

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 249 Session of  
2007

INTRODUCED BY A. WILLIAMS, RAFFERTY, FONTANA, COSTA, KITCHEN,  
MUSTO, WASHINGTON, RHOADES, BOSCOLA AND STACK, MARCH 8, 2007

REFERRED TO TRANSPORTATION, MARCH 8, 2007

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for definitions and for ignition  
3 interlock; providing for duties of the Secretary of  
4 Transportation, for ignition interlock service providers and  
5 for ignition interlock system violations; further providing  
6 for illegally operating a motor vehicle not equipped with  
7 ignition interlock; and providing for an ignition interlock  
8 system fund.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. The definition of "ignition interlock system" in  
12 section 3801 of Title 75 of the Pennsylvania Consolidated  
13 Statutes is amended and the section is amended by adding  
14 definitions to read:

15 § 3801. Definitions.

16 The following words and phrases when used in this chapter  
17 shall have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

19 \* \* \*

20 "Department." The Department of Transportation of the  
21 Commonwealth.

1     "Ignition interlock provider." Persons or entities offering  
2     ignition interlock systems for sale who are approved by the  
3     Department of Transportation in accordance with section 3805.1  
4     (relating to ignition interlock service providers).

5     "Ignition interlock system." A system approved by the  
6     department which prevents a vehicle from being started or  
7     operated unless the operator first provides a breath sample  
8     indicating that the operator has an alcohol level less than  
9     0.025%. The system shall be capable of recording the date of all  
10    of the breath samples performed on the system.

11     \* \* \*

12    "Secretary." The Secretary of Transportation of the  
13    Commonwealth.

14    Section 2. Section 3805(c) of Title 75 is amended and the  
15    section is amended by adding subsections to read:  
16    § 3805. Ignition interlock.

17     \* \* \*

18    (a.1) Costs.--The restricted licensee shall be responsible  
19    for all costs associated with the maintenance and installation  
20    of the ignition interlock system. If the court deems the person  
21    indigent, half of the costs shall be paid from the Ignition  
22    Interlock System Fund established under this chapter.

23    (a.2) Requirements.--Persons driving with a restricted  
24    license under this section shall be required to:

25       (1) Attend alcohol and substance abuse counseling.

26       (2) Meet with victim support groups for alcohol-related  
27       accidents on a weekly basis.

28       (3) Meet with a probation officer on a weekly basis.

29    (a.3) Duties of secretary.--The secretary shall:

30       (1) Promulgate rules or regulations necessary for the

1 effective implementation of this chapter.

2 (2) Establish criteria that must be satisfied before a  
3 person may be issued an unrestricted license under subsection  
4 (c). The criteria shall include a minimum of 12 consecutive  
5 months where all ignition interlock breath samples indicate  
6 an alcohol level of less than 0.025% as well as approval by  
7 the restricted licensee's probation officer and substance  
8 abuse counselor.

9 (3) Establish fees for the installation, service and  
10 maintenance of ignition interlock systems. The fees shall be  
11 uniform throughout the State.

12 \* \* \*

13 (c) Issuance of unrestricted license.--[One year] Two years  
14 from the date of issuance of an ignition interlock restricted  
15 license under this section, if otherwise eligible, a person may  
16 be issued a replacement license under section 1951(d) that does  
17 not contain the ignition interlock system restriction.

18 \* \* \*

19 (d.1) Rolling tests.--Persons issued ignition interlock  
20 licenses under this section shall be subject to rolling tests  
21 after the vehicle has successfully been started using the  
22 ignition interlock system. The tests shall occur every 20 to 40  
23 minutes depending on how the ignition interlock system is  
24 configured. The system shall record all data concerning the  
25 rolling tests.

26 \* \* \*

27 Section 3. Title 75 is amended by adding sections to read:  
28 § 3805.1. Ignition interlock service providers.

29 (a) Criteria.--Any person who satisfies the following  
30 criteria may apply to the department to become an ignition

interlock service provider:

(1) have at least two years of experience in service and installation of ignition interlock systems; and

(2) have the ability, acceptable to the secretary, to establish sufficient service centers in the jurisdiction of operation.

