

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 498 Session of
1989

INTRODUCED BY WILT, SCANLON, SALVATORE, ANDREZESKI AND MADIGAN,
FEBRUARY 10, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 6, 1990

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, FURTHER PROVIDING FOR PAYMENT OF FEES AND TAXES <—
3 WHEN APPLYING FOR A CERTIFICATE OF TITLE; PROVIDING FOR <—
4 COMMERCIAL DRIVERS; FURTHER PROVIDING FOR BUSES, FOR ANTIQUE <—
5 AND CLASSIC VEHICLES, FOR EXEMPTIONS FROM LICENSING, FOR
6 CLASSES OF LICENSES, FOR SCHOOL BUS DRIVERS, FOR ISSUANCE AND
7 CONTENT OF DRIVER'S LICENSE, FOR PRODUCTION OF A DRIVER'S <—
8 LICENSE OR EVIDENCE TO AVOID CERTAIN PENALTIES, FOR
9 REVOCATION OR SUSPENSION OF OPERATING PRIVILEGE, FOR SCHEDULE
10 OF CONVICTIONS AND POINTS, FOR SURRENDER OF LICENSE, FOR
11 CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED
12 SUBSTANCE, FOR OCCUPATIONAL LIMITED LICENSES, FOR JUDICIAL <—
13 REVIEW, FOR VIOLATIONS CONCERNING LICENSES, FOR DRIVING UNDER
14 FOREIGN LICENSE DURING SUSPENSION OR REVOCATION AND FOR <—
15 CERTAIN INDEMNIFICATION PAYMENTS; PROVIDING FOR REGISTRATION
16 OF LIMOUSINES; authorizing dealers of motor carrier vehicles
17 and designated agents of the Department of Transportation to
18 be agents for the Department of Revenue for certain purposes
19 relating to the motor carrier road tax identification marker;
20 and further providing for penalties for operation of certain <—
21 vehicles without required identification markers, FOR <—
22 RECKLESS DRIVING, FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL
23 OR CONTROLLED SUBSTANCE, FOR ENFORCEMENT AGREEMENTS AND FOR
24 REPORTS BY COURTS; AND PROVIDING FOR CARELESS DRIVING.

25 The General Assembly of the Commonwealth of Pennsylvania

26 hereby enacts as follows:

27 ~~Section 1. Section 2102(c) of Title 75 of the Pennsylvania~~ <—

1 ~~Consolidated Statutes is amended to read:~~

2 SECTION 1. THE DEFINITIONS OF "BUS," "CLASSIC MOTOR <—
3 VEHICLE," "PASSENGER CAR" AND "SCHOOL BUS" IN SECTION 102 OF
4 TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED
5 AND THE SECTION IS AMENDED BY ADDING ~~A DEFINITION~~ DEFINITIONS TO <—
6 READ:

7 § 102. DEFINITIONS.

8 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
9 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
10 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
11 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
12 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

13 * * *

14 "BUS."

15 [(1) AT ALL TIMES PRIOR TO JULY 1, 1986, A MOTOR VEHICLE
16 DESIGNED FOR CARRYING MORE THAN TEN PASSENGERS, EXCLUSIVE OF
17 THE DRIVER, AND USED FOR THE TRANSPORTATION OF PERSONS AND A
18 MOTOR VEHICLE, OTHER THAN A TAXICAB, DESIGNED AND USED FOR
19 THE TRANSPORTATION OF PERSONS FOR COMPENSATION.

20 (2) ON AND AFTER JULY 1, 1986, A MOTOR VEHICLE DESIGNED
21 FOR CARRYING MORE THAN TEN PERSONS, INCLUDING THE DRIVER, AND
22 USED FOR THE TRANSPORTATION OF PERSONS AND A MOTOR VEHICLE,
23 OTHER THAN A TAXICAB, DESIGNED AND USED FOR THE
24 TRANSPORTATION OF PERSONS FOR COMPENSATION. THE TERM DOES NOT
25 INCLUDE A VEHICLE OWNED BY A NATURAL PERSON WHICH IS USED
26 SOLELY FOR NONCOMMERCIAL PURPOSES, OR A VEHICLE USED IN A
27 RIDESHARING ARRANGEMENT, AS DEFINED IN THE ACT OF DECEMBER
28 14, 1982 (P.L.1211, NO.279), ENTITLED "AN ACT PROVIDING FOR
29 RIDESHARING ARRANGEMENTS AND PROVIDING THAT CERTAIN LAWS
30 SHALL BE INAPPLICABLE TO RIDESHARING ARRANGEMENTS."]

1 (1) A MOTOR VEHICLE DESIGNED TO TRANSPORT 16 OR MORE
2 PASSENGERS, INCLUDING THE DRIVER; ~~AND~~ OR <—

3 (2) A MOTOR VEHICLE, OTHER THAN A TAXICAB OR LIMOUSINE, <—
4 DESIGNED TO TRANSPORT NOT MORE THAN 15 PASSENGERS, INCLUDING
5 THE DRIVER, AND USED FOR THE TRANSPORTATION OF PERSONS FOR
6 COMPENSATION.

7 THE TERM DOES NOT INCLUDE A VEHICLE USED IN A RIDESHARING
8 ARRANGEMENT, AS DEFINED IN THE ACT OF DECEMBER 14, 1982
9 (P.L.1211, NO.279), ENTITLED "AN ACT PROVIDING FOR RIDESHARING
10 ARRANGEMENTS AND PROVIDING THAT CERTAIN LAWS SHALL BE
11 INAPPLICABLE TO RIDESHARING ARRANGEMENTS," OR A SCHOOL BUS.

12 * * *

13 ["CLASSIC MOTOR VEHICLE." A SELF-PROPELLED VEHICLE, BUT NOT <—
14 A REPRODUCTION THEREOF, MANUFACTURED MORE THAN TEN YEARS PRIOR
15 TO THE CURRENT YEAR AND, BECAUSE OF DISCONTINUED PRODUCTION AND
16 LIMITED AVAILABILITY, DETERMINED BY THE DEPARTMENT TO BE A MODEL
17 OR MAKE OF SIGNIFICANT VALUE TO COLLECTORS OR EXHIBITORS AND
18 WHICH HAS BEEN MAINTAINED IN OR RESTORED TO A CONDITION WHICH IS
19 SUBSTANTIALLY IN CONFORMITY WITH MANUFACTURER SPECIFICATIONS AND
20 APPEARANCE.]

21 "CLASSIC MOTOR VEHICLE." A MOTOR VEHICLE, BUT NOT A
22 REPRODUCTION THEREOF, MANUFACTURED AT LEAST TEN YEARS PRIOR TO
23 THE EFFECTIVE DATE OF THE AMENDMENT TO THIS DEFINITION AND,
24 BECAUSE OF LIMITED AVAILABILITY, DETERMINED BY THE DEPARTMENT TO
25 BE A MODEL OR MAKE OF SIGNIFICANT VALUE TO COLLECTORS OR
26 EXHIBITORS AND WHICH HAS BEEN MAINTAINED IN OR RESTORED TO A
27 CONDITION WHICH IS SUBSTANTIALLY IN CONFORMITY WITH MANUFACTURER
28 SPECIFICATIONS AND APPEARANCE, PROVIDED THAT FIVE YEARS FROM THE
29 EFFECTIVE DATE OF THE AMENDMENT TO THIS DEFINITION AND
30 THEREAFTER, ONLY A VEHICLE WHICH WAS MANUFACTURED AT LEAST 15

1 YEARS PRIOR THERETO AND, BECAUSE OF LIMITED AVAILABILITY,
2 DETERMINED BY THE DEPARTMENT TO BE A MODEL OR MAKE OF
3 SIGNIFICANT VALUE TO COLLECTORS OR EXHIBITORS AND WHICH HAS BEEN
4 MAINTAINED IN OR RESTORED TO CONDITION WHICH IS SUBSTANTIALLY IN
5 CONFORMITY WITH MANUFACTURER SPECIFICATIONS AND APPEARANCE SHALL
6 BE CONSIDERED A CLASSIC MOTOR VEHICLE UNDER THIS TITLE. ANY
7 CLASSIC MOTOR VEHICLE REGISTERED UNDER SECTION 1340 (RELATING TO
8 ANTIQUE AND CLASSIC PLATES) ON THE EFFECTIVE DATE OF THE
9 AMENDMENT TO THIS DEFINITION WHICH FAILS TO QUALIFY AS A CLASSIC
10 MOTOR VEHICLE PURSUANT TO THESE PROVISIONS MAY RETAIN SUCH
11 CLASSIC REGISTRATION UNLESS ANOTHER TYPE OF REGISTRATION IS
12 APPLIED FOR AND ISSUED FOR THE VEHICLE.

13 * * *

14 "LIMOUSINE." A MOTOR VEHICLE DESIGNED FOR CARRYING NO MORE ←
15 THAN NINE PASSENGERS, EXCLUSIVE OF THE DRIVER, AND USED FOR THE
16 TRANSPORTATION OF PERSONS FOR COMPENSATION.

17 * * *

18 "PASSENGER CAR." A MOTOR VEHICLE, EXCEPT A MOTORCYCLE,
19 DESIGNED FOR CARRYING [TEN] NO MORE THAN 15 PASSENGERS [OR
20 LESS], INCLUDING THE DRIVER, AND PRIMARILY USED FOR THE
21 TRANSPORTATION OF PERSONS.

22 * * *

23 "SCHOOL BUS." A MOTOR VEHICLE WHICH [COMPLIES WITH THE COLOR
24 AND LIGHTING IDENTIFICATION REQUIREMENTS OF SECTION 4552
25 (RELATING TO GENERAL REQUIREMENTS FOR SCHOOL BUSES).]:

26 (1) IS DESIGNED AND USED TO CARRY 11 PASSENGERS OR MORE,
27 INCLUDING THE DRIVER; AND ←

28 (2) IS USED FOR THE TRANSPORTATION OF PREPRIMARY,
29 PRIMARY OR SECONDARY SCHOOL STUDENTS, PERSONNEL OR CHAPERONES
30 TO SUCH SCHOOLS OR SCHOOL-RELATED ACTIVITIES FROM HOME, OR

1 FROM SUCH SCHOOLS OR SCHOOL-RELATED ACTIVITIES TO HOME.
2 "SCHOOL VEHICLE." A MOTOR VEHICLE, EXCEPT A MOTORCYCLE,
3 DESIGNED FOR CARRYING NO MORE THAN TEN PASSENGERS, INCLUDING THE
4 DRIVER, AND USED FOR THE TRANSPORTATION OF PREPRIMARY, PRIMARY
5 OR SECONDARY SCHOOL STUDENTS WHILE REGISTERED BY OR UNDER
6 CONTRACT TO A SCHOOL DISTRICT OR PRIVATE OR PAROCHIAL SCHOOL.
7 THE TERM INCLUDES VEHICLES HAVING CHARTERED, GROUP AND PARTY
8 RIGHTS UNDER THE PENNSYLVANIA PUBLIC UTILITY COMMISSION AND USED
9 FOR THE TRANSPORTATION OF SCHOOL CHILDREN.

10 * * *

11 SECTION 2. SECTIONS 1103(B) AND (D), 1340, 1501(C) AND (D), <—
12 1502(1), 1504(D), 1509 HEADING AND (A), 1510(A), 1511(B), <—
13 1532(B)(1), 1535(A), 1540(B) AND (C), 1547(D), ~~1550, 1571(A)(1)~~ <—
14 ~~AND (4) AND 1573, 1573 AND 1575~~ AND 1550 OF TITLE 75 ARE AMENDED <—
15 TO READ:

16 § 1103. APPLICATION FOR CERTIFICATE OF TITLE. <—

17 * * *

18 (B) SIGNING AND FILING OF APPLICATION.--APPLICATION FOR A
19 CERTIFICATE OF TITLE SHALL BE MADE WITHIN TEN DAYS OF THE SALE
20 OR TRANSFER OF A VEHICLE OR ITS ENTRY INTO THIS COMMONWEALTH
21 FROM ANOTHER JURISDICTION, WHICHEVER IS LATER. THE APPLICATION
22 SHALL BE ACCOMPANIED BY THE FEE PRESCRIBED IN THIS TITLE, AND
23 ANY TAX PAYABLE BY THE APPLICANT UNDER THE LAWS OF THIS
24 COMMONWEALTH IN CONNECTION WITH THE ACQUISITION OR USE OF A
25 VEHICLE OR EVIDENCE TO SHOW THAT THE TAX HAS BEEN COLLECTED. THE
26 FEE PRESCRIBED BY THIS TITLE AND THE TAX DUE THE COMMONWEALTH
27 SHALL EACH BE PAID BY SEPARATE CHECKS OR OTHER INSTRUMENTS DRAWN
28 BY THE APPLICANT OR HIS LENDER PAYABLE TO THE ORDER OF THE
29 DEPARTMENT. THE APPLICATION SHALL BE SIGNED AND VERIFIED BY OATH
30 OR AFFIRMATION BY THE APPLICANT IF A NATURAL PERSON; IN THE CASE

1 OF AN ASSOCIATION OR PARTNERSHIP, BY A MEMBER OR A PARTNER; AND
2 IN THE CASE OF A CORPORATION, BY AN EXECUTIVE OFFICER OR SOME
3 PERSON SPECIFICALLY AUTHORIZED BY THE CORPORATION TO SIGN THE
4 APPLICATION.

5 * * *

6 (D) VEHICLES PURCHASED FROM DEALERS.--IF THE APPLICATION
7 REFERS TO A VEHICLE PURCHASED FROM A DEALER, THE DEALER SHALL
8 MAIL OR DELIVER THE APPLICATION TO THE DEPARTMENT WITHIN TEN
9 DAYS OF THE DATE OF PURCHASE. THE APPLICATION SHALL CONTAIN THE
10 NAMES AND ADDRESSES OF ANY LIENHOLDERS IN ORDER OF PRIORITY, THE
11 AMOUNTS AND THE DATES OF THE SECURITY AGREEMENTS, AND BE
12 ASSIGNED BY THE DEALER TO THE OWNER AND SIGNED BY THE OWNER. ANY
13 DEALER VIOLATING THIS SUBSECTION IS GUILTY OF A SUMMARY OFFENSE
14 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$50
15 FOR EACH VIOLATION. THE REQUIREMENT THAT THE DEALER MAIL OR
16 DELIVER THE APPLICATION TO THE DEPARTMENT DOES NOT APPLY TO
17 VEHICLES PURCHASED BY FLEET OWNERS OR GOVERNMENTAL OR QUASI-
18 GOVERNMENTAL AGENCIES. ANY DEALER WHO COLLECTS TAXES AND FEES
19 DUE THE COMMONWEALTH AS A PART OF THE TRANSACTION AND FAILS TO
20 REMIT THE TAXES AND FEES WITHIN THE PRESCRIBED TIME SHALL BE THE
21 PARTY SOLELY LIABLE FOR THE TAXES AND FEES DUE, AND
22 NOTWITHSTANDING THE PROVISIONS OF SECTION 1109 (RELATING TO
23 REFUSING ISSUANCE OF CERTIFICATE OF TITLE) SUCH NONPAYMENT SHALL
24 NOT DELAY THE ISSUANCE OF THE TITLE OR A VALID REGISTRATION TO
25 THE PURCHASER.

26 * * *

27 § 1340. ANTIQUE AND CLASSIC PLATES.

28 (A) GENERAL RULE.--UPON SUBMISSION BY A VEHICLE OWNER OF
29 INFORMATION SATISFACTORY TO THE DEPARTMENT THAT A MOTOR VEHICLE
30 IS AN ANTIQUE MOTOR VEHICLE OR CLASSIC MOTOR VEHICLE,

1 ACCOMPANIED BY THE APPROPRIATE FEE, THE DEPARTMENT MAY ISSUE
2 SPECIAL PLATES FOR THE VEHICLE. NO ANNUAL REGISTRATION FEE MAY
3 BE CHARGED FOR ANTIQUE OR CLASSIC MOTOR VEHICLES.

4 (B) USE OF PLATES.--IT IS UNLAWFUL FOR ANY PERSON TO OPERATE
5 A VEHICLE WITH ANTIQUE OR CLASSIC REGISTRATION PLATES FOR
6 GENERAL DAILY TRANSPORTATION. PERMITTED USE SHALL BE LIMITED TO
7 PARTICIPATION IN CLUB ACTIVITIES, EXHIBITS, TOURS, PARADES,
8 OCCASIONAL TRANSPORTATION AND SIMILAR USES. OCCASIONAL
9 TRANSPORTATION SHALL MEAN NO MORE THAN TWO DAYS PER WEEK.

10 § 1501. DRIVERS REQUIRED TO BE LICENSED.

11 * * *

12 (C) LIMITATION ON NUMBER OF LICENSES.--NO PERSON SHALL
13 RECEIVE A DRIVER'S LICENSE UNLESS AND UNTIL THE PERSON
14 SURRENDERS TO THE DEPARTMENT ALL VALID LICENSES IN THE PERSON'S
15 POSSESSION ISSUED BY THIS OR ANY OTHER STATE. ALL SURRENDERED
16 LICENSES ISSUED BY ANOTHER STATE SHALL BE RETURNED TO THAT
17 STATE, TOGETHER WITH INFORMATION THAT THE PERSON IS LICENSED IN
18 THIS COMMONWEALTH. NO PERSON SHALL BE PERMITTED TO HAVE MORE
19 THAN ONE VALID DRIVER'S LICENSE ISSUED BY THIS OR ANY OTHER
20 STATE AT ANY TIME. A NONRESIDENT WHO HOLDS A NONRESIDENT
21 COMMERCIAL DRIVER'S LICENSE ISSUED BY THE COMMONWEALTH UNDER
22 CHAPTER 16 (RELATING TO COMMERCIAL DRIVERS) SHALL BE PERMITTED
23 TO HAVE A REGULAR DRIVER'S LICENSE ISSUED BY THE COUNTRY OF HIS
24 RESIDENCE.

25 * * *

26 (D) PENALTY.--ANY PERSON VIOLATING SUBSECTION (A) IS GUILTY
27 OF A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO
28 PAY A FINE OF \$200, EXCEPT THAT, IF THE PERSON CHARGED FURNISHES
29 SATISFACTORY PROOF OF HAVING HELD A DRIVER'S LICENSE VALID ON
30 THE LAST DAY OF THE PRECEDING DRIVER'S LICENSE PERIOD AND NO

1 MORE THAN ONE YEAR HAS ELAPSED FROM THE LAST DATE FOR RENEWAL,
2 THE FINE SHALL BE \$25. NO PERSON CHARGED WITH VIOLATING
3 SUBSECTION (A) OR (B) SHALL BE CONVICTED IF THE PERSON PRODUCES
4 AT THE OFFICE OF THE ISSUING AUTHORITY WITHIN [FIVE] 15 DAYS OF
5 THE VIOLATION:

6 (1) A DRIVER'S LICENSE VALID IN THIS COMMONWEALTH AT THE
7 TIME OF THE VIOLATION; OR

8 (2) IF THE DRIVER'S LICENSE IS LOST, STOLEN, DESTROYED
9 OR ILLEGIBLE, EVIDENCE THAT THE DRIVER WAS LICENSED AT THE
10 TIME OF THE VIOLATION.

