

## AMENDMENTS TO SENATE BILL NO. 773

Sponsor: REPRESENTATIVE WHEATLEY

Printer's No. 1771

1 Amend Bill, page 1, line 15, by inserting after "REVOKED"  
2 and providing for Relief from Administrative Suspension Program

3 Amend Bill, page 11, by inserting between lines 16 and 17

4 Section 2.1. Chapter 15 of Title 75 is amended by adding a  
5 subchapter to read:

6 SUBCHAPTER E

7 RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM

8 Sec.

9 1591. Definitions.

10 1592. Relief from Administrative Suspension Program.

11 1593. Program requirements.

12 1594. Use of revenue.

13 1595. Proceedings relating to violations barred.

14 § 1591. Definitions.

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

18 "Court." The issuing authority or court of competent  
19 jurisdiction which notified the department of an individual's  
20 failure to respond that resulted in the indefinite suspension of  
21 that individual's operating privilege under section 1533  
22 (relating to suspension of operating privilege for failure to  
23 respond to citation).

24 "Program." The Relief from Administrative Suspension Program  
25 established under section 1592 (relating to Relief from  
26 Administrative Suspension Program).

27 § 1592. Relief from Administrative Suspension Program.

28 (a) Establishment.--The department, in consultation with the  
29 Administrative Office of Pennsylvania Courts, shall establish  
30 the Relief from Administrative Suspension Program that shall  
31 begin on the effective date of this section and end 12 months  
32 after the effective date of this section.

33 (b) Purposes.--The program shall permit the department to  
34 restore the operating privileges of eligible individuals from  
35 suspensions imposed under sections 1533(a), (b) or (d) (relating  
36 to suspension of operating privilege for failure to respond to  
37 citation), 1543(a) (relating to driving while operating

1 privilege is suspended or revoked) and 1544(a) (relating to  
2 additional period of revocation or suspension).

3 (c) Duties.--The department, in consultation with the  
4 Administrative Office of Pennsylvania Courts, shall:

5 (1) Review the applications filed for relief under the  
6 program and make a determination as to the applicant's  
7 eligibility for relief within 30 days of receipt of the  
8 application and all other required items.

9 (2) Determine if an applicant has satisfied all court-  
10 ordered obligations which resulted in a suspension of the  
11 applicant's operating privilege under section 1533(a), (b) or  
12 (d).

13 (3) Determine if an applicant was convicted of one or  
14 more violations under section 1543(a) that occurred only as  
15 the result of a suspension imposed under the authority of  
16 section 1533 or 6146 (relating to enforcement agreements) and  
17 is currently serving or will serve an operating privilege  
18 suspension for a section 1543(a) conviction.

19 (4) Determine whether the granting of relief under the  
20 program would result in immediate restoration of the  
21 applicant's operating privilege.

22 (5) Prioritize the processing of applications for which  
23 the granting of relief will result in an immediate  
24 restoration of the applicant's operating privilege.

25 (6) Update eligible applicants' driver's records and  
26 restore the operating privilege of applicants as permitted  
27 under this title.

28 (d) Eligibility.--The program shall be available to an  
29 individual who meets the following criteria:

30 (1) The individual's operating privilege has been  
31 indefinitely suspended under section 1533(a), (b) or (d)  
32 prior to the effective date of this subsection.

33 (2) The department's records show that the individual's  
34 operating privilege will be or is suspended for a conviction  
35 under section 1543(a) only as a result of a suspension  
36 imposed under the authority of section 1533 or 6146 prior to  
37 the effective date of this section.

38 (3) The individual has served any operating privilege  
39 suspension required by the underlying offense which resulted  
40 in violation of section 1533(a), (b) or (d).

41 (4) The individual has submitted a completed application  
42 for relief to the department on a form prescribed by the  
43 department. The following items must also be submitted with  
44 the application:

45 (i) the restoration fee; and

46 (ii) proof of financial responsibility; or

47 (iii) in the case of an individual who does not own  
48 a motor vehicle currently registered in this

49 Commonwealth, a signed statement certifying that the  
50 individual does not own a motor vehicle currently  
51 registered in this Commonwealth.

