

No. 1990-42

AN ACT

SB 682

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, for certain indemnification payments; providing for the 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.

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

Section 1. The definitions of "bus," "classic motor vehicle," "passenger car" and "school bus" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding definitions 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:

* * *

"Bus."

[(1) At all times prior to July 1, 1986, a motor vehicle designed for carrying more than ten passengers, exclusive of the driver, and used for the transportation of persons and a motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(2) On and after July 1, 1986, a motor vehicle designed for carrying more than ten persons, including the driver, and used for the transportation of persons and a motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. The term does not include a vehicle owned by a natural person which is used solely for noncommercial purposes, or a vehicle used in a ridesharing arrangement, as defined in the act of December 14, 1982 (P.L.1211, No.279), entitled "An act providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements."]

(1) A motor vehicle designed to transport 16 or more passengers, including the driver; or

(2) a motor vehicle, other than a taxicab or limousine, designed to transport not more than 15 passengers, including the driver, and used for the transportation of persons for compensation.

The term does not include a vehicle used in a ridesharing arrangement, as defined in the act of December 14, 1982 (P.L.1211, No.279), entitled "An act providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements," or a school bus.

* * *

["Classic motor vehicle." A self-propelled vehicle, but not a reproduction thereof, manufactured more than ten years prior to the current year and, because of discontinued production and limited availability, determined by the department to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance.]

"Classic motor vehicle." A motor vehicle, but not a reproduction thereof, manufactured at least ten years prior to the effective date of the amendment to this definition and, because of limited availability, determined by the department to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance, provided that, five years from the effective date of the amendment to this definition and thereafter, only a vehicle which was manufactured at least 15 years prior thereto and, because of limited availability, determined by the department to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to condition which is substantially in conformity with manufacturer specifications and appearance shall be considered a classic motor vehicle under this title. Any classic motor vehicle registered under section 1340 (relating to antique and classic plates) on the effective date of the amendment to this definition which fails to qualify as a classic motor vehicle pursuant to these provisions may retain such classic registration unless another type of registration is applied for and issued for the vehicle.

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"Limousine." A motor vehicle designed for carrying no more than nine passengers, exclusive of the driver, and used for the transportation of persons for compensation.

* * *

"Occupational limited license." A license, issued under this title to a driver whose operating privileges have been suspended, to permit the operation of a motor vehicle under certain conditions, when necessary for the driver's occupation, work, trade or study.

* * *

"Passenger car." A motor vehicle, except a motorcycle, designed for carrying [ten] no more than 15 passengers [or less], including the driver, and

primarily used for the transportation of persons.

* * *

“School bus.” A motor vehicle which [complies with the color and lighting identification requirements of section 4552 (relating to general requirements for school buses).]:

(1) is designed and used to carry 11 passengers or more, including the driver; and

(2) is used for the transportation of preprimary, primary or secondary school students, personnel or chaperones to such schools or school-related activities from home, or from such schools or school-related activities to home.

“School vehicle.” A motor vehicle, except a motorcycle, designed for carrying no more than ten passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to a school district or private or parochial school. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children.

* * *

Section 2. Section 1103(d) of Title 75 is amended and the section is amended by adding a subsection to read:

Section 1103. Application for certificate of title.

* * *

(d) Vehicles purchased from dealers.—If the application refers to a vehicle purchased from a dealer, the dealer shall mail or deliver the application to the department within ten days of the date of purchase. The application shall contain the names and addresses of any lienholders in order of priority, the amounts and the dates of the security agreements, and be assigned by the dealer to the owner and signed by the owner. Any dealer violating this subsection is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 for each violation. The requirement that the dealer mail or deliver the application to the department does not apply to vehicles purchased by fleet owners or governmental or quasi-governmental agencies. *Any dealer who collects taxes and fees due the Commonwealth as a part of the transaction and fails to remit the taxes and fees within the prescribed time shall be the party solely liable for the taxes and fees due, and, notwithstanding the provisions of section 1109 (relating to refusing issuance of certificate of title), such nonpayment shall not delay the issuance of the title or a valid registration to the purchaser.*

* * *

(g.1) Fees.—When submitted to the department, any application required under this section shall be accompanied by the fee prescribed in this title and any tax payable by the applicant under the laws of this Commonwealth in connection with the acquisition or use of a vehicle or evidence to show that the tax has been collected. The fee prescribed by this title and the tax due the Commonwealth shall be paid by separate check or other instru-

ment drawn by the applicant or his lender payable to the order of the department.

* * *

Section 3. Sections 1340, 1501(c) and (d), 1502(1), 1504(d), 1509 heading and (a), 1510(a), 1511(b), 1532(a) and (b)(1) and (3) and 1535(a) of Title 75 are amended to read:

§ 1340. Antique and classic plates.

(a) General rule.—Upon submission by a vehicle owner of information satisfactory to the department that a motor vehicle is an antique motor vehicle or classic motor vehicle, accompanied by the appropriate fee, the department may issue special plates for the vehicle. No annual registration fee may be charged for antique or classic motor vehicles.

(b) Use of plates.—It is unlawful for any person to operate a vehicle with antique or classic registration plates for general daily transportation. Permitted use shall be limited to participation in club activities, exhibits, tours, parades, occasional transportation and similar uses. *Occasional transportation shall mean no more than one day per week.*

§ 1501. Drivers required to be licensed.

* * *

(c) Limitation on number of licenses.—No person shall receive a driver's license unless and until the person surrenders to the department all valid licenses in the person's possession issued by this or any other state. All surrendered licenses issued by another state shall be returned to that state, together with information that the person is licensed in this Commonwealth. No person shall be permitted to have more than one valid driver's license *issued by this or any other state* at any time. *A nonresident who holds a nonresident commercial driver's license issued by the Commonwealth under Chapter 16 (relating to commercial drivers) shall be permitted to have a regular driver's license issued by the country of his residence.*

(d) Penalty.—Any person violating subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200, except that, if the person charged furnishes satisfactory proof of having held a driver's license valid on the last day of the preceding driver's license period and no more than one year has elapsed from the last date for renewal, the fine shall be \$25. No person charged with violating subsection (a) or (b) shall be convicted if the person produces at the office of the issuing authority within **[five]** 15 days of the violation:

(1) a driver's license valid in this Commonwealth at the time of the violation; or

(2) if the driver's license is lost, stolen, destroyed or illegible, evidence that the driver was licensed at the time of the violation.

§ 1502. Persons exempt from licensing.

The following persons are not required to obtain a driver's license under this chapter:

(1) Any employee of the Federal Government while operating a motor vehicle owned by or leased to the Federal Government and being operated on official business unless the employee is required by the Federal Govern-

ment or any agency thereof to have a state driver's license. *This exemption shall not apply to the operation of commercial motor vehicles, as defined in Chapter 16 (relating to commercial drivers).*

* * *

§ 1504. Classes of licenses.

* * *

(d) Number and description of classes.—Licenses issued by the department shall be classified in the following manner:

(1) **Class 1.**—A Class 1 license shall be issued to those persons who have demonstrated their qualifications to operate a single vehicle not in excess of 30,000 pounds registered gross weight or any such vehicle towing a trailer not in excess of 10,000 pounds gross weight. Any fireman who is the holder of a Class 1 license and who has a certificate of authorization from his fire chief shall be authorized to operate any vehicle registered to the fire department regardless of the other requirements of this section as to the class of license required. The holder of a Class 1 license shall also be authorized to drive a motorized pedalcycle or a three-wheeled motorcycle equipped with an enclosed cab. The holder of a Class 1 license shall not be deemed qualified to operate buses, school buses or motorcycles unless the license is endorsed as provided in this section.

(2) **Class 2.**—A Class 2 license shall be issued to those persons over 18 years of age who have demonstrated their qualifications to operate a single vehicle of over 30,000 pounds registered gross weight or any bus or any such vehicle towing a trailer not in excess of 10,000 pounds gross weight. The holder of a Class 2 license shall be deemed qualified to operate those vehicles for which a Class 1 license is issued, but not school buses or motorcycles unless the license is endorsed as provided in this section.

(3) **Class 3.**—A Class 3 license shall be issued to those persons over 18 years of age who have demonstrated their qualifications to operate a vehicle while in combination with or towing a trailer in excess of 10,000 pounds gross weight. The holder of a Class 3 license shall be deemed qualified to operate those vehicles for which a Class 1 or Class 2 license is issued, but not school buses or motorcycles unless the license is endorsed as provided in this section.

(4) **Class 4.**—Persons who have qualified to operate school buses in accordance with this title and the rules and regulations promulgated and adopted by the department shall have the qualification endorsed on the license on the license as provided in this section.

