THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 849

Session of 1999

INTRODUCED BY GREENLEAF, O'PAKE, HART, BOSCOLA, COSTA, HOLL, ROBBINS, SALVATORE, SCHWARTZ AND SLOCUM, APRIL 27, 1999

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 12, 2000

AN ACT

1 2 3 4	Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for restitution for identity theft AND FOR THE USE OF IGNITION INTERLOCK SYSTEMS.	<
5	The General Assembly of the Commonwealth of Pennsylvania	
6	hereby enacts as follows:	
7	Section 1. Title 42 of the Pennsylvania Consolidated	
8	Statutes is amended by adding a section to read:	
9	§ 9720.1. Restitution for identity theft.	
L O	(a) General rule The court may, in addition to any other	
L1	restitution sentence or order authorized by law, sentence a	
L2	person convicted of the offense of identity theft of another	<
L3	person A VIOLATION OF 18 PA.C.S. § 4120 (RELATING TO IDENTITY	<
L4	THEFT) to make restitution for all reasonable expenses incurred	
L5	by the victim or on the victim's behalf:	
L6	(1) to investigate theft of the victim's identity;	
L7	(2) to bring or defend civil or criminal actions related	
L8	to theft of the victim's identity; or	

- 1 (3) to take other efforts to correct the victim's credit
- 2 record or negative credit reports related to theft of the
- 3 victim's identity.
- 4 (b) Types of expenses. -- The types of expenses that may be
- 5 recoverable under this section include, but are not limited to:
- 6 (1) attorney fees;
- 7 (2) fees and costs imposed by credit bureaus, associated
- 8 with efforts to correct the victim's credit record or
- 9 <u>incurred in private investigations; and</u>
- 10 (3) court costs and filing fees.
- 12 victim or any person acting on the victim's behalf or as the
- 13 <u>victim's representative and regardless of whether any such</u>
- 14 <u>expense has been paid.</u>
- 15 Section 2. This act shall take effect in 60 days.
- 16 SECTION 2. TITLE 42 IS AMENDED BY ADDING A CHAPTER TO READ: <---
- 17 CHAPTER 70
- 18 IGNITION INTERLOCK DEVICES
- 19 SEC.
- 20 7001. DEFINITIONS.
- 21 7002. IGNITION INTERLOCK SYSTEMS FOR DRIVING UNDER THE
- 22 INFLUENCE.
- 23 7003. ADDITIONAL DRIVER'S LICENSE RESTORATION REQUIREMENTS.
- 24 § 7001. DEFINITIONS.
- 25 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
- 26 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
- 27 CONTEXT CLEARLY INDICATES OTHERWISE:
- 28 "DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE
- 29 COMMONWEALTH.
- 30 "IGNITION INTERLOCK SYSTEM." A SYSTEM APPROVED BY THE

