

# RULES AND REGULATIONS

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

#### [67 PA. CODE CHS. 71, 75 AND 83]

#### Licensing

The Department of Transportation (Department), Bureau of Driver Licensing, by this order adopts amendments by amending Chapters 71, 75 and 83 (relating to school bus drivers; driver's license examination; and physical and mental criteria including vision standards relating to the licensing of drivers) to read as set forth at 27 Pa.B. 4439 (August 30, 1997).

Notice of proposed rulemaking was published at 27 Pa.B. 4439, with an invitation to submit written comments within 30 days of publication. No comments were received by the Department.

#### *Purpose of these Chapters*

The purpose of Chapter 71 is to provide rules regarding the course of instruction and physical examination for school bus drivers as required by 75 Pa.C.S. § 1509 (relating to qualifications for school bus driver endorsement).

The purpose of Chapter 75 is to provide standards and procedures for the issuance, renewal and replacement of photographic driver's licenses under 75 Pa.C.S. § 1510(a) (relating to issuance and content of driver's license).

The purpose of Chapter 83 is to provide rules regarding the physical and mental criteria used by physicians in conducting physical examinations of applicants for learner's permits and driver's licenses and by physicians and other persons authorized to diagnose and treat disorders and disabilities delineated in this chapter in determining whether a person examined by the provider should be reported to the Department as having a disorder affecting the ability of the person to drive safely.

#### *Purpose of these Amendments*

The purpose of these amendments is to amend Chapters 71, 75 and 83, consistent with 75 Pa.C.S. § 1508.1 (relating to physical examinations), to permit physician assistants and certified registered nurse practitioners to conduct the physical examinations required for the issuance of a driver's license and a school bus driver endorsement. Under 75 Pa.C.S. § 1508(a) (relating to examination of applicant for driver's license), every applicant for a driver's license shall be examined for the type or class of vehicle that the applicant desires to operate. The examination includes a physical examination, a screening test of the applicant's eye sight and a test of the applicant's ability to read and understand official traffic-control devices, knowledge of safe driving practices and the traffic laws of the Commonwealth. Further, the applicant must provide an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class for which the applicant desires to drive.

Historically, in this Commonwealth, licensed physicians conducted the physical examinations of applicants for a driver's license and the school bus endorsement. However, health care systems have evolved and with the cost reducing methods of managed care, schools now have certified registered nurse practitioners rather than physi-

cians and many doctors' offices now maintain only one physician and several physician assistants.

A certified registered nurse practitioner is a registered nurse licensed in this Commonwealth by both the State Board of Nursing and the State Board of Medicine. Further, certified registered nurse practitioners are licensed in a particular clinical specialty area and perform acts of medical diagnosis or prescription of medical, therapeutic or corrective measures in collaboration with, and under the direction of, a physician licensed to practice medicine.

A physician assistant is a person certified by the State Board of Medicine to assist a physician or group of physicians in the provision of medical care and services and under the supervision and direction of the physician or group of physicians.

Certified registered nurse practitioners and physician assistants have been performing physical examinations for several years, and under the authority contained in 49 CFR 390.5 and 391.43(a)(1) (relating to definitions and medical examinations; certificate of physical examination), may perform the commercial driver physical examinations.

#### *Additional Modifications to the Proposed Rulemaking*

The final text of these amendments contain no additions, deletions or other modifications as proposed at 27 Pa.B. 4439, and these amendments are published as final rulemaking.

#### *Persons and Entities Affected*

These amendments affect physicians, certified registered nurse practitioners and physician assistants who give the physical examination to applicants as prescribed in these chapters. Persons applying for their learner's permit or school bus endorsement are also affected.

#### *Fiscal Impact*

These amendments will not impose any increased costs on private persons, State or local governments. These amendments will not occasion the development of any additional reports or other paperwork requirements.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. §§ 745.5(a)), on August 20, 1997, the Department submitted a copy of the notice of proposed rulemaking, published at 27 Pa.B. 4439 to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Transportation Committees.

These final-form regulations were deemed approved by the Committees on December 8, 1997, and were deemed approved by IRRC on December 11, 1997, in accordance with section 5(c) of the Regulatory Review Act.

#### *Sunset Date*

The Department is not establishing a sunset date for these amendments, since these amendments are needed to administer provisions required under 75 Pa.C.S. (relating to the Vehicle Code). The Department will, however, continue to closely monitor these amendments for their effectiveness.

#### *Contact Person*

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*Authority*

These amendments are adopted under the authority contained in 75 Pa.C.S. §§ 1508, 1508.1, 1509 and 6103.

*Findings*

The Department finds that:

(1) Public notice of intention to amend the administrative regulations amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendment of the regulations of the Department in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

*Order*

The Department, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 67 Pa. Code Chapters 71, 75 and 83, are amended by amending

§§ 71.2, 71.3, 75.2, 75.6, 83.1 and 83.2 to read as set forth at 27 Pa.B. 4439.

(b) The Secretary of the Department shall submit this order and 27 Pa.B. 4439 to the Office of Attorney General and the Office of General Counsel for approval as to legality, as required by law.

(c) The Secretary of the Department shall certify this order and 27 Pa.B. 4439 and deposit them with the Legislative Reference Bureau, as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

BRADLEY L. MALLORY,  
*Secretary*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 6878 (December 27, 1997).)

**Fiscal Note:** Fiscal Note 18-342 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 98-122. Filed for public inspection January 23, 1998, 9:00 a.m.]