

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1502 Session of
1999

INTRODUCED BY MASLAND, GORDNER, EGOLF, E. Z. TAYLOR, BARD,
BEBKO-JONES, BENNINGHOFF, CAPPABIANCA, DEMPSEY, DIGIROLAMO,
L. I. COHEN, GRUCELA, HARHAI, HERSHEY, HUTCHINSON,
MCILHATTAN, MELIO, S. MILLER, MUNDY, NAILOR, PLATTS, ROSS,
RUBLEY, SATHER, SAYLOR, SCHRODER, B. SMITH, SOLOBAY,
STEELMAN, STURLA, TRELLO, TULLI, WILLIAMS, ZIMMERMAN AND
WASHINGTON, MAY 12, 1999

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 12, 1999

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for driver's license revocation
3 or suspension, for revocation of habitual offenders' drivers'
4 licenses, for driving with a suspended or revoked license,
5 and for chemical testing to determine amount of alcohol or
6 controlled substances; providing for driving under influence
7 suspensions; and further providing for reinstatement of
8 license or registration and for driving under the influence
9 of alcohol or a controlled substance.

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

12 Section 1. Section 1532(b)(3) of Title 75 of the
13 Pennsylvania Consolidated Statutes, amended December 21, 1998
14 (P.L.1126, No.151), is amended to read:

15 § 1532. Suspension of operating privilege.

16 * * *

17 (b) Suspension.--

18 * * *

19 (3) The department shall suspend the operating privilege

1 of any driver for 12 months upon receiving a certified record
2 of the driver's conviction of section 3731 (relating to
3 driving under influence of alcohol or controlled substance)
4 or 3733 (relating to fleeing or attempting to elude police
5 officer), or substantially similar offenses reported to the
6 department under Article III of section 1581 (relating to
7 Driver's License Compact), or an adjudication of delinquency
8 based on section 3731 or 3733, except that, if the driver is
9 serving or has served a period of suspension for the same
10 offense under the provisions of section 1593 (relating to
11 suspension on administrative determination), he shall be
12 credited with the suspension time served under the section
13 1593 suspension. The department shall suspend the operating
14 privilege of any driver for six months upon receiving a
15 certified record of a consent decree granted under 42 Pa.C.S.
16 Ch. 63 (relating to juvenile matters) based on section 3731
17 or 3733.

18 * * *

19 Section 2. Section 1542(d) and (e) of Title 75 are amended
20 to read:

21 § 1542. Revocation of habitual offender's license.

22 * * *

23 (d) Period of revocation.--The operating privilege of any
24 person found to be a habitual offender under the provisions of
25 this section shall be revoked by the department for a period of
26 five years, except that, if the person is serving or has served
27 a period of suspension for the same offense under the provisions
28 of section 1593 (relating to suspension on administrative
29 determination), he shall be credited with the suspension time
30 served under the section 1593 suspension against the five-year

1 revocation.

2 (e) Additional offenses.--Each additional offense committed
3 within a period of five years, as measured from the date to any
4 previous offense, shall result in a revocation for an additional
5 period of two years, except that, if the person is serving or
6 has served a period of suspension for the same offense under the
7 provisions of section 1593, he shall be credited with the
8 suspension time served under the section 1593 suspension against
9 the additional two-year revocation.

10 Section 3. Section 1543(b) of Title 75, amended December 21,
11 1998 (P.L.1126, No.151), is amended to read:

12 § 1543. Driving while operating privilege is suspended or
13 revoked.

14 * * *

15 (b) Certain offenses.--

16 (1) Any person who drives a motor vehicle on any highway
17 or trafficway of this Commonwealth at a time when their
18 operating privilege is suspended or revoked as a condition of
19 acceptance of Accelerated Rehabilitative Disposition for a
20 violation of section 3731 (relating to driving under
21 influence of alcohol or controlled substance) or because of a
22 violation of section 1547(b)(1) (relating to suspension for
23 refusal), [3731] or suspended under section 1581 (relating to
24 Driver License Compact) for an offense substantially similar
25 to a violation of section 3731 or 1593 (relating to
26 suspension on administrative determination) shall, upon
27 conviction, be guilty of a summary offense and shall be
28 sentenced to pay a fine of \$1,000 and to undergo imprisonment
29 for a period of not less than 90 days.

