

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 893

Session of
1981

INTRODUCED BY J. L. WRIGHT AND BURNS, MARCH 17, 1981

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 14, 1981

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for REMOVAL OF POINTS AND
3 SUSPENSION OF OPERATING PRIVILEGES BASED ON POINTS, FOR
4 reports by issuing authorities and courts and for the
5 inspection of certain records. <—

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

8 Section 1. Sections 1538, 1539, 1551, 6322(a), 6323 and 6327 <—
9 of Title 75, act of November 25, 1970 (P.L.707, No.230), known
10 as the Pennsylvania Consolidated Statutes, are amended to read:

11 § 1538. SCHOOL, EXAMINATION OR HEARING ON ACCUMULATION OF <—
12 POINTS OR EXCESSIVE SPEEDING.

13 (A) INITIAL ACCUMULATION OF SIX POINTS.--WHEN ANY PERSON'S
14 RECORD FOR THE FIRST TIME SHOWS AS MANY AS SIX POINTS, THE
15 DEPARTMENT SHALL REQUIRE THE PERSON TO ATTEND AN APPROVED DRIVER
16 IMPROVEMENT SCHOOL OR UNDERGO A SPECIAL EXAMINATION AND SHALL SO
17 NOTIFY THE PERSON IN WRITING. UPON SATISFACTORY ATTENDANCE AND
18 COMPLETION OF THE COURSE OR UPON PASSING THE SPECIAL

1 EXAMINATION, TWO POINTS SHALL BE REMOVED FROM THE PERSON'S
2 RECORD. FAILURE TO ATTEND AND SATISFACTORILY COMPLETE THE
3 REQUIREMENTS OF DRIVER IMPROVEMENT SCHOOL SHALL RESULT IN THE
4 SUSPENSION OF SUCH PERSON'S OPERATING PRIVILEGE FOR 60 DAYS.
5 FAILURE TO PASS THE EXAMINATION SHALL RESULT IN THE SUSPENSION
6 OF THE OPERATING PRIVILEGE UNTIL THE EXAMINATION HAS BEEN
7 SATISFACTORILY COMPLETED.

8 (B) SECOND ACCUMULATION OF SIX POINTS.--

9 (1) WHEN ANY PERSON'S RECORD HAS BEEN REDUCED BELOW SIX
10 POINTS AND FOR THE SECOND TIME SHOWS AS MANY AS SIX POINTS,
11 THE DEPARTMENT SHALL REQUIRE THE PERSON TO ATTEND A
12 DEPARTMENTAL HEARING. THE HEARING EXAMINER MAY RECOMMEND ONE
13 OR MORE OF THE FOLLOWING:

14 (I) THAT THE PERSON BE REQUIRED TO ATTEND A DRIVER
15 IMPROVEMENT SCHOOL.

16 (II) THAT THE PERSON UNDERGO AN EXAMINATION AS
17 PROVIDED FOR IN SECTION 1508 (RELATING TO EXAMINATION OF
18 APPLICANT FOR DRIVER'S LICENSE).

19 (III) THAT THE PERSON'S [DRIVER'S LICENSE] OPERATING
20 PRIVILEGE BE SUSPENDED FOR A PERIOD NOT EXCEEDING 15
21 DAYS.

22 (2) THE DEPARTMENT MAY EFFECT OR MODIFY THE
23 RECOMMENDATIONS OF THE HEARING EXAMINER BUT MAY NOT IMPOSE
24 ANY SANCTION NOT RECOMMENDED BY THE HEARING EXAMINER.

25 (3) UPON COMPLETION OF THE SANCTION OR SANCTIONS IMPOSED
26 BY THE DEPARTMENT, TWO POINTS SHALL BE REMOVED FROM THE
27 PERSON'S RECORD.

28 (4) FAILURE TO ATTEND THE HEARING OR TO ATTEND AND
29 SATISFACTORILY COMPLETE THE REQUIREMENTS OF A DRIVER
30 IMPROVEMENT SCHOOL SHALL RESULT IN THE SUSPENSION OF SUCH

1 PERSON'S OPERATING PRIVILEGE FOR 60 DAYS. FAILURE TO PASS AN
2 EXAMINATION SHALL RESULT IN THE SUSPENSION OF SUCH PERSON'S
3 OPERATING PRIVILEGE UNTIL THE EXAMINATION HAS BEEN
4 SATISFACTORILY COMPLETED.

5 (C) SUBSEQUENT ACCUMULATIONS OF SIX POINTS.--WHEN ANY
6 PERSON'S RECORD HAS BEEN REDUCED BELOW SIX POINTS AND FOR THE
7 THIRD OR SUBSEQUENT TIME SHOWS AS MANY AS SIX POINTS, THE
8 DEPARTMENT SHALL REQUIRE THE DRIVER TO ATTEND A DEPARTMENTAL
9 HEARING TO DETERMINE WHETHER THE PERSON'S OPERATING PRIVILEGE
10 SHOULD BE SUSPENDED FOR A PERIOD NOT TO EXCEED 30 DAYS. FAILURE
11 TO ATTEND THE HEARING OR TO COMPLY WITH THE REQUIREMENTS OF THE
12 FINDINGS OF THE DEPARTMENT SHALL RESULT IN THE SUSPENSION OF THE
13 OPERATING PRIVILEGE UNTIL THE PERSON HAS COMPLIED.