1 (e) Prohibitions.--An individual shall be prohibited from  
2 receiving relief under the program for convictions of violations  
3 committed after the effective date of this subsection.

4 (f) Reinstatement.--The department shall amend eligible  
5 individuals' driver's records to show they satisfied all court-  
6 ordered obligations which resulted in a suspension of the  
7 individual's operating privilege under section 1533. The  
8 department shall amend eligible individuals' driver's records to  
9 show that suspensions imposed for relevant convictions under  
10 section 1543(a) will end or will not be imposed. Any add-on  
11 suspensions imposed under section 1544(a) for violations that  
12 occurred at the same time as a relevant violation of section  
13 1543(a) shall be rescinded from eligible individuals' driver's  
14 records. The department shall not be required to reinstate the  
15 operating privilege of an individual under this subchapter if  
16 the department is authorized under this title to suspend the  
17 operating privilege of the individual for other violations of  
18 this title. Upon restoration from suspension under this program,  
19 eligible individuals' driver's records shall show five points.

20 (g) Compliance.--The department may not be required to  
21 restore the operating privilege of an individual under this  
22 subchapter until the individual has complied with section 1593  
23 (relating to program requirements).  
24 § 1593. Program requirements.

25 (a) Form.--An individual who seeks to participate in the  
26 program shall respond to the court pursuant to the instructions  
27 in a restoration requirements letter which shall be provided by  
28 the department.

29 (b) Satisfaction of payments owed.--The individual is  
30 required to pay 100% of the original penalty and any other  
31 court-ordered obligations imposed under the applicable laws of  
32 this Commonwealth.

33 (c) Requirements.--In addition to the requirements under  
34 section 1960 (relating to reinstatement of operating privilege  
35 or vehicle registration), an individual applying for the program  
36 shall perform one of the following:

37 (1) Pay all court-ordered obligations immediately or in  
38 a single remittance.

39 (2) If an individual is unable to pay all obligations  
40 under subparagraph (i), the individual shall either:

41 (i) pay in installments all court-ordered  
42 obligations after a hearing conducted by the issuing  
43 authority to determine the individual's ability to pay  
44 and the issuance of an order providing for installment  
45 payments; or

46 (ii) notwithstanding 42 Pa.C.S. § 1520(a) (relating  
47 to adjudication alternative program), complete a court-  
48 ordered public service or other adjudication alternative  
49 program under 42 Pa.C.S. § 1520(b).

50 (d) Proof of financial responsibility.--Notwithstanding  
51 section 1783 (relating to proof of financial responsibility

1 before restoring operating privilege or registration), before  
2 restoring an operating privilege, the department shall require  
3 an individual participating in the program to provide the  
4 department with:

5 (1) proof of financial responsibility; or

6 (2) in the case of an individual who does not own a  
7 motor vehicle currently registered in this Commonwealth, a  
8 signed statement certifying that the individual does not own  
9 a motor vehicle currently registered in this Commonwealth.

10 (e) Certification.--The court shall certify to the  
11 department that an individual is eligible for relief under the  
12 program because:

13 (1) an individual has satisfied the amounts owed to the  
14 court; or

15 (2) an individual has completed or satisfied all court-  
16 ordered public service requirements or other alternative  
17 adjudication programs.

18 § 1594. Use of revenue.

19 All revenue received by the court under the program shall be  
20 distributed in accordance with law.

21 § 1595. Proceedings relating to violations barred.

22 Participation in the program is conditioned upon the  
23 individual's agreement not to protest or pursue an  
24 administrative or judicial proceeding against the department for  
25 the sanctions it imposed on the individual's operating privilege  
26 under section 1533 (relating to suspension of operating  
27 privilege for failure to respond to citation), 1543 (relating to  
28 driving while operating privilege is suspended or revoked), 1544  
29 (relating to additional period of revocation or suspension) or  
30 6146 (relating to enforcement agreements) as addressed by the  
31 program.

32 Amend Bill, page 21, line 24, by striking out "IN 120 DAYS."  
33 and inserting

34 as follows:

35 (1) This section shall take effect immediately.

36 (2) The addition of Subchapter E of Chapter 15 of Title  
37 75 shall take effect in 10 months.

38 (3) The remainder of this act shall take effect in 120  
39 days.