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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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# SENATE BILL

No. **925** Session of  
2015

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INTRODUCED BY RAFFERTY, WOZNIAK, PILEGGI, YUDICHAK, COSTA AND  
WAGNER, JUNE 24, 2015

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AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 5, 2015

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## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, IN LICENSING OF DRIVERS, FURTHER PROVIDING FOR <--  
3 QUALIFICATION FOR SCHOOL BUS DRIVER ENDORSEMENT; AND, in  
4 commercial drivers, further providing for definitions, for  
5 employer responsibilities, for commercial driver's license  
6 qualification standards, for nonresident CDL, for commercial  
7 driver's license and for disqualification.

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

10 ~~Section 1. The definitions of "commercial motor vehicle" and <--~~  
11 ~~"tank vehicle" in section 1603 of Title 75 of the Pennsylvania~~  
12 ~~Consolidated Statutes are amended to read:~~

13 SECTION 1. SECTION 1509(A) AND (B) OF TITLE 75 OF THE <--  
14 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

15 § 1509. QUALIFICATIONS FOR SCHOOL BUS DRIVER ENDORSEMENT.

16 (A) SCHOOL BUS DRIVER REQUIREMENTS.--NO PERSON SHALL BE  
17 ISSUED AN ENDORSEMENT TO OPERATE A SCHOOL BUS UNLESS THE PERSON:

18 (1) HAS SUCCESSFULLY COMPLETED A COURSE OF INSTRUCTION  
19 AS PROVIDED IN SUBSECTION (C);

1 (2) HAS SATISFACTORILY PASSED [AN ANNUAL] A PHYSICAL  
2 EXAMINATION TO BE GIVEN IN ACCORDANCE WITH RULES AND  
3 REGULATIONS PROMULGATED AND ADOPTED BY THE DEPARTMENT;

4 (3) IS 18 YEARS OF AGE OR OLDER; AND

5 (4) IS QUALIFIED TO OPERATE SCHOOL BUSES IN ACCORDANCE  
6 WITH THIS TITLE AND THE RULES AND REGULATIONS PROMULGATED AND  
7 ADOPTED BY THE DEPARTMENT.

8 (B) PROOF OF [ANNUAL] PHYSICAL AND VISION EXAMINATION.--  
9 EVERY SCHOOL BUS DRIVER SHALL CARRY A CERTIFICATE ISSUED BY AN  
10 EXAMINING PHYSICIAN OR PRACTITIONER RECOGNIZED BY THE DEPARTMENT  
11 PURSUANT TO SECTION 1508.1 (RELATING TO PHYSICAL EXAMINATIONS),  
12 INDICATING THAT THE PERSON HAS PASSED THE PRESCRIBED PHYSICAL  
13 EXAMINATION, INCLUDING AN EXAMINATION OF THE EYES, WITHIN THE  
14 PRECEDING [12] 13 MONTHS. THE VISION EXAMINATION MAY BE MADE BY  
15 AN OPTOMETRIST OR OPHTHALMOLOGIST.

16 \* \* \*

17 SECTION 2. THE DEFINITIONS OF "COMMERCIAL MOTOR VEHICLE" AND  
18 "TANK VEHICLE" IN SECTION 1603 OF TITLE 75 ARE AMENDED TO READ:  
19 § 1603. Definitions.

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

23 \* \* \*

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

26 (1) if the vehicle has a gross vehicle weight rating or  
27 gross vehicle weight of 26,001 or more pounds or such lesser  
28 rating as the department shall adopt under the provisions of  
29 section 6103(c) (relating to promulgation of rules and  
30 regulations by department), as determined by Federal

1 regulation and published by the department as a notice in the  
2 Pennsylvania Bulletin;

3 (1.1) if the vehicle has a gross combination weight  
4 rating or gross combination weight of 26,001 pounds or more,  
5 whichever is greater, inclusive of a towed unit with a gross  
6 vehicle weight rating or gross vehicle weight of more than  
7 10,000 pounds, whichever is greater;

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

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

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

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

20 \* \* \*

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

1 gallons or more that is temporarily attached to a flatbed  
2 trailer is not considered a tank vehicle.

