

AMENDMENTS TO SENATE BILL NO. 516

Sponsor: REPRESENTATIVE D. MILLER

Printer's No. 802

1 Amend Bill, page 1, lines 1 through 3, by striking out all of
2 said lines and inserting

3 Amending Titles 18 (Crimes and Offenses), 34 (Game), 42
4 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the
5 Pennsylvania Consolidated Statutes, in human trafficking,
6 further providing for restitution; in enforcement, further
7 providing for jurisdiction and penalties; in sentencing,
8 further providing for sentencing generally, for fine, for
9 collection of restitution, reparation, fees, costs, fines and
10 penalties, for payment of court costs, restitution and fines
11 and for collection of court costs, restitution and fines by
12 private collection agency, repealing provisions relating to
13 fine and further providing for failure to pay fine; in
14 licensing of drivers, repealing provisions relating to
15 suspension of operating privilege for failure to respond to
16 citation, providing for fee for restoration of operating
17 privilege and further providing for restoration of operating
18 privilege, for occupational limited license and for
19 probationary license; in financial responsibility, further
20 providing for definitions; and, in penalties and disposition
21 of fines, repealing provisions relating to inability to pay
22 fine and costs.

23 Amend Bill, page 1, lines 6 through 18; page 2, lines 1
24 through 11; by striking out all of said lines on said pages and
25 inserting

26 Section 1. Section 3020(3) of Title 18 of the Pennsylvania
27 Consolidated Statutes is amended to read:

28 § 3020. Restitution.

29 In addition to the provisions of section 1106 (relating to
30 restitution for injuries to person or property), the following
31 shall apply:

32 * * *

33 (3) Collection and distribution of restitution payments
34 shall be governed by the provisions of 42 Pa.C.S. §§ 9728
35 (relating to collection of restitution, reparation, fees,

1 costs, fines and penalties), 9730 (relating to payment of
2 court [costs, restitution and] fines, costs and restitution)
3 and 9730.1 (relating to collection of court costs,
4 restitution and fines by private collection agency).

5 Section 2. Section 925(e) of Title 34 is amended to read:
6 § 925. Jurisdiction and penalties.

7 * * *

8 (e) Installment payment of fines.--Upon a plea and proof
9 that person is unable to pay any fine and costs imposed under
10 this title, a court may, in accordance with 42 Pa.C.S. § [9758
11 (relating to fine)] 9730 (relating to payment of court fines,
12 costs and restitution), permit installment payments it considers
13 appropriate to the circumstances of the person, in which case
14 its order shall specify when each installment payment is due.

15 * * *

16 Section 3. Section 9721(c.1) of Title 42 is amended to read:
17 § 9721. Sentencing generally.

18 * * *

19 (c.1) Mandatory payment of costs.--Notwithstanding the
20 provisions of section 9728 (relating to collection of
21 restitution, reparation, fees, costs, fines and penalties) or
22 any provision of law to the contrary, in addition to the
23 alternatives set forth in subsection (a), the court shall order
24 the defendant to pay costs. In the event the court fails to
25 issue an order for costs pursuant to section 9728, costs shall
26 be imposed upon the defendant under this section. No court order
27 shall be necessary for the defendant to incur liability for
28 costs under this section. The provisions of this subsection do
29 not alter the court's discretion under Pa.R.Crim.P. No. 706(C)
30 (relating to fines or costs)[.] or the requirements of section
31 9730 (relating to payment of court fines, costs and
32 restitution).

33 * * *

34 Section 4. Section 9726 of Title 42 is amended by adding a
35 subsection to read:

36 § 9726. Fine.

37 * * *

38 (e) Alternative sentence.--The sentence of the court may
39 include an alternative sentence in the event of nonpayment, but
40 the sentence shall only take effect in accordance with section
41 9772 (relating to failure to pay fine).

42 Section 5. Section 9728(g.1) of Title 42 is amended to read:
43 § 9728. Collection of restitution, reparation, fees, costs,
44 fines and penalties.

45 * * *

46 (g.1) Payment.--[No less than 50% of all moneys] Money
47 collected by the county probation department or other agent
48 designated by the county commissioners of the county with the
49 approval of the president judge of the county pursuant to
50 subsection (b) (1) and deducted pursuant to subsection (b) (5)
51 shall, until the satisfaction of the defendant's restitution

1 obligation, be used to pay restitution to victims. Any remaining
2 moneys shall be used to pay fees, costs, fines, penalties and
3 other court-ordered obligations.

