

CHAPTER 16
COMMERCIAL DRIVERS

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Enactment. Chapter 16 was added May 30, 1990, P.L.173, No.42, effective November 1, 1990, unless otherwise noted.

Special Provisions in Appendix. See section 20 of Act 42 of 1990 in the appendix to this title for special provisions relating to transition to commercial drivers' licenses.

Cross References. Chapter 16 is referred to in sections 1501, 1502, 1516, 1573 of this title.

§ 1601. Short title of chapter.

This chapter shall be known and may be cited as the Uniform Commercial Driver's License Act.

§ 1602. Purpose and construction of chapter.

(a) Purpose.--The purpose of this chapter is to implement the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. app. § 2701 et seq.) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:

- (1) Permitting commercial drivers to hold only one driver's license.
- (2) Disqualifying commercial drivers who have committed certain serious traffic violations or other specified offenses.
- (3) Strengthening licensing and testing standards.

(b) Construction.--This chapter is a remedial law and shall be liberally construed to promote the public health, safety and welfare. To the extent that this chapter conflicts with other driver licensing provisions, this chapter prevails. Where this chapter is silent, the general driver licensing provisions apply.

§ 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 driver learner's permit." A permit issued pursuant to section 1607(d) (relating to commercial driver's license qualification standards).

"Commercial driver's license" or **"CDL."** A driver's license issued in accordance with the requirements of this chapter authorizing a person 18 years of age or older to drive a class of commercial motor vehicle.

"Commercial driver's license holder" or **"CDL holder."** A person who has been issued a commercial driver's license or a commercial driver learner's permit.

"Commercial Driver's License Information System" or **"CDLIS."** The information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. app. § 2701 et seq.) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

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

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

(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.

"Controlled substance." Any substance so defined or classified under:

(1) The act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) Section 102(6) of the Controlled Substance Act (Public Law 91-513, 21 U.S.C. § 802(6)).

(3) Schedules I through V of 21 CFR Part 1308.

(4) Any revisions to paragraphs (2) or (3) which are published by the Department of Transportation as notices in the Pennsylvania Bulletin.

"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.

"Disqualification." A prohibition against driving a commercial motor vehicle or a school vehicle.

"Employer." Any person, including the United States, a state or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle.

"Felony." An offense under state or Federal law which is punishable by death or imprisonment exceeding one year.

"Foreign jurisdiction." Any jurisdiction other than a state of the United States.

"Medical examiner." An individual who is licensed, certified or registered, in accordance with applicable statutes and regulations, to perform physical examinations. The term includes a doctor of medicine, an osteopath, a physician assistant, an advanced practice nurse and a doctor of chiropractic.

"Noncommercial motor vehicle." A motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" in this section.

"Nonresident CDL." A commercial driver's license issued by a state to an individual who resides in a foreign jurisdiction.

"Out-of-service order." A temporary prohibition against driving a commercial motor vehicle as provided by departmental regulation.

"Serious traffic violation."

(1) Excessive speeding as defined by the United States Secretary of Transportation by regulation and published by the department as a notice in the Pennsylvania Bulletin.

(2) Reckless driving.

(3) Any offense under this title relating to motor vehicle traffic control arising in connection with an accident resulting in death to any person.

(4) Any violation of section 1606(a) (relating to requirement for commercial driver's license), 3305 (relating to limitations on overtaking on left), 3306 (relating to limitations on driving on left side of roadway), 3307 (relating to no-passing zones), 3309(1), (2) or (4) (relating to driving on roadways laned for traffic), 3310 (relating to following too closely), 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors) or 3365(c) (relating to special speed limitations).

(5) Any other offenses defined by the United States Secretary of Transportation as serious traffic violations and published by the department as a notice in the Pennsylvania Bulletin.

"State." A state of the United States or the District of Columbia.

"Tank vehicle." A commercial motor vehicle that is designed to transport liquid or gaseous materials within a tank 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.

"United States." The 50 states and the District of Columbia. (Dec. 20, 1995, P.L.669, No.75, eff. 120 days; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months; July 5, 2005, P.L.100, No.37; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Jan. 27, 2012, P.L.1, No.1, eff. imd.)

2012 Amendment. Act 1 added the def. of "medical examiner."

2008 Amendment. Act 133 amended the def. of "conviction."

2007 Amendment. Act 67 amended the def. of "serious traffic violation."

2005 Amendment. Act 37 amended the defs. of "disqualification" and "serious traffic violation" and added the defs. of "commercial driver's license holder" or "CDL holder," "conviction," "noncommercial motor vehicle"

and "tank vehicle." Section 10(2) of Act 37 provided that Act 37 shall take effect 90 days after publication of a notice in the Pennsylvania Bulletin. The notice was published July 16, 2005, at 35 Pa.B. 4029.