14 (D) CONVICTION FOR EXCESSIVE SPEEDING.--

15 (1) WHEN ANY PERSON IS CONVICTED OF DRIVING 31 MILES PER
16 HOUR OR MORE IN EXCESS OF THE SPEED LIMIT, THE DEPARTMENT
17 SHALL REQUIRE THE PERSON TO ATTEND A DEPARTMENTAL HEARING.
18 THE HEARING EXAMINER MAY RECOMMEND ONE OR MORE OF THE
19 FOLLOWING:

20 (I) THAT THE PERSON BE REQUIRED TO ATTEND A DRIVER
21 IMPROVEMENT SCHOOL.

22 (II) THAT THE PERSON UNDERGO AN EXAMINATION AS
23 PROVIDED FOR IN SECTION 1508.

24 (III) THAT THE PERSON HAVE HIS DRIVER'S LICENSE
25 SUSPENDED FOR A PERIOD NOT EXCEEDING 15 DAYS.

26 (2) THE DEPARTMENT SHALL EFFECT AT LEAST ONE OF THE
27 SANCTIONS BUT MAY NOT INCREASE ANY SUSPENSION BEYOND 15 DAYS.

28 (3) FAILURE TO ATTEND THE HEARING OR TO ATTEND AND
29 SATISFACTORILY COMPLETE THE REQUIREMENTS OF A DRIVER
30 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) APPLICATION.--THE PROVISIONS OF THIS SECTION RELATING TO
THE REMOVAL OF POINTS SHALL BE EXECUTED PRIOR TO THE ADDITION OF
ANY FURTHER POINTS TO THE DRIVER'S RECORD.

§ 1539. SUSPENSION OF OPERATING PRIVILEGE ON ACCUMULATION OF
POINTS.

(A) GENERAL RULE.--WHEN ANY PERSON'S RECORD SHOWS AN
ACCUMULATION OF 11 POINTS OR MORE, THE DEPARTMENT SHALL SUSPEND
THE OPERATING PRIVILEGE OF THE PERSON AS PROVIDED IN SUBSECTION
(B).

(B) DURATION OF SUSPENSION.--THE FIRST SUSPENSION SHALL BE
FOR A PERIOD OF 5 DAYS FOR EACH POINT, THE SECOND SUSPENSION
SHALL BE FOR A PERIOD OF 10 DAYS FOR EACH POINT, THE THIRD
SUSPENSION SHALL BE FOR A PERIOD OF 15 DAYS FOR EACH POINT AND
ANY SUBSEQUENT SUSPENSION SHALL BE FOR A PERIOD OF ONE YEAR.

(C) DETERMINATION OF SUBSEQUENT SUSPENSIONS.--EVERY
SUSPENSION UNDER THIS SECTION AND [REVOCATION] EVERY SUSPENSION
UNDER [ANY PROVISION OF THIS SUBCHAPTER] SECTION 1532 (RELATING
TO SUSPENSION OR REVOCATION OF OPERATING PRIVILEGE) WITHIN THREE
YEARS SHALL BE COUNTED IN DETERMINING WHETHER A SUSPENSION IS A
SECOND, THIRD OR SUBSEQUENT SUSPENSION. NO PERSON WHO RECEIVED A
FIRST SUSPENSION UNDER SECTION 1535 (RELATING TO SCHEDULE OF
CONVICTION AND POINTS) SHALL BE GIVEN A SECOND OR SUBSEQUENT
SUSPENSION PURSUANT TO SUBSECTION (B) UNLESS HIS RECORD SHOWS A
SECOND OR SUBSEQUENT ACCUMULATION OF 11 POINTS. ACCEPTANCE OF
ACCELERATIVE REHABILITATIVE DISPOSITION FOR AN OFFENSE
ENUMERATED IN SECTION 1532 (RELATING TO REVOCATION OR SUSPENSION

OF OPERATING PRIVILEGE) SHALL BE CONSIDERED A SUSPENSION IN
MAKING SUCH DETERMINATION. HOWEVER, WHEN ANY PERSON IS UNDER
SUSPENSION OR HAS BEEN NOTIFIED OF THE EXPECTED DATE OF
SUSPENSION UNDER THIS SECTION AND THE DEPARTMENT SUBSEQUENTLY
ASSIGNS ADDITIONAL POINTS FOR VIOLATIONS OCCURRING PRIOR TO THE
DATE OF SUSPENSION, SUCH ADDITIONAL POINTS SHALL NOT BE USED TO
JUSTIFY ADDITIONAL PERIODS OF SUSPENSION UNDER THIS SECTION.

(D) SECTION NOT EXCLUSIVE.--SUSPENSION UNDER THIS SECTION IS
IN ADDITION TO ANY SUSPENSION MANDATED UNDER SECTION 1535
[(RELATING TO SCHEDULE OF CONVICTIONS AND POINTS)].