11 § 1502. PERSONS EXEMPT FROM LICENSING.

12 THE FOLLOWING PERSONS ARE NOT REQUIRED TO OBTAIN A DRIVER'S
13 LICENSE UNDER THIS CHAPTER:

14 (1) ANY EMPLOYEE OF THE FEDERAL GOVERNMENT WHILE
15 OPERATING A MOTOR VEHICLE OWNED BY OR LEASED TO THE FEDERAL
16 GOVERNMENT AND BEING OPERATED ON OFFICIAL BUSINESS UNLESS THE
17 EMPLOYEE IS REQUIRED BY THE FEDERAL GOVERNMENT OR ANY AGENCY
18 THEREOF TO HAVE A STATE DRIVER'S LICENSE. THIS EXEMPTION
19 SHALL NOT APPLY TO THE OPERATION OF COMMERCIAL MOTOR
20 VEHICLES, AS DEFINED IN CHAPTER 16 (RELATING TO COMMERCIAL
21 DRIVERS).

22 * * *

23 § 1504. CLASSES OF LICENSES.

24 * * *

25 (D) NUMBER AND DESCRIPTION OF CLASSES.--LICENSES ISSUED BY
26 THE DEPARTMENT SHALL BE CLASSIFIED IN THE FOLLOWING MANNER:

27 [(1) CLASS 1.--A CLASS 1 LICENSE SHALL BE ISSUED TO
28 THOSE PERSONS WHO HAVE DEMONSTRATED THEIR QUALIFICATIONS TO
29 OPERATE A SINGLE VEHICLE NOT IN EXCESS OF 30,000 POUNDS
30 REGISTERED GROSS WEIGHT OR ANY SUCH VEHICLE TOWING A TRAILER

1 NOT IN EXCESS OF 10,000 POUNDS GROSS WEIGHT. ANY FIREMAN WHO
2 IS THE HOLDER OF A CLASS 1 LICENSE AND WHO HAS A CERTIFICATE
3 OF AUTHORIZATION FROM HIS FIRE CHIEF SHALL BE AUTHORIZED TO
4 OPERATE ANY VEHICLE REGISTERED TO THE FIRE DEPARTMENT
5 REGARDLESS OF THE OTHER REQUIREMENTS OF THIS SECTION AS TO
6 THE CLASS OF LICENSE REQUIRED. THE HOLDER OF A CLASS 1
7 LICENSE SHALL ALSO BE AUTHORIZED TO DRIVE A MOTORIZED
8 PEDALCYCLE OR A THREE-WHEELED MOTORCYCLE EQUIPPED WITH AN
9 ENCLOSED CAB. THE HOLDER OF A CLASS 1 LICENSE SHALL NOT BE
10 DEEMED QUALIFIED TO OPERATE BUSES, SCHOOL BUSES OR
11 MOTORCYCLES UNLESS THE LICENSE IS ENDORSED AS PROVIDED IN
12 THIS SECTION.

13 (2) CLASS 2.--A CLASS 2 LICENSE SHALL BE ISSUED TO THOSE
14 PERSONS OVER 18 YEARS OF AGE WHO HAVE DEMONSTRATED THEIR
15 QUALIFICATIONS TO OPERATE A SINGLE VEHICLE OF OVER 30,000
16 POUNDS REGISTERED GROSS WEIGHT OR ANY BUS OR ANY SUCH VEHICLE
17 TOWING A TRAILER NOT IN EXCESS OF 10,000 POUNDS GROSS WEIGHT.
18 THE HOLDER OF A CLASS 2 LICENSE SHALL BE DEEMED QUALIFIED TO
19 OPERATE THOSE VEHICLES FOR WHICH A CLASS 1 LICENSE IS ISSUED,
20 BUT NOT SCHOOL BUSES OR MOTORCYCLES UNLESS THE LICENSE IS
21 ENDORSED AS PROVIDED IN THIS SECTION.

22 (3) CLASS 3.--A CLASS 3 LICENSE SHALL BE ISSUED TO THOSE
23 PERSONS OVER 18 YEARS OF AGE WHO HAVE DEMONSTRATED THEIR
24 QUALIFICATIONS TO OPERATE A VEHICLE WHILE IN COMBINATION WITH
25 OR TOWING A TRAILER IN EXCESS OF 10,000 POUNDS GROSS WEIGHT.
26 THE HOLDER OF A CLASS 3 LICENSE SHALL BE DEEMED QUALIFIED TO
27 OPERATE THOSE VEHICLES FOR WHICH A CLASS 1 OR CLASS 2 LICENSE
28 IS ISSUED, BUT NOT SCHOOL BUSES OR MOTORCYCLES UNLESS THE
29 LICENSE IS ENDORSED AS PROVIDED IN THIS SECTION.

30 (4) CLASS 4.--PERSONS WHO HAVE QUALIFIED TO OPERATE

1 SCHOOL BUSES IN ACCORDANCE WITH THIS TITLE AND THE RULES AND
2 REGULATIONS PROMULGATED AND ADOPTED BY THE DEPARTMENT SHALL
3 HAVE THE QUALIFICATION ENDORSED ON THE LICENSE ON THE LICENSE
4 AS PROVIDED IN THIS SECTION.

5 (5) CLASS 5.--THOSE PERSONS WHO HAVE DEMONSTRATED THEIR
6 QUALIFICATIONS TO OPERATE A MOTORCYCLE, SHALL HAVE THAT
7 QUALIFICATION ENDORSED ON ONE OF THE BASIC CLASSES OF LICENSE
8 DESCRIBED IN THIS SECTION. IF A PERSON IS QUALIFIED ONLY TO
9 OPERATE A MOTORCYCLE HE SHALL BE ISSUED A LICENSE WITH ONLY
10 THAT QUALIFICATION ENDORSED ON THE LICENSE.

11 (6) CLASS 6.--THOSE PERSONS WHO HAVE DEMONSTRATED THEIR
12 QUALIFICATIONS TO OPERATE A MOTOR-DRIVEN CYCLE OR MOTORIZED
13 PEDALCYCLE SHALL HAVE THAT QUALIFICATION ENDORSED ON ONE OF
14 THE BASIC CLASSES OF LICENSE DESCRIBED IN THIS SECTION. IF A
15 PERSON IS QUALIFIED ONLY TO OPERATE A MOTOR-DRIVEN CYCLE OR
16 MOTORIZED PEDALCYCLE HE SHALL BE ISSUED A LICENSE WITH ONLY
17 THAT QUALIFICATION ENDORSED ON THE LICENSE.]

18 (1) CLASS A.--A CLASS A LICENSE SHALL BE ISSUED TO THOSE
19 PERSONS 18 YEARS OF AGE OR OLDER WHO HAVE DEMONSTRATED THEIR
20 QUALIFICATIONS TO OPERATE ANY COMBINATION OF VEHICLES WITH A
21 GROSS VEHICLE WEIGHT RATING OF 26,001 POUNDS OR MORE,
22 PROVIDED THE GROSS VEHICLE WEIGHT RATING OF THE VEHICLE OR
23 VEHICLES BEING TOWED IS IN EXCESS OF 10,000 POUNDS. ←
24 ~~OR ANY~~
25 ~~COMBINATION OF VEHICLES WITH A GROSS COMBINATION VEHICLE~~
26 ~~WEIGHT RATING OF NOT MORE THAN 26,000 POUNDS, PROVIDED THE~~
27 ~~GROSS VEHICLE WEIGHT RATING OF THE VEHICLE OR VEHICLES BEING~~
28 ~~TOWED IS IN EXCESS OF 10,000 POUNDS, IN WHICH CASE THE~~
29 ~~LICENSE WILL BE RESTRICTED TO SUCH COMBINATIONS.~~

30 (I) THE HOLDER OF A CLASS A LICENSE SHALL BE DEEMED
QUALIFIED TO OPERATE THOSE VEHICLES FOR WHICH A CLASS B

1 OR CLASS C LICENSE IS ISSUED.

2 (II) WHERE REQUIRED UNDER THIS TITLE, APPROPRIATE
3 ENDORSEMENTS MUST BE OBTAINED.

4 (2) CLASS B.--A CLASS B LICENSE SHALL BE ISSUED TO THOSE
5 PERSONS 18 YEARS OF AGE OR OLDER WHO HAVE DEMONSTRATED THEIR
6 QUALIFICATIONS TO OPERATE ANY SINGLE VEHICLE WITH A GROSS
7 VEHICLE WEIGHT RATING OF 26,001 POUNDS OR MORE, OR ANY SUCH
8 VEHICLE TOWING A VEHICLE HAVING A GROSS VEHICLE WEIGHT RATING
9 OF NOT MORE THAN 10,000 POUNDS.

10 (I) THE HOLDER OF A CLASS B LICENSE SHALL BE DEEMED
11 QUALIFIED TO OPERATE THOSE VEHICLES FOR WHICH A CLASS C
12 LICENSE IS ISSUED.

13 (II) WHERE REQUIRED UNDER THIS TITLE, APPROPRIATE
14 ENDORSEMENTS MUST BE OBTAINED.

15 (3) CLASS C.--A CLASS C LICENSE SHALL BE ISSUED TO THOSE
16 PERSONS 18 YEARS OF AGE OR OLDER, EXCEPT AS PROVIDED IN
17 SECTION 1503 (RELATING TO PERSONS INELIGIBLE FOR LICENSING),
18 WHO HAVE DEMONSTRATED THEIR QUALIFICATIONS TO OPERATE ANY
19 SINGLE VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF NOT MORE
20 THAN 26,000 POUNDS OR ANY SUCH VEHICLE TOWING A VEHICLE WITH <—
21 ~~A GROSS VEHICLE WEIGHT RATING OF NOT MORE THAN 10,000 POUNDS.~~
22 IF THE GROSS COMBINATION VEHICLE WEIGHT RATING IS NOT MORE <—
23 THAN 26,000 POUNDS.

24 (I) WHERE REQUIRED UNDER THIS TITLE, APPROPRIATE
25 ENDORSEMENTS MUST BE OBTAINED.

26 (II) ANY FIREFIGHTER WHO IS THE HOLDER OF A CLASS C
27 LICENSE AND WHO HAS A CERTIFICATE OF AUTHORIZATION FROM
28 HIS FIRE CHIEF SHALL BE AUTHORIZED TO OPERATE ANY FIRE OR
29 EMERGENCY VEHICLE REGISTERED TO THE FIRE DEPARTMENT,
30 REGARDLESS OF THE OTHER REQUIREMENTS OF THIS SECTION AS

1 TO THE CLASS OF LICENSE REQUIRED. NO FIRE CHIEF, FIRE
2 DEPARTMENT, INCLUDING ANY VOLUNTEER FIRE COMPANY, OR
3 MUNICIPALITY SHALL BE LIABLE FOR ANY CIVIL DAMAGES AS A
4 RESULT OF THE ISSUANCE OF A CERTIFICATE AUTHORIZED UNDER
5 THIS PARAGRAPH UNLESS SUCH ACT CONSTITUTED A CRIME,
6 ACTUAL FRAUD, ACTUAL MALICE OR WILLFUL MISCONDUCT.

7 (III) THE HOLDER OF A CLASS C LICENSE SHALL ALSO BE
8 AUTHORIZED TO DRIVE A MOTORIZED PEDALCYCLE OR A THREE-
9 WHEELED MOTORCYCLE EQUIPPED WITH AN ENCLOSED CAB, BUT NOT
10 A MOTORCYCLE UNLESS THE LICENSE IS ENDORSED, AS PROVIDED
11 IN THIS TITLE.

12 (4) CLASS M.--A CLASS M LICENSE SHALL BE ISSUED TO THOSE
13 PERSONS WHO HAVE DEMONSTRATED THEIR QUALIFICATIONS TO OPERATE
14 A MOTORCYCLE OR MOTOR-DRIVEN CYCLE. IF A PERSON IS QUALIFIED
15 TO OPERATE ONLY A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, HE SHALL
16 BE ISSUED A CLASS M LICENSE ONLY.

17 * * *

18 § 1509. QUALIFICATIONS FOR [CLASS 4 LICENSE] SCHOOL BUS DRIVER
19 ENDORSEMENT.

20 (A) SCHOOL BUS DRIVER REQUIREMENTS.--NO PERSON SHALL BE
21 ISSUED [A CLASS 4 LICENSE] AN ENDORSEMENT TO OPERATE A SCHOOL
22 BUS UNLESS THE PERSON:

23 (1) HAS SUCCESSFULLY COMPLETED A COURSE OF INSTRUCTION
24 AS PROVIDED IN SUBSECTION (C);

25 (2) HAS SATISFACTORILY PASSED AN ANNUAL PHYSICAL
26 EXAMINATION TO BE GIVEN BY THE PHYSICIAN FOR THE SCHOOL
27 DISTRICT BY WHICH THE PERSON IS EMPLOYED[; AND], IN
28 ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED AND ADOPTED
29 BY THE DEPARTMENT;

30 (3) IS 18 YEARS OF AGE OR OLDER[.]; AND

1 (4) IS QUALIFIED TO OPERATE SCHOOL BUSES IN ACCORDANCE
2 WITH THIS TITLE AND THE RULES AND REGULATIONS PROMULGATED AND
3 ADOPTED BY THE DEPARTMENT.

4 * * *

5 § 1510. ISSUANCE AND CONTENT OF DRIVER'S LICENSE.

6 (A) GENERAL RULE.--THE DEPARTMENT SHALL, UPON PAYMENT OF THE
7 REQUIRED FEE, ISSUE TO EVERY QUALIFIED APPLICANT A DRIVER'S
8 LICENSE INDICATING THE TYPE OR GENERAL CLASS OF VEHICLES THE
9 LICENSEE IS AUTHORIZED TO DRIVE AND ANY ENDORSEMENTS OR
10 RESTRICTIONS, WHICH LICENSE SHALL CONTAIN A DISTINGUISHING
11 NUMBER ASSIGNED BY THE DEPARTMENT TO THE LICENSEE, THE [SOCIAL
12 SECURITY] SOCIAL SECURITY NUMBER OF THE LICENSEE, THE ACTUAL
13 NAME, DATE OF BIRTH, RESIDENCE ADDRESS, A COLOR PHOTOGRAPH OR
14 PHOTOGRAPHIC FACSIMILE OF THE LICENSEE, SUCH OTHER INFORMATION
15 AS MAY BE REQUIRED BY THE DEPARTMENT, AND EITHER A FACSIMILE OF
16 THE SIGNATURE OF THE LICENSEE OR A SPACE UPON WHICH THE LICENSEE
17 SHALL WRITE HIS USUAL SIGNATURE WITH PEN AND INK. PERSONAL
18 MEDICAL DATA AND OTHER INFORMATION FOR USE IN AN EMERGENCY MAY
19 BE INCLUDED AS A PART OF THE LICENSE. INFORMATION OTHER THAN
20 THAT REQUIRED TO IDENTIFY THE LICENSEE, THE DISTINGUISHING
21 NUMBER AND THE CLASS OF LICENSE ISSUED MAY BE INCLUDED IN
22 MICRODATA FORM. NO DRIVER'S LICENSE SHALL BE VALID UNTIL IT HAS
23 BEEN SIGNED BY THE LICENSEE.

24 * * *

25 § 1511. CARRYING AND EXHIBITING DRIVER'S LICENSE ON DEMAND. <—

26 * * *

27 (B) PRODUCTION TO AVOID PENALTY.--NO PERSON SHALL BE
28 CONVICTED OF VIOLATING THIS SECTION OR SECTION 1501(A) (RELATING
29 TO DRIVERS REQUIRED TO BE LICENSED) IF THE PERSON PRODUCES AT
30 THE OFFICE OF THE ISSUING AUTHORITY OR THE ARRESTING OFFICER

1 WITHIN [FIVE] 15 DAYS A DRIVER'S LICENSE VALID IN THIS
2 COMMONWEALTH AT THE TIME OF THE ARREST.

3 § 1532. REVOCATION OR SUSPENSION OF OPERATING PRIVILEGE.

4 * * *

5 (B) SUSPENSION.--

6 (1) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE
7 OF ANY DRIVER FOR SIX MONTHS UPON RECEIVING A CERTIFIED
8 RECORD OF THE DRIVER'S CONVICTION OF ANY OFFENSE UNDER THE
9 FOLLOWING PROVISIONS:

10 SECTION 3367 (RELATING TO RACING ON HIGHWAYS).

11 SECTION 3733 (RELATING TO FLEEING OR ATTEMPTING TO
12 ELUDE POLICE OFFICER).

13 SECTION 3734 (RELATING TO DRIVING WITHOUT LIGHTS TO
14 AVOID IDENTIFICATION OR ARREST).

15 SECTION 3736 (RELATING TO RECKLESS DRIVING).

16 SECTION 3743 (RELATING TO ACCIDENTS INVOLVING DAMAGE
17 TO ATTENDED VEHICLE OR PROPERTY).

18 * * *

19 § 1535. SCHEDULE OF CONVICTIONS AND POINTS.