3 \* \* \*

4 Section 2 3. Section 1605(b)(1)(v) of Title 75 is amended to <--  
5 read:

6 § 1605. Employer responsibilities.

7 \* \* \*

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

11 (1) during any period in which:

12 \* \* \*

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

16 \* \* \*

17 Section 3 4. Section 1607(a)(6) of Title 75 is amended by <--  
18 adding a subparagraph and subsections (a) and (d) are amended by  
19 adding paragraphs to read:

20 § 1607. Commercial driver's license qualification standards.

21 (a) Testing.--

22 \* \* \*

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

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

29 (ii) An applicant requesting the oral or Spanish  
30 version of the knowledge test must schedule for the

1 examination at a testing site authorized by the  
2 department.

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

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

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

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

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

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

27 \* \* \*

28 (d) Commercial driver learner's permit.--

29 \* \* \*

30 (4) A commercial driver learner's permit shall be valid

1 for a period of 180 days from the date of issuance and may be  
2 renewed for an additional period of up to 180 days without  
3 having to retake the general and endorsement knowledge tests.

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

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

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

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

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

1 residue.

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

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

8 \* \* \*

9 Section 4 5. Section 1608(a) of Title 75 is amended and the <--  
10 section is amended by adding a subsection to read:

11 § 1608. Nonresident CDL.

12 (a) Issuance of nonresident CDL.--The department may issue a  
13 nonresident CDL to a resident of a foreign jurisdiction. [if the  
14 United States Secretary of Transportation has determined that  
15 the commercial motor vehicle testing and licensing standards in  
16 the foreign jurisdiction do not meet the testing standards  
17 established in Federal regulations.] The following apply:

18 (1) The word ["nonresident"] "non-domiciled" shall  
19 appear on the face of the nonresident CDL.

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

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

27 \* \* \*

28 (c) Waiver of testing requirement.--The department may issue  
29 a nonresident CDL to a resident of a foreign jurisdiction  
30 without requiring additional testing if the driver possesses a

1 valid CDL issued by another state or by the foreign jurisdiction  
2 of the driver and the United States Secretary of Transportation  
3 has determined that the commercial motor vehicle testing and  
4 licensing standards in the foreign jurisdiction meet the testing  
5 standards established in Federal regulations.

6 Section 5 6. Section 1610(b)(2) of Title 75 is amended and <--  
7 the subsection is amended by adding a paragraph to read:

8 § 1610. Commercial driver's license.

9 \* \* \*

10 (b) Classifications, endorsements and restrictions.--

11 \* \* \*

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

17 [A - Restricts the driver to driving under 49 CFR §  
18 391.62(c) (relating to limited exemptions for  
19 intra-city zone drivers).

20 G - Indicates qualification under 49 CFR §  
21 391.62(e).]

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

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

26 N - Authorizes driving tank vehicles.

27 P - Authorizes driving vehicles carrying passengers.

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

29 S - Authorizes the driver to operate a school bus.

30 T - Authorizes driving double and triple trailers.

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

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

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

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

10 A - Restricts the driver to driving under 49 CFR §  
11 391.62(c) (relating to limited exemptions for intra-city  
12 zone drivers).

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

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

16 K - Restricts driver to intrastate driving.

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

19 M - Prohibits driving a Class A passenger vehicle.

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

22 O - Prohibits driving a truck tractor-trailer  
23 combination.

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

26 Q - Requires the driver to wear corrective lenses.

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

29 X - Prohibits tank vehicles from carrying cargo.

30 Y - Requires the driver to wear a hearing aid.

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

3           \* \* \*

4           Section 6 7. Section 1611 of Title 75 is amended by adding <--  
5 subsections to read:

6           § 1611. Disqualification.

7           \* \* \*

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

17           (p) Retest disqualification.--The department shall  
18 disqualify an individual from driving a commercial motor vehicle  
19 if the individual fails to take and pass a retest required under  
20 section 1607(a)(8) (relating to commercial driver's license  
21 qualification standards). A driver disqualified under section  
22 1607(a)(8) must reapply for a commercial driver learner's permit  
23 under the procedures applicable to all commercial driver  
24 learner's permit applicants.

25           Section 7 8. This act shall take effect in 60 days. <--