

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1412 Session of
2015

INTRODUCED BY TAYLOR, THOMAS, HEFFLEY, MURT, DIAMOND, KILLION,
DAY, W. KELLER, MILLARD, MARSHALL, M. K. KELLER, D. COSTA,
A. HARRIS, COHEN AND JOZWIAK, JUNE 25, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 25, 2015

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in commercial drivers, further providing for
3 definitions, for employer responsibilities, for commercial
4 driver's license qualification standards, for nonresident
5 CDL, for commercial driver's license and for
6 disqualification.

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

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

12 § 1603. Definitions.

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

16 * * *

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

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

1 gross vehicle weight of 26,001 or more pounds or such lesser
2 rating as the department shall adopt under the provisions of
3 section 6103(c) (relating to promulgation of rules and
4 regulations by department), as determined by Federal
5 regulation and published by the department as a notice in the
6 Pennsylvania Bulletin;

7 (1.1) if the vehicle has a gross combination weight
8 rating or gross combination weight of 26,001 pounds or more,
9 whichever is greater, inclusive of a towed unit with a gross
10 vehicle weight rating or gross vehicle weight of more than
11 10,000 pounds, whichever is greater;

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

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

15 (4) if the vehicle is transporting hazardous materials
16 and is required to be placarded in accordance with department
17 regulations.

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

24 * * *

25 "Tank vehicle." A commercial motor vehicle that is designed
26 to transport liquid or gaseous materials within a tank or tanks
27 having an individual rated capacity of more than 119 gallons and
28 an aggregate rated capacity of 1,000 gallons or more that is
29 either permanently or temporarily attached to the vehicle or the
30 chassis. [Such vehicles include, but are not limited to, cargo

1 tanks and portable tanks. The term shall not include portable
2 tanks having a rated capacity under 1,000 gallons.] A commercial
3 motor vehicle transporting an empty storage container tank not
4 designed for transportation with a rated capacity of 1,000
5 gallons or more that is temporarily attached to a flatbed
6 trailer is not considered a tank vehicle.

7 * * *

8 Section 2. Section 1605(b)(1)(v) of Title 75 is amended to
9 read:

10 § 1605. Employer responsibilities.

11 * * *

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

15 (1) during any period in which:

16 * * *

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

20 * * *

21 Section 3. Section 1607(a)(6) of Title 75 is amended by
22 adding a subparagraph and subsections (a) and (d) are amended by
23 adding paragraphs to read:

24 § 1607. Commercial driver's license qualification standards.

25 (a) Testing.--

26 * * *

27 (6) The department shall provide applicants for
28 commercial driver's licenses with the choice of selecting a
29 knowledge test administered in either a written or an oral
30 format:

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

3 (ii) An applicant requesting the oral or Spanish
4 version of the knowledge test must schedule for the
5 examination at a testing site authorized by the
6 department.

7 (iii) The department shall offer alternate testing
8 formats to avoid discrimination against drivers with
9 limited literacy or verbal comprehension skills.

10 (iv) The alternative of an oral version of the
11 knowledge test shall not be available to persons seeking
12 a hazardous materials endorsement on a commercial
13 driver's license.

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

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

19 (8) The department shall require a driver to retake the
20 skills or knowledge test, OR BOTH, within 30 days upon ◀
21 receiving credible information that the commercial driver
22 learner's permit holder or commercial driver's license holder
23 is suspected of fraud related to the issuance of a commercial
24 driver learner's permit or commercial driver's license.

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

30 * * *

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

2 * * *

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

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

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

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

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

30 (9) A commercial driver learner's permit holder with a

1 tank endorsement may only operate an empty tank vehicle and
2 is prohibited from operating a tank vehicle that previously
3 contained hazardous materials that has not been purged of any
4 residue.

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

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

11 * * *

12 Section 4. Section 1608(a) of Title 75 is amended and the
13 section is amended by adding a subsection to read:

14 § 1608. Nonresident CDL.

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

21 (1) The word ["nonresident"] "nondomiciled" "NON-
22 DOMICILED" shall appear on the face of the nonresident CDL. ◀

23 (2) An applicant shall surrender any nonresident CDL
24 issued by another state.

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

30 * * *

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

9 Section 5. Section 1610(b)(2) of Title 75 is amended and the
10 subsection is amended by adding a paragraph to read:

11 § 1610. Commercial driver's license.

12 * * *

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

14 * * *

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

20 [A - Restricts the driver to driving under 49 CFR §
21 391.62(c) (relating to limited exemptions for
22 intra-city zone drivers).

23 G - Indicates qualification under 49 CFR §
24 391.62(e).]

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

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

29 N - Authorizes driving tank vehicles.

30 P - Authorizes driving vehicles carrying passengers.

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

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

3 T - Authorizes driving double and triple trailers.

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

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

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

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

13 A - Restricts the driver to driving under 49 CFR §
14 391.62(c) (relating to limited exemptions for intra-city
15 zone drivers).

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

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

19 K - Restricts driver to intrastate driving.

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

22 M - Prohibits driving a Class A passenger vehicle.

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

25 O - Prohibits driving a truck tractor-trailer
26 combination.

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

29 Q - Requires the driver to wear corrective lenses.

30 V - Indicates that the driver has been issued a

1 medical variance.

2 X - Prohibits tank vehicles from carrying cargo.

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

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

6 * * *

7 Section 6. Section 1611 of Title 75 is amended by adding
8 subsections to read:

9 § 1611. Disqualification.

10 * * *

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

20 (p) Retest disqualification.--The department shall
21 disqualify an individual from driving a commercial motor vehicle
22 if the individual fails to take and pass a retest required under
23 section 1607(a) (8) (relating to commercial driver's license
24 qualification standards). A driver disqualified under section
25 1607(a) (8) must reapply for a commercial driver learner's permit
26 under the procedures applicable to all commercial driver
27 learner's permit applicants.

28 Section 7. This act shall take effect in 60 days.