
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **1458** Session of
2011

INTRODUCED BY TALLMAN, BEAR, COHEN, D. COSTA, CUTLER, DAY,
DeLUCA, DONATUCCI, GILLEN, GODSHALL, GROVE, HAHN, HEFFLEY,
JOSEPHS, MILLER, MOUL, MURPHY, MURT, PASHINSKI, PYLE,
K. SMITH, WATSON AND DENLINGER, MAY 4, 2011

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, DECEMBER 5, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, IN GENERAL PROVISIONS, FURTHER PROVIDING FOR ←
3 DEFINITIONS; IN DRIVERS' LICENSES, FURTHER PROVIDING FOR
4 JUDICIAL REVIEW AND FOR CANCELLATION; IN COMMERCIAL DRIVERS,
5 FURTHER PROVIDING FOR DEFINITIONS AND FOR REQUIREMENT,
6 PROVIDING FOR CERTIFICATION REQUIREMENTS, FOR MEDICAL
7 CERTIFICATION AND FOR NONCOMPLIANCE AND FURTHER PROVIDING FOR
8 LICENSE AND FOR DISQUALIFICATION; AND, IN STATE AND LOCAL
9 ADMINISTRATION, further providing for nonreciprocity of
10 operational limitations.

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

13 ~~Section 1. Section 6154 of Title 75 of the Pennsylvania~~ ←
14 ~~Consolidated Statutes is amended to read:~~

15 SECTION 1. THE DEFINITION OF "EMERGENCY VEHICLE" IN SECTION ←
16 102 OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS
17 AMENDED TO READ:

18 § 102. DEFINITIONS.

19 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
20 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC

1 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
2 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
3 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

4 * * *

5 "EMERGENCY VEHICLE." A COUNTY EMERGENCY MANAGEMENT VEHICLE,
6 FIRE DEPARTMENT VEHICLE, POLICE VEHICLE, SHERIFF VEHICLE,
7 AMBULANCE, ADVANCED LIFE SUPPORT SQUAD VEHICLE, BASIC LIFE
8 SUPPORT SQUAD VEHICLE, BLOOD DELIVERY VEHICLE, HUMAN ORGAN
9 DELIVERY VEHICLE, HAZARDOUS MATERIAL RESPONSE VEHICLE, ARMED
10 FORCES EMERGENCY VEHICLE, ONE VEHICLE OPERATED BY A CORONER OR
11 CHIEF COUNTY MEDICAL EXAMINER AND ONE VEHICLE OPERATED BY A
12 CHIEF DEPUTY CORONER OR DEPUTY CHIEF COUNTY MEDICAL EXAMINER
13 USED FOR ANSWERING EMERGENCY CALLS, A VEHICLE OWNED BY OR LEASED
14 TO A REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL THAT IS USED AS
15 AUTHORIZED BY THE DEPARTMENT OF HEALTH TO RESPOND TO AN ACTUAL
16 OR POTENTIAL DISASTER, MASS CASUALTY SITUATION OR SUBSTANTIAL
17 THREAT TO PUBLIC HEALTH, ANY VEHICLE OWNED AND OPERATED BY THE
18 PHILADELPHIA PARKING AUTHORITY ESTABLISHED IN ACCORDANCE WITH 53
19 PA.C.S. CH. 55 (RELATING TO PARKING AUTHORITIES) AND USED IN THE
20 ENFORCEMENT OF 53 PA.C.S. CH. 57 (RELATING TO TAXICABS AND
21 LIMOUSINES IN FIRST CLASS CITIES), OR ANY OTHER VEHICLE
22 DESIGNATED BY THE STATE POLICE UNDER SECTION 6106 (RELATING TO
23 DESIGNATION OF EMERGENCY VEHICLES BY PENNSYLVANIA STATE POLICE),
24 OR A PRIVATELY OWNED VEHICLE USED IN ANSWERING AN EMERGENCY CALL
25 WHEN USED BY ANY OF THE FOLLOWING:

26 (1) A POLICE CHIEF AND ASSISTANT CHIEF.

27 (2) A FIRE CHIEF, ASSISTANT CHIEF AND, WHEN A FIRE
28 COMPANY HAS THREE OR MORE FIRE VEHICLES, A SECOND OR THIRD
29 ASSISTANT CHIEF.

30 (3) A FIRE POLICE CAPTAIN AND FIRE POLICE LIEUTENANT.

1 (4) AN AMBULANCE CORPS COMMANDER AND ASSISTANT
2 COMMANDER.