2002 Amendment. See section 21 of Act 229 in the appendix to this title for special provisions relating to promulgation of guidelines to implement Act 229.

1995 Amendment. Act 75 amended the def. of "commercial motor vehicle."

Cross References. Section 1603 is referred to in sections 102, 3342, 3716, 3802, 4905 of this title.

§ 1604. Notification requirements for drivers.

(a) Notification of convictions.--A driver of a commercial motor vehicle holding a driver's license issued by this Commonwealth who is convicted of violating a Federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any Federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify his employer in writing of the conviction within 30 days of the date of conviction.

(b) Notification of suspensions, revocations, cancellations and disqualifications.--Each driver of a commercial motor vehicle whose operating privilege is suspended, revoked or canceled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period or who is disqualified from driving a commercial motor vehicle for any period, shall notify his employer of that fact before the end of the business day following the day the driver received notice of the suspension, revocation, cancellation, loss or disqualification.

(c) Notification of previous employment.--

(1) Each person who applies for employment as a commercial motor vehicle driver shall provide the employer, at the time of the application for employment, with the following information for the ten years preceding the date of application:

(i) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle.

(ii) The dates between which the applicant drove for each employer.

(iii) The reason for leaving that employer.

(2) The applicant shall certify that all information furnished is true and complete.

(3) An employer may require an applicant to provide additional and legally permitted information.

(d) Penalties.--

(1) Any person who violates subsection (a) or (c) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

(2) Any person who violates subsection (b) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

Cross References. Section 1604 is referred to in section 1605 of this title.

§ 1605. Employer responsibilities.

(a) Requirements.--Each employer shall require the applicant to provide the information specified in section 1604(c) (relating to notification requirements for drivers). Each employer shall inform the applicant that the information he provides in accordance with section 1604(c) may be used and the applicant's previous employers may be contacted for the purpose of investigating the applicant's work history.

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

(1) in which:

(i) the driver's license was suspended, revoked or canceled by a state;

(ii) the driver has lost the privilege to drive a commercial motor vehicle in a state;

(iii) the driver has been disqualified from driving a commercial motor vehicle;

(iv) the driver is not licensed to drive a commercial vehicle;

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

(vi) the driver, or the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order; or

(2) in which the driver has more than one driver's license.

(c) Test vehicles.--Each employer shall provide a representative vehicle to any employee who as a result of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. app. § 2701 et seq.) must obtain a commercial driver's license to continue his present occupation. This section includes, but is not limited to, current commercial motor vehicle drivers, construction equipment operators, utility truck operators, mechanics and vehicle inspectors employed prior to March 31, 1992. It is the employer's discretion to provide a representative vehicle to any employee who wishes to obtain a commercial driver's license if the Commercial Motor Vehicle Safety Act of 1986 does not require the employee to obtain a commercial driver's license for his current position.

(d) Test dates.--An employer shall provide a commercial driver the necessary time off for a driver to take the required knowledge exam and skills test when the tests have been scheduled.

(e) Penalties.--Any person who violates any provision of this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000, except that if the violation relates to an out-of-service order, then the person shall, upon conviction, be sentenced to pay a fine of \$2,750.

(Dec. 18, 2007, P.L.436, No.67, eff. 60 days)

§ 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 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).

(7) An employee of a county emergency management organization who is the holder of a Class C license and who has a certificate of authorization from the head of the county emergency management organization while operating any emergency vehicle equipped with audible and visual signals registered to the county or county emergency management organization.

(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) 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 \$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 \$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. (May 21, 1992, P.L.246, No.39, eff. imd.; May 20, 1993, P.L.30, No.10, eff. 60 days; July 5, 2005, P.L.100, No.37; June 29, 2006, P.L.284, No.61, eff. imd.; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Jan. 27, 2012, P.L.1, No.1, eff. 60 days)

2012 Amendment. Act 1 added subsec. (b)(7).

Cross References. Section 1606 is referred to in sections 1603, 1607, 1611 of this title.

§ 1607. Commercial driver's license qualification standards.

(a) Testing.--

(1) The Commonwealth shall offer one knowledge test to all commercial driver's license holders until April 1, 1992, for each class and for each endorsement for driving a commercial motor vehicle which complies with minimum standards established by Federal regulation and all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. App. § 2701 et seq.). This subsection shall not apply to an applicant for a commercial driver learner's permit.