(5) **Class 5.**—Those persons who have demonstrated their qualifications to operate a motorcycle, shall have that qualification endorsed on one of the basic classes of license described in this section. If a person is qualified only to operate a motorcycle he shall be issued a license with only that qualification endorsed on the license.

(6) **Class 6.**—Those persons who have demonstrated their qualifications to operate a motor-driven cycle or motorized pedalcycle shall have that qualification endorsed on one of the basic classes of license described in this section. If a person is qualified only to operate a motor-driven cycle

or motorized pedalcycle he shall be issued a license with only that qualification endorsed on the license.]

(1) *Class A.*—A Class A license shall be issued to those persons 18 years of age or older who have demonstrated their qualifications to operate any combination of vehicles with a gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds.

(i) *The holder of a Class A license shall be deemed qualified to operate those vehicles for which a Class B or Class C license is issued.*

(ii) *Where required under this title, appropriate endorsements must be obtained.*

(2) *Class B.*—A Class B license shall be issued to those persons 18 years of age or older who have demonstrated their qualifications to operate any single vehicle with a gross vehicle weight rating of 26,001 pounds or more or any such vehicle towing a vehicle having a gross vehicle weight rating of not more than 10,000 pounds.

(i) *The holder of a Class B license shall be deemed qualified to operate those vehicles for which a Class C license is issued.*

(ii) *Where required under this title, appropriate endorsements must be obtained.*

(3) *Class C.*—A Class C license shall be issued to those persons 18 years of age or older, except as provided in section 1503 (relating to persons ineligible for licensing), who have demonstrated their qualifications to operate any single vehicle with a gross vehicle weight rating of not more than 26,000 pounds or any such vehicle towing a vehicle if the gross combination vehicle weight rating is not more than 26,000 pounds.

(i) *Where required under this title, appropriate endorsements must be obtained.*

(ii) *Any firefighter who is the holder of a Class C license and who has a certificate of authorization from his fire chief shall be authorized to operate any fire or emergency vehicle registered to the fire department, regardless of the other requirements of this section as to the class of license required. No fire chief, fire department, including any volunteer fire company, or municipality shall be liable for any civil damages as a result of the issuance of a certificate authorized under this paragraph unless such act constituted a crime, actual fraud, actual malice or willful misconduct.*

(iii) *The holder of a Class C license shall also be authorized to drive a motorized pedalcycle or a three-wheeled motorcycle equipped with an enclosed cab, but not a motorcycle unless the license is endorsed, as provided in this title.*

(4) *Class M.*—A Class M license shall be issued to those persons who have demonstrated their qualifications to operate a motorcycle or motor-driven cycle. If a person is qualified to operate only a motorcycle or motor-driven cycle, he shall be issued a Class M license only.

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§ 1509. Qualifications for **[Class 4 license] school bus driver endorsement**.

(a) School bus driver requirements.—No person shall be issued **[a Class 4 license] an endorsement to operate a school bus** unless the person:

(1) has successfully completed a course of instruction as provided in subsection (c);

(2) has satisfactorily passed an annual physical examination to be given by the physician for the school district by which the person is employed; **and], in accordance with rules and regulations promulgated and adopted by the department;**

(3) is 18 years of age or older~~].; and~~

(4) is qualified to operate school buses in accordance with this title and the rules and regulations promulgated and adopted by the department.

* * *

§ 1510. Issuance and content of driver's license.

(a) General rule.—The department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or general class of vehicles the licensee is authorized to drive **and any endorsements or restrictions**, which license shall contain **a distinguishing number assigned by the department to the licensee**, the **[social security] Social Security** number of the licensee, the actual name, date of birth, residence address, a color photograph **or photographic facsimile** of the licensee, such other information as may be required by the department, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink. Personal medical data and other information for use in an emergency may be included as a part of the license. Information other than that required to identify the licensee, the distinguishing number and the class of license issued may be included in microdata form. No driver's license shall be valid until it has been signed by the licensee.

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§ 1511. Carrying and exhibiting driver's license on demand.

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(b) Production to avoid penalty.—No person shall be convicted of violating this section or section 1501(a) (relating to drivers required to be licensed) if the person produces at the office of the issuing authority or the arresting officer within **[five] 15** days a driver's license valid in this Commonwealth at the time of the arrest.

§ 1532. Revocation or suspension of operating privilege.

(a) Revocation.—The department shall revoke the operating privilege of any driver for one year upon receiving a certified record of the driver's conviction of, **an adjudication of delinquency or consent decree based on any of the following offenses:**

(1) Any felony in the commission of which a court determines that a vehicle was essentially involved.

(2) Any violation of section 3735 (relating to homicide by vehicle while driving under influence).

(3) Any violation of the following provisions:

Section 3732 (relating to homicide by vehicle).

Section 3742 (relating to accidents involving death or personal injury).

Section 7102(b) (relating to removal or falsification of identification number).

Section 7103(b) (relating to dealing in vehicles with removed or falsified numbers).

Section 7111 (relating to dealing in titles and plates for stolen vehicles).

Section 7121 (relating to false application for certificate of title or registration).

Section 7122 (relating to altered, forged or counterfeit documents and plates).

(b) Suspension.—

(1) The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of the driver's conviction of, *an adjudication of delinquency or consent decree based on* any offense under the following provisions:

Section 3367 (relating to racing on highways).

Section 3733 (relating to fleeing or attempting to elude police officer).

Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3736 (relating to reckless driving).

Section 3743 (relating to accidents involving damage to attended vehicle or property).

* * *

(3) The department shall suspend the operating privilege of any driver for 12 months upon receiving a certified record of the driver's conviction of section 3731 (relating to driving under influence of alcohol or controlled substance) or an adjudication of delinquency *or consent decree* based on section 3731.

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§ 1535. Schedule of convictions and points.

(a) General rule.—A point system for driver education and control is hereby established which is related to other provisions for use, suspension and revocation of the operating privilege as specified under this title. Every driver licensed in this Commonwealth who is convicted of any of the following offenses shall be assessed points as of the date of violation in accordance with the following schedule:

| Section Number | Offense | Points |
|----------------|---|--------|
| 1512 | Violation of restriction on driver's license. | 2 |
| 1571 | Violation concerning license. | 3 |
| 3102 | Failure to obey policeman or authorized person. | 2 |

| | | |
|---------------|--|---|
| 3112(a)(3)(i) | Failure to stop for a red light. | 3 |
| 3114(a)(1) | Failure to stop for a flashing red light. | 3 |
| 3302 | Failure to yield half of roadway to oncoming vehicle. | 3 |
| 3303 | Improper passing. | 3 |
| 3304 | Other improper passing. | 3 |
| 3305 | Other improper passing. | 3 |
| 3306(a)(1) | Other improper passing. | 4 |
| 3306(a)(2) | Other improper passing. | 3 |
| 3306(a)(3) | Other improper passing. | 3 |
| 3307 | Other improper passing. | 3 |
| 3310 | Following too closely. | 3 |
| 3321 | Failure to yield to driver on the right at intersection. | 3 |
| 3322 | Failure to yield to oncoming driver when making left turn. | 3 |
| 3323(b) | Failure to stop for stop sign. | 3 |
| 3323(c) | Failure to yield at yield sign. | 3 |
| 3324 | Failure to yield when entering or crossing roadway between intersections. | 3 |
| 3332 | Improper turning around. | 3 |
| 3341 | Failure to stop for flashing red lights or gate at railroad crossing. | 3 |
| 3344 | Failure to stop when entering from alley, driveway or building. | 3 |
| 3345(a) | Failure to stop for school bus with flashing red lights. (and 60 days suspension) | 5 |
| 3361 | Driving too fast for conditions. | 2 |
| 3362 | Exceeding maximum speed.—Over Limit: | |
| | 6-10 | 2 |
| | 11-15 | 3 |
| | 16-25 | 4 |
| | 26-30 | 5 |
| | 31-over | 5 |
| | (and departmental hearing and sanctions provided under section 1538(d)) | |
| 3365(b) | Exceeding special speed limit in school zone. | 3 |
| 3365(c) | Exceeding special speed limit for trucks on downgrades. | 3 |
| 3342(a) | Failure to yield to pedestrian in crosswalk. | 2 |

| | | |
|---------|---|---|
| 3547 | Failure to yield to pedestrian on sidewalk. | 3 |
| 3549(a) | Failure to yield to blind pedestrian. | 3 |
| 3702 | Improper backing. | 3 |
| 3714 | [Reckless] <i>Careless</i> driving. | 3 |
| 3745 | Leaving scene of accident involving property damage only. | 4 |

* * *

Section 4. Section 1540(b) and (c) of Title 75, amended February 7, 1990 (P.L.11, No.6), are amended to read:

§ 1540. Surrender of license.