§ 1551. NOTICE OF DEPARTMENT ACTION.

THE DEPARTMENT SHALL PROMPTLY NOTIFY EACH PERSON WHOSE
LICENSE OR PERMIT IS SUSPENDED AS A RESULT OF THE ACCUMULATION
OF POINTS. THE NOTIFICATION THAT THE LICENSE OR PERMIT IS
SUSPENDED SHALL BE MADE WITHIN SIX MONTHS FOLLOWING THE RECEIPT
OF NOTIFICATION OF THE CONVICTION OF A VIOLATION OF THIS TITLE
PURSUANT TO SECTION 6322 (RELATING TO REPORTS BY ISSUING
AUTHORITIES) OR 6323 (RELATING TO REPORTS BY COURTS) THAT
RESULTED IN THE ADDITION OF SUFFICIENT POINTS TO CAUSE THE
SUSPENSION. FAILURE OF THE DEPARTMENT TO GIVE PROMPT NOTICE OF
SUSPENSION AS REQUIRED BY THIS SECTION SHALL PROHIBIT THE
DEPARTMENT FROM SUSPENDING THE LICENSE OR PERMIT OF SUCH PERSON.

§ 6322. Reports by issuing authorities.

(a) General rule.--Subject to any inconsistent procedures
and standards relating to reports and transmission of funds
prescribed pursuant to Title 42 (relating to judiciary and
judicial procedure):

(1) Following the [fifteenth and last days] last day of
each month, every issuing authority shall prepare a
statement, upon forms prescribed and furnished by the

1 [department] Commonwealth, of all fines collected, bail
2 forfeited[,] and sentence imposed [and final disposition] for
3 all [cases on violations] convictions of any provisions of
4 this title decided by the issuing authority in the
5 [semimonthly] monthly reporting period just concluded[.]:

6 (i) Cases which have been appealed shall not be
7 included in the report.

8 (ii) Cases which are appealable shall not be
9 included in the report until the appeal period expires.

10 (iii) The statement shall be certified by the
11 issuing authority to be true and correct and shall be
12 forwarded in such number of copies as the Commonwealth
13 determines to the [department] Department of Revenue
14 within [the following week] 15 days, with a copy sent to
15 the police department which filed the charge.

16 (iv) Any fines and bail forfeited payable to the
17 Commonwealth under Subchapter E of Chapter 35 of Title 42
18 (relating to fines, etc.) and copies of the citations or
19 summonses shall accompany the report to the [department]
20 Department of Revenue which shall transmit the copies of
21 the citations or summonses and a copy of the report to
22 the department.

23 (V) BEFORE THE ISSUING AUTHORITY REPORTS ANY CASE OF <—
24 A FINE WHICH HAS NOT BEEN PAID, HE SHALL FIRST ATTEMPT TO
25 NOTIFY THE VIOLATOR BY REGISTERED MAIL AT THE VIOLATOR'S
26 COST AND, IF HE RECEIVES NO REPLY WITHIN 15 DAYS, HE
27 SHALL THEN REPORT THE CASE.

28 (2) The report shall include the identifying number of
29 the citation, the name and residence address of the party
30 charged, the driver's license number, the registration number

1 of the vehicle involved, a description of the offense, the
2 section and subsection of the statute or ordinance violated,
3 the date of hearing, the plea, the judgment or whether bail
4 was forfeited, [clear and concise reasons supporting the
5 adjudication,] the sentence or amount of forfeiture and such
6 other information as the department may require.

7 * * *

8 § 6323. Reports by courts.

9 Subject to any inconsistent procedures and standards relating
10 to reports and transmission of funds prescribed pursuant to
11 Title 42 (relating to judiciary and judicial procedure):

12 (1) [The] Within ten days following the last day of each
13 month, every clerk of [any] a court of this Commonwealth[,
14 within ten days after] shall send to the Department of
15 Revenue a record of all final [judgment] judgments of
16 conviction or acquittal or other disposition of charges under
17 any of the provisions of this title[, shall send to the
18 department a record of the judgment of conviction, acquittal
19 or other disposition.] for the monthly reporting period just
20 concluded. The form and number of copies of the record shall
21 be prescribed by the Commonwealth.

22 (2) A record of the judgment shall also be forwarded to
23 the [department] Department of Revenue upon conviction [or
24 acquittal] of a person of a misdemeanor or felony in the
25 commission of which the judge determines that a motor vehicle
26 was essentially involved.

27 (3) The fines and bail forfeited under any of the
28 provisions of this title payable to the Commonwealth under
29 Subchapter E of Chapter 35 of Title 42 (relating to fines,
30 etc.) shall accompany the record sent to the [department]

1 Department of Revenue which shall transmit a copy of the
2 record to the department.

3 § 6327. Inspection of records.

4 The records of the issuing authority, department and each
5 police department required under this subchapter shall be open
6 for inspection by any police officer or authorized employee of
7 the department, the [Department of Justice] Office of Attorney
8 General, the Department of Revenue, the Auditor General and the
9 [Court Administrator of the Supreme Court] Administrative Office
10 of Pennsylvania Courts.

11 Section 2. This act shall take effect in 60 days.