

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1147 Session of 2011

INTRODUCED BY ARGALL, JUNE 14, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 2, 2012

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, IN COMMERCIAL DRIVERS, FURTHER PROVIDING FOR
3 EMPLOYER RESPONSIBILITIES AND FOR REQUIREMENT FOR COMMERCIAL
4 DRIVER'S LICENSE; in fees, further providing for annual
5 hauling permits; and, IN RULES OF THE ROAD, FURTHER PROVIDING
6 FOR VEHICLES REQUIRED TO STOP AT RAILROAD CROSSINGS; IN
7 POWERS OF DEPARTMENT AND LOCAL AUTHORITIES, FURTHER PROVIDING
8 FOR APPLICABILITY AND UNIFORMITY OF TITLE; IN LIQUID FUELS
9 AND FUELS TAX, FURTHER PROVIDING FOR DISPOSITION AND USE OF
10 TAX; in size, weight and load, further providing for
11 conditions and security and for permit for movement during
12 course of manufacture and providing for egg movement permits.

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

15 ~~Section 1. Section 1943 of Title 75 of the Pennsylvania~~
16 ~~Consolidated Statutes is amended by adding a subsection to read:~~

17 SECTION 1. SECTIONS 1605(B) AND 1606(A) OF TITLE 75 OF THE
18 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

19 § 1605. EMPLOYER RESPONSIBILITIES.

20 * * *

21 (B) PROHIBITIONS.--NO EMPLOYER SHALL KNOWINGLY ALLOW,
22 REQUIRE, PERMIT OR AUTHORIZE A DRIVER TO DRIVE A COMMERCIAL

1 MOTOR VEHICLE [DURING ANY PERIOD]:

2 (1) DURING ANY PERIOD IN WHICH:

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

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

7 (III) THE DRIVER HAS BEEN DISQUALIFIED FROM DRIVING
8 A COMMERCIAL MOTOR VEHICLE;

9 (IV) THE DRIVER IS NOT LICENSED TO DRIVE A
10 COMMERCIAL VEHICLE;

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

14 (VI) THE DRIVER, OR THE COMMERCIAL MOTOR VEHICLE THE
15 DRIVER IS DRIVING, OR THE MOTOR CARRIER OPERATION IS
16 SUBJECT TO AN OUT-OF-SERVICE ORDER; [OR]

17 (2) DURING ANY PERIOD IN WHICH THE DRIVER HAS MORE THAN
18 ONE DRIVER'S LICENSE[.]; OR

19 (3) IN VIOLATION OF A FEDERAL, STATE OR LOCAL LAW OR
20 REGULATION PERTAINING TO RAILROAD-HIGHWAY GRADE CROSSING.

21 * * *

22 § 1606. REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE.

23 (A) WHEN REQUIRED.--NO PERSON, EXCEPT THOSE SPECIFICALLY
24 EXEMPTED IN SUBSECTION (B), SHALL DRIVE A COMMERCIAL MOTOR
25 VEHICLE UNLESS [THE PERSON HAS BEEN ISSUED AND IS IN IMMEDIATE
26 POSSESSION OF A VALID COMMERCIAL DRIVER'S LICENSE AND APPLICABLE
27 ENDORSEMENTS VALID FOR THE VEHICLE HE IS DRIVING.]:

28 (1) THE PERSON HAS BEEN ISSUED A COMMERCIAL DRIVER'S
29 LICENSE;

30 (2) THE PERSON'S COMMERCIAL DRIVER'S LICENSE IS IN HIS

1 IMMEDIATE POSSESSION; AND

2 (3) THE PERSON'S COMMERCIAL DRIVER'S LICENSE WAS ISSUED
3 FOR THE CLASS OF COMMERCIAL MOTOR VEHICLE OPERATED AND
4 CONTAINS ALL APPLICABLE LICENSE ENDORSEMENTS.

5 * * *

6 SECTION 2. SECTION 1943 OF TITLE 75 IS AMENDED BY ADDING A
7 SUBSECTION TO READ:

8 § 1943. Annual hauling permits.

9 * * *

10 (g.1) Eggs.--The annual fee for movement of each vehicle
11 hauling eggs as provided for in section 4976.2 (relating to
12 permit for movement of eggs) shall be \$400.

