

No. 2012-1

## AN ACT

HB 1458

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in drivers' licenses, further providing for judicial review and for cancellation; in commercial drivers, further providing for definitions and for requirement, providing for certification requirements, for medical certification and for noncompliance and further providing for license and for disqualification; and, in State and local administration, further providing for nonreciprocity of operational limitations.

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

Section 1. The definition of "emergency vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\* \* \*

"Emergency vehicle." A *county emergency management vehicle*, fire department vehicle, police vehicle, sheriff vehicle, ambulance, advanced life support squad vehicle, basic life support squad vehicle, blood delivery vehicle, human organ delivery vehicle, hazardous material response vehicle, armed forces emergency vehicle, one vehicle operated by a coroner or chief county medical examiner and one vehicle operated by a chief deputy coroner or deputy chief county medical examiner used for answering emergency calls, a vehicle owned by or leased to a regional emergency medical services council that is used as authorized by the Department of Health to respond to an actual or potential disaster, mass casualty situation or substantial threat to public health, any vehicle owned and operated by the Philadelphia Parking Authority established in accordance with 53 Pa.C.S. Ch. 55 (relating to parking authorities) and used in the enforcement of 53 Pa.C.S. Ch. 57 (relating to taxicabs and limousines in first class cities), or any other vehicle designated by the State Police under section 6106 (relating to designation of emergency vehicles by Pennsylvania State Police), or a privately owned vehicle used in answering an emergency call when used by any of the following:

- (1) A police chief and assistant chief.
- (2) A fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief.
- (3) A fire police captain and fire police lieutenant.
- (4) An ambulance corps commander and assistant commander.
- (5) A river rescue commander and assistant commander.
- (6) A county emergency management coordinator.

- (7) A fire marshal.
- (8) A rescue service chief and assistant chief.

\* \* \*

Section 2. Sections 1550(a), (b)(1)(ii) and (c) and 1572(a)(1)(ii) of Title 75 are amended to read:

§ 1550. Judicial review.

(a) General rule.—Any person who has been denied a driver's license, whose driver's license has been canceled, *whose commercial driver's license designation has been removed* or whose operating privilege has been recalled, suspended, revoked or disqualified by the department shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The appellants shall serve a copy of the petition for appeal, together with a copy of the notice of the action from which the appeal has been taken, upon the department's legal office.

(b) Supersedeas.—

(1) \* \* \*

(ii) The filing and service of a petition for appeal from denial, recall, suspension or cancellation of a driver's license *or from removal of the commercial driver's license designation* under section 1503 (relating to persons ineligible for licensing; license issuance to minors; junior driver's license), 1504 (relating to classes of licenses), 1509 (relating to qualifications for school bus driver endorsement), 1514 (relating to expiration and renewal of drivers' licenses), 1519 (relating to determination of incompetency) [or], 1572 (relating to cancellation of driver's license) *or 1609.3 (relating to noncompliance with certification requirements)* shall not act as a supersedeas unless ordered by the court after a hearing attended by the petitioner.

\* \* \*

(c) Proceedings of court.—The court shall set the matter for hearing upon 60 days' written notice to the department and determine whether:

- (1) the petitioner's driver's license should be denied or canceled[,];
- (2) the petitioner's operating privilege should be suspended, revoked or recalled; or
- (3) the petitioner's endorsement *or commercial driver's license designation* should be removed.

\* \* \*

§ 1572. Cancellation of driver's license.

(a) General rule.—

(1) The department may cancel any driver's license upon determining that one of the following applies:

\* \* \*

(ii) The person failed to give the required or correct information *on an application or certification* or committed fraud in making the application or in obtaining the license.

\* \* \*

Section 3. Section 1603 of Title 75 is amended by adding a definition to read:

§ 1603. 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:

\* \* \*

***"Medical examiner."*** *An individual who is licensed, certified or registered, in accordance with applicable statutes and regulations, to perform physical examinations. The term includes a doctor of medicine, an osteopath, a physician assistant, an advanced practice nurse and a doctor of chiropractic.*

\* \* \*

Section 4. Section 1606(b) of Title 75 is amended by adding a paragraph to read:

§ 1606. Requirement for commercial driver's license.

\* \* \*

(b) Exemptions.—The following persons are not required to obtain a commercial driver's license in order to drive the commercial motor vehicle specified:

\* \* \*

***(7) An employee of a county emergency management organization who is the holder of a Class C license and who has a certificate of authorization from the head of the county emergency management organization while operating any emergency vehicle equipped with audible and visual signals registered to the county or county emergency management organization.***

\* \* \*

Section 5. Title 75 is amended by adding sections to read:

§ 1609.1. *Type of driving certification requirements.*

***(a) Self-certification requirement.—An applicant for a commercial driver learner's permit or initial commercial driver's license must make one of the applicable self-certifications from the following:***

***(1) Nonexcepted Interstate Commerce. A certification that the applicant:***

***(i) operates or expects to operate in interstate commerce;***

***(ii) is subject to and meets the medical qualification requirements under 49 CFR Part 391 (relating to qualifications of drivers and longer combination vehicle (LCV) driver instructors); and***

***(iii) acknowledges the requirement to obtain a medical certificate under 49 CFR § 391.45 (relating to persons who must be medically examined and certified).***