3 (5) A RIVER RESCUE COMMANDER AND ASSISTANT COMMANDER.

4 (6) A COUNTY EMERGENCY MANAGEMENT COORDINATOR.

5 (7) A FIRE MARSHAL.

6 (8) A RESCUE SERVICE CHIEF AND ASSISTANT CHIEF.

7 * * *

8 SECTION 1.1. SECTIONS 1550(A), (B)(1)(II) AND (C) AND
9 1572(A)(1)(II) OF TITLE 75 ARE AMENDED TO READ:

10 § 1550. JUDICIAL REVIEW.

11 (A) GENERAL RULE.--ANY PERSON WHO HAS BEEN DENIED A DRIVER'S
12 LICENSE, WHOSE DRIVER'S LICENSE HAS BEEN CANCELED, WHOSE
13 COMMERCIAL DRIVER'S LICENSE DESIGNATION HAS BEEN REMOVED OR
14 WHOSE OPERATING PRIVILEGE HAS BEEN RECALLED, SUSPENDED, REVOKED
15 OR DISQUALIFIED BY THE DEPARTMENT SHALL HAVE THE RIGHT TO APPEAL
16 TO THE COURT VESTED WITH JURISDICTION OF SUCH APPEALS BY OR
17 PURSUANT TO TITLE 42 (RELATING TO JUDICIARY AND JUDICIAL
18 PROCEDURE). THE APPELLANT SHALL SERVE A COPY OF THE PETITION FOR
19 APPEAL, TOGETHER WITH A COPY OF THE NOTICE OF THE ACTION FROM
20 WHICH THE APPEAL HAS BEEN TAKEN, UPON THE DEPARTMENT'S LEGAL
21 OFFICE.

22 (B) SUPERSEDEAS.--

23 (1) * * *

24 (II) THE FILING AND SERVICE OF A PETITION FOR APPEAL
25 FROM DENIAL, RECALL, SUSPENSION OR CANCELLATION OF A
26 DRIVER'S LICENSE OR FROM REMOVAL OF THE COMMERCIAL DRIVER
27 LICENSE DESIGNATION UNDER SECTION 1503 (RELATING TO
28 PERSONS INELIGIBLE FOR LICENSING; LICENSE ISSUANCE TO
29 MINORS; JUNIOR DRIVER'S LICENSE), 1504 (RELATING TO
30 CLASSES OF LICENSES), 1509 (RELATING TO QUALIFICATIONS

1 FOR SCHOOL BUS DRIVER ENDORSEMENT), 1514 (RELATING TO
2 EXPIRATION AND RENEWAL OF DRIVERS' LICENSES), 1519
3 (RELATING TO DETERMINATION OF INCOMPETENCY) [OR], 1572
4 (RELATING TO CANCELLATION OF DRIVER'S LICENSE) OR 1609.3
5 (RELATING TO NONCOMPLIANCE WITH CERTIFICATION
6 REQUIREMENTS) SHALL NOT ACT AS A SUPERSEDEAS UNLESS
7 ORDERED BY THE COURT AFTER A HEARING ATTENDED BY THE
8 PETITIONER.

9 * * *

10 (C) PROCEEDINGS OF COURT.--THE COURT SHALL SET THE MATTER
11 FOR HEARING UPON 60 DAYS' WRITTEN NOTICE TO THE DEPARTMENT AND
12 DETERMINE WHETHER:

13 (1) THE PETITIONER'S DRIVER'S LICENSE SHOULD BE DENIED
14 OR CANCELED[,];

15 (2) THE PETITIONER'S OPERATING PRIVILEGE SHOULD BE
16 SUSPENDED, REVOKED OR RECALLED; OR

17 (3) THE PETITIONER'S ENDORSEMENT OR COMMERCIAL DRIVER
18 LICENSE DESIGNATION SHOULD BE REMOVED.

19 * * *

20 § 1572. CANCELLATION OF DRIVER'S LICENSE.

21 (A) GENERAL RULE.--

22 (1) THE DEPARTMENT MAY CANCEL ANY DRIVER'S LICENSE UPON
23 DETERMINING THAT ONE OF THE FOLLOWING APPLIES:

24 * * *

25 (II) THE PERSON FAILED TO GIVE THE REQUIRED OR
26 CORRECT INFORMATION ON AN APPLICATION OR CERTIFICATION OR
27 COMMITTED FRAUD IN MAKING THE APPLICATION OR IN OBTAINING
28 THE LICENSE.

