

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2096 Session of  
1984

INTRODUCED BY GLADECK, CESSAR, GODSHALL, PETERSON, WOGAN,  
AFFLERBACH, SAURMAN, CLYMER, SALVATORE, DeLUCA, BURD, CORNELL  
AND BUNT, APRIL 30, 1984

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 30, 1984

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, providing for provisional licenses and suspensions  
3 for alcohol use in certain cases.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 1504 of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subsection to read:

8 § 1504. Classes of licenses.

9 \* \* \*

10 (f) Provisional license.--

11 (1) The original license issued to a new applicant 20  
12 years of age or older shall be a provisional license for a  
13 period of one year following the date of issue and shall  
14 remain in force as a nonprovisional license to the next  
15 normal expiration date. If a person is convicted of or  
16 adjudicated to have committed a motor vehicle moving  
17 violation while in possession of a provisional license on the  
18 first offense, the license shall be suspended for 30 days. If

1 he is convicted of or adjudicated to have committed a second  
2 moving violation, the license shall be suspended for 60 days.  
3 If he is convicted of or adjudicated to have committed a  
4 third moving violation, the license shall be suspended to the  
5 second birthday next following the date of issue or for 90  
6 days, whichever is the longer period of time. In these cases,  
7 a hearing may be requested of the department and the  
8 department shall afford the provisional licensee the  
9 opportunity for a hearing as soon as practicable after  
10 receipt of the request. Upon the hearing, the department, for  
11 good cause shown, may continue, modify or rescind the  
12 suspension. This subsection shall not prevail when a person  
13 is convicted of or adjudicated to have committed an offense  
14 which carries a suspension or revocation period greater than  
15 that prescribed in this paragraph.

16 (2) The original license or any renewal license issued  
17 to an applicant under 20 years of age shall be a provisional  
18 license for a period of one year following the date of issue  
19 or until the licensee attains the age of 20 years of age,  
20 whichever occurs last. Upon the expiration of the  
21 provisionary term, the license shall remain in force as a  
22 nonprovisional license to the next normal expiration date. A  
23 license issued by any other jurisdiction to a person who has  
24 not yet attained the age of 20 years shall be construed to be  
25 a provisional license for the purpose of operating a motor  
26 vehicle in this Commonwealth.

27 (i) During the first year from the date of issue of  
28 the provisional license, if a person is convicted of or  
29 adjudicated to have committed a motor vehicle moving  
30 violation, on the first offense the license shall be

1 suspended for 30 days. If he is convicted of or  
2 adjudicated to have committed a second moving violation,  
3 the license shall be suspended for 60 days. If he is  
4 convicted of or adjudicated to have committed a third  
5 moving violation, the license shall be suspended to the  
6 second birthday next following the date of issue or for  
7 90 days, whichever is the longer period of time. In these  
8 cases, a hearing may be requested of the department and  
9 the department shall afford the provisional licensee the  
10 opportunity for a hearing as soon as practicable after  
11 receipt of the request. Upon the hearing, the department,  
12 for good cause shown, may continue, modify or rescind the  
13 suspension. This subparagraph shall not prevail when a  
14 person is convicted of or adjudicated to have committed  
15 an offense which carries a suspension or revocation  
16 period greater than that prescribed in this subparagraph.

17 (ii) The department shall suspend for a minimum  
18 period of one year, without preliminary hearing, the  
19 provisional license of a person under 20 years of age as  
20 to whom there is received the result of a test to  
21 determine his blood alcohol level which shows the  
22 presence of 0.02% or more by weight of alcohol in his  
23 blood.

24 (iii) A person not having attained the age of 20  
25 years who operates or attempts to operate a motor vehicle  
26 in this Commonwealth shall have the duty to submit to a  
27 test to determine his blood-alcohol level by analysis of  
28 his blood or breath, if there is probable cause to  
29 believe he has operated or attempted to operate a motor  
30 vehicle while having 0.02% or more by weight of alcohol

1 in his blood. In all cases, probable cause shall be to  
2 believe that the person was operating or attempting to  
3 operate a motor vehicle while having 0.02% or more by  
4 weight of alcohol in his blood and that the suspension  
5 for failing to comply with the duty to submit to the test  
6 shall be for a period of one year.

7 (iv) The department, upon receipt of both a written  
8 statement under oath from a law enforcement officer that  
9 the officer has probable cause to believe that the person  
10 was operating or attempting to operate a motor vehicle  
11 while having 0.02% or more by weight of alcohol in his  
12 blood and the result of a blood-alcohol test taken which  
13 shows the presence of 0.02% or more by weight of alcohol  
14 in his blood, shall immediately notify the person, in  
15 writing, that his provisional license has been suspended.  
16 The suspension shall be for a period of one year. The  
17 written statement shall be sent to the department within  
18 72 hours of receipt by the officer of the results of the  
19 test, excluding Saturdays, Sundays and holidays. If the  
20 statement is not sent within this time period, the  
21 department shall nevertheless impose the suspension upon  
22 receipt, unless the delay has prejudiced the person's  
23 ability to prepare for or participate in the hearing. If  
24 a person whose license is so suspended desires to have a  
25 hearing, he shall so notify the department in writing  
26 within ten days from the effective date of the  
27 suspension. The suspension shall remain in effect pending  
28 the hearing.

29 (v) The scope of the hearing shall cover whether  
30 there was probable cause to believe that the person was

1       operating or attempting to operate a motor vehicle while  
2       having 0.02% or more by weight of alcohol in his blood.  
3       If it is determined after the hearing that there was not  
4       probable cause to believe that the person was operating  
5       or attempting to operate a motor vehicle while having  
6       0.02% or more by weight of alcohol in his blood, the  
7       suspension shall be removed immediately and the  
8       department shall delete any record of the suspension.

9           (vi) A person whose provisional license is suspended  
10       under this paragraph on the basis of a blood-alcohol test  
11       shall have the right to file a petition in the court of  
12       common pleas in the county where he resides to review the  
13       order of suspension by the department. If the court  
14       rescinds the suspension, it shall also order the  
15       department to delete any record of the suspension.

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