

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, APRIL 17, 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
18 counseling or treatment program for alcohol or drug addiction

1 must satisfy all requirements of the counseling or treatment
2 program before the defendant's ~~driver's license~~ OPERATING <—
3 PRIVILEGE may be restored. Satisfactory completion of a
4 counseling or treatment program includes the payment of all
5 court-imposed fines and costs, as well as fees to be paid to the
6 counseling or treatment program by the defendant. If a defendant
7 fails to satisfy the requirements of a counseling or treatment
8 program, the suspension shall remain in ~~place beyond the period~~ <—
9 ~~imposed by the court and continue~~ EFFECT until the defendant <—
10 completes the program AND IS OTHERWISE ELIGIBLE FOR RESTORATION <—
11 OF HIS OPERATING PRIVILEGE. The final decision as to whether a
12 defendant has successfully completed the stated requirements of
13 a counseling or treatment program rests with the court.

14 Section 2. Section 1548(b) and (d) of Title 75 are amended
15 and the section is amended by adding a subsection to read:
16 § 1548. Requirements for driving under influence offenders.

17 * * *

18 (b) Attendance at alcohol highway safety school.--In
19 addition to any other requirements of the court, every person
20 convicted of a [violation of] first offense under section 3731
21 and every person placed on Accelerated Rehabilitative
22 Disposition or other preliminary disposition as a result of a
23 charge of a violation of section 3731 shall, as a part of
24 sentencing or as a condition of parole, probation or Accelerated
25 Rehabilitative Disposition, be required to attend and
26 successfully complete an approved alcohol highway safety school
27 established pursuant to section 1549 (relating to establishment
28 of schools). All persons required to participate in this program
29 shall be given both oral and written notice of the provisions of
30 section 1543(b) (relating to driving while operating privilege

1 is suspended or revoked). Persons convicted of a second or
2 subsequent offense under section 3731 shall be required by the
3 court to be treated for alcohol or drug addiction pursuant to
4 subsection (d).

5 * * *

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

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

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

29 (3) Any person ordered by the court to receive
30 counseling or treatment after a first offense, and any person

1 required to receive treatment after a second offense under
2 section 3731 must demonstrate to the court that the defendant
3 has successfully completed counseling or treatment according
4 to all guidelines required by the program before the person's
5 driver's license OPERATING PRIVILEGE may be restored. <—

6 * * *

7 (f) Court ordered intervention or treatment.--A record shall
8 be submitted to the Court Reporting Network as to whether the
9 court did or did not order a defendant to attend a program of
10 supervised individual or group counseling or supervised
11 inpatient or outpatient treatment. If the court orders
12 counseling or treatment, a report shall be added to the Court
13 Reporting Network as to whether the defendant successfully
14 completed the program. If a defendant fails to successfully
15 complete a program of counseling or treatment as ordered by the
16 court, the department shall retain the defendant's driver's <—
17 license until SUSPENSION SHALL REMAIN IN EFFECT UNTIL THE <—
18 DEPARTMENT IS notified by the court that the defendant has
19 successfully completed counseling or treatment AND THE DEFENDANT <—
20 IS OTHERWISE ELIGIBLE FOR RESTORATION OF HIS OPERATING
21 PRIVILEGE. In order to implement the recordkeeping requirements
22 of this section, the department, the Department of Health and
23 the court shall work together to exchange pertinent information
24 about a defendant's case, including attendance and completion of
25 treatment or failure to complete treatment.

26 Section 3. This act shall take effect ~~immediately~~ IN 60 <—
27 DAYS.