

## No. 1996-149

## AN ACT

## HB 2091

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for examination of applicant for driver's license; providing for physical examinations; further providing for qualifications for school bus driver endorsement; providing for a driver's license compact; and further providing for the operation of school buses, for driving under the influence of alcohol or controlled substances, for snow plow lamps, for permits for movement of wooden structures and for financial responsibility.

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

Section 1. Section 1508(a) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1508. Examination of applicant for driver's license.

(a) General rule.—Every applicant for a driver's license shall be examined for the type or class of vehicles that the applicant desires to drive. The examination shall include a physical examination, a screening test of the applicant's eyesight and a test of the applicant's ability to read and understand official traffic-control devices, knowledge of safe driving practices and the traffic laws of this Commonwealth, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicles for which the applicant desires a license to drive. If the department finds it necessary to further determine an applicant's fitness to operate a motor vehicle safely upon the highways the department may require one or more of the following types of examinations:

(1) A vision examination by an optometrist or ophthalmologist.

(2) A physical examination *pursuant to section 1508.1 (relating to physical examinations)*.

(3) A mental examination.

\* \* \*

Section 2. Title 75 is amended by adding a section to read:

§ 1508.1. *Physical examinations.*

*The department shall promulgate regulations to authorize specific classes of licensed practitioners of the healing arts, to include, but not be limited to, physician assistants and certified registered nurse practitioners, to conduct examinations required for the issuance of a driver's license and a school bus driver endorsement.*

Section 3. Section 1509 of Title 75 is amended to read:

§ 1509. Qualifications for school bus driver endorsement.

(a) School bus driver requirements.—No person shall be issued 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,] 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.

(b) Proof of annual physical and vision examination.—Every school bus driver shall carry a certificate issued by an examining physician *or practitioner recognized by the department pursuant to section 1508.1 (relating to physical examinations)*, indicating that the person has passed the prescribed physical examination, including an examination of the eyes, within the preceding 12 months. The vision examination may be made by an optometrist or ophthalmologist.

(c) School bus driver training program.—The department shall establish standards for a basic course and a refresher course for school bus drivers. The courses shall be conducted by school districts or groups of school districts or any State or Federal transportation association of school bus operators designated by the school district on a continuing basis, with the costs and responsibility for completion of the training to be borne by the school district or private or parochial school for which the drivers operate.

Section 4. Chapter 15 of Title 75 is amended by adding a subchapter to read:

SUBCHAPTER D  
DRIVER'S LICENSE COMPACT

Sec.

1581. Driver's License Compact.

1582. Definitions.

1583. Compensation of compact administrator.

1584. Furnishing of information to other states.

1585. Actions of courts and other agencies.

§ 1581. Driver's License Compact.

The Driver's License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article I

Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with State and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

## Article II Definitions

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense and which conviction or forfeiture is required to be reported to the licensing authority.

## Article III Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted, describe the violation specifying the section of the statute, code or ordinance violated, identify the court in which action was taken, indicate whether a plea of guilty or not guilty was entered or the conviction was a result of the forfeiture of bail, bond or other security and shall include any special findings made in connection therewith.

## Article IV Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state in the case of convictions for:

(1) manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) any felony in the commission of which a motor vehicle is used; or

(4) failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) of this article as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

#### Article V

##### Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

## Article VI

### Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

## Article VII

### Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

## Article VIII

### Entry into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

## Article IX

### Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§ 1582. Definitions.

As used in this subchapter and in the compact with reference to this Commonwealth:

(1) "Licensing authority" means the Department of Transportation of the Commonwealth.

(2) "Executive head" means the Governor.

(3) "Compact administrator" means the Secretary of Transportation of the Commonwealth.

§ 1583. Compensation of compact administrator.

The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

§ 1584. Furnishing of information to other states.

The Department of Transportation of the Commonwealth shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact.

§ 1585. Actions of courts and other agencies.

Any court or other agency of this Commonwealth, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the Department of Transportation within the period specified in sections 6322 (relating to reports by issuing authorities) and 6323 (relating to reports by courts).

Section 5. Section 3342(b) of Title 75 is amended to read:

§ 3342. Vehicles required to stop at railroad crossings.

\* \* \*

(b) School buses.—A school bus, whether or not carrying passengers, shall stop at all railroad crossings designated by appropriate signs, signals or markers except those crossings at which traffic is controlled by a police officer or flagman *and those crossings located on a limited access highway.*

\* \* \*

Section 6. Section 3731(a) and (a.1) of Title 75, amended July 2, 1996 (P.L.535, No.93) and July 11, 1996 (P.L.660, No.115), are amended to read: § 3731. Driving under influence of alcohol or controlled substance.

(a) Offense defined.—A person shall not drive, operate or be in actual physical control of the movement of a vehicle in any of the following circumstances:

(1) While under the influence of alcohol to a degree which renders the person incapable of safe driving.

(2) While under the influence of any controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, to a degree which renders the person incapable of safe driving.

(3) While under the combined influence of alcohol and any controlled substance to a degree which renders the person incapable of safe driving.

(4) While the amount of alcohol by weight in the blood of:

- (i) an adult is 0.10% or greater; or
- (ii) a minor is 0.02% or greater.

