

VEHICLE CODE (75 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Nov. 25, 2020, P.L. 1246, No. 131

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No. 2020-131

HB 2296

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in licensing of drivers, further providing for learners' permits, for examination of applicant for driver's license and for restrictions on drivers' licenses; in commercial drivers, further providing for notification requirements for drivers, for requirement for commercial driver's license, for commercial driver's license qualification standards and for disqualification; and in fees, further providing for exemption of persons, entities and vehicles from fees.

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

Section 1. Section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding definitions to read: § 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

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"Certified driver rehabilitation specialist." An experienced practitioner in the field of driver rehabilitation training who, through successful completion of a formal certification examination, has proven their capacity to provide driver rehabilitation services.

"Certified driving instructor." An individual who is certified by the Department of Education to teach the safe operation of motor vehicles.

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"Low-vision rehabilitation specialist. An individual who has been trained and certified regarding bioptic telescopes by an appropriate training program as approved by the department. The term includes an occupational therapist with specialty certification in low vision, a certified orientation and mobility specialist, a certified low-vision therapist, a teacher of visually impaired students, an optometrist, ophthalmologist and other eye care practitioner.

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Section 2. Sections 1505, 1508 and 1512 of Title 75 are amended by adding subsections to read:

§ 1505. Learners' permits.

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(h) Requirements for a bioptic telescope learner's permit.--An individual with visual acuity less than 20/100 combined visual acuity but at least 20/200 visual acuity in the best corrected eye shall be eligible to apply for a bioptic telescope learner's permit, provided the individual meets the following:

(1) The applicant is given a complete vision examination, including plotted visual fields, and meets the visual requirements necessary for bioptic telescope driving.

(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 instruction while wearing a bioptic telescope by a low-vision rehabilitation specialist.

(4) The applicant provides a letter of enrollment with a low-vision rehabilitation specialist.

(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.

(i) Issuance of bioptic telescope learner's permit.--

(1) Upon application by an eligible individual, the department shall 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 before sunset only.

(2) The bioptic telescope learner's permit shall be valid for 12 months.

(j) Authorization to test for driver's license with bioptic telescopes.--The following shall apply:

(1) Before an individual with a bioptic telescope learner's permit may take the examination for a driver's license, the individual must:

(i) 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.

(ii) After completion of the training under subparagraph (i), 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.

(iii) After completion of the training and driving under subparagraphs (i) and (ii), the permittee must be reevaluated by a low-vision rehabilitation specialist. Based on the reevaluation, the low-vision rehabilitation specialist may recommend the department schedule the permittee for an on-road driving examination administered by the department.

(2) Paragraph (1)(ii) 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 specialist.

§ 1508. Examination of applicant for driver's license.

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(b.1) Issuance of bioptic telescope driver's license to licensed nonresident.--

(1) A driver wishing to transfer the driver's out-of-state bioptic telescope driver's license to this Commonwealth must satisfy all the bioptic telescope-related requirements in section 1505 (relating to learners' permits).

(2) The department may grant a waiver of the requirements under paragraph (1), provided the following conditions are met:

(i) The individual shows proof of at least three years of experience driving with a valid bioptic telescope driver's license.

(ii) The individual shows proof of a clean driving record for the previous three years prior to application for a driver's license in this Commonwealth with bioptic telescope restrictions.

(3) The individual has been assessed by a low-vision rehabilitation specialist. The low-vision rehabilitation specialist must determine whether the individual demonstrates the appropriate skills to operate a motor vehicle safely while using bioptic telescopes.

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§ 1512. Restrictions on drivers' licenses.

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(c) Bioptic telescope restrictions.--After an individual meets the bioptic telescope learner's permit requirements and successfully passes a driver's examination administered by the department, the individual may be issued a restricted license with 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 pounds and excludes operation of a motorcycle.

(3) If determined by the department or low-vision rehabilitation specialist 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:

(i) the individual has committed no violations of this title and had no accidents reported during that year; and

(ii) 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 the department. The bioptic telescope license may be recalled if the department 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 shall be subject to an annual vision assessment to determine whether the licensee's vision continues to meet the bioptic telescope-related vision standards in section 1505 (relating to learners' permits).

Section 3. Section 1604(a) and (d) of Title 75 are amended and the section is amended by adding a subsection to read:

§ 1604. Notification requirements for drivers.

(a) Notification of convictions.--A driver of a commercial motor vehicle holding a driver's license issued by this Commonwealth who is convicted of violating a Federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any Federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify his employer in writing of the conviction within [30] 15 days of the date of conviction.

(a.1) Notification of charges.--

(1) A driver of a commercial motor vehicle holding a driver's license issued by this Commonwealth who is cited, arrested or charged with violating a Federal or State law or local ordinance relating to motor vehicle traffic control in this or any other state or any Federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify his employer in writing within 30 days of the date of receiving the citation or being arrested or officially charged.

