

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 REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 22, 2022

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, IN REGISTRATION OF VEHICLES, PROVIDING FOR <--
3 APPORTIONED REGISTRATION RENEWAL; IN COMMERCIAL DRIVERS,
4 FURTHER PROVIDING FOR COMMERCIAL DRIVER'S LICENSE; IN
5 MISCELLANEOUS PROVISIONS, REPEALING PROVISIONS RELATING TO
6 SNOW AND ICE DISLODGED OR FALLING FROM MOVING VEHICLE AND
7 PROVIDING FOR SNOW AND ICE; AND, in motor carrier safety,
8 repealing provisions relating to findings and declaration of
9 policy and further providing for definitions and for Motor
10 Carrier Safety Advisory Committee.

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

13 ~~Section 1. Section 7802 of Title 75 of the Pennsylvania~~ <--
14 ~~Consolidated Statutes is repealed:~~

15 SECTION 1. TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED <--
16 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

17 § 1309.1. APPORTIONED REGISTRATION RENEWAL.

18 THE DEPARTMENT SHALL ESTABLISH A SYSTEM OF STAGGERED
19 APPORTIONED REGISTRATION RENEWAL IN A MANNER THAT APPORTIONED
20 REGISTRATIONS WILL EXPIRE IN NO LESS THAN FOUR PERIODS
21 THROUGHOUT THE YEAR. IN ORDER TO IMPLEMENT AND MAINTAIN THE

1 STAGGERED APPORTIONED REGISTRATION SYSTEM, THE DEPARTMENT MAY
2 PRORATE ANNUAL APPORTIONED REGISTRATION FEES.

3 SECTION 2. SECTION 1610(C)(1) OF TITLE 75 IS AMENDED TO
4 READ:

5 § 1610. COMMERCIAL DRIVER'S LICENSE.

6 * * *

7 (C) APPLICANT RECORD CHECK.--

8 (1) BEFORE ISSUING, RENEWING, UPGRADING OR TRANSFERRING
9 A COMMERCIAL DRIVER'S LICENSE, THE DEPARTMENT SHALL OBTAIN
10 DRIVING RECORD INFORMATION THROUGH THE COMMERCIAL DRIVER'S
11 LICENSE INFORMATION SYSTEM, THE DRUG AND ALCOHOL
12 CLEARINGHOUSE AND THE NATIONAL DRIVER REGISTER.

13 * * *

14 SECTION 3. SECTION 3720 OF TITLE 75 IS REPEALED:

15 [§ 3720. SNOW AND ICE DISLODGED OR FALLING FROM MOVING VEHICLE.
16 WHEN SNOW OR ICE IS DISLODGED OR FALLS FROM A MOVING VEHICLE
17 AND STRIKES ANOTHER VEHICLE OR PEDESTRIAN CAUSING DEATH OR
18 SERIOUS BODILY INJURY, THE OPERATOR OF THE VEHICLE FROM WHICH
19 THE SNOW OR ICE IS DISLODGED OR FALLS SHALL BE SUBJECT TO A FINE
20 OF NOT LESS THAN \$200 NOR MORE THAN \$1,000 FOR EACH OFFENSE.]

21 SECTION 4. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

22 § 3721. SNOW AND ICE.

23 (A) REMOVAL OF SNOW AND ICE FROM A MOTOR VEHICLE OR MOTOR
24 CARRIER VEHICLE.--

25 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
26 DRIVER OF A MOTOR VEHICLE OR MOTOR CARRIER VEHICLE BEING
27 OPERATED ON A HIGHWAY OF THIS COMMONWEALTH SHALL MAKE
28 REASONABLE EFFORTS TO REMOVE ACCUMULATED ICE OR SNOW FROM THE
29 MOTOR VEHICLE OR MOTOR CARRIER VEHICLE, INCLUDING THE HOOD,
30 TRUNK AND ROOF OF THE MOTOR VEHICLE OR MOTOR CARRIER VEHICLE,

1 WITHIN 24 HOURS AFTER THE CESSATION OF THE FALLING SNOW OR
2 ICE.

3 (2) PARAGRAPH (1) SHALL NOT APPLY IF:

4 (I) THE DRIVER OF THE MOTOR CARRIER VEHICLE, MASS
5 TRANSIT VEHICLE, BUS OR SCHOOL BUS IS EN ROUTE TO A
6 FACILITY TO REMOVE ACCUMULATED ICE OR SNOW AT THE TIME OF
7 THE STOP UNDER PARAGRAPH (3); OR

8 (II) COMPLIANCE WITH THIS SECTION WOULD CAUSE THE
9 DRIVER OF THE MOTOR CARRIER VEHICLE, MASS TRANSIT
10 VEHICLE, BUS OR SCHOOL BUS TO VIOLATE ANY OTHER FEDERAL
11 OR STATE LAW OR REGULATION REGARDING WORKPLACE SAFETY OR
12 WOULD BE A THREAT TO THE HEALTH AND SAFETY OF THE DRIVER.

