

No. 2008-133

AN ACT

HB 347

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in registration of vehicles, further providing for issuance and reissuance of registration plates and for lost, stolen, damaged or illegible registration plate; in licensing of drivers, further providing for issuance and content of driver's license; in commercial drivers, further providing for definitions for requirement for commercial driver's license, for commercial driver's license qualification standards and for disqualification; in fees, further providing for exemptions from other fees; in rules of the road in general, further providing for speed timing devices; in inspection of vehicles, further providing for inspection by police or Commonwealth personnel; in size, weight and load, further providing for securing loads in vehicles, for height of vehicles and for permit for movement during course of manufacture; in powers of department and local authorities, further providing for promulgation of rules and regulations by department; and in snowmobiles and all-terrain vehicles, further providing for definitions.

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

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

§ 102. Definitions.

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

* * *

"Motor vehicle." A vehicle which is self-propelled except an electric personal assistive mobility device or a vehicle which is propelled solely by human power **[or by electric power obtained from overhead trolley wires, but not operated upon rails]**.

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Section 2. Section 1331(f) of Title 75 is amended to read:

§ 1331. Issuance and reissuance of registration plates.

* * *

(f) Periodic reissuance of registration plates.—The department shall develop, implement and administer a program to provide for the reissuance of **[all]** current registration plates previously issued under this section. The program to be established under this subsection shall address **[all of]** the following criteria:

(1) Other than the annual registration fee required under sections 1305 (relating to application for registration) and 1309 (relating to renewal of registration) and Subchapter B of Chapter 19 (relating to registration

fees), the reissued registration plate shall be issued under section 1934 (relating to general reissuance).

(2) The program shall provide that **[all]** current registration plates issued under this section be replaced. The program may provide that the department provide for reissuance of registration plates on a staggered basis which will replace **[all]** registration plates issued under this section.

(3) The program may provide for the return of and the recycling of the older registration plates.

[(4) The program shall provide that at the end of a ten-year cycle no registration plate issued under this section be older than ten years.

(5) The program shall require annual reports to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives on the issue of registration avoidance.]

(6) The program may contain any other conditions, limitations, contractual arrangements or other factors which the department deems necessary to implement this subsection.

Section 3. Section 1333 of Title 75 is amended by adding a subsection to read:

§ 1333. Lost, stolen, damaged or illegible registration plate.

* * *

(b.1) Illegible registration plate.—The department may reissue a registration plate upon request by a registrant when it is determined by an authorized representative of the department or law enforcement that the registration plate is illegible from a reasonable distance. The department may select the style of the reissued registration plate and, except in the case of personal registration plates issued under section 1341 (relating to special registration plates generally), the registration plate number.

* * *

Section 4. Section 1510(a) and (b) of Title 75 are amended and the section is amended by adding a subsection to read:

§ 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, *except as provided in subsection (j)*, shall contain a distinguishing number assigned by the department to 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. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality) may use a substitute address designated by the Office of Victim Advocate as their address. 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. Except as provided in subsection (f), an applicant shall include his Social Security number on his license application, but the Social Security number shall not be included on the license. No driver's license shall be valid until it has been signed by the licensee.

(b) Identification card.—The department shall, upon payment of the required fee, issue an identification card to any person ten years of age or older who has made application therefor in such manner as the department shall prescribe or whose driver's license has been surrendered to the department because of a suspension or revocation of an operating privilege under this or any other title. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 may use a substitute address designated by the Office of Victim Advocate as their address. **[The] Except as provided in subsection (j), the** identification card shall have substantially the same content as a driver's license but shall clearly indicate that it is not a driver's license. Upon failure of any person to pass any examination required under section 1514 (relating to expiration and renewal of drivers' licenses), the department shall, where appropriate, issue a complimentary identification card as an expression of gratitude for years of safe driving. The card shall only be issued upon receipt of the person's driver's license.

* * *

(j) Undercover credential.—The department may issue an undercover credential to Federal, State or local law enforcement officials. The department may establish guidelines concerning the issuance of such undercover credentials and shall take all reasonable steps to ensure the confidentiality of these licenses and their issuance.