20 (A) GENERAL RULE.--A POINT SYSTEM FOR DRIVER EDUCATION AND
21 CONTROL IS HEREBY ESTABLISHED WHICH IS RELATED TO OTHER
22 PROVISIONS FOR USE, SUSPENSION AND REVOCATION OF THE OPERATING
23 PRIVILEGE AS SPECIFIED UNDER THIS TITLE. EVERY DRIVER LICENSED
24 IN THIS COMMONWEALTH WHO IS CONVICTED OF ANY OF THE FOLLOWING
25 OFFENSES SHALL BE ASSESSED POINTS AS OF THE DATE OF VIOLATION IN
26 ACCORDANCE WITH THE FOLLOWING SCHEDULE:

27 SECTION NUMBER	OFFENSE	POINTS
28 1512	VIOLATION OF RESTRICTION ON	
29	DRIVER'S LICENSE.	2
30 1571	VIOLATION CONCERNING LICENSE.	3

1	3102	FAILURE TO OBEY POLICEMAN OR	
2		AUTHORIZED PERSON.	2
3	3112(A)(3)(I)	FAILURE TO STOP FOR A RED LIGHT.	3
4	3114(A)(1)	FAILURE TO STOP FOR A FLASHING	
5		RED LIGHT.	3
6	3302	FAILURE TO YIELD HALF OF ROADWAY	
7		TO ONCOMING VEHICLE.	3
8	3303	IMPROPER PASSING.	3
9	3304	OTHER IMPROPER PASSING.	3
10	3305	OTHER IMPROPER PASSING.	3
11	3306(A)(1)	OTHER IMPROPER PASSING.	4
12	3306(A)(2)	OTHER IMPROPER PASSING.	3
13	3306(A)(3)	OTHER IMPROPER PASSING.	3
14	3307	OTHER IMPROPER PASSING.	3
15	3310	FOLLOWING TOO CLOSELY.	3
16	3321	FAILURE TO YIELD TO DRIVER ON THE	
17		RIGHT AT INTERSECTION.	3
18	3322	FAILURE TO YIELD TO ONCOMING	
19		DRIVER WHEN MAKING LEFT TURN.	3
20	3323(B)	FAILURE TO STOP FOR STOP SIGN.	3
21	3323(C)	FAILURE TO YIELD AT YIELD SIGN.	3
22	3324	FAILURE TO YIELD WHEN ENTERING OR	
23		CROSSING ROADWAY BETWEEN INTER-	
24		SECTIONS.	3
25	3332	IMPROPER TURNING AROUND.	3
26	3341	FAILURE TO STOP FOR FLASHING RED	
27		LIGHTS OR GATE AT RAILROAD	
28		CROSSING.	3
29	3344	FAILURE TO STOP WHEN ENTERING FROM	
30		ALLEY, DRIVEWAY OR BUILDING.	3

1	3345(A)	FAILURE TO STOP FOR SCHOOL BUS	
2		WITH FLASHING RED LIGHTS.	5
3		(AND 60 DAYS SUSPENSION)	
4	3361	DRIVING TOO FAST FOR CONDITIONS.	2
5	3362	EXCEEDING MAXIMUM SPEED.--OVER LIMIT:	
6		6-10	2
7		11-15	3
8		16-25	4
9		26-30	5
10		31-OVER	5
11		(AND DEPARTMENTAL HEARING	
12		AND SANCTIONS PROVIDED	
13		UNDER SECTION 1538(D))	
14	3365(B)	EXCEEDING SPECIAL SPEED LIMIT	
15		IN SCHOOL ZONE.	3
16	3365(C)	EXCEEDING SPECIAL SPEED LIMIT	
17		FOR TRUCKS ON DOWNGRADES.	3
18	3542(A)	FAILURE TO YIELD TO PEDESTRIAN IN	
19		CROSSWALK.	2
20	3547	FAILURE TO YIELD TO PEDESTRIAN ON	
21		SIDEWALK.	3
22	3549(A)	FAILURE TO YIELD TO BLIND	
23		PEDESTRIAN.	3
24	3702	IMPROPER BACKING.	3
25	3714	[RECKLESS] <u>CARELESS</u> DRIVING.	3
26	3745	LEAVING SCENE OF ACCIDENT	
27		INVOLVING PROPERTY DAMAGE ONLY.	4
28		* * *	
29	§ 1540.	SURRENDER OF LICENSE.	
30		* * *	

1 (B) SUSPENSION [OR], REVOCATION OR DISQUALIFICATION OF
2 OPERATING PRIVILEGE.--UPON THE SUSPENSION OR REVOCATION OF THE
3 OPERATING PRIVILEGE OR THE DISQUALIFICATION OF THE COMMERCIAL
4 OPERATING PRIVILEGE OF ANY PERSON BY THE DEPARTMENT, THE
5 DEPARTMENT SHALL FORTHWITH NOTIFY THE PERSON IN WRITING AT THE
6 ADDRESS OF RECORD TO SURRENDER HIS DRIVER'S LICENSE TO THE
7 DEPARTMENT FOR THE TERM OF SUSPENSION [OR], REVOCATION OR
8 DISQUALIFICATION. THE SUSPENSION [OR], REVOCATION OR
9 DISQUALIFICATION SHALL BE EFFECTIVE UPON A DATE DETERMINED BY
10 THE DEPARTMENT OR THE DATE OF SURRENDER OF THE LICENSE TO THE
11 DEPARTMENT IF THAT DATE IS SUBSEQUENT TO THE DEPARTMENT'S NOTICE
12 TO SURRENDER THE LICENSE, WHICHEVER OCCURS FIRST. UPON SURRENDER
13 OF THE LICENSE, THE DEPARTMENT SHALL ISSUE A RECEIPT SHOWING THE
14 DATE THAT IT RECEIVED THE LICENSE.

15 (C) SEIZURE OF REVOKED [AND], SUSPENDED, CANCELED OR
16 DISQUALIFIED LICENSES.--THE DEPARTMENT MAY DELEGATE AUTHORITY TO
17 ANY AUTHORIZED [DEPARTMENT] COMMONWEALTH EMPLOYEE, MEMBER OF THE
18 PENNSYLVANIA STATE POLICE OR LOCAL POLICE OFFICER TO SEIZE THE
19 DRIVER'S LICENSE OF ANY PERSON WHEN THE OPERATING PRIVILEGE OF
20 THAT PERSON HAS BEEN REVOKED [OR], SUSPENDED, CANCELED OR
21 DISQUALIFIED AND HIS DRIVER'S LICENSE HAS BEEN ORDERED TO BE
22 SURRENDERED BY A COURT OR DISTRICT ATTORNEY OR BY THE
23 DEPARTMENT. THE DEPARTMENT SHALL, BY REGULATION, PRESCRIBE THE
24 MANNER OF SELECTING THE COMMONWEALTH EMPLOYEES AND [STATE AND]
25 LOCAL POLICE OFFICERS TO SEIZE THE DRIVERS' LICENSES.

26 § 1547. CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR
27 CONTROLLED SUBSTANCE.

28 * * *

29 (D) PRESUMPTIONS FROM AMOUNT OF ALCOHOL.--IF CHEMICAL
30 TESTING OF A PERSON'S BREATH, BLOOD OR URINE SHOWS:

1 (1) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF
2 THE PERSON TESTED IS 0.05% OR LESS, IT SHALL BE PRESUMED THAT
3 THE PERSON TESTED WAS NOT UNDER INFLUENCE OF ALCOHOL AND THE
4 PERSON SHALL NOT BE CHARGED WITH ANY VIOLATION UNDER SECTION
5 3731(A)(1) OR (4) (RELATING TO DRIVING UNDER INFLUENCE OF
6 ALCOHOL OR CONTROLLED SUBSTANCE), OR, IF THE PERSON WAS SO
7 CHARGED PRIOR TO THE TEST, THE CHARGE SHALL BE VOID AB
8 INITIO. THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION
9 CONCERNING A VIOLATION OF SECTION 3731(A)(2) OR (3) OR (I).

10 (2) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF
11 THE PERSON TESTED IS IN EXCESS OF 0.05% BUT LESS THAN 0.10%,
12 THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION THAT THE
13 PERSON TESTED WAS OR WAS NOT UNDER THE INFLUENCE OF ALCOHOL,
14 BUT THIS FACT MAY BE CONSIDERED WITH OTHER COMPETENT EVIDENCE
15 IN DETERMINING WHETHER THE PERSON WAS OR WAS NOT UNDER THE
16 INFLUENCE OF ALCOHOL. THIS PROVISION SHALL NOT NEGATE THE
17 PROVISIONS OF SECTION 3731(I).

18 (3) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF
19 THE PERSON TESTED IS 0.10% OR MORE, THIS FACT MAY BE
20 INTRODUCED INTO EVIDENCE IF THE PERSON IS CHARGED WITH
21 VIOLATING SECTION 3731.

22 * * *

23 § 1550. JUDICIAL REVIEW.

24 (A) GENERAL RULE.--ANY PERSON DENIED A DRIVER'S LICENSE OR
25 WHOSE OPERATING PRIVILEGE HAS BEEN RECALLED, CANCELED, SUSPENDED
26 [OR], REVOKED OR DISQUALIFIED BY THE DEPARTMENT SHALL HAVE THE
27 RIGHT TO APPEAL TO THE COURT VESTED WITH JURISDICTION OF SUCH
28 APPEALS BY OR PURSUANT TO TITLE 42 (RELATING TO JUDICIARY AND
29 JUDICIAL PROCEDURE).

30 (B) SUPERSEDEAS.--[THE]

1 (1) IN THE CASE OF A RECALL, SUSPENSION, CANCELLATION OR
2 REVOICATION, THE FILING OF THE PETITION SHALL OPERATE AS A
3 SUPERSEDEAS, AND NO RECALL, SUSPENSION, CANCELLATION OR
4 REVOICATION SHALL BE IMPOSED AGAINST SUCH PERSON UNTIL FINAL
5 DETERMINATION OF THE MATTER.

6 (2) IN THE CASE OF A DISQUALIFICATION OF THE COMMERCIAL
7 OPERATING PRIVILEGE, THE DRIVER MAY PETITION TO THE COURT OF
8 COMMON PLEAS OF HIS COUNTY OF RESIDENCE, WHICH COURT MAY
9 GRANT A SUPERSEDEAS EX PARTE UPON A SHOWING OF REASONABLE
10 LIKELIHOOD OF SUCCESSFUL PROSECUTION OF THE APPEAL.

11 (C) PROCEEDINGS OF COURT.--THE COURT SHALL SET THE MATTER
12 FOR HEARING UPON 30 DAYS WRITTEN NOTICE TO THE DEPARTMENT AND
13 DETERMINE WHETHER THE PETITIONER IS IN FACT THE PERSON WHOSE
14 OPERATING PRIVILEGE IS SUBJECT TO THE RECALL, SUSPENSION,
15 CANCELLATION [OR], REVOICATION OR DISQUALIFICATION.

16 SECTION 3. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: <—
17 § 1553. OCCUPATIONAL LIMITED LICENSES.

18 (A) ISSUANCE.--THE DEPARTMENT MAY ISSUE AN OCCUPATIONAL
19 LIMITED LICENSE UNDER THE PROVISIONS OF THIS SECTION TO A DRIVER
20 WHOSE DRIVER'S LICENSE HAS BEEN SUSPENDED. IF THE UNDERLYING
21 REASON FOR THE SUSPENSION WAS CAUSED BY VIOLATIONS COMMITTED
22 WHILE THE DRIVER WAS OPERATING A COMMERCIAL MOTOR VEHICLE, THE
23 DRIVER SHALL NOT BE ISSUED AN OCCUPATIONAL LIMITED LICENSE FOR
24 THE PURPOSE OF OPERATING A COMMERCIAL MOTOR VEHICLE. THE
25 DEPARTMENT SHALL PROHIBIT THE ISSUANCE OF AN OCCUPATIONAL
26 LIMITED LICENSE WHEN DISQUALIFIED FROM DOING SO UNDER THE
27 COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 (PUBLIC LAW 99-570,
28 49 U.S.C. APP. § 2701 ET SEQ.).

29 (B) PETITION.--THE APPLICANT FOR AN OCCUPATIONAL LIMITED
30 LICENSE MUST FILE A PETITION WITH THE DEPARTMENT OF

1 TRANSPORTATION, SETTING FORTH IN DETAIL THE NEED FOR OPERATING A
2 MOTOR VEHICLE.

3 (C) FORM.--THE PETITION SHALL BE IN A FORM ESTABLISHED BY
4 THE DEPARTMENT OF TRANSPORTATION AND SHALL IDENTIFY THE SPECIFIC
5 MOTOR VEHICLE OR VEHICLES THE PETITIONER SEEKS PERMISSION TO
6 OPERATE, INCLUDING THE VEHICLE CLASSIFICATION AND ANY
7 ENDORSEMENTS REQUIRED FOR OPERATION. THE PETITION SHALL INCLUDE
8 THE EXPLANATION WHY THE OPERATION OF THE MOTOR VEHICLE IS
9 ESSENTIAL TO THE PERSON'S LIVELIHOOD AND IDENTIFY THE PERSON'S
10 OCCUPATION, STUDY OR TRADE. THE PETITION SHALL IDENTIFY THE
11 PETITIONER'S EMPLOYER AND INCLUDE PROOF OF FINANCIAL LIABILITY
12 COVERING ALL VEHICLES WHICH THE PETITIONER REQUESTS TO BE
13 ALLOWED TO OPERATE.

14 (D) FEE.--THE FEE FOR AN OCCUPATIONAL LIMITED LICENSE SHALL
15 BE \$25.

16 (E) UNAUTHORIZED ISSUANCE.--THE DEPARTMENT OF TRANSPORTATION
17 SHALL PROHIBIT ISSUANCE OF AN OCCUPATIONAL LICENSE TO:

18 (1) A DRIVER WHO HAS BEEN CONVICTED OF ANY FELONY IN THE
19 COMMISSION OF WHICH A MOTOR VEHICLE WAS USED.

20 (2) ANY PERSON REQUIRED BY THIS ACT TO TAKE AN
21 EXAMINATION AND HAS FAILED TO PASS SUCH EXAMINATION.

22 (3) ANY PERSON WHO HAS AN UNSATISFIED JUDGMENT AGAINST
23 HIM AS THE RESULT OF A MOTOR VEHICLE OPERATION, UNTIL SUCH
24 JUDGMENT HAS BEEN SATISFIED OR THE FINANCIAL RESPONSIBILITY
25 OF SUCH PERSON HAS BEEN ESTABLISHED.

26 (4) ANY PERSON APPLYING FOR A LIMITED LICENSE TO OPERATE
27 A COMMERCIAL MOTOR VEHICLE WHO HAS HAD HIS COMMERCIAL
28 DRIVER'S LICENSE PRIVILEGE DISQUALIFIED UNDER THE PROVISIONS
29 OF SECTION 1611 (RELATING TO DISQUALIFICATION).

30 (5) ANY PERSON WHO, AT THE TIME HE APPLIES FOR AN

1 OCCUPATIONAL DRIVER'S LICENSE, HAS PREVIOUSLY BEEN GRANTED
2 SUCH A PRIVILEGE WITHIN THE PERIOD OF FIVE YEARS NEXT
3 PRECEDING SUCH APPLICATION.

4 (6) ANY PERSON WHO HAS BEEN CONVICTED OF DRIVING UNDER
5 THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.

6 (7) ANY PERSON WHOSE LICENSE HAS BEEN SUSPENDED FOR
7 REFUSAL TO SUBMIT TO CHEMICAL TESTING TO DETERMINE THE AMOUNT
8 OF ALCOHOL OR CONTROLLED SUBSTANCE.

9 (8) ANY PERSON WHO HAS BEEN GRANTED ACCELERATED
10 REHABILITATIVE DISPOSITION FOR DRIVING UNDER THE INFLUENCE OF
11 ALCOHOL OR CONTROLLED SUBSTANCE AND WHOSE LICENSE HAS BEEN
12 SUSPENDED BY THE DEPARTMENT.

13 (9) ANY PERSON FOR THE PURPOSE OF DRIVING A SCHOOL BUS.

14 (10) ANY PERSON WHOSE LICENSE HAS BEEN SUSPENDED FOR A
15 VIOLATION OF 18 PA.C.S. § 6308 (RELATING TO PURCHASE,
16 CONSUMPTION, POSSESSION OR TRANSPORTATION OF LIQUOR OR MALT
17 OR BREWED BEVERAGES) DURING THE TERM OF THE PERSON'S
18 SUSPENSION.

19 (F) RESTRICTION; PENALTY.--THE OCCUPATIONAL LIMITED LICENSE
20 SHALL RESTRICT MOTOR VEHICLE OPERATION OF A LICENSEE TO DRIVING
21 TO AND FROM AND FOR THE PURPOSE OF THE LICENSEE'S OCCUPATION.
22 PERSONS VIOLATING THE RESTRICTIONS IMPOSED BY THE DEPARTMENT
23 SHALL PAY A FINE OF \$200 AND RECEIVE A ONE-YEAR SUSPENSION OF
24 THE OCCUPATIONAL LIMITED LICENSE PRIVILEGE.

25 SECTION 4. SECTIONS 1571(A)(1) AND (4), 1573 AND 1575 OF
26 TITLE 75 ARE AMENDED TO READ:

27 § 1571. VIOLATIONS CONCERNING LICENSES.

28 (A) OFFENSES DEFINED.--IT IS UNLAWFUL FOR ANY PERSON:

29 (1) TO EXHIBIT OR CAUSE OR PERMIT TO BE EXHIBITED OR
30 HAVE IN POSSESSION ANY RECALLED, CANCELED, SUSPENDED,

1 REVOKED, DISQUALIFIED, FICTITIOUS OR FRAUDULENTLY ALTERED
2 DRIVER'S LICENSE.

3 * * *

4 (4) TO FAIL OR REFUSE TO SURRENDER TO THE DEPARTMENT
5 UPON LAWFUL DEMAND A RECALLED, CANCELED, SUSPENDED, REVOKED,
6 DISQUALIFIED, FICTITIOUS OR FRAUDULENTLY ALTERED DRIVER'S
7 LICENSE.

8 * * *

9 § 1573. [DRIVING UNDER] DISPLAYING A FOREIGN LICENSE DURING
10 SUSPENSION OR REVOCATION.

11 [ANY] (A) OFFENSE DEFINED.--IT IS UNLAWFUL FOR ANY RESIDENT
12 OR NONRESIDENT WHOSE OPERATING PRIVILEGE TO DRIVE A MOTOR
13 VEHICLE IN THIS COMMONWEALTH HAS BEEN RECALLED, CANCELED,
14 SUSPENDED [OR], REVOKED OR DISQUALIFIED AS PROVIDED IN THIS
15 TITLE SHALL NOT [DRIVE A MOTOR VEHICLE IN THIS COMMONWEALTH
16 UNDER] DISPLAY A LICENSE OR PERMIT ISSUED BY ANY OTHER
17 JURISDICTION OR OTHERWISE DURING THE SUSPENSION OR AFTER THE
18 RECALL, CANCELLATION [OR], REVOCATION OR DISQUALIFICATION UNTIL
19 [A NEW DRIVER'S LICENSE IS OBTAINED WHEN AND AS PERMITTED UNDER
20 THIS CHAPTER.] THE INDIVIDUAL'S OPERATING PRIVILEGE HAS BEEN
21 RESTORED BY THE DEPARTMENT.

22 (B) DISPLAY OF REGULAR LICENSE.--

23 (1) A RESIDENT OF THIS COMMONWEALTH WHO HOLDS A
24 COMMERCIAL DRIVER'S LICENSE ISSUED BY THIS COMMONWEALTH UNDER
25 CHAPTER 16 (RELATING TO COMMERCIAL DRIVERS) SHALL BE
26 PERMITTED TO DISPLAY A REGULAR DRIVER'S LICENSE ISSUED BY THE
27 DEPARTMENT IN THE EVENT THAT THE RESIDENT'S COMMERCIAL
28 DRIVER'S LICENSE IS DISQUALIFIED.

29 (2) A NONRESIDENT WHO HOLDS A COMMERCIAL DRIVER'S
30 LICENSE ISSUED BY A STATE OTHER THAN THIS COMMONWEALTH SHALL

1 BE PERMITTED TO DISPLAY A REGULAR DRIVER'S LICENSE ISSUED BY
2 THAT PERSON'S STATE OF RESIDENCE IN THE EVENT THAT THE
3 NONRESIDENT'S COMMERCIAL DRIVER'S LICENSE IS DISQUALIFIED.

