



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 2296

PRINTERS NO. 4542 PRIME SPONSOR: Mizgorski

### COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	\$0
Motor License Fund	See "Fiscal Impact"	See "Fiscal Impact"
Public Transportation Trust Fund	See "Fiscal Impact"	See "Fiscal Impact"
Judicial Computer System Augmentation Account	See "Fiscal Impact"	See "Fiscal Impact"
Municipal Funds	See "Fiscal Impact"	See "Fiscal Impact"

**SUMMARY:** Provides for bioptic telescope learner's permits and driver's licenses; notification requirements for CDL drivers; CDL exemptions for removing snow or ice from a roadway; adopting federal changes to CDL training and permit requirements; CDL disqualification for human trafficking; and exempting homeless individuals from ID Card fees.

**ANALYSIS:** This legislation makes several omnibus changes to Title 75 (Vehicles).

**Bioptic Telescope Learner's Permit:** Section 2 amends section 1505 (Related to learner's permits) to allow an individual with visual acuity less than 20/100 combined visual acuity, but at least 20/200 visual acuity in the best corrected eye to be eligible to apply for a bioptic telescope learner's permit if they meet the following conditions:

1. The applicant is given a complete vision exam, including plotted visual fields, and meets the necessary visual requirements.
2. The applicant has color vision sufficient to respond correctly to the presence of, or changes in, traffic light color, pavement markings, road signs, turn indicators, brake lights, emergency flashers or the presence of other road users, including emergency vehicles, as determined by a qualified health care provider.
3. The applicant provides proof of having a prescription bioptic telescope lens system in the applicant's physical possession for at least three months, and a statement of successful completion of at least 10 hours of front seat passenger-in-car instructions while wearing a bioptic telescope by a low-vision rehabilitation professional.
4. The applicant provides a letter of enrollment with a low-vision rehabilitation professional.
5. Bioptic telescope correction is no greater than a 6x telescope and firmly fixed in the glasses or attached permanently to the bridge of the frame.

Upon application, PennDOT must issue a bioptic telescope learner's permit authorizing the permittee to drive only while wearing a bioptic telescope lens and during 30 minutes after sunrise through 30 minutes through sunset only. The permit is valid for 12 months.

Before a permit holder may take the driver's exam for a driver's license they must:

1. Obtain a minimum of 20 hours of behind-the-wheel driver training using a bioptic telescope with a certified driving instructor or certified driver rehabilitation specialist knowledgeable in the use of a bioptic telescope for driving.
2. After completion of the above training, complete a minimum of 45 hours of observed driving hours with a licensed driver who is at least 21 years of age. The driving under this paragraph must include five hours of adverse weather driving. This requirement may be waived for experienced drivers with stable visual acuity and fields of vision and a clean driving record based on the recommendation of a low-vision rehabilitation professional.
3. After completion of the above training and driving, the permittee must be reevaluated by a low-vision rehabilitation professional. Based on the reevaluation, the low-vision rehabilitation specialist may recommend that PennDOT schedule the permittee for an on-road driving examination administered by PennDOT.

An out-of-state driver wishing to transfer their out-of-state bioptic telescope license to a PA license must satisfy all the bioptic telescope Related requirements. PennDOT may grant a waiver of these requirements if the following conditions are met:

1. The individual shows proof of at least three years of experience driving with a valid bioptic telescope driver's license.
2. The individual shows proof of a clean driving record for the previous three years prior to application for a driver's license in PA with bioptic telescope restrictions.
3. The individual has been assessed by a low-vision rehabilitation professional, who must determine whether the individual demonstrates the appropriate skills to operate a motor vehicle safely while using bioptic telescopes.

A bioptic telescope driver's license has the following restrictions:

1. The individual's driving privilege is limited to roads other than freeways.
2. The individual's driving privilege is limited to passenger vehicles weighing no more than 10,000 lbs. and excludes operation of a motorcycle.
3. If determined by PennDOT or low-vision rehabilitation professional to be appropriate, the individual's driving privilege may be limited to driving within a limited radius of the individual's residence.
4. If the individual has visual acuity of less than 20/50 vision using bioptic telescope lenses while driving, the individual may drive in daylight hours only.
5. If the applicant has visual acuity of 20/40 or better vision using bioptic telescope lenses while driving, the individual may apply for nighttime driving after one year provided:
  - The individual has committed no violations of this title and has had no accidents reported during that year.
  - The individual is reevaluated by a certified driving instructor or certified driver rehabilitation specialist knowledgeable in the use of bioptic telescopes for driving, and the instructor or specialist recommends allowing nighttime driving.

6. A violation of a condition or limitation in this subsection shall result in the recall of the bioptic telescope license. An annual review of the individual's accident and violation history shall be conducted by PennDOT. The bioptic telescope license may be recalled if PennDOT determines that the individual was involved in an at-fault accident or convicted of two moving violations committed within a one-year period. A bioptic telescope licensee will be subject to an annual vision assessment to determine whether the licensee's vision continues to meet the bioptic telescope Related vision standards.

**Notification Requirements for CDL Drivers:** Section 3 amends section 1604 (Related to notification requirements for drivers) to require that a driver of a commercial motor vehicle who is cited, arrested or charged with violating a federal or state law or local ordinance relating to motor vehicle traffic control, other than a parking violation, must notify their employer in writing within 30 days of the date of receiving the citation or being arrested or officially charged. An employer that receives such a notice from an employee can not terminate them for providing the notice unless the employee is convicted of the violation.