30 (2) This subsection shall apply to any person against

1 whom one of these suspensions has been imposed whether the
2 person is currently serving this suspension or whether the
3 effective date of suspension has been deferred under any of
4 the provisions of any of the provisions of section 1544
5 (relating to additional period of revocation or suspension).
6 This provision shall also apply until the person has had the
7 operating privilege restored. This subsection shall also
8 apply to any revocation imposed pursuant to section 1542
9 (relating to revocation of habitual offender's license) if
10 any of the enumerated offenses was for a violation of section
11 3731 or for an out-of-State offense that is substantially
12 similar to a violation of section 3731 for which a revocation
13 is imposed under section 1581 (relating to Driver License
14 Compact).

15 * * *

16 Section 4. Section 1547(b) of Title 75 is amended to read:

17 § 1547. Chemical testing to determine amount of alcohol or
18 controlled substance.

19 * * *

20 (b) Suspension for refusal.--

21 (1) If any person placed under arrest for a violation of
22 section 3731 (relating to driving under influence of alcohol
23 or controlled substance) is requested to submit to chemical
24 testing and refuses to do so, the testing shall not be
25 conducted but upon notice by the police officer, the
26 department shall suspend the operating privilege of the
27 person for a period of 12 months, except that, if the person
28 is serving or has served a period of suspension for the same
29 offense under the provisions of section 1593 (relating to
30 suspension on administrative determination), he shall be

1 credited with the suspension time served under the section
2 1593 suspension.

3 * * *

4 Section 5. Chapter 15 of Title 75 is amended by adding a
5 subchapter to read:

6 SUBCHAPTER E

7 DRIVING UNDER INFLUENCE SUSPENSIONS

8 Sec.

9 1591. Definitions.

10 1592. Report by police officer.

11 1593. Suspension on administrative determination.

12 1594. Notice of suspension served by police officer.

13 1595. Notice of suspension or rescission.

14 1596. Period of suspension.

15 1597. Restoration of license.

16 1598. Administrative review.

17 1599. Hearing.

18 1599.1. Severability.

19 § 1591. Definitions.

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

23 "Administrative determination." An informal determination by
24 the department upon which the initial determination to suspend
25 shall be made.

26 "Administrative hearing." A formal administrative
27 determination by the department. Administrative hearings under
28 this subchapter are exempt from the provisions of Title 2
29 (relating to administrative law and procedure).

30 "Administrative review." A review of the administrative

1 determination of suspension by the department based on the
2 documents supplied by the arresting officer and the arrested
3 person.

4 § 1592. Report by police officer.

5 (a) Content.--If a police officer makes an arrest under
6 section 3731 (relating to driving under influence of alcohol or
7 controlled substance) and the officer determines that:

8 (1) the person drove, operated or was in actual physical
9 control of a motor vehicle while the amount of alcohol by
10 weight in the blood of the person was 0.10% or more;

11 (2) the amount of alcohol by weight in the blood of the
12 person is 0.10% or greater at the time of a chemical test of
13 a sample of the person's breath, blood or urine, which sample
14 is:

15 (i) obtained within three hours after the person
16 drove, operated or was in actual physical control of the
17 vehicle; or

18 (ii) if the circumstances of the incident prevent
19 collecting the sample within three hours, obtained within
20 a reasonable additional time after the person drove,
21 operated or was in actual physical control of the
22 vehicle; or

23 (3) the person refused to submit to a chemical test to
24 determine the amount of alcohol or presence of a controlled
25 substance in the blood in accordance with the procedure
26 established in section 1547 (relating to chemical testing to
27 determine amount of alcohol or controlled substance);
28 the officer shall, in the performance of his official duty,
29 forward to the department within five days of making the arrest
30 a sworn report of all information relevant to the administrative

1 determination, including information which adequately identifies
2 the defendant, a statement of the officer's grounds for belief
3 that the person violated section 1547 or 3731, the results of
4 any chemical tests which were conducted or information regarding
5 the refusal to submit to chemical testing, a copy of the
6 complaint filed with the court and the individual's driver's
7 license.