13 (3) A DRIVER OF A MOTOR VEHICLE OR MOTOR CARRIER VEHICLE
14 WHO VIOLATES THIS SUBSECTION MAY BE STOPPED ON A HIGHWAY BY A
15 POLICE OFFICER IF THE POLICE OFFICER BELIEVES THE ACCUMULATED
16 ICE OR SNOW MAY POSE A THREAT TO PERSONS OR PROPERTY.

17 (4) A DRIVER OF A MOTOR VEHICLE OR MOTOR CARRIER VEHICLE
18 WHO VIOLATES THIS SUBSECTION SHALL BE SUBJECT TO A FINE OF
19 \$50 FOR EACH OFFENSE REGARDLESS OF WHETHER ANY SNOW OR ICE IS
20 DISLODGED FROM THE VEHICLE.

21 (B) DISLODGED OR FALLEN SNOW OR ICE.--WHEN SNOW OR ICE IS
22 DISLODGED OR FALLS FROM A MOVING VEHICLE OR MOTOR CARRIER
23 VEHICLE AND STRIKES ANOTHER VEHICLE OR PEDESTRIAN CAUSING DEATH
24 OR SERIOUS BODILY INJURY, THE OPERATOR OF THE VEHICLE FROM WHICH
25 THE SNOW OR ICE IS DISLODGED OR FALLS SHALL BE SUBJECT TO A FINE
26 OF NOT LESS THAN \$200 NOR MORE THAN \$1,500 FOR EACH OFFENSE.

27 SECTION 5. SECTION 7802 OF TITLE 75 IS REPEALED:

28 [§ 7802. Findings and declaration of policy.

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

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

5 (2) As more and more motor carriers share the road with
6 other vehicles, public safety concerns continue to rise. The
7 latest statistics from the National Highway Traffic Safety
8 Administration indicate that on a national level, while
9 trucks represent only 3% of vehicles on the road, they were
10 involved in 13% of highway deaths in 1997 alone, and in the
11 same year 444,000 large trucks were involved in crashes,
12 killing 5,355 persons and injuring 133,000 more.

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

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

21 Section ~~2~~ 6. Section 7803 of Title 75 is amended by adding a <--
22 definition to read:

23 § 7803. Definitions.

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

27 * * *

28 "Motor carrier safety." The safe movement of an individual
29 or goods on highways that are transported by commercial motor
30 vehicles as defined in section 1603 (relating to definitions).

1 Section ~~3~~ 7. Section 7804 of Title 75 is amended to read: <--

2 § 7804. Motor Carrier Safety Advisory Committee.

3 (a) Creation.--There is hereby created a Motor Carrier
4 Safety Advisory Committee which shall consist of the following
5 [28] 31 members:

6 (1) The Secretary of Transportation.

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

9 (3) The Chairman of the Pennsylvania Turnpike
10 Commission.

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

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

14 (6) The Chairman and Minority Chairman of the
15 Transportation Committee of the House of Representatives.

16 (7) [Twenty] Twenty-three members of the public
17 representing the areas of concern specified who shall have
18 extensive experience and knowledge of motor carrier
19 transportation and safety activities throughout this
20 Commonwealth, to be appointed by the Governor as follows:

21 (i) One representative from the Pennsylvania Chamber
22 of Business and Industry.

23 (ii) One representative from the Pennsylvania Chiefs
24 of Police Association.

25 (iii) One representative from the Special Court
26 Judges Association of Pennsylvania.

27 (iv) Two persons representing the interests of
28 independent truckers.

29 (v) Two representatives from the Pennsylvania Motor
30 Truck Association.

1 (vi) [Two representatives from the Pennsylvania
2 Truck Transportation Alliance] One representative from
3 the Pennsylvania Manufactured Housing Association.

4 (vii) One representative from the Pennsylvania AAA
5 Federation.

6 (viii) One representative from the Pennsylvania
7 Public Transportation Association.

8 (ix) One representative from the Pennsylvania Bus
9 Association.

10 (x) One representative from the Pennsylvania School
11 Bus Association.

