

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2648 Session of
2004

INTRODUCED BY McCALL AND GEIST, MAY 27, 2004

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 27, 2004

AN ACT

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

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

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

8 PART I

9 PRELIMINARY PROVISIONS

10 Chapter

11 1. Preliminary Provisions (Reserved)

12 3. Administrative Practice and Procedure

13 CHAPTER 1

14 PRELIMINARY PROVISIONS (Reserved)

15 CHAPTER 3

16 ADMINISTRATIVE PRACTICE AND PROCEDURE

17 Sec.

18 301. Definitions.

1 302. Administrative law judges.

2 § 301. Definitions.

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

6 "Department." The Department of Transportation of the
7 Commonwealth.

8 § 302. Administrative law judges.

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

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

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

24 (d) Compensation.--Compensation for the administrative law
25 judges shall be established by the department.

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

30 (f) Employment security.--Administrative law judges

1 appointed under this section shall be afforded employment
2 security as provided by the Civil Service Act.

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

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

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

14 (2) Promulgate regulations implementing the addition of
15 74 Pa.C.S. Ch. 3 within 18 months of the effective date of
16 this section.

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

19 Section 4. This act shall take effect as follows:

20 (1) The following provisions shall take effect
21 immediately:

22 (i) Section 2 of this act.

23 (ii) This section.

24 (2) The remainder of this act shall take effect upon
25 publication of the policy statement under section 2(1) of
26 this act.