8 (b) Forms.--The report required by this section shall be
9 made on forms supplied by the department or in a manner
10 specified in department regulations.

11 (c) Official record.--The report required by this section
12 shall constitute an official record of the department and,
13 consistent with Title 42 (relating to judiciary and judicial
14 procedure), shall be admitted into evidence in any hearing
15 conducted under section 1599 (relating to hearing).

16 § 1593. Suspension on administrative determination.

17 (a) General rule.--The department shall suspend the
18 operating privilege of any person upon making an administrative
19 determination that:

20 (1) the person drove, operated or was in actual physical
21 control of a motor vehicle while the amount of alcohol by
22 weight in the blood of that person was 0.10% or more;

23 (2) the amount of alcohol by weight in the blood of the
24 person is 0.10% or greater at the time of a chemical test of
25 a sample of the person's breath, blood or urine, which sample
26 is:

27 (i) obtained within three hours after the person
28 drove, operated or was in actual physical control of the
29 vehicle; or

30 (ii) if the circumstances of the incident prevent

1 collecting the sample within three hours, obtained within
2 a reasonable additional time after the person drove,
3 operated or was in actual physical control of the
4 vehicle; or

5 (3) the person refused to submit to a chemical test to
6 determine the amount of alcohol or presence of a controlled
7 substance in the blood in accordance with the procedure
8 established in section 1547 (relating to chemical testing to
9 determine amount of alcohol or controlled substance).

10 (b) Determination.--Upon receipt of the report forwarded
11 under section 1592 (relating to report by police officer), the
12 department shall make an administrative determination of every
13 violation of sections 1547 and 3731 (relating to driving under
14 influence of alcohol or controlled substance) on the basis of
15 the report of a police officer as required in section 1592. The
16 administrative determination shall be final unless an
17 administrative review is requested under section 1598 (relating
18 to administrative review) or a hearing is held under section
19 1599 (relating to hearing).

20 (c) Criminal charges.--The department's administrative
21 determination is independent of any determination of the same or
22 similar facts in any criminal proceedings arising from the same
23 occurrence. The disposition of the criminal proceedings shall
24 not affect any administrative determination under this section.
25 § 1594. Notice of suspension served by police officer.

26 (a) Personal service.--The police officer, acting on behalf
27 of the department, shall, if practicable, serve a notice of
28 suspension of the person's operating privilege personally on the
29 defendant whenever:

30 (1) the chemical test results for a person who is being

1 charged with a violation of section 3731 (relating to driving
2 under influence of alcohol or controlled substance) show an
3 alcohol concentration of 0.10% or more; or

4 (2) the person violated section 1547(b) (relating to
5 chemical testing to determine amount of alcohol or controlled
6 substance).

7 (b) Notice.--The notice of suspension shall contain the
8 information required under section 1595(1)(ii) (relating to
9 notice of suspension or rescission).

10 (c) Seizure of license.--

11 (1) When the police officer serves the notice of
12 suspension, the officer shall seize any driver's license
13 issued by the department which is possessed by the person.
14 When the officer seizes a valid driver's license issued by
15 the department, the officer, acting on behalf of the
16 department, shall issue a temporary permit to a licensed
17 driver which shall be valid for 30 days and shall indicate
18 that an identification card may be obtained from the
19 department.