13 * * *

14 SECTION 3. SECTION 3342(G) OF TITLE 75 IS AMENDED AND THE
15 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

16 § 3342. VEHICLES REQUIRED TO STOP AT RAILROAD CROSSINGS.

17 * * *

18 (G) REQUIREMENT UPON APPROACHING TRACKS.--[EVERY] UPON
19 APPROACHING ANY TRACK OF A RAILROAD, THE DRIVER OF EVERY
20 COMMERCIAL MOTOR VEHICLE AS DEFINED BY SECTION 1603 (RELATING TO
21 DEFINITIONS) OTHER THAN THOSE LISTED IN SUBSECTION (B) SHALL[,
22 UPON APPROACHING ANY TRACK OR TRACKS OF A RAILROAD, BE DRIVEN AT
23 A RATE OF SPEED WHICH WILL PERMIT THE COMMERCIAL MOTOR VEHICLE
24 TO BE STOPPED BEFORE REACHING THE NEAREST RAIL OF THE RAILROAD
25 CROSSING AND SHALL NOT BE DRIVEN UPON OR OVER SUCH CROSSING
26 UNTIL THE COURSE IS CLEAR.]:

27 (1) REDUCE THE RATE OF SPEED OF THE COMMERCIAL MOTOR
28 VEHICLE AND CHECK THAT THE TRACKS ARE FREE OF APPROACHING
29 TRAINS; AND

30 (2) STOP THE VEHICLE IF THE TRACKS ARE NOT CLEAR.

1 (H) RAILROAD GRADE CROSSING.--NO COMMERCIAL MOTOR VEHICLE
2 MAY PROCEED ONTO A RAILROAD GRADE CROSSING UNLESS:

3 (1) THERE IS SUFFICIENT SPACE TO DRIVE COMPLETELY
4 THROUGH THE CROSSING WITHOUT STOPPING; AND

5 (2) THE VEHICLE HAS SUFFICIENT UNDERCARRIAGE CLEARANCE
6 TO ALLOW THE VEHICLE TO DRIVE COMPLETELY THROUGH THE RAILROAD
7 GRADE CROSSING WITHOUT STOPPING.

8 (I) TRAFFIC CONTROL.--NO DRIVER OF A COMMERCIAL MOTOR
9 VEHICLE MAY FAIL TO OBEY A TRAFFIC CONTROL DEVICE OR DIRECTION
10 OF AN ENFORCEMENT OFFICER AT A RAILWAY GRADE CROSSING.

11 Section 2 4. Section 4962(f) of Title 75 is amended to read: ←
12 § 4962. Conditions of permits and security for damages.

13 * * *

14 (f) When loads permitted.--Only vehicles and combinations
15 permitted under the following provisions shall be authorized to
16 carry or haul loads while operating under the permit:

17 Section 4961(a)(2), (3) and (6) (relating to authority to
18 issue permits).

19 Section 4965 (relating to single permits for multiple
20 highway crossings).

21 Section 4968 (relating to permit for movement during
22 course of manufacture).

23 Section 4974 (relating to permit for movement of
24 containerized cargo).

25 Section 4975 (relating to permit for movement of special
26 mobile equipment).

27 Section 4976 (relating to permit for movement of domestic
28 animal feed).

29 Section 4976.1 (relating to permit for movement of live
30 domestic animals).

1 Section 4976.2 (relating to permit for movement of eggs).

2 Section 4977 (relating to permit for movement of wooden
3 structures).

4 Section 4978 (relating to permit for movement of building
5 structural components).

6 Section 4979 (relating to permit for movement of
7 particleboard or fiberboard used in the manufacture of ready-
8 to-assemble furniture).

9 Section 4979.1 (relating to permit for movement of bulk
10 refined oil).

11 Section 4979.2 (relating to permit for movement of waste
12 coal and beneficial combustion ash).

13 Section 4979.3 (relating to permit for movement of float
14 glass or flat glass for use in construction and other end
15 uses).

16 Section 4979.4 (relating to permit for movement of self-
17 propelled cranes).

18 Section 4979.5 (relating to permit for movement of
19 nonhazardous liquid glue).

20 Section 4979.6 (relating to permit for movement of waste
21 tires).

22 * * *

23 Section ~~3~~ 5. Section 4968(a.1)(3) of Title 75 is amended and ←
24 subsection (a.2) is amended by adding a paragraph to read:

25 § 4968. Permit for movement during course of manufacture.

