

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1036 Session of 2013

INTRODUCED BY RAFFERTY, VULAKOVICH, TEPLITZ, ERICKSON, MENSCH, WAUGH, SOLOBAY AND BLAKE, JUNE 20, 2013

SENATOR RAFFERTY, TRANSPORTATION, AS AMENDED, FEBRUARY 4, 2014

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, further providing for
3 occupational limited license, AND providing for ignition <--
4 interlock limited license and further providing for <--
5 probationary license; AND, in driving after imbibing alcohol <--
6 or utilizing drugs, defining "ignition interlock limited
7 license," further providing for penalties, for ignition <--
8 interlock, for Accelerated Rehabilitative Disposition and for <--
9 the offense of illegally operating a motor vehicle not
10 equipped with ignition interlock.

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

13 Section 1. Section 1553(a)(1), (d)(6), (7) and (8), (d.1), <--
14 (d.2) and (d.3) of Title 75 of the Pennsylvania Consolidated
15 Statutes are amended to read:

16 § 1553. Occupational limited license.

17 (a) Issuance.

18 (1) The department shall issue an occupational limited
19 license under the provisions of this section to a driver
20 whose operating privileges have been suspended for a
21 violation of this title, except for an offense under section
22 3802 (relating to driving under influence of alcohol or

~~controlled substance) or under former section 3731 (relating to driving under influence of alcohol or controlled substance) or for a refusal to submit to chemical testing under section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance), and is not prohibited under any other provision in this section. If the underlying reason for the suspension was caused by violations committed while the driver was operating a commercial motor vehicle, the driver shall not be issued an occupational limited license for the purpose of operating a commercial motor vehicle. The department shall prohibit the issuance of an occupational limited license when disqualified from doing so under the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99 570, 49 U.S.C. App. § 2701 et seq.) or the Motor Carrier Safety Improvement Act of 1999 (Public Law 106 159, 113 Stat. 1748).~~

~~* * *~~

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

~~* * *~~

~~{(6) Any person who has been adjudicated delinquent, granted a consent decree or granted Accelerated Rehabilitative Disposition for driving under the influence of alcohol or controlled substance unless the suspension or revocation imposed for that conviction has been fully served.~~

~~(7) Any person whose operating privilege has been suspended for refusal to submit to chemical testing to determine the amount of alcohol or controlled substance unless that suspension has been fully served.~~

~~(8) Except as set forth in subsections (d.1) and (d.2),~~

1 ~~any person who has been convicted of driving under the~~
2 ~~influence of alcohol or controlled substance and whose~~
3 ~~license has been suspended by the department unless the~~
4 ~~suspension imposed has been fully served.]~~

5 * * *

6 ~~[(d.1) Adjudication eligibility. An individual who has been~~
7 ~~convicted of an offense under section 3802 (relating to driving~~
8 ~~under influence of alcohol or controlled substance) and does not~~
9 ~~have a prior offense as defined in section 3806(a) (relating to~~
10 ~~prior offenses) shall be eligible for an occupational limited~~
11 ~~license only if the individual has served 60 days of the~~
12 ~~suspension imposed for the offense.~~

13 ~~(d.2) Suspension eligibility.~~

14 ~~(1) An individual whose license has been suspended for a~~
15 ~~period of 18 months under section 1547(b) (1) (ii) (relating to~~
16 ~~chemical testing to determine amount of alcohol or controlled~~
17 ~~substance) or 3804(e) (2) (ii) (relating to penalties) shall~~
18 ~~not be prohibited from obtaining an occupational limited~~
19 ~~license under this section if the individual:~~

20 ~~(i) is otherwise eligible for restoration;~~

21 ~~(ii) has served 12 months of the suspension imposed~~
22 ~~for the offense;~~

23 ~~(iii) has no more than one prior offense as defined~~
24 ~~in section 3806(b);~~

25 ~~(iv) only operates a motor vehicle equipped with an~~
26 ~~ignition interlock system as defined in section 3801~~
27 ~~(relating to definitions); and~~

28 ~~(v) has certified to the department under paragraph~~
29 ~~(3).~~

30 ~~(2) A period of ignition interlock accepted under this~~

1 ~~subsection shall not count towards the one year mandatory~~
2 ~~period of ignition interlock imposed under section 3805~~
3 ~~(relating to ignition interlock).~~

4 ~~(3) If an individual seeks an occupational limited~~
5 ~~license under this subsection, the department shall require~~
6 ~~that each motor vehicle owned or registered to the person has~~
7 ~~been equipped with an ignition interlock system as defined in~~
8 ~~section 3801 as a condition of issuing an occupational~~
9 ~~limited license with an ignition interlock restriction.~~

10 ~~(d.3) Suspension eligibility related to Title 18~~
11 ~~violation. An individual whose operating privilege has been~~
12 ~~suspended for a violation of 18 Pa.C.S. § 6308 shall be eligible~~
13 ~~for an occupational limited license unless the individual has~~
14 ~~previously violated 18 Pa.C.S. § 6308.]~~

15 * * *

16 Section 2. Title 75 is amended by adding a section to read:
17 § 1556. Ignition interlock limited license.

18 (a) Issuance.

