
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **1357** Session of
2013

INTRODUCED BY HEFFLEY, MILLARD, MAJOR, V. BROWN, GODSHALL,
KNOWLES, R. MILLER, KORTZ, FARINA, SCHLOSSBERG, GRELL,
DENLINGER, EVERETT, KAUFFMAN, GINGRICH, R. BROWN, PETRI,
SWANGER, BROOKS, COHEN, GILLEN, TOOHIL, MILNE, CUTLER AND
CALTAGIRONE, MAY 8, 2013

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, OCTOBER 6, 2014

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of
2 the Pennsylvania Consolidated Statutes, IN FALSIFICATION AND <--
3 INTIMIDATION, further providing for THE OFFENSES OF <--
4 impersonating a public servant and for IMPERSONATING A NOTARY <--
5 PUBLIC OR A HOLDER OF A PROFESSIONAL OR OCCUPATIONAL LICENSE;
6 IN GENERAL PROVISIONS, PROVIDING FOR THE DEFINITION OF
7 "IGNITION INTERLOCK LIMITED LICENSE"; IN LICENSING OF
8 DRIVERS, FURTHER PROVIDING FOR OCCUPATIONAL LIMITED LICENSE
9 AND PROVIDING FOR IGNITION INTERLOCK LIMITED LICENSE; IN
10 DRIVING AFTER IMBIBING ALCOHOL OR UTILIZING DRUGS, FURTHER
11 PROVIDING FOR IGNITION INTERLOCK AND FOR PRIOR APPEALS; AND,
12 IN OTHER REQUIRED EQUIPMENT, FURTHER PROVIDING for visual and
13 audible signals on emergency vehicles.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 4912 of Title 18 of the Pennsylvania
17 Consolidated Statutes is amended to read:

18 § 4912. Impersonating a public servant.

19 (a) Offenses defined.--A person commits [a misdemeanor of
20 the second degree if he falsely] the offense of impersonating a
21 public servant if:

1 (1) The person pretends to hold a position in the public
2 service with intent to induce another to submit to such
3 pretended official authority or otherwise to act in reliance
4 upon that pretense [to his prejudice].

5 (2) The person pretends to be a law enforcement officer
6 with intent to induce another to submit to such pretended
7 official authority or otherwise act in reliance upon that
8 pretense.

9 (b) Grading.--

10 (1) An offense under subsection (a)(1) is a misdemeanor
11 of the second degree.

12 (2) An offense under subsection (a)(2) is a felony of
13 the third degree.

14 (c) Definition.--As used in this section, the term "law
15 enforcement officer" means any of the following:

16 (1) A member of the Pennsylvania State Police.

17 (2) A liquor enforcement officer of the Pennsylvania
18 State Police.

19 (3) Any enforcement officer or investigator employed by
20 the Pennsylvania Liquor Control Board.

21 (4) A parole agent, enforcement officer and investigator
22 of the Pennsylvania Board of Probation and Parole.

23 (5) A Capitol Police officer.

24 (6) A Department of Conservation and Natural Resources
25 ranger.

26 (7) A drug enforcement agent of the Office of Attorney
27 General whose principal duty is the enforcement of the drug
28 laws of this Commonwealth and a special agent of the Office
29 of Attorney General whose principal duty is the enforcement
30 of the criminal laws of this Commonwealth.

1 (8) Any member of a port authority or other authority
2 police department.

3 (9) Any police officer of a county, region, city,
4 borough, town or township.

5 (10) Any sheriff or deputy sheriff.

6 (11) A Pennsylvania Waterways Conservation Officer.

7 (12) A Pennsylvania Wildlife Conservation Officer.

8 (13) A member of a campus police force with the power to
9 arrest under section 2416 of the act of April 9, 1929

10 (P.L.177, No.175), known as The Administrative Code of 1929.

11 As used in this paragraph, the term "campus police" has the

12 meaning given in section 302 of the act of November 29, 2004

13 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

14 (14) A member of the Fort Indiantown Gap Police Force.

15 (15) A corrections officer employed at a State or county
16 correctional institution to provide any security or custodial
17 service for inmates.

18 (16) A CONSTABLE OR DEPUTY CONSTABLE.

<--

19 SECTION 2. SECTION 4913(B) (1) OF TITLE 18 IS AMENDED AND THE
20 SUBSECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

21 § 4913. IMPERSONATING A NOTARY PUBLIC OR A HOLDER OF A
22 PROFESSIONAL OR OCCUPATIONAL LICENSE.

23 * * *

24 (B) GRADING.--

25 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2) OR (3), AN
26 OFFENSE UNDER THIS SECTION IS A MISDEMEANOR OF THE SECOND
27 DEGREE.

28 * * *

29 (3) IF THE INTENT OF THE ACTOR IS TO IMPERSONATE A
30 DOCTOR OF MEDICINE AND, IN SO DOING, THE ACTOR PROVIDES

1 MEDICAL ADVICE OR TREATMENT TO ANOTHER PERSON AS A PATIENT,
2 REGARDLESS OF WHETHER OR NOT THE OTHER PERSON SUFFERS HARM
3 FROM THE MEDICAL ADVICE OR TREATMENT, AN OFFENSE UNDER THIS
4 SECTION IS A MISDEMEANOR OF THE FIRST DEGREE.

5 SECTION 3. SECTION 102 OF TITLE 75 IS AMENDED BY ADDING A
6 DEFINITION TO READ:

7 § 102. DEFINITIONS.