* * *

(b) Suspension **[or]**, revocation *or disqualification* of operating privilege.—Upon the suspension or revocation of the operating privilege *or the disqualification of the commercial operating privilege* of any person by the department, the department shall forthwith notify the person in writing at the address of record to surrender his driver's license to the department for the term of suspension **[or]**, revocation *or disqualification*. The suspension **[or]**, revocation *or disqualification* shall be effective upon a date determined by the department or the date of surrender of the license to the department if that date is subsequent to the department's notice to surrender the license, whichever occurs first. Upon surrender of the license, the department shall issue a receipt showing the date that it received the license.

(c) Seizure of revoked **[and]**, suspended, *canceled or disqualified* licenses.—

(1) The department may delegate authority to the following persons to seize the driver's license of any person whose driver's license has been ordered to be surrendered by a court or district attorney or by the department:

- (i) A designated **[department]** *Commonwealth* employee.
- (ii) Members of the Pennsylvania State Police.
- (iii) Local police officers.
- (iv) Sheriffs or deputy sheriffs.

(v) Constables or deputy constables. If constables and deputy constables are delegated authority to seize drivers' licenses under this subsection, they shall be compensated by the department at the rate of \$15 for each driver's license seized, plus mileage. The department shall pay a constable or deputy constable within 30 days after a documented request is submitted to it.

(2) The department shall, by regulation, prescribe the manner of selecting those persons who are delegated authority under this subsection to seize the drivers' licenses.

Section 5. Sections 1547(d) and 1550 of Title 75 are amended to read:

§ 1547. Chemical testing to determine amount of alcohol or controlled substance.

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(d) Presumptions from amount of alcohol.—If chemical testing of a person's breath, blood or urine shows:

(1) That the amount of alcohol by weight in the blood of the person tested is 0.05% or less, it shall be presumed that the person tested was not under influence of alcohol and the person shall not be charged with any violation under section 3731(a)(1) or (4) (relating to driving under influence of alcohol or controlled substance), or, if the person was so charged prior to the test, the charge shall be void ab initio. This fact shall not give rise to any presumption concerning a violation of section 3731(a)(2) or (3) or (f).

(2) That the amount of alcohol by weight in the blood of the person tested is in excess of 0.05% but less than 0.10%, this fact shall not give rise to any presumption that the person tested was or was not under the influence of alcohol, but this fact may be considered with other competent evidence in determining whether the person was or was not under the influence of alcohol. *This provision shall not negate the provisions of section 3731(i).*

(3) That the amount of alcohol by weight in the blood of the person tested is 0.10% or more, this fact may be introduced into evidence if the person is charged with violating section 3731.

* * *

§ 1550. Judicial review.

(a) General rule.—Any person denied a driver's license or whose operating privilege has been recalled, canceled, suspended [or], 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).

(b) Supersedeas.—[The]

(1) *In the case of a recall, suspension, cancellation or revocation, the filing of the petition shall operate as a supersedeas, and no recall, suspension, cancellation or revocation shall be imposed against such person until final determination of the matter.*

(2) *In the case of a disqualification of the commercial operating privilege, the driver may petition to the court of common pleas of his county of residence, which court may grant a supersedeas ex parte upon a showing of reasonable likelihood of successful prosecution of the appeal.*

(c) Proceedings of court.—The court shall set the matter for hearing upon 30 days written notice to the department and determine whether the petitioner is in fact the person whose operating privilege is subject to the recall, suspension, cancellation [or], revocation or *disqualification*.

Section 6. Title 75 is amended by adding a section to read:

§ 1553. *Occupational limited license.*

(a) *Issuance.*—

(1) *The department shall issue an occupational limited license under the provisions of this section to a driver whose operating privileges have been suspended and is not prohibited under any other provision in this section. If the underlying reason for the suspension was caused by viola-*

tions committed while the driver was operating a commercial motor vehicle, the driver shall not be issued an occupational limited license for the purpose of operating a commercial motor vehicle. The department shall prohibit the issuance of an occupational limited license when disqualified from doing so under the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570, 49 U.S.C. App. § 2701 et seq.).

(2) The department shall not issue an occupational limited license to drivers whose operating privileges have been recalled, canceled or revoked.

(b) *Petition.*—

(1) The applicant for an occupational limited license must file a petition with the department, by certified mail, setting forth in detail the need for operating a motor vehicle. The petition shall be on a form prescribed by the department and shall identify the specific motor vehicle or vehicles the petitioner seeks permission to operate. The petition shall include an explanation as to why the operation of a motor vehicle is essential to the petitioner's occupation, work, trade or study. The petition shall identify the petitioner's employer and shall include proof of financial responsibility covering all vehicles which the petitioner requests to be allowed to operate. The department may require additional information as well as additional evidence to verify the information contained in the petition.

(2) The petitioner shall surrender his driver's license in accordance with section 1540 (relating to surrender of license). If the petitioner's driver's license has been lost or stolen, the petitioner shall submit an application for a replacement license, along with the proper fee. If the petitioner is a nonresident licensed driver, the petitioner shall submit an acknowledgment of suspension in lieu of a driver's license. If the petitioner's license has expired, the petitioner shall submit an application for renewal, along with the appropriate fee. All fines, costs and restoration fees must be paid at the time of petition.

(3) Consistent with the provisions of this section, the department shall issue an occupational limited license to the applicant within 20 days of receipt of the petition.

(c) *Fee.*—The fee for applying for an occupational limited license shall be \$25. This fee shall be nonrefundable and no other fee shall be required.

(d) *Unauthorized issuance.*—The department shall prohibit issuance of an occupational limited license to:

(1) A driver who is not licensed to drive by this or any other state.

(2) Any person who is required by this title to take an examination and who has failed to take and pass such an examination.

(3) Any person who has an unsatisfied judgment against him as the result of a motor vehicle operation, until such judgment has been satisfied or the financial responsibility of such person has been established.

(4) Any person applying for a limited license to operate a commercial motor vehicle who has had his commercial driver's license privilege disqualified under the provisions of section 1611 (relating to disqualification).

(5) *Any person who, at the time he applies for an occupational limited license, has previously been granted such a privilege within the period of five years next preceding such application.*

(6) *Any person who has been convicted of driving under the influence of alcohol or controlled substance.*

(7) *Any person whose license has been suspended for refusal to submit to chemical testing to determine the amount of alcohol or controlled substance.*

(8) *Any person who has been granted Accelerated Rehabilitative Disposition for driving under the influence of alcohol or controlled substance and whose license has been suspended by the department.*

(9) *Any person whose license has been suspended for a violation of 18 Pa.C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).*

(10) *Any person whose license has been suspended pursuant to section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.*

(11) *Any person who has been convicted of any offense under the following provisions:*

Section 1543 (relating to driving while operating privilege is suspended or revoked).

Section 3345(a) (relating to meeting or overtaking school bus).

Section 3367 (relating to racing on highways).

Section 3733 (relating to fleeing or attempting to elude police officer).

Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3742 (relating to accidents involving death or personal injury).

Section 3743 (relating to accidents involving damage to attended vehicle or property).

(12) *Any person whose license has been suspended pursuant to section 1533 (relating to suspension of operating privilege for failure to respond to citation).*

(13) *Any person whose license has been suspended pursuant to section 1786 (relating to required financial responsibility).*

(14) *Any person whose license has been suspended for failure to attend and satisfactorily complete a driver improvement course or failure to attend a hearing required under section 1538 (relating to school, examination or hearing on accumulation of points or excessive speeding).*

(e) *Offenses committed during a period for which an occupational limited license has been issued.—Any driver who is eligible for an occupational limited license and is convicted of any offense listed in section 1535 (relating to schedule of convictions and points) or any offense for which the penalty is a cancellation, recall, suspension or revocation of operating privileges shall not be issued an occupational limited license, or, if such driver has been issued a limited license, the department shall immediately recall and the*

driver shall surrender the limited license to the department or its agents as the department may designate under the authority of section 1540.

(f) Restrictions.—A driver who has been issued an occupational limited license shall observe the following:

(1) The driver shall operate a designated vehicle only between the driver's place of residence and place of employment or study and as necessary in the course of employment or conducting a business or pursuing a course of study where the operation of a motor vehicle is a requirement of employment or of conducting a business or of pursuing a course of study.

(2) A driver who has been issued an occupational limited license shall not operate a school bus.

(3) Any person who violates the conditions of issuance or restrictions of the occupational limited license commits a summary offense and shall, upon conviction, pay a fine of \$200 and, upon receipt of a certified record of conviction, the department shall recall the limited license.

(g) Changes in condition.—A driver who is granted an occupational limited license shall immediately inform the department in writing of any change in the conditions under which that driver applied for the occupational limited license. Upon failure to give prompt notice of any changes or if the conditions for the limited license no longer exist, the department shall recall the occupational limited license.