(2) No person shall be issued a commercial driver's license unless the person is a resident of this Commonwealth and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum standards established by Federal regulation, all other requirements of the Commercial Motor Vehicle Safety Act of 1986 and other requirements imposed under Federal regulation which are published by the department as a notice in the Pennsylvania Bulletin. The department shall publish the content of the driving examination for the commercial driver's

license as a notice in the Pennsylvania Bulletin. The tests shall be offered by the department or its agents.

(3) The department may authorize a person, including an agency of this or another state, an employer, a private institution, association or driver training school, or a department, agency or instrumentality of local government to administer the skills test specified by this section, provided:

(i) The test is the same as that which would otherwise be administered by the department.

(ii) The third party has entered into an agreement with the department.

(4) (Repealed).

(5) As a result of this section, no layoffs shall occur in the classification known as Driver's License Examiner.

(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.

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

(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.

(c) Limitations on issuance of license.--

(1) Applicants for a commercial driver's license shall provide the department with the names of all states where the applicant has been previously or is currently licensed to operate any type of motor vehicle.

(2) The department shall request the complete driving record from all states where the applicant was licensed within the previous ten years to operate any type of motor vehicle. Suitable notations of all convictions, disqualifications and other licensing actions for violations of any State or local law relating to motor vehicle traffic control, other than a parking violation, committed in any type of vehicle may be stored and admitted into evidence by the department as provided in section 1516(b) (relating to department records). All actions reported to the department under this paragraph shall have the same effect on subsequent actions as if the reported action had been taken by the department.

(3) A commercial driver's license or commercial driver learner's permit shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle or while the person's driver's license is suspended, revoked or canceled in any state; nor shall a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which shall be returned to the issuing state for cancellation.

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

(1) The department shall issue a commercial driver learner's permit in accordance with section 1505 (relating to learners' permits).

(2) A commercial driver learner's permit is required for the addition of endorsements and the removal of restrictions established under this chapter, including those established by regulation.

(3) Before a person may take the examination for a commercial driver's license, the person must have held a learner's permit for 15 days for the class of vehicle the person intends to drive.

(e) Federal disqualifications.--Upon receipt of a notification from the Federal Motor Carrier Safety Administration that a person is subject to a disqualification imposed by Federal law, the department shall record the disqualification in the person's driving record.
(Apr. 16, 1992, P.L.169, No.31, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; July 15, 2004, P.L.694, No.75, eff. 60 days; July 5, 2005, P.L.100, No.37; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days)

2008 Amendment. Act 133 amended subsec. (b).

2005 Amendment. Act 37 amended subsec. (c) and added subsec. (e). Section 10(2) of Act 37 provided that Act 37 shall take effect 90 days after publication of a notice in the Pennsylvania Bulletin. The notice was published July 16, 2005, at 35 Pa.B. 4029.

2004 Amendment. Act 75 amended subsec. (d).

1996 Amendment. Act 115 amended subsec. (a). Section 27 of Act 115 provided that the provisions of 67 Pa. Code §§ 75.25, 75.26, 75.27 and 75.28 are repealed upon the publication of testing procedures as set forth in section 1607(a) in the Pennsylvania Bulletin. The notice of testing procedures was published in the Pennsylvania Bulletin on August 24, 1996, at 26 Pa.B. 4143.

Cross References. Section 1607 is referred to in section 1603 of this title.

§ 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.

(1) The word "nonresident" 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.

(b) Other provisions applicable.--All provisions of this chapter applicable to the commercial driver's license for a resident of this Commonwealth, except the residency requirement, and all provisions of this title applicable to drivers' licenses shall be applicable to a nonresident CDL.

§ 1609. Application for commercial driver's license.

(a) Contents of application.--The application for a commercial driver's license or commercial driver learner's permit shall include the following:

(1) The full name and current residential address of the person.

(2) A physical description of the person, including sex, height and eye color.

(3) Date of birth.

(4) The applicant's Social Security number.

(5) The person's signature.

(6) Certifications, including those required by Federal regulations.

(7) Any other information required by the department.

(b) Change of name or address.--Whenever any person, after applying for or receiving a commercial driver's license or commercial driver learner's permit, moves from the address named in the application or in the driver's license or learner's permit issued or when the name of the licensee or permittee is changed, such person shall, within 15 days, make application for a duplicate license. The duplicate shall be issued upon payment of the required fee and return of the original, or previous duplicate, license.

(c) New residents.--No person who is a resident of this Commonwealth for 30 days shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(d) Waiver.--Notwithstanding the provisions of subsection (a)(4), the department shall not require a Social Security number on the application for a commercial driver's license of a person who submits a waiver obtained from the Federal Highway Administration of the United States Department of Transportation permitting him not to have a Social Security number. If the waiver requires the person to have some other sort of identifier in place of the Social Security number, the identifier must be indicated on the application.

