATION, SETTING FORTH IN DETAIL THE NEED FOR OPERATING A  
2 MOTOR VEHICLE.

3 (C) FORM.--THE PETITION SHALL BE IN A FORM ESTABLISHED BY  
4 THE DEPARTMENT OF TRANSPORTATION AND SHALL IDENTIFY THE SPECIFIC  
5 MOTOR VEHICLE OR VEHICLES THE PETITIONER SEEKS PERMISSION TO  
6 OPERATE, INCLUDING THE VEHICLE CLASSIFICATION AND ANY  
7 ENDORSEMENTS REQUIRED FOR OPERATION. THE PETITION SHALL INCLUDE  
8 THE EXPLANATION WHY THE OPERATION OF THE MOTOR VEHICLE IS  
9 ESSENTIAL TO THE PERSON'S LIVELIHOOD AND IDENTIFY THE PERSON'S  
10 OCCUPATION, STUDY OR TRADE. THE PETITION SHALL IDENTIFY THE  
11 PETITIONER'S EMPLOYER AND INCLUDE PROOF OF FINANCIAL LIABILITY  
12 COVERING ALL VEHICLES WHICH THE PETITIONER REQUESTS TO BE  
13 ALLOWED TO OPERATE.

14 (D) FEE.--THE FEE FOR AN OCCUPATIONAL LIMITED LICENSE SHALL  
15 BE \$25.

16 (E) UNAUTHORIZED ISSUANCE.--THE DEPARTMENT OF TRANSPORTATION  
17 SHALL PROHIBIT ISSUANCE OF AN OCCUPATIONAL LICENSE TO:

18 (1) A DRIVER WHO HAS BEEN CONVICTED OF ANY FELONY IN THE  
19 COMMISSION OF WHICH A MOTOR VEHICLE WAS USED.

20 (2) ANY PERSON REQUIRED BY THIS ACT TO TAKE AN  
21 EXAMINATION AND HAS FAILED TO PASS SUCH EXAMINATION.

22 (3) ANY PERSON WHO HAS AN UNSATISFIED JUDGMENT AGAINST  
23 HIM AS THE RESULT OF A MOTOR VEHICLE OPERATION, UNTIL SUCH  
24 JUDGMENT HAS BEEN SATISFIED OR THE FINANCIAL RESPONSIBILITY  
25 OF SUCH PERSON HAS BEEN ESTABLISHED.

26 (4) ANY PERSON APPLYING FOR A LIMITED LICENSE TO OPERATE  
27 A COMMERCIAL MOTOR VEHICLE WHO HAS HAD HIS COMMERCIAL  
28 DRIVER'S LICENSE PRIVILEGE DISQUALIFIED UNDER THE PROVISIONS  
29 OF SECTION 1611 (RELATING TO DISQUALIFICATION).

30 (5) ANY PERSON WHO, AT THE TIME HE APPLIES FOR AN

1 OCCUPATIONAL DRIVER'S LICENSE, HAS PREVIOUSLY BEEN GRANTED  
2 SUCH A PRIVILEGE WITHIN THE PERIOD OF FIVE YEARS NEXT  
3 PRECEDING SUCH APPLICATION.

4 (6) ANY PERSON WHO HAS BEEN CONVICTED OF DRIVING UNDER  
5 THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.

6 (7) ANY PERSON WHOSE LICENSE HAS BEEN SUSPENDED FOR  
7 REFUSAL TO SUBMIT TO CHEMICAL TESTING TO DETERMINE THE AMOUNT  
8 OF ALCOHOL OR CONTROLLED SUBSTANCE.

9 (8) ANY PERSON WHO HAS BEEN GRANTED ACCELERATED  
10 REHABILITATIVE DISPOSITION FOR DRIVING UNDER THE INFLUENCE OF  
11 ALCOHOL OR CONTROLLED SUBSTANCE AND WHOSE LICENSE HAS BEEN  
12 SUSPENDED BY THE DEPARTMENT.

13 (9) ANY PERSON FOR THE PURPOSE OF DRIVING A SCHOOL BUS.

14 (10) ANY PERSON WHOSE LICENSE HAS BEEN SUSPENDED FOR A  
15 VIOLATION OF 18 PA.C.S. § 6308 (RELATING TO PURCHASE,  
16 CONSUMPTION, POSSESSION OR TRANSPORTATION OF LIQUOR OR MALT  
17 OR BREWED BEVERAGES) DURING THE TERM OF THE PERSON'S  
18 SUSPENSION.

19 (F) RESTRICTION; PENALTY.--THE OCCUPATIONAL LIMITED LICENSE  
20 SHALL RESTRICT MOTOR VEHICLE OPERATION OF A LICENSEE TO DRIVING  
21 TO AND FROM AND FOR THE PURPOSE OF THE LICENSEE'S OCCUPATION.  
22 PERSONS VIOLATING THE RESTRICTIONS IMPOSED BY THE DEPARTMENT  
23 SHALL PAY A FINE OF \$200 AND RECEIVE A ONE-YEAR SUSPENSION OF  
24 THE OCCUPATIONAL LIMITED LICENSE PRIVILEGE.

25 SECTION 4. SECTIONS 1571(A)(1) AND (4), 1573 AND 1575 OF  
26 TITLE 75 ARE AMENDED TO READ:

27 § 1571. VIOLATIONS CONCERNING LICENSES.

28 (A) OFFENSES DEFINED.--IT IS UNLAWFUL FOR ANY PERSON:

29 (1) TO EXHIBIT OR CAUSE OR PERMIT TO BE EXHIBITED OR  
30 HAVE IN POSSESSION ANY RECALLED, CANCELED, SUSPENDED,

1 REVOKED, DISQUALIFIED, FICTITIOUS OR FRAUDULENTLY ALTERED  
2 DRIVER'S LICENSE.

3 \* \* \*

4 (4) TO FAIL OR REFUSE TO SURRENDER TO THE DEPARTMENT  
5 UPON LAWFUL DEMAND A RECALLED, CANCELED, SUSPENDED, REVOKED,  
6 DISQUALIFIED, FICTITIOUS OR FRAUDULENTLY ALTERED DRIVER'S  
7 LICENSE.

8 \* \* \*

9 § 1573. [DRIVING UNDER] DISPLAYING A FOREIGN LICENSE DURING  
10 SUSPENSION OR REVOCATION.

11 [ANY] (A) OFFENSE DEFINED.--IT IS UNLAWFUL FOR ANY RESIDENT  
12 OR NONRESIDENT WHOSE OPERATING PRIVILEGE TO DRIVE A MOTOR  
13 VEHICLE IN THIS COMMONWEALTH HAS BEEN RECALLED, CANCELED,  
14 SUSPENDED [OR], REVOKED OR DISQUALIFIED AS PROVIDED IN THIS  
15 TITLE SHALL NOT [DRIVE A MOTOR VEHICLE IN THIS COMMONWEALTH  
16 UNDER] DISPLAY A LICENSE OR PERMIT ISSUED BY ANY OTHER  
17 JURISDICTION OR OTHERWISE DURING THE SUSPENSION OR AFTER THE  
18 RECALL, CANCELLATION [OR], REVOCATION OR DISQUALIFICATION UNTIL  
19 [A NEW DRIVER'S LICENSE IS OBTAINED WHEN AND AS PERMITTED UNDER  
20 THIS CHAPTER.] THE INDIVIDUAL'S OPERATING PRIVILEGE HAS BEEN  
21 RESTORED BY THE DEPARTMENT.

22 (B) DISPLAY OF REGULAR LICENSE.--

23 (1) A RESIDENT OF THIS COMMONWEALTH WHO HOLDS A  
24 COMMERCIAL DRIVER'S LICENSE ISSUED BY THIS COMMONWEALTH UNDER  
25 CHAPTER 16 (RELATING TO COMMERCIAL DRIVERS) SHALL BE  
26 PERMITTED TO DISPLAY A REGULAR DRIVER'S LICENSE ISSUED BY THE  
27 DEPARTMENT IN THE EVENT THAT THE RESIDENT'S COMMERCIAL  
28 DRIVER'S LICENSE IS DISQUALIFIED.

29 (2) A NONRESIDENT WHO HOLDS A COMMERCIAL DRIVER'S  
30 LICENSE ISSUED BY A STATE OTHER THAN THIS COMMONWEALTH SHALL

1 BE PERMITTED TO DISPLAY A REGULAR DRIVER'S LICENSE ISSUED BY  
2 THAT PERSON'S STATE OF RESIDENCE IN THE EVENT THAT THE  
3 NONRESIDENT'S COMMERCIAL DRIVER'S LICENSE IS DISQUALIFIED.

4 (3) A NONRESIDENT WHO HOLDS A NONRESIDENT COMMERCIAL  
5 DRIVER'S LICENSE ISSUED BY THIS COMMONWEALTH UNDER CHAPTER 16  
6 SHALL BE PERMITTED TO DISPLAY A REGULAR DRIVER'S LICENSE  
7 ISSUED BY THE NONRESIDENT'S COUNTRY IN THE EVENT THAT THE  
8 PERSON'S NONRESIDENT COMMERCIAL DRIVER'S LICENSE IS  
9 DISQUALIFIED.

10 (C) PENALTY.--ANY PERSON VIOLATING THE PROVISIONS OF THIS  
11 SECTION COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE  
12 SENTENCED TO PAY A FINE OF \$200. THIS PENALTY SHALL BE IN  
13 ADDITION TO ANY OTHER PENALTIES IMPOSED UNDER THIS TITLE.

14 § 1575. PERMITTING VIOLATION OF TITLE.

<—

15 (A) GENERAL RULE.--NO PERSON SHALL AUTHORIZE OR PERMIT A  
16 MOTOR VEHICLE OWNED BY HIM OR UNDER HIS CONTROL TO BE DRIVEN IN  
17 VIOLATION OF ANY OF THE PROVISIONS OF THIS TITLE.

18 (B) PENALTY.--ANY PERSON VIOLATING THE PROVISIONS OF  
19 SUBSECTION (A) IS GUILTY OF THE SAME OFFENSE AS THE DRIVER OF  
20 SUCH VEHICLE AND SUBJECT TO THE SAME PENALTIES INCLUDING ANY  
21 SUSPENSION OR REVOCATION OF THE OPERATING PRIVILEGE OR THE  
22 ASSESSMENT OF POINTS.

23 (C) INDEMNIFICATION; POINTS ASSESSMENT.--IN CASES WHERE A  
24 DRIVER OF A MOTOR VEHICLE IS REQUIRED TO CONDUCT A PRE-TRIP  
25 SAFETY INSPECTION PURSUANT TO DEPARTMENT REGULATIONS AND IS  
26 SUBSEQUENTLY CONVICTED OF ONE OR MORE EQUIPMENT VIOLATIONS UNDER  
27 THIS TITLE, THE OWNER OF THE VEHICLE SHALL INDEMNIFY THE DRIVER  
28 FOR ANY FINES AND COSTS PAID IF THE SPECIFIC EQUIPMENT VIOLATION  
29 WAS LISTED ON THE DRIVER'S PRE-TRIP INSPECTION REPORT AND  
30 ACKNOWLEDGED IN WRITING BY THE OWNER. NO POINTS SHALL BE

1 ASSESSED BY THE DEPARTMENT AGAINST A DRIVER IN CONNECTION WITH  
2 AN EQUIPMENT VIOLATION CONVICTION UNDER THIS TITLE WHERE THE  
3 SPECIFIC EQUIPMENT VIOLATION WAS LISTED ON THE DRIVER'S PRE-TRIP  
4 INSPECTION REPORT AND PRESENTED TO THE OWNER.

5 SECTION 3 5. TITLE 75 IS AMENDED BY ADDING A CHAPTER TO  
6 READ:

7 CHAPTER 16  
8 COMMERCIAL DRIVERS  
9 SEC.

- 10 1601. SHORT TITLE OF CHAPTER.  
11 1602. PURPOSE AND CONSTRUCTION OF CHAPTER.  
12 1603. DEFINITIONS.  
13 1604. NOTIFICATION REQUIREMENTS FOR DRIVERS.  
14 1605. EMPLOYER RESPONSIBILITIES.  
15 1606. REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE.  
16 1607. COMMERCIAL DRIVER'S LICENSE QUALIFICATION STANDARDS.  
17 1608. NONRESIDENT CDL.  
18 1609. APPLICATION FOR COMMERCIAL DRIVER'S LICENSE.  
19 1610. COMMERCIAL DRIVER'S LICENSE.  
20 1611. DISQUALIFICATION.  
21 1612. COMMERCIAL DRIVERS PROHIBITED FROM OPERATING WITH ANY  
22 ALCOHOL IN SYSTEM.  
23 1613. IMPLIED CONSENT REQUIREMENTS FOR COMMERCIAL MOTOR VEHICLE  
24 DRIVERS.  
25 1614. NOTIFICATION OF TRAFFIC CONVICTIONS.  
26 1615. AUTHORITY TO ENTER AGREEMENTS.  
27 1616. RECIPROCITY.  
28 1617. FEES.  
29 1618. FINES EXEMPT FROM JUDICIAL COMPUTER ACCOUNT.  
30 § 1601. SHORT TITLE OF CHAPTER.



