

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2036 Session of  
2011

INTRODUCED BY GEIST AND MCGEEHAN, NOVEMBER 28, 2011

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, DECEMBER 7, 2011

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in licensing of drivers, further providing for  
3 judicial review and for cancellation of driver's license; and  
4 in commercial drivers, further providing for definitions;  
5 providing for type of driving certification requirements, for  
6 medical certification and for noncompliance with  
7 certification requirements; and further providing for  
8 commercial driver's license and for disqualification.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Sections 1550 and 1572(a)(1) of Title 75 of the  
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 1550. Judicial review.

14 (a) General rule.--Any person who has been denied a driver's  
15 license, whose driver's license has been canceled, whose  
16 commercial driver's license designation has been removed or  
17 whose operating privilege has been recalled, suspended, revoked  
18 or disqualified by the department shall have the right to appeal  
19 to the court vested with jurisdiction of such appeals by or  
20 pursuant to Title 42 (relating to judiciary and judicial  
21 procedure). The appellant shall serve a copy of the petition for

1 appeal, together with a copy of the notice of the action from  
2 which the appeal has been taken, upon the department's legal  
3 office.

4 (b) Supersedeas.--

5 (1) (i) Except as provided in subparagraphs (ii) and  
6 (iii), filing and service of a petition for appeal from a  
7 suspension or revocation shall operate as a supersedeas  
8 until final determination of the matter by the court  
9 vested with the jurisdiction of such appeals.

10 (ii) The filing and service of a petition for appeal  
11 from denial, recall, suspension or cancellation of a  
12 driver's license or removal of the commercial driver's  
13 license designation under section 1503 (relating to  
14 persons ineligible for licensing; license issuance to  
15 minors; junior driver's license), 1504 (relating to  
16 classes of licenses), 1509 (relating to qualifications  
17 for school bus driver endorsement), 1514 (relating to  
18 expiration and renewal of drivers' licenses), 1519  
19 (relating to determination of incompetency) [or], 1572  
20 (relating to cancellation of driver's license) or 1609.3  
21 (relating to noncompliance with certification  
22 requirements) shall not act as a supersedeas unless  
23 ordered by the court after a hearing attended by the  
24 petitioner.

25 (iii) Further review by another court shall not  
26 operate as a supersedeas unless a court of competent  
27 jurisdiction determines otherwise.

28 (2) In the case of a disqualification of the commercial  
29 operating privilege, the driver may petition to the court of  
30 common pleas of his county of residence, which court may

grant a supersedeas ex parte upon a showing of reasonable likelihood of successful prosecution of the appeal.

(c) Proceedings of court.--The court shall set the matter for hearing upon 60 days' written notice to the department and determine whether the petitioner's driver's license should be denied or canceled, the petitioner's operating privilege should be suspended, revoked or recalled or the petitioner's endorsement or commercial driver's license designation should be removed.

(d) Documentation.--

(1) In any proceeding under this section, documents received by the department from the courts or administrative bodies of other states or the Federal Government shall be admissible into evidence to support the department's case. In addition, the department may treat the received documents as documents of the department and use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). In addition, if the department receives information from courts or administrative bodies of other states or the Federal Government by means of electronic transmission, it may certify that it has received the information by means of electronic transmission and that certification shall be prima facie proof of the adjudication and facts contained in such an electronic transmission.

(2) In any proceeding under this section, documents received by the department from any other court or from an insurance company shall be admissible into evidence to

1 support the department's case. In addition, if the department  
2 receives information from a court by means of electronic  
3 transmission or from an insurance company which is complying  
4 with its obligation under Subchapter H of Chapter 17  
5 (relating to proof of financial responsibility) by means of  
6 electronic transmission, it may certify that it has received  
7 the information by means of electronic transmission, and that  
8 certification shall be prima facie proof of the adjudication  
9 and facts contained in such an electronic transmission.

10 § 1572. Cancellation of driver's license.

11 (a) General rule.--

12 (1) The department may cancel any driver's license upon  
13 determining that one of the following applies:

14 (i) The licensee was not entitled to the issuance.

15 (ii) The person failed to give the required or  
16 correct information on an application or certification or  
17 committed fraud in making the application or in obtaining  
18 the license.

19 (iii) The license has been materially altered.

20 (iv) The fee has not been paid.

21 (v) The licensee voluntarily surrenders his driving  
22 privilege.

23 \* \* \*

24 Section 2. Section 1603 of Title 75 is amended by adding a  
25 definition to read:

26 § 1603. Definitions.

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

30 \* \* \*

1 "Medical examiner." A person who is licensed, certified or  
2 registered, in accordance with applicable State laws and  
3 regulations, to perform physical examinations. The term  
4 includes, but is not limited to, doctors of medicine, doctors of  
5 osteopathy, physician assistants, advanced practice nurses and  
6 doctors of chiropractic.

7 \* \* \*

8 Section 3. Title 75 is amended by adding sections to read:  
9 § 1609.1. Type of driving certification requirements.

10 (a) Self-certification requirement.--Each applicant for a  
11 commercial driver learner's permit or initial commercial  
12 driver's license shall make one of the applicable self-  
13 certifications from the following:

14 (1) Nonexcepted interstate. A person shall certify that  
15 the person operates or expects to operate in interstate  
16 commerce, is both subject to and meets the medical  
17 qualification requirements under 49 CFR Pt. 391 (relating to  
18 qualifications of drivers and longer combination vehicle  
19 (LCV) driver instructors) and acknowledges that the person is  
20 required to obtain a medical certificate by 49 CFR § 391.45  
21 (relating to persons who must be medically examined and  
22 certified).