4 (3) A NONRESIDENT WHO HOLDS A NONRESIDENT COMMERCIAL
5 DRIVER'S LICENSE ISSUED BY THIS COMMONWEALTH UNDER CHAPTER 16
6 SHALL BE PERMITTED TO DISPLAY A REGULAR DRIVER'S LICENSE
7 ISSUED BY THE NONRESIDENT'S COUNTRY IN THE EVENT THAT THE
8 PERSON'S NONRESIDENT COMMERCIAL DRIVER'S LICENSE IS
9 DISQUALIFIED.

10 (C) PENALTY.--ANY PERSON VIOLATING THE PROVISIONS OF THIS
11 SECTION COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
12 SENTENCED TO PAY A FINE OF \$200. THIS PENALTY SHALL BE IN
13 ADDITION TO ANY OTHER PENALTIES IMPOSED UNDER THIS TITLE.

14 § 1575. PERMITTING VIOLATION OF TITLE. ←

15 (A) GENERAL RULE.--NO PERSON SHALL AUTHORIZE OR PERMIT A
16 MOTOR VEHICLE OWNED BY HIM OR UNDER HIS CONTROL TO BE DRIVEN IN
17 VIOLATION OF ANY OF THE PROVISIONS OF THIS TITLE.

18 (B) PENALTY.--ANY PERSON VIOLATING THE PROVISIONS OF
19 SUBSECTION (A) IS GUILTY OF THE SAME OFFENSE AS THE DRIVER OF
20 SUCH VEHICLE AND SUBJECT TO THE SAME PENALTIES INCLUDING ANY
21 SUSPENSION OR REVOCATION OF THE OPERATING PRIVILEGE OR THE
22 ASSESSMENT OF POINTS.

23 (C) INDEMNIFICATION; POINTS ASSESSMENT.--IN CASES WHERE A
24 DRIVER OF A MOTOR VEHICLE IS REQUIRED TO CONDUCT A PRE-TRIP
25 SAFETY INSPECTION PURSUANT TO DEPARTMENT REGULATIONS AND IS
26 SUBSEQUENTLY CONVICTED OF ONE OR MORE EQUIPMENT VIOLATIONS UNDER
27 THIS TITLE, THE OWNER OF THE VEHICLE SHALL INDEMNIFY THE DRIVER
28 FOR ANY FINES AND COSTS PAID IF THE SPECIFIC EQUIPMENT VIOLATION
29 WAS LISTED ON THE DRIVER'S PRE-TRIP INSPECTION REPORT AND
30 ACKNOWLEDGED IN WRITING BY THE OWNER. NO POINTS SHALL BE

1 ASSESSED BY THE DEPARTMENT AGAINST A DRIVER IN CONNECTION WITH
2 AN EQUIPMENT VIOLATION CONVICTION UNDER THIS TITLE WHERE THE
3 SPECIFIC EQUIPMENT VIOLATION WAS LISTED ON THE DRIVER'S PRE-TRIP
4 INSPECTION REPORT AND PRESENTED TO THE OWNER.

5 SECTION 3 5. TITLE 75 IS AMENDED BY ADDING A CHAPTER TO <—
6 READ:

7 CHAPTER 16

8 COMMERCIAL DRIVERS

9 SEC.

10 1601. SHORT TITLE OF CHAPTER.

11 1602. PURPOSE AND CONSTRUCTION OF CHAPTER.

12 1603. DEFINITIONS.

13 1604. NOTIFICATION REQUIREMENTS FOR DRIVERS.

14 1605. EMPLOYER RESPONSIBILITIES.

15 1606. REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE.

16 1607. COMMERCIAL DRIVER'S LICENSE QUALIFICATION STANDARDS.

17 1608. NONRESIDENT CDL.

18 1609. APPLICATION FOR COMMERCIAL DRIVER'S LICENSE.

19 1610. COMMERCIAL DRIVER'S LICENSE.

20 1611. DISQUALIFICATION.

21 1612. COMMERCIAL DRIVERS PROHIBITED FROM OPERATING WITH ANY
22 ALCOHOL IN SYSTEM.

23 1613. IMPLIED CONSENT REQUIREMENTS FOR COMMERCIAL MOTOR VEHICLE
24 DRIVERS.

25 1614. NOTIFICATION OF TRAFFIC CONVICTIONS.

26 1615. AUTHORITY TO ENTER AGREEMENTS.

27 1616. RECIPROCITY.

28 1617. FEES.

29 1618. FINES EXEMPT FROM JUDICIAL COMPUTER ACCOUNT.

30 § 1601. SHORT TITLE OF CHAPTER.

1 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE UNIFORM
2 COMMERCIAL DRIVER'S LICENSE ACT.

3 § 1602. PURPOSE AND CONSTRUCTION OF CHAPTER.

4 (A) PURPOSE.--THE PURPOSE OF THIS CHAPTER IS TO IMPLEMENT
5 THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 (PUBLIC LAW 99-
6 570, 49 U.S.C. APP. § 2701 ET SEQ.) AND REDUCE OR PREVENT
7 COMMERCIAL MOTOR VEHICLE ACCIDENTS, FATALITIES AND INJURIES BY:

8 (1) PERMITTING COMMERCIAL DRIVERS TO HOLD ONLY ONE
9 DRIVER'S LICENSE.

10 (2) DISQUALIFYING COMMERCIAL DRIVERS WHO HAVE COMMITTED
11 CERTAIN SERIOUS TRAFFIC VIOLATIONS, OR OTHER SPECIFIED
12 OFFENSES.

13 (3) STRENGTHENING LICENSING AND TESTING STANDARDS.

14 (B) CONSTRUCTION.--THIS CHAPTER IS A REMEDIAL LAW AND SHALL
15 BE LIBERALLY CONSTRUED TO PROMOTE THE PUBLIC HEALTH, SAFETY AND
16 WELFARE. TO THE EXTENT THAT THIS CHAPTER CONFLICTS WITH OTHER
17 DRIVER LICENSING PROVISIONS, THIS CHAPTER PREVAILS. WHERE THIS
18 CHAPTER IS SILENT, THE GENERAL DRIVER LICENSING PROVISIONS
19 APPLY.

20 § 1603. DEFINITIONS.

21 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
22 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
23 CONTEXT CLEARLY INDICATES OTHERWISE:

24 "COMMERCIAL DRIVER LEARNER'S PERMIT." A PERMIT ISSUED
25 PURSUANT TO SECTION 1607(D) (RELATING TO COMMERCIAL DRIVER'S
26 LICENSE QUALIFICATION STANDARDS).

27 "COMMERCIAL DRIVER'S LICENSE" OR "CDL." A DRIVER'S LICENSE
28 ISSUED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS CHAPTER
29 AUTHORIZING A PERSON 18 YEARS OF AGE OR OLDER TO DRIVE A CLASS
30 OF COMMERCIAL MOTOR VEHICLE.

1 "COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM" OR "CDLIS."
2 THE INFORMATION SYSTEM ESTABLISHED PURSUANT TO THE COMMERCIAL
3 MOTOR VEHICLE SAFETY ACT OF 1986 (PUBLIC LAW 99-570, 49 U.S.C.
4 APP. § 2701 ET SEQ.) TO SERVE AS A CLEARINGHOUSE FOR LOCATING
5 INFORMATION RELATED TO THE LICENSING AND IDENTIFICATION OF
6 COMMERCIAL MOTOR VEHICLE DRIVERS.

7 "COMMERCIAL MOTOR VEHICLE." A MOTOR VEHICLE DESIGNED OR USED
8 TO TRANSPORT PASSENGERS OR PROPERTY:

9 (1) IF THE VEHICLE HAS A GROSS VEHICLE WEIGHT RATING OF
10 26,001 OR MORE POUNDS OR SUCH LESSER RATING AS THE DEPARTMENT
11 SHALL ADOPT UNDER THE PROVISIONS OF SECTION 6103(C) (RELATING
12 TO PROMULGATION OF RULES AND REGULATIONS BY DEPARTMENT), AS
13 DETERMINED BY FEDERAL REGULATION AND PUBLISHED BY THE
14 DEPARTMENT AS A NOTICE IN THE PENNSYLVANIA BULLETIN;

15 (2) IF THE VEHICLE IS DESIGNED TO TRANSPORT 16 OR MORE
16 PASSENGERS, INCLUDING THE DRIVER;

17 (3) IF THE VEHICLE IS A SCHOOL BUS; OR

18 (4) IF THE VEHICLE IS TRANSPORTING HAZARDOUS MATERIALS
19 AND IS REQUIRED TO BE PLACARDED IN ACCORDANCE WITH DEPARTMENT
20 REGULATIONS.

21 THE TERM DOES NOT INCLUDE AN IMPLEMENT OF HUSBANDRY, OR
22 MOTORIZED CONSTRUCTION EQUIPMENT, INCLUDING, BUT NOT LIMITED TO,
23 MOTORSCRAPERS, BACKHOES, MOTORGRADERS, COMPACTORS, EXCAVATORS,
24 TRACTORS, TRENCHERS AND BULLDOZERS, OR ANY MOTOR HOME OR
25 RECREATIONAL TRAILER USED FOR TEMPORARY LIVING QUARTERS AND
26 OPERATED SOLELY FOR PERSONAL USE.

27 "CONTROLLED SUBSTANCE." ANY SUBSTANCE SO DEFINED OR
28 CLASSIFIED UNDER:

29 (1) THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS
30 THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

1 (2) SECTION 102(6) OF THE CONTROLLED SUBSTANCE ACT
2 (PUBLIC LAW 91-513, 21 U.S.C. § 802(6)).

3 (3) SCHEDULES I THROUGH V OF 21 CFR PART 1308.

4 (4) ANY REVISIONS TO PARAGRAPHS (2) OR (3) WHICH ARE
5 PUBLISHED BY THE DEPARTMENT AS NOTICES IN THE PENNSYLVANIA
6 BULLETIN.

7 "DISQUALIFICATION." A PROHIBITION AGAINST DRIVING A
8 COMMERCIAL MOTOR VEHICLE.

9 "EMPLOYER." ANY PERSON, INCLUDING THE UNITED STATES, A STATE
10 OR A POLITICAL SUBDIVISION OF A STATE, WHO OWNS OR LEASES A
11 COMMERCIAL MOTOR VEHICLE, OR ASSIGNS A PERSON TO DRIVE A
12 COMMERCIAL MOTOR VEHICLE.

13 "FELONY." AN OFFENSE UNDER STATE OR FEDERAL LAW WHICH IS
14 PUNISHABLE BY DEATH OR IMPRISONMENT EXCEEDING ONE YEAR.

15 "FOREIGN JURISDICTION." ANY JURISDICTION OTHER THAN A STATE
16 OF THE UNITED STATES.

17 "NONRESIDENT CDL." A COMMERCIAL DRIVER'S LICENSE ISSUED BY A
18 STATE TO AN INDIVIDUAL WHO RESIDES IN A FOREIGN JURISDICTION.

19 "OUT-OF-SERVICE ORDER." A TEMPORARY PROHIBITION AGAINST
20 DRIVING A COMMERCIAL MOTOR VEHICLE.

21 "SERIOUS TRAFFIC VIOLATION:"

22 (1) EXCESSIVE SPEEDING AS DEFINED BY THE UNITED STATES
23 SECRETARY OF TRANSPORTATION BY REGULATION AND PUBLISHED BY
24 THE DEPARTMENT AS A NOTICE IN THE PENNSYLVANIA BULLETIN.

25 (2) RECKLESS DRIVING.

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

29 (4) ANY VIOLATION OF SECTION 3326 (RELATING TO DUTY OF
30 DRIVER IN CONSTRUCTION AND MAINTENANCE AREAS) OR 3365(C)

1 (RELATING TO SPECIAL SPEED LIMITATIONS).

2 (5) ANY OTHER OFFENSES DEFINED BY THE UNITED STATES
3 SECRETARY OF TRANSPORTATION AS SERIOUS TRAFFIC VIOLATIONS AND
4 PUBLISHED BY THE DEPARTMENT AS A NOTICE IN THE PENNSYLVANIA
5 BULLETIN.

6 "STATE." A STATE OF THE UNITED STATES OR THE DISTRICT OF
7 COLUMBIA.

8 "UNITED STATES." THE FIFTY STATES AND THE DISTRICT OF
9 COLUMBIA.

10 § 1604. NOTIFICATION REQUIREMENTS FOR DRIVERS.

11 (A) NOTIFICATION OF CONVICTIONS.--A DRIVER OF A COMMERCIAL
12 MOTOR VEHICLE HOLDING A DRIVER'S LICENSE ISSUED BY THIS
13 COMMONWEALTH WHO IS CONVICTED OF VIOLATING A FEDERAL OR STATE
14 LAW OR LOCAL ORDINANCE RELATING TO MOTOR VEHICLE TRAFFIC CONTROL
15 IN THIS OR ANY OTHER STATE OR ANY FEDERAL, PROVINCIAL,
16 TERRITORIAL OR MUNICIPAL LAW RELATING TO MOTOR VEHICLE TRAFFIC
17 CONTROL IN CANADA, OTHER THAN PARKING VIOLATIONS, SHALL NOTIFY
18 HIS EMPLOYER, IN WRITING, OF THE CONVICTION WITHIN 30 DAYS OF
19 THE DATE OF CONVICTION.

20 (B) NOTIFICATION OF SUSPENSIONS, REVOCATIONS, CANCELLATIONS
21 AND DISQUALIFICATIONS.--EACH DRIVER OF A COMMERCIAL MOTOR
22 VEHICLE WHOSE OPERATING PRIVILEGE IS SUSPENDED, REVOKED OR
23 CANCELED BY ANY STATE, WHO LOSES THE PRIVILEGE TO DRIVE A
24 COMMERCIAL MOTOR VEHICLE IN ANY STATE FOR ANY PERIOD OR WHO IS
25 DISQUALIFIED FROM DRIVING A COMMERCIAL MOTOR VEHICLE FOR ANY
26 PERIOD, SHALL NOTIFY HIS EMPLOYER OF THAT FACT BEFORE THE END OF
27 THE BUSINESS DAY FOLLOWING THE DAY THE DRIVER RECEIVED NOTICE OF
28 THE SUSPENSION, REVOCATION, CANCELLATION, LOSS OR
29 DISQUALIFICATION.

30 (C) NOTIFICATION OF PREVIOUS EMPLOYMENT.--

1 (1) EACH PERSON WHO APPLIES FOR EMPLOYMENT AS A
2 COMMERCIAL MOTOR VEHICLE DRIVER SHALL PROVIDE THE EMPLOYER,
3 AT THE TIME OF THE APPLICATION FOR EMPLOYMENT, WITH THE
4 FOLLOWING INFORMATION FOR THE TEN YEARS PRECEDING THE DATE OF
5 APPLICATION:

6 (I) A LIST OF THE NAMES AND ADDRESSES OF THE
7 APPLICANT'S PREVIOUS EMPLOYERS FOR WHICH THE APPLICANT
8 WAS A DRIVER OF A COMMERCIAL MOTOR VEHICLE.

9 (II) THE DATES BETWEEN WHICH THE APPLICANT DROVE FOR
10 EACH EMPLOYER.

11 (III) THE REASON FOR LEAVING THAT EMPLOYER.

12 (2) THE APPLICANT SHALL CERTIFY THAT ALL INFORMATION
13 FURNISHED IS TRUE AND COMPLETE.

14 (3) AN EMPLOYER MAY REQUIRE AN APPLICANT TO PROVIDE
15 ADDITIONAL AND LEGALLY PERMITTED INFORMATION.

16 (D) PENALTIES.--

17 (1) ANY PERSON WHO VIOLATES SUBSECTION (A) OR (C)
18 COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
19 SENTENCED TO PAY A FINE OF \$100.

20 (2) ANY PERSON WHO VIOLATES SUBSECTION (B) COMMITTS A
21 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO
22 PAY A FINE OF \$200.

23 § 1605. EMPLOYER RESPONSIBILITIES.

24 (A) REQUIREMENTS.--EACH EMPLOYER SHALL REQUIRE THE APPLICANT
25 TO PROVIDE THE INFORMATION SPECIFIED IN SECTION 1604(C)
26 (RELATING TO NOTIFICATION REQUIREMENTS FOR DRIVERS). EACH
27 EMPLOYER SHALL INFORM THE APPLICANT THAT THE INFORMATION HE
28 PROVIDES IN ACCORDANCE WITH SECTION 1604(C) MAY BE USED, AND THE
29 APPLICANT'S PREVIOUS EMPLOYERS MAY BE CONTACTED FOR THE PURPOSE
30 OF INVESTIGATING THE APPLICANT'S WORK HISTORY.

1 (B) PROHIBITIONS.--NO EMPLOYER SHALL KNOWINGLY ALLOW,
2 REQUIRE, PERMIT OR AUTHORIZE A DRIVER TO DRIVE A COMMERCIAL
3 MOTOR VEHICLE DURING ANY PERIOD:

4 (1) IN WHICH:

5 (I) THE DRIVER'S LICENSE WAS SUSPENDED, REVOKED OR
6 CANCELED BY A STATE;

7 (II) THE DRIVER HAS LOST THE PRIVILEGE TO DRIVE A
8 COMMERCIAL MOTOR VEHICLE IN A STATE;

9 (III) THE DRIVER HAS BEEN DISQUALIFIED FROM DRIVING
10 A COMMERCIAL MOTOR VEHICLE;

11 (IV) THE DRIVER IS NOT LICENSED TO DRIVE A
12 COMMERCIAL VEHICLE; OR

13 (V) THE DRIVER IS NOT QUALIFIED BY REQUIRED CLASS OR
14 ENDORSEMENT TO OPERATE THE COMMERCIAL VEHICLE BEING
15 DRIVEN; OR

16 (2) IN WHICH THE DRIVER HAS MORE THAN ONE DRIVER'S
17 LICENSE.

18 ~~(C) TEST VEHICLES. EACH EMPLOYER SHALL PROVIDE A~~ <—
19 ~~REPRESENTATIVE VEHICLE TO ANY EMPLOYEE REQUIRED TO TAKE THE~~
20 ~~SKILLS TEST UNDER SECTION 1607 (RELATING TO COMMERCIAL DRIVER'S~~
21 ~~LICENSE QUALIFICATION STANDARDS).~~

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.

12 § 1606. REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE.

13 (A) WHEN REQUIRED.--NO PERSON, EXCEPT THOSE SPECIFICALLY
14 EXEMPTED IN SUBSECTION (B), SHALL DRIVE A COMMERCIAL MOTOR
15 VEHICLE UNLESS THE PERSON HAS BEEN ISSUED AND IS IN IMMEDIATE
16 POSSESSION OF A VALID COMMERCIAL DRIVER'S LICENSE AND APPLICABLE
17 ENDORSEMENTS VALID FOR THE VEHICLE HE IS DRIVING.