1 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE UNIFORM  
2 COMMERCIAL DRIVER'S LICENSE ACT.

3 § 1602. PURPOSE AND CONSTRUCTION OF CHAPTER.

4 (A) PURPOSE.--THE PURPOSE OF THIS CHAPTER IS TO IMPLEMENT  
5 THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 (PUBLIC LAW 99-  
6 570, 49 U.S.C. APP. § 2701 ET SEQ.) AND REDUCE OR PREVENT  
7 COMMERCIAL MOTOR VEHICLE ACCIDENTS, FATALITIES AND INJURIES BY:

8 (1) PERMITTING COMMERCIAL DRIVERS TO HOLD ONLY ONE  
9 DRIVER'S LICENSE.

10 (2) DISQUALIFYING COMMERCIAL DRIVERS WHO HAVE COMMITTED  
11 CERTAIN SERIOUS TRAFFIC VIOLATIONS, OR OTHER SPECIFIED  
12 OFFENSES.

13 (3) STRENGTHENING LICENSING AND TESTING STANDARDS.

14 (B) CONSTRUCTION.--THIS CHAPTER IS A REMEDIAL LAW AND SHALL  
15 BE LIBERALLY CONSTRUED TO PROMOTE THE PUBLIC HEALTH, SAFETY AND  
16 WELFARE. TO THE EXTENT THAT THIS CHAPTER CONFLICTS WITH OTHER  
17 DRIVER LICENSING PROVISIONS, THIS CHAPTER PREVAILS. WHERE THIS  
18 CHAPTER IS SILENT, THE GENERAL DRIVER LICENSING PROVISIONS  
19 APPLY.

20 § 1603. DEFINITIONS.

21 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
22 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
23 CONTEXT CLEARLY INDICATES OTHERWISE:

24 "COMMERCIAL DRIVER LEARNER'S PERMIT." A PERMIT ISSUED  
25 PURSUANT TO SECTION 1607(D) (RELATING TO COMMERCIAL DRIVER'S  
26 LICENSE QUALIFICATION STANDARDS).

27 "COMMERCIAL DRIVER'S LICENSE" OR "CDL." A DRIVER'S LICENSE  
28 ISSUED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS CHAPTER  
29 AUTHORIZING A PERSON 18 YEARS OF AGE OR OLDER TO DRIVE A CLASS  
30 OF COMMERCIAL MOTOR VEHICLE.

1 "COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM" OR "CDLIS."  
2 THE INFORMATION SYSTEM ESTABLISHED PURSUANT TO THE COMMERCIAL  
3 MOTOR VEHICLE SAFETY ACT OF 1986 (PUBLIC LAW 99-570, 49 U.S.C.  
4 APP. § 2701 ET SEQ.) TO SERVE AS A CLEARINGHOUSE FOR LOCATING  
5 INFORMATION RELATED TO THE LICENSING AND IDENTIFICATION OF  
6 COMMERCIAL MOTOR VEHICLE DRIVERS.

7 "COMMERCIAL MOTOR VEHICLE." A MOTOR VEHICLE DESIGNED OR USED  
8 TO TRANSPORT PASSENGERS OR PROPERTY:

9 (1) IF THE VEHICLE HAS A GROSS VEHICLE WEIGHT RATING OF  
10 26,001 OR MORE POUNDS OR SUCH LESSER RATING AS THE DEPARTMENT  
11 SHALL ADOPT UNDER THE PROVISIONS OF SECTION 6103(C) (RELATING  
12 TO PROMULGATION OF RULES AND REGULATIONS BY DEPARTMENT), AS  
13 DETERMINED BY FEDERAL REGULATION AND PUBLISHED BY THE  
14 DEPARTMENT AS A NOTICE IN THE PENNSYLVANIA BULLETIN;

15 (2) IF THE VEHICLE IS DESIGNED TO TRANSPORT 16 OR MORE  
16 PASSENGERS, INCLUDING THE DRIVER;

17 (3) IF THE VEHICLE IS A SCHOOL BUS; OR

18 (4) IF THE VEHICLE IS TRANSPORTING HAZARDOUS MATERIALS  
19 AND IS REQUIRED TO BE PLACARDED IN ACCORDANCE WITH DEPARTMENT  
20 REGULATIONS.

21 THE TERM DOES NOT INCLUDE AN IMPLEMENT OF HUSBANDRY, OR  
22 MOTORIZED CONSTRUCTION EQUIPMENT, INCLUDING, BUT NOT LIMITED TO,  
23 MOTORSCRAPERS, BACKHOES, MOTORGRADERS, COMPACTORS, EXCAVATORS,  
24 TRACTORS, TRENCHERS AND BULLDOZERS, OR ANY MOTOR HOME OR  
25 RECREATIONAL TRAILER USED FOR TEMPORARY LIVING QUARTERS AND  
26 OPERATED SOLELY FOR PERSONAL USE.

27 "CONTROLLED SUBSTANCE." ANY SUBSTANCE SO DEFINED OR  
28 CLASSIFIED UNDER:

29 (1) THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS  
30 THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

(2) SECTION 102(6) OF THE CONTROLLED SUBSTANCE ACT  
(PUBLIC LAW 91-513, 21 U.S.C. § 802(6)).

(3) SCHEDULES I THROUGH V OF 21 CFR PART 1308.

(4) ANY REVISIONS TO PARAGRAPHS (2) OR (3) WHICH ARE  
PUBLISHED BY THE DEPARTMENT AS NOTICES IN THE PENNSYLVANIA  
BULLETIN.

"DISQUALIFICATION." A PROHIBITION AGAINST DRIVING A  
COMMERCIAL MOTOR VEHICLE.

"EMPLOYER." ANY PERSON, INCLUDING THE UNITED STATES, A STATE  
OR A POLITICAL SUBDIVISION OF A STATE, WHO OWNS OR LEASES A  
COMMERCIAL MOTOR VEHICLE, OR ASSIGNS A PERSON TO DRIVE A  
COMMERCIAL MOTOR VEHICLE.

"FELONY." AN OFFENSE UNDER STATE OR FEDERAL LAW WHICH IS  
PUNISHABLE BY DEATH OR IMPRISONMENT EXCEEDING ONE YEAR.

"FOREIGN JURISDICTION." ANY JURISDICTION OTHER THAN A STATE  
OF THE UNITED STATES.

"NONRESIDENT CDL." A COMMERCIAL DRIVER'S LICENSE ISSUED BY A  
STATE TO AN INDIVIDUAL WHO RESIDES IN A FOREIGN JURISDICTION.

"OUT-OF-SERVICE ORDER." A TEMPORARY PROHIBITION AGAINST  
DRIVING A COMMERCIAL MOTOR VEHICLE.

"SERIOUS TRAFFIC VIOLATION:"

(1) EXCESSIVE SPEEDING AS DEFINED BY THE UNITED STATES  
SECRETARY OF TRANSPORTATION BY REGULATION AND PUBLISHED BY  
THE DEPARTMENT AS A NOTICE IN THE PENNSYLVANIA BULLETIN.

(2) RECKLESS DRIVING.

(3) ANY OFFENSE UNDER THIS TITLE RELATING TO MOTOR  
VEHICLE TRAFFIC CONTROL ARISING IN CONNECTION WITH AN  
ACCIDENT RESULTING IN DEATH TO ANY PERSON.

(4) ANY VIOLATION OF SECTION 3326 (RELATING TO DUTY OF  
DRIVER IN CONSTRUCTION AND MAINTENANCE AREAS) OR 3365(C)

(RELATING TO SPECIAL SPEED LIMITATIONS).

(5) ANY OTHER OFFENSES DEFINED BY THE UNITED STATES SECRETARY OF TRANSPORTATION AS SERIOUS TRAFFIC VIOLATIONS AND PUBLISHED BY THE DEPARTMENT AS A NOTICE IN THE PENNSYLVANIA BULLETIN.

"STATE." A STATE OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA.

"UNITED STATES." THE FIFTY STATES AND THE DISTRICT OF COLUMBIA.

§ 1604. NOTIFICATION REQUIREMENTS FOR DRIVERS.

(A) NOTIFICATION OF CONVICTIONS.--A DRIVER OF A COMMERCIAL MOTOR VEHICLE HOLDING A DRIVER'S LICENSE ISSUED BY THIS COMMONWEALTH WHO IS CONVICTED OF VIOLATING A FEDERAL OR STATE LAW OR LOCAL ORDINANCE RELATING TO MOTOR VEHICLE TRAFFIC CONTROL IN THIS OR ANY OTHER STATE OR ANY FEDERAL, PROVINCIAL, TERRITORIAL OR MUNICIPAL LAW RELATING TO MOTOR VEHICLE TRAFFIC CONTROL IN CANADA, OTHER THAN PARKING VIOLATIONS, SHALL NOTIFY HIS EMPLOYER, IN WRITING, OF THE CONVICTION WITHIN 30 DAYS OF THE DATE OF CONVICTION.

(B) NOTIFICATION OF SUSPENSIONS, REVOCATIONS, CANCELLATIONS AND DISQUALIFICATIONS.--EACH DRIVER OF A COMMERCIAL MOTOR VEHICLE WHOSE OPERATING PRIVILEGE IS SUSPENDED, REVOKED OR CANCELED BY ANY STATE, WHO LOSES THE PRIVILEGE TO DRIVE A COMMERCIAL MOTOR VEHICLE IN ANY STATE FOR ANY PERIOD OR WHO IS DISQUALIFIED FROM DRIVING A COMMERCIAL MOTOR VEHICLE FOR ANY PERIOD, SHALL NOTIFY HIS EMPLOYER OF THAT FACT BEFORE THE END OF THE BUSINESS DAY FOLLOWING THE DAY THE DRIVER RECEIVED NOTICE OF THE SUSPENSION, REVOCATION, CANCELLATION, LOSS OR DISQUALIFICATION.

(C) NOTIFICATION OF PREVIOUS EMPLOYMENT.--

1           (1) EACH PERSON WHO APPLIES FOR EMPLOYMENT AS A  
2       COMMERCIAL MOTOR VEHICLE DRIVER SHALL PROVIDE THE EMPLOYER,  
3       AT THE TIME OF THE APPLICATION FOR EMPLOYMENT, WITH THE  
4       FOLLOWING INFORMATION FOR THE TEN YEARS PRECEDING THE DATE OF  
5       APPLICATION:

6           (I) A LIST OF THE NAMES AND ADDRESSES OF THE  
7       APPLICANT'S PREVIOUS EMPLOYERS FOR WHICH THE APPLICANT  
8       WAS A DRIVER OF A COMMERCIAL MOTOR VEHICLE.

9           (II) THE DATES BETWEEN WHICH THE APPLICANT DROVE FOR  
10      EACH EMPLOYER.

11          (III) THE REASON FOR LEAVING THAT EMPLOYER.

12          (2) THE APPLICANT SHALL CERTIFY THAT ALL INFORMATION  
13      FURNISHED IS TRUE AND COMPLETE.

14          (3) AN EMPLOYER MAY REQUIRE AN APPLICANT TO PROVIDE  
15      ADDITIONAL AND LEGALLY PERMITTED INFORMATION.

16      (D) PENALTIES.--

17          (1) ANY PERSON WHO VIOLATES SUBSECTION (A) OR (C)  
18      COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE  
19      SENTENCED TO PAY A FINE OF \$100.

20          (2) ANY PERSON WHO VIOLATES SUBSECTION (B) COMMITTS A  
21      SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO  
22      PAY A FINE OF \$200.

23   § 1605. EMPLOYER RESPONSIBILITIES.

24      (A) REQUIREMENTS.--EACH EMPLOYER SHALL REQUIRE THE APPLICANT  
25   TO PROVIDE THE INFORMATION SPECIFIED IN SECTION 1604(C)  
26   (RELATING TO NOTIFICATION REQUIREMENTS FOR DRIVERS). EACH  
27   EMPLOYER SHALL INFORM THE APPLICANT THAT THE INFORMATION HE  
28   PROVIDES IN ACCORDANCE WITH SECTION 1604(C) MAY BE USED, AND THE  
29   APPLICANT'S PREVIOUS EMPLOYERS MAY BE CONTACTED FOR THE PURPOSE  
30   OF INVESTIGATING THE APPLICANT'S WORK HISTORY.

(B) PROHIBITIONS.--NO EMPLOYER SHALL KNOWINGLY ALLOW,  
REQUIRE, PERMIT OR AUTHORIZE A DRIVER TO DRIVE A COMMERCIAL  
MOTOR VEHICLE DURING ANY PERIOD:

(1) IN WHICH:

(I) THE DRIVER'S LICENSE WAS SUSPENDED, REVOKED OR  
CANCELED BY A STATE;

(II) THE DRIVER HAS LOST THE PRIVILEGE TO DRIVE A  
COMMERCIAL MOTOR VEHICLE IN A STATE;

(III) THE DRIVER HAS BEEN DISQUALIFIED FROM DRIVING  
A COMMERCIAL MOTOR VEHICLE;

(IV) THE DRIVER IS NOT LICENSED TO DRIVE A  
COMMERCIAL VEHICLE; OR

(V) THE DRIVER IS NOT QUALIFIED BY REQUIRED CLASS OR  
ENDORSEMENT TO OPERATE THE COMMERCIAL VEHICLE BEING  
DRIVEN; OR

(2) IN WHICH THE DRIVER HAS MORE THAN ONE DRIVER'S  
LICENSE.

