

No. 2015-49

AN ACT

SB 925

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for qualification for school bus driver endorsement; and, in commercial drivers, further providing for definitions, for employer responsibilities, for commercial driver's license qualification standards, for nonresident CDL, for commercial driver's license and for disqualification.

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

Section 1. Section 1509(a) and (b) of Title 75 of the Pennsylvania Consolidated Statutes are 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]** a physical examination to be given 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]** **13** months. The vision examination may be made by an optometrist or ophthalmologist.

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Section 2. The definitions of "commercial motor vehicle" and "tank vehicle" in section 1603 of Title 75 are 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:

* * *

"Commercial motor vehicle." A motor vehicle *or combination* designed or used to transport passengers or property:

(1) if the vehicle has a gross vehicle weight rating *or gross vehicle weight* 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;

(1.1) if the vehicle has a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater;

(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 antique or classic motor vehicle, or 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.

* * *

"Tank vehicle." A commercial motor vehicle that is designed to transport liquid or gaseous materials within a tank *or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more* that is either permanently or temporarily attached to the vehicle or the chassis. [Such vehicles include, but are not limited to, cargo tanks and portable tanks. The term shall not include portable tanks having a rated capacity under 1,000 gallons.] *A commercial motor vehicle transporting an empty storage container tank not designed for transportation with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.*

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Section 3. Section 1605(b)(1)(v) of Title 75 is amended to read:

§ 1605. Employer responsibilities.

* * *

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

(1) during any period in which:

* * *

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

* * *

Section 4. Section 1607(a)(6) of Title 75 is amended by adding a subparagraph and subsections (a) and (d) are amended by adding paragraphs to read:

§ 1607. Commercial driver's license qualification standards.

(a) Testing.—

* * *

(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.

(v) The use of interpreters shall not be permitted.

(7) The department shall accept the results of skills tests administered in other states and sent electronically by the other state, provided that the skills test administered meets Federal testing standards.

(8) The department shall require a driver to retake one or more tests authorized under this chapter within 30 days upon receiving credible information that the commercial driver learner's permit holder or commercial driver's license holder is suspected of fraud related to the issuance of a commercial driver learner's permit or commercial driver's license.

(9) Interpreters shall not be permitted during the administration of the skills test. Neither the commercial driver learner's permit holder nor the test examiner may communicate in a language other than English during the skills test.

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(d) Commercial driver learner's permit.—

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(4) A commercial driver learner's permit shall be valid for a period of 180 days from the date of issuance and may be renewed for an additional period of up to 180 days without having to retake the general and endorsement knowledge tests.

(5) An applicant for a commercial driver learner's permit must have a valid driver's license or commercial driver's license issued by the department.

(6) A commercial driver learner's permit is only valid when the commercial driver learner's permit holder has in the driver's immediate possession both the permit and a driver's license or commercial driver's license.

(7) A commercial driver learner's permit holder must be accompanied at all times by a CDL holder who has a valid commercial driver's license with the proper class and endorsements necessary to operate the vehicle being driven. The CDL holder must, at all times, be physically present in the front seat of the vehicle next to the commercial driver learner's permit holder or, in the case of a bus or passenger vehicle, directly behind or in the first row behind the driver and must have the commercial driver learner's permit holder under observation and direct supervision.

(8) A commercial driver learner's permit holder with a passenger or school bus endorsement is prohibited from operating a vehicle carrying a passenger other than Federal or State auditors and inspectors, test examiners, other trainees and the CDL holder accompanying the commercial driver learner's permit holder.

(9) A commercial driver learner's permit holder with a tank endorsement may only operate an empty tank vehicle and is prohibited from operating a tank vehicle that previously contained hazardous materials that has not been purged of any residue.

(10) An applicant for a commercial driver learner's permit must be at least 18 years of age.

(11) A commercial driver learner's permit holder is prohibited from operating a commercial motor vehicle if the vehicle is transporting hazardous materials and is required to be placarded in accordance with department regulations.

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Section 5. Section 1608(a) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 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.] *The following apply:*

(1) The word ["nonresident"] "*nondomiciled*" 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.

* * *

(c) Waiver of testing requirement.—The department may issue a nonresident CDL to a resident of a foreign jurisdiction without requiring additional testing if the driver possesses a valid CDL issued by another state or by the foreign jurisdiction of the driver and the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction meet the testing standards established in Federal regulations.

Section 6. Section 1610(b)(2) of Title 75 is amended and the subsection is amended by adding a paragraph to read:

§ 1610. Commercial driver's license.

* * *

(b) Classifications, endorsements and restrictions.—

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

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

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

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

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

N - Authorizes driving tank vehicles.

P - Authorizes driving vehicles carrying passengers.

[Q - Requires the driver to wear corrective lenses.]

S - Authorizes the driver to operate a school bus.

T - Authorizes driving double and triple trailers.

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

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

[Y - Requires the driver to wear a hearing aid.]

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

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

E - Prohibits driving a commercial motor vehicle equipped with a manual transmission.

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

K - Restricts driver to intrastate driving.

L - Prohibits driving a commercial motor vehicle equipped with air brakes.

M - Prohibits driving a Class A passenger vehicle.

N - Prohibits driving a Class A or Class B passenger vehicle.

O - Prohibits driving a truck tractor-trailer combination.

P - Prohibits driving a commercial motor vehicle bus containing passengers.

Q - Requires the driver to wear corrective lenses.

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

X - Prohibits tank vehicles from carrying cargo.

Y - Requires the driver to wear a hearing aid.

Z - Prohibits driving a commercial motor vehicle with full air brakes.

Section 7. Section 1611 of Title 75 is amended by adding subsections to read:

§ 1611. Disqualification.

(o) Fraud disqualification.—The department shall disqualify an individual from driving a commercial motor vehicle for one year upon receiving a certified record of the driver's conviction of fraud relating to the issuance of a commercial driver learner's permit or commercial driver's license, and the commercial driver's license designation shall be removed from the driver's license. Unless otherwise ineligible, a driver may apply for a commercial driver learner's permit upon restoration of the operating privilege.

(p) Retest disqualification.—The department shall disqualify an individual from driving a commercial motor vehicle if the individual fails to take and pass a retest required under section 1607(a)(8) (relating to commercial driver's license qualification standards). A driver disqualified under section 1607(a)(8) must reapply for a commercial driver learner's permit under the procedures applicable to all commercial driver learner's permit applicants.

Section 8. This act shall take effect in 60 days.

APPROVED—The 22nd day of October, A.D. 2015

TOM WOLF