12 (xi) One representative from the [Hardwood Lumber
13 Manufacturers Association of Pennsylvania] Pennsylvania
14 Forest Products Association.

15 (xii) One person representing the interests of motor
16 carrier drivers.

17 [(xiii) One person representing the interests of
18 bulk haulers.]

19 (xiv) One representative from the moving and storage
20 industry in Pennsylvania.

21 (xv) One representative from the petroleum industry
22 in Pennsylvania.]

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

25 (xvii) One person representing the interests of
26 local government.

27 (xviii) One person representing the interests of the
28 motor carrier manufacturing industry.

29 (xix) Six representatives from the transport
30 industry, each representing one of the following areas:

1 (A) Bulk products.

2 (B) Moving and storage.

3 (C) Petroleum.

4 (D) Natural gas.

5 (E) Coal.

6 (F) Construction material transportation.

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

11 (b) [Chairperson.--The Governor shall appoint one member of
12 the committee as chairperson.] Officers.--The members of the
13 committee shall annually elect a chairperson, vice chairperson[,
14 a secretary and a treasurer] and secretary from among the public
15 members appointed to the committee.

16 (c) Designees.--Each member appointed under subsection (a)
17 (1), (2), (3), (4), (5) and (6) may designate a representative
18 to serve in his or her stead. A member who designates a
19 representative shall notify the chairperson in writing of the
20 designation.

21 (d) Terms of appointees.--The terms of all members of the
22 committee appointed by the Governor shall be for three years.
23 Any member of the committee may be reappointed for an additional
24 term or terms. [Any person appointed to fill a vacancy shall
25 serve only for the unexpired term.] Each member shall serve
26 until the appointment of a successor.

27 (e) Meetings and expenses.--

28 (1) The committee shall meet at least four times every
29 12 months but may hold such additional meetings as are called
30 by the chairperson or by petition of at least six committee

1 members.

2 (1.1) The chairperson shall provide notice at least 14
3 days in advance for regular meetings and shall provide a
4 minimum of three days' notice for special meetings.

5 (1.2) A majority of the members shall constitute a
6 quorum for the conduct of business. The secretary shall
7 maintain a record of meeting attendance by members and shall
8 provide written notice to appointed members who miss [two]
9 three consecutive meetings. [Three] Four consecutive
10 committee meeting absences by an appointed member shall be
11 grounds for removal if affirmed by a majority vote of the
12 committee.

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

16 (3) The public members of the committee shall be allowed
17 actual, necessary and reasonable per diem expenses in
18 accordance with regulations of the Executive Board. The
19 department shall provide appropriate staff support to enable
20 the committee to properly carry out its function.

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

25 [(1) Develop continuing education programs for first-
26 year and second-year CDL drivers and consider incentive
27 programs for drivers who undergo incremental safety training
28 and testing throughout their driving careers.]

29 (2) Examine ways in which to increase and document motor
30 carrier use of the Pennsylvania Turnpike, including the

1 possibility of a fuel tax rebate or other incentives.

2 (3) Study the feasibility of utilizing existing and
3 developing technology relative to the electronic control
4 mechanisms of motor carriers to aid in the enforcement of
5 speed limits.

6 (4) Develop a policy to address the dissemination of
7 information among employers of CDL drivers relative to
8 employee job performance and conduct in order to best protect
9 the public from unsafe drivers.

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

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

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

22 (8) Study the feasibility of improving highway safety
23 and freight transportation on highways and develop a policy
24 periodically on the most pressing issues facing motor carrier
25 safety.

26 (9) Examine and recommend motor carrier safety
27 initiatives for strategic plans of the department, the
28 Pennsylvania Public Utility Commission and the Pennsylvania
29 State Police.

30 (10) Advise and comment on all phases of motor carrier

1 safety activities being undertaken or financially assisted by
2 the department and agencies of the Commonwealth.

3 (11) With assistance from the department, provide advice
4 and recommendations to businesses, manufacturers, educational
5 institutions, technology developers, the motor carrier
6 industry, labor communities and local governments related to
7 motor carrier safety.

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

11 (g) Reports.--The committee shall submit annual reports of
12 its deliberations, conclusions and [suggestions] recommendations
13 to the Governor [and], the Secretary of Transportation and
14 members of the General Assembly.

15 Section 4 8. This act shall take effect ~~in 60 days.~~ AS <--
16 FOLLOWS:

17 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

18 (2) THE ADDITION OF 75 PA.C.S. § 1309.1 SHALL TAKE
19 EFFECT IN 18 MONTHS.

20 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
21 DAYS.