~~(C) TEST VEHICLES. EACH EMPLOYER SHALL PROVIDE A  
REPRESENTATIVE VEHICLE TO ANY EMPLOYEE REQUIRED TO TAKE THE  
SKILLS TEST UNDER SECTION 1607 (RELATING TO COMMERCIAL DRIVER'S  
LICENSE QUALIFICATION STANDARDS).~~

(C) TEST VEHICLES.--EACH EMPLOYER SHALL PROVIDE A  
REPRESENTATIVE VEHICLE TO ANY EMPLOYEE WHO AS A RESULT OF THE  
COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 (PUBLIC LAW 99-570,  
49 U.S.C. APP. § 2701 ET SEQ.) MUST OBTAIN A COMMERCIAL DRIVER'S  
LICENSE TO CONTINUE HIS PRESENT OCCUPATION. THIS SECTION  
INCLUDES, BUT IS NOT LIMITED TO, CURRENT COMMERCIAL MOTOR  
VEHICLE DRIVERS, CONSTRUCTION EQUIPMENT OPERATORS, UTILITY TRUCK  
OPERATORS, MECHANICS AND VEHICLE INSPECTORS EMPLOYED PRIOR TO  
MARCH 31, 1992. IT IS THE EMPLOYER'S DISCRETION TO PROVIDE A

1 REPRESENTATIVE VEHICLE TO ANY EMPLOYEE WHO WISHES TO OBTAIN A  
2 COMMERCIAL DRIVER'S LICENSE IF THE COMMERCIAL MOTOR VEHICLE  
3 SAFETY ACT OF 1986 DOES NOT REQUIRE THE EMPLOYEE TO OBTAIN A  
4 COMMERCIAL DRIVER'S LICENSE FOR HIS CURRENT POSITION.

5 (D) TEST DATES.--AN EMPLOYER SHALL PROVIDE A COMMERCIAL  
6 DRIVER THE NECESSARY TIME OFF FOR A DRIVER TO TAKE THE REQUIRED  
7 KNOWLEDGE EXAM AND SKILLS TEST WHEN THE TESTS HAVE BEEN  
8 SCHEDULED.

9 (E) PENALTIES.--ANY PERSON WHO VIOLATES ANY PROVISION OF  
10 THIS SECTION COMMITS A SUMMARY OFFENSE AND SHALL, UPON  
11 CONVICTION, BE SENTENCED TO PAY A FINE OF \$1,000.

12 § 1606. REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE.

13 (A) WHEN REQUIRED.--NO PERSON, EXCEPT THOSE SPECIFICALLY  
14 EXEMPTED IN SUBSECTION (B), SHALL DRIVE A COMMERCIAL MOTOR  
15 VEHICLE UNLESS THE PERSON HAS BEEN ISSUED AND IS IN IMMEDIATE  
16 POSSESSION OF A VALID COMMERCIAL DRIVER'S LICENSE AND APPLICABLE  
17 ENDORSEMENTS VALID FOR THE VEHICLE HE IS DRIVING.

18 (B) EXEMPTIONS.--THE FOLLOWING PERSONS ARE NOT REQUIRED TO  
19 OBTAIN A COMMERCIAL DRIVER'S LICENSE IN ORDER TO DRIVE THE  
20 COMMERCIAL MOTOR VEHICLE SPECIFIED:

21 (1) A PERSON WITH A COMMERCIAL DRIVER LEARNER'S PERMIT  
22 WHO IS ACCOMPANIED BY THE HOLDER OF A COMMERCIAL DRIVER'S  
23 LICENSE VALID FOR THE VEHICLE BEING DRIVEN.

24 (2) A PERSON IN THE SERVICE OF THE ARMED FORCES OF THE  
25 UNITED STATES, INCLUDING MEMBERS OF THE RESERVES AND NATIONAL  
26 GUARD ON ACTIVE DUTY; PERSONNEL ON FULL-TIME NATIONAL GUARD  
27 DUTY; AND PERSONNEL ON INACTIVE NATIONAL GUARD DUTY TRAINING  
28 OR PART-TIME NATIONAL GUARD TRAINING AND NATIONAL GUARD  
29 MILITARY TECHNICIANS WHO ARE REQUIRED TO WEAR MILITARY  
30 UNIFORMS AND ARE SUBJECT TO THE UNIFORM CODE OF MILITARY

1 JUSTICE WHEN OPERATING EQUIPMENT OWNED OR OPERATED BY THE  
2 DEPARTMENT OF DEFENSE.

3 (3) A PERSON WHO IS A VOLUNTEER OR PAID FIREFIGHTER WITH  
4 A CLASS C LICENSE AND WHO HAS A CERTIFICATE OF AUTHORIZATION  
5 FROM HIS FIRE CHIEF WHILE OPERATING A FIRE OR EMERGENCY  
6 VEHICLE REGISTERED TO THE FIRE DEPARTMENT.

7 (4) A DRIVER WITH A NONCOMMERCIAL CLASS C LICENSE  
8 OPERATING A FARM VEHICLE WHICH IS CONTROLLED AND OPERATED BY  
9 A FARMER AND USED EXCLUSIVELY TO TRANSPORT AGRICULTURAL  
10 PRODUCTS, FARM MACHINERY OR FARM SUPPLIES TO OR FROM A FARM  
11 OWNED OR OPERATED BY THE OWNER OF THE FARM VEHICLE. THE FARM  
12 VEHICLE MAY NOT BE USED IN THE OPERATIONS OF A COMMON OR  
13 CONTRACT CARRIER AND MAY BE USED ONLY WITHIN A RADIUS OF 150  
14 MILES OF THE FARM.

15 (C) PROHIBITIONS.--

16 (1) NO PERSON SHALL DRIVE A COMMERCIAL MOTOR VEHICLE  
17 DURING ANY PERIOD IN WHICH:

18 (I) HIS PRIVILEGE TO DRIVE A COMMERCIAL MOTOR  
19 VEHICLE IN A STATE HAS BEEN REMOVED FOR ANY REASON,  
20 INCLUDING DISQUALIFICATION, UNTIL THE PERSON'S COMMERCIAL  
21 OPERATING PRIVILEGE HAS BEEN RESTORED;

22 (II) HIS OPERATING PRIVILEGE IS SUSPENDED, REVOKED,  
23 CANCELED OR RECALLED UNTIL THE PERSON'S OPERATING  
24 PRIVILEGE HAS BEEN RESTORED; OR

25 (III) HE HAS BEEN PLACED UNDER AN OUT-OF-SERVICE  
26 ORDER.

27 (2) NO PERSON WHO OPERATES A COMMERCIAL MOTOR VEHICLE  
28 SHALL AT ANY TIME HAVE MORE THAN ONE COMMERCIAL DRIVER'S  
29 LICENSE.

30 (D) PENALTIES.--



1           (1) EXCEPT AS PROVIDED IN PARAGRAPH (6), A PERSON WHO  
2 VIOLATES SUBSECTION (A) COMMITS A SUMMARY OFFENSE AND SHALL,  
3 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$500. EXCEPT  
4 THAT, IF THE PERSON CHARGED FURNISHES SATISFACTORY PROOF OF  
5 HAVING HELD A COMMERCIAL DRIVER'S LICENSE VALID ON THE LAST  
6 DAY OF THE PRECEDING DRIVER'S LICENSE PERIOD AND NO MORE THAN  
7 60 DAYS HAS ELAPSED FROM THE LAST DATE OF RENEWAL, THE FINE  
8 SHALL BE \$100. EXCEPT AS PROVIDED IN PARAGRAPH (6), EVERY  
9 PERSON CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF  
10 SUBSECTION (A), SHALL BE SENTENCED TO PAY A FINE OF NOT LESS  
11 THAN \$500 NOR MORE THAN \$1,500.

12           (2) A PERSON WHO DRIVES A COMMERCIAL MOTOR VEHICLE WHILE  
13 SUBJECT TO DISQUALIFICATION COMMITS A SUMMARY OFFENSE AND  
14 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$500.  
15 EVERY PERSON CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF  
16 DRIVING A COMMERCIAL MOTOR VEHICLE WHILE SUBJECT TO  
17 DISQUALIFICATION SHALL BE SENTENCED TO PAY A FINE OF NOT LESS  
18 THAN \$500 NOR MORE THAN \$1,500.

19           (3) A PERSON WHO DRIVES A COMMERCIAL MOTOR VEHICLE WHILE  
20 SUBJECT TO DISQUALIFICATION UNDER SECTION 1611(B) OR (E)  
21 (RELATING TO DISQUALIFICATION) COMMITS A SUMMARY OFFENSE AND  
22 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$1,000  
23 OR TO IMPRISONMENT FOR SIX MONTHS, OR BOTH.

24           (4) A PERSON WHO DRIVES A COMMERCIAL MOTOR VEHICLE IN  
25 VIOLATION OF AN OUT-OF-SERVICE ORDER ISSUED UNDER SECTION  
26 1612 (RELATING TO COMMERCIAL DRIVERS PROHIBITED FROM  
27 OPERATING WITH ANY ALCOHOL IN SYSTEM) COMMITS A SUMMARY  
28 OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A  
29 FINE OF \$1,000.

30           (5) A PERSON WHO DRIVES A COMMERCIAL MOTOR VEHICLE IN

1 VIOLATION OF AN OUT-OF-SERVICE ORDER (OTHER THAN AN OUT-OF-  
2 SERVICE ORDER ISSUED UNDER SECTION 1612) COMMITS A SUMMARY  
3 OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A  
4 FINE OF \$500.

5 ~~(6) A PERSON CHARGED WITH VIOLATING SUBSECTION (A)~~ <—  
6 ~~COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, PAY A~~  
7 ~~FINE OF \$100 IN LIEU OF THE FINE AND DISQUALIFICATION UNDER~~  
8 ~~PARAGRAPH (1) IF THE PERSON PRODUCES AT THE OFFICE OF THE~~  
9 ~~ISSUING AUTHORITY WITHIN FIVE DAYS OF THE VIOLATION:~~

10 (6) NO PERSON SHALL BE CONVICTED OF VIOLATING SUBSECTION <—  
11 (A) IF THE PERSON PRODUCES AT THE OFFICE OF THE ISSUING  
12 AUTHORITY WITHIN 15 DAYS OF THE VIOLATION:

13 (I) A COMMERCIAL DRIVER'S LICENSE VALID IN THIS  
14 COMMONWEALTH AT THE TIME OF THE VIOLATION; OR

15 (II) IF THE COMMERCIAL DRIVER'S LICENSE IS LOST,  
16 STOLEN, DESTROYED OR ILLEGIBLE, EVIDENCE THAT THE DRIVER  
17 WAS LICENSED AT THE TIME OF THE VIOLATION AND THAT  
18 APPLICATION FOR A DUPLICATE LICENSE HAD BEEN MADE AT THE  
19 TIME OF THE VIOLATION.

20 (7) A PERSON WHO DRIVES A COMMERCIAL MOTOR VEHICLE IN  
21 VIOLATION OF SUBSECTION (C)(1)(II) COMMITS A SUMMARY OFFENSE  
22 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF  
23 \$1,000.

24 (8) A PERSON WHO DRIVES A COMMERCIAL MOTOR VEHICLE IN  
25 VIOLATION OF SUBSECTION (C)(2) COMMITS A SUMMARY OFFENSE AND  
26 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$1,000.

27 (E) CONVICTIONS AND FINES CUMULATIVE.--ANY VIOLATIONS  
28 BROUGHT UNDER THIS SECTION AND FINES IMPOSED UNDER THIS SECTION  
29 SHALL BE IN ADDITION TO VIOLATIONS BROUGHT AND FINES IMPOSED  
30 UNDER ANY OTHER SECTIONS OF THIS TITLE.

§ 1607. COMMERCIAL DRIVER'S LICENSE QUALIFICATION STANDARDS.

(A) TESTING.--

(1) THE COMMONWEALTH SHALL ~~DEVELOP~~ OFFER ONE KNOWLEDGE TEST FOR EACH CLASS AND FOR EACH ENDORSEMENT FOR DRIVING A COMMERCIAL MOTOR VEHICLE WHICH COMPLIES WITH MINIMUM ~~FEDERAL~~ STANDARDS ESTABLISHED BY FEDERAL REGULATION AND ALL OTHER REQUIREMENTS OF THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 (PUBLIC LAW 99-570, 49 U.S.C. APP. § 2701 ET SEQ.). THIS SUBSECTION SHALL NOT APPLY TO AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE AFTER THE EFFECTIVE DATE OF THIS CHAPTER.

(2) NO PERSON SHALL BE ISSUED A COMMERCIAL DRIVER'S LICENSE UNLESS THE PERSON IS A RESIDENT OF THIS COMMONWEALTH AND HAS PASSED A KNOWLEDGE AND SKILLS TEST FOR DRIVING A COMMERCIAL MOTOR VEHICLE WHICH COMPLIES WITH MINIMUM FEDERAL STANDARDS ESTABLISHED BY FEDERAL REGULATION, ALL OTHER REQUIREMENTS OF THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 (PUBLIC LAW 99-570, 49 U.S.C. APP. § 2701 ET SEQ.) AND OTHER REQUIREMENTS IMPOSED UNDER FEDERAL REGULATION WHICH ARE PUBLISHED BY THE DEPARTMENT AS A NOTICE IN THE PENNSYLVANIA BULLETIN, AS WELL AS ALL REQUIREMENTS OF THIS TITLE OR STATE REGULATION. THE TESTS SHALL BE PRESCRIBED AND CONDUCTED BY THE DEPARTMENT OR ITS AGENTS.