20 (2) A copy of the notice of suspension, a copy of any
21 temporary permit form and any driver's license seized under
22 this section shall be forwarded to the department by the
23 officer.

24 (3) A person may not procure or attempt to procure a
25 learner's permit, camera card, driver's license or duplicate
26 driver's license from the department after being issued a
27 notice of suspension under subsection (a). A person who
28 violates this paragraph commits a summary offense and shall,
29 upon conviction, be sentenced to pay a fine of \$500 or to
30 imprisonment for not more than three months.

(d) Forms.--The department shall provide notice of suspension forms, applications for identification cards and temporary permits to law enforcement agencies.

§ 1595. Notice of suspension or rescission.

In making the administrative determination described in section 1593 (relating to suspension on administrative determination):

(1) If the department determines that the person is subject to suspension under section 1593 and if notice of suspension of the person's operating privilege has not already been served upon the person by the police officer as required in section 1594 (relating to notice of suspension served by police officer), the department shall issue a notice of suspension as provided for in section 1540(b) (relating to surrender of license), which notice shall be deemed to be received three days after mailing.

(i) The notice of suspension shall be mailed by the department in accordance with section 1540.

(ii) The notice of suspension shall specify the reason and statutory grounds for the administrative determination of suspension, the effective date of the suspension, the right of the person to request administrative review or an administrative hearing, the procedure for requesting administrative review or an administrative hearing and the time within which a request for administrative review must be made in order to receive a review prior to the effective date of the suspension.

(2) If the department determines that the person is not subject to suspension, the department shall notify the person

1 of its administrative determination, shall rescind any order
2 of suspension served upon the person by the police officer
3 and shall return any driver's license taken from the person
4 under section 1594(b)(1).

5 § 1596. Period of suspension.

6 (a) General rule.--The suspension shall become effective 30
7 days after the defendant has received the notice of suspension
8 as provided in section 1594 (relating to notice of suspension
9 served by police officer) or 33 days after the notice of
10 suspension is mailed as provided in section 1595 (relating to
11 notice of suspension or rescission).

12 (b) Period.--The period of license suspension under this
13 section shall be as follows:

14 (1) If the suspension is imposed under the provisions of
15 section 1593(a)(1) or (2) (relating to suspension on
16 administrative determination), the period shall be 90 days if
17 the person's driving record shows no alcohol-related or drug-
18 related driving offenses during the immediately preceding
19 seven years. The period shall be 12 months if the person's
20 driving record shows one or more alcohol-related or drug-
21 related driving offenses during the immediately preceding
22 seven years.

23 (2) If the suspension is imposed under the provisions of
24 section 1593(a)(3), the period of suspension shall be 12
25 months.

26 (c) Special provisions.--In accordance with the provisions
27 of sections 1540 (relating to surrender of license) and 1541
28 (relating to period of revocation or suspension of operating
29 privilege), if the person has no license in his possession at
30 the time of the arrest, if the license confiscated by the police

1 officer is not the latest license or if the person receives
2 another license after the seizure, the suspension shall
3 nonetheless commence in accordance with the provisions of this
4 section, and the suspension will continue indefinitely until the
5 person submits all valid licenses to the department and
6 thereafter for the appropriate period provided in subsection
7 (b). If the person has no license issued by the department to
8 surrender, a suspension shall commence in accordance with the
9 provisions of this section and shall continue indefinitely until
10 the person submits an affidavit attesting to the lack of a
11 license and acknowledging the suspension to the department and
12 thereafter for the appropriate period provided in subsection
13 (b).

14 (d) Definition.--As used in this section, the term "alcohol-
15 related or drug-related driving offense" shall include any
16 administrative suspension under this title, any suspension or
17 revocation entered in this or any other state for a refusal to
18 submit to chemical testing under an implied consent law and any
19 conviction or other adjudication in this or any other state for
20 a violation which involves driving a vehicle while having an
21 unlawful alcohol concentration or while under the influence of
22 alcohol or a controlled substance or alcohol and a controlled
23 substance.