26 * * *

27 (a.1) General rule.--An annual permit may be issued
28 authorizing movement on specified highways of:

29 * * *

30 (3) aircraft refueling vehicles or vehicles and

1 combinations carrying raw milk, raw coal, flat-rolled steel
2 coils, steel slabs, hot ingots, a hot box, pulpwood and wood
3 chips [or], raw water or cryogenic liquid which exceed the
4 maximum weight specified in Subchapter C while they are in
5 the course of manufacture and under contract with or under
6 the direct control of the manufacturer, provided that they do
7 not exceed the maximum height, width or length specified in
8 Subchapter B unless they also qualify under paragraph (1),
9 subject to the provisions in subsection (a.2).

10 (a.2) Specifications.--

11 * * *

12 (13) A combination of vehicles that hauls cryogenic
13 liquid from a manufacturing or processing facility to another
14 manufacturing or processing facility may be permitted by the
15 department and local authorities to move upon highways within
16 their respective jurisdiction if the gross weight does not
17 exceed 102,000 pounds. No permit may be issued for this type
18 of movement upon an interstate highway.

19 * * *

20 Section 4 6. Title 75 is amended by adding a section to

21 read:

22 § 4976.2 Permit for movement of eggs.

23 (a) Authorization.--Except as set forth in subsection (b),
24 all of the following apply:

25 (1) An annual permit may be issued authorizing the
26 movement on highways to haul eggs to or from a processor by
27 a combination of vehicles which exceeds the maximum vehicle
28 gross weight specified in Subchapter C (relating to maximum
29 weights of vehicles).

30 (2) On a vehicle permitted under this section:



1 (i) overall gross weight may not exceed 95,000
2 pounds; and
3 (ii) weight on a nonsteering axle may not exceed
4 21,000 pounds.

5 (b) Exception.--No permit may be issued for this type of
6 movement upon an interstate highway.

7 SECTION 7. SECTION 6101 OF TITLE 75 IS AMENDED TO READ: ←

8 § 6101. APPLICABILITY AND UNIFORMITY OF TITLE.

9 (A) REQUIREMENT.--THE PROVISIONS OF THIS TITLE SHALL BE
10 APPLICABLE AND UNIFORM THROUGHOUT THIS COMMONWEALTH AND IN ALL
11 POLITICAL SUBDIVISIONS IN THIS COMMONWEALTH, AND NO LOCAL
12 AUTHORITY SHALL ENACT OR ENFORCE ANY ORDINANCE ON A MATTER
13 COVERED BY THE PROVISIONS OF THIS TITLE UNLESS EXPRESSLY
14 AUTHORIZED.

15 (B) SANCTIONS.--WHEN A COURT OF COMPETENT JURISDICTION
16 DETERMINES AND NOTIFIES THE DEPARTMENT THAT AN ORDINANCE ADOPTED
17 BY A LOCAL AUTHORITY IS IN VIOLATION OF SUBSECTION (A),
18 COMMENCING 40 DAYS FOLLOWING ENTRY OF A FINAL ORDER, UNLESS AN
19 APPEAL HAS BEEN TIMELY FILED WITH A COURT OF RECORD, THE
20 FOLLOWING SANCTIONS APPLY UNTIL THE LOCAL AUTHORITY REPEALS OR
21 SUBSTANTIALLY AMENDS THE ORDINANCE TO REMOVE THE LANGUAGE THAT
22 WAS FOUND TO BE IN VIOLATION OF SUBSECTION (A):

23 (1) SUSPENSION OF UNOBLIGATED CAPITAL EXPENDITURES FOR
24 BRIDGES AND HIGHWAYS.

25 (2) SUSPENSION OF ALLOCATION UNDER THE ACT OF JUNE 1,
26 1956 (1955 P.L.1944, NO.655), REFERRED TO AS THE LIQUID FUELS
27 TAX MUNICIPAL ALLOCATION LAW.

28 (3) SUSPENSION OF ALLOCATION AND APPORTIONMENT UNDER
29 SECTION 9010(C.1) (RELATING TO DISPOSITION AND USE OF TAX).