(b) Hotline.--All ignition interlock service providers must provide a 24-hour toll-free telephone hotline.

(c) Maintenance.--An ignition interlock service provider must service all ignition interlock systems on a bimonthly basis.

(d) Requirements.--An ignition interlock service provider must:

(1) return all service calls within 45 minutes; and

(2) repair or replace all ignition interlock systems within 48 hours.

(e) Notice to department.--An ignition interlock service provider shall inform the department within 24 hours of notice of the following:

(1) any installation, repair, reset or removal of an ignition interlock system; and

(2) any tampering or attempted tampering of the ignition interlock system in violation of the provisions of this chapter.

(f) Reports.--An ignition interlock service provider shall report at least monthly to the department on all aspects of the service program.

(g) Duties.--An ignition interlock service provider shall be responsible for informing the restricted licensee of the proper use and maintenance of the ignition interlock device.

1 § 3805.2. Ignition interlock system violations.

2 (a) General rule.--For every violation of the ignition  
3 interlock system, a point value shall be assigned according to  
4 subsection (b). Appropriate sanctions shall be determined in  
5 accordance with subsection (c) based upon the accumulated points  
6 of the restricted licensee.

7 (b) Points assigned.--The following violations shall result  
8 in the following number of points:

9 (1) One point each time a restricted licensee registers  
10 a blood alcohol content equal to or greater than 0.08% by  
11 weight.

12 (2) One point when a restricted licensee registers a  
13 blood alcohol content equal to or greater than 0.025% by  
14 weight on three consecutive tests.

15 (3) One point for missing a rolling test as required  
16 pursuant to section 3805(d.1) (relating to ignition  
17 interlock).

18 (4) Three points for tampering with an ignition  
19 interlock device as provided in section 3808(b) (relating to  
20 illegally operating a motor vehicle not equipped with  
21 ignition interlock) or attempting to tamper with an ignition  
22 interlock device as provided in section 3808(b.1).

23 (c) Penalties.--For every three points accumulated by the  
24 restricted licensee, the licensee shall:

25 (1) Return his vehicle to an ignition interlock service  
26 provider to have the device reset.

27 (2) Be responsible for the cost of the resetting fee  
28 which shall be determined by the secretary.

29 (3) Be subject to not less than a six-month extension of  
30 the duration of the scheduled restricted license.

1           (4) Pay a fine of \$500.

2   § 3805.3. Ignition Interlock System Fund.

3       There is hereby established in the joint custody of the State  
4 Treasurer and the Secretary of Transportation a fund to be known  
5 as the Ignition Interlock System Fund. The fund shall consist of  
6 all moneys appropriated by the General Assembly and all fines  
7 imposed upon violations of sections 3805 (relating to ignition  
8 interlock), 3805.2 (relating to ignition interlock system  
9 violations) and 3808 (relating to illegally operating a motor  
10 vehicle not equipped with ignition interlock). The moneys of the  
11 fund shall be used for any purpose designated by the secretary  
12 that furthers the goals and purposes of this chapter, including  
13 the production of educational materials that inform the public  
14 of the hazards of driving under the influence of alcohol.

15       Section 4. Section 3808 of Title 75 is amended by adding a  
16 subsection to read:

17   § 3808. Illegally operating a motor vehicle not equipped with  
18           ignition interlock.

19       \* \* \*

20       (b.1) Attempting to tamper with an ignition interlock  
21 system.--A person is guilty of attempting to tamper with an  
22 ignition interlock system by:

23           (1) Intending to circumvent the testing or data  
24 recording of an ignition interlock system.

25           (2) Committing any act constituting a substantial step  
26 toward circumventing an ignition interlock system.

27 Any person who attempts to tamper with an ignition interlock  
28 device shall be subject to not more than six months'  
29 imprisonment and shall be fined not more than \$5,500.

30       \* \* \*

1       Section 5.   This act shall take effect in 60 days.