

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1958 Session of 2021

INTRODUCED BY HENNESSEY, WARREN, WHEELAND, JOZWIAK, CIRESI, FREEMAN, SCHLOSSBERG, HILL-EVANS, GILLEN AND GUZMAN, OCTOBER 6, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 24, 2022

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in general provisions, further providing for
3 definitions; and, in licensing of drivers, further providing
4 for school, examination or hearing on accumulation of points
5 or excessive speeding, for driving while operating privilege
6 is suspended or revoked and for establishment of schools.

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

9 Section 1. Section 102 of Title 75 of the Pennsylvania
10 Consolidated Statutes is amended by adding a definition to read:
11 § 102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this title which are applicable to specific
14 provisions of this title, the following words and phrases when
15 used in this title shall have, unless the context clearly
16 indicates otherwise, the meanings given to them in this section:

17 \* \* \*

18 "Driver improvement school." A program for educating drivers
19 through a department-developed or approved curriculum that may

1 be presented either by the department or by a third party  
2 approved by the department under section 1549 (relating to  
3 establishment of schools).

4 \* \* \*

5 Section 2. Sections 1538 and 1543(c) of Title 75 are amended  
6 to read:

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

9 (a) Initial accumulation of six points.--

10 (1) When any person's record for the first time shows

11 [as many as six points] AN ACCUMULATION OF SIX OR MORE <--

12 POINTS, the department shall require the person to attend [an

13 approved] a driver improvement school or undergo a special

14 examination and shall so notify the person in writing. The

15 person may elect to attend a driver improvement school or

16 undergo a special examination but shall not be permitted to

17 both attend the school and undergo a special examination.

18 (2) Upon satisfactory attendance and completion of the

19 driver improvement school course or upon passing the special

20 examination[,]:

21 (i) two points shall be removed from the person's

22 record[.], if the person elected to take the special

23 examination; or

24 (ii) four points shall be removed from the person's

25 record, if the person elected to attend a driver

26 improvement school and completed the school's

27 requirements.

28 (3) Failure to attend and satisfactorily complete the

29 requirements of a driver improvement school or pass the

30 special examination shall result in the suspension of such

1 person's operating privilege [for 60 days. Failure to pass  
2 the examination shall result in the suspension of the  
3 operating privilege until] until:

4 (i) the person attends and satisfactorily completes  
5 the requirements of a driver improvement school; or

6 (ii) the examination has been satisfactorily  
7 completed.

8 (b) Second and subsequent accumulation of six points.--

9 (1) When any person's record has been reduced below six  
10 points and for the second or subsequent time shows [as many <--  
11 as six points] AN ACCUMULATION OF SIX OR MORE POINTS, the <--  
12 department shall require the person to attend a departmental  
13 hearing[. The hearing examiner may recommend one or more of  
14 the following:

15 (i) That the person be required to attend a driver  
16 improvement school.] and a driver improvement school and  
17 shall notify the person in writing. In addition, a  
18 hearing examiner may recommend one or more of the  
19 following:

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

23 (iii) That the person's driver's license be  
24 suspended for [a]:

25 (A) a period not exceeding 15 days[.], if the  
26 person's record for a second time shows as many as <--  
27 six points AN ACCUMULATION OF SIX OR MORE POINTS; or <--

28 (B) a period not exceeding 30 days, if the  
29 person's record for a third or subsequent time shows  
30 as many as six points AN ACCUMULATION OF SIX OR MORE <--

1           POINTS.

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

5           (3) Upon completion of the sanction or sanctions imposed  
6           by the department, two points shall be removed from the  
7           person's record.

8           (4) Failure to attend the hearing or [to attend and  
9           satisfactorily complete the requirements of a driver  
10          improvement school shall result in the suspension of such  
11          person's operating privilege for 60 days. Failure to pass an  
12          examination] comply with the requirements of this subsection  
13          shall result in the suspension of [such] the person's  
14          operating privilege until [the examination has been] the  
15          requirements of this subsection have been satisfactorily  
16          completed.

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

26          (d) Conviction for excessive speeding.--

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

1 following:

2 (i) That the person be required to attend a driver  
3 improvement school.] and attend a driver improvement  
4 school, and shall notify the person in writing. In  
5 addition, a hearing examiner may recommend one or more of  
6 the following:

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

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

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

13 (3) Failure to attend the hearing or [to attend and  
14 satisfactorily complete the requirements of a driver  
15 improvement school shall result in the suspension of such  
16 person's operating privilege for 60 days. Failure to pass an  
17 examination] comply with the requirements of this subsection  
18 shall result in the suspension of such person's operating  
19 privilege until [the examination has been] the requirements  
20 of this subsection have been satisfactorily completed.