A person who fails to provide their employer timely notice is subject to a summary offense and a \$100 fine. If an unreported violation is a serious traffic offense, DUI, felony or is punishable by imprisonment for more than five years, an additional \$300 fine will be imposed.

**Exemption from a CDL for Removing Snow or Ice from a Roadway:** Section 4 amends section 1606 (Related to requirement for commercial driver's license) to allow a person to operate a commercial motor vehicle without a CDL for removing snow or ice from a roadway under the following conditions:

- A driver who is 18 years of age or older and employed by a political subdivision may operate a commercial motor vehicle within the boundaries of the political subdivision for the purpose of removing snow or ice from a roadway by plowing, sanding or salting if:
  - The properly licensed employee who ordinarily operates a commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding or salting is unable to operate the vehicle, or
  - The political subdivision determines that a snow or ice emergency exists that requires additional assistance.
- The driver must have a certificate of authorization from the head of the political subdivision while operating the commercial motor vehicle. An individual operating a commercial motor vehicle under this paragraph shall not be subject to sanctions under the provisions of this chapter or section 3742.1 (Related to accidents involving death or personal injury while not properly licensed).

**CDL Training and Permit Requirements:** Section 5 amends section 1607 (Related to commercial driver's license qualification standards) to clarify that a person must complete training prescribed by Title 49 (Transportation) of the Code of Federal Regulations, before taking the knowledge test for a hazardous materials endorsement for the first time. The validity of a commercial learner's permit is extended to one year from the date of issuance, instead of the current 180 days of issuance plus an optional 180-day extension, without having to retake the general and endorsement knowledge tests.

A person must complete training as prescribed by 49 CFR 380 before taking the skills test for a Class A or Class B commercial driver's license or a passenger (P) or School Bus (S) endorsement for the first time. This requirement does not apply to an individual who obtained a permit for a CDL before February 7, 2020 or a later date as permitted by federal regulation, if the individual obtains a commercial driver's license before the learner's permit or renewal expires.

PennDOT shall waive the knowledge test under this section, subject to the limitations in Title 49 of the Code of Federal Regulations, for an applicant. This will allow PennDOT to waive a CDL knowledge test to current and former military members whose job classifications require them to drive commercial motor vehicle for the military. There is already a CDL skills test waiver.

**CDL Disqualification for Human Trafficking:** Section 6 amends section 1611 (Related to disqualification) to require that PennDOT disqualify an individual from operating a commercial motor vehicle for life upon receiving a record of conviction of using a commercial motor vehicle in commission of a felony involving an act or practice of a severe form of trafficking in persons, as defined under section 103 of the Victims of Trafficking and Violence Protection Act of 2000.

**ID Card Fees for Homeless Individuals:** Section 6 amends section 1901 (Related to exemption of fees) to state that no fee shall be charged for an initial or renewal identification card, including for a photograph, to an individual who affirms in writing that they are:

- Homeless, as defined on the effective date of this legislation in section 103 of the McKinney Vento Homeless Assistance Act);
- A resident of this Commonwealth; and
- Aware of the prohibitions on unsworn falsification in Title 18 (Crimes and Offenses).

**Effective dates:** The legislation would take effect as follows:

The following provisions shall take effect in 60 days:

- A CDL holder's requirement to notify their employer of being cited, arrested or charged for a traffic violation.
- PennDOT's requirement to waive the knowledge test for an individual applying for a commercial driver learner's permit who meets the all the requirements for waiver outlined under federal regulations.
- Free ID Cards for homeless individuals.

The following provisions shall take effect in 6 months:

- Extending the period for a commercial driver's learner's permit from 180 days to 1-year.
- Disqualification for a CDL holder convicted of human trafficking.

The following provisions shall take effect in 10 months:

- Establish procedure for issuing a bioptic telescope learner's permit and driver's license.

The following provisions shall take effect January 1, 2022:

- New training requirements for CDL holders to comply with FMCSA regulations.

The remainder of the legislation shall take effect immediately.

**FISCAL IMPACT:** According to PennDOT, this legislation would require one-time computer system changes and ongoing additional staffing cost of \$1,823,200 and \$250,000, respectively.

The department provided the following estimated costs based upon components:

- Section 1607 (relating to commercial driver's license qualification standards - extension of timeframe) - \$300,000 for computer system changes;
- Section 1607 (relating to commercial driver's license qualification standards - entry level driver training) - \$900,000 for computer system changes;
- Section 1611 (relating to disqualification - human trafficking) - \$122,000 for computer system changes;
- Section 1901 (relating to exemption of persons, entities and vehicles from fees - free homeless identification cards) - \$1,200 for computer system changes;
- Multiple sections on bioptic telescope learner's permit and driver's licenses - \$500,000 for computer system changes; and
- Additional staffing costs: \$250,000 per year for three new positions (based on current \$83,874 salary/benefit rate)

The Public Transportation Trust Fund and Multimodal Transportation Fund may see reduced revenue as a result of the amendment to Section 1901, which provides for free identification cards for individuals who are homeless. Each identification card currently carries a cost of \$31.50 and will experience reduced revenue of \$3,150 for every 100 individuals receiving a card at no cost. It is unknown at this point how many individuals may apply for such identification card.

By adding new penalties for a CDL holder failing to report a traffic violation, this legislation could generate new revenue for the Judicial Computer System Augmentation Account as well as municipalities, depending on what level of police enforcement issues the violation. Any estimate of such revenue is indeterminable at this point.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** November 18, 2020

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*