19 (1) The department shall issue an ignition interlock
20 limited license under this section to an individual:

21 (i) whose operating privileges have been suspended
22 for:

23 (A) a violation under section 3802 (relating to
24 driving under influence of alcohol or controlled
25 substance) or under former section 3731 (relating to
26 driving under influence of alcohol or controlled
27 substance); or

28 (B) a refusal to submit to chemical testing
29 under section 1547 (relating to chemical testing to
30 determine amount of alcohol or controlled substance);

1 ~~or~~

2 ~~(ii) who:~~

3 ~~(A) has been designated as a habitual offender~~
4 ~~under section 1542 (relating to revocation of~~
5 ~~habitual offender's license);~~

6 ~~(B) has had operating privilege revoked for a~~
7 ~~violation which includes a violation of section 3802;~~
8 ~~and~~

9 ~~(C) is not prohibited from holding an ignition~~
10 ~~interlock limited license under any other provision~~
11 ~~of this section.~~

12 ~~(2) An individual may not be issued an ignition~~
13 ~~interlock limited license for the purpose of operating a~~
14 ~~commercial motor vehicle.~~

15 ~~(3) The department shall prohibit the issuance of an~~
16 ~~ignition interlock limited license if disqualified from doing~~
17 ~~so under the Commercial Motor Vehicle Safety Act of 1986~~
18 ~~(Title XII of Public Law 99 570, 49 U.S.C. app. § 2701 et~~
19 ~~seq.) or the Motor Carrier Safety Improvement Act of 1999~~
20 ~~(Public Law 106 159, 113 Stat. 1748).~~

21 ~~(4) The department may not issue an ignition interlock~~
22 ~~limited license to an individual whose operating privilege~~
23 ~~has been recalled or canceled.~~

24 ~~(5) The department shall issue an ignition interlock~~
25 ~~limited license under the provisions of this section only~~
26 ~~upon receiving proof that each motor vehicle owned or to be~~
27 ~~operated by the individual has been equipped with an approved~~
28 ~~ignition interlock system as defined in section 3801~~
29 ~~(relating to definitions) as a condition of issuing an~~
30 ~~ignition interlock limited license.~~

1 ~~(6) An ignition interlock limited license issued under~~
2 ~~provisions of this section permits an individual to operate~~
3 ~~motor vehicles equipped with a functioning ignition interlock~~
4 ~~system, as defined in section 3801.~~

5 ~~(7) Any period in which an individual holds a valid~~
6 ~~ignition interlock limited license under this section shall~~
7 ~~count on a day for day basis toward any mandatory period of~~
8 ~~ignition interlock use imposed under section 3805 (relating~~
9 ~~to ignition interlock) arising from the same incident.~~

10 ~~(b) Petition.~~

11 ~~(1) An applicant for an ignition interlock limited~~
12 ~~license must file a petition with the department, by~~
13 ~~certified mail, on a form prescribed by the department, and~~
14 ~~shall include proof that an approved ignition interlock~~
15 ~~system, as defined in section 3801, has been installed in one~~
16 ~~or more motor vehicles that the applicant seeks permission to~~
17 ~~operate.~~

18 ~~(2) The petition shall also include proof of financial~~
19 ~~responsibility covering each vehicle the applicant requests~~
20 ~~to be permitted to operate. The department shall promulgate~~
21 ~~regulations to require additional information as well as~~
22 ~~additional evidence to verify the information contained in~~
23 ~~the petition.~~

24 ~~(3) The applicant shall surrender the applicant's~~
25 ~~driver's license in accordance with section 1540 (relating to~~
26 ~~surrender of license). If the applicant's driver's license~~
27 ~~has been lost or stolen, the applicant shall submit an~~
28 ~~application for a replacement license, along with the proper~~
29 ~~fee. If the applicant is a nonresident licensed driver, the~~
30 ~~applicant shall submit an acknowledgment of suspension in~~

1 ~~lieu of a driver's license. If the applicant's license has~~
2 ~~expired, the applicant shall submit an application for~~
3 ~~renewal, along with the appropriate fee. All fines, costs and~~
4 ~~restoration fees must be paid at the time of petition.~~

5 ~~(4) Consistent with the provisions of this section, if~~
6 ~~the applicant is qualified, the department shall issue an~~
7 ~~ignition interlock limited license within 20 days of receipt~~
8 ~~of the petition and all other requirements for issuance.~~

9 ~~(5) An individual whose operating privilege has been~~
10 ~~suspended for a conviction of section 1543(b) (relating to~~
11 ~~driving while operating privilege is suspended or revoked)~~
12 ~~may petition for an ignition interlock limited license if the~~
13 ~~cause of the underlying suspension or revocation was a~~
14 ~~violation of section 3802 or section 1547(b).~~