18 (B) EXEMPTIONS.--THE FOLLOWING PERSONS ARE NOT REQUIRED TO
19 OBTAIN A COMMERCIAL DRIVER'S LICENSE IN ORDER TO DRIVE THE
20 COMMERCIAL MOTOR VEHICLE SPECIFIED:

21 (1) A PERSON WITH A COMMERCIAL DRIVER LEARNER'S PERMIT
22 WHO IS ACCOMPANIED BY THE HOLDER OF A COMMERCIAL DRIVER'S
23 LICENSE VALID FOR THE VEHICLE BEING DRIVEN.

24 (2) A PERSON IN THE SERVICE OF THE ARMED FORCES OF THE
25 UNITED STATES, INCLUDING MEMBERS OF THE RESERVES AND NATIONAL
26 GUARD ON ACTIVE DUTY; PERSONNEL ON FULL-TIME NATIONAL GUARD
27 DUTY; AND PERSONNEL ON INACTIVE NATIONAL GUARD DUTY TRAINING
28 OR PART-TIME NATIONAL GUARD TRAINING AND NATIONAL GUARD
29 MILITARY TECHNICIANS WHO ARE REQUIRED TO WEAR MILITARY
30 UNIFORMS AND ARE SUBJECT TO THE UNIFORM CODE OF MILITARY

1 JUSTICE WHEN OPERATING EQUIPMENT OWNED OR OPERATED BY THE
2 DEPARTMENT OF DEFENSE.

3 (3) A PERSON WHO IS A VOLUNTEER OR PAID FIREFIGHTER WITH
4 A CLASS C LICENSE AND WHO HAS A CERTIFICATE OF AUTHORIZATION
5 FROM HIS FIRE CHIEF WHILE OPERATING A FIRE OR EMERGENCY
6 VEHICLE REGISTERED TO THE FIRE DEPARTMENT.

7 (4) A DRIVER WITH A NONCOMMERCIAL CLASS C LICENSE
8 OPERATING A FARM VEHICLE WHICH IS CONTROLLED AND OPERATED BY
9 A FARMER AND USED EXCLUSIVELY TO TRANSPORT AGRICULTURAL
10 PRODUCTS, FARM MACHINERY OR FARM SUPPLIES TO OR FROM A FARM
11 OWNED OR OPERATED BY THE OWNER OF THE FARM VEHICLE. THE FARM
12 VEHICLE MAY NOT BE USED IN THE OPERATIONS OF A COMMON OR
13 CONTRACT CARRIER AND MAY BE USED ONLY WITHIN A RADIUS OF 150
14 MILES OF THE FARM.

15 (C) PROHIBITIONS.--

16 (1) NO PERSON SHALL DRIVE A COMMERCIAL MOTOR VEHICLE
17 DURING ANY PERIOD IN WHICH:

18 (I) HIS PRIVILEGE TO DRIVE A COMMERCIAL MOTOR
19 VEHICLE IN A STATE HAS BEEN REMOVED FOR ANY REASON,
20 INCLUDING DISQUALIFICATION, UNTIL THE PERSON'S COMMERCIAL
21 OPERATING PRIVILEGE HAS BEEN RESTORED;

22 (II) HIS OPERATING PRIVILEGE IS SUSPENDED, REVOKED,
23 CANCELED OR RECALLED UNTIL THE PERSON'S OPERATING
24 PRIVILEGE HAS BEEN RESTORED; OR

25 (III) HE HAS BEEN PLACED UNDER AN OUT-OF-SERVICE
26 ORDER.

27 (2) NO PERSON WHO OPERATES A COMMERCIAL MOTOR VEHICLE
28 SHALL AT ANY TIME HAVE MORE THAN ONE COMMERCIAL DRIVER'S
29 LICENSE.

30 (D) PENALTIES.--

1 (1) EXCEPT AS PROVIDED IN PARAGRAPH (6), A PERSON WHO
2 VIOLATES SUBSECTION (A) COMMITS A SUMMARY OFFENSE AND SHALL,
3 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$500. EXCEPT
4 THAT, IF THE PERSON CHARGED FURNISHES SATISFACTORY PROOF OF
5 HAVING HELD A COMMERCIAL DRIVER'S LICENSE VALID ON THE LAST
6 DAY OF THE PRECEDING DRIVER'S LICENSE PERIOD AND NO MORE THAN
7 60 DAYS HAS ELAPSED FROM THE LAST DATE OF RENEWAL, THE FINE
8 SHALL BE \$100. EXCEPT AS PROVIDED IN PARAGRAPH (6), EVERY
9 PERSON CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF
10 SUBSECTION (A), SHALL BE SENTENCED TO PAY A FINE OF NOT LESS
11 THAN \$500 NOR MORE THAN \$1,500.

12 (2) A PERSON WHO DRIVES A COMMERCIAL MOTOR VEHICLE WHILE
13 SUBJECT TO DISQUALIFICATION COMMITS A SUMMARY OFFENSE AND
14 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$500.
15 EVERY PERSON CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF
16 DRIVING A COMMERCIAL MOTOR VEHICLE WHILE SUBJECT TO
17 DISQUALIFICATION SHALL BE SENTENCED TO PAY A FINE OF NOT LESS
18 THAN \$500 NOR MORE THAN \$1,500.

19 (3) A PERSON WHO DRIVES A COMMERCIAL MOTOR VEHICLE WHILE
20 SUBJECT TO DISQUALIFICATION UNDER SECTION 1611(B) OR (E)
21 (RELATING TO DISQUALIFICATION) COMMITS A SUMMARY OFFENSE AND
22 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$1,000
23 OR TO IMPRISONMENT FOR SIX MONTHS, OR BOTH.

24 (4) A PERSON WHO DRIVES A COMMERCIAL MOTOR VEHICLE IN
25 VIOLATION OF AN OUT-OF-SERVICE ORDER ISSUED UNDER SECTION
26 1612 (RELATING TO COMMERCIAL DRIVERS PROHIBITED FROM
27 OPERATING WITH ANY ALCOHOL IN SYSTEM) COMMITS A SUMMARY
28 OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A
29 FINE OF \$1,000.

30 (5) A PERSON WHO DRIVES A COMMERCIAL MOTOR VEHICLE IN

1 VIOLATION OF AN OUT-OF-SERVICE ORDER (OTHER THAN AN OUT-OF-
2 SERVICE ORDER ISSUED UNDER SECTION 1612) COMMITS A SUMMARY
3 OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A
4 FINE OF \$500.

5 ~~(6) A PERSON CHARGED WITH VIOLATING SUBSECTION (A)~~ <—
6 ~~COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, PAY A~~
7 ~~FINE OF \$100 IN LIEU OF THE FINE AND DISQUALIFICATION UNDER~~
8 ~~PARAGRAPH (1) IF THE PERSON PRODUCES AT THE OFFICE OF THE~~
9 ~~ISSUING AUTHORITY WITHIN FIVE DAYS OF THE VIOLATION:~~

10 (6) NO PERSON SHALL BE CONVICTED OF VIOLATING SUBSECTION <—
11 (A) IF THE PERSON PRODUCES AT THE OFFICE OF THE ISSUING
12 AUTHORITY WITHIN 15 DAYS OF THE VIOLATION:

13 (I) A COMMERCIAL DRIVER'S LICENSE VALID IN THIS
14 COMMONWEALTH AT THE TIME OF THE VIOLATION; OR

15 (II) IF THE COMMERCIAL DRIVER'S LICENSE IS LOST,
16 STOLEN, DESTROYED OR ILLEGIBLE, EVIDENCE THAT THE DRIVER
17 WAS LICENSED AT THE TIME OF THE VIOLATION AND THAT
18 APPLICATION FOR A DUPLICATE LICENSE HAD BEEN MADE AT THE
19 TIME OF THE VIOLATION.

20 (7) A PERSON WHO DRIVES A COMMERCIAL MOTOR VEHICLE IN
21 VIOLATION OF SUBSECTION (C)(1)(II) COMMITS A SUMMARY OFFENSE
22 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF
23 \$1,000.

24 (8) A PERSON WHO DRIVES A COMMERCIAL MOTOR VEHICLE IN
25 VIOLATION OF SUBSECTION (C)(2) COMMITS A SUMMARY OFFENSE AND
26 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$1,000.

27 (E) CONVICTIONS AND FINES CUMULATIVE.--ANY VIOLATIONS
28 BROUGHT UNDER THIS SECTION AND FINES IMPOSED UNDER THIS SECTION
29 SHALL BE IN ADDITION TO VIOLATIONS BROUGHT AND FINES IMPOSED
30 UNDER ANY OTHER SECTIONS OF THIS TITLE.

1 § 1607. COMMERCIAL DRIVER'S LICENSE QUALIFICATION STANDARDS.

2 (A) TESTING.--

3 (1) THE COMMONWEALTH SHALL ~~DEVELOP~~ OFFER ONE KNOWLEDGE <—
4 TEST FOR EACH CLASS AND FOR EACH ENDORSEMENT FOR DRIVING A
5 COMMERCIAL MOTOR VEHICLE WHICH COMPLIES WITH MINIMUM ~~FEDERAL~~ <—
6 STANDARDS ESTABLISHED BY FEDERAL REGULATION AND ALL OTHER
7 REQUIREMENTS OF THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF
8 1986 (PUBLIC LAW 99-570, 49 U.S.C. APP. § 2701 ET SEQ.). THIS <—
9 SUBSECTION SHALL NOT APPLY TO AN APPLICANT FOR A COMMERCIAL
10 DRIVER'S LICENSE AFTER THE EFFECTIVE DATE OF THIS CHAPTER.

11 (2) NO PERSON SHALL BE ISSUED A COMMERCIAL DRIVER'S
12 LICENSE UNLESS THE PERSON IS A RESIDENT OF THIS COMMONWEALTH
13 AND HAS PASSED A KNOWLEDGE AND SKILLS TEST FOR DRIVING A
14 COMMERCIAL MOTOR VEHICLE WHICH COMPLIES WITH MINIMUM FEDERAL
15 STANDARDS ESTABLISHED BY FEDERAL REGULATION, ALL OTHER
16 REQUIREMENTS OF THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF
17 1986 (PUBLIC LAW 99-570, 49 U.S.C. APP. § 2701 ET SEQ.) AND
18 OTHER REQUIREMENTS IMPOSED UNDER FEDERAL REGULATION WHICH ARE
19 PUBLISHED BY THE DEPARTMENT AS A NOTICE IN THE PENNSYLVANIA
20 BULLETIN, AS WELL AS ALL REQUIREMENTS OF THIS TITLE OR STATE
21 REGULATION. THE TESTS SHALL BE PRESCRIBED AND CONDUCTED BY
22 THE DEPARTMENT OR ITS AGENTS.

23 (3) THE DEPARTMENT MAY AUTHORIZE A PERSON, INCLUDING AN
24 AGENCY OF THIS OR ANOTHER STATE, AN EMPLOYER, A PRIVATE
25 INSTITUTION, ASSOCIATION OR DRIVER TRAINING SCHOOL, OR A
26 DEPARTMENT, AGENCY OR INSTRUMENTALITY OF LOCAL GOVERNMENT TO
27 ADMINISTER THE SKILLS TEST SPECIFIED BY THIS SECTION,
28 PROVIDED:

29 (I) THE TEST IS THE SAME AS THAT WHICH WOULD
30 OTHERWISE BE ADMINISTERED BY THE DEPARTMENT.

1 (II) THE THIRD PARTY HAS ENTERED INTO AN AGREEMENT
2 WITH THE DEPARTMENT.

3 (4) THIRD PARTY CONTRACTS SHALL EXPIRE JUNE 30, 1992,
4 AND NO THIRD PARTY TESTING SHALL OCCUR AFTER JUNE 30, 1992.

5 (5) AS A RESULT OF THIS LEGISLATION, NO LAYOFFS SHALL
6 OCCUR IN THE CLASSIFICATION KNOWN AS DRIVER'S LICENSE
7 EXAMINER.

8 (6) THE DEPARTMENT SHALL PROVIDE APPLICANTS FOR
9 COMMERCIAL DRIVER'S LICENSES WITH THE CHOICE OF SELECTING A
10 KNOWLEDGE TEST ADMINISTERED IN EITHER A WRITTEN OR AN ORAL
11 ~~FORMAT. EXCEPT FOR EXAMINATIONS ADMINISTERED TO INTERSTATE~~ <—
12 ~~DRIVERS SUBJECT TO THE LANGUAGE REQUIREMENTS OF 49 CFR 391.11~~
13 ~~(RELATING TO QUALIFICATION OF DRIVERS), THE DEPARTMENT SHALL~~
14 ~~FORMAT:~~ <—

15 (I) THE DEPARTMENT SHALL ADMINISTER THE KNOWLEDGE
16 TESTS IN ~~THE ENGLISH LANGUAGE~~ BOTH THE ENGLISH AND <—
17 SPANISH LANGUAGES. ~~A DRIVER REQUESTING AN~~ <—

18 (II) AN APPLICANT REQUESTING THE ORAL OR SPANISH <—
19 VERSION OF THE KNOWLEDGE TEST MUST SCHEDULE FOR THE
20 EXAMINATION AT A TESTING SITE AUTHORIZED BY THE <—
21 DEPARTMENT. ~~THE DEPARTMENT SHALL DEVELOP AND UTILIZE THE~~ <—
22 DEPARTMENT.

23 (III) THE DEPARTMENT SHALL OFFER ALTERNATE TESTING
24 FORMATS TO AVOID DISCRIMINATION AGAINST DRIVERS WITH
25 LIMITED LITERACY ~~AND~~ OR VERBAL COMPREHENSION SKILLS. <—

26 ~~(7) UPON FAILURE OF THE KNOWLEDGE TEST, THE DEPARTMENT~~ <—
27 ~~SHALL PROVIDE APPLICANTS FOR COMMERCIAL DRIVER'S LICENSES~~
28 ~~WITH THE CHOICE OF SELECTING A KNOWLEDGE TEST ADMINISTERED IN~~
29 ~~EITHER A WRITTEN OR AN ORAL FORMAT. EXCEPT FOR EXAMINATIONS~~
30 ~~ADMINISTERED TO INTERSTATE DRIVERS SUBJECT TO THE LANGUAGE~~

1 ~~REQUIREMENTS OF 49 CFR 391.11 (RELATING TO QUALIFICATION OF~~
2 ~~DRIVERS), THE DEPARTMENT SHALL ADMINISTER THE KNOWLEDGE TESTS~~
3 ~~IN THE ENGLISH LANGUAGE. THE DEPARTMENT SHALL DEVELOP AND~~
4 ~~UTILIZE ALTERNATE TESTING FORMATS TO AVOID DISCRIMINATION~~
5 ~~AGAINST DRIVERS WITH LIMITED LITERACY AND VERBAL~~
6 ~~COMPREHENSION SKILLS.~~

7 (IV) THE ALTERNATIVE OF AN ORAL VERSION OF THE <—
8 KNOWLEDGE TEST SHALL NOT BE AVAILABLE TO PERSONS SEEKING
9 A HAZARDOUS MATERIALS ENDORSEMENT ON A COMMERCIAL
10 DRIVER'S LICENSE.

11 (B) WAIVER OF TEST.--THE DEPARTMENT SHALL WAIVE THE SKILLS
12 TEST SPECIFIED IN THIS SECTION FOR A COMMERCIAL DRIVER'S LICENSE
13 APPLICANT WHO MEETS THE REQUIREMENTS OF FEDERAL REGULATIONS. IF
14 PERMITTED BY FEDERAL REGULATION, THE DEPARTMENT'S WAIVER
15 PROCEDURES MAY WAIVE THE WRITTEN TEST REQUIREMENT FOR A
16 COMMERCIAL DRIVER'S LICENSE APPLICANT HOLDING A VALID CLASS 2, 3
17 OR 4 LICENSE.

18 (C) LIMITATIONS ON ISSUANCE OF LICENSE.--A COMMERCIAL
19 DRIVER'S LICENSE OR COMMERCIAL DRIVER LEARNER'S PERMIT SHALL NOT
20 BE ISSUED TO A PERSON WHILE THE PERSON IS SUBJECT TO A
21 DISQUALIFICATION FROM DRIVING A COMMERCIAL MOTOR VEHICLE OR
22 WHILE THE PERSON'S DRIVER'S LICENSE IS SUSPENDED, REVOKED OR
23 CANCELED IN ANY STATE; NOR SHALL A COMMERCIAL DRIVER'S LICENSE
24 BE ISSUED TO A PERSON WHO HAS A COMMERCIAL DRIVER'S LICENSE
25 ISSUED BY ANY OTHER STATE UNLESS THE PERSON FIRST SURRENDERS ALL
26 SUCH LICENSES, WHICH SHALL BE RETURNED TO THE ISSUING STATE FOR
27 CANCELLATION. THIS SUBSECTION SHALL NOT BE APPLICABLE TO PERSONS <—
28 ISSUED OCCUPATIONAL LIMITED LICENSES.

29 (D) COMMERCIAL DRIVER LEARNER'S PERMIT.--THE DEPARTMENT
30 SHALL ISSUE A COMMERCIAL DRIVER LEARNER'S PERMIT IN ACCORDANCE

1 WITH SECTION 1505 (RELATING TO LEARNERS' PERMITS). A COMMERCIAL
2 DRIVER LEARNER'S PERMIT IS REQUIRED FOR THE ADDITION OF
3 ENDORSEMENTS AND THE REMOVAL OF RESTRICTIONS ESTABLISHED UNDER
4 THIS CHAPTER, INCLUDING THOSE ESTABLISHED BY REGULATION.

5 § 1608. NONRESIDENT CDL.

6 (A) ISSUANCE OF NONRESIDENT CDL.--THE DEPARTMENT MAY ISSUE A
7 NONRESIDENT CDL TO A RESIDENT OF A FOREIGN JURISDICTION IF THE
8 UNITED STATES SECRETARY OF TRANSPORTATION HAS DETERMINED THAT
9 THE COMMERCIAL MOTOR VEHICLE TESTING AND LICENSING STANDARDS IN
10 THE FOREIGN JURISDICTION DO NOT MEET THE TESTING STANDARDS
11 ESTABLISHED IN FEDERAL REGULATIONS.

12 (1) THE WORD "NONRESIDENT" SHALL APPEAR ON THE FACE OF
13 THE NONRESIDENT CDL.

14 (2) AN APPLICANT SHALL SURRENDER ANY NONRESIDENT CDL
15 ISSUED BY ANOTHER STATE.

16 (3) PRIOR TO ISSUING A NONRESIDENT CDL, THE DEPARTMENT
17 SHALL ESTABLISH THE PRACTICAL CAPABILITY OF REVOKING,
18 SUSPENDING OR CANCELING THE NONRESIDENT CDL AND DISQUALIFYING
19 THE COMMERCIAL MOTOR VEHICLE DRIVING PRIVILEGE OF THAT
20 PERSON.