29 * * *

30 SECTION 2. SECTION 1603 OF TITLE 75 IS AMENDED BY ADDING A

1 DEFINITION TO READ:

2 § 1603. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
4 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 * * *

7 "MEDICAL EXAMINER." AN INDIVIDUAL WHO IS LICENSED, CERTIFIED
8 OR REGISTERED, IN ACCORDANCE WITH APPLICABLE STATUTES AND
9 REGULATIONS, TO PERFORM PHYSICAL EXAMINATIONS. THE TERM INCLUDES
10 A DOCTOR OF MEDICINE, AN OSTEOPATH, A PHYSICIAN ASSISTANT, AN
11 ADVANCED PRACTICE NURSE AND A DOCTOR OF CHIROPRACTIC.

12 * * *

13 SECTION 3. SECTION 1606(B) OF TITLE 75 IS AMENDED BY ADDING
14 A PARAGRAPH TO READ:

15 § 1606. REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE.

16 * * *

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

20 * * *

21 (7) AN EMPLOYEE OF A COUNTY EMERGENCY MANAGEMENT
22 ORGANIZATION WHO IS THE HOLDER OF A CLASS C LICENSE AND WHO
23 HAS A CERTIFICATE OF AUTHORIZATION FROM THE HEAD OF THE
24 COUNTY EMERGENCY MANAGEMENT ORGANIZATION WHILE OPERATING ANY
25 EMERGENCY VEHICLE EQUIPPED WITH AUDIBLE AND VISUAL SIGNALS
26 REGISTERED TO THE COUNTY OR COUNTY EMERGENCY MANAGEMENT
27 ORGANIZATION.

28 * * *

29 SECTION 4. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

30 § 1609.1. TYPE OF DRIVING CERTIFICATION REQUIREMENTS.

1 (A) SELF-CERTIFICATION REQUIREMENT.--AN APPLICANT FOR A
2 COMMERCIAL DRIVER LEARNER'S PERMIT OR INITIAL COMMERCIAL
3 DRIVER'S LICENSE MUST MAKE ONE OF THE APPLICABLE SELF-
4 CERTIFICATIONS FROM THE FOLLOWING:

5 (1) NONEXCEPTED INTERSTATE COMMERCE. A CERTIFICATION
6 THAT THE APPLICANT:

7 (I) OPERATES OR EXPECTS TO OPERATE IN INTERSTATE
8 COMMERCE;

9 (II) IS SUBJECT TO AND MEETS THE MEDICAL
10 QUALIFICATION REQUIREMENTS UNDER 49 CFR PART 391
11 (RELATING TO QUALIFICATIONS OF DRIVERS AND LONGER
12 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS); AND

13 (III) ACKNOWLEDGES THE REQUIREMENT TO OBTAIN A
14 MEDICAL CERTIFICATE UNDER 49 CFR § 391.45 (RELATING TO
15 PERSONS WHO MUST BE MEDICALLY EXAMINED AND CERTIFIED).

16 (2) EXCEPTED INTERSTATE COMMERCE. A CERTIFICATION THAT
17 THE APPLICANT OPERATES OR EXPECTS TO OPERATE IN INTERSTATE
18 COMMERCE BUT ENGAGES EXCLUSIVELY IN TRANSPORTATION OR
19 OPERATIONS EXCEPTED UNDER 49 CFR §§ 390.3(F) (RELATING TO
20 GENERAL APPLICABILITY), 391.2 (RELATING TO GENERAL
21 EXCEPTIONS), 391.68 (RELATING TO PRIVATE MOTOR CARRIER OF
22 PASSENGERS (NONBUSINESS)) OR 398.3 (RELATING TO
23 QUALIFICATIONS OF DRIVERS OR OPERATORS) FROM ALL OR PARTS OF
24 THE QUALIFICATION REQUIREMENTS OF 49 CFR PART 391, AND IS
25 THEREFORE NOT REQUIRED TO OBTAIN A MEDICAL EXAMINER'S
26 CERTIFICATE UNDER 49 CFR § 391.45.

27 (3) NONEXCEPTED INTRASTATE COMMERCE. A CERTIFICATION
28 THAT THE APPLICANT:

29 (I) OPERATES IN INTRASTATE COMMERCE;

30 (II) IS SUBJECT TO AND MEETS THE MEDICAL

1 QUALIFICATION REQUIREMENTS OF 67 PA. CODE CH. 231
2 (RELATING TO INTRASTATE MOTOR CARRIER SAFETY
3 REQUIREMENTS); AND

4 (III) ACKNOWLEDGES THE REQUIREMENT TO OBTAIN A
5 MEDICAL CERTIFICATE.