4 * * *

5 Section 6. Section 9730 of Title 42, amended December 18,
6 2019 (P.L.776, No.115), is amended to read:

7 § 9730. [Payment of court costs, restitution and fines.

8 (a) Method of payment.--The treasurer of each county may
9 allow the use of credit cards and bank cards in the payment of
10 court costs, restitution and fines and may provide for automatic
11 periodic deductions from a bank account, subject to the
12 agreement of the owner of the account.

13 (a.1) Wage attachment.--A court may, at sentencing, assign
14 an amount not greater than 25% of the defendant's gross salary,
15 wages or other earnings to be used for the payment of court
16 costs, restitution or fines.

17 (b) Procedures regarding default.--

18 (1) If a defendant defaults in the payment of court
19 costs, restitution or fines after imposition of sentence, the
20 issuing authority or a senior judge or senior magisterial
21 district judge appointed by the president judge for the
22 purposes of this section may conduct a hearing to determine
23 whether the defendant is financially able to pay.

24 (2) If the issuing authority, senior judge or senior
25 magisterial district judge determines that the defendant is
26 financially able to pay the costs, restitution or fine, the
27 issuing authority, senior judge or senior magisterial
28 district judge may enter an order for wage attachment, turn
29 the delinquent account over to a private collection agency or
30 impose imprisonment for nonpayment, as provided by law.

31 (3) If the issuing authority, senior judge or senior
32 magisterial district judge determines that the defendant is
33 without the financial means to pay the costs, restitution or
34 fine immediately or in a single remittance, the issuing
35 authority, senior judge or senior magisterial district judge
36 may provide for payment in installments. In determining the
37 appropriate installments, the issuing authority, senior judge
38 or senior magisterial district judge shall consider the
39 defendant's financial resources, the defendant's ability to
40 make restitution and reparations and the nature of the burden
41 the payment will impose on the defendant. If the defendant is
42 in default of a payment or advises the issuing authority,
43 senior judge or senior magisterial district judge that
44 default is imminent, the issuing authority, senior judge or
45 senior magisterial district judge may schedule a rehearing on
46 the payment schedule. At the rehearing the defendant has the
47 burden of proving changes of financial condition such that
48 the defendant is without the means to meet the payment
49 schedule. The issuing authority, senior judge or senior
50 magisterial district judge may extend or accelerate the
51 schedule, leave it unaltered or sentence the defendant to a

1 period of community service as the issuing authority, senior
2 judge or senior magisterial district judge finds to be just
3 and practicable under the circumstances.

4 (4) A decision of the issuing authority, senior judge or
5 senior magisterial district judge under paragraph (2) or (3)
6 is subject to section 5105 (relating to right to appellate
7 review).] Payment of court fines, costs and restitution.

8 (c) Imposition of fines, costs and restitution.--

9 (1) Restitution established by the evidence as owed to a
10 victim shall be imposed in accordance with 18 Pa.C.S. § 1106
11 (relating to restitution for injuries to person or property).
12 Payment of restitution in full shall have priority over
13 payment of fines or costs.

14 (2) The court shall:

15 (i) Consider only the defendant's income in
16 assessing fines and costs and ability to pay.

17 (ii) Have the discretion to waive or reduce fines
18 and costs at any time.

19 (iii) Conduct an ability-to-pay analysis before
20 imposing any fines or costs:

21 (A) At any stage in the proceeding, including,
22 but not limited to, pretrial proceedings,
23 diversionary programs, sentencing or postsentencing
24 proceedings.

25 (B) In any summary offense, misdemeanor, felony
26 or other offense.

27 (C) In accordance with this section and sections
28 9721(c.1) (relating to sentencing generally) and
29 9726 (relating to fine).

30 (3) A sentence of incarceration may not be imposed
31 solely because a defendant is found unable to pay.

32 (4) If a felony or misdemeanor charge is reduced to a
33 summary offense, the defendant shall be liable only for costs
34 associated with a summary offense, pursuant to the standards
35 specified in this section.