24 § 1597. Restoration of license.

25 The periods of suspension specified by section 1596 (relating
26 to period of suspension) are intended to be minimum periods of
27 suspension for the described conduct. No operating privilege
28 shall be restored under any circumstances until the period of
29 suspension is served, and no occupational limited license shall
30 be issued during the suspension period. No driving privilege may

1 be restored until all applicable reinstatement fees have been
2 paid.

3 § 1598. Administrative review.

4 (a) General rule.--Any person who has received a notice of
5 suspension under this subchapter may request an administrative
6 review. The request may be accompanied by a sworn statement or
7 statements and any other relevant evidence which the person
8 wants the department to consider in reviewing the determination
9 made under section 1593 (relating to suspension on
10 administrative determination). The scope of the administrative
11 review shall be limited to the issues of whether:

12 (1) the person drove, operated or was in actual physical
13 control of a motor vehicle while the amount of alcohol by
14 weight in the blood of the person was 0.10% or more;

15 (2) the amount of alcohol by weight in the blood of the
16 person is 0.10% or greater at the time of a chemical test of
17 a sample of the person's breath, blood or urine, which sample
18 is:

19 (i) obtained within three hours after the person
20 drove, operated or was in actual physical control of the
21 vehicle; or

22 (ii) if the circumstances of the incident prevent
23 collecting the sample within three hours, obtained within
24 a reasonable additional time after the person drove,
25 operated or was in actual physical control of the
26 vehicle; or

27 (3) the person refused to submit to a chemical test to
28 determine the amount of alcohol or presence of a controlled
29 substance in the blood in accordance with the procedure
30 established in section 1547 (relating to chemical testing to

determine amount of alcohol or controlled substance).

(b) Evidence.--When a request for administrative review is made, the department or its designee shall review the determination made under section 1593. In the review, the department shall give consideration to any relevant sworn statement or other evidence accompanying the request for the review and to the sworn statement of the police officer required by section 1592 (relating to report by police officer). If the department or its designee determines, by the preponderance of the evidence, that:

(1) the person drove, operated or was in actual physical control of a motor vehicle while the amount of alcohol by weight in the blood of the person was 0.10% or more;

(2) the amount of alcohol by weight in the blood of the person is 0.10% or greater at the time of a chemical test of a sample of the person's breath, blood or urine, which sample is:

(i) obtained within three hours after the person drove, operated or was in actual physical control of the vehicle; or

(ii) if the circumstances of the incident prevent collecting the sample within three hours, obtained within a reasonable additional time after the person drove, operated or was in actual physical control of the vehicle; or

(3) the person refused to submit to a chemical test to determine the amount of alcohol or presence of a controlled substance in the blood in accordance with the procedure established in section 1547;

the department or its designee shall sustain the order of

1 suspension. The determination of the department or its designee
2 upon administrative review is final unless a hearing is
3 requested under section 1599 (relating to hearing).

4 (c) Time.--The department or its designee shall complete an
5 administrative review prior to the effective date of the
6 suspension order if the request for the review is received by
7 the department within eight days following service of the notice
8 of suspension. Where the request for administrative review is
9 received by the department more than eight days following
10 service of the notice of suspension, the department or its
11 designee shall make its determination within 30 days following
12 the receipt of the request for review.

13 (d) Effect of request.--A request for administrative review
14 shall not stay the license suspension, except that, if the
15 department or its designee is unable to make a determination
16 within the time limits specified in subsection (c), the
17 suspension shall be stayed pending the determination and the
18 department shall issue another temporary license to a licensed
19 driver.

20 (e) Limitation on use of sworn statement.--No sworn
21 statement given by any witness may be used in any other action
22 or proceeding.

23 (f) Forms.--The request for administrative review shall be
24 made by mail to an address specified by the department. The
25 department shall provide forms which the person shall use to
26 request an administrative review and to submit a sworn
27 statement.