(3) THE DEPARTMENT MAY AUTHORIZE A PERSON, INCLUDING AN AGENCY OF THIS OR ANOTHER STATE, AN EMPLOYER, A PRIVATE INSTITUTION, ASSOCIATION OR DRIVER TRAINING SCHOOL, OR A DEPARTMENT, AGENCY OR INSTRUMENTALITY OF LOCAL GOVERNMENT TO ADMINISTER THE SKILLS TEST SPECIFIED BY THIS SECTION, PROVIDED:

(I) THE TEST IS THE SAME AS THAT WHICH WOULD OTHERWISE BE ADMINISTERED BY THE DEPARTMENT.

(II) THE THIRD PARTY HAS ENTERED INTO AN AGREEMENT  
WITH THE DEPARTMENT.

(4) THIRD PARTY CONTRACTS SHALL EXPIRE JUNE 30, 1992,  
AND NO THIRD PARTY TESTING SHALL OCCUR AFTER JUNE 30, 1992.

(5) AS A RESULT OF THIS LEGISLATION, NO LAYOFFS SHALL  
OCCUR IN THE CLASSIFICATION KNOWN AS DRIVER'S LICENSE  
EXAMINER.

(6) THE DEPARTMENT SHALL PROVIDE APPLICANTS FOR  
COMMERCIAL DRIVER'S LICENSES WITH THE CHOICE OF SELECTING A  
KNOWLEDGE TEST ADMINISTERED IN EITHER A WRITTEN OR AN ORAL  
~~FORMAT. EXCEPT FOR EXAMINATIONS ADMINISTERED TO INTERSTATE~~  
~~DRIVERS SUBJECT TO THE LANGUAGE REQUIREMENTS OF 49 CFR 391.11~~  
~~(RELATING TO QUALIFICATION OF DRIVERS), THE DEPARTMENT SHALL~~  
FORMAT:

(I) THE DEPARTMENT SHALL ADMINISTER THE KNOWLEDGE  
TESTS IN ~~THE ENGLISH LANGUAGE~~ BOTH THE ENGLISH AND  
SPANISH LANGUAGES. ~~A DRIVER REQUESTING AN~~

(II) AN APPLICANT REQUESTING THE ORAL OR SPANISH  
VERSION OF THE KNOWLEDGE TEST MUST SCHEDULE FOR THE  
EXAMINATION AT A TESTING SITE AUTHORIZED BY THE  
~~DEPARTMENT. THE DEPARTMENT SHALL DEVELOP AND UTILIZE THE~~  
DEPARTMENT.

(III) THE DEPARTMENT SHALL OFFER ALTERNATE TESTING  
FORMATS TO AVOID DISCRIMINATION AGAINST DRIVERS WITH  
LIMITED LITERACY ~~AND~~ OR VERBAL COMPREHENSION SKILLS.

~~(7) UPON FAILURE OF THE KNOWLEDGE TEST, THE DEPARTMENT~~  
~~SHALL PROVIDE APPLICANTS FOR COMMERCIAL DRIVER'S LICENSES~~  
~~WITH THE CHOICE OF SELECTING A KNOWLEDGE TEST ADMINISTERED IN~~  
~~EITHER A WRITTEN OR AN ORAL FORMAT. EXCEPT FOR EXAMINATIONS~~  
~~ADMINISTERED TO INTERSTATE DRIVERS SUBJECT TO THE LANGUAGE~~

1     ~~REQUIREMENTS OF 49 CFR 391.11 (RELATING TO QUALIFICATION OF~~  
2     ~~DRIVERS), THE DEPARTMENT SHALL ADMINISTER THE KNOWLEDGE TESTS~~  
3     ~~IN THE ENGLISH LANGUAGE. THE DEPARTMENT SHALL DEVELOP AND~~  
4     ~~UTILIZE ALTERNATE TESTING FORMATS TO AVOID DISCRIMINATION~~  
5     ~~AGAINST DRIVERS WITH LIMITED LITERACY AND VERBAL~~  
6     ~~COMPREHENSION SKILLS.~~

7             (IV)   THE ALTERNATIVE OF AN ORAL VERSION OF THE     <—  
8             KNOWLEDGE TEST SHALL NOT BE AVAILABLE TO PERSONS SEEKING  
9             A HAZARDOUS MATERIALS ENDORSEMENT ON A COMMERCIAL  
10            DRIVER'S LICENSE.

11           (B)   WAIVER OF TEST.--THE DEPARTMENT SHALL WAIVE THE SKILLS  
12   TEST SPECIFIED IN THIS SECTION FOR A COMMERCIAL DRIVER'S LICENSE  
13   APPLICANT WHO MEETS THE REQUIREMENTS OF FEDERAL REGULATIONS. IF  
14   PERMITTED BY FEDERAL REGULATION, THE DEPARTMENT'S WAIVER  
15   PROCEDURES MAY WAIVE THE WRITTEN TEST REQUIREMENT FOR A  
16   COMMERCIAL DRIVER'S LICENSE APPLICANT HOLDING A VALID CLASS 2, 3  
17   OR 4 LICENSE.

18           (C)   LIMITATIONS ON ISSUANCE OF LICENSE.--A COMMERCIAL  
19   DRIVER'S LICENSE OR COMMERCIAL DRIVER LEARNER'S PERMIT SHALL NOT  
20   BE ISSUED TO A PERSON WHILE THE PERSON IS SUBJECT TO A  
21   DISQUALIFICATION FROM DRIVING A COMMERCIAL MOTOR VEHICLE OR  
22   WHILE THE PERSON'S DRIVER'S LICENSE IS SUSPENDED, REVOKED OR  
23   CANCELED IN ANY STATE; NOR SHALL A COMMERCIAL DRIVER'S LICENSE  
24   BE ISSUED TO A PERSON WHO HAS A COMMERCIAL DRIVER'S LICENSE  
25   ISSUED BY ANY OTHER STATE UNLESS THE PERSON FIRST SURRENDERS ALL  
26   SUCH LICENSES, WHICH SHALL BE RETURNED TO THE ISSUING STATE FOR  
27   CANCELLATION. THIS SUBSECTION SHALL NOT BE APPLICABLE TO PERSONS     <—  
28   ISSUED OCCUPATIONAL LIMITED LICENSES.

29           (D)   COMMERCIAL DRIVER LEARNER'S PERMIT.--THE DEPARTMENT  
30   SHALL ISSUE A COMMERCIAL DRIVER LEARNER'S PERMIT IN ACCORDANCE

1 WITH SECTION 1505 (RELATING TO LEARNERS' PERMITS). A COMMERCIAL  
2 DRIVER LEARNER'S PERMIT IS REQUIRED FOR THE ADDITION OF  
3 ENDORSEMENTS AND THE REMOVAL OF RESTRICTIONS ESTABLISHED UNDER  
4 THIS CHAPTER, INCLUDING THOSE ESTABLISHED BY REGULATION.

5 § 1608. NONRESIDENT CDL.

6 (A) ISSUANCE OF NONRESIDENT CDL.--THE DEPARTMENT MAY ISSUE A  
7 NONRESIDENT CDL TO A RESIDENT OF A FOREIGN JURISDICTION IF THE  
8 UNITED STATES SECRETARY OF TRANSPORTATION HAS DETERMINED THAT  
9 THE COMMERCIAL MOTOR VEHICLE TESTING AND LICENSING STANDARDS IN  
10 THE FOREIGN JURISDICTION DO NOT MEET THE TESTING STANDARDS  
11 ESTABLISHED IN FEDERAL REGULATIONS.

12 (1) THE WORD "NONRESIDENT" SHALL APPEAR ON THE FACE OF  
13 THE NONRESIDENT CDL.

14 (2) AN APPLICANT SHALL SURRENDER ANY NONRESIDENT CDL  
15 ISSUED BY ANOTHER STATE.

16 (3) PRIOR TO ISSUING A NONRESIDENT CDL, THE DEPARTMENT  
17 SHALL ESTABLISH THE PRACTICAL CAPABILITY OF REVOKING,  
18 SUSPENDING OR CANCELING THE NONRESIDENT CDL AND DISQUALIFYING  
19 THE COMMERCIAL MOTOR VEHICLE DRIVING PRIVILEGE OF THAT  
20 PERSON.

21 (B) OTHER PROVISIONS APPLICABLE.--ALL PROVISIONS OF THIS  
22 CHAPTER APPLICABLE TO THE COMMERCIAL DRIVER'S LICENSE FOR A  
23 RESIDENT OF THIS COMMONWEALTH, EXCEPT THE RESIDENCY REQUIREMENT,  
24 AND ALL PROVISIONS OF THIS TITLE APPLICABLE TO DRIVERS' LICENSES  
25 SHALL BE APPLICABLE TO A NONRESIDENT CDL.

26 § 1609. APPLICATION FOR COMMERCIAL DRIVER'S LICENSE.

27 (A) CONTENTS OF APPLICATION.--THE APPLICATION FOR A  
28 COMMERCIAL DRIVER'S LICENSE OR COMMERCIAL DRIVERS LEARNER'S  
29 PERMIT SHALL INCLUDE THE FOLLOWING:

30 (1) THE FULL NAME AND CURRENT RESIDENTIAL ADDRESS OF THE

PERSON.

(2) A PHYSICAL DESCRIPTION OF THE PERSON, INCLUDING SEX, HEIGHT AND EYE COLOR.

(3) DATE OF BIRTH.

(4) THE APPLICANT'S SOCIAL SECURITY NUMBER.

(5) THE PERSON'S SIGNATURE.

(6) CERTIFICATIONS, INCLUDING THOSE REQUIRED BY FEDERAL REGULATIONS.

(7) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(B) CHANGE OF NAME OR ADDRESS.--WHENEVER ANY PERSON, AFTER APPLYING FOR OR RECEIVING A COMMERCIAL DRIVER'S LICENSE OR COMMERCIAL DRIVER LEARNER'S PERMIT, MOVES FROM THE ADDRESS NAMED IN THE APPLICATION OR IN THE DRIVER'S LICENSE OR LEARNER'S PERMIT ISSUED, OR WHEN THE NAME OF THE LICENSEE OR PERMITTEE IS CHANGED, SUCH PERSON SHALL WITHIN 15 DAYS MAKE APPLICATION FOR A DUPLICATE LICENSE. THE DUPLICATE SHALL BE ISSUED UPON PAYMENT OF THE REQUIRED FEE AND RETURN OF THE ORIGINAL, OR PREVIOUS DUPLICATE, LICENSE.

(C) NEW RESIDENTS.--NO PERSON WHO IS A RESIDENT OF THIS COMMONWEALTH FOR 30 DAYS SHALL DRIVE A COMMERCIAL MOTOR VEHICLE UNDER THE AUTHORITY OF A COMMERCIAL DRIVER'S LICENSE ISSUED BY ANOTHER JURISDICTION.

#### § 1610. COMMERCIAL DRIVER'S LICENSE.

(A) CONTENT OF LICENSE.--THE COMMERCIAL DRIVER'S LICENSE SHALL INDICATE "COMMERCIAL DRIVER'S LICENSE" OR "CDL" AND SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(1) THE NAME AND RESIDENTIAL ADDRESS OF THE PERSON.

(2) THE PERSON'S COLOR PHOTOGRAPH OR PHOTOGRAPHIC FACSIMILE.

(3) A PHYSICAL DESCRIPTION OF THE PERSON, INCLUDING SEX,

1 HEIGHT AND EYE COLOR.

2 (4) DATE OF BIRTH.

3 (5) THE LICENSE NUMBER ASSIGNED BY THE DEPARTMENT.

4 (6) THE PERSON'S SIGNATURE OR A FACSIMILE OF THAT  
5 SIGNATURE.

6 (7) THE CLASS OR TYPE OF COMMERCIAL MOTOR VEHICLE OR  
7 VEHICLES WHICH THE PERSON IS AUTHORIZED TO DRIVE, TOGETHER  
8 WITH ANY ENDORSEMENTS OR RESTRICTIONS.

9 (B) CLASSIFICATIONS, ENDORSEMENTS AND RESTRICTIONS.--

10 (1) COMMERCIAL DRIVERS' LICENSES MAY BE ISSUED WITH THE  
11 FOLLOWING CLASSIFICATIONS, ENDORSEMENTS AND RESTRICTIONS. THE  
12 HOLDER OF A VALID COMMERCIAL DRIVER'S LICENSE MAY DRIVE ALL  
13 VEHICLES IN THE CLASS FOR WHICH THAT LICENSE IS ISSUED AND  
14 ALL LESSER CLASSES OF VEHICLES EXCEPT MOTORCYCLES. VEHICLES  
15 REQUIRING AN ENDORSEMENT MAY NOT BE DRIVEN UNLESS THE PROPER  
16 ENDORSEMENT APPEARS ON THE LICENSE.