- 1 DEPARTMENT THAT PREVENTS A VEHICLE FROM BEING STARTED OR
- 2 OPERATED UNLESS THE OPERATOR FIRST PROVIDES A BREATH SAMPLE
- 3 INDICATING THAT THE OPERATOR HAS AN ALCOHOL LEVEL OF LESS THAN
- 4 .025%.
- 5 § 7002. IGNITION INTERLOCK SYSTEMS FOR DRIVING UNDER THE
- 6 INFLUENCE.
- 7 (A) FIRST OFFENSE. -- IN ADDITION TO ANY OTHER REQUIREMENTS
- 8 IMPOSED BY THE COURT, WHERE A PERSON HAS BEEN CONVICTED FOR A
- 9 FIRST OFFENSE UNDER 75 PA.C.S. § 3731 (RELATING TO DRIVING UNDER
- 10 THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE), THE COURT MAY
- 11 ORDER THE INSTALLATION OF AN APPROVED IGNITION INTERLOCK SYSTEM
- 12 ON EACH MOTOR VEHICLE OWNED BY THE PERSON TO BE EFFECTIVE UPON
- 13 THE RESTORATION OF OPERATING PRIVILEGES BY THE DEPARTMENT. A
- 14 RECORD SHALL BE SUBMITTED TO THE DEPARTMENT WHEN THE COURT HAS
- 15 ORDERED THE INSTALLATION OF AN APPROVED INTERLOCK IGNITION
- 16 DEVICE. BEFORE THE DEPARTMENT MAY RESTORE SUCH PERSON'S
- 17 OPERATING PRIVILEGE, THE DEPARTMENT MUST RECEIVE A CERTIFICATION
- 18 FROM THE COURT THAT THE IGNITION INTERLOCK SYSTEM HAS BEEN
- 19 INSTALLED.
- 20 (B) SECOND OR SUBSEQUENT OFFENSE. -- IN ADDITION TO ANY OTHER
- 21 REQUIREMENTS IMPOSED BY THE COURT, WHERE A PERSON HAS BEEN
- 22 CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF 75 PA.C.S. §
- 23 3731, THE COURT SHALL ORDER THE INSTALLATION OF AN APPROVED
- 24 IGNITION INTERLOCK DEVICE ON EACH MOTOR VEHICLE OWNED BY THE
- 25 PERSON TO BE EFFECTIVE UPON THE RESTORATION OF OPERATING
- 26 PRIVILEGES BY THE DEPARTMENT. A RECORD SHALL BE SUBMITTED TO THE
- 27 DEPARTMENT WHEN THE COURT HAS ORDERED THE INSTALLATION OF AN
- 28 APPROVED INTERLOCK IGNITION DEVICE. BEFORE THE DEPARTMENT MAY
- 29 RESTORE SUCH PERSON'S OPERATING PRIVILEGE, THE DEPARTMENT MUST
- 30 RECEIVE A CERTIFICATION FROM THE COURT THAT THE IGNITION

- 1 INTERLOCK SYSTEM HAS BEEN INSTALLED.
- 2 (C) ALTERNATIVE DISPOSITION. -- FOR THE PURPOSE OF THIS
- 3 SECTION, ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION,
- 4 AN ADJUDICATION OF DELINQUENCY OR A CONSENT DECREE UNDER CHAPTER
- 5 63 (RELATING TO JUVENILE MATTERS), OR ANY OTHER FORM OF
- 6 PRELIMINARY DISPOSITION OF ANY CHARGE BROUGHT UNDER 75 PA.C.S. §
- 7 3731 SHALL BE CONSIDERED A FIRST CONVICTION.
- 8 (D) DEPARTMENT APPROVAL. -- AN IGNITION INTERLOCK SYSTEM
- 9 REQUIRED TO BE INSTALLED UNDER THIS SECTION MUST BE A SYSTEM
- 10 WHICH HAS BEEN APPROVED BY THE DEPARTMENT. THE DEPARTMENT'S
- 11 APPROVAL OF IGNITION INTERLOCK SYSTEMS SHALL BE PUBLISHED IN THE
- 12 PENNSYLVANIA BULLETIN.
- 13 § 7003. ADDITIONAL DRIVER'S LICENSE RESTORATION REQUIREMENTS.
- 14 IN ADDITION TO ANY OTHER REQUIREMENTS ESTABLISHED FOR THE
- 15 RESTORATION OF A PERSON'S OPERATING PRIVILEGES UNDER 75 PA.C.S.
- 16 § 1548 (RELATING TO REQUIREMENTS FOR DRIVING UNDER INFLUENCE
- 17 OFFENDERS):
- 18 (1) WHERE A PERSON'S OPERATING PRIVILEGES ARE SUSPENDED
- 19 FOR A SECOND OR SUBSEQUENT VIOLATION OF 75 PA.C.S. § 3731
- 20 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
- SUBSTANCE), OR A SIMILAR OUT-OF-STATE OFFENSE, AND THE PERSON
- 22 SEEKS A RESTORATION OF OPERATING PRIVILEGES, THE COURT SHALL
- 23 CERTIFY TO THE DEPARTMENT THAT EACH MOTOR VEHICLE OWNED BY
- 24 THE PERSON HAS BEEN EQUIPPED WITH AN APPROVED IGNITION
- 25 INTERLOCK SYSTEM.
- 26 (2) A PERSON SEEKING RESTORATION OF OPERATING PRIVILEGES
- 27 SHALL APPLY TO THE DEPARTMENT FOR AN IGNITION INTERLOCK
- 28 RESTRICTED LICENSE UNDER 75 PA.C.S. § 1951(D) (RELATING TO
- 29 DRIVER'S LICENSE AND LEARNER'S PERMIT) WHICH WILL BE CLEARLY
- 30 MARKED TO RESTRICT THE PERSON TO OPERATING ONLY MOTOR