(2) An employer that receives timely notice from an employee under paragraph (1) may not terminate the employee solely for providing the notice unless the employee is convicted of the violation.

* * *

(d) Penalties.--

(1) Any person who violates subsection (a), (a.1) or (c) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

(2) Any person who violates subsection (b) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

(3) In addition to the fine contained in paragraph (1), any person who violates subsection (a) or (a.1) shall, upon conviction, pay an additional fine of \$300 if the unreported conviction or citation, arrest or charge was related to any of the following violations:

(i) Violations under Subchapter B of Chapter 37 (relating to serious traffic offenses).

(ii) Section 3802 (relating to driving under influence of alcohol or controlled substance).

(iii) A Federal or State law or local ordinance in any other state or any Federal, provincial, territorial or municipal law in Canada that is classified as a felony or is punishable by imprisonment for more than five years.

(iv) A Federal or State law or local ordinance in any other state or any Federal, provincial, territorial or municipal law in Canada that is related to driving under the influence of drugs or alcohol.

Section 4. Section 1606(b) of Title 75 is amended by adding a paragraph to read:

§ 1606. Requirement for commercial driver's license.

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(b) Exemptions.--The following persons are not required to obtain a commercial driver's license in order to drive the commercial motor vehicle specified:

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(8) The following shall apply:

(i) 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:

(A) 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

(B) the political subdivision determines that a snow or ice emergency exists that requires additional assistance.

(ii) 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 (relating to accidents involving death or personal injury while not properly licensed).

* * *

Section 5. Section 1607(c) of Title 75 is amended by adding a paragraph, subsection (d)(4) is amended and the subsection is amended by adding paragraphs to read:

§ 1607. Commercial driver's license qualification standards.

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(c) Limitations on issuance of license.--

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(4) A person must complete training as prescribed by 49 CFR Pt. 380 (relating to special training requirements) before taking the knowledge test for a hazardous materials endorsement for the first time.

(d) Commercial driver learner's permit.--

* * *

(4) A commercial driver learner's permit shall be valid for a period of [180 days from the date of issuance and may be renewed for an additional period of up to 180 days] **one year from the date of issuance** without having to retake the general and endorsement knowledge tests.

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(12) A person must complete training as prescribed by 49 CFR Pt. 380 before taking the skills test for a Class A or Class B commercial driver's license for the first time.

(13) A person must complete training as prescribed by 49 CFR Pt. 380 before taking the skills test for a passenger (P) or school bus (S) endorsement for the first time.

(14) The requirements of paragraphs (12) and (13) do not apply to an individual who obtained a commercial driver learner's permit before February 7, 2020, or a later date as permitted by Federal regulation, if the individual obtains a commercial driver's license before the commercial driver learner's permit or commercial driver learner's permit renewal expires.

(15) The department shall waive the knowledge test specified under this section, subject to the limitations in 49 CFR 383.77, for an applicant who meets all the requirements for a waiver under 49 CFR 383.77(a).

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Section 6. Sections 1611 and 1901 of Title 75 are amended by adding subsections to read:

§ 1611. Disqualification.

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(q) Human trafficking.--The department shall 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 (Public Law 106-386, 114 Stat. 1464).
§ 1901. Exemption of persons, entities and vehicles from fees.
* * *

(b.1) Identification card fees.--No fee shall be charged for an initial or renewal identification card, including for a photograph required for an initial or renewal identification card, to an individual who affirms in writing that the individual is:

(1) homeless, as defined on the effective date of this subsection in section 103 of the McKinney-Vento Homeless Assistance Act (Public Law 100-77, 42 U.S.C. § 11302);

(2) a resident of this Commonwealth; and

(3) aware of the prohibitions on unsworn falsification to authorities set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
* * *

Section 7. This act shall take effect as follows:

(1) The following provisions shall take effect in 60 days:

(i) The amendment of 75 Pa.C.S. § 1604(a) and (d).

(ii) The addition of 75 Pa.C.S. § 1607(d)(15).

(iii) The addition of 75 Pa.C.S. § 1901(b.1).

(2) The following provisions shall take effect in six months:

(i) The amendment of 75 Pa.C.S. § 1607(d)(4).

(ii) The addition of 75 Pa.C.S. § 1611(q).

(3) The following provisions shall take effect in 10 months:

(i) The amendment of 75 Pa.C.S. § 102.

(ii) The amendment of 75 Pa.C.S. § 1505.

(iii) The amendment of 75 Pa.C.S. § 1508.

(iv) The amendment of 75 Pa.C.S. § 1512.

(4) The following provisions shall take effect January 1, 2022:

(i) The addition of 75 Pa.C.S. § 1607(c)(4).

(ii) The addition of 75 Pa.C.S. § 1607(d)(12), (13)

and (14).

(5) The remainder of this act shall take effect immediately.

APPROVED--The 25th day of November, A.D. 2020.

TOM WOLF