17 (2) THE FOLLOWING CODES SHALL BE USED AS REQUIRED TO  
18 DESCRIBE THE COMMERCIAL DRIVER'S LICENSE ENDORSEMENTS AND  
19 RESTRICTIONS. ADDITIONAL ENDORSEMENTS AND RESTRICTIONS MAY BE  
20 ADDED BY REGULATION FOR USE ON THE COMMERCIAL DRIVER'S  
21 LICENSE:

22 H - AUTHORIZES THE DRIVER TO OPERATE A VEHICLE  
23 TRANSPORTING HAZARDOUS MATERIALS.

24 L - RESTRICTS THE DRIVER TO VEHICLES NOT EQUIPPED  
25 WITH AIRBRAKES.

26 N - AUTHORIZES DRIVING TANK VEHICLES.

27 P - AUTHORIZES DRIVING VEHICLES CARRYING PASSENGERS.

28 S - AUTHORIZES THE DRIVER TO OPERATE A SCHOOL BUS.

29 T - AUTHORIZES DRIVING DOUBLE AND TRIPLE TRAILERS.

30 X - REPRESENTS A COMBINATION OF HAZARDOUS MATERIALS



1 AND TANK VEHICLE ENDORSEMENTS.

2 (C) APPLICANT RECORD CHECK.--BEFORE ISSUING A COMMERCIAL  
3 DRIVER'S LICENSE, THE DEPARTMENT SHALL OBTAIN DRIVING RECORD  
4 INFORMATION THROUGH THE COMMERCIAL DRIVER'S LICENSE INFORMATION  
5 SYSTEM AND THE NATIONAL DRIVER REGISTER.

6 (D) NOTIFICATION OF LICENSE ISSUANCE.--WHEN THE DEPARTMENT  
7 HAS ELECTRONIC ACCESS, BUT NO LATER THAN MARCH 31, 1992, THE  
8 DEPARTMENT, WITHIN TEN DAYS AFTER ISSUING A COMMERCIAL DRIVER'S  
9 LICENSE, SHALL NOTIFY THE COMMERCIAL DRIVER'S LICENSE  
10 INFORMATION SYSTEM OF THAT FACT, PROVIDING ALL INFORMATION  
11 REQUIRED TO ENSURE IDENTIFICATION OF THE PERSON.

12 (E) LICENSE RENEWAL PROCEDURES.--WHEN APPLYING FOR RENEWAL  
13 OF A COMMERCIAL DRIVER'S LICENSE, THE APPLICANT MUST COMPLETE  
14 THE APPLICATION FORM REQUIRED BY SECTION 1609(A) (RELATING TO  
15 APPLICATION FOR COMMERCIAL DRIVER'S LICENSE), PROVIDING CURRENT  
16 AND VALID INFORMATION AND REQUIRED CERTIFICATIONS. IF THE  
17 APPLICANT WISHES TO RETAIN A HAZARDOUS MATERIALS ENDORSEMENT,  
18 THE WRITTEN TEST FOR A HAZARDOUS MATERIALS ENDORSEMENT MUST BE  
19 TAKEN AND PASSED.

20 § 1611. DISQUALIFICATION.

21 (A) DISQUALIFICATION FOR FIRST VIOLATION OF CERTAIN  
22 OFFENSES.--UPON RECEIPT OF A CERTIFIED COPY OF CONVICTION, THE  
23 DEPARTMENT SHALL, IN ADDITION TO ANY OTHER PENALTIES IMPOSED  
24 UNDER THIS TITLE, DISQUALIFY ANY PERSON FROM DRIVING A  
25 COMMERCIAL MOTOR VEHICLE FOR A PERIOD OF ONE YEAR FOR THE FIRST  
26 VIOLATION OF:

27 (1) SECTION 3731(I) (RELATING TO DRIVING UNDER THE  
28 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE);

29 (2) SECTION 3742 (RELATING TO ACCIDENTS INVOLVING DEATH  
30 OR PERSONAL INJURY), WHERE THE VIOLATION OCCURRED WHILE THE

PERSON WAS DRIVING A COMMERCIAL MOTOR VEHICLE;

(3) SECTION 3743 (RELATING TO ACCIDENTS INVOLVING DAMAGE TO ATTENDED VEHICLE OR PROPERTY), WHERE THE VIOLATION OCCURRED WHILE THE PERSON WAS DRIVING A COMMERCIAL MOTOR VEHICLE;

(4) SECTION 3745 (RELATING TO ACCIDENTS INVOLVING DAMAGE TO UNATTENDED VEHICLE OR PROPERTY), WHERE THE VIOLATION OCCURRED WHILE THE PERSON WAS DRIVING A COMMERCIAL MOTOR VEHICLE;

(5) ANY FELONY IN THE COMMISSION OF WHICH A COURT DETERMINES A COMMERCIAL MOTOR VEHICLE WAS ESSENTIALLY INVOLVED, EXCEPT AS DESCRIBED IN SUBSECTION (E); OR

(6) SECTION 1606(C) (RELATING TO REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE), WHILE THEIR DRIVING PRIVILEGE IS SUSPENDED, REVOKED, CANCELED OR RECALLED OR WHILE SUBJECT TO DISQUALIFICATION OR IN VIOLATION OF AN OUT-OF-SERVICE ORDER.

(B) DISQUALIFICATION FOR OFFENSE WHILE CARRYING HAZARDOUS MATERIALS.--THE DEPARTMENT SHALL DISQUALIFY ANY PERSON FROM DRIVING A COMMERCIAL MOTOR VEHICLE FOR THREE YEARS IF ANY OF THE OFFENSES IN SUBSECTION (A) OCCURRED WHILE TRANSPORTING A HAZARDOUS MATERIAL REQUIRED TO BE PLACARDED.

(C) DISQUALIFICATION FOR TWO VIOLATIONS OF CERTAIN OFFENSES.--THE DEPARTMENT SHALL DISQUALIFY FOR LIFE ANY PERSON CONVICTED OF TWO OR MORE VIOLATIONS OF ANY OF THE OFFENSES SPECIFIED IN SUBSECTION (A), OR ANY COMBINATION OF THOSE OFFENSES, ARISING FROM TWO OR MORE SEPARATE AND DISTINCT INCIDENTS. ONLY OFFENSES COMMITTED AFTER THE EFFECTIVE DATE OF THIS CHAPTER MAY BE CONSIDERED IN APPLYING THIS SUBSECTION.

(D) MITIGATION OF DISQUALIFICATION FOR LIFE.--THE DEPARTMENT

1 MAY ISSUE REGULATIONS ESTABLISHING GUIDELINES, INCLUDING  
2 CONDITIONS, UNDER WHICH A DISQUALIFICATION FOR LIFE UNDER  
3 SUBSECTION (B) MAY BE REDUCED TO A PERIOD OF NOT LESS THAN TEN  
4 YEARS, IF SUCH REDUCTIONS ARE PERMITTED BY FEDERAL REGULATIONS.

5 (E) DISQUALIFICATION FOR CONTROLLED SUBSTANCE OFFENSES.--THE  
6 DEPARTMENT SHALL DISQUALIFY ANY PERSON FROM DRIVING A COMMERCIAL  
7 MOTOR VEHICLE FOR LIFE WHO IS CONVICTED OF USING A COMMERCIAL  
8 MOTOR VEHICLE IN THE COMMISSION OF ANY FELONY INVOLVING THE  
9 MANUFACTURE, DISTRIBUTION OR DISPENSING OF A CONTROLLED  
10 SUBSTANCE, OR POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE  
11 OR DISPENSE A CONTROLLED SUBSTANCE. THERE SHALL BE NO EXCEPTIONS  
12 OR REDUCTIONS TO THIS DISQUALIFICATION FOR LIFE.

13 (F) DISQUALIFICATION FOR FAILURE TO HAVE CDL.--THE  
14 DEPARTMENT SHALL DISQUALIFY ANY PERSON FROM DRIVING A COMMERCIAL  
15 MOTOR VEHICLE FOR SIX MONTHS UPON RECEIVING A CERTIFIED RECORD  
16 OF THE PERSON'S CONVICTION OF VIOLATING SECTION 1606(A), EXCEPT  
17 AS PROVIDED IN SECTION 1606(D)(6).

18 (G) DISQUALIFICATION FOR SERIOUS TRAFFIC OFFENSES.--THE  
19 DEPARTMENT SHALL DISQUALIFY ANY PERSON FROM DRIVING A COMMERCIAL  
20 MOTOR VEHICLE FOR A PERIOD OF 60 DAYS IF CONVICTED OF TWO  
21 SERIOUS TRAFFIC VIOLATIONS, OR 120 DAYS IF CONVICTED OF THREE  
22 SERIOUS TRAFFIC VIOLATIONS, COMMITTED IN A COMMERCIAL MOTOR  
23 VEHICLE ARISING FROM SEPARATE AND DISTINCT INCIDENTS OCCURRING  
24 WITHIN A THREE-YEAR PERIOD.

25 (H) CONVICTION IN FEDERAL COURT OR ANOTHER STATE.--FOR  
26 PURPOSES OF THE PROVISIONS OF THIS SECTION, A COPY OF A  
27 CERTIFIED RECORD OF CONVICTION OR A COPY OF A CERTIFIED RECORD  
28 OF ADMINISTRATIVE ADJUDICATION FROM A FEDERAL COURT OR ANOTHER  
29 STATE FOR AN OFFENSE ESSENTIALLY SIMILAR TO THOSE OFFENSES WHICH  
30 WOULD RESULT IN DISQUALIFICATION IN THIS SECTION SHALL BE

1 TREATED BY THE DEPARTMENT AS IF THE CONVICTION HAD OCCURRED IN  
2 THIS COMMONWEALTH.

3 (I) SURRENDER OF LICENSE.--UPON THE DISQUALIFICATION OF THE  
4 COMMERCIAL DRIVING PRIVILEGE OF A PERSON, THE LICENSE SHALL BE  
5 SURRENDERED AS PROVIDED IN SECTION 1540 (RELATING TO SURRENDER  
6 OF LICENSE).

7 (J) UPDATING DRIVING RECORD.--AFTER SUSPENDING, REVOKING,  
8 RECALLING OR CANCELING A COMMERCIAL DRIVER'S LICENSE, THE  
9 DEPARTMENT SHALL UPDATE ITS RECORDS TO REFLECT THAT ACTION.  
10 AFTER SUSPENDING, REVOKING, RECALLING OR CANCELING A COMMERCIAL  
11 DRIVING PRIVILEGE ISSUED BY ANOTHER STATE, THE DEPARTMENT SHALL  
12 NOTIFY THE LICENSING AUTHORITY OF THE STATE WHICH ISSUED THE  
13 COMMERCIAL DRIVER'S LICENSE OR NONRESIDENT COMMERCIAL DRIVER'S  
14 LICENSE.

15 § 1612. COMMERCIAL DRIVERS PROHIBITED FROM OPERATING WITH ANY  
16 ALCOHOL IN SYSTEM.

17 (A) OFFENSE DEFINED.--NOTWITHSTANDING ANY OTHER PROVISION OF  
18 THIS TITLE, A PERSON SHALL NOT DRIVE, OPERATE OR BE IN PHYSICAL  
19 CONTROL OF A COMMERCIAL MOTOR VEHICLE WHILE HAVING ANY ALCOHOL  
20 IN HIS SYSTEM.

21 (B) PENALTY.--A PERSON WHO VIOLATES SUBSECTION (A) COMMITS A  
22 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY  
23 A FINE OF \$100. A PERSON WHO DRIVES, OPERATES OR IS IN PHYSICAL  
24 CONTROL OF A COMMERCIAL MOTOR VEHICLE WHILE HAVING ALCOHOL IN  
25 HIS SYSTEM OR WHO REFUSES TO TAKE A TEST TO DETERMINE HIS  
26 ALCOHOL CONTENT AS PROVIDED BY SECTION 1613 (RELATING TO IMPLIED  
27 CONSENT REQUIREMENTS FOR COMMERCIAL MOTOR VEHICLE DRIVERS) SHALL  
28 BE PLACED OUT OF SERVICE FOR 24 HOURS.

29 § 1613. IMPLIED CONSENT REQUIREMENTS FOR COMMERCIAL MOTOR  
30 VEHICLE DRIVERS.

1 (A) IMPLIED CONSENT.--A PERSON WHO DRIVES A COMMERCIAL MOTOR  
2 VEHICLE IN THIS COMMONWEALTH IS DEEMED TO HAVE GIVEN CONSENT TO  
3 TAKE A TEST OR TESTS OF THE PERSON'S BREATH, BLOOD OR URINE FOR  
4 THE PURPOSE OF DETERMINING THE PERSON'S ALCOHOL CONCENTRATION OR  
5 THE PRESENCE OF OTHER CONTROLLED SUBSTANCES.

6 (B) TESTS ORDERED BY POLICE OFFICER.--A TEST OR TESTS MAY BE  
7 ADMINISTERED AT THE DIRECTION OF A POLICE OFFICER WHO, AFTER  
8 STOPPING OR DETAINING THE COMMERCIAL MOTOR VEHICLE DRIVER, HAS  
9 REASONABLE GROUNDS TO BELIEVE THAT THE DRIVER WAS DRIVING A  
10 COMMERCIAL MOTOR VEHICLE WHILE HAVING ANY ALCOHOL IN HIS SYSTEM.