- 1 VEHICLES EQUIPPED WITH AN APPROVED INTERLOCK IGNITION SYSTEM.
- 2 (3) DURING THE YEAR IMMEDIATELY FOLLOWING RESTORATION OF
- 3 THE PERSON'S OPERATING PRIVILEGE, AND THEREAFTER UNTIL THE
- 4 PERSON OBTAINS AN UNRESTRICTED LICENSE, THE PERSON SHALL NOT
- 5 OPERATE ANY MOTOR VEHICLE ON A HIGHWAY WITHIN THIS
- 6 COMMONWEALTH UNLESS THE MOTOR VEHICLE IS EQUIPPED WITH AN
- 7 APPROVED IGNITION INTERLOCK SYSTEM.
- 8 (4) ONE YEAR FROM THE DATE OF ISSUANCE OF AN IGNITION
- 9 INTERLOCK RESTRICTED LICENSE UNDER THIS SECTION, IF OTHERWISE
- 10 ELIGIBLE, A PERSON MAY APPLY FOR AN ADDITIONAL REPLACEMENT
- 11 LICENSE UNDER 75 PA.C.S. § 1951(D) THAT DOES NOT CONTAIN THE
- 12 IGNITION INTERLOCK SYSTEM RESTRICTION.
- 13 (5) A PERSON WHOSE OPERATING PRIVILEGE IS SUSPENDED FOR
- 14 A SECOND OR SUBSEQUENT VIOLATION OF 75 PA.C.S. § 3731 OR A
- 15 SIMILAR OUT-OF-STATE OFFENSE, WHO DOES NOT APPLY FOR AN
- 16 IGNITION INTERLOCK RESTRICTED LICENSE, SHALL NOT BE ELIGIBLE
- 17 TO APPLY FOR THE RESTORATION OF OPERATING PRIVILEGES FOR AN
- 18 ADDITIONAL YEAR AFTER OTHERWISE BEING ELIGIBLE FOR
- 19 RESTORATION UNDER PARAGRAPH (1).
- 20 SECTION 3. THE PROVISIONS OF 75 PA.C.S. CH. 70 SHALL APPLY
- 21 TO ALL PERSONS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF
- 22 75 PA.C.S. § 3731 ON OR AFTER THE EFFECTIVE DATE OF THIS
- 23 SECTION. NOTHING IN THIS ACT SHALL PROHIBIT A COURT FROM
- 24 IMPOSING ITS OWN IGNITION INTERLOCK REQUIREMENTS FOR FIRST
- 25 OFFENDERS PRIOR TO SEPTEMBER 30, 2001.
- 26 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:
- 27 (1) 75 PA.C.S. § 9720.1 SHALL TAKE EFFECT JULY 21, 2000.
- 28 (2) 75 PA.C.S. § 7002(A) SHALL TAKE EFFECT SEPTEMBER 30,
- 29 2001.
- 30 (3) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

- 1 (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
- 2 SEPTEMBER 30, 2000, OR IMMEDIATELY, WHICHEVER IS LATER.