15 ~~(c) Fee. The application fee for an ignition interlock~~
16 ~~limited license shall be \$100. This fee shall be nonrefundable~~
17 ~~and no other fee shall be required.~~

18 ~~(d) Unauthorized issuance. The department shall prohibit~~
19 ~~issuance of an ignition interlock limited license to:~~

20 ~~(1) Any individual who is not licensed to drive by the~~
21 ~~Commonwealth or any other state.~~

22 ~~(2) Any individual who is required by this title to take~~
23 ~~an examination and who has failed to take and pass the~~
24 ~~examination.~~

25 ~~(3) Any individual who has an unsatisfied judgment~~
26 ~~against the individual as the result of a motor vehicle~~
27 ~~operation, until the judgment has been satisfied under the~~
28 ~~provisions of section 1774 (relating to payments sufficient~~
29 ~~to satisfy judgments) or an installment agreement has been~~
30 ~~entered into to satisfy the judgment, as permitted under~~

~~section 1772(b) (relating to suspension for nonpayment of judgments) or 1775 (relating to installment payment of judgments), and the financial responsibility of the person has been established.~~

~~(4) Any individual applying for an ignition interlock limited license to operate a commercial motor vehicle.~~

~~(5) Any individual whose operating privilege has been suspended under section 1532(a.1) (relating to suspension of operating privilege) for conviction or adjudication of delinquency based on a violation of section 3732 (relating to homicide by vehicle) or 3735 (relating to homicide by vehicle while driving under influence).~~

~~(c) Adjudication eligibility. An individual who has been convicted of an offense under section 3802 shall be eligible to apply for and, if otherwise qualified, be issued an ignition interlock limited license upon conviction.~~

~~(f) Suspension eligibility. An individual whose license has been suspended under section 1547(b) shall be eligible to apply for and, if otherwise qualified, be issued an ignition interlock limited license under this section if the individual:~~

~~(1) has served 90 days of the suspension imposed under section 1547(b)(1)(i); or~~

~~(2) has served 180 days of the suspension imposed under section 1547(b)(1)(ii).~~

~~(g) Habitual offender revocation eligibility.~~

~~(1) An individual who has been designated as a habitual offender under section 1542 and whose operating privilege has been revoked for violations, including a violation of section 3802, shall be eligible to apply for and, if otherwise qualified, be issued an ignition interlock limited license~~

1 ~~under this section if the individual meets all of the~~
2 ~~following requirements:~~

3 ~~(i) Prior to issuance of an ignition interlock~~
4 ~~limited license, the individual is interviewed at a~~
5 ~~departmental review session.~~

6 ~~(ii) The department recommends that the individual~~
7 ~~be issued a license.~~

8 ~~(2) The department may require the individual to~~
9 ~~satisfactorily complete one or more of the following:~~

10 ~~(i) A driver improvement program, the cost of the~~
11 ~~program to be borne by the individual.~~

12 ~~(ii) Any examination as provided for in section 1508~~
13 ~~(relating to examination of applicant for driver's~~
14 ~~license).~~

15 ~~(iii) A special examination that addresses knowledge~~
16 ~~of safe driving practices, departmental sanctions and~~
17 ~~related safety issues.~~

18 ~~(3) If the individual is not licensed to drive by the~~
19 ~~Commonwealth or any other state, the individual shall not~~
20 ~~immediately be issued an ignition interlock limited license~~
21 ~~and shall follow the following process:~~

22 ~~(i) The individual may apply for a Class C learner's~~
23 ~~permit under the provisions of section 1505(a) (relating~~
24 ~~to learners' permits).~~

25 ~~(ii) Thirty days after the issuance of the learner's~~
26 ~~permit, the individual shall be eligible to test for a~~
27 ~~driver's license under the provisions of section 1508(a).~~

28 ~~(iii) If the individual successfully passes all the~~
29 ~~required examinations, the department may issue an~~
30 ~~ignition interlock limited license to the individual.~~

1 ~~(h) Credit against mandatory ignition interlock~~
2 ~~requirement. Any period during which an individual holds a~~
3 ~~valid ignition interlock limited license under subsection (e) or~~
4 ~~(f) shall count on a day for day basis toward the mandatory~~
5 ~~period of ignition interlock usage imposed under the applicable~~
6 ~~subparagraphs of section 3805(b)(2) arising from the same~~
7 ~~incident.~~

8 ~~(i) Certification to the department. If an individual seeks~~
9 ~~an ignition interlock limited license under this section, the~~
10 ~~department shall require that one or more motor vehicles owned~~
11 ~~or to be operated by the individual to be equipped with a~~
12 ~~functioning ignition interlock system, as defined in section~~
13 ~~3801, as a condition of issuing an ignition interlock limited~~
14 ~~license with an ignition interlock restriction.~~

