

No. 2001-21

AN ACT

HB 153

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for unlawful activities relating to vehicle equipment, for vehicle inspection by police or Commonwealth personnel and for promulgation of rules and regulations by department; and establishing the Motor Carrier Safety Advisory Committee.

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

Section 1. Sections 4107(d) and 4704(c) of Title 75 of the Pennsylvania Consolidated Statutes are amended and the sections are amended by adding subsections to read:

§ 4107. Unlawful activities.

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(b.1) Out-of-service criteria.—No person shall operate a motor carrier vehicle or cause, permit, require or otherwise allow any other person to operate a motor carrier vehicle in violation of driver out-of-service criteria or standards periodically adopted by the United States Department of Transportation and adopted by reference by the department under the provisions of section 6103 (relating to promulgation of rules and regulations by department). The department shall coordinate with the Pennsylvania Public Utility Commission in the enforcement of this subsection and 66 Pa.C.S. § 3312 (relating to evasion of motor carrier and broker regulations).

* * *

(d) Penalty.—

(1) A person who operates a motor carrier vehicle or a bus in violation of subsection (b)(2) commits a summary offense and, upon conviction, shall be sentenced to pay a fine of \$25 per violation, except that the *minimum* fine for a violation *not related to driver's hours of service* which causes the *driver or the* vehicle to be placed out of service under section 4704(c) (relating to inspection by police or Commonwealth personnel) shall be \$50 per violation. The maximum fine which may be levied on the basis of multiple charges filed together shall be \$500.

(2) A person who causes [or], permits, *requires or otherwise allows* another person to operate a motor carrier vehicle or a bus in violation of subsection (b)(2) commits a summary offense and, upon conviction, shall be sentenced to pay a fine of \$50 per violation, except that the *minimum* fine for a violation *not related to driver's hours of service* which causes the *driver or the* vehicle to be placed out of service under section 4704(c) shall be \$100 per violation. The maximum fine which may be levied on the basis of multiple charges filed together shall be \$1,000.

(3) Any person who violates subsection (b.1) as it relates to driver's hours of service commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500 per violation.

(4) The department shall coordinate with the commission in the enforcement of this subsection and 66 Pa.C.S. § 3312(a).

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§ 4704. Inspection by police or Commonwealth personnel.

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(c) Operation prohibited if hazardous.—

(1) In the event a vehicle or a mass transit vehicle, or its equipment, load or driver, in the reasonable judgment of the officer or qualified Commonwealth employee, is in such condition that further operation would be hazardous, the officer or qualified Commonwealth employee may require that the vehicle or the mass transit vehicle not be operated under its own power or that the driver discontinue driving, or both, and may so stipulate in the notice given under subsection (b). In the case of motor carrier vehicles or their drivers, all such determinations shall be based on out-of-service criteria established in department regulations.

(2) In the event a motor carrier vehicle or mass transit vehicle is involved in an accident that causes the death of the vehicle operator or another person, the motor carrier vehicle or mass transit vehicle shall be inspected by a qualified Commonwealth employee as designated by the department in accordance with subsection (f) before the vehicle or driver will be allowed to continue operation.

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(h) Administrative coordination.—The department shall coordinate with the Pennsylvania Public Utility Commission in the enforcement of this section and 66 Pa.C.S. § 3312(a) (relating to evasion of motor carrier and broker regulations).

Section 2. Section 6103(c) and (d) of Title 75 are amended to read:

§ 6103. Promulgation of rules and regulations by department.

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(c) Adoption of Federal statute [or regulation], regulation, standard or criteria.—The department shall be authorized to adopt by reference any Federal statute [or regulation], regulation, standard or criteria or provision thereof relating to vehicles or drivers, including, but not limited to, minimum driver qualifications, maximum hours of service, loading, unloading, hazardous materials, operation, equipment, records and inspection.

(1) The department shall be authorized to extend the coverage of any Federal statute [or regulation], regulation, standard or criteria adopted under this subsection to vehicles and drivers operating only in intrastate commerce, except as follows:

(i) No Federal statute [or regulation], *regulation, standard or criteria* shall be extended to cover farm trucks not required to be registered, special mobile equipment or implements of husbandry.

(ii) No Federal statute [or regulation], *regulation, standard or criteria* pertaining to drivers, including, but not limited to, minimum driver qualifications, maximum hours of service or driver records, shall be extended to cover farm trucks, except farm trucks carrying hazardous materials in an amount and type which require the vehicle to be placarded under Chapter 83 (relating to hazardous materials transportation).

(2) The regulations promulgated by the department under paragraph (1) may be modified, but shall, to the maximum extent possible, be consistent with safety and correspond to Federal regulations [and], standards *or criteria*.

