

No. 2006-122

## AN ACT

HB 1285

Amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for administrative practice and procedure; further providing for period of revocation or suspension of operating privilege; and abrogating a regulation.

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

Section 1. Title 74 of the Pennsylvania Consolidated Statutes is amended by adding a part to read:

PART I  
PRELIMINARY PROVISIONS

## Chapter

1. Preliminary Provisions (Reserved)
3. Administrative Practice and Procedure

CHAPTER 1  
PRELIMINARY PROVISIONS  
(Reserved)

CHAPTER 3  
ADMINISTRATIVE PRACTICE AND PROCEDURE

Sec.

301. Definitions.
302. Use of hearing officers.

## § 301. 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:

“Department.” The Department of Transportation of the Commonwealth.

## § 302. Use of hearing officers.

(a) General rule.—The department may not utilize the services of employees of the department as hearing officers with respect to the following activities and proceedings of the department:

- (1) Appeals from the department’s denial or recall of an occupational limited license.
- (2) Appeals from the department’s cancellation, denial or recall of a probationary license.
- (3) Requests for record review under 75 Pa.C.S. § 1516 (relating to department records).

(4) Hearings to request credit toward serving driving privilege or vehicle registration suspensions.

(5) Appeals from the department’s refusal to issue a certificate of title for reasons other than failure to pay a required fee or tax in connection with or resulting from the acquisition or use of a vehicle.

(6) Any other matter as determined by the department by regulation.

(b) Scope of authority.—A hearing officer utilized by the department for the proceedings described under subsection (a) shall be vested with the same authority and duties as a department hearing officer under the provisions of 67 Pa. Code Ch. 491 (relating to administrative practice and procedure).

(c) Appeals.—An adjudication by a hearing officer utilized by the department under subsection (a) shall be appealable in accordance with 67 Pa. Code § 491.12 (relating to exceptions).

Section 2. Section 1541 of Title 75 is amended by adding a subsection to read:

§ 1541. Period of disqualification, revocation or suspension of operating privilege.

\* \* \*

*(e) Request for hearing.—A person whose operating privilege has been suspended or revoked may request at any time during the suspension or revocation, and the department shall provide, a hearing if the person believes that credit toward the person’s suspension or revocation has not been given by the department under section 1540. The department shall issue its final ruling within 60 days following the hearing or the submission of any posthearing filings.*

Section 3. The provisions of 67 Pa. Code § 491.3(b)(2) are abrogated.

Section 4. This act shall take effect in 60 days.

APPROVED—The 27th day of October, A.D. 2006.

EDWARD G. RENDELL