(June 11, 1992, P.L.266, No.47, eff. imd.)

1992 Amendment. Act 47 added subsec. (d).

Cross References. Section 1609 is referred to in section 1610 of this title.

§ 1609.1. Type of driving certification requirements.

(a) Self-certification requirement.--An applicant for a commercial driver learner's permit or initial commercial driver's license must make one of the applicable self-certifications from the following:

(1) Nonexcepted Interstate Commerce. A certification that the applicant:

(i) operates or expects to operate in interstate commerce;

(ii) is subject to and meets the medical qualification requirements under 49 CFR Part 391 (relating to qualifications of drivers and longer combination vehicle (LCV) driver instructors); and

(iii) acknowledges the requirement to obtain a medical certificate under 49 CFR § 391.45 (relating to persons who must be medically examined and certified).

(2) Excepted Interstate Commerce. A certification that the applicant operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR § 390.3(f) (relating to general applicability), 391.2 (relating to general exceptions), 391.68 (relating to private motor carrier of passengers (nonbusiness)) or 398.3 (relating to qualifications of drivers or operators) from all or parts of the qualification requirements of 49 CFR Part 391 and is therefore not required to obtain a medical examiner's certificate under 49 CFR § 391.45.

(3) Nonexcepted Intrastate Commerce. A certification that the applicant:

(i) operates in intrastate commerce;

(ii) is subject to and meets the medical qualification requirements of 67 Pa. Code Ch. 231 (relating to intrastate motor carrier safety requirements); and

(iii) acknowledges the requirement to obtain a medical certificate.

(4) Excepted Intrastate Commerce. A certification that the applicant operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the driver qualification requirements in 67 Pa. Code Ch. 231 and is not required to obtain a medical certificate.

(b) Existing drivers.--A holder of a commercial driver's license shall submit to the department a self-certification of driving which complies with subsection (a) within 30 days of notice by the department. (Jan. 27, 2012, P.L.1, No.1, eff. imd.)

2012 Amendment. Act 1 added sec. 1609.1.

Cross References. Section 1609.1 is referred to in section 1609.3 of this title.

§ 1609.2. Medical certification.

(a) Requirements.--An individual who certifies that the individual operates or expects to operate a commercial motor vehicle in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide the department with an original or photographic copy of a medical examiner's certificate prepared by a medical examiner. The medical examiner's certificate shall be valid for up to two years from the date of the medical examination.

(b) Maintaining certification.--A CDL holder who certifies intent to operate a commercial motor vehicle in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide the department with an original or copy of a subsequently issued medical examiner's certificate.

(c) Noncompliance with medical requirements.--

(1) This subsection applies in the following circumstances:

(i) Upon the expiration of a medical certification or a medical variance issued by the Federal Motor Carrier Safety Administration or the department.

(ii) If the Federal Motor Carrier Safety Administration notifies the department that a medical variance was rescinded.

(2) If this subsection applies, the department shall notify a nonexcepted commercial driver that the driver is no longer in conformance

with the medical certification requirements and that the CDL designation will be removed from the driver's license unless the driver:

(i) submits a current medical certificate or medical variance;

or

(ii) changes the self-certification to driving only in excepted interstate commerce or excepted intrastate commerce.

(Jan. 27, 2012, P.L.1, No.1, eff. imd.)

2012 Amendment. Act 1 added sec. 1609.2.

Cross References. Section 1609.2 is referred to in section 1609.3 of this title.

§ 1609.3. Noncompliance with certification requirements.

The department shall remove the commercial driver license designation from the driver's license of an individual who is not in compliance with section 1609.1 (relating to type of driving certification requirements) or 1609.2 (relating to medical certification).

(Jan. 27, 2012, P.L.1, No.1, eff. imd.)

2012 Amendment. Act 1 added sec. 1609.3.

Cross References. Section 1609.3 is referred to in section 1550 of this title.

§ 1610. Commercial driver's license.

(a) Content of license.--The commercial driver's license shall indicate "commercial driver's license" or "CDL" and shall include, but not be limited to, the following information:

(1) The name and residential address of the person.

(2) The person's color photograph or photographic facsimile.

(3) A physical description of the person, including sex, height and eye color.

(4) Date of birth.

(5) The license number assigned by the department.

(6) The person's signature or a facsimile of that signature.

(7) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive, together with any endorsements or restrictions.

(b) Classifications, endorsements and restrictions.--

(1) Commercial drivers' licenses may be issued with the following classifications, endorsements and restrictions. The holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles. Vehicles requiring an endorsement may not be driven unless the proper endorsement appears on the license.