28 (g) Hearing.--A person may request and be granted a hearing
29 under section 1599 without first requesting administrative
30 review under this section. Administrative review is not

1 available after a hearing is held.

2 § 1599. Hearing.

3 (a) General rule.--A person who has received a notice of
4 suspension may make a written request for an administrative
5 hearing. The request shall be made on a form available at
6 designated offices of the department and must specify the
7 reasons for which the suspension is being contested. The request
8 shall be accompanied by a \$100 filing fee. If the person's
9 driver's license has not been previously surrendered, it shall
10 be surrendered at the time the request for a hearing is made. A
11 request for a hearing shall not stay the license suspension. The
12 scope of the administrative hearing shall be limited to the
13 issues raised in the request for the hearing and in no case
14 shall look beyond the issues of whether:

15 (1) the person drove, operated or was in actual physical
16 control of a motor vehicle while the amount of alcohol by
17 weight in the blood of the person was 0.10% or more;

18 (2) the amount of alcohol by weight in the blood of the
19 person is 0.10% or greater at the time of a chemical test of
20 a sample of the person's breath, blood or urine, which sample
21 is:

22 (i) obtained within three hours after the person
23 drove, operated or was in actual physical control of the
24 vehicle; or

25 (ii) if the circumstances of the incident prevent
26 collecting the sample within three hours, obtained within
27 a reasonable additional time after the person drove,
28 operated or was in actual physical control of the
29 vehicle; or

30 (3) the person refused to submit to a chemical test to

1 determine the amount of alcohol or presence of a controlled
2 substance in the blood in accordance with the procedure
3 established in section 1547 (relating to chemical testing to
4 determine amount of alcohol or controlled substance).

5 (b) Notice.--The hearing shall be scheduled to be held as
6 soon as practicable. If the department or its designated hearing
7 officer cannot conduct the hearing within 30 days of the filing
8 of the request for a hearing, the department shall issue a
9 temporary license to a licensed driver which shall be valid
10 until the hearing is conducted, except that a temporary license
11 shall not be issued to a person who sought and obtained a
12 continuance of the hearing. The hearing shall be held at a place
13 designated by the department or its designee. The department or
14 its designee shall provide a written notice of the time and
15 place of the hearing to the person requesting the hearing at
16 least ten days prior to the scheduled hearing, unless the person
17 agrees to waive this requirement.

18 (c) Hearing officer.--The hearing officer shall be
19 designated by the secretary. The hearing officer shall have
20 authority to administer oaths and affirmations, to examine
21 witnesses and take testimony, to receive relevant evidence, to
22 issue subpoenas, take depositions or cause depositions to be
23 taken or interrogatories to be answered, to regulate the course
24 and conduct of the hearing and to make a final ruling on the
25 issue.

26 (d) Evidence.--The sole issue at the hearing shall be
27 whether by a preponderance of the evidence:

28 (1) the person drove, operated or was in actual physical
29 control of a motor vehicle while the amount of alcohol by
30 weight in the blood of the person was 0.10% or more;

1 (2) the amount of alcohol by weight in the blood of the
2 person is 0.10% or greater at the time of a chemical test of
3 a sample of the person's breath, blood or urine, which sample
4 is:

5 (i) obtained within three hours after the person
6 drove, operated or was in actual physical control of the
7 vehicle; or

8 (ii) if the circumstances of the incident prevent
9 collecting the sample within three hours, obtained within
10 a reasonable additional time after the person drove,
11 operated or was in actual physical control of the
12 vehicle; or

13 (3) the person refused to submit to a chemical test to
14 determine the amount of alcohol or presence of a controlled
15 substance in the blood in accordance with the procedure
16 established in section 1547.

