
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1775 Session of
2015

INTRODUCED BY D. COSTA, DeLUCA, MILLARD, CALTAGIRONE, THOMAS,
DAVIS, CRUZ, READSHAW, McNEILL, KORTZ, KINSEY, D. PARKER AND
COHEN, JANUARY 4, 2016

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 4, 2016

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in bonds and
3 recognizances, providing for bail in driving under influence
4 offenses.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 5762. Bail in driving under influence offenses.

10 (a) General rule.--If a person is charged with a violation
11 of 75 Pa.C.S. § 3802 (relating to driving under influence of
12 alcohol or controlled substance), the installation of an
13 ignition interlock system on each motor vehicle owned by the
14 person or registered to the person shall be required for the
15 person to be admitted to bail if either:

16 (1) The person is charged with a second or subsequent
17 violation of 75 Pa.C.S. § 3802 within the past ten years.

18 (2) The magisterial district judge or judge determines

1 that the installation of an ignition interlock system is
2 necessary to ensure the safety of any person or the
3 community.

4 (b) Responsibilities of defendant.--The defendant shall:

5 (1) Cause each motor vehicle owned by the defendant or
6 registered to the defendant to be equipped with an ignition
7 interlock system in accordance with the requirements for
8 installation under 75 Pa.C.S. § 3805 (relating to ignition
9 interlock).

10 (2) Submit proof of installation of the ignition
11 interlock system to the court within five business days of
12 release on bail, or as soon as proof of installation is
13 available.

14 (3) Participate in a continuous, 24-hour-per-day and
15 seven days per week, sobriety monitoring program approved by
16 the court until the person submits proof of installation of
17 the ignition interlock system under paragraph (2).

18 (4) Agree not to drive, operate or be in actual physical
19 control of the movement of any motor vehicle within this
20 Commonwealth unless the motor vehicle is equipped with an
21 ignition interlock system.

22 (c) Cost of installation.--

23 (1) The county shall pay all costs associated with
24 installation of an ignition interlock system and
25 participation in a continuous sobriety monitoring program
26 under this section.

27 (2) If the defendant is convicted, the following shall
28 apply:

29 (i) The defendant shall reimburse the county for all
30 costs in paragraph (1).

1 (ii) If the defendant proves that the defendant is
2 without the financial means to pay the costs in paragraph
3 (1), the court may order payment of money owed in
4 installments appropriate to the circumstances of the
5 person and shall fix the amounts, times and manner of
6 payment.

7 (d) Revocation of bail.--The court shall revoke the
8 defendant's bail if the court finds that the defendant:

9 (1) Failed to submit proof of installation of the
10 ignition interlock system as required under paragraph (b)
11 (2).

12 (2) Was arrested for a subsequent violation of 75
13 Pa.C.S. § 3802.

14 (3) Drove, operated or was in actual physical control of
15 the movement of a motor vehicle not equipped with an ignition
16 interlock system.

17 (4) Tampered with an ignition interlock system as
18 defined in 75 Pa.C.S. § 3808 (relating to illegally operating
19 a motor vehicle not equipped with ignition interlock).

20 (5) Failed to comply with any condition of bail imposed
21 by the court under this section and under this chapter.

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