

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 17

Session of  
2007

INTRODUCED BY MARKOSEK AND GEIST, JANUARY 30, 2007

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 17, 2007

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, FURTHER DEFINING "SERIOUS TRAFFIC VIOLATION"; AND <—  
3 further providing for employer responsibilities AND FOR <—  
4 UNLAWFUL ACTIVITIES RELATED TO EQUIPMENT STANDARDS.

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

7 ~~Section 1. Section 1605 of Title 75 of the Pennsylvania~~ <—  
8 ~~Consolidated Statutes is amended to read:~~

9 SECTION 1. THE DEFINITION OF "SERIOUS TRAFFIC VIOLATION" IN <—  
10 SECTION 1603 OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED  
11 STATUTES IS AMENDED TO READ:

12 § 1603. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 \* \* \*

17 "SERIOUS TRAFFIC VIOLATION."

18 (1) EXCESSIVE SPEEDING AS DEFINED BY THE UNITED STATES

1 SECRETARY OF TRANSPORTATION BY REGULATION AND PUBLISHED BY  
2 THE DEPARTMENT AS A NOTICE IN THE PENNSYLVANIA BULLETIN.

3 (2) RECKLESS DRIVING.

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

7 (4) ANY VIOLATION OF SECTION 1606(A) (RELATING TO  
8 REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE), 3305 (RELATING  
9 TO LIMITATIONS ON OVERTAKING ON LEFT), 3306 (RELATING TO  
10 LIMITATIONS ON DRIVING ON LEFT SIDE OF ROADWAY), 3307  
11 (RELATING TO NO-PASSING ZONES), 3309(1), (2) OR (4) (RELATING  
12 TO DRIVING ON ROADWAYS LANED FOR TRAFFIC), 3310 (RELATING TO  
13 FOLLOWING TOO CLOSELY), 3326 (RELATING TO DUTY OF DRIVER IN  
14 CONSTRUCTION AND MAINTENANCE AREAS OR ON HIGHWAY SAFETY  
15 CORRIDORS) OR 3365(C) (RELATING TO SPECIAL SPEED  
16 LIMITATIONS).

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

21 \* \* \*

22 SECTION 2. SECTIONS 1605 AND 4107(D)(3) OF TITLE 75 ARE  
23 AMENDED TO READ:

24 § 1605. Employer responsibilities.

25 (a) Requirements.--Each employer shall require the applicant  
26 to provide the information specified in section 1604(c)  
27 (relating to notification requirements for drivers). Each  
28 employer shall inform the applicant that the information he  
29 provides in accordance with section 1604(c) may be used and the  
30 applicant's previous employers may be contacted for the purpose

1 of investigating the applicant's work history.

2 (b) Prohibitions.--No employer shall knowingly allow,  
3 require, permit or authorize a driver to drive a commercial  
4 motor vehicle during any period:

5 (1) in which:

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

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

10 (iii) the driver has been disqualified from driving  
11 a commercial motor vehicle;

12 (iv) the driver is not licensed to drive a  
13 commercial vehicle; or

14 (v) the driver is not qualified by required class or  
15 endorsement to operate the commercial vehicle being  
16 driven; [or]

17 (vi) the driver, or the commercial motor vehicle the  
18 driver is driving, or the motor carrier operation is  
19 subject to an out-of-service order; or

20 (2) in which the driver has more than one driver's  
21 license.

22 (c) Test vehicles.--Each employer shall provide a  
23 representative vehicle to any employee who as a result of the  
24 Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570,  
25 49 U.S.C. app. § 2701 et seq.) must obtain a commercial driver's  
26 license to continue his present occupation. This section  
27 includes, but is not limited to, current commercial motor  
28 vehicle drivers, construction equipment operators, utility truck  
29 operators, mechanics and vehicle inspectors employed prior to  
30 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[.], except that  
12 if the violation relates to an out-of-service order then the  
13 person shall, upon conviction, be sentenced to pay a fine of  
14 \$2,750.

15 § 4107. UNLAWFUL ACTIVITIES.

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16 \* \* \*

17 (D) PENALTY.--

18 \* \* \*

19 (3) ANY PERSON WHO VIOLATES SUBSECTION (B.1) AS IT  
20 RELATES TO DRIVER'S HOURS OF SERVICE COMMITS A SUMMARY  
21 OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A  
22 FINE OF [\$2,750] \$500 PER VIOLATION.

23 \* \* \*

24 Section ~~2~~ 3. This act shall take effect in 60 days.

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