
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 1193 Session of
1989

INTRODUCED BY SHAFFER, CORMAN, JONES, HELFRICK, GREENWOOD,
MADIGAN, HOPPER, ROCKS, SHUMAKER, PECORA, JUBELIRER,
ARMSTRONG, SALVATORE, O'PAKE, HESS, RHOADES, BELAN AND
WILLIAMS, AUGUST 15, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 30, 1990

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for period of revocation or
3 suspension of operating privilege and for requirements for
4 driving under influence offenders.

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

7 Section 1. Section 1541 of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subsection to read:

9 § 1541. Period of revocation or suspension of operating
10 privilege.

11 * * *

12 (d) Continued suspension of operating privilege.--A
13 defendant ordered by the court under section 1548 (relating to
14 requirements for driving under influence offenders), as the
15 result of a conviction or Accelerated Rehabilitative Disposition
16 of a violation of section 3731 (relating to driving under
17 influence of alcohol or controlled substance), to attend a

1 ~~counseling or treatment program for alcohol or drug addiction~~ <—
2 ~~must satisfy~~ SUCCESSFULLY COMPLETE all requirements of the <—
3 ~~counseling or treatment program ORDERED BY THE COURT before the~~ <—
4 ~~defendant's operating privilege may be restored. Satisfactory~~ <—
5 ~~SUCCESSFUL completion of a counseling or treatment program~~ <—
6 ~~includes the payment of all court-imposed fines and costs, as~~
7 ~~well as fees to be paid to the counseling or treatment program~~ <—
8 ~~by the defendant. If a defendant fails to satisfy SUCCESSFULLY~~ <—
9 ~~COMPLETE the requirements of a counseling or treatment program,~~ <—
10 ~~the suspension shall remain in effect until the defendant~~
11 ~~completes the program and is otherwise eligible for restoration~~
12 ~~of his operating privilege. THE TREATMENT AGENCY SHALL~~ <—
13 ~~IMMEDIATELY NOTIFY THE COURT OF SUCCESSFUL COMPLETION OF THE~~
14 ~~TREATMENT PROGRAM. The final decision as to whether a defendant~~
15 ~~has successfully completed the stated requirements of a~~ <—
16 ~~counseling or treatment program rests with the court.~~

17 Section 2. Section 1548(b) and (d) of Title 75 are amended
18 and the section is amended by adding a subsection to read:
19 § 1548. Requirements for driving under influence offenders.

20 * * *

21 (b) Attendance at alcohol highway safety school.--In
22 addition to any other requirements of the court, every person
23 convicted of a [violation of] first offense under section 3731
24 and every person placed on Accelerated Rehabilitative
25 Disposition or other preliminary disposition as a result of a
26 charge of a violation of section 3731 shall, as a part of
27 sentencing or as a condition of parole, probation or Accelerated
28 Rehabilitative Disposition, be required to attend and
29 successfully complete an approved alcohol highway safety school
30 established pursuant to section 1549 (relating to establishment

1 of schools). All persons required to participate in this program
2 shall be given both oral and written notice of the provisions of
3 section 1543(b) (relating to driving while operating privilege
4 is suspended or revoked). Persons convicted of a second or
5 subsequent offense under section 3731 shall be required by the
6 court to be treated for alcohol or drug addiction pursuant to
7 subsection (d).

8 * * *

9 (d) Order for alcohol or drug commitment.--If after
10 evaluation and further examination and hearing it is determined
11 that [the] a defendant is an alleged chronic abuser of alcohol
12 or controlled substances or that the person is a severely
13 debilitated controlled substance or alcohol abuser who
14 represents a demonstrated and serious threat [and that adequate
15 treatment facilities are available], the court may order the
16 person committed for treatment at a facility or institution
17 approved by the Department of Health[:]. If the defendant has
18 been convicted of a previous violation of section 3731, the
19 court shall order the person committed to a drug and alcohol
20 treatment program licensed by the Office of Drug and Alcohol
21 Programs of the Department of Health:

22 (1) Any person subject to this subsection may be
23 examined by an appropriate physician of the person's choosing
24 and the result of the examination shall be considered by the
25 court.

26 (2) Upon motion duly made by the committed person, an
27 attorney or an attending physician, the court at any time
28 after an order of commitment may review the order. After
29 determining the progress of treatment, the court may order
30 its continuation, the person's release or supervised

1 treatment on an outpatient basis.

2 (3) Any person ordered by the court to receive
3 ~~counseling or~~ treatment after a first offense, and any person <—
4 required to receive treatment after a second offense under
5 section 3731 must demonstrate to the court that the defendant
6 has successfully completed ~~counseling or~~ treatment according <—
7 to all guidelines required by the program before the person's
8 operating privilege may be restored.

9 * * *

10 (f) Court ordered intervention or treatment.--A record shall
11 be submitted to the ~~Court Reporting Network~~ DEPARTMENT as to <—
12 whether the court did or did not order a defendant to attend a
13 program of supervised individual or group counseling TREATMENT <—
14 or supervised inpatient or outpatient treatment. If the court
15 orders ~~counseling or~~ treatment, a report shall be added to the <—
16 ~~Court Reporting Network~~ FORWARDED TO THE DEPARTMENT as to <—
17 whether the defendant successfully completed the program. If a
18 defendant fails to successfully complete a program of ~~counseling~~ <—
19 ~~or~~ treatment as ordered by the court, the suspension shall
20 remain in effect until the department is notified by the court
21 that the defendant has successfully completed ~~counseling or~~ <—
22 treatment and the defendant is otherwise eligible for
23 restoration of his operating privilege. In order to implement
24 the recordkeeping requirements of this section, the department, <—
25 ~~the Department of Health~~ and the court shall work together to
26 exchange pertinent information about a defendant's case,
27 including attendance and completion of treatment or failure to
28 complete treatment.

29 Section 3. This act shall take effect ~~in 60 days~~ DECEMBER 1, <—
30 1990.