8 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
9 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
10 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
11 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
12 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

13 * * *

14 "IGNITION INTERLOCK LIMITED LICENSE." A DRIVER'S LICENSE
15 ISSUED TO AN INDIVIDUAL WHOSE OPERATING PRIVILEGE IS SUSPENDED
16 OR REVOKED FOR ONE OR MORE VIOLATIONS OF SECTION 3802 (RELATING
17 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE)
18 OR 1547 (RELATING TO CHEMICAL TESTING TO DETERMINE AMOUNT OF
19 ALCOHOL OR CONTROLLED SUBSTANCE) REQUIRING THE INDIVIDUAL TO
20 OPERATE ONLY MOTOR VEHICLES EQUIPPED WITH A FUNCTIONING IGNITION
21 INTERLOCK SYSTEM.

22 * * *

23 SECTION 4. SECTION 1553(A) (1), (D) (6), (7) AND (8), (D.1)
24 AND (D.2) OF TITLE 75 ARE AMENDED TO READ:

25 § 1553. OCCUPATIONAL LIMITED LICENSE.

26 (A) ISSUANCE.--

27 (1) THE DEPARTMENT SHALL ISSUE AN OCCUPATIONAL LIMITED
28 LICENSE UNDER THE PROVISIONS OF THIS SECTION TO A DRIVER
29 WHOSE OPERATING PRIVILEGES HAVE BEEN SUSPENDED FOR A
30 VIOLATION OF THIS TITLE, EXCEPT FOR AN OFFENSE UNDER SECTION

1 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR
2 CONTROLLED SUBSTANCE) OR UNDER FORMER SECTION 3731 (RELATING
3 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
4 SUBSTANCE) OR FOR A REFUSAL TO SUBMIT TO CHEMICAL TESTING
5 UNDER SECTION 1547 (RELATING TO CHEMICAL TESTING TO DETERMINE
6 AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE), AND IS NOT
7 PROHIBITED UNDER ANY OTHER PROVISION IN THIS SECTION. IF THE
8 UNDERLYING REASON FOR THE SUSPENSION WAS CAUSED BY VIOLATIONS
9 COMMITTED WHILE THE DRIVER WAS OPERATING A COMMERCIAL MOTOR
10 VEHICLE, THE DRIVER SHALL NOT BE ISSUED AN OCCUPATIONAL
11 LIMITED LICENSE FOR THE PURPOSE OF OPERATING A COMMERCIAL
12 MOTOR VEHICLE. THE DEPARTMENT SHALL PROHIBIT THE ISSUANCE OF
13 AN OCCUPATIONAL LIMITED LICENSE WHEN DISQUALIFIED FROM DOING
14 SO UNDER THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986
15 (TITLE XII OF PUBLIC LAW 99-570, 49 U.S.C. APP. § 2701 ET
16 SEQ.) OR THE MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999
17 (PUBLIC LAW 106-159, 113 STAT. 1748).

18 * * *

19 (D) UNAUTHORIZED ISSUANCE.--THE DEPARTMENT SHALL PROHIBIT
20 ISSUANCE OF AN OCCUPATIONAL LIMITED LICENSE TO:

21 * * *

22 [(6) ANY PERSON WHO HAS BEEN ADJUDICATED DELINQUENT,
23 GRANTED A CONSENT DECREE OR GRANTED ACCELERATED
24 REHABILITATIVE DISPOSITION FOR DRIVING UNDER THE INFLUENCE OF
25 ALCOHOL OR CONTROLLED SUBSTANCE UNLESS THE SUSPENSION OR
26 REVOCATION IMPOSED FOR THAT CONVICTION HAS BEEN FULLY SERVED.

27 (7) ANY PERSON WHOSE OPERATING PRIVILEGE HAS BEEN
28 SUSPENDED FOR REFUSAL TO SUBMIT TO CHEMICAL TESTING TO
29 DETERMINE THE AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE
30 UNLESS THAT SUSPENSION HAS BEEN FULLY SERVED.

1 (8) EXCEPT AS SET FORTH IN SUBSECTIONS (D.1) AND (D.2),
2 ANY PERSON WHO HAS BEEN CONVICTED OF DRIVING UNDER THE
3 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AND WHOSE
4 LICENSE HAS BEEN SUSPENDED BY THE DEPARTMENT UNLESS THE
5 SUSPENSION IMPOSED HAS BEEN FULLY SERVED.]

6 * * *

7 [(D.1) ADJUDICATION ELIGIBILITY.--AN INDIVIDUAL WHO HAS BEEN
8 CONVICTED OF AN OFFENSE UNDER SECTION 3802 (RELATING TO DRIVING
9 UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND DOES NOT
10 HAVE A PRIOR OFFENSE AS DEFINED IN SECTION 3806(A) (RELATING TO
11 PRIOR OFFENSES) SHALL BE ELIGIBLE FOR AN OCCUPATIONAL LIMITED
12 LICENSE ONLY IF THE INDIVIDUAL HAS SERVED 60 DAYS OF THE
13 SUSPENSION IMPOSED FOR THE OFFENSE.

14 (D.2) SUSPENSION ELIGIBILITY.--

15 (1) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED FOR A
16 PERIOD OF 18 MONTHS UNDER SECTION 1547(B) (1) (II) (RELATING TO
17 CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED
18 SUBSTANCE) OR 3804(E) (2) (II) (RELATING TO PENALTIES) SHALL
19 NOT BE PROHIBITED FROM OBTAINING AN OCCUPATIONAL LIMITED
20 LICENSE UNDER THIS SECTION IF THE INDIVIDUAL:

21 (I) IS OTHERWISE ELIGIBLE FOR RESTORATION;

22 (II) HAS SERVED 12 MONTHS OF THE SUSPENSION IMPOSED
23 FOR THE OFFENSE;

24 (III) HAS NO MORE THAN ONE PRIOR OFFENSE AS DEFINED
25 IN SECTION 3806(B);

26 (IV) ONLY OPERATES A MOTOR VEHICLE EQUIPPED WITH AN
27 IGNITION INTERLOCK SYSTEM AS DEFINED IN SECTION 3801
28 (RELATING TO DEFINITIONS); AND

29 (V) HAS CERTIFIED TO THE DEPARTMENT UNDER PARAGRAPH
30 (3).