23 (2) Excepted interstate. A person shall certify that the  
24 person operates or expects to operate in interstate commerce,  
25 but engages exclusively in transportation or operations  
26 excepted under 49 CFR § 390.3(f) (relating to general  
27 applicability), 391.2 (relating to general exceptions),  
28 391.68 (relating to private motor carrier of passengers  
29 (nonbusiness)) or 398.3 (relating to qualifications of  
30 drivers or operators) from all or parts of the qualification

1 requirements of 49 CFR Pt. 391, and is therefore not required  
2 to obtain a medical examiner's certificate by 49 CFR §  
3 391.45.

4 (3) Nonexcepted intrastate. A person shall certify that  
5 the person operates in intrastate commerce, is both subject  
6 to and meets the medical qualification requirements in 67 Pa.  
7 Code Ch. 231 (relating to intrastate motor carrier safety  
8 requirements) and acknowledges that the person is required to  
9 obtain a medical certificate.

10 (4) Excepted intrastate. A person shall certify that the  
11 person operates in intrastate commerce, but engages  
12 exclusively in transportation or operations excepted from all  
13 or parts of the driver qualification requirements in 67 Pa.  
14 Code Ch. 231 and is not required to obtain a medical  
15 certificate.

16 (b) Existing drivers.--Each holder of a CDL issued under  
17 this chapter shall submit to the department a self-certification  
18 of driving which complies with the requirements of subsection  
19 (a) within 30 days of notice by the department.

20 § 1609.2. Medical certification.

21 (a) Medical certification requirements.--A person who  
22 certifies that the person operates or expects to operate a  
23 commercial motor vehicle in nonexcepted interstate or  
24 nonexcepted intrastate commerce shall provide the department  
25 with an original or photographic copy of a medical examiner's  
26 certificate prepared by a medical examiner. The medical  
27 examiner's certificate shall be valid for up to two years from  
28 the date of the medical examination.

29 (b) Maintaining the medical certification.--A CDL holder who  
30 certifies that the holder operates or intends to operate a

commercial motor vehicle in nonexcepted interstate or  
nonexcepted intrastate commerce shall provide the department  
with an original or copy of each subsequently issued medical  
examiner's certificate.

(c) Noncompliance with medical requirements.--Upon the  
expiration of a medical certification or a medical variance  
issued by the Federal Motor Carrier Safety Administration or the  
department, or if the Federal Motor Carrier Safety  
Administration notifies the department that a medical variance  
was rescinded, the department shall notify a nonexcepted  
commercial driver that the driver is no longer in conformance  
with the medical certification requirements and that the CDL  
designation will be removed from the driver's license unless the  
driver submits a current medical certificate or medical variance  
or changes the driver's self-certification to driving only in  
excepted interstate or excepted intrastate commerce.

§ 1609.3. Noncompliance with certification requirements.

The department shall remove the commercial driver's license  
designation from the license of a person who is not in  
compliance with either the medical certification requirements of  
section 1609.2 (relating to medical certification) or the self-  
certification requirements of section 1609.1 (relating to type  
of driving certification requirements).

Section 4. Sections 1610(b)(2) and 1611(1) of Title 75 are  
amended to read:

§ 1610. Commercial driver's license.

\* \* \*

(b) Classifications, endorsements and restrictions.--

\* \* \*

(2) The following codes shall be used as required to

1 describe the commercial driver's license endorsements and  
2 restrictions. Additional endorsements and restrictions may be  
3 added by regulation for use on the commercial driver's  
4 license:

5 A - Restricts the driver to driving within an exempt  
6 intracity zone under 49 CFR. § 391.62 (relating  
7 to limited exemptions for intra-city zone  
8 drivers).

9 G - Indicates qualified medically by operation of 49  
CFR § 391.62.

10 H - Authorizes the driver to operate a vehicle  
11 transporting hazardous materials.

12 L - Restricts the driver to vehicles not equipped  
13 with air brakes.

14 N - Authorizes driving tank vehicles.

15 P - Authorizes driving vehicles carrying passengers.

16 Q - Requires the driver to wear corrective lenses.

17 S - Authorizes the driver to operate a school bus.

18 T - Authorizes driving double and triple trailers.

19 V - Indicates that the driver has been issued a  
medical variance.

20 X - Represents a combination of hazardous materials  
21 and tank vehicle endorsements.

22 Y - Requires the driver to wear a hearing aid.

23 \* \* \*

24 § 1611. Disqualification.

25 \* \* \*

26 (1) Disqualification for incomplete, incorrect or fraudulent  
27 application or certification.--The department shall disqualify  
28 any person from driving a commercial motor vehicle for 60 days



1 upon canceling the person's commercial driver's license pursuant  
2 to section 1572(a)(1)(ii) (relating to cancellation of driver's  
3 license) involving an application or certification related to  
4 the requirements of this chapter.

5 \* \* \*

6 Section 5. This act shall take effect ~~in 90 days~~  
7 IMMEDIATELY.