***(2) Excepted Interstate Commerce. A certification that the applicant operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR § 390.3(f) (relating to general applicability), 391.2 (relating to general exceptions), 391.68 (relating to private motor carrier of passengers (nonbusiness)) or 398.3 (relating to qualifications of drivers or operators) from all or parts of the qualification requirements of 49 CFR Part 391 and is therefore not required to obtain a medical examiner's certificate under 49 CFR § 391.45.***

**(3) Nonexcepted Intrastate Commerce.** *A certification that the applicant:*

- (i) operates in intrastate commerce;*
- (ii) is subject to and meets the medical qualification requirements of 67 Pa. Code Ch. 231 (relating to intrastate motor carrier safety requirements); and*
- (iii) acknowledges the requirement to obtain a medical certificate.*

**(4) Excepted Intrastate Commerce.** *A certification that the applicant operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the driver qualification requirements in 67 Pa. Code Ch. 231 and is not required to obtain a medical certificate.*

**(b) Existing drivers.**—*A holder of a commercial driver's license shall submit to the department a self-certification of driving which complies with subsection (a) within 30 days of notice by the department.*

**§ 1609.2. Medical certification.**

**(a) Requirements.**—*An individual who certifies that the individual operates or expects to operate a commercial motor vehicle in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide the department with an original or photographic copy of a medical examiner's certificate prepared by a medical examiner. The medical examiner's certificate shall be valid for up to two years from the date of the medical examination.*

**(b) Maintaining certification.**—*A CDL holder who certifies intent to operate a commercial motor vehicle in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide the department with an original or copy of a subsequently issued medical examiner's certificate.*

**(c) Noncompliance with medical requirements.**—

**(1) This subsection applies in the following circumstances:**

**(i) Upon the expiration of a medical certification or a medical variance issued by the Federal Motor Carrier Safety Administration or the department.**

**(ii) If the Federal Motor Carrier Safety Administration notifies the department that a medical variance was rescinded.**

**(2) If this subsection applies, the department shall notify a nonexcepted commercial driver that the driver is no longer in conformance with the medical certification requirements and that the CDL designation will be removed from the driver's license unless the driver:**

- (i) submits a current medical certificate or medical variance; or**
- (ii) changes the self-certification to driving only in excepted interstate commerce or excepted intrastate commerce.**

**§ 1609.3. Noncompliance with certification requirements.**

*The department shall remove the commercial driver license designation from the driver's license of an individual who is not in compliance with section 1609.1 (relating to type of driving certification requirements) or 1609.2 (relating to medical certification).*

Section 6. Sections 1610(b)(2), 1611(l) and 6154 of Title 75 are amended to read:

§ 1610. Commercial driver's license.

\* \* \*

(b) Classifications, endorsements and restrictions.—

\* \* \*

(2) The following codes shall be used as required to describe the commercial driver's license endorsements and restrictions. Additional endorsements and restrictions may be added by regulation for use on the commercial driver's license:

*A - Restricts the driver to driving under 49 CFR § 391.62(c) (relating to limited exemptions for intra-city zone drivers).*

*G - Indicates qualification under 49 CFR § 391.62(e).*

H - Authorizes the driver to operate a vehicle transporting hazardous materials.

L - Restricts the driver to vehicles not equipped with air brakes.

N - Authorizes driving tank vehicles.

P - Authorizes driving vehicles carrying passengers.

*Q - Requires the driver to wear corrective lenses.*

S - Authorizes the driver to operate a school bus.

T - Authorizes driving double and triple trailers.

*V - Indicates that the driver has been issued a medical variance.*

X - Represents a combination of hazardous materials and tank vehicle endorsements.

*Y - Requires the driver to wear a hearing aid.*

\* \* \*

§ 1611. Disqualification.

\* \* \*

(l) Disqualification for incomplete, *incorrect* or fraudulent application *or certification*.—The department shall disqualify any person from driving a commercial motor vehicle for 60 days upon canceling the person's commercial driver's license pursuant to section 1572(a)(1)(ii) (relating to cancellation of driver's license) involving an application *or certification* related to the requirements of this chapter.

\* \* \*

§ 6154. Nonreciprocity of operational limitations.

(a) *General rule*.—If any other state with which the department has entered into a reciprocity agreement, including the International Registration Plan, imposes an operational limitation, burden or prohibition upon vehicles with a base jurisdiction of Pennsylvania but not upon vehicles with a base jurisdiction of the other state, the Commonwealth shall impose a like operational limitation, burden or prohibition upon the same class of vehicles that are operating in this Commonwealth but based in the other state. Operational limitations shall include the maximum weight, width, length or height of a vehicle.

(b) *Penalty*.—*A person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$500 and not more than \$1,000 for each violation.*

Section 7. This act shall take effect as follows:

- (1) The following provisions shall take effect in 60 days:
  - (i) The amendment of the definition of "emergency vehicle" in 75 Pa.C.S. § 102.
  - (ii) The addition of 75 Pa.C.S. § 1606(b)(7).
  - (iii) The amendment of 75 Pa.C.S. § 6154.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 27th day of January, A.D. 2012

TOM CORBETT