21 (e) Additional suspension of operating privilege.--

22 (1) In addition to any other provisions of law relating  
23 to the suspension or revocation of operating privileges, a  
24 person's operating privileges shall be suspended under any of  
25 the following circumstances:

26 (i) Prior to reaching age 18, the person violates  
27 section 3362 (relating to maximum speed limits) by  
28 traveling 26 miles per hour or more over the posted speed  
29 limit and the violation results in a conviction, guilty  
30 plea or plea of no contest before or after the person

1 reaches age 18.

2 (ii) The person accumulates six or more points under  
3 the provisions of section 1535 (relating to schedule of  
4 convictions and points) and the violations resulting in  
5 points accumulation were committed before the person  
6 reached age 18.

7 (2) The first suspension under paragraph (1) shall be  
8 for a period of 90 days with every subsequent suspension  
9 under paragraph (1) to be for a period of 120 days.  
10 Suspensions under paragraph (1) shall be imposed  
11 consecutively to each other and to any other suspension. A  
12 suspension under paragraph (1) shall be considered a  
13 subsequent suspension even if it is imposed contemporaneously  
14 with a first suspension imposed under paragraph (1).

15 § 1543. Driving while operating privilege is suspended or  
16 revoked.

17 \* \* \*

18 (c) Suspension or revocation of operating privilege.--Upon  
19 receiving a certified record of the conviction or adjudication  
20 of delinquency of any person under this section, the department  
21 shall suspend or revoke [that] the person's operating privilege  
22 as follows:

23 (1) [If] Except as provided for under paragraph (1.1),  
24 if the department's records show that the person was under  
25 suspension, recall or cancellation on the date of violation,  
26 and had not been restored, the department shall suspend the  
27 person's operating privilege for an additional one-year  
28 period.

29 (1.1) If the department's records show that the person  
30 was under an indefinite suspension on the date of violation

1 for not satisfactorily completing a driver improvement school  
2 as required under section 1538 (relating to school,  
3 examination or hearing on accumulation of points or excessive  
4 speeding), and had not been restored, the department shall  
5 suspend the person's operating privilege for an additional  
6 30-day period.

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

11 \* \* \*

12 Section 3. Section 1549(a) of Title 75 is amended and the  
13 section is amended by adding a subsection to read:

14 § 1549. Establishment of schools.

15 (a) Driver improvement schools.--The department is  
16 authorized to establish and maintain driver improvement schools  
17 throughout this Commonwealth. The department may approve and  
18 conduct an annual review of the course material for the schools.  
19 The curriculum to be presented must be uniform throughout this  
20 Commonwealth, except as permitted under subsection (a.1)(3). All  
21 instructors shall be properly certified by the department after  
22 the completion of a course of instruction approved by the  
23 department.

24 (a.1) Third party authorized.--The department may authorize  
25 a third party to operate a driver improvement school, in  
26 addition to a driver improvement school operated by the  
27 department, for the purpose of fulfilling the requirements of  
28 subsection (a) and section 1538 (relating to school, examination  
29 or hearing on accumulation of points or excessive speeding) as  
30 follows:

1           (1) The third party may include, but need not be limited  
2 to:

3           (i) A nationally recognized nonprofit organization  
4 whose curriculum has demonstrated effective behavioral  
5 change in drivers.

6           (ii) A private driving school in this Commonwealth.

7           (2) The third party shall offer classroom instruction,  
8 online instruction or a combination of both.

9           (3) The department shall establish minimum curriculum  
10 requirement for the third party, but shall not require the  
11 third party to implement the same curriculum utilized by a  
12 driver improvement school operated by the department under  
13 subsection (a), provided that the curriculum of the third  
14 party meets the minimum curriculum requirements of the  
15 department.

16           (4) The department shall establish minimum instruction  
17 hours for person attending a driver improvement school  
18 operated by the third party, which shall be no less than four  
19 hours and no more than eight hours.

20           (5) A third party approved by the department under this  
21 subsection may be authorized to administer an end-of-course  
22 examination required under section 1538 as part of the driver  
23 improvement school, provided that the examination is the same  
24 examination administered by the department.

25           (6) A third party may only operate a driver improvement  
26 school if the third party has entered into an agreement with  
27 the department and the agreement is in effect.

28           (7) The department may, at its discretion, impose  
29 additional requirements for a third party.

30           \* \* \*

1 Section 4. This act shall take effect in 14 months.