(h) Appeal from denial or recall of occupational limited license.—

(1) Any driver who is eligible under this section for an occupational limited license and who, after petitioning the department, is denied an occupational limited license may file with the department a petition for a hearing. Such hearing shall be conducted in accordance with Title 2 (relating to administrative law and procedure). The department may charge a reasonable fee based on the cost to the department for conducting such a hearing.

(2) If a court orders a supersedeas in any appeal, the petitioner shall earn no credit towards serving the suspension for which the petitioner was granted an occupational limited license.

Section 7. Sections 1571(a)(1) and (4), 1573 and 1575 of Title 75 are amended to read:

§ 1571. Violations concerning licenses.

(a) Offenses defined.—It is unlawful for any person:

(1) To exhibit or cause or permit to be exhibited or have in possession any recalled, canceled, suspended, revoked, *disqualified*, fictitious or fraudulently altered driver's license.

* * *

(4) To fail or refuse to surrender to the department upon lawful demand a recalled, canceled, suspended, revoked, *disqualified*, fictitious or fraudulently altered driver's license.

* * *

§ 1573. [Driving under] *Displaying* a foreign license during suspension or revocation.

[Any] (a) Offense defined.—*It is unlawful for any resident or nonresident whose operating privilege to drive a motor vehicle in this Commonwealth has been recalled, canceled, suspended [or], revoked or disqualified as provided in this title [shall not drive a motor vehicle in this Commonwealth under] to display a license or permit issued by any other jurisdiction or otherwise during the suspension or after the recall, cancellation [or], revocation or disqualification until [a new driver's license is obtained when and as permitted under this chapter.] the individual's operating privilege has been restored by the department.*

(b) Display of regular license.—

(1) *A resident of this Commonwealth who holds a commercial driver's license issued by this Commonwealth under Chapter 16 (relating to commercial drivers) shall be permitted to display a regular driver's license issued by the department in the event that the resident's commercial driver's license is disqualified.*

(2) *A nonresident who holds a commercial driver's license issued by a state other than this Commonwealth shall be permitted to display a regular driver's license issued by that person's state of residence in the event that the nonresident's commercial driver's license is disqualified.*

(3) *A nonresident who holds a nonresident commercial driver's license issued by this Commonwealth under Chapter 16 shall be permitted to display a regular driver's license issued by the nonresident's country in the event that the person's nonresident commercial driver's license is disqualified.*

(c) Penalty.—*Any person violating the provisions of this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200. This penalty shall be in addition to any other penalties imposed under this title.*

§ 1575. Permitting violation of title.

(a) General rule.—*No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven in violation of any of the provisions of this title.*

(b) Penalty.—*Any person violating the provisions of subsection (a) is guilty of [the same] a summary offense [as the driver of such vehicle] and is subject to the same [penalties including any suspension or revocation of the operating privilege or the assessment of points.] fine as the driver of the vehicle. If the driver is convicted under section 3731 (relating to driving under influence of alcohol or controlled substance) or 3735 (relating to homicide by vehicle while driving under influence), the person violating subsection (a) shall also be subject to suspension or revocation, as applicable, under sections 1532 (relating to revocation or suspension of operating privilege) and 1542 (relating to revocation of habitual offender's license).*

(c) Indemnification.—*In cases where a driver of a motor vehicle is required to conduct a pretrip safety inspection pursuant to department regulations and is subsequently convicted of one or more equipment violations under this title, the owner of the vehicle shall indemnify the driver for any fines and costs paid if the specific equipment violation was listed on the driver's pretrip inspection report and acknowledged in writing by the owner.*

Section 8. Title 75 is amended by adding a chapter to read:

CHAPTER 16
COMMERCIAL DRIVERS

Sec.

- 1601. Short title of chapter.
- 1602. Purpose and construction of chapter.
- 1603. Definitions.
- 1604. Notification requirements for drivers.
- 1605. Employer responsibilities.
- 1606. Requirement for commercial driver's license.
- 1607. Commercial driver's license qualification standards.
- 1608. Nonresident CDL.
- 1609. Application for commercial driver's license.
- 1610. Commercial driver's license.
- 1611. Disqualification.
- 1612. Commercial drivers prohibited from operating with any alcohol in system.
- 1613. Implied consent requirements for commercial motor vehicle drivers.
- 1614. Notification of traffic convictions.
- 1615. Authority to enter agreements.
- 1616. Reciprocity.
- 1617. Fees.
- 1618. Fines exempt from Judicial Computer Account.

§ 1601. Short title of chapter.

This chapter shall be known and may be cited as the Uniform Commercial Driver's License Act.

§ 1602. Purpose and construction of chapter.

(a) Purpose.—The purpose of this chapter is to implement the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. app. § 2701 et seq.) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:

- (1) Permitting commercial drivers to hold only one driver's license.
- (2) Disqualifying commercial drivers who have committed certain serious traffic violations or other specified offenses.
- (3) Strengthening licensing and testing standards.

(b) Construction.—This chapter is a remedial law and shall be liberally construed to promote the public health, safety and welfare. To the extent that this chapter conflicts with other driver licensing provisions, this chapter prevails. Where this chapter is silent, the general driver licensing provisions apply.

§ 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:

“Commercial driver learner’s permit.” A permit issued pursuant to section 1607(d) (relating to commercial driver’s license qualification standards).

“Commercial driver’s license” or “CDL.” A driver’s license issued in accordance with the requirements of this chapter authorizing a person 18 years of age or older to drive a class of commercial motor vehicle.

“Commercial Driver’s License Information System” or “CDLIS.” The information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. app. § 2701 et seq.) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

“Commercial motor vehicle.” A motor vehicle designed or used to transport passengers or property:

(1) if the vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating as the department shall adopt under the provisions of section 6103(c) (relating to promulgation of rules and regulations by department), as determined by Federal regulation and published by the department as a notice in the Pennsylvania Bulletin;

(2) if the vehicle is designed to transport 16 or more passengers, including the driver;

(3) if the vehicle is a school bus; or

(4) if the vehicle is transporting hazardous materials and is required to be placarded in accordance with department regulations.

The term does not include an implement of husbandry, or any motor home or recreational trailer operated solely for personal use, or motorized construction equipment, including, but not limited to, motorscrapers, backhoes, motorgraders, compactors, excavators, tractors, trenchers and bulldozers.

“Controlled substance.” Any substance so defined or classified under:

(1) The act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) Section 102(6) of the Controlled Substance Act (Public Law 91-513, 21 U.S.C. § 802(6)).

(3) Schedules I through V of 21 CFR Part 1308.

(4) Any revisions to paragraphs (2) or (3) which are published by the Department of Transportation as notices in the Pennsylvania Bulletin.

“Disqualification.” A prohibition against driving a commercial motor vehicle.

“Employer.” Any person, including the United States, a state or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle.

“Felony.” An offense under state or Federal law which is punishable by death or imprisonment exceeding one year.

“Foreign jurisdiction.” Any jurisdiction other than a state of the United States.

“Nonresident CDL.” A commercial driver’s license issued by a state to an individual who resides in a foreign jurisdiction.

“Out-of-service order.” A temporary prohibition against driving a commercial motor vehicle as provided by departmental regulation.

“Serious traffic violation.”

(1) Excessive speeding as defined by the United States Secretary of Transportation by regulation and published by the department as a notice in the Pennsylvania Bulletin.

(2) Reckless driving.

(3) Any offense under this title relating to motor vehicle traffic control arising in connection with an accident resulting in death to any person.

(4) Any violation of section 3326 (relating to duty of driver in construction and maintenance areas) or 3365(c) (relating to special speed limitations).

(5) Any other offenses defined by the United States Secretary of Transportation as serious traffic violations and published by the department as a notice in the Pennsylvania Bulletin.

“State.” A state of the United States or the District of Columbia.

“United States.” The 50 states and the District of Columbia.

§ 1604. Notification requirements for drivers.

(a) Notification of convictions.—A driver of a commercial motor vehicle holding a driver’s license issued by this Commonwealth who is convicted of violating a Federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any Federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify his employer in writing of the conviction within 30 days of the date of conviction.

(b) Notification of suspensions, revocations, cancellations and disqualifications.—Each driver of a commercial motor vehicle whose operating privilege is suspended, revoked or canceled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period or who is disqualified from driving a commercial motor vehicle for any period, shall notify his employer of that fact before the end of the business day following the day the driver received notice of the suspension, revocation, cancellation, loss or disqualification.

(c) Notification of previous employment.—

(1) Each person who applies for employment as a commercial motor vehicle driver shall provide the employer, at the time of the application for employment, with the following information for the ten years preceding the date of application:

(i) A list of the names and addresses of the applicant’s previous employers for which the applicant was a driver of a commercial motor vehicle.