1 (2) A PERIOD OF IGNITION INTERLOCK ACCEPTED UNDER THIS
2 SUBSECTION SHALL NOT COUNT TOWARDS THE ONE-YEAR MANDATORY
3 PERIOD OF IGNITION INTERLOCK IMPOSED UNDER SECTION 3805
4 (RELATING TO IGNITION INTERLOCK).

5 (3) IF AN INDIVIDUAL SEEKS AN OCCUPATIONAL LIMITED
6 LICENSE UNDER THIS SUBSECTION, THE DEPARTMENT SHALL REQUIRE
7 THAT EACH MOTOR VEHICLE OWNED OR REGISTERED TO THE PERSON HAS
8 BEEN EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM AS DEFINED IN
9 SECTION 3801 AS A CONDITION OF ISSUING AN OCCUPATIONAL
10 LIMITED LICENSE WITH AN IGNITION INTERLOCK RESTRICTION.]

11 * * *

12 SECTION 5. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
13 § 1556. IGNITION INTERLOCK LIMITED LICENSE.

14 (A) ISSUANCE.--

15 (1) THE DEPARTMENT SHALL ISSUE AN IGNITION INTERLOCK
16 LIMITED LICENSE UNDER THIS SECTION TO AN INDIVIDUAL WHOSE
17 OPERATING PRIVILEGES HAVE BEEN SUSPENDED FOR:

18 (I) A VIOLATION UNDER SECTION 3802 (RELATING TO
19 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
20 SUBSTANCE) OR UNDER FORMER SECTION 3731 (RELATING TO
21 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
22 SUBSTANCE); OR

23 (II) A REFUSAL TO SUBMIT TO CHEMICAL TESTING
24 UNDER SECTION 1547 (RELATING TO CHEMICAL TESTING TO
25 DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE).

26 (2) THE DEPARTMENT SHALL ISSUE AN IGNITION INTERLOCK
27 LIMITED LICENSE UNDER THE PROVISIONS OF THIS SECTION ONLY
28 UPON RECEIVING PROOF THAT EACH MOTOR VEHICLE OWNED OR TO BE
29 OPERATED BY THE INDIVIDUAL HAS BEEN EQUIPPED WITH AN APPROVED
30 IGNITION INTERLOCK SYSTEM AS DEFINED IN SECTION 3801

1 (RELATING TO DEFINITIONS) AS A CONDITION OF ISSUING AN
2 IGNITION INTERLOCK LIMITED LICENSE.

3 (3) AN IGNITION INTERLOCK LIMITED LICENSE ISSUED UNDER
4 THE PROVISIONS OF THIS SECTION PERMITS AN INDIVIDUAL TO
5 OPERATE MOTOR VEHICLES EQUIPPED WITH A FUNCTIONING IGNITION
6 INTERLOCK SYSTEM, AS DEFINED IN SECTION 3801.

7 (4) ANY PERIOD IN WHICH AN INDIVIDUAL HOLDS A VALID
8 IGNITION INTERLOCK LIMITED LICENSE UNDER THIS SECTION SHALL
9 COUNT ON A DAY-FOR-DAY BASIS TOWARD ANY MANDATORY PERIOD OF
10 IGNITION INTERLOCK USE IMPOSED UNDER SECTION 3805 (RELATING
11 TO IGNITION INTERLOCK) ARISING FROM THE SAME INCIDENT.

12 (B) PETITION.--

13 (1) AN APPLICANT FOR AN IGNITION INTERLOCK LIMITED
14 LICENSE SHALL FILE A PETITION WITH THE DEPARTMENT, BY
15 CERTIFIED MAIL, ON A FORM PRESCRIBED BY THE DEPARTMENT, AND
16 SHALL INCLUDE PROOF THAT AN APPROVED IGNITION INTERLOCK
17 SYSTEM, AS DEFINED IN SECTION 3801, HAS BEEN INSTALLED IN ONE
18 OR MORE MOTOR VEHICLES THAT THE APPLICANT SEEKS PERMISSION TO
19 OPERATE.

20 (2) THE PETITION SHALL ALSO INCLUDE PROOF OF FINANCIAL
21 RESPONSIBILITY COVERING EACH VEHICLE THE APPLICANT REQUESTS
22 TO BE PERMITTED TO OPERATE. THE DEPARTMENT SHALL PROMULGATE
23 REGULATIONS TO REQUIRE ADDITIONAL INFORMATION AS WELL AS
24 ADDITIONAL EVIDENCE TO VERIFY THE INFORMATION CONTAINED IN
25 THE PETITION.

26 (3) THE APPLICANT SHALL SURRENDER THE APPLICANT'S
27 DRIVER'S LICENSE IN ACCORDANCE WITH SECTION 1540 (RELATING TO
28 SURRENDER OF LICENSE). IF THE APPLICANT'S DRIVER'S LICENSE
29 HAS BEEN LOST OR STOLEN, THE APPLICANT SHALL SUBMIT AN
30 APPLICATION FOR A REPLACEMENT LICENSE, ALONG WITH THE PROPER

1 FEE. IF THE APPLICANT IS A NONRESIDENT LICENSED DRIVER, THE
2 APPLICANT SHALL SUBMIT AN ACKNOWLEDGMENT OF SUSPENSION IN
3 LIEU OF A DRIVER'S LICENSE. IF THE APPLICANT'S LICENSE HAS
4 EXPIRED, THE APPLICANT SHALL SUBMIT AN APPLICATION FOR
5 RENEWAL, ALONG WITH THE APPROPRIATE FEE. ALL FINES, COSTS AND
6 RESTORATION FEES MUST BE PAID AT THE TIME OF PETITION.