15 ~~(j) Offenses committed during a period for which an ignition~~
16 ~~interlock limited license has been issued. If the department~~
17 ~~receives a report of conviction of an offense for which the~~
18 ~~penalty is a cancellation, disqualification, recall, suspension~~
19 ~~or revocation of operating privileges or a report under section~~
20 ~~3815(c)(4) (relating to mandatory sentencing) for any individual~~
21 ~~who has been issued an ignition interlock limited license, the~~
22 ~~department, at its sole discretion, shall either:~~

23 ~~(1) extend the term of the ignition interlock limited~~
24 ~~license for up to the original term for which the driver's~~
25 ~~license was suspended or revoked; or~~

26 ~~(2) recall the ignition interlock limited license and~~
27 ~~the individual shall surrender the limited license to the~~
28 ~~department or its agents designated under the authority of~~
29 ~~section 1540.~~

30 ~~(k) Restrictions.~~

1 ~~(1) An individual who has been issued an ignition~~
2 ~~interlock limited license shall observe the following:~~

3 ~~(i) The individual shall operate only motor vehicles~~
4 ~~equipped with a functioning ignition interlock system, as~~
5 ~~defined in section 3801.~~

6 ~~(ii) The individual may not operate a school bus.~~

7 ~~(2) Any individual who violates the conditions of~~
8 ~~issuance or restrictions of the ignition interlock limited~~
9 ~~license commits a summary offense and shall, upon conviction,~~
10 ~~be sentenced to pay a fine of \$200 and, upon receipt of a~~
11 ~~certified record of conviction, the department shall recall~~
12 ~~the limited license.~~

13 ~~(3) The operating privilege of an individual who has~~
14 ~~been issued an ignition interlock limited license remains~~
15 ~~under suspension or revocation, except when operating a motor~~
16 ~~vehicle in accordance with the conditions of issuance and~~
17 ~~restrictions of the ignition interlock limited license.~~

18 ~~(1) Changes in condition. An individual who is granted an~~
19 ~~ignition interlock limited license shall immediately inform the~~
20 ~~department in writing of any change in the conditions under~~
21 ~~which the individual applied for the ignition interlock limited~~
22 ~~license. Upon failure to give prompt notice of any changes or if~~
23 ~~the conditions for the limited license no longer exist, the~~
24 ~~department shall recall the ignition interlock limited license.~~

25 ~~(m) Appeal from denial or recall of ignition interlock~~
26 ~~limited license.~~

27 ~~(1) Any individual who is denied an ignition interlock~~
28 ~~limited license or whose ignition interlock limited license~~
29 ~~is extended or recalled under subsection (j) may file with~~
30 ~~the department a petition for a hearing. The hearing shall be~~

1 ~~conducted in accordance with 2 Pa.C.S. (relating to~~
2 ~~administrative law and procedure).~~

3 ~~(2) The department may charge a reasonable fee based on~~
4 ~~the cost to the department for conducting the hearing.~~

5 ~~(3) The appeal shall not operate as an automatic~~
6 ~~supersedeas. If an administrative hearing officer orders a~~
7 ~~supersedeas in any appeal, the individual shall earn no~~
8 ~~credit toward serving the suspension for which the individual~~
9 ~~was granted an ignition interlock limited license.~~

10 ~~(4) An appeal from a decision of an administrative~~
11 ~~hearing officer may be taken in the manner provided in 42-~~
12 ~~Pa.C.S. § 763(a) (relating to direct appeals from government~~
13 ~~agencies).~~

14 ~~(5) Appeals under this subsection are exempt from the~~
15 ~~provisions of section 1550(b) (relating to judicial review)~~
16 ~~and from the provisions of 42 Pa.C.S. § 933 (relating to~~
17 ~~appeals from government agencies).~~

18 Section 3. Section 1554(a) and (f) (8), (9) and (10) of Title
19 75 are amended to read:

20 § 1554. Probationary license.

21 (a) Issuance. Unless otherwise prohibited under any other
22 provision in this section, the department may issue a
23 probationary license under this section to:

24 (1) a person who has been designated as a habitual
25 offender under section 1542 (relating to revocation of
26 habitual offender's license) and whose operating privilege
27 has been revoked for violations other than violations under
28 section 3802 (relating to driving under influence of alcohol
29 or controlled substance); or

30 (2) a person with an accumulation of suspensions or

1 ~~revocations wherein the cumulative term of suspension or~~
2 ~~revocation is five or more years.~~

3 ~~The department may issue a probationary license for the~~
4 ~~operation of only a Class C noncommercial motor vehicle.~~

5 ~~* * *~~

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

8 ~~* * *~~

9 ~~[(8) A person who has been convicted of a violation of~~
10 ~~section 3802 (relating to driving under influence of alcohol~~
11 ~~or controlled substance) or former section 3731, within the~~
12 ~~preceding seven years.~~

