

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1094 Session of 2022

INTRODUCED BY GEBHARD, ARGALL, MARTIN, BARTOLOTTA, GORDNER, MENSCH, PITTMAN, STEFANO AND DISANTO, FEBRUARY 23, 2022

REFERRED TO TRANSPORTATION, FEBRUARY 23, 2022

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
 2 Statutes, in motor carrier safety, repealing provisions  
 3 relating to findings and declaration of policy and further  
 4 providing for definitions and for Motor Carrier Safety  
 5 Advisory Committee.

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

8 Section 1. Section 7802 of Title 75 of the Pennsylvania  
 9 Consolidated Statutes is repealed:

10 [§ 7802. Findings and declaration of policy.

11 (a) Findings.--It is hereby determined and declared as a  
 12 matter of legislative findings that:

13 (1) The operation of the motor carrier industry is a  
 14 vital part of the economic health of this Commonwealth by  
 15 providing needed goods and services as well as job  
 16 opportunities for many Pennsylvanians.

17 (2) As more and more motor carriers share the road with  
 18 other vehicles, public safety concerns continue to rise. The  
 19 latest statistics from the National Highway Traffic Safety

1 Administration indicate that on a national level, while  
2 trucks represent only 3% of vehicles on the road, they were  
3 involved in 13% of highway deaths in 1997 alone, and in the  
4 same year 444,000 large trucks were involved in crashes,  
5 killing 5,355 persons and injuring 133,000 more.

6 (3) In order to promote the safety of this  
7 Commonwealth's highways and to best safeguard Pennsylvania  
8 residents and their property, it is essential to provide  
9 guidelines to ensure that motor carriers conduct their  
10 operations in a safe, responsible and professional manner.

11 (b) Declaration of policy.--The purpose of this chapter is  
12 to promote the safe, responsible and professional operation of  
13 motor carriers within this Commonwealth.]

14 Section 2. Section 7803 of Title 75 is amended by adding a  
15 definition to read:

16 § 7803. Definitions.

17 The following words and phrases when used in this chapter  
18 shall have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

20 \* \* \*

21 "Motor carrier safety." The safe movement of an individual  
22 or goods on trafficways that are transported by commercial motor  
23 vehicles as defined in section 1603 (relating to definitions).

24 Section 3. Section 7804 of Title 75 is amended to read:

25 § 7804. Motor Carrier Safety Advisory Committee.

26 (a) Creation.--There is hereby created a Motor Carrier  
27 Safety Advisory Committee which shall consist of the following  
28 [28] 30 members:

29 (1) The Secretary of Transportation.

30 (2) The Chairman of the Pennsylvania Public Utility

1 Commission.

2 (3) The Chairman of the Pennsylvania Turnpike  
3 Commission.

4 (4) The Commissioner of the Pennsylvania State Police.

5 (5) The Chairman and Minority Chairman of the  
6 Transportation Committee of the Senate.

7 (6) The Chairman and Minority Chairman of the  
8 Transportation Committee of the House of Representatives.

9 (7) [Twenty] Twenty-two members of the public  
10 representing the areas of concern specified who shall have  
11 extensive experience and knowledge of motor carrier  
12 transportation and safety activities throughout this  
13 Commonwealth, to be appointed by the Governor as follows:

14 (i) One representative from the Pennsylvania Chamber  
15 of Business and Industry.

16 (ii) One representative from the Pennsylvania Chiefs  
17 of Police Association.

18 (iii) One representative from the Special Court  
19 Judges Association of Pennsylvania.

20 (iv) Two persons representing the interests of  
21 independent truckers.

22 (v) Two representatives from the Pennsylvania Motor  
23 Truck Association.

24 (vi) [Two representatives from the Pennsylvania  
25 Truck Transportation Alliance] One representative from  
26 the Pennsylvania Manufactured Housing Association.

27 (vii) One representative from the Pennsylvania AAA  
28 Federation.

29 (viii) One representative from the Pennsylvania  
30 Public Transportation Association.

1 (ix) One representative from the Pennsylvania Bus  
2 Association.

3 (x) One representative from the Pennsylvania School  
4 Bus Association.

5 (xi) One representative from the [Hardwood Lumber  
6 Manufacturers Association of Pennsylvania] Pennsylvania  
7 Forest Products Association.

8 (xii) One person representing the interests of motor  
9 carrier drivers.

10 [(xiii) One person representing the interests of  
11 bulk haulers.]

12 (xiv) One representative from the moving and storage  
13 industry in Pennsylvania.

14 (xv) One representative from the petroleum industry  
15 in Pennsylvania.]

16 (xvi) One representative from [a Class I Railroad]  
17 the railroad industry in Pennsylvania.

18 (xvii) One person representing the interests of  
19 local government.

20 (xviii) One person representing the interests of the  
21 motor carrier manufacturing industry.

22 (xix) Five representatives from the transport  
23 industry, each representing one of the following areas:

24 (A) Bulk products.

25 (B) Moving and storage.