7 (4) CONSISTENT WITH THE PROVISIONS OF THIS SECTION, IF
8 THE APPLICANT IS QUALIFIED, THE DEPARTMENT SHALL ISSUE AN
9 IGNITION INTERLOCK LIMITED LICENSE WITHIN 20 DAYS OF RECEIPT
10 OF THE PETITION AND ALL OTHER REQUIREMENTS FOR ISSUANCE.

11 (C) FEE.--THE APPLICATION FEE FOR AN IGNITION INTERLOCK
12 LIMITED LICENSE SHALL BE \$50. THIS FEE SHALL BE NONREFUNDABLE.

13 (D) UNAUTHORIZED ISSUANCE.--THE DEPARTMENT SHALL PROHIBIT
14 ISSUANCE OF AN IGNITION INTERLOCK LIMITED LICENSE TO:

15 (1) ANY INDIVIDUAL WHO IS NOT LICENSED TO DRIVE BY THE
16 COMMONWEALTH OR ANY OTHER STATE.

17 (2) ANY INDIVIDUAL WHO IS REQUIRED BY THIS TITLE TO TAKE
18 AN EXAMINATION AND WHO HAS FAILED TO TAKE AND PASS THE
19 EXAMINATION.

20 (3) ANY INDIVIDUAL WHOSE OPERATING PRIVILEGE HAS BEEN
21 RECALLED OR CANCELED.

22 (4) ANY INDIVIDUAL WHO HAS AN UNSATISFIED JUDGMENT
23 AGAINST THE INDIVIDUAL AS THE RESULT OF A MOTOR VEHICLE
24 OPERATION, UNTIL THE JUDGMENT HAS BEEN SATISFIED UNDER THE
25 PROVISIONS OF SECTION 1774 (RELATING TO PAYMENTS SUFFICIENT
26 TO SATISFY JUDGMENTS) OR AN INSTALLMENT AGREEMENT HAS BEEN
27 ENTERED INTO TO SATISFY THE JUDGMENT, AS PERMITTED UNDER
28 SECTION 1772 (B) (RELATING TO SUSPENSION FOR NONPAYMENT OF
29 JUDGMENTS) OR 1775 (RELATING TO INSTALLMENT PAYMENT OF
30 JUDGMENTS), AND THE FINANCIAL RESPONSIBILITY OF THE PERSON

1 HAS BEEN ESTABLISHED.

2 (5) ANY INDIVIDUAL APPLYING FOR AN IGNITION INTERLOCK
3 LIMITED LICENSE TO OPERATE A COMMERCIAL MOTOR VEHICLE.

4 (6) ANY INDIVIDUAL IF THE DEPARTMENT IS DISQUALIFIED
5 FROM ISSUING THE IGNITION INTERLOCK LIMITED LICENSE UNDER THE
6 COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 (TITLE XII OF
7 PUBLIC LAW 99-570, 49 U.S.C. APP. § 2701 ET SEQ.) OR THE
8 MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 (PUBLIC LAW 106-
9 159, 113 STAT. 1748).

10 (7) ANY INDIVIDUAL WHOSE OPERATING PRIVILEGE HAS BEEN
11 SUSPENDED UNDER SECTION 1532(A.1) (RELATING TO SUSPENSION OF
12 OPERATING PRIVILEGE) FOR CONVICTION OR ADJUDICATION OF
13 DELINQUENCY BASED ON A VIOLATION OF SECTION 3732 (RELATING TO
14 HOMICIDE BY VEHICLE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE
15 WHILE DRIVING UNDER INFLUENCE).

16 (E) ADJUDICATION ELIGIBILITY.--AN INDIVIDUAL WHO HAS BEEN
17 CONVICTED OF AN OFFENSE UNDER SECTION 3802 SHALL BE ELIGIBLE TO
18 APPLY FOR AND, IF OTHERWISE QUALIFIED, BE ISSUED AN IGNITION
19 INTERLOCK LIMITED LICENSE UPON CONVICTION.

20 (F) SUSPENSION ELIGIBILITY.--THE FOLLOWING SHALL APPLY:

21 (1) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED UNDER
22 SECTION 1547(B) SHALL BE ELIGIBLE TO APPLY FOR AND, IF
23 OTHERWISE QUALIFIED, BE ISSUED AN IGNITION INTERLOCK LIMITED
24 LICENSE UNDER THIS SECTION IF THE INDIVIDUAL:

25 (I) HAS SERVED SIX MONTHS OF THE SUSPENSION IMPOSED
26 UNDER SECTION 1547(B) (1) (I); OR

27 (II) HAS SERVED NINE MONTHS OF THE SUSPENSION
28 IMPOSED UNDER SECTION 1547(B) (1) (II).