36 (5) In any case that arises from the same incident, each
37 court cost that is authorized by law shall be assessed no
38 more than once. A defendant may not be charged any costs
39 associated with charges that are withdrawn or dismissed or
40 otherwise do not result in conviction.

41 (6) The inability to pay shall not limit access to
42 diversionary programs or serve as grounds for removal or
43 suspension from the programs.

44 (7) The assignment of parole fees, supervision fees or
45 monitoring fees shall not supersede restitution priority.

46 (d) Ability to pay.--

47 (1) The defendant shall be considered unable to pay
48 fines or costs if any of the following is established by a
49 preponderance of the evidence and greater access to financial
50 resources is not determined:

51 (i) The defendant's income is less than 125% of the

1 Federal poverty guidelines or the defendant is an
2 unemancipated juvenile.

3 (ii) The defendant proves that imposition of the
4 finances or costs would render the defendant unable to meet
5 basic life needs, including, but not limited to, food,
6 rent or mortgage, utilities, medical expenses,
7 transportation and dependent care, with consideration
8 given to employment status, treatment needs and access to
9 means-based public assistance.

10 (2) The court may request reasonable documentation in
11 relation to the defendant's income and ability to pay, but no
12 final order regarding fines and costs shall be issued without
13 providing the defendant with a reasonable opportunity to
14 produce financial documentation. The defendant shall be
15 provided in writing the total amount of fines, costs or
16 restitution imposed.

17 (3) The court shall allow a victim owed restitution to
18 provide competent and relevant evidence regarding the
19 defendant's finances and ability to pay, if so requested.

20 (4) The court may order a defendant to report any salary
21 increase that improves the defendant's ability to pay and any
22 financial windfalls in excess of \$1,000. The court shall
23 provide the defendant with written notice of this obligation.

24 (e) Installment payment schedule.--

25 (1) Upon a determination that a defendant has the
26 ability to pay, the court shall seek immediate payment. If it
27 is established that the payment cannot be paid in full, the
28 court shall permit a victim owed restitution to offer
29 competent and relevant evidence as to the defendant's
30 finances, if so requested, before finalizing an installment
31 payment schedule. Unless a greater payment is consented to by
32 the defendant, the installment payment schedule shall be
33 prescribed as below:

34 (i) A defendant whose income is less than or equal
35 to 125% of the Federal poverty guidelines shall not be
36 required to make monthly installment payments.

37 (ii) A defendant whose income is more than 125% but
38 less than 150% of the Federal poverty guidelines shall
39 not be required to make monthly installment payments that
40 exceed two times the hourly minimum wage for the
41 locality.

42 (iii) A defendant whose income is equal to or more
43 than 150% but less than 185% of the Federal poverty
44 guidelines shall not be required to make monthly
45 installment payments that exceed three times the hourly
46 minimum wage for the locality.

47 (iv) A defendant whose income is greater than or
48 equal to 185% but less than 200% of the Federal poverty
49 guidelines shall not be required to make monthly
50 installment payments that exceed four times the hourly
51 minimum wage for the locality.

1 (v) If a defendant's income is equal to or more than
2 200% of the Federal poverty guidelines, the court shall
3 consider the evidence presented at a hearing on the
4 defendant's financial ability to pay and set an
5 installment payment schedule that would not prevent the
6 defendant from meeting the basic life needs of the
7 defendant and any of the defendant's dependents.

8 (2) The court may set review dates to review progress
9 and related financial information. The review dates based
10 solely on financial payments shall not be more frequent than
11 once every six months absent default. The scheduling shall
12 take into account the impact on the defendant's employment or
13 dependent care.

14 (3) The court may delegate authority to the department
15 of probation of the respective county or other agent
16 designated by the county commissioners of the county with the
17 approval of the president judge of the county in accordance
18 with section 9728 (relating to collection of restitution,
19 reparation, fees, costs, fines and penalties). The court may
20 delegate authority to its clerks to enter into a mutually
21 agreeable installment payment schedule with the defendant.
22 However, if the defendant requests that the court hold a
23 hearing to set or modify a payment plan, the court shall
24 schedule and hold the hearing. An entity to which the
25 authority is delegated shall inform the defendant in writing
26 of the right to a hearing.

27 (4) Defendants shall be permitted to make payments with
28 credit cards or bank cards. Defendants may not be charged any
29 administrative fee for the use of the credit cards or bank
30 cards. The court may, with the consent of the defendant,
31 automatically deduct payments each month, but any deduction,
32 garnishment or wage attachment shall not be in excess of the
33 defendant's payment plan amount.