21 (B) OTHER PROVISIONS APPLICABLE.--ALL PROVISIONS OF THIS
22 CHAPTER APPLICABLE TO THE COMMERCIAL DRIVER'S LICENSE FOR A
23 RESIDENT OF THIS COMMONWEALTH, EXCEPT THE RESIDENCY REQUIREMENT,
24 AND ALL PROVISIONS OF THIS TITLE APPLICABLE TO DRIVERS' LICENSES
25 SHALL BE APPLICABLE TO A NONRESIDENT CDL.

26 § 1609. APPLICATION FOR COMMERCIAL DRIVER'S LICENSE.

27 (A) CONTENTS OF APPLICATION.--THE APPLICATION FOR A
28 COMMERCIAL DRIVER'S LICENSE OR COMMERCIAL DRIVERS LEARNER'S
29 PERMIT SHALL INCLUDE THE FOLLOWING:

30 (1) THE FULL NAME AND CURRENT RESIDENTIAL ADDRESS OF THE

1 PERSON.

2 (2) A PHYSICAL DESCRIPTION OF THE PERSON, INCLUDING SEX,
3 HEIGHT AND EYE COLOR.

4 (3) DATE OF BIRTH.

5 (4) THE APPLICANT'S SOCIAL SECURITY NUMBER.

6 (5) THE PERSON'S SIGNATURE.

7 (6) CERTIFICATIONS, INCLUDING THOSE REQUIRED BY FEDERAL
8 REGULATIONS.

9 (7) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

10 (B) CHANGE OF NAME OR ADDRESS.--WHENEVER ANY PERSON, AFTER
11 APPLYING FOR OR RECEIVING A COMMERCIAL DRIVER'S LICENSE OR
12 COMMERCIAL DRIVER LEARNER'S PERMIT, MOVES FROM THE ADDRESS NAMED
13 IN THE APPLICATION OR IN THE DRIVER'S LICENSE OR LEARNER'S
14 PERMIT ISSUED, OR WHEN THE NAME OF THE LICENSEE OR PERMITTEE IS
15 CHANGED, SUCH PERSON SHALL WITHIN 15 DAYS MAKE APPLICATION FOR A
16 DUPLICATE LICENSE. THE DUPLICATE SHALL BE ISSUED UPON PAYMENT OF
17 THE REQUIRED FEE AND RETURN OF THE ORIGINAL, OR PREVIOUS
18 DUPLICATE, LICENSE.

19 (C) NEW RESIDENTS.--NO PERSON WHO IS A RESIDENT OF THIS
20 COMMONWEALTH FOR 30 DAYS SHALL DRIVE A COMMERCIAL MOTOR VEHICLE
21 UNDER THE AUTHORITY OF A COMMERCIAL DRIVER'S LICENSE ISSUED BY
22 ANOTHER JURISDICTION.

23 § 1610. COMMERCIAL DRIVER'S LICENSE.

24 (A) CONTENT OF LICENSE.--THE COMMERCIAL DRIVER'S LICENSE
25 SHALL INDICATE "COMMERCIAL DRIVER'S LICENSE" OR "CDL" AND SHALL
26 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

27 (1) THE NAME AND RESIDENTIAL ADDRESS OF THE PERSON.

28 (2) THE PERSON'S COLOR PHOTOGRAPH OR PHOTOGRAPHIC
29 FACSIMILE.

30 (3) A PHYSICAL DESCRIPTION OF THE PERSON, INCLUDING SEX,

1 HEIGHT AND EYE COLOR.

2 (4) DATE OF BIRTH.

3 (5) THE LICENSE NUMBER ASSIGNED BY THE DEPARTMENT.

4 (6) THE PERSON'S SIGNATURE OR A FACSIMILE OF THAT
5 SIGNATURE.

6 (7) THE CLASS OR TYPE OF COMMERCIAL MOTOR VEHICLE OR
7 VEHICLES WHICH THE PERSON IS AUTHORIZED TO DRIVE, TOGETHER
8 WITH ANY ENDORSEMENTS OR RESTRICTIONS.

9 (B) CLASSIFICATIONS, ENDORSEMENTS AND RESTRICTIONS.--

10 (1) COMMERCIAL DRIVERS' LICENSES MAY BE ISSUED WITH THE
11 FOLLOWING CLASSIFICATIONS, ENDORSEMENTS AND RESTRICTIONS. THE
12 HOLDER OF A VALID COMMERCIAL DRIVER'S LICENSE MAY DRIVE ALL
13 VEHICLES IN THE CLASS FOR WHICH THAT LICENSE IS ISSUED AND
14 ALL LESSER CLASSES OF VEHICLES EXCEPT MOTORCYCLES. VEHICLES
15 REQUIRING AN ENDORSEMENT MAY NOT BE DRIVEN UNLESS THE PROPER
16 ENDORSEMENT APPEARS ON THE LICENSE.

17 (2) THE FOLLOWING CODES SHALL BE USED AS REQUIRED TO
18 DESCRIBE THE COMMERCIAL DRIVER'S LICENSE ENDORSEMENTS AND
19 RESTRICTIONS. ADDITIONAL ENDORSEMENTS AND RESTRICTIONS MAY BE
20 ADDED BY REGULATION FOR USE ON THE COMMERCIAL DRIVER'S
21 LICENSE:

22 H - AUTHORIZES THE DRIVER TO OPERATE A VEHICLE
23 TRANSPORTING HAZARDOUS MATERIALS.

24 L - RESTRICTS THE DRIVER TO VEHICLES NOT EQUIPPED
25 WITH AIRBRAKES.

26 N - AUTHORIZES DRIVING TANK VEHICLES.

27 P - AUTHORIZES DRIVING VEHICLES CARRYING PASSENGERS.

28 S - AUTHORIZES THE DRIVER TO OPERATE A SCHOOL BUS.

29 T - AUTHORIZES DRIVING DOUBLE AND TRIPLE TRAILERS.

30 X - REPRESENTS A COMBINATION OF HAZARDOUS MATERIALS

1 AND TANK VEHICLE ENDORSEMENTS.

2 (C) APPLICANT RECORD CHECK.--BEFORE ISSUING A COMMERCIAL
3 DRIVER'S LICENSE, THE DEPARTMENT SHALL OBTAIN DRIVING RECORD
4 INFORMATION THROUGH THE COMMERCIAL DRIVER'S LICENSE INFORMATION
5 SYSTEM AND THE NATIONAL DRIVER REGISTER.

6 (D) NOTIFICATION OF LICENSE ISSUANCE.--WHEN THE DEPARTMENT
7 HAS ELECTRONIC ACCESS, BUT NO LATER THAN MARCH 31, 1992, THE
8 DEPARTMENT, WITHIN TEN DAYS AFTER ISSUING A COMMERCIAL DRIVER'S
9 LICENSE, SHALL NOTIFY THE COMMERCIAL DRIVER'S LICENSE
10 INFORMATION SYSTEM OF THAT FACT, PROVIDING ALL INFORMATION
11 REQUIRED TO ENSURE IDENTIFICATION OF THE PERSON.

12 (E) LICENSE RENEWAL PROCEDURES.--WHEN APPLYING FOR RENEWAL
13 OF A COMMERCIAL DRIVER'S LICENSE, THE APPLICANT MUST COMPLETE
14 THE APPLICATION FORM REQUIRED BY SECTION 1609(A) (RELATING TO
15 APPLICATION FOR COMMERCIAL DRIVER'S LICENSE), PROVIDING CURRENT
16 AND VALID INFORMATION AND REQUIRED CERTIFICATIONS. IF THE
17 APPLICANT WISHES TO RETAIN A HAZARDOUS MATERIALS ENDORSEMENT,
18 THE WRITTEN TEST FOR A HAZARDOUS MATERIALS ENDORSEMENT MUST BE
19 TAKEN AND PASSED.

20 § 1611. DISQUALIFICATION.

21 (A) DISQUALIFICATION FOR FIRST VIOLATION OF CERTAIN
22 OFFENSES.--UPON RECEIPT OF A CERTIFIED COPY OF CONVICTION, THE
23 DEPARTMENT SHALL, IN ADDITION TO ANY OTHER PENALTIES IMPOSED
24 UNDER THIS TITLE, DISQUALIFY ANY PERSON FROM DRIVING A
25 COMMERCIAL MOTOR VEHICLE FOR A PERIOD OF ONE YEAR FOR THE FIRST
26 VIOLATION OF:

27 (1) SECTION 3731(I) (RELATING TO DRIVING UNDER THE
28 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE);

29 (2) SECTION 3742 (RELATING TO ACCIDENTS INVOLVING DEATH
30 OR PERSONAL INJURY), WHERE THE VIOLATION OCCURRED WHILE THE

1 PERSON WAS DRIVING A COMMERCIAL MOTOR VEHICLE;

2 (3) SECTION 3743 (RELATING TO ACCIDENTS INVOLVING DAMAGE
3 TO ATTENDED VEHICLE OR PROPERTY), WHERE THE VIOLATION
4 OCCURRED WHILE THE PERSON WAS DRIVING A COMMERCIAL MOTOR
5 VEHICLE;

6 (4) SECTION 3745 (RELATING TO ACCIDENTS INVOLVING DAMAGE
7 TO UNATTENDED VEHICLE OR PROPERTY), WHERE THE VIOLATION
8 OCCURRED WHILE THE PERSON WAS DRIVING A COMMERCIAL MOTOR
9 VEHICLE;

10 (5) ANY FELONY IN THE COMMISSION OF WHICH A COURT
11 DETERMINES A COMMERCIAL MOTOR VEHICLE WAS ESSENTIALLY
12 INVOLVED, EXCEPT AS DESCRIBED IN SUBSECTION (E); OR

13 (6) SECTION 1606(C) (RELATING TO REQUIREMENT FOR
14 COMMERCIAL DRIVER'S LICENSE), WHILE THEIR DRIVING PRIVILEGE
15 IS SUSPENDED, REVOKED, CANCELED OR RECALLED OR WHILE SUBJECT
16 TO DISQUALIFICATION OR IN VIOLATION OF AN OUT-OF-SERVICE
17 ORDER.

18 (B) DISQUALIFICATION FOR OFFENSE WHILE CARRYING HAZARDOUS
19 MATERIALS.--THE DEPARTMENT SHALL DISQUALIFY ANY PERSON FROM
20 DRIVING A COMMERCIAL MOTOR VEHICLE FOR THREE YEARS IF ANY OF THE
21 OFFENSES IN SUBSECTION (A) OCCURRED WHILE TRANSPORTING A
22 HAZARDOUS MATERIAL REQUIRED TO BE PLACARDED.

23 (C) DISQUALIFICATION FOR TWO VIOLATIONS OF CERTAIN
24 OFFENSES.--THE DEPARTMENT SHALL DISQUALIFY FOR LIFE ANY PERSON
25 CONVICTED OF TWO OR MORE VIOLATIONS OF ANY OF THE OFFENSES
26 SPECIFIED IN SUBSECTION (A), OR ANY COMBINATION OF THOSE
27 OFFENSES, ARISING FROM TWO OR MORE SEPARATE AND DISTINCT
28 INCIDENTS. ONLY OFFENSES COMMITTED AFTER THE EFFECTIVE DATE OF
29 THIS CHAPTER MAY BE CONSIDERED IN APPLYING THIS SUBSECTION.

30 (D) MITIGATION OF DISQUALIFICATION FOR LIFE.--THE DEPARTMENT

1 MAY ISSUE REGULATIONS ESTABLISHING GUIDELINES, INCLUDING
2 CONDITIONS, UNDER WHICH A DISQUALIFICATION FOR LIFE UNDER
3 SUBSECTION (B) MAY BE REDUCED TO A PERIOD OF NOT LESS THAN TEN
4 YEARS, IF SUCH REDUCTIONS ARE PERMITTED BY FEDERAL REGULATIONS.

5 (E) DISQUALIFICATION FOR CONTROLLED SUBSTANCE OFFENSES.--THE
6 DEPARTMENT SHALL DISQUALIFY ANY PERSON FROM DRIVING A COMMERCIAL
7 MOTOR VEHICLE FOR LIFE WHO IS CONVICTED OF USING A COMMERCIAL
8 MOTOR VEHICLE IN THE COMMISSION OF ANY FELONY INVOLVING THE
9 MANUFACTURE, DISTRIBUTION OR DISPENSING OF A CONTROLLED
10 SUBSTANCE, OR POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE
11 OR DISPENSE A CONTROLLED SUBSTANCE. THERE SHALL BE NO EXCEPTIONS
12 OR REDUCTIONS TO THIS DISQUALIFICATION FOR LIFE.

13 (F) DISQUALIFICATION FOR FAILURE TO HAVE CDL.--THE
14 DEPARTMENT SHALL DISQUALIFY ANY PERSON FROM DRIVING A COMMERCIAL
15 MOTOR VEHICLE FOR SIX MONTHS UPON RECEIVING A CERTIFIED RECORD
16 OF THE PERSON'S CONVICTION OF VIOLATING SECTION 1606(A), EXCEPT
17 AS PROVIDED IN SECTION 1606(D)(6).

18 (G) DISQUALIFICATION FOR SERIOUS TRAFFIC OFFENSES.--THE
19 DEPARTMENT SHALL DISQUALIFY ANY PERSON FROM DRIVING A COMMERCIAL
20 MOTOR VEHICLE FOR A PERIOD OF 60 DAYS IF CONVICTED OF TWO
21 SERIOUS TRAFFIC VIOLATIONS, OR 120 DAYS IF CONVICTED OF THREE
22 SERIOUS TRAFFIC VIOLATIONS, COMMITTED IN A COMMERCIAL MOTOR
23 VEHICLE ARISING FROM SEPARATE AND DISTINCT INCIDENTS OCCURRING
24 WITHIN A THREE-YEAR PERIOD.

25 (H) CONVICTION IN FEDERAL COURT OR ANOTHER STATE.--FOR
26 PURPOSES OF THE PROVISIONS OF THIS SECTION, A COPY OF A
27 CERTIFIED RECORD OF CONVICTION OR A COPY OF A CERTIFIED RECORD
28 OF ADMINISTRATIVE ADJUDICATION FROM A FEDERAL COURT OR ANOTHER
29 STATE FOR AN OFFENSE ESSENTIALLY SIMILAR TO THOSE OFFENSES WHICH
30 WOULD RESULT IN DISQUALIFICATION IN THIS SECTION SHALL BE

1 TREATED BY THE DEPARTMENT AS IF THE CONVICTION HAD OCCURRED IN
2 THIS COMMONWEALTH.

3 (I) SURRENDER OF LICENSE.--UPON THE DISQUALIFICATION OF THE
4 COMMERCIAL DRIVING PRIVILEGE OF A PERSON, THE LICENSE SHALL BE
5 SURRENDERED AS PROVIDED IN SECTION 1540 (RELATING TO SURRENDER
6 OF LICENSE).

7 (J) UPDATING DRIVING RECORD.--AFTER SUSPENDING, REVOKING,
8 RECALLING OR CANCELING A COMMERCIAL DRIVER'S LICENSE, THE
9 DEPARTMENT SHALL UPDATE ITS RECORDS TO REFLECT THAT ACTION.
10 AFTER SUSPENDING, REVOKING, RECALLING OR CANCELING A COMMERCIAL
11 DRIVING PRIVILEGE ISSUED BY ANOTHER STATE, THE DEPARTMENT SHALL
12 NOTIFY THE LICENSING AUTHORITY OF THE STATE WHICH ISSUED THE
13 COMMERCIAL DRIVER'S LICENSE OR NONRESIDENT COMMERCIAL DRIVER'S
14 LICENSE.

15 § 1612. COMMERCIAL DRIVERS PROHIBITED FROM OPERATING WITH ANY
16 ALCOHOL IN SYSTEM.

17 (A) OFFENSE DEFINED.--NOTWITHSTANDING ANY OTHER PROVISION OF
18 THIS TITLE, A PERSON SHALL NOT DRIVE, OPERATE OR BE IN PHYSICAL
19 CONTROL OF A COMMERCIAL MOTOR VEHICLE WHILE HAVING ANY ALCOHOL
20 IN HIS SYSTEM.

21 (B) PENALTY.--A PERSON WHO VIOLATES SUBSECTION (A) COMMITS A
22 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
23 A FINE OF \$100. A PERSON WHO DRIVES, OPERATES OR IS IN PHYSICAL
24 CONTROL OF A COMMERCIAL MOTOR VEHICLE WHILE HAVING ALCOHOL IN
25 HIS SYSTEM OR WHO REFUSES TO TAKE A TEST TO DETERMINE HIS
26 ALCOHOL CONTENT AS PROVIDED BY SECTION 1613 (RELATING TO IMPLIED
27 CONSENT REQUIREMENTS FOR COMMERCIAL MOTOR VEHICLE DRIVERS) SHALL
28 BE PLACED OUT OF SERVICE FOR 24 HOURS.

29 § 1613. IMPLIED CONSENT REQUIREMENTS FOR COMMERCIAL MOTOR
30 VEHICLE DRIVERS.

1 (A) IMPLIED CONSENT.--A PERSON WHO DRIVES A COMMERCIAL MOTOR
2 VEHICLE IN THIS COMMONWEALTH IS DEEMED TO HAVE GIVEN CONSENT TO
3 TAKE A TEST OR TESTS OF THE PERSON'S BREATH, BLOOD OR URINE FOR
4 THE PURPOSE OF DETERMINING THE PERSON'S ALCOHOL CONCENTRATION OR
5 THE PRESENCE OF OTHER CONTROLLED SUBSTANCES.

6 (B) TESTS ORDERED BY POLICE OFFICER.--A TEST OR TESTS MAY BE
7 ADMINISTERED AT THE DIRECTION OF A POLICE OFFICER WHO, AFTER
8 STOPPING OR DETAINING THE COMMERCIAL MOTOR VEHICLE DRIVER, HAS
9 REASONABLE GROUNDS TO BELIEVE THAT THE DRIVER WAS DRIVING A
10 COMMERCIAL MOTOR VEHICLE WHILE HAVING ANY ALCOHOL IN HIS SYSTEM.

11 (C) WARNING AGAINST REFUSAL.--A PERSON REQUESTED TO SUBMIT
12 TO A TEST AS PROVIDED IN SUBSECTION (A) SHALL BE WARNED BY THE
13 POLICE OFFICER REQUESTING THE TEST THAT REFUSAL TO SUBMIT TO THE
14 TEST WILL RESULT IN THE PERSON'S BEING DISQUALIFIED FROM
15 OPERATING A COMMERCIAL MOTOR VEHICLE UNDER SUBSECTION (E).

16 (D) REPORT ON TEST REFUSAL.--IF THE PERSON REFUSES TESTING,
17 THE POLICE OFFICER SHALL SUBMIT A SWORN REPORT TO THE DEPARTMENT
18 CERTIFYING THAT THE TEST WAS REQUESTED PURSUANT TO SUBSECTION
19 (A) AND THAT THE PERSON REFUSED TO SUBMIT TO TESTING.