29 (2) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED UNDER
30 SECTION 3804(E) (RELATING TO PENALTIES) SHALL BE ELIGIBLE TO

1 APPLY FOR AND, IF OTHERWISE QUALIFIED, BE ISSUED AN IGNITION
2 INTERLOCK LIMITED LICENSE UNDER THIS SECTION IF THE
3 INDIVIDUAL:

4 (I) HAS NOT HAD A PRIOR OFFENSE, AS DEFINED UNDER
5 SECTION 3806(A) (RELATING TO PRIOR OFFENSES), WITHIN THE
6 PAST TEN YEARS. THE INDIVIDUAL SHALL BE IMMEDIATELY
7 ELIGIBLE FOR A SUSPENSION IMPOSED UNDER SECTION 3804(E)
8 (2)(I);

9 (II) HAS SERVED SIX MONTHS OF THE SUSPENSION IMPOSED
10 UNDER SECTION 3804(E)(2)(I); OR

11 (III) HAS SERVED NINE MONTHS OF THE SUSPENSION
12 IMPOSED UNDER SECTION 3804(E)(2)(II).

13 (G) CREDIT AGAINST MANDATORY IGNITION INTERLOCK
14 REQUIREMENT.--ANY PERIOD DURING WHICH AN INDIVIDUAL HOLDS A
15 VALID IGNITION INTERLOCK LIMITED LICENSE UNDER SUBSECTION (E) OR
16 (F) SHALL COUNT ON A DAY-FOR-DAY BASIS TOWARD THE MANDATORY
17 PERIOD OF IGNITION INTERLOCK USAGE IMPOSED UNDER THE APPLICABLE
18 SUBPARAGRAPHS OF SECTION 3805(B)(2) ARISING FROM THE SAME
19 INCIDENT.

20 (H) CERTIFICATION TO THE DEPARTMENT.--IF AN INDIVIDUAL
21 APPLIES FOR AN IGNITION INTERLOCK LIMITED LICENSE UNDER THIS
22 SECTION, THE DEPARTMENT SHALL REQUIRE THAT ONE OR MORE MOTOR
23 VEHICLES OWNED OR TO BE OPERATED BY THE INDIVIDUAL BE EQUIPPED
24 WITH A FUNCTIONING IGNITION INTERLOCK SYSTEM, AS DEFINED IN
25 SECTION 3801, AS A CONDITION OF ISSUING AN IGNITION INTERLOCK
26 LIMITED LICENSE WITH AN IGNITION INTERLOCK RESTRICTION.

27 (I) OFFENSES COMMITTED DURING A PERIOD FOR WHICH AN IGNITION
28 INTERLOCK LIMITED LICENSE HAS BEEN ISSUED.--IF THE DEPARTMENT
29 RECEIVES A REPORT OF CONVICTION OF AN OFFENSE FOR WHICH THE
30 PENALTY IS A CANCELLATION, DISQUALIFICATION, RECALL, SUSPENSION

1 OR REVOCATION OF OPERATING PRIVILEGES OR A REPORT UNDER SECTION
2 3815(C) (4) (RELATING TO MANDATORY SENTENCING) FOR ANY INDIVIDUAL
3 WHO HAS BEEN ISSUED AN IGNITION INTERLOCK LIMITED LICENSE, THE
4 DEPARTMENT, AT ITS SOLE DISCRETION, SHALL EITHER:

5 (1) EXTEND THE TERM OF THE IGNITION INTERLOCK LIMITED
6 LICENSE FOR UP TO THE ORIGINAL TERM FOR WHICH THE DRIVER'S
7 LICENSE WAS SUSPENDED OR REVOKED; OR

8 (2) RECALL THE IGNITION INTERLOCK LIMITED LICENSE AND
9 THE INDIVIDUAL SHALL SURRENDER THE LIMITED LICENSE TO THE
10 DEPARTMENT OR ITS AGENTS DESIGNATED UNDER THE AUTHORITY OF
11 SECTION 1540.

12 (J) RESTRICTIONS.--

13 (1) PURSUANT TO SUBSECTION (A) (2), AN INDIVIDUAL WHO HAS
14 BEEN ISSUED AN IGNITION INTERLOCK LIMITED LICENSE SHALL
15 OPERATE ONLY MOTOR VEHICLES EQUIPPED WITH A FUNCTIONING
16 IGNITION INTERLOCK SYSTEM, AS DEFINED IN SECTION 3801.

17 (2) EXCEPT AS PROVIDED UNDER SECTION 3808(A) (RELATING
18 TO ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH
19 IGNITION INTERLOCK), ANY INDIVIDUAL WHO VIOLATES THE
20 CONDITIONS OF ISSUANCE OR RESTRICTIONS OF THE IGNITION
21 INTERLOCK LIMITED LICENSE COMMITS A SUMMARY OFFENSE AND
22 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$200;
23 AND, UPON RECEIPT OF A CERTIFIED RECORD OF CONVICTION, THE
24 DEPARTMENT SHALL RECALL THE LIMITED LICENSE.

25 (3) THE OPERATING PRIVILEGES OF AN INDIVIDUAL WHO HAS
26 BEEN ISSUED AN IGNITION INTERLOCK LIMITED LICENSE REMAIN
27 UNDER SUSPENSION OR REVOCATION, EXCEPT WHEN OPERATING A MOTOR
28 VEHICLE IN ACCORDANCE WITH THE CONDITIONS OF ISSUANCE AND
29 RESTRICTIONS OF THE IGNITION INTERLOCK LIMITED LICENSE.

30 (K) APPEAL FROM DENIAL OR RECALL OF IGNITION INTERLOCK

1 LIMITED LICENSE.--

2 (1) ANY INDIVIDUAL WHO IS DENIED AN IGNITION INTERLOCK
3 LIMITED LICENSE OR WHOSE IGNITION INTERLOCK LIMITED LICENSE
4 IS EXTENDED OR RECALLED UNDER SUBSECTION (I) MAY FILE WITH
5 THE DEPARTMENT A PETITION FOR A HEARING. THE HEARING SHALL BE
6 CONDUCTED IN ACCORDANCE WITH 2 PA.C.S. (RELATING TO
7 ADMINISTRATIVE LAW AND PROCEDURE).