34 (5) The court may send automated reminders to the
35 defendant via text message or e-mail to remind the defendant
36 to pay each month.

37 (f) Community service.--The court may, with the consent of
38 the defendant, permit the defendant to perform community service
39 in lieu of paying fines or costs or in lieu of restitution, if
40 agreed to on the record by the victim to whom restitution is
41 owed. The following shall apply:

42 (1) A defendant who performs community service shall
43 receive credit at no less than two times the hourly minimum
44 wage for the locality, although the court may in its
45 discretion give credit at a higher rate. The failure to
46 complete agreed-to community service may lead to
47 reinstatement of outstanding financial obligations in
48 accordance with this section.

49 (2) No community service may be used to enrich or
50 otherwise benefit:

51 (i) the court or staff of the court, including any

1 family members, colleagues or acquaintances; or
2 (ii) the victim or the victim's family members,
3 colleagues or acquaintances.

4 (g) Procedures regarding default.--If a defendant defaults
5 on an installment payment schedule or upon motion, the court may
6 schedule a hearing to determine the defendant's financial
7 ability to pay, but the court may not hold the defendant in
8 contempt, alter the defendant's payment plan or issue a sanction
9 without first holding a hearing. A bench warrant may not be
10 issued solely for a financial default. The following shall
11 apply:

12 (1) With respect to notice of the hearing:

13 (i) Notice shall be provided via certified mail and
14 via phone, text or e-mail when possible, but not as a
15 substitute for traditional service.

16 (ii) At a minimum, notice shall include:

17 (A) The date, time and location of the hearing.

18 (B) The total amount owed in fines, costs and
19 restitution.

20 (C) The current installment payment schedule, if
21 any.

22 (D) Any measure that the defendant may take to
23 avoid a hearing.

24 (E) A reminder that the defendant may bring
25 documentation regarding the defendant's finances or a
26 list of documents that the court requires the
27 defendant to bring.

28 (F) If the court is considering incarcerating
29 the defendant, a statement that the defendant has a
30 right to counsel at the hearing, with instructions on
31 how to apply for a public defender if the defendant
32 cannot afford counsel.

33 (iii) Notice shall be provided to a victim to whom
34 restitution is owed, when so requested.

35 (2) If the defendant fails to appear at the hearing, the
36 court may issue a bench warrant or reschedule the hearing.

37 (3) With respect to a hearing on the ability of a
38 defendant to pay fines, costs or restitution, the court shall
39 affirmatively inquire into the reasons for nonpayment and the
40 defendant's present financial status in accordance with the
41 standards specified in subsection (d). The following shall
42 apply:

43 (i) The defendant has the right to offer evidence
44 and to representation if there is a likelihood of
45 incarceration.

46 (ii) A victim who is owed restitution is entitled to
47 notice if so requested.

48 (iii) The court shall make written findings on the
49 record and provide any of the following findings:

50 (A) A finding of the defendant's willful refusal
51 to pay. If the Commonwealth establishes, by a

1 preponderance of the evidence, that the defendant has
2 the financial ability to pay and has willfully
3 refused to pay, the court may, in accordance with
4 subsection (c), take any of the following actions or
5 combination of actions:

6 (I) Reinstate, alter or otherwise create an
7 installment payment schedule.

8 (II) Impose a sentence of community service.

9 (III) Refer the case to a private debt
10 collection agency in accordance with section
11 9730.1 (relating to collection of court costs,
12 restitution and fines by private collection
13 agency).

14 (IV) Impose any sanction provided by law.
15 The following shall apply:

16 (a) No person shall be incarcerated for
17 nonpayment unless the court makes the
18 necessary finding under this subsection.

19 (b) The court may impose a purge
20 condition, compliance with which will allow
21 the defendant to avoid sanction, only if it
22 finds beyond a reasonable doubt that the
23 defendant has the present ability to comply.

24 (B) A finding of the defendant's inability to
25 pay. The court may, in accordance with subsection
26 (c), take any of the following actions or combination
27 of actions:

28 (I) Reinstate, alter or otherwise create an
29 installment payment schedule that will allow
30 compliance.