11 (C) WARNING AGAINST REFUSAL.--A PERSON REQUESTED TO SUBMIT  
12 TO A TEST AS PROVIDED IN SUBSECTION (A) SHALL BE WARNED BY THE  
13 POLICE OFFICER REQUESTING THE TEST THAT REFUSAL TO SUBMIT TO THE  
14 TEST WILL RESULT IN THE PERSON'S BEING DISQUALIFIED FROM  
15 OPERATING A COMMERCIAL MOTOR VEHICLE UNDER SUBSECTION (E).

16 (D) REPORT ON TEST REFUSAL.--IF THE PERSON REFUSES TESTING,  
17 THE POLICE OFFICER SHALL SUBMIT A SWORN REPORT TO THE DEPARTMENT  
18 CERTIFYING THAT THE TEST WAS REQUESTED PURSUANT TO SUBSECTION  
19 (A) AND THAT THE PERSON REFUSED TO SUBMIT TO TESTING.

20 (E) DISQUALIFICATION FOR REFUSAL.--UPON RECEIPT OF THE SWORN  
21 REPORT OF A POLICE OFFICER SUBMITTED UNDER SUBSECTION (D), THE  
22 DEPARTMENT SHALL DISQUALIFY THE DRIVER FROM DRIVING A COMMERCIAL  
23 MOTOR VEHICLE FOR A PERIOD OF ONE YEAR.

24 (F) APPEAL OF DISQUALIFICATION.--ANY HOLDER OF A COMMERCIAL  
25 DRIVER'S LICENSE WHO IS DISQUALIFIED UNDER THE PROVISIONS OF  
26 THIS SECTION FROM DRIVING A COMMERCIAL MOTOR VEHICLE SHALL HAVE  
27 THE SAME RIGHT OF APPEAL AS PROVIDED FOR IN CASES OF SUSPENSION.

28 § 1614. NOTIFICATION OF TRAFFIC CONVICTIONS.

29 AFTER RECEIVING A REPORT OF THE CONVICTION OF ANY HOLDER OF A  
30 COMMERCIAL DRIVER'S LICENSE ISSUED BY ANOTHER STATE FOR

1 VIOLATION OF CHAPTER 15, 16, 17, 31, 33 OR 37 COMMITTED IN A  
2 COMMERCIAL MOTOR VEHICLE, THE DEPARTMENT SHALL NOTIFY THE DRIVER  
3 LICENSING AUTHORITY IN THE LICENSING STATE OF THE CONVICTION.

4 § 1615. AUTHORITY TO ENTER AGREEMENTS.

5 THE DEPARTMENT MAY ENTER INTO OR MAKE AGREEMENTS,  
6 ARRANGEMENTS OR DECLARATIONS TO CARRY OUT THE PROVISIONS OF THIS  
7 CHAPTER.

8 § 1616. RECIPROCITY.

9 NOTWITHSTANDING ANY LAW TO THE CONTRARY, A PERSON MAY DRIVE A  
10 COMMERCIAL MOTOR VEHICLE IF THE PERSON HAS A COMMERCIAL DRIVER'S  
11 LICENSE ISSUED BY ANY STATE, OR ANY PROVINCE OR TERRITORY OF  
12 CANADA IN ACCORDANCE WITH THE MINIMUM FEDERAL STANDARDS FOR THE  
13 ISSUANCE OF COMMERCIAL MOTOR VEHICLE DRIVERS' LICENSES, IF THE  
14 PERSON'S OPERATING PRIVILEGE IS NOT SUSPENDED, REVOKED OR  
15 CANCELED AND IF THE PERSON IS NOT DISQUALIFIED FROM DRIVING A  
16 COMMERCIAL MOTOR VEHICLE OR SUBJECT TO AN OUT-OF-SERVICE ORDER.

17 § 1617. FEES.

18 FEES RELATING TO COMMERCIAL DRIVERS' LICENSES TO BE COLLECTED  
19 BY THE DEPARTMENT UNDER THIS CHAPTER SHALL BE IN ADDITION TO ANY  
20 OTHER FEES IMPOSED UNDER THE PROVISIONS OF THIS TITLE AND ARE AS  
21 FOLLOWS:

22 (1) THE ANNUAL FEE FOR A COMMERCIAL DRIVER'S LICENSE  
23 DESIGNATION SHALL BE \$10.

24 (2) IN ADDITION TO ANY OTHER RESTORATION FEE REQUIRED BY  
25 THIS TITLE, AN ADDITIONAL RESTORATION FEE OF \$50 SHALL BE  
26 ASSESSED AND COLLECTED BEFORE REINSTATING A COMMERCIAL  
27 DRIVER'S OPERATING PRIVILEGE FOLLOWING A SUSPENSION OR  
28 REVOCATION UNDER THIS TITLE OR DISQUALIFICATION UNDER THIS  
29 CHAPTER.

30 (3) IF THE COMMERCIAL DRIVING PRIVILEGE OF A DRIVER IS

DISQUALIFIED, A CLASS C NONCOMMERCIAL OR M LICENSE, IF THE DRIVER POSSESSES THE MOTORCYCLE QUALIFICATION, MAY BE OBTAINED UPON PAYMENT OF THE FEES ASSOCIATED WITH OBTAINING A DUPLICATE LICENSE.

§ 1618. FINES EXEMPT FROM JUDICIAL COMPUTER ACCOUNT.

ALL FINES AND PENALTIES IMPOSED BY THIS CHAPTER SHALL BE DEPOSITED INTO THE MOTOR LICENSE FUND AND SHALL NOT BE SUBJECT TO THE PROVISIONS OF 42 PA.C.S. § 3733 (RELATING TO DEPOSITS INTO ACCOUNT).

SECTION 6. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: <—

§ 1925.1. LIMOUSINES.

THE DEPARTMENT SHALL ISSUE REGISTRATION PLATES FOR LIMOUSINES FOR AN ANNUAL FEE OF \$36. THE LIMOUSINE REGISTRATION PLATE SHALL BE ISSUED ONLY TO VEHICLES LICENSED AS LIMOUSINES BY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION AND SHALL BEAR A NUMBER PRECEDED BY THE LETTER "P."

SECTION 4 7. SECTION 2102(C) OF TITLE 75 IS AMENDED TO READ: <—

§ 2102. Identification markers required.

\* \* \*

(c) Issuance of markers.--

(1) Identification markers shall be issued on a 12-month basis, effective April 1 of each year, and shall be valid through the next succeeding March 31; however, enforcement of this section shall not become effective until April 15 of each year as to motor carrier vehicles displaying the previous year's identification marker.

(2) The Department of Revenue shall have the power and may designate dealers of motor carrier vehicles, the department and designated agents of the department located within this Commonwealth to act as agents for the Department

1 of Revenue for the purpose of collecting the fee under  
2 subsection (b), processing the necessary papers and issuing a  
3 temporary permit to authorize the operation of a motor  
4 carrier vehicle pending issuance of a permanent  
5 identification marker by the department.

6 \* \* \*

7 Section ~~2-5~~ 8. Section 2103 of Title 75 is amended by adding <—  
8 a subsection to read:

9 § 2103. False statements and penalties.

10 \* \* \*

11 (a.1) Operation without identification marker.--  
12 Notwithstanding the provisions of subsection (b), any person who  
13 violates section 2102(d) (relating to identification markers  
14 required) and who can adequately establish an absence of knowing  
15 and willful intent shall be guilty of a summary offense and  
16 shall be sentenced to pay a fine of \$25.

17 \* \* \*

18 ~~Section 3. This act shall take effect as follows:~~ <—

19 ~~(1) Section 1 (section 2102) of this act shall take~~  
20 ~~effect in 180 days.~~

21 ~~(2) The remainder of this act shall take effect in 60~~  
22 ~~days.~~

23 SECTION ~~6~~ 9. SECTION 3714 OF TITLE 75 IS AMENDED TO READ: <—

24 § 3714. [RECKLESS] CARELESS DRIVING.

25 ANY PERSON WHO DRIVES A VEHICLE IN CARELESS DISREGARD FOR THE  
26 SAFETY OF PERSONS OR PROPERTY IS GUILTY OF [RECKLESS] CARELESS  
27 DRIVING, A SUMMARY OFFENSE.

28 SECTION 10. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: <—

29 § 3716. ACCIDENTS INVOLVING OVERTURNED VEHICLES.

30 (A) SPEEDING, RECKLESS DRIVING, ETC.--IF A COMMERCIAL MOTOR



1 VEHICLE OVERTURNS IN AN ACCIDENT RESULTING FROM A VIOLATION OF  
2 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED), 3362  
3 (RELATING TO MAXIMUM SPEED LIMITS), 3714 (RELATING TO RECKLESS  
4 DRIVING) OR 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL  
5 OR CONTROLLED SUBSTANCE), THE OPERATOR OF THE VEHICLE SHALL,  
6 UPON CONVICTION OF ANY OF THE AFOREMENTIONED OFFENSES, BE  
7 SENTENCED TO PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN  
8 \$1,500, IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW.

9 (B) EQUIPMENT VIOLATIONS.--IF A COMMERCIAL MOTOR VEHICLE  
10 OVERTURNS IN AN ACCIDENT RESULTING FROM A VIOLATION OF SECTION  
11 4103 (RELATING TO PROMULGATION OF VEHICLE EQUIPMENT STANDARDS)  
12 OR 4502 (RELATING TO GENERAL REQUIREMENTS FOR BRAKING SYSTEMS),  
13 THE OWNER OR ANY RESPONSIBLE LESSEE OF THE VEHICLE SHALL, UPON  
14 CONVICTION OF ANY OF THE AFOREMENTIONED OFFENSES, BE SENTENCED  
15 TO PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN \$1,500, IN  
16 ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW.

17 (C) MISCELLANEOUS.--IF A COMMERCIAL MOTOR VEHICLE OVERTURNS  
18 IN AN ACCIDENT RESULTING FROM A VIOLATION OF SECTION 4903  
19 (RELATING TO SECURING LOADS IN VEHICLES) OR 6103 (RELATING TO  
20 PROMULGATION OF RULES AND REGULATIONS BY DEPARTMENT), THE  
21 RESPONSIBLE PARTY SHALL, UPON CONVICTION OF THE AFOREMENTIONED  
22 OFFENSES, BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$500 NOR  
23 MORE THAN \$1,500, IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY  
24 LAW.

25 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM  
26 "COMMERCIAL MOTOR VEHICLE" SHALL HAVE THE MEANING ASCRIBED IN  
27 SECTION 1603 (RELATING TO DEFINITIONS).

28 SECTION 7 11. SECTION 3731 OF TITLE 75 IS AMENDED BY ADDING <—  
29 A SUBSECTION TO READ:

30 § 3731. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED

SUBSTANCE.

\* \* \*

(I) DRIVING A COMMERCIAL MOTOR VEHICLE WHILE UNDER THE  
INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.--A PERSON SHALL  
NOT DRIVE, OPERATE OR BE IN PHYSICAL CONTROL OF THE MOVEMENT OF  
ANY COMMERCIAL VEHICLE WHILE:

(1) UNDER THE INFLUENCE OF ALCOHOL;

(2) UNDER THE INFLUENCE OF ANY CONTROLLED SUBSTANCE AS  
DEFINED IN SECTION 1603 (RELATING TO DEFINITIONS);

(3) UNDER THE COMBINED INFLUENCE OF ALCOHOL AND ANY  
CONTROLLED SUBSTANCE; OR

(4) THE AMOUNT OF ALCOHOL BY WEIGHT IN THE PERSON'S  
BLOOD IS 0.04% OR MORE.

SECTION 8 12. TITLE 75 IS AMENDED BY ADDING A SECTION TO  
READ:

§ 3736. RECKLESS DRIVING.

(A) GENERAL RULE.--ANY PERSON WHO DRIVES ANY VEHICLE IN  
WILLFUL OR WANTON DISREGARD FOR THE SAFETY OF PERSONS OR  
PROPERTY IS GUILTY OF RECKLESS DRIVING.

(B) PENALTY.--ANY PERSON WHO VIOLATES THIS SECTION COMMITS A  
SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY  
A FINE OF \$200.

SECTION 9 13. SECTION 6146 OF TITLE 75 IS AMENDED TO READ:  
§ 6146. ENFORCEMENT AGREEMENTS.