26 (C) Petroleum.

27 (D) Marcellus Shale gas.

28 (E) Coal.

29 (a.1) Specific vacancy.--If a position or vacancy under  
30 subsection (a) (7) is not filled by the appointing authority

1 within 120 days of the opening or vacancy, the appointment shall  
2 be made by the President pro tempore of the Senate.

3 (b) [Chairperson.--The Governor shall appoint one member of  
4 the committee as chairperson.] Officers.--The members of the  
5 committee shall annually elect a chairperson, vice chairperson,  
6 a secretary and a treasurer from among the public members  
7 appointed to the committee.

8 (c) Designees.--Each member appointed under subsection (a)  
9 (1), (2), (3), (4), (5) and (6) may designate a representative  
10 to serve in his or her stead. A member who designates a  
11 representative shall notify the chairperson in writing of the  
12 designation.

13 (d) Terms of appointees.--The terms of all members of the  
14 committee appointed by the Governor shall be for three years.  
15 Any member of the committee may be reappointed for an additional  
16 term or terms. Any person appointed to fill a vacancy shall  
17 serve only for the unexpired term. Each member shall serve until  
18 the appointment of a successor.

19 (e) Meetings and expenses.--

20 (1) The committee shall meet at least four times every  
21 12 months but may hold such additional meetings as are called  
22 by the chairperson or by petition of at least six committee  
23 members.

24 (1.1) The chairperson shall provide notice at least 14  
25 days in advance for regular meetings and shall provide a  
26 minimum of three days' notice for special meetings.

27 (1.2) A majority of the members shall constitute a  
28 quorum for the conduct of business. The secretary shall  
29 maintain a record of meeting attendance by members and shall  
30 provide written notice to appointed members who miss [two]

1 three consecutive meetings. [~~Three~~] Four consecutive  
2 committee meeting absences by an appointed member shall be  
3 grounds for removal if affirmed by a majority vote of the  
4 committee.

5 (2) Minutes of meetings shall be prepared by the  
6 secretary and filed with the committee and distributed to all  
7 members. All records shall be a matter of public record.

8 (3) The public members of the committee shall be allowed  
9 actual, necessary and reasonable per diem expenses in  
10 accordance with regulations of the Executive Board. The  
11 department shall provide appropriate staff support to enable  
12 the committee to properly carry out its function.

13 (f) Powers and duties.--The committee shall have the power  
14 and duty to assess, evaluate and recommend standards for the  
15 safe operation of motor carriers in this Commonwealth,  
16 including, but not limited to, the following objectives:

17 [(1) Develop continuing education programs for first-  
18 year and second-year CDL drivers and consider incentive  
19 programs for drivers who undergo incremental safety training  
20 and testing throughout their driving careers.]

21 (2) Examine ways in which to increase and document motor  
22 carrier use of the Pennsylvania Turnpike, including the  
23 possibility of a fuel tax rebate or other incentives.

24 (3) Study the feasibility of utilizing existing and  
25 developing technology relative to the electronic control  
26 mechanisms of motor carriers to aid in the enforcement of  
27 speed limits.

28 (4) Develop a policy to address the dissemination of  
29 information among employers of CDL drivers relative to  
30 employee job performance and conduct in order to best protect

1 the public from unsafe drivers.

2 (5) Analyze the feasibility of instituting enhanced  
3 penalties for motor carrier moving violations and of  
4 utilizing the amount of the increase as a dedicated source of  
5 funding for the construction of security walls.

6 (6) Provide a forum for the exchange of information on  
7 the problems associated with travel as passenger vehicles,  
8 motorcycles and motor carriers share the road systems and  
9 consider education initiatives aimed at the motoring public  
10 as well as the motor carrier industry.

11 (7) Consider any other issue raised in relation to motor  
12 carrier operation and road safety that may arise from time to  
13 time.]

14 (8) Study the feasibility of improving highway safety  
15 and freight transportation on trafficways and develop a  
16 policy periodically on the most pressing issues facing motor  
17 carrier safety.

18 (9) Examine and recommend motor carrier safety  
19 initiatives for strategic plans of the department, the  
20 Pennsylvania Public Utility Commission and the Pennsylvania  
21 State Police.

22 (10) Advise and comment on all phases of motor carrier  
23 safety activities being undertaken or financially assisted by  
24 the department and agencies of the Commonwealth.

25 (11) With assistance from the department, provide advice  
26 and recommendations to businesses, manufacturers, educational  
27 institutions, technology developers, the motor carrier  
28 industry, labor communities and local governments related to  
29 motor carrier safety.

30 (12) Develop and maintain a forum for the exchange of

1 ideas, needs, objectives, plans and accomplishments related  
2 to motor carrier safety.

3 (g) Reports.--The committee shall submit annual reports of  
4 its deliberations, conclusions and [suggestions] recommendations  
5 to the Governor [and], the Secretary of Transportation and  
6 members of the General Assembly.

7 Section 4. This act shall take effect in 60 days.