20 (E) DISQUALIFICATION FOR REFUSAL.--UPON RECEIPT OF THE SWORN
21 REPORT OF A POLICE OFFICER SUBMITTED UNDER SUBSECTION (D), THE
22 DEPARTMENT SHALL DISQUALIFY THE DRIVER FROM DRIVING A COMMERCIAL
23 MOTOR VEHICLE FOR A PERIOD OF ONE YEAR.

24 (F) APPEAL OF DISQUALIFICATION.--ANY HOLDER OF A COMMERCIAL
25 DRIVER'S LICENSE WHO IS DISQUALIFIED UNDER THE PROVISIONS OF
26 THIS SECTION FROM DRIVING A COMMERCIAL MOTOR VEHICLE SHALL HAVE
27 THE SAME RIGHT OF APPEAL AS PROVIDED FOR IN CASES OF SUSPENSION.
28 § 1614. NOTIFICATION OF TRAFFIC CONVICTIONS.

29 AFTER RECEIVING A REPORT OF THE CONVICTION OF ANY HOLDER OF A
30 COMMERCIAL DRIVER'S LICENSE ISSUED BY ANOTHER STATE FOR

1 VIOLATION OF CHAPTER 15, 16, 17, 31, 33 OR 37 COMMITTED IN A
2 COMMERCIAL MOTOR VEHICLE, THE DEPARTMENT SHALL NOTIFY THE DRIVER
3 LICENSING AUTHORITY IN THE LICENSING STATE OF THE CONVICTION.

4 § 1615. AUTHORITY TO ENTER AGREEMENTS.

5 THE DEPARTMENT MAY ENTER INTO OR MAKE AGREEMENTS,
6 ARRANGEMENTS OR DECLARATIONS TO CARRY OUT THE PROVISIONS OF THIS
7 CHAPTER.

8 § 1616. RECIPROCITY.

9 NOTWITHSTANDING ANY LAW TO THE CONTRARY, A PERSON MAY DRIVE A
10 COMMERCIAL MOTOR VEHICLE IF THE PERSON HAS A COMMERCIAL DRIVER'S
11 LICENSE ISSUED BY ANY STATE, OR ANY PROVINCE OR TERRITORY OF
12 CANADA IN ACCORDANCE WITH THE MINIMUM FEDERAL STANDARDS FOR THE
13 ISSUANCE OF COMMERCIAL MOTOR VEHICLE DRIVERS' LICENSES, IF THE
14 PERSON'S OPERATING PRIVILEGE IS NOT SUSPENDED, REVOKED OR
15 CANCELED AND IF THE PERSON IS NOT DISQUALIFIED FROM DRIVING A
16 COMMERCIAL MOTOR VEHICLE OR SUBJECT TO AN OUT-OF-SERVICE ORDER.

17 § 1617. FEES.

18 FEES RELATING TO COMMERCIAL DRIVERS' LICENSES TO BE COLLECTED
19 BY THE DEPARTMENT UNDER THIS CHAPTER SHALL BE IN ADDITION TO ANY
20 OTHER FEES IMPOSED UNDER THE PROVISIONS OF THIS TITLE AND ARE AS
21 FOLLOWS:

22 (1) THE ANNUAL FEE FOR A COMMERCIAL DRIVER'S LICENSE
23 DESIGNATION SHALL BE \$10.

24 (2) IN ADDITION TO ANY OTHER RESTORATION FEE REQUIRED BY
25 THIS TITLE, AN ADDITIONAL RESTORATION FEE OF \$50 SHALL BE
26 ASSESSED AND COLLECTED BEFORE REINSTATING A COMMERCIAL
27 DRIVER'S OPERATING PRIVILEGE FOLLOWING A SUSPENSION OR
28 REVOCATION UNDER THIS TITLE OR DISQUALIFICATION UNDER THIS
29 CHAPTER.

30 (3) IF THE COMMERCIAL DRIVING PRIVILEGE OF A DRIVER IS

1 DISQUALIFIED, A CLASS C NONCOMMERCIAL OR M LICENSE, IF THE
2 DRIVER POSSESSES THE MOTORCYCLE QUALIFICATION, MAY BE
3 OBTAINED UPON PAYMENT OF THE FEES ASSOCIATED WITH OBTAINING A
4 DUPLICATE LICENSE.

5 § 1618. FINES EXEMPT FROM JUDICIAL COMPUTER ACCOUNT.

6 ALL FINES AND PENALTIES IMPOSED BY THIS CHAPTER SHALL BE
7 DEPOSITED INTO THE MOTOR LICENSE FUND AND SHALL NOT BE SUBJECT
8 TO THE PROVISIONS OF 42 PA.C.S. § 3733 (RELATING TO DEPOSITS
9 INTO ACCOUNT).

10 SECTION 6. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: <—

11 § 1925.1. LIMOUSINES.

12 THE DEPARTMENT SHALL ISSUE REGISTRATION PLATES FOR LIMOUSINES
13 FOR AN ANNUAL FEE OF \$36. THE LIMOUSINE REGISTRATION PLATE SHALL
14 BE ISSUED ONLY TO VEHICLES LICENSED AS LIMOUSINES BY THE
15 PENNSYLVANIA PUBLIC UTILITY COMMISSION AND SHALL BEAR A NUMBER
16 PRECEDED BY THE LETTER "P."

17 SECTION 4 7. SECTION 2102(C) OF TITLE 75 IS AMENDED TO READ: <—

18 § 2102. Identification markers required.

19 * * *

20 (c) Issuance of markers.--

21 (1) Identification markers shall be issued on a 12-month
22 basis, effective April 1 of each year, and shall be valid
23 through the next succeeding March 31; however, enforcement of
24 this section shall not become effective until April 15 of
25 each year as to motor carrier vehicles displaying the
26 previous year's identification marker.

27 (2) The Department of Revenue shall have the power and
28 may designate dealers of motor carrier vehicles, the
29 department and designated agents of the department located
30 within this Commonwealth to act as agents for the Department

1 of Revenue for the purpose of collecting the fee under
2 subsection (b), processing the necessary papers and issuing a
3 temporary permit to authorize the operation of a motor
4 carrier vehicle pending issuance of a permanent
5 identification marker by the department.

6 * * *

7 Section ~~2-5~~ 8. Section 2103 of Title 75 is amended by adding <—
8 a subsection to read:

9 § 2103. False statements and penalties.

10 * * *

11 (a.1) Operation without identification marker.--

12 Notwithstanding the provisions of subsection (b), any person who
13 violates section 2102(d) (relating to identification markers
14 required) and who can adequately establish an absence of knowing
15 and willful intent shall be guilty of a summary offense and
16 shall be sentenced to pay a fine of \$25.

17 * * *

18 ~~Section 3. This act shall take effect as follows:~~ <—

19 ~~(1) Section 1 (section 2102) of this act shall take~~
20 ~~effect in 180 days.~~

21 ~~(2) The remainder of this act shall take effect in 60~~
22 ~~days.~~

23 SECTION ~~6~~ 9. SECTION 3714 OF TITLE 75 IS AMENDED TO READ: <—

24 § 3714. [RECKLESS] CARELESS DRIVING.

25 ANY PERSON WHO DRIVES A VEHICLE IN CARELESS DISREGARD FOR THE
26 SAFETY OF PERSONS OR PROPERTY IS GUILTY OF [RECKLESS] CARELESS
27 DRIVING, A SUMMARY OFFENSE.

28 SECTION 10. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: <—

29 § 3716. ACCIDENTS INVOLVING OVERTURNED VEHICLES.

30 (A) SPEEDING, RECKLESS DRIVING, ETC.--IF A COMMERCIAL MOTOR

1 VEHICLE OVERTURNS IN AN ACCIDENT RESULTING FROM A VIOLATION OF
2 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED), 3362
3 (RELATING TO MAXIMUM SPEED LIMITS), 3714 (RELATING TO RECKLESS
4 DRIVING) OR 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL
5 OR CONTROLLED SUBSTANCE), THE OPERATOR OF THE VEHICLE SHALL,
6 UPON CONVICTION OF ANY OF THE AFOREMENTIONED OFFENSES, BE
7 SENTENCED TO PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN
8 \$1,500, IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW.

9 (B) EQUIPMENT VIOLATIONS.--IF A COMMERCIAL MOTOR VEHICLE
10 OVERTURNS IN AN ACCIDENT RESULTING FROM A VIOLATION OF SECTION
11 4103 (RELATING TO PROMULGATION OF VEHICLE EQUIPMENT STANDARDS)
12 OR 4502 (RELATING TO GENERAL REQUIREMENTS FOR BRAKING SYSTEMS),
13 THE OWNER OR ANY RESPONSIBLE LESSEE OF THE VEHICLE SHALL, UPON
14 CONVICTION OF ANY OF THE AFOREMENTIONED OFFENSES, BE SENTENCED
15 TO PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN \$1,500, IN
16 ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW.

17 (C) MISCELLANEOUS.--IF A COMMERCIAL MOTOR VEHICLE OVERTURNS
18 IN AN ACCIDENT RESULTING FROM A VIOLATION OF SECTION 4903
19 (RELATING TO SECURING LOADS IN VEHICLES) OR 6103 (RELATING TO
20 PROMULGATION OF RULES AND REGULATIONS BY DEPARTMENT), THE
21 RESPONSIBLE PARTY SHALL, UPON CONVICTION OF THE AFOREMENTIONED
22 OFFENSES, BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$500 NOR
23 MORE THAN \$1,500, IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY
24 LAW.

25 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM
26 "COMMERCIAL MOTOR VEHICLE" SHALL HAVE THE MEANING ASCRIBED IN
27 SECTION 1603 (RELATING TO DEFINITIONS).

28 SECTION 7 11. SECTION 3731 OF TITLE 75 IS AMENDED BY ADDING <—
29 A SUBSECTION TO READ:

30 § 3731. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED

1 SUBSTANCE.

2 * * *

3 (I) DRIVING A COMMERCIAL MOTOR VEHICLE WHILE UNDER THE
4 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.--A PERSON SHALL
5 NOT DRIVE, OPERATE OR BE IN PHYSICAL CONTROL OF THE MOVEMENT OF
6 ANY COMMERCIAL VEHICLE WHILE:

7 (1) UNDER THE INFLUENCE OF ALCOHOL;

8 (2) UNDER THE INFLUENCE OF ANY CONTROLLED SUBSTANCE AS
9 DEFINED IN SECTION 1603 (RELATING TO DEFINITIONS);

10 (3) UNDER THE COMBINED INFLUENCE OF ALCOHOL AND ANY
11 CONTROLLED SUBSTANCE; OR

12 (4) THE AMOUNT OF ALCOHOL BY WEIGHT IN THE PERSON'S
13 BLOOD IS 0.04% OR MORE.

14 SECTION 8 12. TITLE 75 IS AMENDED BY ADDING A SECTION TO <—
15 READ:

16 § 3736. RECKLESS DRIVING.

17 (A) GENERAL RULE.--ANY PERSON WHO DRIVES ANY VEHICLE IN
18 WILLFUL OR WANTON DISREGARD FOR THE SAFETY OF PERSONS OR
19 PROPERTY IS GUILTY OF RECKLESS DRIVING.

20 (B) PENALTY.--ANY PERSON WHO VIOLATES THIS SECTION COMMITS A
21 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
22 A FINE OF \$200.

23 SECTION 9 13. SECTION 6146 OF TITLE 75 IS AMENDED TO READ: <—
24 § 6146. ENFORCEMENT AGREEMENTS.

25 THE SECRETARY MAY ENTER INTO AGREEMENTS RELATING TO
26 ENFORCEMENT OF THIS TITLE, INCLUDING, BUT NOT LIMITED TO[,]:

27 (1) THE DRIVER LICENSE COMPACT AND ANY OTHER AGREEMENTS
28 TO NOTIFY ANY STATE OF VIOLATIONS INCURRED BY RESIDENTS OF
29 THAT STATE[,];

30 (2) AGREEMENTS TO SUSPEND OR REVOKE THE OPERATING

1 PRIVILEGE OF PENNSYLVANIA LICENSED DRIVERS WHO ARE CONVICTED
2 IN FEDERAL COURT OR IN ANOTHER STATE OF ANY OFFENSE
3 ESSENTIALLY SIMILAR TO THOSE ENUMERATED IN [SUBCHAPTER B OF
4 CHAPTER 37 (RELATING TO SERIOUS TRAFFIC OFFENSES) AND]
5 SECTION 1532(A) AND (B) (RELATING TO SUSPENSION OR REVOCATION
6 OF OPERATING PRIVILEGE);

7 (3) AGREEMENTS TO DISQUALIFY THE COMMERCIAL DRIVING
8 PRIVILEGE OF PENNSYLVANIA-LICENSED DRIVERS CONVICTED IN
9 FEDERAL COURT OR IN ANOTHER STATE OF OFFENSES ESSENTIALLY
10 SIMILAR TO THOSE RESULTING IN DISQUALIFICATION UNDER SECTION
11 1611 (RELATING TO DISQUALIFICATION);

12 (4) AGREEMENTS TO ESTABLISH PROCEDURES FOR THE SEIZURE
13 OF SUSPENDED, REVOKED OR DISQUALIFIED DRIVERS' LICENSES OF
14 RESIDENTS OF OTHER STATES; AND

15 (5) AGREEMENTS TO TAKE MEASURES TO ASSURE TAKING OF
16 CHEMICAL TESTS OF BREATH, BLOOD OR URINE AND PAYMENT OF FINES
17 OR ATTENDANCE AT HEARINGS BY PERSONS CHARGED WITH THESE OR
18 OTHER VIOLATIONS.

19 SECTION ~~10~~ 14. SECTION 6323(2) OF TITLE 75 IS AMENDED AND ←
20 THE SECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

21 § 6323. REPORTS BY COURTS.

22 SUBJECT TO ANY INCONSISTENT PROCEDURES AND STANDARDS RELATING
23 TO REPORTS AND TRANSMISSION OF FUNDS PRESCRIBED PURSUANT TO
24 TITLE 42 (RELATING TO JUDICIARY AND JUDICIAL PROCEDURE):

25 * * *

26 (2) A RECORD OF THE JUDGMENT SHALL ALSO BE FORWARDED TO
27 THE DEPARTMENT UPON CONVICTION OR ACQUITTAL OF A PERSON OF A
28 FELONY, A MISDEMEANOR OF THE FIRST DEGREE OR A MISDEMEANOR OF
29 THE SECOND DEGREE IN THE COMMISSION OF WHICH THE JUDGE
30 DETERMINES THAT A MOTOR VEHICLE WAS ESSENTIALLY INVOLVED.

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(4) THE RECORD OF JUDGMENT REQUIRED TO BE SENT TO THE DEPARTMENT BY PARAGRAPHS (1) AND (2) SHALL INDICATE IF THE VEHICLE DRIVEN BY THE PERSON WAS A COMMERCIAL MOTOR VEHICLE.

SECTION ~~11~~ 15. SECTION 6501(A) OF TITLE 75 IS AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

§ 6501. DEFINITION OF CONVICTION.

(A) GENERAL RULE.--FOR THE PURPOSES OF THIS TITLE, A CONVICTION INCLUDES A PLEA OF GUILTY, A PLEA OF NOLO CONTENDERE, A FINDING OF GUILTY BY A COURT OR ADMINISTRATIVE PROCEEDING, AN ADJUDICATION OF DELINQUENCY BY A COURT OR AN UNVACATED FORFEITURE OF BAIL OR COLLATERAL DEPOSITED TO SECURE A DEFENDANT'S APPEARANCE IN COURT.

* * *

(C) CERTIFIED RECORD OF CONVICTIONS.--FOR THE PURPOSE OF THIS TITLE, A CERTIFIED RECORD OF CONVICTION INCLUDES A CERTIFIED RECORD OF CONVICTION FROM ANY FEDERAL OR STATE COURT AND A CERTIFIED RECORD OF ADMINISTRATIVE ADJUDICATION FROM ANY STATE. THESE RECORDS OR COPIES OF THESE RECORDS SHALL BE ADMISSIBLE IN ANY COURT OF LAW WITHOUT ANY NEED FOR FURTHER DOCUMENTATION.

SECTION ~~12~~ 16. (A) FOR PURPOSES OF 75 PA.C.S. § 1606(A) (RELATING TO REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE), A DRIVER WITH A VALID DRIVER'S LICENSE ENDORSED WITH CLASS 2, 3 OR 4 SHALL BE CONSIDERED A COMMERCIAL DRIVER UNTIL SUCH TIME AS ESTABLISHED BY REGULATION.

(B) THE DEPARTMENT OF TRANSPORTATION SHALL REQUIRE APPLICANTS WITH VALID CLASS 2, 3 OR 4 LEARNERS' PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS ACT TO TAKE THE EXAMINATIONS REQUIRED BY THIS ACT.

1 (C) THE DEPARTMENT SHALL SEND TO A DRIVER HOLDING A VALID
2 CLASS 2, 3 OR 4 LICENSE ISSUED BY THE DEPARTMENT WHICH EXPIRES
3 BEFORE APRIL 1, 1992, AN APPLICATION FOR A COMMERCIAL DRIVER'S
4 LICENSE WITH HIS LICENSE RENEWAL SO THAT HE MAY OBTAIN A
5 COMMERCIAL DRIVER'S LICENSE UNDER THIS ACT UPON SUCCESSFULLY
6 MEETING THE REQUIREMENTS OF 75 PA.C.S. § 1607 (RELATING TO
7 COMMERCIAL DRIVER'S LICENSE QUALIFICATION STANDARDS) AND PAYMENT
8 OF THE REQUIRED FEES. A DRIVER WITH A VALID CLASS 3 LICENSE
9 ISSUED BY THE DEPARTMENT SHALL BE ELIGIBLE TO MAKE APPLICATION
10 FOR A CLASS A, B OR C COMMERCIAL DRIVER'S LICENSE. EXCEPT AS
11 PROVIDED ELSEWHERE IN THIS SECTION, A DRIVER WITH A VALID CLASS
12 2 OR 4 LICENSE ISSUED BY THE DEPARTMENT SHALL BE ELIGIBLE TO
13 MAKE APPLICATION FOR A CLASS B OR C COMMERCIAL DRIVER'S LICENSE.
14 IF A DRIVER HAS NOT PASSED THE COMMERCIAL DRIVER'S LICENSE TEST
15 BY THE DATE ESTABLISHED BY THE DEPARTMENT, HIS CLASS 2, 3 OR 4
16 LICENSE SHALL BE VALID ONLY AS A CLASS C NONCOMMERCIAL LICENSE
17 AS DEFINED IN 75 PA.C.S. § 1504(D)(3) (RELATING TO CLASSES OF
18 LICENSES).