31 (II) Reduce or waive fines and costs owed.

32 (III) With consent, allow for fines, costs
33 or restitution to be completed by community
34 service.

35 (h) Reduction or waiver of fines, costs or restitution.--

36 (1) At any time deemed appropriate or upon motion, the
37 court may waive or reduce a defendant's fines or costs, or
38 any portion thereof, as noncollectible due to the defendant's
39 inability to pay, or may waive or reduce the amounts for any
40 reason. If the waiver or reduction results in eliminating any
41 outstanding balance of fines or costs, the court shall
42 specify in writing that the case was closed for that reason.
43 Any existing civil judgment or lien entered in accordance
44 with section 9728 shall be terminated.

45 (2) Any amount of unpaid restitution may be reduced or
46 waived only if the court finds on the record that the victim
47 has given consent to the reduction or waiver.

48 (i) Termination of probation or parole.--

49 (1) If a defendant has completed all rehabilitative
50 goals of probation or parole other than payment of fines and
51 costs and there has been no finding of willful refusal to

1 pay, the court shall terminate supervision.

2 (2) If a defendant has completed all rehabilitative
3 goals of probation or parole but restitution remains and
4 there has been no finding of willful refusal to pay, the
5 court may terminate supervision.

6 (3) If any financial obligation is still owed or
7 assigned at the termination of supervision, the court shall
8 provide the defendant with the amount in writing, place the
9 defendant on an installment payment schedule in accordance
10 with this section and inform the defendant that payment is
11 still owed and that willful failure to comply may result in a
12 finding of contempt and possible imprisonment. The inability
13 to pay shall not constitute grounds to revoke or extend a
14 period of probation or parole.

15 (j) Time limit on contempt proceedings.--

16 (1) A court may not hold a defendant in contempt or
17 otherwise arrest or imprison a defendant for nonpayment of
18 finest or costs beyond the maximum term of imprisonment to
19 which the defendant could have been sentenced for the crimes
20 of which the defendant was convicted or upon the termination
21 of probation, if any.

22 (2) In summary offenses, the court may not hold a
23 defendant in contempt or otherwise arrest or imprison a
24 defendant for nonpayment of fines or costs once two years
25 have passed since the date of conviction for the offense or
26 upon the termination of probation, if any.

27 (3) Nothing in this subsection limits the ability of the
28 Commonwealth to enforce a civil judgment entered in
29 accordance with sections 5529(a) (relating to twenty year
30 limitation) and 9728.

31 (k) Appeal.--An order entered under this section is subject
32 to an appeal under section 5105 (relating to right to appellate
33 review). The filing of an appeal of an order of incarceration
34 shall operate as an automatic supersedeas until the conclusion
35 of the appeal, unless otherwise ordered by a court having
36 jurisdiction over the appeal.

37 (l) Applicability.--This section shall apply notwithstanding
38 any other provisions of law.

39 Section 7. Section 9730.1(a) and (d) of Title 42 are amended
40 to read:

41 § 9730.1. Collection of court costs, restitution and fines by
42 private collection agency.

43 (a) Generally.--In accordance with section [9730(b)(1) and
44 (2) (relating to payment of court costs, restitution and fines)]
45 9730 (relating to payment of court fines, costs and
46 restitution), an issuing authority may refer the collection of
47 costs, fines and restitution of a defendant to a private
48 collection agency whether or not the defendant's maximum
49 sentence or probationary term has expired with or without
50 holding a hearing pursuant to this section. Such collection
51 agency shall adhere to accepted practices in accordance with

1 applicable Federal and State law to collect such costs, fines
2 and restitution.

3 * * *

4 (d) Imprisonment.--Nothing in this subchapter limits the
5 ability of a judge to imprison a person for nonpayment, as
6 provided by law; however, imprisonment for nonpayment shall not
7 be imposed without a public hearing under section [9730(b)(1)]
8 9730.

9 * * *

10 Section 8. Section 9758 of Title 42 is repealed:
11 [§ 9758. Fine.

12 (a) General rule.--In imposing a fine the court shall at the
13 time of sentencing specify the amount of the fine up to the
14 amount authorized by law and shall provide when it is to be
15 paid, and in the absence of statutory direction provide whether
16 it is to be paid to the county or to the Commonwealth.