(ii) The dates between which the applicant drove for each employer.

(iii) The reason for leaving that employer.

(2) The applicant shall certify that all information furnished is true and complete.

(3) An employer may require an applicant to provide additional and legally permitted information.

(d) Penalties.—

(1) Any person who violates subsection (a) or (c) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

(2) Any person who violates subsection (b) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

§ 1605. Employer responsibilities.

(a) Requirements.—Each employer shall require the applicant to provide the information specified in section 1604(c) (relating to notification requirements for drivers). Each employer shall inform the applicant that the information he provides in accordance with section 1604(c) may be used and the applicant's previous employers may be contacted for the purpose of investigating the applicant's work history.

(b) Prohibitions.—No employer shall knowingly allow, require, permit or authorize a driver to drive a commercial motor vehicle during any period:

(1) in which:

(i) the driver's license was suspended, revoked or canceled by a state;

(ii) the driver has lost the privilege to drive a commercial motor vehicle in a state;

(iii) the driver has been disqualified from driving a commercial motor vehicle;

(iv) the driver is not licensed to drive a commercial vehicle; or

(v) the driver is not qualified by required class or endorsement to operate the commercial vehicle being driven; or

(2) in which the driver has more than one driver's license.

(c) Test vehicles.—Each employer shall provide a representative vehicle to any employee who as a result of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. app. § 2701 et seq.) must obtain a commercial driver's license to continue his present occupation. This section includes, but is not limited to, current commercial motor vehicle drivers, construction equipment operators, utility truck operators, mechanics and vehicle inspectors employed prior to March 31, 1992. It is the employer's discretion to provide a representative vehicle to any employee who wishes to obtain a commercial driver's license if the Commercial Motor Vehicle Safety Act of 1986 does not require the employee to obtain a commercial driver's license for his current position.

(d) Test dates.—An employer shall provide a commercial driver the necessary time off for a driver to take the required knowledge exam and skills test when the tests have been scheduled.

(e) Penalties.—Any person who violates any provision of this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000.

§ 1606. Requirement for commercial driver's license.

(a) When required.—No person, except those specifically exempted in subsection (b), shall drive a commercial motor vehicle unless the person has been issued and is in immediate possession of a valid commercial driver's license and applicable endorsements valid for the vehicle he is driving.

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

(1) A person with a commercial driver learner's permit who is accompanied by the holder of a commercial driver's license valid for the vehicle being driven.

(2) A person in the service of the Armed Forces of the United States, including members of the Reserves and National Guard on active duty; personnel on full-time National Guard duty; and personnel on inactive National Guard duty training or part-time National Guard training and National Guard military technicians who are required to wear military uniforms and are subject to the Uniform Code of Military Justice when operating equipment owned or operated by the Department of Defense.

(3) A person who is a volunteer or paid firefighter with a Class C license and who has a certificate of authorization from his fire chief while operating a fire or emergency vehicle registered to the fire department.

(4) A driver with a Class C license operating a farm vehicle which is controlled and operated by a farmer and used exclusively to transport agricultural products, farm machinery or farm supplies to or from a farm owned or operated by the owner of the farm vehicle. The farm vehicle may not be used in the operations of a common or contract carrier and may be used only within a radius of 150 miles of the farm.

(c) Prohibitions.—

(1) No person shall drive a commercial motor vehicle during any period in which:

(i) his privilege to drive a commercial motor vehicle in a state has been removed for any reason, including disqualification, until the person's commercial operating privilege has been restored;

(ii) his operating privilege is suspended, revoked, canceled or recalled until the person's operating privilege has been restored; or

(iii) he has been placed under an out-of-service order.

(2) No person who operates a commercial motor vehicle shall at any time have more than one commercial driver's license.

(d) Penalties.—

(1) Except as provided in paragraph (6), a person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500. Except that, if the person charged furnishes satisfactory proof of having held a commercial driver's license valid on the last day of the preceding driver's license period and no more than 60 days have elapsed from the last date of renewal, the fine shall be \$100. Except as provided in paragraph (6), every person convicted of a second or subsequent violation of subsection (a) shall be sentenced to pay a fine of not less than \$500 nor more than \$1,500.

(2) A person who drives a commercial motor vehicle while subject to disqualification commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500. Every person convicted of a second or subsequent violation of driving a commercial motor vehicle while subject

to disqualification shall be sentenced to pay a fine of not less than \$500 nor more than \$1,500.

(3) A person who drives a commercial motor vehicle while subject to disqualification under section 1611(b) or (e) (relating to disqualification) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000 or to imprisonment for six months, or both.

(4) A person who drives a commercial motor vehicle in violation of an out-of-service order issued under section 1612 (relating to commercial drivers prohibited from operating with any alcohol in system) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000.

(5) A person who drives a commercial motor vehicle in violation of an out-of-service order (other than an out-of-service order issued under section 1612) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500.

(6) No person shall be convicted of violating subsection (a) if the person produces at the office of the issuing authority within 15 days of the violation:

(i) a commercial driver's license valid in this Commonwealth at the time of the violation; or

(ii) if the commercial driver's license is lost, stolen, destroyed or illegible, evidence that the driver was licensed at the time of the violation and that application for a duplicate license had been made at the time of the violation.

(7) A person who drives a commercial motor vehicle in violation of subsection (c)(1)(ii) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000.

(8) A person who drives a commercial motor vehicle in violation of subsection (c)(2) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000.

(e) Convictions and fines cumulative.—Any violations brought under this section and fines imposed under this section shall be in addition to violations brought and fines imposed under any other sections of this title.

§ 1607. Commercial driver's license qualification standards.

(a) Testing.—

(1) The Commonwealth shall offer one knowledge test to all commercial driver's license holders until April 1, 1992, for each class and for each endorsement for driving a commercial motor vehicle which complies with minimum standards established by Federal regulation and all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. app. § 2701 et seq.). This subsection shall not apply to an applicant for a commercial driver learner's permit.

(2) No person shall be issued a commercial driver's license unless the person is a resident of this Commonwealth and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum standards established by Federal regulation, all other requirements of the Commercial Motor Vehicle Safety Act of 1986 and other

requirements imposed under Federal regulation which are published by the department as a notice in the Pennsylvania Bulletin, as well as all requirements of this title or State regulation. The tests shall be offered by the department or its agents.

(3) The department may authorize a person, including an agency of this or another state, an employer, a private institution, association or driver training school, or a department, agency or instrumentality of local government to administer the skills test specified by this section, provided:

(i) The test is the same as that which would otherwise be administered by the department.

(ii) The third party has entered into an agreement with the department.

(4) Third party contracts shall expire June 30, 1992, and no third party testing shall occur after June 30, 1992.

(5) As a result of this section, no layoffs shall occur in the classification known as Driver's License Examiner.

(6) The department shall provide applicants for commercial driver's licenses with the choice of selecting a knowledge test administered in either a written or an oral format:

(i) The department shall administer the knowledge tests in both the English and Spanish languages.

(ii) An applicant requesting the oral or Spanish version of the knowledge test must schedule for the examination at a testing site authorized by the department.

(iii) The department shall offer alternate testing formats to avoid discrimination against drivers with limited literacy or verbal comprehension skills.

(iv) The alternative of an oral version of the knowledge test shall not be available to persons seeking a hazardous materials endorsement on a commercial driver's license.

(b) Waiver of test.—The department shall waive the skills test specified in this section for a commercial driver's license applicant holding a valid Class 2, 3 or 4 license who meets the requirements of Federal regulations. If permitted by Federal regulation, the department may waive the written test requirement for a commercial driver's license applicant holding a valid Class 2, 3 or 4 license.

(c) Limitations on issuance of license.—A commercial driver's license or commercial driver learner's permit shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle or while the person's driver's license is suspended, revoked or canceled in any state; nor shall a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which shall be returned to the issuing state for cancellation. This subsection shall not be applicable to persons issued occupational limited licenses.

(d) Commercial driver learner's permit.—The department shall issue a commercial driver learner's permit in accordance with section 1505 (relating

to learners' permits). A commercial driver learner's permit is required for the addition of endorsements and the removal of restrictions established under this chapter, including those established by regulation.

§ 1608. Nonresident CDL.

(a) Issuance of nonresident CDL.—The department may issue a nonresident CDL to a resident of a foreign jurisdiction if the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established in Federal regulations.

(1) The word "nonresident" shall appear on the face of the nonresident CDL.

(2) An applicant shall surrender any nonresident CDL issued by another state.

(3) Prior to issuing a nonresident CDL, the department shall establish the practical capability of revoking, suspending or canceling the nonresident CDL and disqualifying the commercial motor vehicle driving privilege of that person.

