

AMENDMENTS TO SENATE BILL NO. 1049

Sponsor: SENATOR STEFANO

Printer's No. 1367

1 Amend Bill, page 1, line 1, by striking out "Title" and
2 inserting

3 Titles 42 (Judiciary and Judicial Procedure) and

4 Amend Bill, page 1, line 2, by inserting after "Statutes,"
5 in magisterial district judges, further providing for
6 adjudication alternative program;

7 Amend Bill, page 1, lines 6 through 9, by striking out
8 "establishing the Relief" in line 6, all of lines 7 and 8 and
9 "requirements;" in line 9 and inserting

10 providing for driving while operating privilege is suspended
11 for certain other offenses, for relief from administrative
12 suspension and for relief from administrative suspension
13 participation requirements;

14 Amend Bill, page 1, lines 15 through 17, by striking out all
15 of said lines and inserting

16 Section 1. Section 1520 of Title 42 of the Pennsylvania
17 Consolidated Statutes is amended by adding a subsection to read:
18 § 1520. Adjudication alternative program.

19 * * *

20 (e.1) Alternative to Title 75 sanctions.--Notwithstanding
21 the provisions of subsection (a), a person whose operating
22 privilege has been suspended under 75 Pa.C.S. § 1533(a)
23 (relating to suspension of operating privilege for failure to
24 respond to citation), who has been convicted of violating 75
25 Pa.C.S. § 1543.1(a) (relating to driving while operating
26 privilege is suspended for certain other offenses) or who is
27 eligible for relief under 75 Pa.C.S. § 1557 (relating to relief
28 from administrative suspension) may be placed by the
29 magisterial district judge in an appropriate program under
30 subsection (b) in accordance with 75 Pa.C.S. §§ 1533(d) (1) (iii),
31 1543.1(a) (2) (ii) or 1558(b) (2) (ii) (relating to relief from
32 administrative suspension participation requirements). The

placement of a person under this subsection in an appropriate program under subsection (b) as authorized by the magisterial district judge shall be done in accordance with subsection (c), except the magisterial district judge may not alter the conviction for a violation of 75 Pa.C.S. § 1543.1(a) or relieve the person of the obligation to pay a fine associated with the conviction upon successful completion of the program under subsection (b).

Section 2. Section 1501(d) of Title 75 is amended and the section is amended by adding a subsection to read:

Amend Bill, page 2, lines 16 and 17, by striking out "1543(b.1) (relating to driving while operating privilege)" in line 16 and all of line 17 and inserting

1543.1(a) (relating to driving while operating privilege is suspended for certain other offenses) and, if applicable, successfully complete a program of community service as specified under section 1543.1(a)(2)(ii).

Amend Bill, page 2, line 18, by striking out "2" where it occurs the first time and inserting

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Amend Bill, page 2, line 18, by striking out "and" where it occurs the first time and inserting a comma

Amend Bill, page 2, line 18, by inserting after "(d)" and 1543(c)

Amend Bill, page 3, line 7, by striking out "order" and inserting

require

Amend Bill, page 5, lines 18 and 19, by striking out all of said lines

Amend Bill, page 5, lines 22 through 30; pages 6 through 8, lines 1 through 30; page 9, lines 1 through 9; by striking out all of said lines on said pages

Amend Bill, page 9, by inserting between lines 10 and 11

(c) Suspension or revocation of operating privilege.--[Upon] Except as provided under section 1543.1 (relating to driving

1 while operating privilege is suspended for certain other
2 offenses), upon receiving a certified record of the conviction
3 or adjudication of delinquency of any person under this section,
4 the department shall suspend or revoke that person's operating
5 privilege as follows:

6 (1) If the department's records show that the person was
7 under suspension, recall or cancellation on the date of
8 violation, and had not been restored, the department shall
9 suspend the person's operating privilege for an additional
10 one-year period.

11 (2) If the department's records show that the person was
12 under revocation on the date of violation, and had not been
13 restored, the department shall revoke the person's operating
14 privilege for an additional two-year period.

