

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

AS AMENDED ON THIRD CONSIDERATION, JUNE 7, 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9 Consolidated Statutes is repealed: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~~ HIGHWAYS that are transported by <--
23 commercial motor vehicles as defined in section 1603 (relating
24 to definitions).

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

26 § 7804. Motor Carrier Safety Advisory Committee.

27 (a) Creation.--There is hereby created a Motor Carrier
28 Safety Advisory Committee which shall consist of the following
29 [28] ~~30~~ 31 members: <--

30 (1) The Secretary of Transportation.

1 (2) The Chairman of the Pennsylvania Public Utility
2 Commission.

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

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

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

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

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

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

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

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

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

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

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

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

30 (viii) One representative from the Pennsylvania

1 Public Transportation Association.

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

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

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

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

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

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

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

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

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

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

23 (xix) Five SIX representatives from the transport <--
24 industry, each representing one of the following areas:

25 (A) Bulk products.

26 (B) Moving and storage.

27 (C) Petroleum.

28 (D) Marcellus Shale NATURAL gas. <--

29 (E) Coal.

30 (F) CONSTRUCTION MATERIAL TRANSPORTATION. <--

1 (a.1) Specific vacancy.--If a position or vacancy under
2 subsection (a) (7) is not filled by the appointing authority
3 within 120 days of the opening or vacancy, the appointment shall
4 be made by the President pro tempore of the Senate.

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

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

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

21 (e) Meetings and expenses.--

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

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

29 (1.2) A majority of the members shall constitute a
30 quorum for the conduct of business. The secretary shall

1 maintain a record of meeting attendance by members and shall
2 provide written notice to appointed members who miss [two]
3 three consecutive meetings. [Three] Four consecutive
4 committee meeting absences by an appointed member shall be
5 grounds for removal if affirmed by a majority vote of the
6 committee.

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

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

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

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

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

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

30 [(4) Develop a policy to address the dissemination of

1 information among employers of CDL drivers relative to
2 employee job performance and conduct in order to best protect
3 the public from unsafe drivers.

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

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

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

16 (8) Study the feasibility of improving highway safety
17 and freight transportation on ~~traffieways~~ HIGHWAYS and <--
18 develop a policy periodically on the most pressing issues
19 facing motor carrier safety.

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

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

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

1 motor carrier safety.

2 (12) Develop and maintain a forum for the exchange of
3 ideas, needs, objectives, plans and accomplishments related
4 to motor carrier safety.

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

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