30 (4) SUSPENSION OF EXPENDITURES FROM THE SPECIAL FUND

1 INTO WHICH ALLOCATIONS UNDER THE ACT OF JUNE 1, 1956 (1955
2 P.L.1944, NO.655), REFERRED TO AS THE LIQUID FUELS TAX
3 MUNICIPAL ALLOCATION LAW, ARE DEPOSITED, UNLESS A CONTRACT
4 FOR THE WORK THAT IS THE SUBJECT OF THE EXPENDITURE HAS BEEN
5 FULLY EXECUTED OR THE MONEYS HAVE BEEN OTHERWISE OBLIGATED.
6 (C) SUSPENDED FUNDS.--UPON NOTIFICATION THAT THE LOCAL
7 AUTHORITY HAS REPEALED OR SUBSTANTIALLY AMENDED THE ORDINANCE TO
8 REMOVE THE LANGUAGE THAT WAS FOUND TO BE IN VIOLATION OF
9 SUBSECTION (A), THE DEPARTMENT SHALL IMMEDIATELY END ALL
10 SANCTIONS AGAINST THE LOCAL AUTHORITY AND RETURN ALL SUSPENDED
11 FUNDS TO THE LOCAL AUTHORITY.

12 SECTION 8. SECTION 9010(C) INTRODUCTORY PARAGRAPH OF TITLE
13 75 IS AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS
14 TO READ:

15 § 9010. DISPOSITION AND USE OF TAX.

16 * * *

17 (C) ALLOCATION OF MONEY.--[THE] EXCEPT AS SET FORTH IN
18 SUBSECTION (C.1), THE COUNTY COMMISSIONERS MAY ALLOCATE AND
19 APPORTION MONEY FROM THE COUNTY LIQUID FUELS TAX FUND TO THE
20 POLITICAL SUBDIVISIONS WITHIN THE COUNTY IN THE RATIO AS
21 PROVIDED IN THIS SUBSECTION. WHEN THE UNENCUMBERED BALANCE IN
22 THE COUNTY LIQUID FUELS TAX FUND IS GREATER THAN THE RECEIPTS
23 FOR THE 12 MONTHS IMMEDIATELY PRECEDING THE DATE OF EITHER OF
24 THE REPORTS, THE COUNTY COMMISSIONERS SHALL NOTIFY THE POLITICAL
25 SUBDIVISIONS TO MAKE APPLICATION WITHIN 90 DAYS FOR
26 PARTICIPATION IN THE REDISTRIBUTION OF THE UNENCUMBERED BALANCE.
27 REDISTRIBUTION SHALL BE EFFECTED WITHIN 120 DAYS OF THE DATE OF
28 EITHER OF THE REPORTS. THE COUNTY COMMISSIONERS MAY DISTRIBUTE
29 THE UNENCUMBERED BALANCE IN EXCESS OF 50% OF THE RECEIPTS FOR
30 THE PREVIOUS 12 MONTHS TO THE POLITICAL SUBDIVISIONS MAKING

1 APPLICATION IN THE FOLLOWING MANNER:

2 * * *

3 (C.1) FORFEITURE.--ALL MONEY ALLOCATED UNDER SUBSECTION (C)
4 TO A POLITICAL SUBDIVISION WHICH, UNDER SECTION 6109(A)
5 (RELATING TO SPECIFIC POWERS OF DEPARTMENT AND LOCAL
6 AUTHORITIES), VIOLATES SECTION 6101(A) (RELATING TO
7 APPLICABILITY AND UNIFORMITY OF TITLE) SHALL BE WITHHELD BY THE
8 COUNTY DURING THE PERIOD OF TIME IN WHICH THE MUNICIPALITY IS IN
9 VIOLATION OF SECTION 6101(A).

10 (C.2) RELEASE FUNDS.--UPON NOTIFICATION THAT THE LOCAL
11 AUTHORITY HAS REPEALED OR SUBSTANTIALLY AMENDED THE ORDINANCE TO
12 REMOVE THE LANGUAGE THAT WAS FOUND TO BE IN VIOLATION OF SECTION
13 6101(A), THE COUNTY SHALL RELEASE THOSE FUNDS WITHHELD BY THE
14 COUNTY AND DUE THE LOCAL AGENCY.

15 * * *

16 Section 5 9. This act shall take effect in 60 days.