13 ~~(9) A person who has been suspended for refusal to~~
14 ~~submit to chemical testing to determine the amount of alcohol~~
15 ~~or controlled substance within the preceding seven years.~~

16 ~~(10) A person who has been granted Accelerated~~
17 ~~Rehabilitative Disposition for the offense of driving under~~
18 ~~the influence of alcohol or a controlled substance within the~~
19 ~~preceding seven years.]~~

20 ~~* * *~~

21 ~~Section 4. Section 3801 is amended by adding a definition to~~
22 ~~read:~~

23 ~~§ 3801. Definitions.~~

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

27 ~~* * *~~

28 ~~"Ignition interlock limited license." A driver's license~~
29 ~~issued to an individual whose driving privileges are suspended~~
30 ~~or revoked for one or more violations of section 3802 (relating~~

1 ~~to driving under influence of alcohol or controlled substance)~~
2 ~~or 1547(b.1) (relating to chemical testing to determine amount~~
3 ~~of alcohol or controlled substance) requiring the individual to~~
4 ~~operate only motor vehicles equipped with a functioning ignition~~
5 ~~interlock system.~~

6 * * *

7 Section 5. ~~Section 3804(a), (b), (c) and (e) (2) (iii) of~~
8 ~~Title 75 are amended to read:~~

9 ~~§ 3804. Penalties.~~

10 ~~(a) General impairment. Except as set forth in subsection~~
11 ~~(b) or (c), an individual who violates section 3802(a) (relating~~
12 ~~to driving under influence of alcohol or controlled substance)~~
13 ~~shall be sentenced as follows:~~

14 ~~(1) For a first offense, to:~~

15 ~~(i) undergo a mandatory minimum term of six months'~~
16 ~~probation;~~

17 ~~(ii) pay a fine of \$300;~~

18 ~~(iii) attend an alcohol highway safety school~~
19 ~~approved by the department; [and]~~

20 ~~(iv) comply with all drug and alcohol treatment~~
21 ~~requirements imposed under sections 3814 (relating to~~
22 ~~drug and alcohol assessments) and 3815 (relating to~~
23 ~~mandatory sentencing) [.] and~~

24 ~~(v) participate in and comply with the ignition~~
25 ~~interlock program under section 3805 (relating to~~
26 ~~ignition interlock).~~

27 ~~(2) For a second offense, to:~~

28 ~~(i) undergo imprisonment for not less than five~~
29 ~~days;~~

30 ~~(ii) pay a fine of not less than \$300 nor more than~~

1 ~~\$2,500;~~

2 ~~(iii) attend an alcohol highway safety school~~
3 ~~approved by the department; [and]~~

4 ~~(iv) comply with all drug and alcohol treatment~~
5 ~~requirements imposed under sections 3814 and 3815[.]; and~~

6 ~~(v) participate in and comply with the ignition~~
7 ~~interlock program under section 3805.~~

8 ~~(3) For a third or subsequent offense, to:~~

9 ~~(i) undergo imprisonment of not less than ten days;~~

10 ~~(ii) pay a fine of not less than \$500 nor more than~~
11 ~~\$5,000; [and]~~

12 ~~(iii) comply with all drug and alcohol treatment~~
13 ~~requirements imposed under sections 3814 and 3815[.]; and~~

14 ~~(iv) participate in and comply with the ignition~~
15 ~~interlock program under section 3805.~~

16 ~~(b) High rate of blood alcohol; minors; commercial vehicles~~
17 ~~and school buses and school vehicles; accidents. Except as set~~
18 ~~forth in subsection (c), an individual who violates section~~
19 ~~3802(a)(1) where there was an accident resulting in bodily~~
20 ~~injury, serious bodily injury or death of any person or damage~~
21 ~~to a vehicle or other property or who violates section 3802(b),~~
22 ~~(e) or (f) shall be sentenced as follows:~~

23 ~~(1) For a first offense, to:~~

24 ~~(i) undergo imprisonment of not less than 48~~
25 ~~consecutive hours;~~

26 ~~(ii) pay a fine of not less than \$500 nor more than~~
27 ~~\$5,000;~~

28 ~~(iii) attend an alcohol highway safety school~~
29 ~~approved by the department; [and]~~

30 ~~(iv) comply with all drug and alcohol treatment~~

1 ~~requirements imposed under sections 3814 and 3815[.]; and~~
2 ~~(v) participate in and comply with the ignition~~
3 ~~interlock program under section 3805.~~

4 ~~(2) For a second offense, to:~~

5 ~~(i) undergo imprisonment of not less than 30 days;~~

6 ~~(ii) pay a fine of not less than \$750 nor more than~~
7 ~~\$5,000;~~

8 ~~(iii) attend an alcohol highway safety school~~
9 ~~approved by the department; [and]~~