8 (2) THE DEPARTMENT MAY CHARGE A REASONABLE FEE BASED ON
9 THE COST TO THE DEPARTMENT FOR CONDUCTING THE HEARING.

10 (3) THE APPEAL SHALL NOT OPERATE AS AN AUTOMATIC
11 SUPERSEDEAS. IF AN ADMINISTRATIVE HEARING OFFICER ORDERS A
12 SUPERSEDEAS IN ANY APPEAL, THE INDIVIDUAL SHALL EARN NO
13 CREDIT TOWARD SERVING THE SUSPENSION FOR WHICH THE INDIVIDUAL
14 WAS GRANTED AN IGNITION INTERLOCK LIMITED LICENSE.

15 (4) AN APPEAL FROM A DECISION OF AN ADMINISTRATIVE
16 HEARING OFFICER MAY BE TAKEN IN THE MANNER PROVIDED IN 42
17 PA.C.S. § 763(A) (RELATING TO DIRECT APPEALS FROM GOVERNMENT
18 AGENCIES).

19 (5) APPEALS UNDER THIS SUBSECTION ARE EXEMPT FROM THE
20 PROVISIONS OF SECTION 1550(B) (RELATING TO JUDICIAL REVIEW)
21 AND FROM THE PROVISIONS OF 42 PA.C.S. § 933 (RELATING TO
22 APPEALS FROM GOVERNMENT AGENCIES).

23 SECTION 6. SECTION 3805(A), (B) AND (C) OF TITLE 75 ARE
24 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
25 READ:

26 § 3805. IGNITION INTERLOCK.

27 (A) GENERAL RULE.--IF A PERSON VIOLATES SECTION 3802
28 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
29 SUBSTANCE) [AND, WITHIN THE PAST TEN YEARS, HAS A PRIOR OFFENSE
30 AS DEFINED IN SECTION 3806(A) (RELATING TO PRIOR OFFENSES)] ,

1 EXCEPT FOR A VIOLATION OF SECTION 3802(A) WHERE THE PERSON IS
2 SUBJECT TO THE PENALTIES PROVIDED UNDER SECTION 3804(A)
3 (RELATING TO PENALTIES) AND THE PERSON HAS NOT HAD A PRIOR
4 OFFENSE, AS DEFINED UNDER SECTION 3806(A) (RELATING TO PRIOR
5 OFFENSES), WITHIN THE PAST TEN YEARS, OR HAS HAD THEIR OPERATING
6 PRIVILEGES SUSPENDED PURSUANT TO SECTION [1547(B.1)] 1547
7 (RELATING TO CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR
8 CONTROLLED SUBSTANCE) OR 3808(C) (RELATING TO ILLEGALLY
9 OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH IGNITION INTERLOCK)
10 AND THE PERSON SEEKS A RESTORATION OF OPERATING PRIVILEGES, THE
11 DEPARTMENT SHALL REQUIRE AS A CONDITION OF ISSUING A RESTRICTED
12 LICENSE PURSUANT TO THIS SECTION THAT THE FOLLOWING OCCUR:

13 (1) EACH MOTOR VEHICLE OWNED OR TO BE OPERATED BY THE
14 PERSON [OR REGISTERED TO THE PERSON] HAS BEEN EQUIPPED WITH
15 AN IGNITION INTERLOCK SYSTEM AND REMAINS SO FOR THE DURATION
16 OF THE RESTRICTED LICENSE PERIOD.

17 (2) IF THERE ARE NO MOTOR VEHICLES OWNED OR TO BE
18 OPERATED BY THE PERSON OR REGISTERED TO THE PERSON THAT THE
19 PERSON SO CERTIFY TO THE DEPARTMENT. [A PERSON SO CERTIFYING
20 SHALL BE DEEMED TO HAVE SATISFIED THE REQUIREMENT THAT ALL
21 MOTOR VEHICLES OWNED BY THE PERSON OR REGISTERED TO THE
22 PERSON BE EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM AS
23 REQUIRED BY THIS SUBSECTION.]

24 (B) APPLICATION FOR A RESTRICTED LICENSE.--A PERSON SUBJECT
25 TO THIS SECTION SHALL APPLY TO THE DEPARTMENT FOR AN IGNITION
26 INTERLOCK RESTRICTED LICENSE UNDER SECTION 1951 (RELATING TO
27 DRIVER'S LICENSE AND LEARNER'S PERMIT), WHICH SHALL BE CLEARLY
28 MARKED TO RESTRICT THE PERSON TO ONLY DRIVING, OPERATING OR
29 BEING IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF MOTOR
30 VEHICLES EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM. UPON

1 ISSUANCE OF AN IGNITION INTERLOCK RESTRICTED LICENSE TO ANY
2 PERSON, THE DEPARTMENT SHALL NOTIFY THE PERSON THAT UNTIL THE
3 PERSON OBTAINS AN UNRESTRICTED LICENSE THE PERSON MAY NOT [OWN,
4 REGISTER,] DRIVE, OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF
5 THE MOVEMENT OF ANY MOTOR VEHICLE WHICH IS NOT EQUIPPED WITH AN
6 IGNITION INTERLOCK SYSTEM.