19 (D) THE DEPARTMENT SHALL SEND TO A DRIVER HOLDING A VALID
20 CLASS 2, 3 OR 4 DRIVER'S LICENSE ISSUED BY THE DEPARTMENT WHICH
21 EXPIRES AFTER APRIL 1, 1992, AN APPLICATION FOR A COMMERCIAL
22 DRIVER'S LICENSE WHICH SHALL INDICATE THAT HIS CLASS 2, 3 OR 4
23 LICENSE SHALL EXPIRE ON A DATE ESTABLISHED BY THE DEPARTMENT. A
24 DRIVER WITH A VALID CLASS 3 LICENSE ISSUED BY THE DEPARTMENT
25 SHALL BE ELIGIBLE TO MAKE APPLICATION FOR A CLASS A, B OR C
26 COMMERCIAL DRIVER'S LICENSE. A DRIVER WITH A VALID CLASS 2 OR 4
27 LICENSE ISSUED BY THE DEPARTMENT SHALL BE ELIGIBLE TO MAKE
28 APPLICATION FOR A CLASS B OR C COMMERCIAL DRIVER'S LICENSE.
29 EXCEPT AS PROVIDED ELSEWHERE IN THIS SECTION, IF A DRIVER HAS
30 NOT PASSED THE COMMERCIAL DRIVER'S LICENSE TEST BY THE DATE

1 ESTABLISHED BY THE DEPARTMENT, HIS CLASS 2, 3 OR 4 LICENSE SHALL
2 BE VALID ONLY AS A CLASS C NONCOMMERCIAL LICENSE AS DEFINED IN
3 75 PA.C.S. § 1504(D)(3). UPON MEETING THE REQUIREMENTS OF 75
4 PA.C.S. § 1607 AND PAYMENT OF THE APPROPRIATE FEES, THE DRIVER
5 SHALL BE ISSUED A COMMERCIAL DRIVER'S LICENSE.

6 (E) A DRIVER WITH A VALID CLASS 2, 3 OR 4 LICENSE ISSUED BY
7 THE DEPARTMENT, WHO FAILS THREE TIMES, OR DOES NOT PASS BY THE
8 DATE ESTABLISHED BY THE DEPARTMENT, THE DRIVING SKILLS TESTS
9 REQUIRED FOR A COMMERCIAL DRIVER'S LICENSE UNDER 75 PA.C.S. §
10 1607, MUST MAKE AN APPLICATION FOR A COMMERCIAL LEARNER'S PERMIT
11 IN ORDER TO OBTAIN A COMMERCIAL DRIVER'S LICENSE; AND THE CLASS
12 2, 3 OR 4 LICENSE SHALL BE RATED ONLY AS A CLASS C LICENSE AS
13 DEFINED IN 75 PA.C.S. § 1504(D)(3).

14 (F) A DRIVER WITH A VALID CLASS 2, 3 OR 4 LICENSE ISSUED BY
15 THE DEPARTMENT WHO IS NOT REQUIRED BY THE DEPARTMENT TO TAKE, OR
16 PASSES BY THE DATE ESTABLISHED BY THE DEPARTMENT, THE DRIVING
17 SKILLS TEST REQUIRED FOR A COMMERCIAL DRIVER'S LICENSE UNDER 75
18 PA.C.S. § 1607 AND WHO HAS TAKEN THE KNOWLEDGE TESTS UNDER 75
19 PA.C.S. § 1607 THREE TIMES BUT FOR THE THIRD TIME FAILS TO PASS
20 THE KNOWLEDGE TESTS BY THE DATE ESTABLISHED BY THE DEPARTMENT
21 SHALL BE PERMITTED TO EXTEND THE OPPORTUNITY TO TAKE THE
22 COMMERCIAL DRIVER'S LICENSE KNOWLEDGE TESTS FOR ADDITIONAL
23 TESTING PERIODS OF 120 DAYS OR UNTIL MARCH 31, 1992, WHICHEVER
24 OCCURS FIRST, UPON PAYMENT OF A \$15 TEST EXTENSION FEE FOR EACH
25 ADDITIONAL EXTENSION. THE DRIVER'S CLASS 2, 3 OR 4 LICENSE SHALL
26 REMAIN VALID FOR THE TEST-EXTENSION PERIOD. IF THE DRIVER FAILS
27 TO REQUEST AN EXTENSION UNDER THIS SUBSECTION OR FAILS TO PASS
28 THE KNOWLEDGE TEST BY MARCH 31, 1992, THE CLASS 2, 3 OR 4
29 LICENSE SHALL BE VALID ONLY AS A CLASS C NONCOMMERCIAL LICENSE
30 AS DEFINED IN 75 PA.C.S. § 1504(D)(3).

1 (G) A DRIVER HOLDING A VALID CLASS 1 DRIVER'S LICENSE ISSUED
2 BY THE DEPARTMENT WHICH EXPIRES AFTER NOVEMBER 1, 1990, SHALL BE
3 CONSIDERED TO BE A CLASS C NONCOMMERCIAL DRIVER UNTIL EXPIRATION
4 OF THE LICENSE.

5 (H) A DRIVER HOLDING A VALID CLASS 5 OR 6 DRIVER'S LICENSE
6 ISSUED BY THE DEPARTMENT WHICH EXPIRES AFTER NOVEMBER 1, 1990,
7 SHALL BE CONSIDERED TO BE A CLASS M DRIVER UNTIL THE EXPIRATION
8 OF THE LICENSE.

9 (I) THE DEPARTMENT SHALL WAIVE THE SCHOOL BUS DRIVER ←
10 RECERTIFICATION DRIVING TEST REQUIRED BY DEPARTMENT REGULATIONS
11 UNTIL DECEMBER 31, 1992.

12 (J) THE LIMITATION TO ONE KNOWLEDGE TEST FOR EACH CLASS AND
13 FOR EACH ENDORSEMENT FOR DRIVING A COMMERCIAL MOTOR VEHICLE,
14 CONTAINED IN SECTION 5 (SECTION 1607(A)(1)) SHALL EXPIRE ON
15 APRIL 1, 1992.

16 SECTION 17. (A) NO PERSON SHALL DISCHARGE, DISCIPLINE, OR
17 IN ANY MANNER DISCRIMINATE AGAINST ANY EMPLOYEE WITH RESPECT TO
18 THE EMPLOYEE'S COMPENSATION, TERMS, CONDITIONS OR PRIVILEGES OF
19 EMPLOYMENT BECAUSE SUCH EMPLOYEE, OR PERSON ACTING PURSUANT TO A
20 REQUEST OF THE EMPLOYEE:

21 (1) REFUSES TO OPERATE A COMMERCIAL MOTOR VEHICLE WHICH
22 IS NOT IN COMPLIANCE WITH THE PROVISIONS OF 67 PA. CODE § 231
23 (RELATING TO INTRASTATE MOTOR CARRIER SAFETY REQUIREMENTS)
24 AND EXISTING SAFETY LAWS; OR

25 (2) HAS FILED ANY COMPLAINT OR INSTITUTED OR CAUSED TO
26 BE INSTITUTED ANY PROCEEDING RELATING TO A VIOLATION OF A
27 COMMERCIAL MOTOR VEHICLE SAFETY RULE, REGULATION, STANDARD OR
28 ORDER, OR HAS TESTIFIED OR IS ABOUT TO TESTIFY IN ANY SUCH
29 PROCEEDING.

30 (B) NO PERSON SHALL DISCHARGE, DISCIPLINE OR IN ANY MANNER

1 DISCRIMINATE AGAINST AN EMPLOYEE WITH RESPECT TO THE EMPLOYEE'S
2 COMPENSATION, TERMS, CONDITIONS OR PRIVILEGES OF EMPLOYMENT FOR
3 REFUSING TO OPERATE A VEHICLE WHEN SUCH OPERATION CONSTITUTES A
4 VIOLATION OF ANY FEDERAL RULES, REGULATIONS, STANDARDS OR ORDERS
5 APPLICABLE TO COMMERCIAL MOTOR VEHICLE SAFETY OR HEALTH, OR
6 BECAUSE OF THE EMPLOYEE'S REASONABLE APPREHENSION OF SERIOUS
7 INJURY TO HIMSELF OR THE PUBLIC DUE TO THE UNSAFE CONDITION OF
8 SUCH EQUIPMENT. THE UNSAFE CONDITIONS CAUSING THE EMPLOYEE'S
9 APPREHENSION OF INJURY MUST BE OF SUCH NATURE THAT A REASONABLE
10 PERSON, UNDER THE CIRCUMSTANCES THEN CONFRONTING THE EMPLOYEE,
11 WOULD CONCLUDE THAT THERE IS A BONA FIDE DANGER OF AN ACCIDENT,
12 INJURY OR SERIOUS IMPAIRMENT OF HEALTH RESULTING FROM THE UNSAFE
13 CONDITION. IN ORDER TO QUALIFY FOR PROTECTION UNDER THIS
14 SUBSECTION, THE EMPLOYEE MUST HAVE SOUGHT FROM HIS EMPLOYER, AND
15 HAVE BEEN UNABLE TO OBTAIN, CORRECTION OF THE UNSAFE CONDITION.

16 (C) (1) ANY EMPLOYEE WHO BELIEVES HE HAS BEEN DISCHARGED,
17 DISCIPLINED OR OTHERWISE DISCRIMINATED AGAINST BY ANY PERSON
18 IN VIOLATION OF SUBSECTION (A) OR (B) MAY, WITHIN 180 DAYS
19 AFTER SUCH ALLEGED VIOLATION OCCURS, FILE, OR HAVE FILED BY
20 ANY PERSON ON THE EMPLOYEE'S BEHALF, A COMPLAINT WITH THE
21 SECRETARY OF LABOR AND INDUSTRY ALLEGING SUCH DISCHARGE,
22 DISCIPLINE OR DISCRIMINATION. UPON RECEIPT OF SUCH A
23 COMPLAINT, THE SECRETARY OF LABOR AND INDUSTRY SHALL NOTIFY
24 THE PERSON NAMED IN THE COMPLAINT OF THE FILING OF THE
25 COMPLAINT.

26 (2) (I) WITHIN 60 DAYS OF RECEIPT OF A COMPLAINT FILED
27 UNDER PARAGRAPH (1), THE SECRETARY OF LABOR AND INDUSTRY
28 SHALL CONDUCT AN INVESTIGATION AND DETERMINE WHETHER
29 THERE IS REASONABLE CAUSE TO BELIEVE THAT THE COMPLAINT
30 HAS MERIT AND NOTIFY THE COMPLAINANT AND THE PERSON

1 ALLEGED TO HAVE COMMITTED A VIOLATION OF THIS SECTION OF
2 HIS FINDINGS. WHERE THE SECRETARY OF LABOR AND INDUSTRY
3 HAS CONCLUDED THAT THERE IS REASONABLE CAUSE TO BELIEVE
4 THAT A VIOLATION HAS OCCURRED, HE SHALL ACCOMPANY HIS
5 FINDINGS WITH A PRELIMINARY ORDER PROVIDING THE RELIEF
6 PRESCRIBED BY SUBPARAGRAPH (II). THEREAFTER, EITHER THE
7 PERSON ALLEGED TO HAVE COMMITTED THE VIOLATION OR THE
8 COMPLAINANT MAY, WITHIN 30 DAYS, FILE OBJECTIONS TO THE
9 FINDINGS OR PRELIMINARY ORDER, OR BOTH, AND REQUEST A
10 HEARING ON THE RECORD, EXCEPT THAT THE FILING OF SUCH
11 OBJECTIONS SHALL NOT OPERATE TO STAY ANY REINSTATEMENT
12 REMEDY CONTAINED IN THE PRELIMINARY ORDER. SUCH HEARINGS
13 SHALL BE EXPEDITIOUSLY CONDUCTED. WHERE A HEARING IS NOT
14 TIMELY REQUESTED, THE PRELIMINARY ORDER SHALL BE DEEMED A
15 FINAL ORDER WHICH IS NOT SUBJECT TO JUDICIAL REVIEW. UPON
16 THE CONCLUSION OF SUCH HEARING, THE SECRETARY OF LABOR
17 AND INDUSTRY SHALL ISSUE A FINAL ORDER WITHIN 120 DAYS.
18 IN THE INTERIM, SUCH PROCEEDINGS MAY BE TERMINATED AT ANY
19 TIME ON THE BASIS OF A SETTLEMENT AGREEMENT ENTERED INTO
20 BY THE SECRETARY OF LABOR AND INDUSTRY, THE COMPLAINANT
21 AND THE PERSON ALLEGED TO HAVE COMMITTED THE VIOLATION.

22 (II) IF, IN RESPONSE TO A COMPLAINT FILED UNDER
23 PARAGRAPH (1), THE SECRETARY OF LABOR AND INDUSTRY
24 DETERMINES THAT A VIOLATION OF SUBSECTION (A) OR (B) HAS
25 OCCURRED, THE SECRETARY OF LABOR AND INDUSTRY SHALL
26 ORDER:

27 (A) THE PERSON WHO COMMITTED SUCH VIOLATION TO
28 TAKE AFFIRMATIVE ACTION TO ABATE THE VIOLATION;

29 (B) SUCH PERSON TO REINSTATE THE COMPLAINANT TO
30 THE COMPLAINANT'S FORMER POSITION TOGETHER WITH THE

1 COMPENSATION, INCLUDING BACK PAY, TERMS, CONDITIONS
2 AND PRIVILEGES OF THE COMPLAINANT'S EMPLOYMENT; AND
3 (C) COMPENSATORY DAMAGES.

4 IF SUCH AN ORDER IS ISSUED, THE SECRETARY OF LABOR AND
5 INDUSTRY, AT THE REQUEST OF THE COMPLAINANT MAY ASSESS
6 AGAINST THE PERSON AGAINST WHOM THE ORDER IS ISSUED A SUM
7 EQUAL TO THE AGGREGATE AMOUNT OF ALL COSTS AND EXPENSES,
8 INCLUDING ATTORNEY FEES, REASONABLY INCURRED, AS
9 DETERMINED BY THE SECRETARY OF LABOR AND INDUSTRY, BY THE
10 COMPLAINANT FOR, OR IN CONNECTION WITH, THE BRINGING OF
11 THE COMPLAINT UPON WHICH THE ORDER WAS ISSUED.

12 (D) (1) ANY PERSON ADVERSELY AFFECTED OR AGGRIEVED BY AN
13 ORDER ISSUED AFTER A HEARING UNDER SUBSECTION (C) MAY OBTAIN
14 REVIEW OF THE ORDER IN THE COMMONWEALTH COURT. THE PETITION
15 FOR REVIEW MUST BE FILED WITHIN 60 DAYS FROM THE ISSUANCE OF
16 THE SECRETARY OF LABOR AND INDUSTRY'S ORDER. SUCH REVIEW
17 SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF 42 PA.C.S.
18 (RELATING TO JUDICIARY AND JUDICIAL PROCEDURE), AND SHALL BE
19 HEARD AND DECIDED EXPEDITIOUSLY.

20 (2) AN ORDER OF THE SECRETARY OF LABOR AND INDUSTRY,
21 WITH RESPECT TO WHICH REVIEW COULD HAVE BEEN OBTAINED UNDER
22 THIS SECTION, SHALL NOT BE SUBJECT TO JUDICIAL REVIEW IN ANY
23 CRIMINAL OR OTHER CIVIL PROCEEDING.

24 (E) WHENEVER A PERSON HAS FAILED TO COMPLY WITH AN ORDER
25 ISSUED UNDER SUBSECTION (C)(2), THE SECRETARY OF LABOR AND
26 INDUSTRY SHALL FILE A CIVIL ACTION IN THE COURT OF COMMON PLEAS
27 FOR THE DISTRICT IN WHICH THE VIOLATION WAS FOUND TO OCCUR IN
28 ORDER TO ENFORCE SUCH ORDER. IN ACTIONS BROUGHT UNDER THIS
29 SUBSECTION, THE COURT OF COMMON PLEAS SHALL HAVE JURISDICTION TO
30 GRANT ALL APPROPRIATE RELIEF, INCLUDING INJUNCTIVE RELIEF,

1 REINSTATEMENT AND COMPENSATORY DAMAGES.

2 SECTION 18. THE DEPARTMENT SHALL, UPON WRITTEN REQUEST,
3 PROMPTLY REFUND TO A PURCHASER OF A MOTOR VEHICLE, ANY SALES TAX
4 AND FEES WHICH THE PURCHASER CAN PROVIDE CONVINCING EVIDENCE
5 WERE THE RESULT OF A DUPLICATIVE PAYMENT RESULTING FROM A DEALER
6 WHO FAILED TO REMIT THE ORIGINAL PAYMENTS TO THE DEPARTMENT. THE
7 PURCHASER MUST PROVIDE CONVINCING EVIDENCE THAT HE ORIGINALLY
8 PAID THE TAXES AND FEES TO THE DEALER AND SUBSEQUENTLY UPON
9 REQUEST FROM THE DEPARTMENT PAID THE TAXES AND/OR FEES A SECOND
10 TIME IN ORDER TO SECURE A VALID OR RENEWED REGISTRATION.

11 SECTION 19. THE AMENDMENTS TO SECTION 1103(D) SHALL BE
12 RETROACTIVE TO JANUARY 1, 1989.

13 SECTION ~~13-15~~ 20. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

14 (1) SECTIONS 2 (SECTIONS 1532(B) AND 1547(D)), ~~SECTION 3~~ <—
15 5 (SECTIONS 1604(D), ~~1605(C)~~ 1605(A) AND (B), 1606(C) AND <—
16 (D), 1611, 1612 AND 1613), 11 (SECTION 3731(I)) AND 12 <—
17 (SECTION 3736) OF THIS ACT SHALL TAKE EFFECT APRIL 1, 1992.

18 (2) ~~SECTION 3 (SECTION 1607)~~ SECTIONS 2 (SECTION <—
19 1103(D)), ~~3~~ 5 (SECTION 1607), ~~13~~ 18 AND ~~14~~ 19 OF THIS ACT <—
20 SHALL TAKE EFFECT IMMEDIATELY.

21 (3) SECTION ~~3~~ 5 (SECTION 1610(C)) OF THIS ACT SHALL TAKE <—
22 EFFECT WHEN THE DEPARTMENT OF TRANSPORTATION HAS ACCESS TO
23 THE COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM, BUT NO
24 LATER THAN APRIL 1, 1992.

25 (4) SECTION ~~4~~ 7 (SECTION 2102) OF THIS ACT SHALL TAKE <—
26 EFFECT IN 180 DAYS.

27 (5) SECTIONS 1 (SECTION 102 DEFINITION OF "CLASSIC MOTOR
28 VEHICLE"), ~~SECTION 2~~ (SECTIONS 1340, 1501(D) AND 1511(B)) AND <—
29 ~~SECTION 5~~ 8 (SECTION 2103) OF THIS ACT SHALL TAKE EFFECT IN <—
30 60 DAYS.

1 (6) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT NOVEMBER
2 1, 1990.