

AMENDMENTS TO SENATE BILL NO. 553

Sponsor: SENATOR RAFFERTY

Printer's No. 590

1 Amend Bill, page 1, lines 1 through 6, by striking out all of
2 said lines and inserting

3 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
4 Statutes, in licensing of drivers, further providing for
5 surrender of license, for period of disqualification,
6 revocation or suspension of operating privilege, for driving
7 while operating privilege is suspended or revoked, for
8 chemical testing to determine amount of alcohol or controlled
9 substance and for probationary license; in driving after
10 imbibing alcohol or utilizing drugs, further providing for
11 penalties, for ignition interlock and for illegally operating
12 a motor vehicle not equipped with ignition interlock; and, in
13 penalties and dispositions of fines, further providing for
14 habitual offenders.

15 Amend Bill, page 1, lines 9 through 12, by striking out all
16 of said lines and inserting

17 Section 1. Sections 1540 and 1541(a) and (e) of Title 75 of
18 the Pennsylvania Consolidated Statutes are amended to read:
19 § 1540. Surrender of license.

20 (a) [Conviction of offense.--Upon a conviction by a court of
21 competent jurisdiction for any offense which calls for mandatory
22 suspension in accordance with section 1532 (relating to
23 suspension of operating privilege), the court or the district
24 attorney shall require the surrender of any driver's license
25 then held by the defendant and shall forward the driver's
26 license together with a record of the conviction to the
27 department. The suspension shall be effective upon a date
28 determined by the court or district attorney or upon the date of
29 surrender of the license to the court or district attorney,
30 whichever shall first occur.]

31 (b) Suspension, revocation or disqualification of operating
32 privilege.--

33 (1) Upon the suspension or revocation of the operating
34 privilege or the disqualification of the commercial operating
35 privilege of any person by the department, the department
36 shall forthwith notify the person in writing at the address

1 of record to surrender his driver's license to the department
2 for the term of suspension, revocation or disqualification.
3 Licenses that are surrendered to the department may be
4 destroyed. Upon the restoration of the operating privilege,
5 the licensee may apply for a replacement license.

6 (2) The department shall include with the written notice
7 of suspension, revocation or disqualification a form for
8 acknowledging the suspension, revocation or disqualification,
9 which form shall be filed with the department if the person
10 has no license to surrender.

11 (3) The suspension, revocation or disqualification shall
12 be effective upon [the earlier of:

13 (i)] a date determined by the department[; or

14 (ii) the date of filing or mailing of the license or
15 acknowledgment to the department, if that date is
16 subsequent to the department's notice to surrender the
17 license.

18 (4) Upon surrender of the license or acknowledgment, the
19 department shall issue a receipt showing the date that it
20 received the license or acknowledgment].

21 (c) Seizure of revoked, suspended, canceled or disqualified
22 licenses.--

23 [(1) The department may delegate authority to the
24 following persons to seize the driver's license of any person
25 whose driver's license has been ordered to be surrendered by
26 a court or district attorney or by the department:

27 (i) A designated Commonwealth employee.

28 (ii) Members of the Pennsylvania State Police.

29 (iii) Local police officers.

30 (iv) Sheriffs or deputy sheriffs.

31 (v) Constables or deputy constables.

32 (2) The department shall, by regulation, prescribe the
33 manner of selecting those persons who are delegated authority
34 under this subsection to seize the drivers' licenses.]

35 Any police officer or designated employee of the Commonwealth
36 shall be authorized to confiscate any license that has been
37 revoked, suspended, canceled or disqualified. The confiscated
38 license shall be returned to the department, unless it is
39 necessary to keep the license as evidence of an offense.

40 § 1541. Period of disqualification, revocation or suspension of
41 operating privilege.

42 (a) Commencement of period.--The period of disqualification,
43 revocation or suspension of the operating privilege or the
44 disqualification of the commercial operating privilege shall
45 commence as provided for in section 1540 (relating to surrender
46 of license)[. No credit toward the revocation, suspension or
47 disqualification shall be earned until the driver's license is
48 surrendered to the department, a court or a district attorney,
49 as the case may be. A nonresident licensed driver or an
50 unlicensed individual, including a driver whose license has
51 expired, shall submit an acknowledgment of suspension or

1 revocation to the department in lieu of a driver's license],
2 except for the suspension of the operating privilege of an
3 unlicensed individual under 16 years of age, in which case the
4 suspension shall commence automatically upon the individual's
5 16th birthday for the specified period [if an acknowledgment is
6 received any time prior to the individual's 16th birthday. If a
7 licensed driver is not in possession of his driver's license, no
8 credit toward the disqualification, revocation or suspension
9 shall be earned until a sworn affidavit or a form prescribed by
10 the department is surrendered to the department swearing that
11 the driver is not in possession of his driver's license. Such
12 credit shall be rescinded if it is later determined that the
13 driver was untruthful in the affidavit. Credit shall also be
14 revoked if a person surrenders a duplicate license and it is
15 later determined that the person was still in possession of an
16 earlier issued, unexpired license]. The department may, upon
17 request of the person whose license is suspended or
18 disqualified, delay the commencement of the period of suspension
19 or disqualification for a period not exceeding six months
20 whenever the department determines that failure to grant the
21 extension will result in hardship to the person whose license
22 has been suspended or disqualified.

23 * * *

24 (e) [Request for hearing.--A person whose operating
25 privilege has been suspended or revoked may request at any time
26 during the suspension or revocation, and the department shall
27 provide, a hearing if the person believes that credit toward the
28 person's suspension or revocation has not been given by the
29 department under section 1540. The department shall issue its
30 final ruling within 60 days following the hearing or the
31 submission of any posthearing filings.] (Reserved).