17 (b) Installment payment.--Except for fines imposed under
18 Title 34 (relating to game), the court may permit installment
19 payments as it considers appropriate to the circumstances of the
20 defendant, in which case its order shall specify when each
21 installment payment is due. Installment payments for fines
22 imposed for summary offenses under Title 34 shall not exceed one
23 year for summary offenses and, except for 34 Pa.C.S. § 2522
24 (relating to shooting at or causing injury to human beings),
25 shall not exceed two years for misdemeanor offenses.

26 (c) Alternative sentence.--The sentence of the court may
27 include an alternative sentence in the event of nonpayment.]

28 Section 9. Section 9772 of Title 42 is amended to read:
29 § 9772. Failure to pay fine.

30 [Unless there is proof that failure to pay a fine or that
31 portion of the fine that is due is excusable, the] The court may
32 after a hearing find the defendant guilty of contempt and
33 sentence him to not more than six months imprisonment, if a term
34 of confinement of that amount could have been imposed for the
35 offense charged[.] and the defendant is not indigent and is
36 willfully refusing to pay in accordance with section 9730
37 (relating to payment of court fines, costs and restitution). The
38 court shall make findings on the record regarding the
39 defendant's ability to pay. If an alternative sentence has been
40 imposed under section [9758(c) (relating to alternative
41 sentence)] 9726(e) (relating to fine), the alternative sentence
42 may not take effect until there has been a preliminary finding
43 of non-indigency, and a willful failure to pay the fine in
44 accordance with section 9730.

45 Section 10. Section 1533 of Title 75 is repealed:
46 [§ 1533. Suspension of operating privilege for failure to
47 respond to citation.

48 (a) Violations within Commonwealth.--The department shall
49 suspend the operating privilege of any person who has failed to
50 respond to a citation or summons to appear before an issuing
51 authority or a court of competent jurisdiction of this

1 Commonwealth for any violation of this title, other than
2 parking, or who has failed to pay any fine, costs or restitution
3 imposed by an issuing authority or such courts for violation of
4 this title, other than parking, upon being duly notified by an
5 issuing authority or a court of this Commonwealth.

6 (b) Violations outside Commonwealth.--The department shall
7 suspend the operating privilege of any person who has failed to
8 respond to a citation, summons or similar writ to appear before
9 a court of competent jurisdiction of the United States or any
10 state which has entered into an enforcement agreement with the
11 department, as authorized under section 6146 (relating to
12 enforcement agreements), for any violation of the motor vehicle
13 laws of such state, other than parking, or who has failed to pay
14 any fine or costs imposed by such court upon being duly notified
15 in accordance with the laws of such jurisdiction in which the
16 violation occurred. A person who provides proof, satisfactory to
17 the department, that the full amount of the fine and costs has
18 been forwarded to and received by the court shall not be
19 regarded as having failed to respond for the purposes of this
20 subsection.

21 (c) Time for responding to notice.--At least 15 days before
22 an issuing authority or court notifies the department to impose
23 a suspension pursuant to subsection (a), the issuing authority
24 or court shall notify the person in writing of the requirement
25 to respond to the citation and pay all fines, restitution and
26 penalties imposed by the issuing authority or court.

27 (d) Period of suspension.--The suspension shall continue
28 until such person shall respond to the citation, summons or
29 writ, as the case may be, and pay all fines, restitution and
30 penalties imposed or enter into an agreement to make installment
31 payments for the fines, restitution and penalties imposed
32 provided that the suspension may be reimposed by the department
33 if the defendant fails to make regular installment payments and,
34 if applicable, pay the fee prescribed in section 1960 (relating
35 to reinstatement of operating privilege or vehicle
36 registration).

37 (e) Remedy cumulative.--A suspension under this section
38 shall be in addition to the requirement of withholding renewal
39 or reinstatement of a violator's driver's license as prescribed
40 in section 1503(a) (relating to persons ineligible for
41 licensing; license issuance to minors; junior driver's license).

42 (f) Admissibility of documents.--A copy of a document issued
43 by a court or issuing authority of this Commonwealth or by an
44 official of another state shall be admissible for the purpose of
45 proving a violation of this section.]