10 ~~(iv) comply with all drug and alcohol treatment~~
11 ~~requirements imposed under sections 3814 and 3815[.]; and~~

12 ~~(v) participate in and comply with the ignition~~
13 ~~interlock program under section 3805.~~

14 ~~(3) For a third offense, to:~~

15 ~~(i) undergo imprisonment of not less than 90 days;~~

16 ~~(ii) pay a fine of not less than \$1,500 nor more~~
17 ~~than \$10,000; [and]~~

18 ~~(iii) comply with all drug and alcohol treatment~~
19 ~~requirements imposed under sections 3814 and 3815[.]; and~~

20 ~~(iv) participate in and comply with the ignition~~
21 ~~interlock program under section 3805.~~

22 ~~(4) For a fourth or subsequent offense, to:~~

23 ~~(i) undergo imprisonment of not less than one year;~~

24 ~~(ii) pay a fine of not less than \$1,500 nor more~~
25 ~~than \$10,000; [and]~~

26 ~~(iii) comply with all drug and alcohol treatment~~
27 ~~requirements imposed under sections 3814 and 3815[.]; and~~

28 ~~(iv) participate in and comply with the ignition~~
29 ~~interlock program under section 3805.~~

30 ~~(c) Incapacity; highest blood alcohol; controlled~~

1 ~~substances. An individual who violates section 3802(a) (1) and~~
2 ~~refused testing of blood or breath or an individual who violates~~
3 ~~section 3802(c) or (d) shall be sentenced as follows:~~

4 ~~(1) For a first offense, to:~~

5 ~~(i) undergo imprisonment of not less than 72~~
6 ~~consecutive hours;~~

7 ~~(ii) pay a fine of not less than \$1,000 nor more~~
8 ~~than \$5,000;~~

9 ~~(iii) attend an alcohol highway safety school~~
10 ~~approved by the department; [and]~~

11 ~~(iv) comply with all drug and alcohol treatment~~
12 ~~requirements imposed under sections 3814 and 3815[.]; and~~

13 ~~(v) participate in and comply with the ignition~~
14 ~~interlock program under section 3805.~~

15 ~~(2) For a second offense, to:~~

16 ~~(i) undergo imprisonment of not less than 90 days;~~

17 ~~(ii) pay a fine of not less than \$1,500;~~

18 ~~(iii) attend an alcohol highway safety school~~
19 ~~approved by the department; [and]~~

20 ~~(iv) comply with all drug and alcohol treatment~~
21 ~~requirements imposed under sections 3814 and 3815[.]; and~~

22 ~~(v) participate in and comply with the ignition~~
23 ~~interlock program under section 3805.~~

24 ~~(3) For a third or subsequent offense, to:~~

25 ~~(i) undergo imprisonment of not less than one year;~~

26 ~~(ii) pay a fine of not less than \$2,500; [and]~~

27 ~~(iii) comply with all drug and alcohol treatment~~
28 ~~requirements imposed under sections 3814 and 3815[.]; and~~

29 ~~(iv) participate in and comply with the ignition~~
30 ~~interlock program under section 3805.~~

1 ~~***~~

2 ~~(e) Suspension of operating privileges upon conviction.~~

3 ~~***~~

4 ~~(2) Suspension under paragraph (1) shall be in~~
5 ~~accordance with the following:~~

6 ~~***~~

7 ~~(iii) There shall be [no] a six month suspension for~~
8 ~~an ungraded misdemeanor under section 3802(a) where the~~
9 ~~person is subject to the penalties provided in subsection~~
10 ~~(a) and the person has no prior offense.~~

11 ~~***~~

12 ~~Section 6. Section 3805(a), (b) and (c) of Title 75 are~~
13 ~~amended and the section is amended by adding subsections to~~
14 ~~read:~~

15 ~~§ 3805. Ignition interlock.~~

16 ~~(a) General rule. If a person violates section 3802-~~
17 ~~(relating to driving under influence of alcohol or controlled~~
18 ~~substance) [and, within the past ten years, has a prior offense~~
19 ~~as defined in section 3806(a) (relating to prior offenses)] or~~
20 ~~has had their operating privileges suspended pursuant to section-~~
21 ~~1547(b.1) (relating to chemical testing to determine amount of~~
22 ~~alcohol or controlled substance) or 3808(c) (relating to~~
23 ~~illegally operating a motor vehicle not equipped with ignition~~
24 ~~interlock) and the person seeks a restoration of operating~~
25 ~~privileges, the department shall require as a condition of~~
26 ~~issuing [a restricted] an ignition interlock limited license~~
27 ~~pursuant to this section that the following occur:~~

28 ~~(1) Each motor vehicle owned or to be operated by the~~
29 ~~person [or registered to the person] has been equipped with~~
30 ~~an ignition interlock system and remains so for the duration~~

1 of the restricted license period.