(b) Other provisions applicable.—All provisions of this chapter applicable to the commercial driver's license for a resident of this Commonwealth, except the residency requirement, and all provisions of this title applicable to drivers' licenses shall be applicable to a nonresident CDL.

§ 1609. Application for commercial driver's license.

(a) Contents of application.—The application for a commercial driver's license or commercial driver learner's permit shall include the following:

- (1) The full name and current residential address of the person.
- (2) A physical description of the person, including sex, height and eye color.
- (3) Date of birth.
- (4) The applicant's Social Security number.
- (5) The person's signature.
- (6) Certifications, including those required by Federal regulations.
- (7) Any other information required by the department.

(b) Change of name or address.—Whenever any person, after applying for or receiving a commercial driver's license or commercial driver learner's permit, moves from the address named in the application or in the driver's license or learner's permit issued or when the name of the licensee or permittee is changed, such person shall, within 15 days, make application for a duplicate license. The duplicate shall be issued upon payment of the required fee and return of the original, or previous duplicate, license.

(c) New residents.—No person who is a resident of this Commonwealth for 30 days shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

§ 1610. Commercial driver's license.

(a) Content of license.—The commercial driver's license shall indicate "commercial driver's license" or "CDL" and shall include, but not be limited to, the following information:

- (1) The name and residential address of the person.
- (2) The person's color photograph or photographic facsimile.
- (3) A physical description of the person, including sex, height and eye color.
- (4) Date of birth.
- (5) The license number assigned by the department.
- (6) The person's signature or a facsimile of that signature.
- (7) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive, together with any endorsements or restrictions.

(b) Classifications, endorsements and restrictions.—

(1) Commercial drivers' licenses may be issued with the following classifications, endorsements and restrictions. The holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles. Vehicles requiring an endorsement may not be driven unless the proper endorsement appears on the license.

(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:

- 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.
- S - Authorizes the driver to operate a school bus.
- T - Authorizes driving double and triple trailers.
- X - Represents a combination of hazardous materials and tank vehicle endorsements.

(c) Applicant record check.—Before issuing a commercial driver's license, the department shall obtain driving record information through the Commercial Driver's License Information System and the National Driver Register.

(d) Notification of license issuance.—When the department has electronic access, but no later than March 31, 1992, the department, within ten days after issuing a commercial driver's license, shall notify the Commercial Driver's License Information System of that fact, providing all information required to ensure identification of the person.

(e) License renewal procedures.—When applying for renewal of a commercial driver's license, the applicant must complete the application form required by section 1609(a) (relating to application for commercial driver's license), providing current and valid information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the English version of the written test for a hazardous materials endorsement must be taken and passed.

§ 1611. Disqualification.

(a) Disqualification for first violation of certain offenses.—Upon receipt of a certified copy of conviction, the department shall, in addition to any other penalties imposed under this title, disqualify any person from driving a commercial motor vehicle for a period of one year for the first violation of:

(1) section 3731(i) (relating to driving under the influence of alcohol or controlled substance);

(2) section 3742 (relating to accidents involving death or personal injury), where the violation occurred while the person was driving a commercial motor vehicle;

(3) section 3743 (relating to accidents involving damage to attended vehicle or property), where the violation occurred while the person was driving a commercial motor vehicle;

(4) section 3745 (relating to accidents involving damage to unattended vehicle or property), where the violation occurred while the person was driving a commercial motor vehicle;

(5) any felony in the commission of which a court determines a commercial motor vehicle was essentially involved, except as described in subsection (e); or

(6) section 1606(c) (relating to requirement for commercial driver's license), while their driving privilege is suspended, revoked, canceled or recalled or while subject to disqualification or in violation of an out-of-service order.

(b) Disqualification for offense while carrying hazardous materials.—The department shall disqualify any person from driving a commercial motor vehicle for three years if any of the offenses in subsection (a) occurred while transporting a hazardous material required to be placarded.

(c) Disqualification for two violations of certain offenses.—The department shall disqualify for life any person convicted of two or more violations of any of the offenses specified in subsection (a), or any combination of those offenses, arising from two or more separate and distinct incidents. Only offenses committed after the effective date of this chapter may be considered in applying this subsection.

(d) Mitigation of disqualification for life.—The department may issue regulations establishing guidelines, including conditions, under which a disqualification for life under subsection (c) may be reduced to a period of not less than ten years, if such reductions are permitted by Federal regulations.

(e) Disqualification for controlled substance offenses.—The department shall disqualify any person from driving a commercial motor vehicle for life who is convicted of using a commercial motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance or possession with intent to manufacture, distribute or dispense a controlled substance. There shall be no exceptions or reductions to this disqualification for life.

(f) Disqualification for failure to have CDL.—The department shall disqualify any person from driving a commercial motor vehicle for six months upon receiving a certified record of the person's conviction of violating section 1606(a), except as provided in section 1606(d)(6).

(g) **Disqualification for serious traffic offenses.**—The department shall disqualify any person from driving a commercial motor vehicle for a period of 60 days if convicted of two serious traffic violations, or 120 days if convicted of three serious traffic violations, committed in a commercial motor vehicle arising from separate and distinct incidents occurring within a three-year period.

(h) **Conviction in Federal court or another state.**—For purposes of the provisions of this section, a copy of a certified record of conviction or a copy of a certified record of administrative adjudication from a Federal court or another state for an offense essentially similar to those offenses which would result in disqualification in this section shall be treated by the department as if the conviction had occurred in this Commonwealth.

(i) **Surrender of license.**—Upon the disqualification of the commercial driving privilege of a person, the license shall be surrendered as provided in section 1540 (relating to surrender of license).

(j) **Updating driving record.**—After suspending, revoking, recalling or canceling a commercial driver's license, the department shall update its records to reflect that action. After suspending, revoking, recalling or canceling a commercial driving privilege issued by another state, the department shall notify the licensing authority of the state which issued the commercial driver's license or nonresident commercial driver's license.

§ 1612. **Commercial drivers prohibited from operating with any alcohol in system.**

(a) **Offense defined.**—Notwithstanding any other provision of this title, a person shall not drive, operate or be in physical control of a commercial motor vehicle while having any alcohol in his system.

(b) **Penalty.**—A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. A person who drives, operates or is in physical control of a commercial motor vehicle while having alcohol in his system or who refuses to take a test to determine his alcohol content as provided by section 1613 (relating to implied consent requirements for commercial motor vehicle drivers) shall be placed out of service for 24 hours.

§ 1613. **Implied consent requirements for commercial motor vehicle drivers.**

(a) **Implied consent.**—A person who drives a commercial motor vehicle in this Commonwealth is deemed to have given consent to take a test or tests of the person's breath, blood or urine for the purpose of determining the person's alcohol concentration or the presence of other controlled substances.

(b) **Tests ordered by police officer.**—A test or tests may be administered at the direction of a police officer who, after stopping or detaining the commercial motor vehicle driver, has reasonable grounds to believe that the driver was driving a commercial motor vehicle while having any alcohol in his system.

(c) **Warning against refusal.**—A person requested to submit to a test as provided in subsection (a) shall be warned by the police officer requesting the

test that refusal to submit to the test will result in the person's being disqualified from operating a commercial motor vehicle under subsection (c).

(d) Report on test refusal.—If the person refuses testing, the police officer shall submit a sworn report to the department certifying that the test was requested pursuant to subsection (a) and that the person refused to submit to testing.

(e) Disqualification for refusal.—Upon receipt of the sworn report of a police officer submitted under subsection (d), the department shall disqualify the driver from driving a commercial motor vehicle for a period of one year.

(f) Appeal of disqualification.—Any holder of a commercial driver's license who is disqualified under the provisions of this section from driving a commercial motor vehicle shall have the same right of appeal as provided for in cases of suspension.

§ 1614. Notification of traffic convictions.

After receiving a report of the conviction of any holder of a commercial driver's license issued by another state for violation of this chapter or Chapter 15 (relating to licensing of drivers), 17 (relating to financial responsibility), 31 (relating to general provisions), 33 (relating to rules of the road in general) or 37 (relating to miscellaneous provisions) committed in a commercial motor vehicle, the department shall notify the driver licensing authority in the licensing state of the conviction.

§ 1615. Authority to enter agreements.

The department may enter into or make agreements, arrangements or declarations to carry out the provisions of this chapter.

§ 1616. Reciprocity.

Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle if the person has a commercial driver's license issued by any state, or any province or territory of Canada in accordance with the minimum Federal standards for the issuance of commercial motor vehicle drivers' licenses, if the person's operating privilege is not suspended, revoked or canceled and if the person is not disqualified from driving a commercial motor vehicle or subject to an out-of-service order.

