

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 902

Session of  
1985

INTRODUCED BY RYBAK, MAIALE, HOWLETT, TRUMAN, KASUNIC,  
AFFLERBACH, CARN, PRATT, D. W. SNYDER, GRUPPO, NAHILL, REBER,  
E. Z. TAYLOR, CIMINI, GODSHALL, WOGAN, HERMAN, FATTAH,  
STEIGHNER, STABACK, MORRIS, GANNON, BATTISTO, MERRY, GEIST,  
PERZEL, DALEY, McHALE, LINTON, ACOSTA, WIGGINS, TIGUE,  
BELARDI, JOSEPHS AND BOYES, APRIL 15, 1985

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 18, 1985

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, PROVIDING FOR PREPARATION AND EXAMINATION OF <—  
3 APPLICANTS FOR DRIVERS' LICENSES REGARDING THE EFFECTS OF  
4 ALCOHOL AND DRUG USE ON HIGHWAY SAFETY; AND further providing  
5 for points and approved driver improvement schools.

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

8 ~~Section 1. Section 1538 of Title 75 of the Pennsylvania~~ <—  
9 ~~Consolidated Statutes is amended to read:~~

10 SECTION 1. SECTION 1508 OF TITLE 75 OF THE PENNSYLVANIA <—  
11 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:  
12 § 1508. EXAMINATION OF APPLICANT FOR DRIVER'S LICENSE.

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14 (C) ALCOHOL AND DRUG USE INFORMATION.--THE TRAFFIC LAWS  
15 EXAMINATION SHALL CONTAIN AT LEAST ONE QUESTION RELATING TO THE  
16 DRIVER'S ABILITY TO UNDERSTAND THE EFFECTS OF ALCOHOL AND DRUG  
17 USE ON HIGHWAY SAFETY. THE DRIVER'S MANUAL SHALL INCLUDE A

1 SECTION RELATING TO THE EFFECTS OF ALCOHOL AND DRUG USE ON  
2 HIGHWAY SAFETY, ALONG WITH THE RELATED PENALTIES. A CHART WHICH  
3 DEMONSTRATES THE LEVELS OF ALCOHOL IN A PERSON'S BLOODSTREAM  
4 LEGALLY SUFFICIENT TO CONSTITUTE INTOXICATION SHALL BE INCLUDED  
5 IN THIS SECTION OF THE DRIVER'S MANUAL.

6 SECTION 2. SECTION 1538 OF TITLE 75 IS AMENDED TO READ:

7 § 1538. School, examination or hearing on accumulation of  
8 points or excessive speeding.

9 (a) Initial accumulation of six points.--When any person's  
10 record for the first time shows as many as six points, the  
11 department shall require the person to attend an approved driver  
12 improvement school or undergo a special examination and shall so  
13 notify the person in writing. Upon satisfactory attendance and  
14 completion of the course, three points shall be removed from the  
15 person's record or, upon passing the special examination, two  
16 points shall be removed from the person's record. Failure to  
17 attend and satisfactorily complete the requirements of driver  
18 improvement school shall result in the suspension of such  
19 person's operating privilege for 60 days. Failure to pass the  
20 examination shall result in the suspension of the operating  
21 privilege until the examination has been satisfactorily  
22 completed.

23 (b) Second accumulation of six points.--

24 (1) When any person's record has been reduced below six  
25 points and for the second time shows as many as six points,  
26 the department shall require the person to attend a  
27 departmental hearing. The hearing examiner may recommend one  
28 or more of the following:

29 (i) That the person be required to attend a driver  
30 improvement school.

1           (ii) That the person undergo an examination as  
2           provided for in section 1508 (relating to examination of  
3           applicant for driver's license).

4           (iii) That the person's driver's license be  
5           suspended for a period not exceeding 15 days.

6           (2) The department may effect or modify the  
7           recommendations of the hearing examiner but may not impose  
8           any sanction not recommended by the hearing examiner.

9           (3) Upon completion of the sanction or sanctions imposed  
10          by the department, two points shall be removed from the  
11          person's record unless the sanction imposed requires the  
12          attendance at and completion of a course at an approved  
13          driver improvement school in which case three points shall be  
14          removed from the person's record.

15          (4) Failure to attend the hearing or to attend and  
16          satisfactorily complete the requirements of a driver  
17          improvement school shall result in the suspension of such  
18          person's operating privilege for 60 days. Failure to pass an  
19          examination shall result in the suspension of such person's  
20          operating privilege until the examination has been  
21          satisfactorily completed.

22          (c) Subsequent accumulations of six points.--When any  
23          person's record has been reduced below six points and for the  
24          third or subsequent time shows as many as six points, the  
25          department shall require the driver to attend a departmental  
26          hearing to determine whether the person's operating privilege  
27          should be suspended for a period not to exceed 30 days. Failure  
28          to attend the hearing or to comply with the requirements of the  
29          findings of the department shall result in the suspension of the  
30          operating privilege until the person has complied.

(d) Conviction for excessive speeding.--

(1) When any person is convicted of driving 31 miles per hour or more in excess of the speed limit, the department shall require the person to attend a departmental hearing. The hearing examiner may recommend one or more of the following:

(i) That the person be required to attend a driver improvement school.

(ii) That the person undergo an examination as provided for in section 1508.

(iii) That the person have his driver's license suspended for a period not exceeding 15 days.

(2) The department shall effect at least one of the sanctions but may not increase any suspension beyond 15 days.

(3) Failure to attend the hearing or to attend and satisfactorily complete the requirements of a driver improvement school shall result in the suspension of such person's operating privilege for 60 days. Failure to pass an examination shall result in the suspension of such person's operating privilege until the examination has been satisfactorily completed.

(e) Approved driver training schools.--The approved driver training schools shall be administered by chartered and accredited chapters of the National Safety Council or accredited Pennsylvania AAA Motor Clubs and shall be offered in each of the counties and be available to all residents of this Commonwealth. The classroom and field courses offered by the schools shall be approved by the department. A fee, the maximum of which is to be established by the department, shall be charged each person attending the course. Ten percent of the fee shall be returned

1 to the department to be used exclusively for safety programs.

2 Section ~~2~~ 3. This act shall take effect in 60 days.

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