Section 5. The definition of "conviction" in section 1603 of Title 75 is amended to read:

§ 1603. Definitions.

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

* * *

"Conviction." For the purposes of this chapter, a conviction includes a finding of guilty or the entering of a plea of guilty, nolo contendere or the unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court as determined by the law of the jurisdiction in which the prosecution was held. A payment of the fine *or court cost or entering into an installment agreement to pay the fine or court cost* for the violation by any person charged with a violation of this title is a plea of guilty. The term shall include the acceptance of Accelerated Rehabilitative Disposition or other preadjudication disposition for an offense or an unvacated finding of guilt or

determination of violation of the law or failure to comply with the law by an authorized administrative tribunal. *The term also includes a violation of a condition of release without bail, including the failure to pay a fine or appear in court to contest a citation.* The term does not include a conviction which has been overturned or for which an individual has been pardoned.

* * *

Section 6. Sections 1606 and 1607(b) of Title 75 are amended to read:

§ 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]; and active duty United States Coast Guard personnel when operating commercial motor vehicles for military purposes.**

(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 or municipality.

(4) Any member of a rescue or emergency squad who is the holder of a Class C license and who has a certificate of authorization from the head of the rescue or emergency squad while operating any rescue or emergency vehicle equipped with audible and visual signals registered to the rescue or emergency squad or municipality.

(5) 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. 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.

(6) A driver with a Class C license operating a school bus, school vehicle or other commercial vehicle at the direction of authorized emergency management personnel in a time of declared Federal, State or

local emergency. A person driving a school bus, school vehicle or other commercial vehicle pursuant to this paragraph shall not be subject to sanctions under the provisions of this chapter or section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

(c) Prohibitions.—

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

(i) his privilege to drive a commercial motor vehicle or a school 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] the driver or vehicle** 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.

(c.1) Additional prohibitions.—No person shall drive a commercial motor vehicle during any period of time that the motor carrier has been placed under an out-of-service order.

(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 or a school 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 or a school 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 or a school 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 **[not less than \$1,100 nor more than \$2,750] \$2,500 for a first offense and \$5,000 for a second or subsequent offense.**

(5) A person who drives a commercial motor vehicle or a school 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 **[\$1,100] \$2,500 for a first offense and \$5,000 for a second or subsequent offense.**

(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.

* * *

(b) Waiver of test.—The department shall waive the skills test specified in this section for a commercial driver's license applicant **[holding]:**

(1) ***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.

(2) ***Who, subject to the limitations and requirements of 49 CFR 383.77 (relating to substitute for driving skills tests), meets all certifications required for waiver under 49 CFR 383.77 and who certifies all of the following:***

(i) ***That the applicant is a member of the active or reserve components of any branch or unit of the armed forces of the United States or a veteran who received an honorable discharge from any branch or unit of the active or reserve components of the armed forces of the United States.***

(ii) *That the applicant is or was regularly employed in a position in the armed forces of the United States requiring operation of a commercial motor vehicle.*

(iii) *That the applicant has legally operated, for at least two years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate, either under the exemption from this Commonwealth's commercial driver's license requirement provided by section 1606(b)(2) (relating to requirement for commercial driver's license) or the equivalent exemption of another state or while on active duty in a foreign jurisdiction.*

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Section 7. Section 1611(a) introductory paragraph and (6), (b) and (c) of Title 75 are amended and the section is amended by adding subsections to read:

§ 1611. Disqualification.

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

* * *

(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]; or

* * *

(b) **[Disqualification for offense while carrying hazardous materials.—The]** *Offenses involving hazardous materials or a bus.—Except as set forth in subsection (b.1),* the department shall disqualify any person from driving a commercial motor vehicle for three years if any of the first offenses in subsection (a) or first refusal in section 1613 (relating to implied consent requirements for commercial motor vehicle drivers) occurred *either* while transporting a hazardous material required to be placarded[.] *or while operating a vehicle designed to transport 16 or more passengers, including the driver.*

(b.1) Offenses involving out-of-service orders and a bus or hazardous materials.—The department shall disqualify any person for two years for a first violation of operating a commercial motor vehicle while the driver or vehicle is subject to an out-of-service order if the violation occurred either while transporting a hazardous material required to be placarded, or while operating a vehicle designed to transport 16 or more passengers, including the driver.