2 ~~(2) If there are no motor vehicles owned or to be~~
3 ~~operated by the person or registered to the person that the~~
4 ~~person so certify to the department. [A person so certifying~~
5 ~~shall be deemed to have satisfied the requirement that all~~
6 ~~motor vehicles owned by the person or registered to the~~
7 ~~person be equipped with an ignition interlock system as~~
8 ~~required by this subsection.]~~

9 ~~(a.1) No license issued. If the department receives the~~
10 ~~certification under subsection (a) (2) from a person, no license~~
11 ~~under this subsection shall be issued to the person.~~

12 ~~(b) Application for [a restricted] an ignition interlock~~
13 ~~limited license. A person subject to this section shall apply~~
14 ~~to the department for an ignition interlock [restricted] limited~~
15 ~~license under section [1951 (relating to driver's license and~~
16 ~~learner's permit)] 1556 (relating to ignition interlock limited~~
17 ~~license), which shall be clearly marked to restrict the person~~
18 ~~to only driving, operating or being in actual physical control~~
19 ~~of the movement of motor vehicles equipped with an ignition~~
20 ~~interlock system. The department shall:~~

21 ~~(1) Upon issuance of an ignition interlock [restricted]~~
22 ~~limited license to any person, [the department shall] notify~~
23 ~~the person that until the person obtains an unrestricted~~
24 ~~license the person may not [own, register,] drive, operate or~~
25 ~~be in actual physical control of the movement of any motor~~
26 ~~vehicle which is not equipped with an ignition interlock~~
27 ~~system.~~

28 ~~(2) Require that a person subject to the provisions of~~
29 ~~subsection (h.2) maintain an ignition interlock restricted~~
30 ~~license for the following periods:~~

1 ~~(i) Six months, if the person was sentenced under~~
2 ~~section 3804(a)(1) and (b)(1) (relating to penalties).~~

3 ~~(ii) Twelve months, if the person was sentenced~~
4 ~~under section 3804(a)(2) or (b)(2).~~

5 ~~(iii) Eighteen months, if the person was sentenced~~
6 ~~under section 3804(c)(1).~~

7 ~~(iv) Thirty six months, if the person was sentenced~~
8 ~~under section 3804(c)(3).~~

9 ~~(c) Issuance of unrestricted license. [One year from the~~
10 ~~date of issuance of an ignition interlock restricted license~~
11 ~~under this section, if otherwise eligible, a person may be~~
12 ~~issued a replacement license under section 1951(d) that does not~~
13 ~~contain the ignition interlock system restriction.]~~

14 ~~(1) The department shall not issue an unrestricted~~
15 ~~license until a person has presented all of the following:~~

16 ~~(i) Proof that the person has completed the ignition~~
17 ~~interlock restricted license period under this section.~~

18 ~~(ii) Certification by the company that provided the~~
19 ~~ignition interlock device that the person has complied~~
20 ~~with subsection (h.2).~~

21 ~~(2) Upon completion of the ignition interlock~~
22 ~~requirements under this section, a person who is otherwise~~
23 ~~eligible may be issued a replacement license under section~~
24 ~~1951(d) (relating to driver's license and learner's permit)~~
25 ~~that does not contain the ignition interlock system~~
26 ~~restriction.~~

27 * * *

28 ~~(h.2) Declaration of compliance. Restrictions imposed under~~
29 ~~section 1556 (relating to ignition interlock limited license) or~~
30 ~~3807 (relating to Accelerated Rehabilitative Disposition) shall~~

1 ~~remain in effect until the department receives a declaration~~
2 ~~from the person's ignition interlock device vendor, in a form~~
3 ~~provided or approved by the department, certifying that the~~
4 ~~following incidents have not occurred in the two consecutive~~
5 ~~months prior to the date entered on the certificate:~~

6 ~~(1) An attempt to start the vehicle with a breath~~
7 ~~alcohol concentration of 0.08 or more, not followed within~~
8 ~~five minutes by a subsequent attempt with a breath alcohol~~
9 ~~concentration lower than 0.08.~~

10 ~~(2) Failure to take or pass any required retest.~~

11 ~~(3) Failure of the person to appear at the ignition~~
12 ~~interlock system vendor when required for maintenance,~~
13 ~~repair, calibration, monitoring, inspection or replacement of~~
14 ~~the device such that the ignition interlock system no longer~~
15 ~~functions as required under subsection (h).~~

16 * * *

17 Section 7. Sections 3807(d)(1), (2) and (3) and 3808(c)(1)
18 of Title 75 are amended to read:

19 § 3807. Accelerated Rehabilitative Disposition.

