

Veto No. 1990-1

SB 498

March 28, 1990

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill 498, Printer's No. 1908, entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for payment of fees and taxes when applying for a certificate of title; providing for commercial drivers; further providing for buses, for antique and classic vehicles, for exemptions from licensing, for classes of licenses, for school bus drivers, for issuance and content of driver's license, for production of a driver's license or evidence to avoid certain penalties, for revocation or suspension of operating privilege, for schedule of convictions and points, for surrender of license, for chemical testing to determine amount of alcohol or controlled substance, for occupational limited licenses, for judicial review, for violations concerning licenses, for driving under foreign license during suspension or revocation and for certain indemnification payments; providing for registration of limousines; authorizing dealers of motor carrier vehicles and designated agents of the Department of Transportation to be agents for the Department of Revenue for certain purposes relating to the motor carrier road tax identification marker; further providing for penalties for operation of certain vehicles without required identification markers, for reckless driving, for driving under the influence of alcohol or controlled substance, for enforcement agreements and for reports by courts; and providing for careless driving."

Senate Bill 498 amends the Vehicle Code by adding a new chapter to regulate commercial drivers in Pennsylvania, putting in place specific requirements of the Federal Commercial Motor Vehicle Safety Act of 1986. These provisions are necessary to assure that Pennsylvania does not lose federal highway funds after September 1993 and that Pennsylvania commercial drivers will be licensed by April 1, 1992. Without this chapter, the Commonwealth stands to lose at least \$20 million in federal highway funding in 1993 and in excess of \$40 million annually thereafter. Equally important, however, are the requirements for testing and licensing of drivers of heavy trucks which are necessary for the protection of every person who travels on the streets and highways of Pennsylvania. Clearly, the vast majority of commercial operators have proven day after day and mile after mile that they already have the skills to handle their rigs safely. This bill was designed to guard against the minority of truckers who do pose a threat to public safety by requiring all commercial operators to live up to a reasonable standard of competence and knowledge.

The General Assembly has also included in this bill several miscellaneous changes to the Vehicle Code unrelated to the requirements of the 1986 Federal law. Among those is a proposal for a limited operator's privilege for motorists whose licenses are suspended but who can demonstrate a need to

use their vehicles in order to earn a living. This so-called "bread and butter" license is available, in one form or another, in most of our sister states. Under Senate Bill 498, drivers could obtain this limited occupational license unless their operator's license was suspended for one or more of the offenses enumerated in the bill. These include drunk driving, felony offenses and offenses committed while operating a commercial vehicle, among others.

Unfortunately, the list of offenses that would disqualify a motorist from getting a "bread and butter" license falls far short of what is needed to protect our people from truly dangerous drivers and those who callously violate the laws of the Commonwealth.

For example, under Senate Bill 498, "hit and run" drivers would be allowed to stay on the road with a "bread and butter" license even if they ran away from an accident where someone was killed or seriously injured. People who endanger our children by passing a stopped school bus would still be allowed to drive their car or truck to pursue their occupation. Even lawbreakers who turn off their car lights to elude police officers would qualify for a "bread and butter" license under this legislation.

During this same session of the General Assembly, I signed two new laws to deny driving privileges to certain kinds of offenders, without regard to whether they committed a traffic violation. Act 92 of 1989 requires a license suspension for at least three months for any person convicted of a drug offense. This measure was intended to send a strong message to "casual" drug users that they will be risking more than they bargained for if they continue to abuse drugs illegally. Under Senate Bill 498, that same drug offender could still apply for an occupational license and the Department of Transportation would have no grounds to deny it.

Just last month, the General Assembly overwhelmingly approved a new automobile insurance reform law which finally placed some meaningful penalties on uninsured motorists who had been driving up the cost of car insurance for the vast majority of drivers who act responsibly by insuring their cars. Senate Bill 498 would seriously weaken that effort by allowing those caught driving without insurance to keep their operating privilege if they claim they need it for work.

These are just a few examples of the safety loopholes in the "bread and butter" concept contained in Senate Bill 498. Perhaps the most serious flaw, however, is the fact that the bill provides no mechanism for the Department of Transportation to revoke an occupational license once it has been granted, even for subsequent violations of the Vehicle Code.

Because of the deadlines imposed by Congress for the licensing of all commercial operators, I urge the General Assembly to quickly approve new legislation to place Pennsylvania in compliance with the requirements of Federal law.

At the same time, the Legislature should revisit the concept of an occupational limited license. If new legislation is to contain such a provision, it must be more carefully drafted to protect the public safety.

Finally, I am informed by the Juvenile Court Judges' Commission that amendments to Senate Bill 498 are needed to protect against unintended pen-

alties being imposed upon juvenile offenders. The new bill should clearly recognize the existing distinctions in our judicial system between adult and juvenile offenders.

ROBERT P. CASEY