32 Section 2. Sections 1543(a) and (c) and 1547(a), (b) and
33 (b.1) of Title 75 are amended and the sections are amended by
34 adding subsections to read:

35 § 1543. Driving while operating privilege is suspended or
36 revoked.

37 (a) Offense defined.--Except as provided in subsection (b),
38 any person who drives a motor vehicle on any highway or
39 trafficway of this Commonwealth after the commencement of a
40 suspension, revocation or cancellation of the operating
41 privilege and before the operating privilege has been restored
42 is guilty of a summary offense and shall, upon conviction or
43 adjudication of delinquency, be sentenced to pay a fine of \$200.

44 * * *

45 (c) Suspension or revocation of operating privilege.--Upon
46 receiving a certified record of the conviction or adjudication
47 of delinquency of any person under this section, the department
48 shall suspend or revoke that person's operating privilege as
49 follows:

50 (1) If the department's records show that the person was
51 under suspension, recall or cancellation on the date of

1 violation, and had not been restored, the department shall
2 suspend the person's operating privilege for an additional
3 one-year period.

4 (2) If the department's records show that the person was
5 under revocation on the date of violation, and had not been
6 restored, the department shall revoke the person's operating
7 privilege for an additional two-year period.

8 * * *

9 (e) Prohibition.--A person charged with an offense under
10 this section may not claim a defense that the person did not
11 know of the suspension, cancellation or revocation.

12 Amend Bill, page 4, line 8, by inserting a bracket before
13 "or"

14 Amend Bill, page 4, line 10, by inserting a bracket after
15 "licenses)"

16 Amend Bill, page 5, line 5, by striking out all of said line
17 and inserting

18 Section 3. Sections 1554(b)(2), 3804(c), 3805(a.1) and (i),
19 3808(c)(2) and 6503.1 of Title 75 are amended to read:
20 § 1554. Probationary license.

21 * * *

22 (b) Petition.--

23 * * *

24 (2) Before being eligible to petition for a probationary
25 license, a person must have served [and earned credit toward
26 serving] the following terms of suspension or revocation for
27 offenses enumerated in sections 1532 (relating to revocation
28 or suspension of operating privilege), 1539 (relating to
29 suspension of operating privilege on accumulation of points)
30 and 1543 (relating to driving while operating privilege is
31 suspended or revoked):

32 (i) A person with one to seven offenses must have
33 [earned credit for] served at least a three-year term of
34 suspension or revocation.

35 (ii) A person with 8 to 14 offenses must have
36 [earned credit for] served at least a four-year term of
37 suspension or revocation.

38 (iii) A person with 15 to 21 offenses must have
39 [earned credit for] served at least a five-year term of
40 suspension or revocation.

41 (iv) A person with 22 or more offenses must have
42 [earned credit for] served at least a six-year term of
43 suspension or revocation.

44 * * *

1 Amend Bill, page 6, lines 7 and 8, by striking out all of
2 said lines

3 Amend Bill, page 6, by inserting between lines 19 and 20

4 (i) Offenses committed during a period for which an ignition
5 interlock restricted license has been issued.--Except as
6 provided in sections 1547(b.1) and 3808(c) (relating to
7 illegally operating a motor vehicle not equipped with ignition
8 interlock), any driver who has been issued an ignition interlock
9 restricted license and as to whom the department receives a
10 certified record of a conviction of an offense for which the
11 penalty is a cancellation, disqualification, recall, suspension
12 or revocation of operating privileges shall have the ignition
13 interlock restricted license recalled, and the driver shall
14 surrender the ignition interlock restricted license to the
15 department [or its agents designated under the authority of
16 section 1540 (relating to surrender of license)]. Following the
17 completion of the cancellation, disqualification, recall,
18 suspension or revocation which resulted in the recall of the
19 ignition interlock restricted license, the department shall
20 require that the person complete the balance of the ignition
21 interlock restricted license period previously imposed prior to
22 the issuance of a replacement license under section 1951(d) that
23 does not contain an ignition interlock restriction.
24 § 3808. Illegally operating a motor vehicle not equipped with
25 ignition interlock.

26 * * *

27 (c) Suspension of operating privilege.--Notwithstanding
28 section 3805(c) and (i):

29 * * *

30 (2) Upon receipt of a certified record of a second
31 conviction of a violation of this section committed by a
32 person who is required to only drive, operate or be in actual
33 physical control of the movement of a motor vehicle equipped
34 with an ignition interlock system which occurred during the
35 same ignition interlock restricted license period, the
36 department shall suspend the person's operating privileges
37 for a period of one year and recall the ignition interlock
38 restricted license, and the person shall surrender the
39 ignition interlock restricted license to the department [or
40 its agents designated under the authority of section 1540
41 (relating to surrender of license)]. Following completion of
42 the suspension period, the department shall require that the
43 person comply with the requirements of section 3805 prior to
44 being eligible to receive a replacement license under section
45 1951(d) that does not contain an ignition interlock
46 restriction.

47 * * *

1 § 6503.1. Habitual offenders.

2 A habitual offender under section 1542 (relating to
3 revocation of habitual offender's license) who drives a motor
4 vehicle on any highway or trafficway of this Commonwealth while
5 the habitual offender's operating privilege is suspended,
6 revoked or canceled commits a misdemeanor of the second degree.
7 A person charged under this section may not claim a defense that
8 the person did not know of the suspension, revocation or
9 cancellation.

10 Amend Bill, page 6, line 20, by striking out "2" and
11 inserting

12 4

13 Amend Bill, page 6, line 20, by striking out "immediately"
14 and inserting
15 in 15 months