7 (C) ISSUANCE OF UNRESTRICTED LICENSE.--ONE YEAR FROM THE
8 DATE OF ISSUANCE OF AN IGNITION INTERLOCK RESTRICTED LICENSE
9 UNDER THIS SECTION, IF OTHERWISE ELIGIBLE, A PERSON MAY BE
10 ISSUED A REPLACEMENT LICENSE UNDER SECTION 1951(D) THAT DOES NOT
11 CONTAIN THE IGNITION INTERLOCK SYSTEM RESTRICTION. THE
12 DEPARTMENT SHALL NOT ISSUE AN UNRESTRICTED LICENSE UNTIL A
13 PERSON HAS PRESENTED ALL OF THE FOLLOWING:

14 (1) PROOF THAT THE PERSON HAS COMPLETED THE IGNITION
15 INTERLOCK RESTRICTED LICENSE PERIOD UNDER THIS SECTION.

16 (2) CERTIFICATION BY THE COMPANY THAT PROVIDED THE
17 IGNITION INTERLOCK DEVICE THAT THE PERSON HAS COMPLIED WITH
18 SUBSECTION (H.2).

19 * * *

20 (H.2) DECLARATION OF COMPLIANCE.--RESTRICTIONS IMPOSED UNDER
21 SECTION 1556 SHALL REMAIN IN EFFECT UNTIL THE DEPARTMENT
22 RECEIVES A DECLARATION FROM THE PERSON'S IGNITION INTERLOCK
23 DEVICE VENDOR, IN A FORM PROVIDED OR APPROVED BY THE DEPARTMENT,
24 CERTIFYING THAT THE FOLLOWING INCIDENTS HAVE NOT OCCURRED IN THE
25 TWO CONSECUTIVE MONTHS PRIOR TO THE DATE ENTERED ON THE
26 CERTIFICATE:

27 (1) AN ATTEMPT TO START THE VEHICLE WITH A BREATH
28 ALCOHOL CONCENTRATION OF 0.08 OR MORE, NOT FOLLOWED WITHIN
29 FIVE MINUTES BY A SUBSEQUENT ATTEMPT WITH A BREATH ALCOHOL
30 CONCENTRATION LOWER THAN 0.08.

1 (2) FAILURE TO TAKE OR PASS ANY REQUIRED RETEST.
2 (3) FAILURE OF THE PERSON TO APPEAR AT THE IGNITION
3 INTERLOCK SYSTEM VENDOR WHEN REQUIRED FOR MAINTENANCE,
4 REPAIR, CALIBRATION, MONITORING, INSPECTION OR REPLACEMENT OF
5 THE DEVICE SUCH THAT THE IGNITION INTERLOCK SYSTEM NO LONGER
6 FUNCTIONS AS REQUIRED UNDER SUBSECTION (H).

7 * * *

8 SECTION 7. SECTIONS 3806(B) AND 3808(A) AND (C)(1) OF TITLE
9 75 ARE AMENDED TO READ:

10 § 3806. PRIOR OFFENSES.

11 * * *

12 (B) REPEAT OFFENSES WITHIN TEN YEARS.--THE CALCULATION OF
13 PRIOR OFFENSES FOR PURPOSES OF SECTIONS [1553(D.2) (RELATING TO
14 OCCUPATIONAL LIMITED LICENSE)] 1556(F) (RELATING TO IGNITION
15 INTERLOCK LIMITED LICENSE), 3803 (RELATING TO GRADING) AND 3804
16 (RELATING TO PENALTIES) SHALL INCLUDE ANY CONVICTION,
17 ADJUDICATION OF DELINQUENCY, JUVENILE CONSENT DECREE, ACCEPTANCE
18 OF ACCELERATED REHABILITATIVE DISPOSITION OR OTHER FORM OF
19 PRELIMINARY DISPOSITION WITHIN THE TEN YEARS BEFORE THE PRESENT
20 VIOLATION OCCURRED FOR ANY OF THE FOLLOWING:

- 21 (1) AN OFFENSE UNDER SECTION 3802;
22 (2) AN OFFENSE UNDER FORMER SECTION 3731;
23 (3) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER
24 PARAGRAPH (1) OR (2) IN ANOTHER JURISDICTION; OR
25 (4) ANY COMBINATION OF THE OFFENSES SET FORTH IN
26 PARAGRAPH (1), (2) OR (3).

27 § 3808. ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH
28 IGNITION INTERLOCK.

29 (A) OFFENSE DEFINED.--

- 30 (1) AN INDIVIDUAL REQUIRED TO ONLY DRIVE, OPERATE OR BE

1 IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A MOTOR VEHICLE
2 EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM UNDER [SECTION
3 1553(D.2) (RELATING TO OCCUPATIONAL LIMITED LICENSE) OR 3805
4 (RELATING TO IGNITION INTERLOCK)] ANY OF THE FOLLOWING WHO
5 DRIVES, OPERATES OR IS IN ACTUAL PHYSICAL CONTROL OF THE
6 MOVEMENT OF A MOTOR VEHICLE WITHIN THIS COMMONWEALTH WITHOUT
7 SUCH A SYSTEM COMMITS A MISDEMEANOR AND SHALL, UPON
8 CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$300
9 AND NOT MORE THAN \$1,000 AND TO IMPRISONMENT FOR NOT MORE
10 THAN 90 DAYS[.]:

11 (I) SECTION 1556(F) (RELATING TO IGNITION INTERLOCK
12 LIMITED LICENSE).

13 (II) SECTION 3805 (RELATING TO IGNITION INTERLOCK).

14 (III) A PROVISION SUBSTANTIALLY SIMILAR TO A
15 PROVISION UNDER SUBPARAGRAPH (I) OR (II) IN ANOTHER
16 JURISDICTION.