46 Section 11. Title 75 is amended by adding a section to read:
47 § 1533.1. Fee for restoration of operating privilege.

48 A person whose operating privilege was suspended under former
49 section 1533 (relating to suspension of operating privilege for
50 failure to respond to citation) before the effective date of
51 this section shall have the operating privilege promptly

1 restored by the department without the requirement to pay any
2 fee prescribed in section 1960 (relating to reinstatement of
3 operating privilege or vehicle registration).

4 Section 12. Sections 1545, 1553(b)(4)(i)(A), (d)(12) and
5 (15)(i) and 1554(f)(3) of Title 75 are amended to read:
6 § 1545. Restoration of operating privilege.

7 Upon the restoration of any person's operating privilege
8 which has been suspended or revoked pursuant to this subchapter
9 or pursuant to Chapter 38 (relating to driving after imbibing
10 alcohol or utilizing drugs), such person's record shall show
11 five points, except that any additional points assessed against
12 the person since the date of the last violation resulting in the
13 suspension or revocation shall be added to such five points
14 unless the person has served an additional period of suspension
15 or revocation pursuant to section 1544(a) (relating to
16 additional period of revocation or suspension). This section
17 shall not apply to former section 1533 (relating to suspension
18 of operating privilege for failure to respond to citation) or to
19 18 Pa.C.S. § 6310.4 (relating to restriction of operating
20 privileges).

21 § 1553. Occupational limited license.

22 * * *

23 (b) Petition.--

24 * * *

25 (4) (i) A person whose operating privilege has been
26 suspended for a conviction of section 1543 (relating to
27 driving while operating privilege is suspended or
28 revoked) may not petition for an occupational limited
29 license unless department records show that the
30 suspension for a conviction of section 1543 occurred only
31 as the result of:

32 (A) a suspension for failure to respond to a
33 citation imposed under the authority of former
34 section 1533 (relating to suspension of operating
35 privilege for failure to respond to citation) or
36 section 6146 (relating to enforcement agreements);

37 * * *

38 (d) Unauthorized issuance.--The department shall prohibit
39 issuance of an occupational limited license to:

40 * * *

41 (12) Any person whose operating privilege is currently
42 suspended for failure to respond to a citation pursuant to
43 section [1533 or] 6146.

44 * * *

45 (15) Any person whose operating privilege has been
46 suspended for a conviction of section 1543 unless department
47 records show that the suspension for a conviction of section
48 1543 occurred only as a result of:

49 (i) a suspension for failure to respond to a
50 citation imposed under the authority of former section
51 1533 or section 6146;

* * *

§ 1554. Probationary license.

* * *

(f) Unauthorized issuance.--The department shall not issue a probationary license to:

* * *

(3) A person whose operating privilege is currently suspended under section [1533 (relating to suspension of operating privilege for failure to respond to citation) or] 6146 (relating to enforcement agreements).

* * *

Section 13. The definition of "clean risk" in section 1702 of Title 75 is amended to read:

§ 1702. Definitions.

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

* * *

"Clean risk." An insured or an applicant for insurance who, for the 36-month period immediately preceding the date of application or renewal date of the policy:

(1) has not been involved in an accident as a driver, provided that, for purposes of this paragraph, an "accident" shall not include accidents described in section 3 of the Automobile Insurance Policy Act or section 1799.3 (relating to limit on cancellations, refusals to renew, refusals to write, surcharges, rate penalties and point assignments);

(2) has not received more than three points for violations as set forth in Chapter 15 (relating to licensing of drivers); and

(3) whose operator's license has not been suspended or revoked except under former section 1533 (relating to suspension of operating privilege for failure to respond to citation) and the insured is able to produce proof that he or she has responded to all citations and paid all fines and penalties imposed under that section and provided further that the named insured has been a licensed operator in Pennsylvania or another state for the immediately preceding three years.

* * *

Section 14. Section 6504 of Title 75 is repealed:

[§ 6504. Inability to pay fine and costs.

(a) Order for installment payments.--Upon plea and proof that a person is unable to pay any fine and costs imposed under this title, a court may, in accordance with 42 Pa.C.S. § 9758 (relating to fine), order payment of the fine and costs in installments and shall fix the amounts, times and manner of payment.

(b) Imprisonment for nonpayment.--Any person who does not comply with an order entered under this section may be imprisoned for a number of days equal to one day for each \$40 of

1 the unpaid balance of the fine and costs.]
2 Section 15. This act shall take effect in 60 days.