

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1092 Session of 2023

INTRODUCED BY HILL-EVANS, MADDEN, SANCHEZ, SCHLOSSBERG AND DELLOSO, MAY 3, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 12, 2023

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in commercial drivers, further providing for
3 disqualification.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 1611(d) of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 1611. Disqualification.

9 * * *

10 (d) Mitigation of disqualification for life.--

11 (1) Except as provided under paragraph (2), a person
12 subject to lifetime disqualification of commercial driving
13 privileges under subsection (c) may apply to the department
14 for reinstatement of commercial driving privileges. The
15 reinstatement shall be subject to the discretion of the
16 department and the following requirements:

17 (i) The person shall voluntarily enter and
18 successfully complete an appropriate rehabilitation

1 program approved by the Department of Health if the
2 lifetime disqualification was a result of a violation of
3 any of the following:

4 (A) Section 3802 or former section 3731.

5 (B) Section 1547 (relating to chemical testing
6 to determine amount of alcohol or controlled
7 substance) for a refusal to submit to chemical
8 testing.

9 (ii) The person shall attend and successfully
10 complete an approved driver improvement course
11 administered by a driver improvement school.

12 (iii) The person shall pay the restoration fee
13 required under section 1617(2) (relating to fees).

14 (iv) The person shall meet all the requirements
15 under Federal and State law to hold a commercial driver's
16 license.

17 (v) Within the ten years preceding the date of an
18 application submitted under this subsection, the person
19 may not have been convicted of any of the following:

20 (A) A violation of section 3802 or former
21 section 3731.

22 (B) A violation of section 3742.

23 (C) A violation of section 3743.

24 (D) A violation of section 3745.

25 (E) A felony in the commission of which a court
26 determined that a motor vehicle was essentially
27 involved.

28 (F) A violation of section 1606(c).

29 (G) An offense that caused the death of a person
30 as a result of a motor vehicle accident through the

1 negligent operation of a motor vehicle, including a
2 violation of 18 Pa.C.S. § 2504 or a violation of
3 section 3732.

4 (H) A violation of section 1543(b)(1.1)
5 (relating to driving while operating privilege is
6 suspended or revoked).

7 (I) A violation of section 3808(a)(2) (relating
8 to illegally operating a motor vehicle not equipped
9 with ignition interlock).

10 (J) A violation of section 1547 for a refusal to
11 submit to chemical testing.

12 (K) An offense in another state similar to an
13 offense specified in this subparagraph.

14 (vi) The person shall comply with a requirement or
15 condition imposed by a court that is consistent with the
16 treatment needs of the person, the restoration of the
17 victim to preoffense status or the protection of the
18 public.

19 (vii) At least ten years have elapsed from the
20 effective date of the lifetime disqualification of
21 commercial driving privileges under subsection (c).

22 (2) A person who has been convicted of a violation of
23 any of the following shall be ineligible for reinstatement of
24 commercial driving privileges under this subsection:

25 (i) The use of a commercial motor vehicle in the
26 commission of a felony involving the manufacture,
27 distribution or dispensing of a controlled substance or
28 possession with intent to manufacture, distribute or
29 dispense a controlled substance.

30 (ii) The use of a commercial motor vehicle in the

1 commission of a felony involving an act or practice of
2 severe forms of trafficking in persons as defined in 22
3 U.S.C. § 7102(11) (relating to definitions).

4 (III) THREE OR MORE VIOLATIONS OF SECTION 3802 OR <--
5 FORMER SECTION 3731 WHEN THE PERSON WAS A COMMERCIAL
6 DRIVER AT THE TIME THE VIOLATIONS OCCURRED.

7 (3) A person seeking reinstatement of commercial driving
8 privileges under this subsection shall submit an application,
9 by certified mail, on a form prescribed by the department,
10 and shall include proof of all of the following:

11 (i) Voluntary admittance and successful completion
12 of an appropriate rehabilitation program approved by the
13 Department of Health if required under paragraph (1)(i).

14 (ii) Attendance and successful completion of an
15 approved driver improvement course administered by a
16 driver improvement school.

17 (iii) Compliance with all requirements or conditions
18 imposed by the court.

19 (4) The department shall provide written notice by first
20 class mail of the approval or denial of an application
21 submitted under this subsection within 30 days of receipt of
22 the application. An applicant who is aggrieved by the
23 decision of the department may appeal in the manner provided
24 in section 1550 (relating to judicial review).

25 (5) If a person approved for reinstatement of commercial
26 driving privileges under this subsection is subsequently
27 convicted of any of the offenses specified in subsection (a)
28 or in 49 CFR 383.51(b) (relating to disqualification of
29 drivers), the person shall be subject to a permanent lifetime
30 disqualification of commercial driving privileges and shall

1 be ineligible for reinstatement under this subsection.

2 (6) The department may [issue regulations establishing
3 guidelines, including conditions, under which a
4 disqualification for life under subsection (c) may be reduced
5 to a period of not less than ten years, if such reductions
6 are permitted by Federal regulations] promulgate rules and
7 regulations as necessary to implement this subsection.

8 * * *

9 Section 2. This act shall take effect in 18 months.