(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.

(c) Applicant record check.--

(1) Before issuing a commercial driver's license, the department shall obtain driving record information through the Commercial Driver's License Information System and the National Driver Register.

(2) Before issuing a commercial driver's license with an "H" or "X" endorsement, the department must have received notification from the United States Secretary of Transportation that the individual does not pose a security risk warranting denial of the endorsement. This paragraph shall not apply until such time as regulations are published by the United States Secretary of Transportation as required by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001 (Public Law 107-56, 115 Stat. 272).

(d) Notification of license issuance.--When the department has electronic access, but no later than March 31, 1992, the department, within ten days after issuing a commercial driver's license, shall notify the Commercial Driver's License Information System of that fact, providing all information required to ensure identification of the person.

(e) License renewal procedures.--When applying for renewal of a commercial driver's license, the applicant must complete the application form required by section 1609(a) (relating to application for commercial driver's license), providing current and valid information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the English version of the written test for a hazardous materials endorsement must be taken and passed.

(f) Sale of photographs prohibited.--Neither the department nor any person under contract with the department shall sell photographs of holders of a commercial driver's license for any commercial purpose. (June 26, 2001, P.L.734, No.75, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Jan. 27, 2012, P.L.1, No.1, eff. imd.)

2012 Amendment. Act 1 amended subsec. (b)(2).

2002 Amendment. Act 152 amended subsec. (c).

2001 Amendment. Act 75 added subsec. (f).

§ 1611. Disqualification.

(a) 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:

(1) section 3802 (relating to driving under influence of alcohol or controlled substance) or former section 3731, where the person was a commercial driver at the time the violation occurred;

(2) section 3742 (relating to accidents involving death or personal injury), where the person was a commercial driver at the time the violation occurred;

(3) section 3743 (relating to accidents involving damage to attended vehicle or property), where the person was a commercial driver at the time the violation occurred;

(4) section 3745 (relating to accidents involving damage to unattended vehicle or property), where the person was a commercial driver at the time the violation occurred;

(5) any felony in the commission of which a court determines a motor vehicle was essentially involved and where the person was a commercial driver at the time the violation occurred, except as described in subsection (e);

(6) section 1606(c) (relating to requirement for commercial driver's license); or

(7) any offense wherein the person caused the death of a person as a result of a motor vehicle accident through the negligent operation of a commercial motor vehicle, including, but not limited to, a violation of 18 Pa.C.S. § 2504 (relating to involuntary manslaughter) or a violation of section 3732 (relating to homicide by vehicle).

(b) 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) 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.

(d) Mitigation of disqualification for life.--The department may issue regulations establishing guidelines, including conditions, under which a disqualification for life under subsection (c) may be reduced to a period of not less than ten years, if such reductions are permitted by Federal regulations.

(e) Disqualification for controlled substance offenses.--The department shall disqualify any person from driving a commercial motor vehicle for life who is convicted of using a motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance or possession with intent to manufacture, distribute or dispense a controlled substance where either:

(1) the person was a commercial driver's license holder at the time of the commission of the felony; or

(2) the motor vehicle used in the commission of the felony was a commercial motor vehicle.

There shall be no exceptions or reductions to this disqualification for life.

(f) Disqualification for failure to have CDL.--In addition to any other disqualification required by this section, the department shall disqualify

any person from driving a commercial motor vehicle for six months upon receiving a report of the person's conviction of violating section 1606(a).

(g) Disqualification for serious traffic offenses.--The department shall disqualify any person from driving a commercial motor vehicle for a period of 60 days if convicted of two serious traffic violations, or 120 days if convicted of three serious traffic violations, arising from separate and distinct incidents occurring within a three-year period. A violation will only be considered a serious traffic violation for purposes of this subsection where:

(1) the person was a commercial driver's license holder at the time of the violation, and conviction of the violation results in a revocation, cancellation or suspension of the person's operating privileges for noncommercial motor vehicles; or

(2) the person was operating a commercial motor vehicle at the time of the violation.

(h) Conviction in Federal court or another state.--For purposes of the provisions of this section, a copy of a report of conviction or a copy of a report of administrative adjudication from a Federal court or another state for an offense similar to those offenses which would result in disqualification in this section shall be treated by the department as if the conviction had occurred in this Commonwealth. A conviction for negligent homicide shall be treated as similar to either a conviction for violating 18 Pa.C.S. § 2504 or a conviction for violating section 3732 for purposes of the provisions of this section.

