

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 1458

PRINTER'S NO. 2817

AMOUNT

\$500,000

FUND

Motor License Fund

DATE INTRODUCED

May 4, 2011

PRIME SPONSOR

Representative Tallman

HISTORY OF BILL

Referred to TRANSPORTATION, May 4, 2011
Reported as committed, May 24, 2011
First consideration, May 24, 2011
Laid on the table, May 24, 2011
Removed from table, June 13, 2011
Second consideration, June 14, 2011
Re-committed to APPROPRIATIONS, June 14, 2011
Re-reported as committed, June 15, 2011
Third consideration and final passage, June 15, 2011 (201-0)
(Remarks see House Journal Page 1261), June 15, 2011
In the Senate
Referred to TRANSPORTATION, June 17, 2011
Reported as committed, Oct. 18, 2011
First consideration, Oct. 18, 2011
Re-referred to APPROPRIATIONS, Nov. 16, 2011
Re-reported as amended, Dec. 5, 2011

DESCRIPTION AND PURPOSE OF BILL

House Bill 1458 amends §6154 of Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide for an increase in a fine for a violation of non-reciprocity of operational limitations.

This legislation adds a subsection (b) that states that a person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$500 and not more than \$1,000 for each violation. Current law provides for a \$25 fine for each summary conviction under Title 75.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

Section 6154 applies to trucks that operate in Pennsylvania from other states with which the Pennsylvania Department of Transportation (Department) has entered into a reciprocity agreement. It states that if their state of origin imposes an operational limitation, burden or prohibition upon vehicles with a base jurisdiction of Pennsylvania but not upon vehicles with a base jurisdiction of the other state, the Commonwealth shall impose a like operational limitation, burden or prohibition upon the same class of vehicles that are operating in this Commonwealth but based in the other state. Operational limitations shall include the maximum weight, width, length or height of a vehicle.

Amendment #A06684 amends §1606 (b) of Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes by inserting an additional exemption to the requirement for a commercial driver's license. It exempts members of county emergency management organizations from commercial driver's license requirements when operating any rescue or emergency vehicle registered to the county and equipped with audible and visual signals.

Additionally, this amendment makes changes to several sections of Title 75 to satisfy the requirements of federal regulations regarding Commercial Driver's Licenses (CDLs) and Commercial Learner's Permits (CLPs). These changes are required in order to prevent the loss of federal funds and the loss of authority of the Commonwealth to issue any new CLPs or CDLs. Additionally, this amendment corrects some deficiencies identified in a compliance audit that was conducted by the Federal Motor Carrier Safety Administration (FMCSA). Without the passage of this amendment and ultimately this legislation, the Department would not be able to certify to the U.S. Department of Transportation that they are in compliance with all requirements of 49 U.S.C. §31311(a), as required by the Department prior to January 1, 2012 thereby risking the loss of approximately \$32.6 million in Federal funding.

This amendment essentially does the following:

- Enacts new requirements to verify medical certification status on CDL holders and applicants and must check the medical certification status of all applicants prior to issuing, upgrading, renewing, or transferring a CDL (required passage by January 1, 2012);
- Establishes the processes for requiring all new CDL applicants, applying on or after January 30, 2012, to certify whether they are engaged in interstate or intrastate commerce and whether they are subject to or exempt from state or federal medical standards; and
- Makes several technical changes to Title 75 in order to bring certain audit identified deficiencies into compliance with federal regulations.

The provisions amending 75 Pa.C.S. §1606 mentioned above will take effect in 60 days. The amended CDL provisions to bring the Commonwealth into compliance with federal regulations will take effect on January 30, 2012.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

FISCAL IMPACT:

House Bill 1458 Printer's Number 1764 has the potential to generate additional revenue to the Motor License Fund although it is not feasible to determine the number of violations that may occur and/or the amount of the fine that would be ordered by the court for each violation.

Amendment #A06684: The passage of this amendment would prevent the Commonwealth from losing approximately \$32.6 million in Federal funds resulting from non-compliance with federal regulations under 49 U.S.C. §31311(a), as mandated by the U.S. Department of Transportation. According to the Department, the cost to implement the necessary system changes required for the Federal CDL medical requirements is \$2.2 million; however, these costs would be offset by \$1.7 million in Federal grant funding. Therefore, the net fiscal impact to Commonwealth funds due to the passage of this amendment would be \$500,000.