THE SECRETARY MAY ENTER INTO AGREEMENTS RELATING TO  
ENFORCEMENT OF THIS TITLE, INCLUDING, BUT NOT LIMITED TO[, ]:

(1) THE DRIVER LICENSE COMPACT AND ANY OTHER AGREEMENTS  
TO NOTIFY ANY STATE OF VIOLATIONS INCURRED BY RESIDENTS OF  
THAT STATE[, ];

(2) AGREEMENTS TO SUSPEND OR REVOKE THE OPERATING

1 PRIVILEGE OF PENNSYLVANIA LICENSED DRIVERS WHO ARE CONVICTED  
2 IN FEDERAL COURT OR IN ANOTHER STATE OF ANY OFFENSE  
3 ESSENTIALLY SIMILAR TO THOSE ENUMERATED IN [SUBCHAPTER B OF  
4 CHAPTER 37 (RELATING TO SERIOUS TRAFFIC OFFENSES) AND]  
5 SECTION 1532(A) AND (B) (RELATING TO SUSPENSION OR REVOCATION  
6 OF OPERATING PRIVILEGE);

7 (3) AGREEMENTS TO DISQUALIFY THE COMMERCIAL DRIVING  
8 PRIVILEGE OF PENNSYLVANIA-LICENSED DRIVERS CONVICTED IN  
9 FEDERAL COURT OR IN ANOTHER STATE OF OFFENSES ESSENTIALLY  
10 SIMILAR TO THOSE RESULTING IN DISQUALIFICATION UNDER SECTION  
11 1611 (RELATING TO DISQUALIFICATION);

12 (4) AGREEMENTS TO ESTABLISH PROCEDURES FOR THE SEIZURE  
13 OF SUSPENDED, REVOKED OR DISQUALIFIED DRIVERS' LICENSES OF  
14 RESIDENTS OF OTHER STATES; AND

15 (5) AGREEMENTS TO TAKE MEASURES TO ASSURE TAKING OF  
16 CHEMICAL TESTS OF BREATH, BLOOD OR URINE AND PAYMENT OF FINES  
17 OR ATTENDANCE AT HEARINGS BY PERSONS CHARGED WITH THESE OR  
18 OTHER VIOLATIONS.

19 SECTION ~~14~~ 14. SECTION 6323(2) OF TITLE 75 IS AMENDED AND <—  
20 THE SECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

21 § 6323. REPORTS BY COURTS.

22 SUBJECT TO ANY INCONSISTENT PROCEDURES AND STANDARDS RELATING  
23 TO REPORTS AND TRANSMISSION OF FUNDS PRESCRIBED PURSUANT TO  
24 TITLE 42 (RELATING TO JUDICIARY AND JUDICIAL PROCEDURE):

25 \* \* \*

26 (2) A RECORD OF THE JUDGMENT SHALL ALSO BE FORWARDED TO  
27 THE DEPARTMENT UPON CONVICTION OR ACQUITTAL OF A PERSON OF A  
28 FELONY, A MISDEMEANOR OF THE FIRST DEGREE OR A MISDEMEANOR OF  
29 THE SECOND DEGREE IN THE COMMISSION OF WHICH THE JUDGE  
30 DETERMINES THAT A MOTOR VEHICLE WAS ESSENTIALLY INVOLVED.

1           \* \* \*

2           (4) THE RECORD OF JUDGMENT REQUIRED TO BE SENT TO THE  
3           DEPARTMENT BY PARAGRAPHS (1) AND (2) SHALL INDICATE IF THE  
4           VEHICLE DRIVEN BY THE PERSON WAS A COMMERCIAL MOTOR VEHICLE.

5           SECTION ~~11~~ 15. SECTION 6501(A) OF TITLE 75 IS AMENDED AND <—  
6 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

7 § 6501. DEFINITION OF CONVICTION.

8           (A) GENERAL RULE.--FOR THE PURPOSES OF THIS TITLE, A  
9 CONVICTION INCLUDES A PLEA OF GUILTY, A PLEA OF NOLO CONTENDERE,  
10 A FINDING OF GUILTY BY A COURT OR ADMINISTRATIVE PROCEEDING, AN  
11 ADJUDICATION OF DELINQUENCY BY A COURT OR AN UNVACATED  
12 FORFEITURE OF BAIL OR COLLATERAL DEPOSITED TO SECURE A  
13 DEFENDANT'S APPEARANCE IN COURT.

14           \* \* \*

15           (C) CERTIFIED RECORD OF CONVICTIONS.--FOR THE PURPOSE OF  
16 THIS TITLE, A CERTIFIED RECORD OF CONVICTION INCLUDES A  
17 CERTIFIED RECORD OF CONVICTION FROM ANY FEDERAL OR STATE COURT  
18 AND A CERTIFIED RECORD OF ADMINISTRATIVE ADJUDICATION FROM ANY  
19 STATE. THESE RECORDS OR COPIES OF THESE RECORDS SHALL BE  
20 ADMISSIBLE IN ANY COURT OF LAW WITHOUT ANY NEED FOR FURTHER  
21 DOCUMENTATION.

22           SECTION ~~12~~ 16. (A) FOR PURPOSES OF 75 PA.C.S. § 1606(A) <—  
23 (RELATING TO REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE), A  
24 DRIVER WITH A VALID DRIVER'S LICENSE ENDORSED WITH CLASS 2, 3 OR  
25 4 SHALL BE CONSIDERED A COMMERCIAL DRIVER UNTIL SUCH TIME AS  
26 ESTABLISHED BY REGULATION.

27           (B) THE DEPARTMENT OF TRANSPORTATION SHALL REQUIRE  
28 APPLICANTS WITH VALID CLASS 2, 3 OR 4 LEARNERS' PERMITS ISSUED  
29 PRIOR TO THE EFFECTIVE DATE OF THIS ACT TO TAKE THE EXAMINATIONS  
30 REQUIRED BY THIS ACT.

1       (C) THE DEPARTMENT SHALL SEND TO A DRIVER HOLDING A VALID  
2 CLASS 2, 3 OR 4 LICENSE ISSUED BY THE DEPARTMENT WHICH EXPIRES  
3 BEFORE APRIL 1, 1992, AN APPLICATION FOR A COMMERCIAL DRIVER'S  
4 LICENSE WITH HIS LICENSE RENEWAL SO THAT HE MAY OBTAIN A  
5 COMMERCIAL DRIVER'S LICENSE UNDER THIS ACT UPON SUCCESSFULLY  
6 MEETING THE REQUIREMENTS OF 75 PA.C.S. § 1607 (RELATING TO  
7 COMMERCIAL DRIVER'S LICENSE QUALIFICATION STANDARDS) AND PAYMENT  
8 OF THE REQUIRED FEES. A DRIVER WITH A VALID CLASS 3 LICENSE  
9 ISSUED BY THE DEPARTMENT SHALL BE ELIGIBLE TO MAKE APPLICATION  
10 FOR A CLASS A, B OR C COMMERCIAL DRIVER'S LICENSE. EXCEPT AS  
11 PROVIDED ELSEWHERE IN THIS SECTION, A DRIVER WITH A VALID CLASS  
12 2 OR 4 LICENSE ISSUED BY THE DEPARTMENT SHALL BE ELIGIBLE TO  
13 MAKE APPLICATION FOR A CLASS B OR C COMMERCIAL DRIVER'S LICENSE.  
14 IF A DRIVER HAS NOT PASSED THE COMMERCIAL DRIVER'S LICENSE TEST  
15 BY THE DATE ESTABLISHED BY THE DEPARTMENT, HIS CLASS 2, 3 OR 4  
16 LICENSE SHALL BE VALID ONLY AS A CLASS C NONCOMMERCIAL LICENSE  
17 AS DEFINED IN 75 PA.C.S. § 1504(D)(3) (RELATING TO CLASSES OF  
18 LICENSES).

19       (D) THE DEPARTMENT SHALL SEND TO A DRIVER HOLDING A VALID  
20 CLASS 2, 3 OR 4 DRIVER'S LICENSE ISSUED BY THE DEPARTMENT WHICH  
21 EXPIRES AFTER APRIL 1, 1992, AN APPLICATION FOR A COMMERCIAL  
22 DRIVER'S LICENSE WHICH SHALL INDICATE THAT HIS CLASS 2, 3 OR 4  
23 LICENSE SHALL EXPIRE ON A DATE ESTABLISHED BY THE DEPARTMENT. A  
24 DRIVER WITH A VALID CLASS 3 LICENSE ISSUED BY THE DEPARTMENT  
25 SHALL BE ELIGIBLE TO MAKE APPLICATION FOR A CLASS A, B OR C  
26 COMMERCIAL DRIVER'S LICENSE. A DRIVER WITH A VALID CLASS 2 OR 4  
27 LICENSE ISSUED BY THE DEPARTMENT SHALL BE ELIGIBLE TO MAKE  
28 APPLICATION FOR A CLASS B OR C COMMERCIAL DRIVER'S LICENSE.  
29 EXCEPT AS PROVIDED ELSEWHERE IN THIS SECTION, IF A DRIVER HAS  
30 NOT PASSED THE COMMERCIAL DRIVER'S LICENSE TEST BY THE DATE

1 ESTABLISHED BY THE DEPARTMENT, HIS CLASS 2, 3 OR 4 LICENSE SHALL  
2 BE VALID ONLY AS A CLASS C NONCOMMERCIAL LICENSE AS DEFINED IN  
3 75 PA.C.S. § 1504(D)(3). UPON MEETING THE REQUIREMENTS OF 75  
4 PA.C.S. § 1607 AND PAYMENT OF THE APPROPRIATE FEES, THE DRIVER  
5 SHALL BE ISSUED A COMMERCIAL DRIVER'S LICENSE.

6 (E) A DRIVER WITH A VALID CLASS 2, 3 OR 4 LICENSE ISSUED BY  
7 THE DEPARTMENT, WHO FAILS THREE TIMES, OR DOES NOT PASS BY THE  
8 DATE ESTABLISHED BY THE DEPARTMENT, THE DRIVING SKILLS TESTS  
9 REQUIRED FOR A COMMERCIAL DRIVER'S LICENSE UNDER 75 PA.C.S. §  
10 1607, MUST MAKE AN APPLICATION FOR A COMMERCIAL LEARNER'S PERMIT  
11 IN ORDER TO OBTAIN A COMMERCIAL DRIVER'S LICENSE; AND THE CLASS  
12 2, 3 OR 4 LICENSE SHALL BE RATED ONLY AS A CLASS C LICENSE AS  
13 DEFINED IN 75 PA.C.S. § 1504(D)(3).

14 (F) A DRIVER WITH A VALID CLASS 2, 3 OR 4 LICENSE ISSUED BY  
15 THE DEPARTMENT WHO IS NOT REQUIRED BY THE DEPARTMENT TO TAKE, OR  
16 PASSES BY THE DATE ESTABLISHED BY THE DEPARTMENT, THE DRIVING  
17 SKILLS TEST REQUIRED FOR A COMMERCIAL DRIVER'S LICENSE UNDER 75  
18 PA.C.S. § 1607 AND WHO HAS TAKEN THE KNOWLEDGE TESTS UNDER 75  
19 PA.C.S. § 1607 THREE TIMES BUT FOR THE THIRD TIME FAILS TO PASS  
20 THE KNOWLEDGE TESTS BY THE DATE ESTABLISHED BY THE DEPARTMENT  
21 SHALL BE PERMITTED TO EXTEND THE OPPORTUNITY TO TAKE THE  
22 COMMERCIAL DRIVER'S LICENSE KNOWLEDGE TESTS FOR ADDITIONAL  
23 TESTING PERIODS OF 120 DAYS OR UNTIL MARCH 31, 1992, WHICHEVER  
24 OCCURS FIRST, UPON PAYMENT OF A \$15 TEST EXTENSION FEE FOR EACH  
25 ADDITIONAL EXTENSION. THE DRIVER'S CLASS 2, 3 OR 4 LICENSE SHALL  
26 REMAIN VALID FOR THE TEST-EXTENSION PERIOD. IF THE DRIVER FAILS  
27 TO REQUEST AN EXTENSION UNDER THIS SUBSECTION OR FAILS TO PASS  
28 THE KNOWLEDGE TEST BY MARCH 31, 1992, THE CLASS 2, 3 OR 4  
29 LICENSE SHALL BE VALID ONLY AS A CLASS C NONCOMMERCIAL LICENSE  
30 AS DEFINED IN 75 PA.C.S. § 1504(D)(3).

1 (G) A DRIVER HOLDING A VALID CLASS 1 DRIVER'S LICENSE ISSUED  
2 BY THE DEPARTMENT WHICH EXPIRES AFTER NOVEMBER 1, 1990, SHALL BE  
3 CONSIDERED TO BE A CLASS C NONCOMMERCIAL DRIVER UNTIL EXPIRATION  
4 OF THE LICENSE.

5 (H) A DRIVER HOLDING A VALID CLASS 5 OR 6 DRIVER'S LICENSE  
6 ISSUED BY THE DEPARTMENT WHICH EXPIRES AFTER NOVEMBER 1, 1990,  
7 SHALL BE CONSIDERED TO BE A CLASS M DRIVER UNTIL THE EXPIRATION  
8 OF THE LICENSE.

9 (I) THE DEPARTMENT SHALL WAIVE THE SCHOOL BUS DRIVER  
10 RECERTIFICATION DRIVING TEST REQUIRED BY DEPARTMENT REGULATIONS  
11 UNTIL DECEMBER 31, 1992. <—

12 (J) THE LIMITATION TO ONE KNOWLEDGE TEST FOR EACH CLASS AND  
13 FOR EACH ENDORSEMENT FOR DRIVING A COMMERCIAL MOTOR VEHICLE,  
14 CONTAINED IN SECTION 5 (SECTION 1607(A)(1)) SHALL EXPIRE ON  
15 APRIL 1, 1992.