(i) Surrender of license.--Upon the disqualification of the commercial driving privilege or school vehicle driving privilege of a person, the license shall be surrendered as provided in section 1540 (relating to surrender of license). If the person is not a CDL holder, then the person shall submit an acknowledgment of disqualification to the department in lieu of the license.

(j) Updating driving record.--After disqualifying, suspending, revoking, recalling or canceling a commercial driving privilege, the department shall update its records to reflect that action. After disqualifying, suspending, revoking, recalling or canceling a commercial driving privilege issued by another state, the department shall notify the licensing authority of the state which issued the commercial driver's license or nonresident commercial driver's license. In addition to any other records required or authorized to be kept by the department, the department shall file or make suitable notation in its records thereof all reports of the conviction of any violation, in any motor vehicle, of a State or local traffic control law, except a parking violation, and also for any other report of conviction or report of test refusal that results in disqualification pursuant to this chapter, of a person who was a commercial driver at the time of the violation that are received by the department from any court or administrative body of the Commonwealth, another state or the Federal Government. Such reports or suitable notations may be stored and admitted into evidence by the department as provided in section 1516(b) (relating to department records). Notwithstanding any other provision of law, no record maintained by the department in accordance with the provisions of this subsection may be expunged by order of court.

(k) Disqualification for railroad crossing offenses.--The department shall disqualify any person from driving a commercial motor vehicle upon receiving a report of the person's conviction for an offense under section 3341 (relating to obedience to signal indicating approach of train), 3342 (relating to vehicles required to stop at railroad crossings) or 3343(a), (c) or (d) (relating to moving heavy equipment at railroad grade crossings) committed in a commercial vehicle as follows:

(1) 60 days for a first conviction.

(2) 120 days for a second conviction arising from separate and distinct incidents occurring within a three-year period.

(3) One year for a third conviction arising from separate and distinct incidents occurring within a three-year period.

(l) Disqualification for incomplete, incorrect or fraudulent application or certification.--The department shall disqualify any person from driving a commercial motor vehicle for 60 days upon canceling the person's commercial driver's license pursuant to section 1572(a)(1)(ii) (relating to cancellation of driver's license) involving an application or certification related to the requirements of this chapter.

(m) Limitation on noncommercial motor vehicle-based disqualifications.--A violation which occurred prior to the effective date of this subsection and which did not involve a commercial motor vehicle shall not be considered by the department for purposes of applying a disqualification pursuant to this section.

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

(Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; July 5, 2005, P.L.100, No.37; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Jan. 27, 2012, P.L.1, No.1, eff. imd.)

2012 Amendment. Act 1 amended subsec. (l).

2008 Amendment. Act 133 amended subsecs. (a) intro. par. and (6), (b) and (c) and added subsecs. (b.1), (c.1) and (n).

Cross References. Section 1611 is referred to in sections 1553, 1606, 1613, 6146 of this title.

§ 1612. Commercial and school vehicle drivers prohibited from operating with any alcohol in system.

(a) Offense defined.--Notwithstanding any other provision of this title, a person shall not drive, operate or be in physical control of a school vehicle or a commercial motor vehicle while having any alcohol in his system.

(b) Penalty.--

(1) A person who violates subsection (a) while driving, operating or in physical control of a commercial motor vehicle commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. A person who drives, operates or is in physical control of a commercial motor vehicle while having alcohol in his system or who refuses to take a test to determine his alcohol content as provided by section 1613 (relating to implied consent requirements for commercial motor vehicle drivers) shall be placed out of service for 24 hours.

(2) A person who violates subsection (a) while driving, operating or in physical control of a school bus or a school vehicle commits a summary offense and shall, upon conviction, be sentenced to pay a minimum fine of \$250, and, for a person convicted of a second or subsequent offense, the sentencing court shall order the person to pay a fine of \$500. A person who drives, operates or is in physical control of a school bus or a school vehicle while having alcohol in his system or who refuses to take a test to determine his alcohol content as provided by section 1613 shall be placed out of service by his employer for 30 days.

(Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

Cross References. Section 1612 is referred to in section 1606 of this title.

§ 1613. Implied consent requirements for commercial motor vehicle drivers.

(a) Implied consent.--A person who drives a commercial motor vehicle in this Commonwealth is deemed to have given consent to take a test or tests of the person's breath, blood or urine for the purpose of determining the person's alcohol concentration or the presence of other controlled substances.

(b) Tests ordered by police officer.--A test or tests may be administered at the direction of a police officer who, after stopping or detaining the commercial motor vehicle driver, has reasonable grounds to believe that the driver was driving a commercial motor vehicle while having any alcohol in his system.