(d) Modification of Federal statute [or regulation], *regulation, standard or criteria*.—If any Federal statute, regulation [or standard], *standard or criteria* adopted by the department is amended or modified by the Federal Government, the amendment or modification shall have the effect of so amending or modifying the department's regulations. The amendment or modification shall take effect 60 days after the effective date of the Federal amendment or modification unless the department publishes a notice in the Pennsylvania Bulletin stating that the amendment or modification shall not take effect.

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Section 3. Title 75 is amended by adding a chapter to read:

CHAPTER 78
MOTOR CARRIER SAFETY

Sec.

7801. Short title of chapter.

7802. Findings and declaration of policy.

7803. Definitions.

7804. Motor Carrier Safety Advisory Committee.

§ 7801. Short title of chapter.

This chapter shall be known and may be cited as the Motor Carrier Safety Advisory Committee Act.

§ 7802. Findings and declaration of policy.

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

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

(2) As more and more motor carriers share the road with other vehicles, public safety concerns continue to rise. The latest statistics from the National Highway Traffic Safety Administration indicate that on a

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

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

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

§ 7803. Definitions.

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

"Committee." The Motor Carrier Safety Advisory Committee created by this chapter.

§ 7804. Motor Carrier Safety Advisory Committee.

(a) Creation.—There is hereby created a Motor Carrier Safety Advisory Committee which shall consist of the following 28 members:

- (1) The Secretary of Transportation.
- (2) The Chairman of the Pennsylvania Public Utility Commission.
- (3) The Chairman of the Pennsylvania Turnpike Commission.
- (4) The Commissioner of the Pennsylvania State Police.
- (5) The Chairman and Minority Chairman of the Transportation Committee of the Senate.
- (6) The Chairman and Minority Chairman of the Transportation Committee of the House of Representatives.
- (7) Twenty members of the public representing the areas of concern specified who shall have extensive experience and knowledge of motor carrier transportation activities throughout this Commonwealth, to be appointed by the Governor as follows:
 - (i) One representative from the Pennsylvania Chamber of Business and Industry.
 - (ii) One representative from the Pennsylvania Chiefs of Police Association.
 - (iii) One representative from the Special Court Judges Association of Pennsylvania.
 - (iv) Two persons representing the interests of independent truckers.
 - (v) Two representatives from the Pennsylvania Motor Truck Association.
 - (vi) Two representatives from the Pennsylvania Truck Transportation Alliance.
 - (vii) One representative from the Pennsylvania AAA Federation.

- (viii) One representative from the Pennsylvania Public Transportation Association.
 - (ix) One representative from the Pennsylvania Bus Association.
 - (x) One representative from the Pennsylvania School Bus Association.
 - (xi) One representative from the Hardwood Lumber Manufacturers Association of Pennsylvania.
 - (xii) One person representing the interests of motor carrier drivers.
 - (xiii) One person representing the interests of bulk haulers.
 - (xiv) One representative from the moving and storage industry in Pennsylvania.
 - (xv) One representative from the petroleum industry in Pennsylvania.
 - (xvi) One representative from a Class I Railroad.
 - (xvii) One person representing the interests of local government.
- (b) Chairperson.—The Governor shall appoint one member of the committee as chairperson. The members of the committee shall annually elect a vice chairperson, a secretary and a treasurer from among the public members appointed to the committee.
- (c) Designees.—Each member may designate a representative to serve in his or her stead. A member who designates a representative shall notify the chairperson in writing of the designation.
- (d) Terms of appointees.—The terms of all members of the committee appointed by the Governor shall be for three years. Any member of the committee may be reappointed for an additional term or terms. Any person appointed to fill a vacancy shall serve only for the unexpired term. Each member shall serve until the appointment of a successor.
- (e) Meetings and expenses.—
- (1) The committee shall meet at least four times every 12 months but may hold such additional meetings as are called by the chairperson or by petition of at least six committee members. The chairperson shall provide notice at least 14 days in advance for regular meetings and shall provide a minimum of three days' notice for special meetings. A majority of the members shall constitute a quorum for the conduct of business. The secretary shall maintain a record of meeting attendance by members and shall provide written notice to appointed members who miss two consecutive meetings. Three consecutive committee meeting absences by an appointed member shall be grounds for removal if affirmed by a majority vote of the committee.
 - (2) Minutes of meetings shall be prepared by the secretary and filed with the committee and distributed to all members. All records shall be a matter of public record.
 - (3) The public members of the committee shall be allowed actual, necessary and reasonable per diem expenses in accordance with

regulations of the Executive Board. The department shall provide appropriate staff support to enable the committee to properly carry out its function.

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

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

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

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

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

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

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

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

(g) Reports.—The committee shall submit annual reports of its deliberations, conclusions and suggestions to the Governor and members of the General Assembly.

Section 4. This act shall take effect immediately.

APPROVED—The 19th day of June, A.D. 2001.

THOMAS J. RIDGE