17 (2) AN INDIVIDUAL REQUIRED TO ONLY DRIVE, OPERATE OR BE
18 IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A MOTOR VEHICLE
19 EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM UNDER [SECTION
20 1553(D.2) OR 3805] ANY OF THE FOLLOWING WHO DRIVES, OPERATES
21 OR IS IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A MOTOR
22 VEHICLE WITHIN THIS COMMONWEALTH WITHOUT SUCH A SYSTEM AND
23 WHO HAS AN AMOUNT OF ALCOHOL BY WEIGHT IN HIS BLOOD THAT IS
24 EQUAL TO OR GREATER THAN 0.025% AT THE TIME OF TESTING OR WHO
25 HAS IN HIS BLOOD ANY AMOUNT OF A SCHEDULE I OR NONPRESCRIBED
26 SCHEDULE II OR III CONTROLLED SUBSTANCE, AS DEFINED IN THE
27 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE
28 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR ITS
29 METABOLITE COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND
30 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$1,000

1 AND TO UNDERGO IMPRISONMENT FOR A PERIOD OF NOT LESS THAN 90
2 DAYS[.]:

3 (I) SECTION 1556(F).

4 (II) SECTION 3805.

5 (III) A PROVISION SUBSTANTIALLY SIMILAR TO A
6 PROVISION UNDER SUBPARAGRAPH (I) OR (II) IN ANOTHER
7 JURISDICTION.

8 * * *

9 (C) SUSPENSION OF OPERATING PRIVILEGE.--NOTWITHSTANDING
10 SECTION 3805(C) AND (I):

11 (1) IF A PERSON WHO IS REQUIRED TO ONLY DRIVE, OPERATE
12 OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A MOTOR
13 VEHICLE EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM VIOLATES
14 THIS SECTION, UPON RECEIPT OF A CERTIFIED RECORD OF THE
15 CONVICTION, THE DEPARTMENT SHALL NOT ISSUE A REPLACEMENT
16 LICENSE TO THE PERSON UNDER SECTION 1951(D) (RELATING TO
17 DRIVER'S LICENSE AND LEARNER'S PERMIT) THAT DOES NOT CONTAIN
18 AN IGNITION INTERLOCK RESTRICTION FOR A PERIOD OF ONE YEAR
19 FROM THE DATE OF CONVICTION UNTIL THE PERSON HAS COMPLIED
20 WITH THE REQUIREMENTS OF SECTION 3805 (RELATING TO IGNITION
21 INTERLOCK).

22 * * *

23 Section 2 8. Section 4571 of Title 75 is amended by adding <--
24 subsections to read:

25 § 4571. Visual and audible signals on emergency vehicles.

26 * * *

27 (d.1) Sale of emergency vehicle.--

28 (1) A seller of an emergency vehicle equipped with
29 revolving or flashing lights or audible warning systems
30 identical or similar to those specified in subsections (a)

1 and (b) shall remove ALL EXTERNALLY MOUNTED EMERGENCY LIGHTS <--
2 or permanently disable ~~such~~ ALL OTHER NONREMOVABLE EMERGENCY <--
3 lights or systems upon the sale of the vehicle to a buyer who
4 is not authorized by law or regulation to operate an
5 emergency vehicle with visual or audible systems.

6 (2) A person who sells a vehicle equipped with visual or
7 audible warning systems in violation of this subsection
8 commits a summary offense and shall, upon conviction, be
9 sentenced to pay a fine of not less than \$500 nor more than
10 \$1,000.

11 (3) A person who sells a vehicle equipped with visual or
12 audible warning systems in violation of this subsection who
13 knows or should have known of the buyer's intent to use the
14 vehicle in violation of 18 Pa.C.S. § 4912(a)(2) (relating to
15 impersonating a public servant) commits a misdemeanor of the
16 third degree.

17 (d.2) Exceptions.--Subsections (d) and (d.1) shall not apply
18 to any of the following:

19 ~~(i)~~ (1) The sale or use of police, fire or other <--
20 emergency vehicles for which antique, classic, vintage or
21 collectible registration plates have been issued under
22 section 1340 (relating to antique, classic and collectible
23 plates) and which are driven or transported without operation
24 of visual or audible warning systems.

25 ~~(ii)~~ (2) The sale or use of police, fire or other <--
26 emergency vehicles for which manufacturer or dealer
27 registration plates have been issued under section 1335
28 (relating to registration plates for manufacturers and
29 dealers) and which are driven or transported without
30 operation of visual or audible warning systems for the

1 purpose of sale, service, demonstration or exhibition.

2 (3) THE SALE OR USE OF A POLICE, FIRE OR OTHER EMERGENCY <--
3 VEHICLE BY A REPRESENTATIVE OF A MANUFACTURER OF AFTERMARKET
4 EMERGENCY VEHICLE EQUIPMENT OR AN UPFITTER WHOSE PRIMARY
5 INCOME IS DERIVED FROM THE SALE, SERVICE OR INSTALLATION OF
6 EMERGENCY VEHICLE EQUIPMENT WHEN THE VEHICLE IS DRIVEN OR
7 TRANSPORTED WITHOUT OPERATION OF VISUAL OR AUDIBLE WARNING
8 SYSTEMS FOR THE PURPOSE OF SALE, SERVICE, DEMONSTRATION OR
9 EXHIBITION. THE VEHICLE SHALL BE CLEARLY MARKED AS A
10 DEMONSTRATION VEHICLE.

11 * * *

12 ~~Section 3. This act shall take effect in 60 days.~~ <--

13 SECTION 9. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <--

14 (1) THE AMENDMENT OR ADDITION OF 18 PA.C.S. § 4913(B)(1)
15 AND (3) SHALL TAKE EFFECT IN 60 DAYS.

16 (2) THE ADDITION OF 75 PA.C.S. § 4571(D.1) AND (D.2)
17 SHALL TAKE EFFECT IN 60 DAYS.

18 (3) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

19 (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 15
20 MONTHS.