17 A prima facie case in the affirmative on any of these issues
18 shall be established by the sworn report of a police officer
19 which is in conformity with the requirements of section 1592
20 (relating to report by police officer). The person challenging
21 the suspension may introduce any relevant or admissible
22 testimony or other evidence in support of the reasons for which
23 the suspension is being contested as set forth in the written
24 hearing request. It shall be the responsibility of the person
25 challenging a suspension to arrange for the attendance of any
26 witnesses, including the police officer who submitted the sworn
27 report and the availability of any other evidence to be
28 presented in opposition to the suspension action. Application
29 may be made to the hearing officer to secure the attendance of
30 witnesses and assure the availability of other evidence

1 consistent with the authority of the hearing officer to issue
2 subpoenas or take other action necessary to regulate the course
3 and conduct of the hearing. If the hearing officer finds in the
4 affirmative on any of the above issues, the suspension order
5 will be sustained. If the hearing officer finds in the negative
6 on a pertinent issue, the suspension order will be rescinded.

7 (e) Decision.--The hearing shall be recorded. The cost of
8 transcription services shall be borne by the defendant. The
9 decision of the hearing officer shall be rendered in writing and
10 provided to the person who requested the hearing.

11 (f) Limitation on testimony.--No testimony given by any
12 witness may be used in any other action or proceeding.

13 (g) Failure to appear.--If the person who requested the
14 administrative hearing fails to appear without just cause, the
15 right to a hearing shall be waived, and the department's
16 administrative determination shall be final.

17 (h) Exemption.--Hearings under this section are exempt from
18 the requirements of 2 Pa.C.S. (relating to administrative law
19 and procedure) and 67 Pa. Code Ch. 491 (relating to
20 administrative practice and procedure).

21 (i) Appeals.--An appeal from a decision of a hearing officer
22 may be taken in the manner provided in 42 Pa.C.S. § 763(a)
23 (relating to direct appeals from government agencies). Appeals
24 under this subchapter are exempt from the provisions of section
25 1550(b) (relating to judicial review) and from the provisions of
26 42 Pa.C.S. § 933 (relating to appeals from government agencies).
27 § 1599.1. Severability.

28 If any provision of this subchapter or the application
29 thereof to any person or circumstance is held invalid, the
30 invalidity shall not affect other provisions or applications of

1 this subchapter which can be given effect without the invalid
2 provision or application, provided however, that, if the
3 provisions of section 1599(e) (relating to hearing) are declared
4 to be unconstitutional by the Supreme Court of Pennsylvania, the
5 provisions shall be considered unseverable from the rest of this
6 subchapter, and this subchapter will be invalid and of no
7 effect. If the provisions of section 1599(e) are found to be
8 unconstitutional by the Commonwealth Court, there shall be a
9 direct appeal to the Supreme Court.

10 Section 6. Sections 1960 and 3731(e)(6)(ii) of Title 75 are
11 amended to read:

12 § 1960. Reinstatement of operating privilege or vehicle
13 registration.

14 (a) General rule.--The department shall charge a fee of [\$25
15 or, if section 1786(d) (relating to required financial
16 responsibility) applies, a fee of] \$50 to restore a person's
17 operating privilege or the registration of a vehicle following a
18 suspension or revocation.

19 (b) Additional fee.--In addition to the restoration fee
20 required under subsection (a), an additional restoration fee of
21 \$100 shall be assessed and collected before reinstating a
22 person's operating privilege following a suspension under the
23 provisions of section 1593 (relating to suspension on
24 administrative determination).

25 § 3731. Driving under influence of alcohol or controlled
26 substance.

27 * * *

28 (e) Penalty.--

29 * * *

30 (6) Any person who accepts Accelerated Rehabilitative

1 Disposition of any charge brought under this section shall
2 accept as conditions the imposition of and the judge shall
3 impose in addition to any other conditions all of the
4 following:

5 * * *

6 (ii) A mandatory suspension of operating privilege
7 for a period of not less than [one month] three months
8 but not more than 12 months.

9 * * *

10 Section 7. This act shall take effect in 18 months.