(c) Warning against refusal.--A person requested to submit to a test as provided in subsection (a) shall be warned by the police officer requesting the test that refusal to submit to the test will result in the person's being disqualified from operating a commercial motor vehicle under subsection (e).

(d) Report on test refusal.--If the person refuses testing, the police officer shall submit a sworn report to the department certifying that the test was requested pursuant to subsection (a) and that the person refused to submit to testing.

(d.1) Disqualification for refusal.--Upon receipt of a report of test refusal, the department shall disqualify the person who is the subject of the report for the same period as if the department had received a report of the person's conviction for violating one of the offenses listed in section 1611(a) (relating to disqualification). A person who is disqualified as a result of a report of test refusal that originated in this Commonwealth shall have the same right of appeal as provided for in cases of suspension. Where the report of test refusal originated from another state or other foreign jurisdiction, the review of a court on an appeal from a disqualification under this subsection shall be limited to whether the department has received a report of refusal and whether the person has successfully established one of the following defenses:

(1) The person being disqualified is not the one identified in the report.

(2) The person has successfully contested the report in the jurisdiction from which it originated.

(3) The department has erred in determining the length of the disqualification to be imposed as a result of the report of test refusal.

(d.2) Limitation on noncommercial motor vehicle-based refusal.--A report of test refusal which occurred prior to the effective date of this subsection and which did not involve a commercial motor vehicle shall not be considered by the department for purposes of applying a disqualification pursuant to this section.

(d.3) Definition.--As used in this section, the term "report of test refusal" shall mean the following:

(1) A report of a police officer submitted to the department that a person refused to submit to testing requested under this section.

(2) A notice by a police officer to the department of a person's refusal to take a test requested pursuant to section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) where the person was a commercial driver at the time relevant to the refusal.

(3) Any document, including an electronic transmission, submitted to the department from a court of competent jurisdiction indicating that a person was convicted of an offense that involves the refusal to submit to testing for alcohol or controlled substances where the person was a commercial driver at the time of the violation.

(4) Any document, including an electronic transmission, submitted to the department from a court, administrative tribunal, administrative agency or police officer or other agent of another state or other foreign

jurisdiction indicating that a person refused to take a test requested to aid enforcement of a law against driving while under the influence of alcohol or a controlled substance where the person was a commercial driver at the time relevant to the refusal.

(e) Disqualification for refusal.--(Deleted by amendment).

(f) Appeal of disqualification.--(Deleted by amendment).

(July 5, 2005, P.L.100, No.37)

2005 Amendment. Act 37 added subsecs. (d.1), (d.2) and (d.3) and deleted subsecs. (e) and (f). Section 10(2) of Act 37 provided that Act 37 shall take effect 90 days after publication of a notice in the Pennsylvania Bulletin. The notice was published July 16, 2005, at 35 Pa.B. 4029.

Cross References. Section 1613 is referred to in sections 1611, 1612 of this title.

§ 1614. Notification of traffic convictions.

After receiving a report of the conviction of any holder of a commercial driver's license issued by another state, or any person who is a holder of a driver's license issued by another state and who was operating a commercial motor vehicle at the time of the violation, for violation of this chapter or Chapter 15 (relating to licensing of drivers), 17 (relating to financial responsibility), 31 (relating to general provisions), 33 (relating to rules of the road in general) or 37 (relating to miscellaneous provisions) committed in a commercial motor vehicle, the department shall notify the driver licensing authority in the licensing state of the conviction.

(July 5, 2005, P.L.100, No.37)

§ 1615. Authority to enter agreements.

The department may enter into or make agreements, arrangements or declarations to carry out the provisions of this chapter.

§ 1616. Reciprocity.

Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle if the person has a commercial driver's license issued by any state, or any province or territory of Canada in accordance with the minimum Federal standards for the issuance of commercial motor vehicle drivers' licenses, if the person's operating privilege is not suspended, revoked or canceled and if the person is not disqualified from driving a commercial motor vehicle or subject to an out-of-service order.

§ 1617. Fees.

Fees relating to commercial drivers' licenses to be collected by the department under this chapter shall be in addition to any other fees imposed under the provisions of this title and are as follows:

(1) The annual fee for a commercial driver's license designation shall be \$10.

(2) In addition to any other restoration fee required by this title, an additional restoration fee of \$50 shall be assessed and collected before reinstating a commercial driver's operating privilege following a suspension or revocation under this title or disqualification under this chapter.

(3) If the commercial driving privilege of a driver is disqualified, a Class C noncommercial or M license, if the driver possesses the motorcycle qualification, may be obtained upon payment of the fees associated with obtaining a duplicate license.