§ 1617. Fees.

Fees relating to commercial drivers' licenses to be collected by the department under this chapter shall be in addition to any other fees imposed under the provisions of this title and are as follows:

(1) The annual fee for a commercial driver's license designation shall be \$10.

(2) In addition to any other restoration fee required by this title, an additional restoration fee of \$50 shall be assessed and collected before reinstating a commercial driver's operating privilege following a suspension or revocation under this title or disqualification under this chapter.

(3) If the commercial driving privilege of a driver is disqualified, a Class C noncommercial or M license, if the driver possesses the motorcycle qualification, may be obtained upon payment of the fees associated with obtaining a duplicate license.

§ 1618. Fines exempt from Judicial Computer Account.

All fines and penalties imposed by this chapter shall be deposited into the Motor License Fund and shall not be subject to the provisions of 42 Pa.C.S. § 3733 (relating to deposits into account).

Section 9. Section 1917 of Title 75 is amended to read:

§ 1917. Motor buses *and limousines*.

The annual fee for registration of a motor bus *or a limousine* shall be determined by its seating capacity according to the following table:

| Seating Capacity | Fee |
|------------------|---|
| 26 or less | \$ 6 per seat |
| 27 - 51 | 156 plus \$7.50 per seat in excess of 26 |
| 52 or more | 360 |

Section 10. Title 75 is amended by adding a section to read:

§ 1925.1. *Limousines*.

The department shall issue registration plates for limousines for an annual fee as prescribed in section 1917 (relating to motor buses and limousines). The limousine registration plate shall be issued only to vehicles licensed as limousines by the Pennsylvania Public Utility Commission.

Section 11. Section 2102(c) of Title 75 is amended to read:

§ 2102. Identification markers required.

* * *

(c) Issuance of markers.--

(1) Identification markers shall be issued on a 12-month basis, effective April 1 of each year, and shall be valid through the next succeeding March 31; however, enforcement of this section shall not become effective until April 15 of each year as to motor carrier vehicles displaying the previous year's identification marker.

(2) *The Department of Revenue shall have the power and may designate dealers of motor carrier vehicles, the department and designated agents of the department located within this Commonwealth to act as agents for the Department of Revenue for the purpose of collecting the fee under subsection (b), processing the necessary papers and issuing a temporary permit to authorize the operation of a motor carrier vehicle pending issuance of a permanent identification marker by the department.*

* * *

Section 12. Section 2103 of Title 75 is amended by adding a subsection to read:

§ 2103. False statements and penalties.

* * *

(a.1) *Operation without identification marker.—Notwithstanding the provisions of subsection (b), any person who violates section 2102(d) (relating to identification markers required) and who can adequately establish an absence of knowing and willful intent shall be guilty of a summary offense and shall be sentenced to pay a fine of \$25.*

* * *

Section 13. Section 3714 of Title 75 is amended to read:

§ 3714. **[Reckless] Careless driving.**

Any person who drives a vehicle in careless disregard for the safety of persons or property is guilty of **[reckless] careless** driving, a summary offense.

Section 14. Title 75 is amended by adding a section to read:

§ 3716. **Accidents involving overturned vehicles.**

(a) **Speeding, careless driving, etc.**—*If a commercial motor vehicle overturns in an accident resulting from a violation of section 3361 (relating to driving vehicle at safe speed), 3362 (relating to maximum speed limits), 3714 (relating to careless driving) or 3731 (relating to driving under influence of alcohol or controlled substance), the operator of the vehicle shall, upon conviction of any of the aforementioned offenses, be sentenced to pay a fine of not less than \$500 nor more than \$1,500, in addition to any other penalty authorized by law.*

(b) **Equipment violations.**—*If a commercial motor vehicle overturns in an accident resulting from a violation of section 4103 (relating to promulgation of vehicle equipment standards) or 4502 (relating to general requirements for braking systems), the owner or any responsible lessee of the vehicle shall, upon conviction of any of the aforementioned offenses, be sentenced to pay a fine of not less than \$500 nor more than \$1,500, in addition to any other penalty authorized by law.*

(c) **Miscellaneous.**—*If a commercial motor vehicle overturns in an accident resulting from a violation of section 4903 (relating to securing loads in vehicles) or 6103 (relating to promulgation of rules and regulations by department), the responsible party shall, upon conviction of the aforementioned offenses, be sentenced to pay a fine of not less than \$500 nor more than \$1,500, in addition to any other penalty authorized by law.*

(d) **Definitions.**—*As used in this section, the term “commercial motor vehicle” shall have the meaning ascribed in section 1603 (relating to definitions).*

Section 15. Section 3731(e)(1) and (2) of Title 75 are amended and the section is amended by adding a subsection to read:

§ 3731. Driving under influence of alcohol or controlled substance.

* * *

(e) **Penalty.**—

(1) Any person violating any of the provisions of this section is guilty of a misdemeanor of the second degree and the sentencing court shall order the person to pay a fine of not less than \$300 and serve a minimum term of imprisonment of:

(i) Not less than 48 consecutive hours.

(ii) Not less than 30 days if the person has previously *accepted Accelerated Rehabilitative Disposition or any other form of preliminary disposition*, been convicted of, *adjudicated delinquent or granted a consent decree under the Juvenile Act (42 Pa. C.S. § 6301 et seq.) based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.*

(iii) Not less than 90 days if the person has twice previously been convicted of, *adjudicated delinquent or granted a consent decree under the Juvenile Act based on* an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

(iv) Not less than one year if the person has three times previously been convicted of, *adjudicated delinquent or granted a consent decree under the Juvenile Act based on* an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

(2) Acceptance of Accelerated Rehabilitative Disposition, *an adjudication of delinquency or a consent decree under the Juvenile Act* or any other form of preliminary disposition of any charge brought under this section shall be considered a first conviction for the purpose of computing whether a subsequent conviction of a violation of this section shall be considered a second, third, fourth or subsequent conviction.

* * *

(i) Driving a commercial motor vehicle while under the influence of alcohol or controlled substance.—A person shall not drive, operate or be in physical control of the movement of any commercial vehicle while:

(1) under the influence of alcohol;

(2) under the influence of any controlled substance as defined in section 1603 (relating to definitions);

(3) under the combined influence of alcohol and any controlled substance; or

(4) the amount of alcohol by weight in the person's blood is 0.04% or more.

Section 16. Section 3731.1 of Title 75 is repealed.

Section 17. Title 75 is amended by adding a section to read:

§ 3736. *Reckless driving.*

(a) General rule.—Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Penalty.—Any person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

Section 18. Sections 6146 and 6323 of Title 75 are amended to read:

§ 6146. Enforcement agreements.

The secretary may enter into agreements relating to enforcement of this title, including, but not limited to[,]:

(1) the Driver License Compact and any other agreements to notify any state of violations incurred by residents of that state[,];

(2) agreements to suspend or revoke the operating privilege of Pennsylvania licensed drivers who are convicted in Federal court or in another state of any offense essentially similar to those enumerated in [Subchapter B of Chapter 37 (relating to serious traffic offenses) and] section 1532(a) and (b) (relating to revocation or suspension of operating privilege);

(3) agreements to disqualify the commercial driving privilege of Pennsylvania licensed drivers convicted in Federal court or in another state of offenses essentially similar to those resulting in disqualification under section 1611 (relating to disqualification);

(4) agreements to establish procedures for the seizure of suspended, revoked or disqualified drivers' licenses of residents of other states; and

(5) agreements to take measures to assure taking of chemical tests of breath, blood or urine and payment of fines or attendance at hearings by persons charged with these or other violations.

§ 6323. Reports by courts.

Subject to any inconsistent procedures and standards relating to reports and transmission of funds prescribed pursuant to Title 42 (relating to judiciary and judicial procedure):

(1) The clerk of any court of this Commonwealth, within ten days after final judgment of conviction or acquittal or other disposition of charges under any of the provisions of this title including an adjudication of delinquency **[based on section 3731 (relating to driving under influence of alcohol or controlled substance)] or the granting of a consent decree,** shall send to the department a record of the judgment of conviction, acquittal or other disposition.

(2) A record of the judgment shall also be forwarded to the department upon conviction or acquittal of a person of a felony, **a misdemeanor of the first degree or a misdemeanor of the second degree** in the commission of which the judge determines that a motor vehicle was essentially involved.

(3) The fines and bail forfeited under any of the provisions of this title payable to the Commonwealth under Subchapter E of Chapter 35 of Title 42 (relating to fines, etc.) shall accompany the record sent to the department.

(4) The record of judgment required to be sent to the department by paragraphs (1) and (2) shall indicate if the vehicle driven by the person was a commercial motor vehicle.