**[(5) If all of the following apply:**

**(i) At the time of a chemical test of a sample of the person's breath, blood or urine, the amount of alcohol by weight in the blood of:**

- (A) an adult is 0.10% or greater; or**
- (B) a minor is 0.02% or greater.**

**(ii) Either:**

**(A) the sample is obtained within three hours after the person drove, operated or was in actual physical control of the vehicle; or**

**(B) the circumstances of the incident prevent collecting the sample within three hours, obtained within a reasonable additional time after the person drove, operated or was in actual physical control of the vehicle.**

**(a.1) Defense.—It shall be a defense to a prosecution under subsection**

**(a)(5) if the person proves by a preponderance of evidence all of the following:**

**(1) The person consumed alcohol after the last instance in which he drove, operated or was in actual physical control of the vehicle.**

**(2) The amount of alcohol by weight in:**

**(i) an adult's blood would not have exceeded 0.10% at the time of the test but for such consumption; or**

**(ii) a minor's blood would not have exceeded 0.02% at the time of the test but for such consumption.]**

**(a.1) *Prima facie* evidence.—**

**(1) It is *prima facie* evidence that:**

**(i) an adult had 0.10% or more by weight of alcohol in his or her blood at the time of driving, operating or being in actual physical control of the movement of any vehicle if the amount of alcohol by weight in the blood of the person is equal to or greater than 0.10% at the time a chemical test is performed on a sample of the person's breath, blood or urine;**

**(ii) a minor had 0.02% or more by weight of alcohol in his or her blood at the time of driving, operating or being in actual physical control of the movement of any vehicle if the amount of alcohol by weight in the blood of the minor is equal to or greater than 0.02% at the time a chemical test is performed on a sample of the person's breath, blood or urine; and**

**(iii) a person operating a commercial vehicle had 0.04% or more by weight of alcohol in his or her blood at the time of driving, operating or being in actual physical control of the movement of the commercial vehicle if the amount of alcohol by weight in the blood of a person operating a commercial vehicle is equal to or greater than**

*0.04% at the time a chemical test is performed on a sample of the person's breath, blood or urine.*

*(2) For the purposes of this section, the chemical test of the sample of the person's breath, blood or urine shall be from a sample obtained within three hours after the person drove, operated or was in actual physical control of the vehicle.*

\* \* \*

Section 7. Section 4303 of Title 75 is amended by adding a subsection to read:

§ 4303. General lighting requirements.

\* \* \*

*(g) Snow plow lamps.—Snow plow lamps shall be installed as follows:*

*(1) Snow plow lamps shall be wired through a double throw switch so that both sets of lights will not operate at the same time.*

*(2) Snow plow lamps shall be aimed so that the high intensity beam does not project to left of extreme left side of vehicle nor higher than center of lamp at a distance of 25 feet in front of vehicle. In no case shall the high intensity portion of the beam be higher than 42 inches above level surface at a distance of 75 feet ahead. The lamps shall be spaced at a distance not less than 20 inches apart and shall be symmetrically located on each side of the vehicle centerline.*

*(3) Fog lamps, if installed on a vehicle equipped with snow plow lamps, may be substituted for snow plow lamps anytime when, due to unfavorable atmospheric conditions, including rain, snow, sleet, hail, fog, smoke or smog, persons or vehicles on the highway are not clearly discernible to the operator for a distance of 1,000 feet ahead. Fog lamps that are used in lieu of snow plow lamps shall meet the same aiming requirements as snow plow lamps.*

Section 8. Section 4977 of Title 75, added July 11, 1996 (P.L.660, No.115), is amended to read:

§ 4977. Permit for movement of wooden structures.

An annual permit may be issued for the movement of certain wooden structures which exceed the maximum length and width specified in Subchapter B (relating to width, height and length), subject to the following conditions:

(1) The overall width, including all appurtenances and overhangs, may not exceed 13 feet.

(2) The overall length may not exceed 90 feet.

(3) The wooden structure or structures must be transported on a trailer designed solely for the transportation of such structures and not used for the transportation of any other type of load.

(4) Movement under this section is limited to *roof trusses*, wooden utility sheds, gazebos, garages and play equipment.

Section 9. Section 6309.2(a)(2) of Title 75, added July 2, 1996 (P.L.535, No.93), is amended to read:



§ 6309.2. Immobilization, towing and storage of vehicle for driving without operating privileges or registration.

(a) General rule.—Subject to subsection (d), the following shall apply:

\* \* \*

(2) If a motor vehicle or combination for which there is no valid registration or for which the registration is suspended for failing to maintain financial responsibility [**or where no financial responsibility has been secured**], as verified by an appropriate law enforcement officer, is operated on a highway or trafficway of this Commonwealth, the motor vehicle or combination shall be immobilized by the law enforcement authority, and the appropriate judicial authority shall be so notified.

\* \* \*

Section 10. In recognition of the technical and administrative limitations under which the Department of Transportation is currently operating, the effective date of 75 Pa.C.S. § 1581 Art. IV(b) shall be suspended until the repeal of this section.

Section 11. This act shall take effect as follows:

(1) The amendment or addition of 75 Pa.C.S. §§ 1508, 1508.1, 1509, 3342, 4303 and 4977 shall take effect in 60 days.

(2) The addition of 75 Pa.C.S. § 1581 Art. IV(b) shall take effect on the date of the repeal of section 10 of this act.

(3) The amendment of 75 Pa.C.S. § 3731(a) and (a.1) shall take effect in 30 days.

(4) The remainder of this act shall take effect immediately.

APPROVED—The 10th day of December, A.D. 1996.

THOMAS J. RIDGE