(c) **[Disqualification for two violations of certain offenses.—The]** *Two violations of certain offenses.—Except as set forth in subsection (c.1), the*

department shall disqualify for life any person convicted of two or more violations of any of the offenses specified in subsection (a), or the subject of two or more reports of test refusal as specified in section 1613, or any combination of those offenses and/or refusals, 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.

(c.1) Subsequent violations of out-of-service orders.—The department shall disqualify any person from driving a commercial motor vehicle for three years for a second or subsequent violation in a ten-year period of driving while subject to an out-of-service order and for a period of five years if the offense occurred either while transporting a hazardous material required to be placarded, or while operating a vehicle designed to transport 16 or more passengers, including the driver.

(n) Consecutive application.—All disqualifications shall be imposed consecutively.

Section 8. Section 1902 of Title 75 is amended by adding a paragraph to read:

§ 1902. Exemptions from other fees.

No fee shall be charged under this title for or to any of the following:

(10) The reissuance of a registration plate, where the registration plate has been determined by an authorized representative of the department or law enforcement to be illegible from a reasonable distance.

Section 9. Sections 3368(b) and (d) and 4704(g) of Title 75 are amended to read:

§ 3368. Speed timing devices.

(b) Testing of speedometers.—The department may appoint stations for testing speedometers and may prescribe regulations as to the manner in which the test shall be made. Speedometers shall have been tested for accuracy within a period of [60 days] one year prior to the alleged violation and immediately upon change of tire size. A certificate from the station showing that the test was made, the date of the test and the degree of accuracy of the speedometer shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

(d) Classification, approval and testing of mechanical, electrical and electronic devices.—The department may, by regulation, classify specific devices as being mechanical, electrical or electronic. All mechanical, electrical or electronic devices shall be of a type approved by the department, which shall appoint stations for calibrating and testing the devices and may prescribe regulations as to the manner in which calibrations and tests shall be made. The certification and calibration of electronic devices under subsection

(c)(3) shall also include the certification and calibration of all equipment, timing strips and other devices which are actually used with the particular electronic device being certified and calibrated. **[The] *Electronic devices commonly referred to as electronic speed meters or radar shall have been tested for accuracy within a period of one year prior to the alleged violation. Other*** devices shall have been tested for accuracy within a period of 60 days prior to the alleged violation. A certificate from the station showing that the calibration and test were made within the required period[,] and that the device was accurate[,] shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

§ 4704. Inspection by police or Commonwealth personnel.

[(g) Limitations.—Farm trucks not required to be registered, implements of husbandry, special mobile equipment and trucks and truck tractors registered in class 4A or lower shall not be subject to the systematic vehicle inspections authorized under subsection (a).]

Section 9.1. Sections 4903 and 4922 of Title 75 are amended by adding subsections to read:

§ 4903. Securing loads in vehicles.

(c.3) *Load of equipment with hydraulically operated boom arm.—The boom arm of equipment with a hydraulically operated boom arm being transported through or within this Commonwealth shall be securely fastened to the vehicle with steel restraining devices to prevent its movement or shifting during transit.*

§ 4922. Height of vehicles.

(d) *Penalty.—Any person convicted of operating a vehicle with a height greater than 13 feet 6 inches and traveling without a valid permit shall, upon conviction, pay a fine of \$500.*

Section 9.2. Sections 4968(a) introductory paragraph and (3.7) and 6103(c) of Title 75 are amended to read:

§ 4968. Permit for movement during course of manufacture.