Section 19. Section 6501 of Title 75 is amended by adding a subsection to read:

§ 6501. Definition of conviction.

* * *

(c) Certified record of convictions.—For the purpose of this title, a certified record of conviction includes a certified record of conviction from any Federal or state court and a certified record of administrative adjudication from any state. These records or copies of these records shall be admissible in any court of law without any need for further documentation.

Section 20. (a) For purposes of 75 Pa.C.S. § 1606(a) (relating to requirement for commercial driver's license), a driver with a valid driver's license endorsed with Class 2, 3 or 4 shall be considered a commercial driver until such time as established by regulation.

(b) The Department of Transportation shall require applicants with valid Class 2, 3 or 4 learners' permits issued prior to the effective date of this act to take the examinations required by this act.

(c) The department shall send to a driver holding a valid Class 2, 3 or 4 license issued by the department which expires before April 1, 1992, an application for a commercial driver's license with his license renewal so that he may obtain a commercial driver's license under this act upon successfully meeting the requirements of 75 Pa.C.S. § 1607 (relating to commercial driver's license qualification standards) and payment of the required fees. A driver with a valid Class 3 license issued by the department shall be eligible to make application for a Class A, B or C commercial driver's license. Except as provided elsewhere in this section, a driver with a valid Class 2 or 4 license issued by the department shall be eligible to make application for a Class B or C commercial driver's license. If a driver has not passed the commercial driver's license test by the date established by the department, his Class 2, 3 or 4 license shall be valid only as a Class C noncommercial license as defined in 75 Pa.C.S. § 1504(d)(3) (relating to classes of licenses).

(d) The department shall send to a driver holding a valid Class 2, 3 or 4 driver's license issued by the department which expires after April 1, 1992, an application for a commercial driver's license which shall indicate that his Class 2, 3 or 4 license shall expire on a date established by the department. A driver with a valid Class 3 license issued by the department shall be eligible to make application for a Class A, B or C commercial driver's license. A driver with a valid Class 2 or 4 license issued by the department shall be eligible to make application for a Class B or C commercial driver's license. Except as provided elsewhere in this section, if a driver has not passed the commercial driver's license test by the date established by the department, his Class 2, 3 or 4 license shall be valid only as a Class C noncommercial license as defined in 75 Pa.C.S. § 1504(d)(3). Upon meeting the requirements of 75 Pa.C.S. § 1607 and payment of the appropriate fees, the driver shall be issued a commercial driver's license.

(e) A driver with a valid Class 2, 3 or 4 license issued by the department, who fails three times, or does not pass by the date established by the department, the driving skills tests required for a commercial driver's license under 75 Pa.C.S. § 1607, must make an application for a commercial learner's permit in order to obtain a commercial driver's license; and the Class 2, 3 or 4 license shall be valid only as a Class C noncommercial license as defined in 75 Pa.C.S. § 1504(d)(3).

(f) A driver with a valid Class 2, 3 or 4 license issued by the department who is not required by the department to take, or passes by the date established by the department, the driving skills test required for a commercial driver's license under 75 Pa.C.S. § 1607 and who has taken the knowledge tests under 75 Pa.C.S. § 1607 three times but for the third time fails to pass the knowledge tests by the date established by the department shall be permitted to extend the opportunity to take the commercial driver's license knowledge tests for additional testing periods of 120 days or until March 31, 1992, whichever occurs first, upon payment of a \$15 test extension fee for each additional extension. The driver's Class 2, 3 or 4 license shall remain valid for the test-extension period. If the driver fails to request an extension under this subsection or fails to pass the knowledge test by March 31, 1992,

the Class 2, 3 or 4 license shall be valid only as a Class C noncommercial license as defined in 75 Pa.C.S. § 1504(d)(3).

(g) A driver holding a valid Class 1 driver's license issued by the department which expires after November 1, 1990, shall be considered to be a Class C noncommercial driver until expiration of the license.

(h) A driver holding a valid Class 5 or 6 driver's license issued by the department which expires after November 1, 1990, shall be considered to be a Class M driver until the expiration of the license.

(i) The department shall waive the school bus driver recertification driving test required by department regulations until December 31, 1992.

(j) The limitation to one knowledge test for each class and for each endorsement for driving a commercial motor vehicle, contained in section 8 (section 1607(a)(1)) shall expire on April 1, 1992.

Section 21. (a) No person shall discharge, discipline or in any manner discriminate against any employee with respect to the employee's compensation, terms, conditions or privileges of employment because such employee, or person acting pursuant to a request of the employee:

(1) refuses to operate a commercial motor vehicle which is not in compliance with the provisions of 67 Pa. Code Ch. 231 (relating to intrastate motor carrier safety requirements) and existing safety laws; or

(2) has filed any complaint or instituted or caused to be instituted any proceeding relating to a violation of a commercial motor vehicle safety rule, regulation, standard or order, or has testified or is about to testify in any such proceeding.

(b) No person shall discharge, discipline or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards or orders applicable to commercial motor vehicle safety or health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury or serious impairment of health resulting from the unsafe condition. In order to qualify for protection under this subsection, the employee must have sought from his employer and have been unable to obtain correction of the unsafe condition.

(c) (1) Any employee who believes he has been discharged, disciplined or otherwise discriminated against by any person in violation of subsection (a) or (b) may, within 180 days after such alleged violation occurs, file, or have filed by any person on the employee's behalf, a complaint with the Secretary of Labor and Industry alleging such discharge, discipline or discrimination. Upon receipt of such a complaint, the Secretary of Labor and Industry shall notify the person named in the complaint of the filing of the complaint.

(2) (i) Within 60 days of receipt of a complaint filed under paragraph (1), the Secretary of Labor and Industry shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify the complainant and the person alleged to have committed a violation of this section of his findings. Where the Secretary of Labor and Industry has concluded that there is reasonable cause to believe that a violation has occurred, he shall accompany his findings with a preliminary order providing the relief prescribed by subparagraph (ii). Thereafter, either the person alleged to have committed the violation or the complainant may, within 30 days, file objections to the findings or preliminary order, or both, and request a hearing on the record, except that the filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be expeditiously conducted. Where a hearing is not timely requested, the preliminary order shall be deemed a final order which is not subject to judicial review. Upon the conclusion of such hearing, the Secretary of Labor and Industry shall issue a final order within 120 days. In the interim, such proceedings may be terminated at any time on the basis of a settlement agreement entered into by the Secretary of Labor and Industry, the complainant and the person alleged to have committed the violation.

(ii) If, in response to a complaint filed under paragraph (1), the Secretary of Labor and Industry determines that a violation of subsection (a) or (b) has occurred, the Secretary of Labor and Industry shall order:

(A) the person who committed such violation to take affirmative action to abate the violation;

(B) such person to reinstate the complainant to the complainant's former position together with the compensation, including back pay, terms, conditions and privileges of the complainant's employment; and

(C) compensatory damages.

If such an order is issued, the Secretary of Labor and Industry, at the request of the complainant, may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses, including attorney fees, reasonably incurred, as determined by the Secretary of Labor and Industry, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(d) (1) Any person adversely affected or aggrieved by an order issued after a hearing under subsection (c) may obtain review of the order in the Commonwealth Court. The petition for review must be filed within 60 days from the issuance of the Secretary of Labor and Industry's order. Such review shall be in accordance with the provisions of 42 Pa.C.S. (relating to judiciary and judicial procedure) and shall be heard and decided expeditiously.

(2) An order of the Secretary of Labor and Industry, with respect to which review could have been obtained under this section, shall not be subject to judicial review in any criminal or other civil proceeding.

(e) Whenever a person has failed to comply with an order issued under subsection (c)(2), the Secretary of Labor and Industry shall file a civil action in the court of common pleas for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the court of common pleas shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement and compensatory damages.

Section 22. This act shall take effect as follows:

(1) Sections 3 (section 1532(b)), 5 (section 1547(d)), 8 (sections 1604(d), 1605(a) and (b), 1606(c) and (d), 1611, 1612 and 1613), 15 (section 3731(i)) and 17 (section 3736) of this act shall take effect April 1, 1992.

(2) Sections 2 (section 1103) and 8 (section 1607) of this act shall take effect immediately.

(3) Section 8 (section 1610(c)) of this act shall take effect when the Department of Transportation has access to the Commercial Driver's License Information System, but no later than April 1, 1992.

(4) Sections 1 (section 102, definition of "classic motor vehicle"), 3 (sections 1340, 1501(d) and 1511(b)) and 12 (section 2103) of this act shall take effect in 60 days.

(5) Section 11 (section 2102) shall take effect in 180 days.

(6) The remainder of this act shall take effect November 1, 1990.

APPROVED—The 30th day of May, A. D. 1990.

ROBERT P. CASEY