6 (4) EXCEPTED INTRASTATE COMMERCE. A CERTIFICATION THAT
7 THE APPLICANT OPERATES IN INTRASTATE COMMERCE, BUT ENGAGES
8 EXCLUSIVELY IN TRANSPORTATION OR OPERATIONS EXCEPTED FROM ALL
9 OR PARTS OF THE DRIVER QUALIFICATION REQUIREMENTS IN 67 PA.
10 CODE CH. 231 AND IS NOT REQUIRED TO OBTAIN A MEDICAL
11 CERTIFICATE.

12 (B) EXISTING DRIVERS.--A HOLDER OF A COMMERCIAL DRIVER'S
13 LICENSE SHALL SUBMIT TO THE DEPARTMENT A SELF-CERTIFICATION OF
14 DRIVING WHICH COMPLIES WITH SUBSECTION (A) WITHIN 30 DAYS OF
15 NOTICE BY THE DEPARTMENT.

16 § 1609.2. MEDICAL CERTIFICATION.

17 (A) REQUIREMENTS.--AN INDIVIDUAL WHO CERTIFIES THAT THE
18 INDIVIDUAL OPERATES OR EXPECTS TO OPERATE A COMMERCIAL MOTOR
19 VEHICLE IN NONEXCEPTED INTERSTATE COMMERCE OR NONEXCEPTED
20 INTRASTATE COMMERCE SHALL PROVIDE THE DEPARTMENT WITH AN
21 ORIGINAL OR PHOTOGRAPHIC COPY OF A MEDICAL EXAMINER'S
22 CERTIFICATE PREPARED BY A MEDICAL EXAMINER. THE MEDICAL
23 EXAMINER'S CERTIFICATE SHALL BE VALID FOR UP TO TWO YEARS FROM
24 THE DATE OF THE MEDICAL EXAMINATION.

25 (B) MAINTAINING CERTIFICATION.--A CDL HOLDER WHO CERTIFIES
26 INTENT TO OPERATE A COMMERCIAL MOTOR VEHICLE IN NONEXCEPTED
27 INTERSTATE COMMERCE OR NONEXCEPTED INTRASTATE COMMERCE SHALL
28 PROVIDE THE DEPARTMENT WITH AN ORIGINAL OR COPY OF A
29 SUBSEQUENTLY ISSUED MEDICAL EXAMINER'S CERTIFICATE.

30 (C) NONCOMPLIANCE WITH MEDICAL REQUIREMENTS.--

1 (1) THIS SUBSECTION APPLIES IN THE FOLLOWING
2 CIRCUMSTANCES:

3 (I) UPON THE EXPIRATION OF A MEDICAL CERTIFICATION
4 OR A MEDICAL VARIANCE ISSUED BY THE FEDERAL MOTOR CARRIER
5 SAFETY ADMINISTRATION OR THE DEPARTMENT.

6 (II) IF THE FEDERAL MOTOR CARRIER SAFETY
7 ADMINISTRATION NOTIFIES THE DEPARTMENT THAT A MEDICAL
8 VARIANCE WAS RESCINDED.

9 (2) IF THIS SUBSECTION APPLIES, THE DEPARTMENT SHALL
10 NOTIFY A NONEXCEPTED COMMERCIAL DRIVER THAT THE DRIVER IS NO
11 LONGER IN CONFORMANCE WITH THE MEDICAL CERTIFICATION
12 REQUIREMENTS AND THAT THE CDL DESIGNATION WILL BE REMOVED
13 FROM THE DRIVER'S LICENSE UNLESS THE DRIVER:

14 (I) SUBMITS A CURRENT MEDICAL CERTIFICATE OR MEDICAL
15 VARIANCE; OR

16 (II) CHANGES THE SELF-CERTIFICATION TO DRIVING ONLY
17 IN EXCEPTED INTERSTATE COMMERCE OR EXCEPTED INTRASTATE
18 COMMERCE.

19 § 1609.3. NONCOMPLIANCE WITH CERTIFICATION REQUIREMENTS.

