

AMENDMENTS TO HOUSE BILL NO. 80

Sponsor: REPRESENTATIVE CARROLL

Printer's No. 2299

1 Amend Bill, page 1, lines 2 and 3, by striking out "amnesty"
2 in line 2 and all of line 3 and inserting
3 Relief from Administrative Suspension Program.

4 Amend Bill, page 1, lines 8 through 18; pages 2 through 5,
5 lines 1 through 30; page 6, lines 1 through 13; by striking out
6 all of said lines on said pages and inserting

SUBCHAPTER ERELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAMSec.1591. Definitions.1592. Relief from Administrative Suspension Program.1593. Program requirements.1594. Use of revenue.1595. Proceedings relating to violations barred.§ 1591. Definitions.

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

"Court." The issuing authority or court of competent jurisdiction which notified the department of an individual's failure to respond that resulted in the indefinite suspension of that individual's operating privilege under section 1533 (relating to suspension of operating privilege for failure to respond to citation).

"Program." The Relief from Administrative Suspension Program established under section 1592 (relating to Relief from Administrative Suspension Program).

§ 1592. Relief from Administrative Suspension Program.

(a) Establishment.--The department, in consultation with the Administrative Office of Pennsylvania Courts, shall establish the Relief from Administrative Suspension Program that shall begin on the effective date of this section and end 12 months after the effective date of this section.

(b) Purposes.--The program shall permit the department to restore the operating privileges of eligible individuals from

1 suspensions imposed under sections 1533(a), (b) or (d) (relating
2 to suspension of operating privilege for failure to respond to
3 citation), 1543(a) (relating to driving while operating
4 privilege is suspended or revoked) and 1544(a) (relating to
5 additional period of revocation or suspension).

6 (c) Duties.--The department, in consultation with the
7 Administrative Office of Pennsylvania Courts, shall:

8 (1) Review the applications filed for relief under the
9 program and make a determination as to the applicant's
10 eligibility for relief within 30 days of receipt of the
11 application and all other required items.

12 (2) Determine if an applicant has satisfied all court-
13 ordered obligations which resulted in a suspension of the
14 applicant's operating privilege under section 1533(a), (b) or
15 (d).

16 (3) Determine if an applicant was convicted of one or
17 more violations under section 1543(a) that occurred only as
18 the result of a suspension imposed under the authority of
19 section 1533 or 6146 (relating to enforcement agreements) and
20 is currently serving or will serve an operating privilege
21 suspension for a section 1543(a) conviction.

22 (4) Determine whether the granting of relief under the
23 program would result in immediate restoration of the
24 applicant's operating privilege.

25 (5) Prioritize the processing of applications for which
26 the granting of relief will result in an immediate
27 restoration of the applicant's operating privilege.

28 (6) Update eligible applicants' driver's records and
29 restore the operating privilege of applicants as permitted
30 under this title.

31 (d) Eligibility.--The program shall be available to an
32 individual who meets the following criteria:

33 (1) The individual's operating privilege has been
34 indefinitely suspended under section 1533(a), (b) or (d)
35 prior to the effective date of this subsection.

36 (2) The department's records show that the individual's
37 operating privilege will be or is suspended for a conviction
38 under section 1543(a) only as a result of a suspension
39 imposed under the authority of section 1533 or 6146 prior to
40 the effective date of this section.

41 (3) The individual has served any operating privilege
42 suspension required by the underlying offense which resulted
43 in violation of section 1533(a), (b) or (d).

44 (4) The individual has submitted a completed application
45 for relief to the department on a form prescribed by the
46 department. The following items must also be submitted with
47 the application:

48 (i) the restoration fee; and

49 (ii) proof of financial responsibility; or

50 (iii) in the case of an individual who does not own
51 a motor vehicle currently registered in this

1 Commonwealth, a signed statement certifying that the
2 individual does not own a motor vehicle currently
3 registered in this Commonwealth.

4 (e) Prohibitions.--An individual shall be prohibited from
5 receiving relief under the program for convictions of violations
6 committed after the effective date of this subsection.

7 (f) Reinstatement.--The department shall amend eligible
8 individuals' driver's records to show they satisfied all court-
9 ordered obligations which resulted in a suspension of the
10 individual's operating privilege under section 1533. The
11 department shall amend eligible individuals' driver's records to
12 show that suspensions imposed for relevant convictions under
13 section 1543(a) will end or will not be imposed. Any add-on
14 suspensions imposed under section 1544(a) for violations that
15 occurred at the same time as a relevant violation of section
16 1543(a) shall be rescinded from eligible individuals' driver's
17 records. The department shall not be required to reinstate the
18 operating privilege of an individual under this subchapter if
19 the department is authorized under this title to suspend the
20 operating privilege of the individual for other violations of
21 this title. Upon restoration from suspension under this program,
22 eligible individuals' driver's records shall show five points.

23 (g) Compliance.--The department may not be required to
24 restore the operating privilege of an individual under this
25 subchapter until the individual has complied with section 1593
26 (relating to program requirements).
27 § 1593. Program requirements.

28 (a) Form.--An individual who seeks to participate in the
29 program shall respond to the court pursuant to the instructions
30 in a restoration requirements letter which shall be provided by
31 the department.

32 (b) Satisfaction of payments owed.--The individual is
33 required to pay 100% of the original penalty and any other
34 court-ordered obligations imposed under the applicable laws of
35 this Commonwealth.

36 (c) Requirements.--In addition to the requirements under
37 section 1960 (relating to reinstatement of operating privilege
38 or vehicle registration), an individual applying for the program
39 shall perform one of the following:

40 (1) Pay all court-ordered obligations immediately or in
41 a single remittance.

42 (2) If an individual is unable to pay all obligations
43 under subparagraph (i), the individual shall either:

44 (i) pay in installments all court-ordered
45 obligations after a hearing conducted by the issuing
46 authority to determine the individual's ability to pay
47 and the issuance of an order providing for installment
48 payments; or

49 (ii) notwithstanding 42 Pa.C.S. § 1520(a) (relating
50 to adjudication alternative program), complete a court-
51 ordered public service or other adjudication alternative

1 program under 42 Pa.C.S. § 1520(b).

2 (d) Proof of financial responsibility.--Notwithstanding
3 section 1783 (relating to proof of financial responsibility
4 before restoring operating privilege or registration), before
5 restoring an operating privilege, the department shall require
6 an individual participating in the program to provide the
7 department with:

8 (1) proof of financial responsibility; or

9 (2) in the case of an individual who does not own a
10 motor vehicle currently registered in this Commonwealth, a
11 signed statement certifying that the individual does not own
12 a motor vehicle currently registered in this Commonwealth.

13 (e) Certification.--The court shall certify to the
14 department that an individual is eligible for relief under the
15 program because:

16 (1) an individual has satisfied the amounts owed to the
17 court; or

18 (2) an individual has completed or satisfied all court-
19 ordered public service requirements or other alternative
20 adjudication programs.

21 § 1594. Use of revenue.

22 All revenue received by the court under the program shall be
23 distributed in accordance with law.

24 § 1595. Proceedings relating to violations barred.

25 Participation in the program is conditioned upon the
26 individual's agreement not to protest or pursue an
27 administrative or judicial proceeding against the department for
28 the sanctions it imposed on the individual's operating privilege
29 under section 1533 (relating to suspension of operating
30 privilege for failure to respond to citation), 1543 (relating to
31 driving while operating privilege is suspended or revoked), 1544
32 (relating to additional period of revocation or suspension) or
33 6146 (relating to enforcement agreements) as addressed by the
34 program.

35 Section 2. This act shall take effect in 10 months.