16 SECTION 17. (A) NO PERSON SHALL DISCHARGE, DISCIPLINE, OR  
17 IN ANY MANNER DISCRIMINATE AGAINST ANY EMPLOYEE WITH RESPECT TO  
18 THE EMPLOYEE'S COMPENSATION, TERMS, CONDITIONS OR PRIVILEGES OF  
19 EMPLOYMENT BECAUSE SUCH EMPLOYEE, OR PERSON ACTING PURSUANT TO A  
20 REQUEST OF THE EMPLOYEE:

21 (1) REFUSES TO OPERATE A COMMERCIAL MOTOR VEHICLE WHICH  
22 IS NOT IN COMPLIANCE WITH THE PROVISIONS OF 67 PA. CODE § 231  
23 (RELATING TO INTRASTATE MOTOR CARRIER SAFETY REQUIREMENTS)  
24 AND EXISTING SAFETY LAWS; OR

25 (2) HAS FILED ANY COMPLAINT OR INSTITUTED OR CAUSED TO  
26 BE INSTITUTED ANY PROCEEDING RELATING TO A VIOLATION OF A  
27 COMMERCIAL MOTOR VEHICLE SAFETY RULE, REGULATION, STANDARD OR  
28 ORDER, OR HAS TESTIFIED OR IS ABOUT TO TESTIFY IN ANY SUCH  
29 PROCEEDING.

30 (B) NO PERSON SHALL DISCHARGE, DISCIPLINE OR IN ANY MANNER

1 DISCRIMINATE AGAINST AN EMPLOYEE WITH RESPECT TO THE EMPLOYEE'S  
2 COMPENSATION, TERMS, CONDITIONS OR PRIVILEGES OF EMPLOYMENT FOR  
3 REFUSING TO OPERATE A VEHICLE WHEN SUCH OPERATION CONSTITUTES A  
4 VIOLATION OF ANY FEDERAL RULES, REGULATIONS, STANDARDS OR ORDERS  
5 APPLICABLE TO COMMERCIAL MOTOR VEHICLE SAFETY OR HEALTH, OR  
6 BECAUSE OF THE EMPLOYEE'S REASONABLE APPREHENSION OF SERIOUS  
7 INJURY TO HIMSELF OR THE PUBLIC DUE TO THE UNSAFE CONDITION OF  
8 SUCH EQUIPMENT. THE UNSAFE CONDITIONS CAUSING THE EMPLOYEE'S  
9 APPREHENSION OF INJURY MUST BE OF SUCH NATURE THAT A REASONABLE  
10 PERSON, UNDER THE CIRCUMSTANCES THEN CONFRONTING THE EMPLOYEE,  
11 WOULD CONCLUDE THAT THERE IS A BONA FIDE DANGER OF AN ACCIDENT,  
12 INJURY OR SERIOUS IMPAIRMENT OF HEALTH RESULTING FROM THE UNSAFE  
13 CONDITION. IN ORDER TO QUALIFY FOR PROTECTION UNDER THIS  
14 SUBSECTION, THE EMPLOYEE MUST HAVE SOUGHT FROM HIS EMPLOYER, AND  
15 HAVE BEEN UNABLE TO OBTAIN, CORRECTION OF THE UNSAFE CONDITION.

16 (C) (1) ANY EMPLOYEE WHO BELIEVES HE HAS BEEN DISCHARGED,  
17 DISCIPLINED OR OTHERWISE DISCRIMINATED AGAINST BY ANY PERSON  
18 IN VIOLATION OF SUBSECTION (A) OR (B) MAY, WITHIN 180 DAYS  
19 AFTER SUCH ALLEGED VIOLATION OCCURS, FILE, OR HAVE FILED BY  
20 ANY PERSON ON THE EMPLOYEE'S BEHALF, A COMPLAINT WITH THE  
21 SECRETARY OF LABOR AND INDUSTRY ALLEGING SUCH DISCHARGE,  
22 DISCIPLINE OR DISCRIMINATION. UPON RECEIPT OF SUCH A  
23 COMPLAINT, THE SECRETARY OF LABOR AND INDUSTRY SHALL NOTIFY  
24 THE PERSON NAMED IN THE COMPLAINT OF THE FILING OF THE  
25 COMPLAINT.

26 (2) (I) WITHIN 60 DAYS OF RECEIPT OF A COMPLAINT FILED  
27 UNDER PARAGRAPH (1), THE SECRETARY OF LABOR AND INDUSTRY  
28 SHALL CONDUCT AN INVESTIGATION AND DETERMINE WHETHER  
29 THERE IS REASONABLE CAUSE TO BELIEVE THAT THE COMPLAINT  
30 HAS MERIT AND NOTIFY THE COMPLAINANT AND THE PERSON



1 ALLEGED TO HAVE COMMITTED A VIOLATION OF THIS SECTION OF  
2 HIS FINDINGS. WHERE THE SECRETARY OF LABOR AND INDUSTRY  
3 HAS CONCLUDED THAT THERE IS REASONABLE CAUSE TO BELIEVE  
4 THAT A VIOLATION HAS OCCURRED, HE SHALL ACCOMPANY HIS  
5 FINDINGS WITH A PRELIMINARY ORDER PROVIDING THE RELIEF  
6 PRESCRIBED BY SUBPARAGRAPH (II). THEREAFTER, EITHER THE  
7 PERSON ALLEGED TO HAVE COMMITTED THE VIOLATION OR THE  
8 COMPLAINANT MAY, WITHIN 30 DAYS, FILE OBJECTIONS TO THE  
9 FINDINGS OR PRELIMINARY ORDER, OR BOTH, AND REQUEST A  
10 HEARING ON THE RECORD, EXCEPT THAT THE FILING OF SUCH  
11 OBJECTIONS SHALL NOT OPERATE TO STAY ANY REINSTATEMENT  
12 REMEDY CONTAINED IN THE PRELIMINARY ORDER. SUCH HEARINGS  
13 SHALL BE EXPEDITIOUSLY CONDUCTED. WHERE A HEARING IS NOT  
14 TIMELY REQUESTED, THE PRELIMINARY ORDER SHALL BE DEEMED A  
15 FINAL ORDER WHICH IS NOT SUBJECT TO JUDICIAL REVIEW. UPON  
16 THE CONCLUSION OF SUCH HEARING, THE SECRETARY OF LABOR  
17 AND INDUSTRY SHALL ISSUE A FINAL ORDER WITHIN 120 DAYS.  
18 IN THE INTERIM, SUCH PROCEEDINGS MAY BE TERMINATED AT ANY  
19 TIME ON THE BASIS OF A SETTLEMENT AGREEMENT ENTERED INTO  
20 BY THE SECRETARY OF LABOR AND INDUSTRY, THE COMPLAINANT  
21 AND THE PERSON ALLEGED TO HAVE COMMITTED THE VIOLATION.

22 (II) IF, IN RESPONSE TO A COMPLAINT FILED UNDER  
23 PARAGRAPH (1), THE SECRETARY OF LABOR AND INDUSTRY  
24 DETERMINES THAT A VIOLATION OF SUBSECTION (A) OR (B) HAS  
25 OCCURRED, THE SECRETARY OF LABOR AND INDUSTRY SHALL  
26 ORDER:

27 (A) THE PERSON WHO COMMITTED SUCH VIOLATION TO  
28 TAKE AFFIRMATIVE ACTION TO ABATE THE VIOLATION;

29 (B) SUCH PERSON TO REINSTATE THE COMPLAINANT TO  
30 THE COMPLAINANT'S FORMER POSITION TOGETHER WITH THE

1           COMPENSATION, INCLUDING BACK PAY, TERMS, CONDITIONS  
2           AND PRIVILEGES OF THE COMPLAINANT'S EMPLOYMENT; AND  
3           (C)   COMPENSATORY DAMAGES.

4           IF SUCH AN ORDER IS ISSUED, THE SECRETARY OF LABOR AND  
5           INDUSTRY, AT THE REQUEST OF THE COMPLAINANT MAY ASSESS  
6           AGAINST THE PERSON AGAINST WHOM THE ORDER IS ISSUED A SUM  
7           EQUAL TO THE AGGREGATE AMOUNT OF ALL COSTS AND EXPENSES,  
8           INCLUDING ATTORNEY FEES, REASONABLY INCURRED, AS  
9           DETERMINED BY THE SECRETARY OF LABOR AND INDUSTRY, BY THE  
10          COMPLAINANT FOR, OR IN CONNECTION WITH, THE BRINGING OF  
11          THE COMPLAINT UPON WHICH THE ORDER WAS ISSUED.

12       (D)   (1)   ANY PERSON ADVERSELY AFFECTED OR AGGRIEVED BY AN  
13       ORDER ISSUED AFTER A HEARING UNDER SUBSECTION (C) MAY OBTAIN  
14       REVIEW OF THE ORDER IN THE COMMONWEALTH COURT. THE PETITION  
15       FOR REVIEW MUST BE FILED WITHIN 60 DAYS FROM THE ISSUANCE OF  
16       THE SECRETARY OF LABOR AND INDUSTRY'S ORDER. SUCH REVIEW  
17       SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF 42 PA.C.S.  
18       (RELATING TO JUDICIARY AND JUDICIAL PROCEDURE), AND SHALL BE  
19       HEARD AND DECIDED EXPEDITIOUSLY.

20       (2)   AN ORDER OF THE SECRETARY OF LABOR AND INDUSTRY,  
21       WITH RESPECT TO WHICH REVIEW COULD HAVE BEEN OBTAINED UNDER  
22       THIS SECTION, SHALL NOT BE SUBJECT TO JUDICIAL REVIEW IN ANY  
23       CRIMINAL OR OTHER CIVIL PROCEEDING.

24       (E)   WHENEVER A PERSON HAS FAILED TO COMPLY WITH AN ORDER  
25       ISSUED UNDER SUBSECTION (C)(2), THE SECRETARY OF LABOR AND  
26       INDUSTRY SHALL FILE A CIVIL ACTION IN THE COURT OF COMMON PLEAS  
27       FOR THE DISTRICT IN WHICH THE VIOLATION WAS FOUND TO OCCUR IN  
28       ORDER TO ENFORCE SUCH ORDER. IN ACTIONS BROUGHT UNDER THIS  
29       SUBSECTION, THE COURT OF COMMON PLEAS SHALL HAVE JURISDICTION TO  
30       GRANT ALL APPROPRIATE RELIEF, INCLUDING INJUNCTIVE RELIEF,

1 REINSTATEMENT AND COMPENSATORY DAMAGES.

2 SECTION 18. THE DEPARTMENT SHALL, UPON WRITTEN REQUEST,  
3 PROMPTLY REFUND TO A PURCHASER OF A MOTOR VEHICLE, ANY SALES TAX  
4 AND FEES WHICH THE PURCHASER CAN PROVIDE CONVINCING EVIDENCE  
5 WERE THE RESULT OF A DUPLICATIVE PAYMENT RESULTING FROM A DEALER  
6 WHO FAILED TO REMIT THE ORIGINAL PAYMENTS TO THE DEPARTMENT. THE  
7 PURCHASER MUST PROVIDE CONVINCING EVIDENCE THAT HE ORIGINALLY  
8 PAID THE TAXES AND FEES TO THE DEALER AND SUBSEQUENTLY UPON  
9 REQUEST FROM THE DEPARTMENT PAID THE TAXES AND/OR FEES A SECOND  
10 TIME IN ORDER TO SECURE A VALID OR RENEWED REGISTRATION.

11 SECTION 19. THE AMENDMENTS TO SECTION 1103(D) SHALL BE  
12 RETROACTIVE TO JANUARY 1, 1989.

13 SECTION ~~13-15~~ 20. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

14 (1) SECTIONS 2 (SECTIONS 1532(B) AND 1547(D)), ~~SECTION 3~~ <—  
15 5 (SECTIONS 1604(D), ~~1605(C)~~ 1605(A) AND (B), 1606(C) AND <—  
16 (D), 1611, 1612 AND 1613), 11 (SECTION 3731(I)) AND 12 <—  
17 (SECTION 3736) OF THIS ACT SHALL TAKE EFFECT APRIL 1, 1992.

18 (2) ~~SECTION 3 (SECTION 1607)~~ SECTIONS 2 (SECTION <—  
19 1103(D)), ~~3~~ 5 (SECTION 1607), ~~13~~ 18 AND ~~14~~ 19 OF THIS ACT <—  
20 SHALL TAKE EFFECT IMMEDIATELY.

21 (3) SECTION ~~3~~ 5 (SECTION 1610(C)) OF THIS ACT SHALL TAKE <—  
22 EFFECT WHEN THE DEPARTMENT OF TRANSPORTATION HAS ACCESS TO  
23 THE COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM, BUT NO  
24 LATER THAN APRIL 1, 1992.

25 (4) SECTION ~~4~~ 7 (SECTION 2102) OF THIS ACT SHALL TAKE <—  
26 EFFECT IN 180 DAYS.

27 (5) SECTIONS 1 (SECTION 102 DEFINITION OF "CLASSIC MOTOR  
28 VEHICLE"), ~~SECTION 2~~ (SECTIONS 1340, 1501(D) AND 1511(B)) AND <—  
29 ~~SECTION 5~~ 8 (SECTION 2103) OF THIS ACT SHALL TAKE EFFECT IN <—  
30 60 DAYS.

1           (6) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT NOVEMBER  
2       1, 1990.