20 THE DEPARTMENT SHALL REMOVE THE COMMERCIAL DRIVER LICENSE
21 DESIGNATION FROM THE DRIVER'S LICENSE OF AN INDIVIDUAL WHO IS
22 NOT IN COMPLIANCE WITH SECTION 1609.1 (RELATING TO TYPE OF
23 DRIVING CERTIFICATION REQUIREMENTS) OR SECTION 1609.2 (RELATING
24 TO MEDICAL CERTIFICATION).

25 SECTION 5. SECTIONS 1610(B)(2), 1611(L) AND 6154 OF TITLE 75
26 ARE AMENDED TO READ:

27 § 1610. COMMERCIAL DRIVER'S LICENSE.

28 * * *

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

30 * * *

1 (2) THE FOLLOWING CODES SHALL BE USED AS REQUIRED TO
2 DESCRIBE THE COMMERCIAL DRIVER'S LICENSE ENDORSEMENTS AND
3 RESTRICTIONS. ADDITIONAL ENDORSEMENTS AND RESTRICTIONS MAY BE
4 ADDED BY REGULATION FOR USE ON THE COMMERCIAL DRIVER'S
5 LICENSE:

6 A - RESTRICTS THE DRIVER TO DRIVING UNDER 49 CFR §
7 391.62 (C) (RELATING TO LIMITED EXEMPTIONS FOR
8 INTRACITY ZONE DRIVERS).

9 G - INDICATES QUALIFICATION UNDER 49 CFR § 391.62 (E).

10 H - AUTHORIZES THE DRIVER TO OPERATE A VEHICLE
11 TRANSPORTING HAZARDOUS MATERIALS.

12 L - RESTRICTS THE DRIVER TO VEHICLES NOT EQUIPPED
13 WITH AIR BRAKES.

14 N - AUTHORIZES DRIVING TANK VEHICLES.

15 P - AUTHORIZES DRIVING VEHICLES CARRYING PASSENGERS.

16 Q - REQUIRES THE DRIVER TO WEAR CORRECTIVE LENSES.

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

18 T - AUTHORIZES DRIVING DOUBLE AND TRIPLE TRAILERS.

19 V - INDICATES THAT THE DRIVER HAS BEEN ISSUED A
20 MEDICAL VARIANCE.

21 X - REPRESENTS A COMBINATION OF HAZARDOUS MATERIALS
22 AND TANK VEHICLE ENDORSEMENTS.

23 Y - REQUIRES THE DRIVER TO WEAR A HEARING AID.

24 * * *

25 § 1611. DISQUALIFICATION.

26 * * *

27 (L) DISQUALIFICATION FOR INCOMPLETE, INCORRECT OR FRAUDULENT
28 APPLICATION OR CERTIFICATION.--THE DEPARTMENT SHALL DISQUALIFY
29 ANY PERSON FROM DRIVING A COMMERCIAL MOTOR VEHICLE FOR 60 DAYS
30 UPON CANCELING THE PERSON'S COMMERCIAL DRIVER'S LICENSE PURSUANT

1 TO SECTION 1572 (A) (1) (II) (RELATING TO CANCELLATION OF DRIVER'S
2 LICENSE) INVOLVING AN APPLICATION OR CERTIFICATION RELATED TO
3 THE REQUIREMENTS OF THIS CHAPTER.

4 * * *

5 § 6154. Nonreciprocity of operational limitations.

6 (a) General rule.--If any other state with which the
7 department has entered into a reciprocity agreement, including
8 the International Registration Plan, imposes an operational
9 limitation, burden or prohibition upon vehicles with a base
10 jurisdiction of Pennsylvania but not upon vehicles with a base
11 jurisdiction of the other state, the Commonwealth shall impose a
12 like operational limitation, burden or prohibition upon the same
13 class of vehicles that are operating in this Commonwealth but
14 based in the other state. Operational limitations shall include
15 the maximum weight, width, length or height of a vehicle.

16 (b) Penalty.--A person who violates this section commits a
17 summary offense and shall, upon conviction, be sentenced to pay
18 a fine of not less than \$500 and not more than \$1,000 for each
19 violation.

20 ~~Section 2. This act shall take effect in 60 days.~~ ←

21 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: ←

22 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN 60
23 DAYS:

24 (I) THE AMENDMENT OF THE DEFINITION OF "EMERGENCY
25 VEHICLE" IN 75 PA.C.S. § 102.

26 (II) THE ADDITION OF 75 PA.C.S. § 1606 (B) (7).

27 (III) THE AMENDMENT OF 75 PA.C.S. § 6154.

28 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

29 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY
30 30, 2012.