(4) An additional fee of \$10 shall be imposed for the initial issuance or renewal of a commercial driver's license with an "H" or "X" endorsement, in addition to the cost of a criminal history background check as required by the USA Patriot Act of 2001 (Public Law 107-56, 115 Stat. 272).

(Dec. 9, 2002, P.L.1278, No.152, eff. 120 days)

2002 Amendment. Act 152 added par. (4).

§ 1618. Fines exempt from Judicial Computer Account.

All fines and penalties imposed by this chapter shall be deposited into the Motor License Fund and shall not be subject to the provisions of 42 Pa.C.S. § 3733 (relating to deposits into account).

§ 1619. Prohibition against discharging, disciplining or discriminating against employees.

(a) General rule.--No person shall discharge, discipline or in any manner discriminate against any employee with respect to the employee's compensation, terms, conditions or privileges of employment because such employee, or person acting pursuant to a request of the employee:

(1) refuses to operate a commercial motor vehicle which is not in compliance with the provisions of 67 Pa. Code Ch. 231 (relating to intrastate motor carrier safety requirements) and existing safety laws; or

(2) has filed any complaint or instituted or caused to be instituted any proceeding relating to a violation of a commercial motor vehicle safety rule, regulation, standard or order or has testified or is about to testify in any such proceeding.

(b) Unsafe conditions.--No person shall discharge, discipline or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards or orders applicable to commercial motor vehicle safety or health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury or serious impairment of health resulting from the unsafe condition. In order to qualify for protection under this subsection, the employee must have sought from his employer and have been unable to obtain correction of the unsafe condition.

(c) Procedure.--

(1) Any employee who believes he has been discharged, disciplined or otherwise discriminated against by any person in violation of subsection (a) or (b) may, within 180 days after such alleged violation occurs, file or have filed by any person on the employee's behalf a complaint with a magisterial district judge alleging such discharge, discipline or discrimination. Actions brought under this section shall be brought in the court of common pleas if the complaint states a claim for damages in excess of the jurisdictional limits provided by 42 Pa.C.S. § 1515 (relating to jurisdiction and venue) and the plaintiff declines to waive the portion of his claim exceeding the jurisdictional amount.

(2) Upon request of the employee, the employer or any representative of the employee or employer, the Pennsylvania Public Utility Commission shall assign and direct an investigator with qualifications in motor vehicle safety inspections to examine the vehicle or vehicles in question and render a signed report. Such report shall be prima facie evidence of the facts and the conclusions contained therein, and may be introduced in a legal proceeding brought under this section. Any party may call the investigator as if on cross examination in a legal proceeding brought under this section.

(3) If the magisterial district judge or the court of common pleas, after notice and hearing, determines that a violation of subsection (a) or (b) has occurred, the magisterial district judge or court of common pleas has the power to and shall order:

(i) the person who committed such violation to take affirmative action to abate the violation;

(ii) such person to reinstate the complainant to the complainant's former position together with the compensation, including back pay, terms, conditions and privileges of the complainant's employment; and

(iii) compensatory damages.

(4) If an order is issued under paragraph (3), the magisterial district judge or court of common pleas issuing the order, at the request of the complainant, may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses, including attorney fees, reasonably incurred by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(d) Review of order.--Any person adversely affected or aggrieved by an order issued after a hearing under subsection (c) may obtain review of the order in accordance with the provisions of 42 Pa.C.S. (relating to judiciary and judicial procedure).

(e) Enforcement of order.--Whenever a person has failed to comply with an order issued under subsection (c)(3), an aggrieved party may file a civil action or seek an enforcement order in the court of common pleas for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the court of common pleas shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement and compensatory damages.

(July 10, 1990, P.L.356, No.83, eff. 60 days; Dec. 7, 1990, P.L.635, No.164, eff. imd.; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (c)(1), (3) and (4). See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

1990 Amendments. Act 83 added section 1619 and Act 164 amended subsecs. (c), (d) and (e).

§ 1620. Commercial driver records.

The department shall establish a program for unlimited annual electronic driver record checks for employers of commercial drivers. The program shall include the registration of the employer with the department, including an estimate of the number of drivers employed and an annual fee which shall be based on \$5 per estimated driver. The department shall provide the registered employer with unlimited electronic access to uncertified driver records. The department is authorized to periodically audit the registered employer to determine that fees are approximately in line with the number of employees' records being accessed. If the department determines that the employer misrepresented the number of drivers whose records would be accessed or that the record of a driver other than a commercial driver employee or prospective commercial driver employee was accessed, the department shall take appropriate action.

(Dec. 1, 2004, P.L.1771, No.229, eff. 60 days)

2004 Amendment. Act 229 added section 1620.