(a) Annual permit.—An annual permit may be issued authorizing movement on specified highways of boats, trailers, mobile homes, modular housing units and undercarriages, helicopters, hot ingots, a hot box, basic oxygen furnace lances, railway equipment and rails or other articles, vehicles or combinations which exceed the maximum height, width or length specified in Subchapter B (relating to width, height and length) or self-propelled cranes or combinations carrying raw milk, raw coal, flat-rolled steel coils, steel slabs, hot ingots, a hot box, pulpwood and wood chips **[for paper**

manufacture] or raw water which exceed the maximum weight specified in Subchapter C (relating to maximum weights of vehicles) while they are in the course of manufacture and under contract with or under the direct control of the manufacturer, subject to the following provisions:

* * *

(3.7) A combination of vehicles which is hauling pulpwood or wood chips from a specified source to a **[paper manufacturing site] pulp mill** may be permitted by the department and local authorities to move upon specified highways within their respective jurisdictions subject to the following conditions:

(i) The vehicle must be a five axle combination - three axle truck tractor meeting the following characteristics:

(A) Gross vehicular weight must not exceed 95,000 pounds.

(B) Maximum weight on steering axles shall be 11,000 pounds.

(C) Maximum weight on the truck-trailer tandem (axles two and three) shall be 42,000 pounds, with a maximum of 21,000 pounds on either axle in the group.

(D) Maximum weight on the semitrailer tridem (axles four and five) shall be 42,000 pounds, with a maximum of 21,000 pounds on any axle in the group.

(E) Minimum spacing between axle one and axle two shall be 12 feet 6 inches.

(F) The center-to-center distance between the last drive axle of the truck tractor (axle three) and the first axle of the semitrailer (axle four) must be a minimum of 28 feet 0 inch.

(G) Minimum spacing between tandem and tridem axles shall be 4 feet 0 inch.

(ii) The vehicle must be a six axle combination - three axle truck tractor meeting the following characteristics:

(A) Gross vehicular weight must not exceed 107,000 pounds.

(B) Maximum weight on steering axles shall be 12,000 pounds.

(C) Maximum weight on the truck-tractor tandem (axles two and three) shall be 42,000 pounds, with a maximum of 21,000 pounds on either axle in the group.

(D) Maximum weight on the semitrailer tridem (axles four, five and six) shall be 53,000 pounds, with a maximum of 17,670 pounds on any axle in the group.

(E) Minimum spacing between axle one and axle two shall be 12 feet 6 inches.

(F) The center-to-center distance between the last drive axle of the truck tractor (axle three) and the first axle of the semitrailer (axle four) must be a minimum of 45 feet 0 inch.

(G) Minimum spacing between tandem and tridem axles shall be 4 feet 0 inch.

No permit may be issued for this type of movement upon an interstate highway.

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§ 6103. Promulgation of rules and regulations by department.

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

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

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

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

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

* * *

Section 10. The definition of “all-terrain vehicle” or “ATV” in section 7702 of Title 75 is amended to read:

§ 7702. Definitions.

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

“All-terrain vehicle” or “ATV.” A motorized off-highway vehicle which travels on three or more inflatable tires and which has:

(1) a maximum width of 50 inches and a maximum dry weight of **[800] 1,000** pounds; or

(2) a width which exceeds 50 inches or a dry weight which exceeds **[800] 1,000** pounds.

ATV’s described in paragraph (1) may be referred to as Class I ATV’s, and ATV’s described in paragraph (2) may be referred to as Class II ATV’s. This term does not include snowmobiles, trail bikes, motorboats, golf carts, aircraft, dune buggies, automobiles, construction machines, trucks or home

utility machines; military, fire, emergency and law enforcement vehicles; implements of husbandry; multipurpose agricultural vehicles; vehicles used by the department; or any vehicle that is or is required to be registered under Chapter 13 (relating to registration of vehicles). In addition, this term does not include off-road motor vehicles used exclusively as utility vehicles for agricultural or business operations and incidentally operated or moved upon the highway.

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Section 11. This act shall take effect in 60 days.

APPROVED—The 26th day of November, A.D. 2008.

EDWARD G. RENDELL