15 * * *

16 Amend Bill, page 9, by inserting between lines 11 and 12

17 § 1543.1. Driving while operating privilege is suspended for
18 certain other offenses.

19 (a) Certain other offenses.--

20 (1) A person who drives a motor vehicle on any highway
21 or trafficway of this Commonwealth at a time when the
22 person's operating privilege is suspended under section
23 1532(b)(2) (relating to suspension of operating privilege) or
24 1533 (relating to suspension of operating privilege for
25 failure to respond to citation) and the underlying offense
26 for the suspension is a violation of section 1501(a)
27 (relating to drivers required to be licensed) shall, upon
28 conviction or adjudication of delinquency, be sentenced to a
29 pay a fine of \$50.

30 (2) A person who drives a motor vehicle on any highway
31 or trafficway of this Commonwealth after the commencement of
32 a second or subsequent suspension of the person's operating
33 privilege under section 1532(b)(2) and no other violation and
34 before the operating privilege has been restored is guilty of
35 a summary offense and shall, upon conviction or adjudication
36 of delinquency, be required to do any of the following:

37 (i) Pay a fine of \$200 or enter into an agreement to
38 make installment payments for the fine imposed by the
39 issuing authority or court.

40 (ii) In accordance with 42 Pa.C.S. § 1520 (relating
41 to adjudication alternative program), enter into a
42 program of community service as approved by the issuing
43 authority or court in lieu of satisfying the requirements
44 under subparagraph (i). Upon receiving a report of a
45 failure to complete the program, the department shall
46 suspend the operating privilege of the person in
47 accordance with section 1543(c)(1) (relating to driving
48 while operating privilege is suspended or revoked).

49 (b) Citation of appropriate provisions.--Prior to filing a

1 citation for a violation of this section with the issuing
2 authority named in the citation, the police officer shall verify
3 the basis for the suspension with the department. Upon receiving
4 the verification, the police officer shall cite the appropriate
5 paragraph under subsection (a) on the citation.

6 Amend Bill, page 9, line 12, by striking out "Administrative
7 Suspension Program" and inserting
8 administrative suspension

9 Amend Bill, page 9, lines 13 through 17, by striking out all
10 of lines 13 through 16 and "department to" in line 17 and
11 inserting

12 (a) Restoration.--The department may

13 Amend Bill, page 9, line 28, by striking out "(c)" and
14 inserting

15 (b)

16 Amend Bill, page 10, line 26, by striking out "(d)" and
17 inserting

18 (c)

19 Amend Bill, page 11, line 19, by striking out "(e)" and
20 inserting

21 (d)

22 Amend Bill, page 12, line 6, by striking out "(f)" and
23 inserting

24 (e)

25 Amend Bill, page 12, lines 9 and 10, by striking out all of
26 line 9 and "participation requirements)" in line 10 and
27 inserting

28 (relating to relief from administrative suspension
29 participation requirements)

30 Amend Bill, page 12, line 11, by striking out "(g)" and
31 inserting

32 (f)

33 Amend Bill, page 12, line 15, by striking out "under the

1 program"

2 Amend Bill, page 12, lines 16 and 17, by striking out all of
3 said lines

4 Amend Bill, page 12, line 18, by striking out "Administrative
5 Suspension Program" and inserting
6 administrative suspension

7 Amend Bill, page 12, line 30, by striking out "(relating to
8 Relief from Administrative Suspension Program)" and inserting
9 (relating to relief from administrative suspension)

10 Amend Bill, page 14, line 12, by striking out "under the
11 program"

12 Amend Bill, page 14, lines 13 and 14, by striking out all of
13 said lines

14 Amend Bill, page 15, by inserting between lines 16 and 17

15 (1) The amendment of 42 Pa.C.S. § 1520.

16 Amend Bill, page 15, line 17, by striking out "(1)" and
17 inserting

18 (2)

19 Amend Bill, page 15, line 17, by inserting after "\$\$"

20 1501(d), 1532(b) (2),

21 Amend Bill, page 15, line 17, by inserting after "(d)"

22 , 1543(c)

23 Amend Bill, page 15, line 19, by striking out "(2)" and
24 inserting

25 (3)