20 * * *

21 ~~(d) Mandatory suspension of operating privileges and~~
22 ~~ignition interlock requirement. As a condition of participation~~
23 ~~in an Accelerated Rehabilitative Disposition program, the court~~
24 ~~shall order the defendant's license suspended [as follows] and~~
25 ~~the defendant shall participate in and comply with the ignition~~
26 ~~interlock program under section 3805 (relating to ignition~~
27 ~~interlock) for the following applicable period of time:~~

28 ~~(1) [There shall be no license suspension if the~~
29 ~~defendant's blood alcohol concentration at the time of~~
30 ~~testing was less than 0.10%.]~~

1 ~~(2) For 30 days] Six months, if the defendant's blood~~
2 ~~alcohol concentration at the time of testing was at least~~
3 ~~[0.10%] 0.08% but less than 0.16%.~~

4 ~~[(3) For 60 days] (2) For a minimum period of one year,~~
5 ~~if:~~

6 ~~(i) the defendant's blood alcohol concentration at~~
7 ~~the time of testing was 0.16% or higher;~~

8 ~~(ii) the defendant's blood alcohol concentration is~~
9 ~~not known;~~

10 ~~(iii) an accident which resulted in bodily injury or~~
11 ~~in damage to a vehicle or other property occurred in~~
12 ~~connection with the events surrounding the current~~
13 ~~offense; or~~

14 ~~(iv) the defendant was charged pursuant to section~~
15 ~~3802(d).~~

16 ~~* * *~~

17 ~~§ 3808. Illegally operating a motor vehicle not equipped with~~
18 ~~ignition interlock.~~

19 ~~* * *~~

20 ~~(c) Suspension of operating privilege. Notwithstanding~~
21 ~~section 3805(c) and (i):~~

22 ~~(1) If a person who is required to only drive, operate~~
23 ~~or be in actual physical control of the movement of a motor~~
24 ~~vehicle equipped with an ignition interlock system violates~~
25 ~~this section, upon receipt of a certified record of the~~
26 ~~conviction, the department shall not issue a replacement~~
27 ~~license to the person under section 1951(d) (relating to~~
28 ~~driver's license and learner's permit) that does not contain~~
29 ~~an ignition interlock restriction for a period of one year~~
30 ~~from the date of conviction until the person has complied~~

1 ~~with the requirements of section 3805 (relating to ignition~~
2 ~~interlock).~~

3 * * *

4 ~~Section 8. This act shall take effect in 90 days.~~

5 SECTION 1. SECTION 1553(A) (1), (D) (6), (7) AND (8), (D.1) <--
6 AND (D.2) OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES
7 ARE AMENDED TO READ:

8 § 1553. OCCUPATIONAL LIMITED LICENSE.

9 (A) ISSUANCE.--

10 (1) THE DEPARTMENT SHALL ISSUE AN OCCUPATIONAL LIMITED
11 LICENSE UNDER THE PROVISIONS OF THIS SECTION TO A DRIVER
12 WHOSE OPERATING PRIVILEGES HAVE BEEN SUSPENDED FOR A
13 VIOLATION OF THIS TITLE, EXCEPT FOR AN OFFENSE UNDER SECTION
14 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR
15 CONTROLLED SUBSTANCE) OR UNDER FORMER SECTION 3731 (RELATING
16 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
17 SUBSTANCE) OR FOR A REFUSAL TO SUBMIT TO CHEMICAL TESTING
18 UNDER SECTION 1547 (RELATING TO CHEMICAL TESTING TO DETERMINE
19 AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE), AND IS NOT
20 PROHIBITED UNDER ANY OTHER PROVISION IN THIS SECTION. IF THE
21 UNDERLYING REASON FOR THE SUSPENSION WAS CAUSED BY VIOLATIONS
22 COMMITTED WHILE THE DRIVER WAS OPERATING A COMMERCIAL MOTOR
23 VEHICLE, THE DRIVER SHALL NOT BE ISSUED AN OCCUPATIONAL
24 LIMITED LICENSE FOR THE PURPOSE OF OPERATING A COMMERCIAL
25 MOTOR VEHICLE. THE DEPARTMENT SHALL PROHIBIT THE ISSUANCE OF
26 AN OCCUPATIONAL LIMITED LICENSE WHEN DISQUALIFIED FROM DOING
27 SO UNDER THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986
28 (TITLE XII OF PUBLIC LAW 99-570, 49 U.S.C. APP. § 2701 ET
29 SEQ.) OR THE MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999
30 (PUBLIC LAW 106-159, 113 STAT. 1748).

1 * * *

2 (D) UNAUTHORIZED ISSUANCE.--THE DEPARTMENT SHALL PROHIBIT
3 ISSUANCE OF AN OCCUPATIONAL LIMITED LICENSE TO:

4 * * *

5 [(6) ANY PERSON WHO HAS BEEN ADJUDICATED DELINQUENT,
6 GRANTED A CONSENT DECREE OR GRANTED ACCELERATED
7 REHABILITATIVE DISPOSITION FOR DRIVING UNDER THE INFLUENCE OF
8 ALCOHOL OR CONTROLLED SUBSTANCE UNLESS THE SUSPENSION OR
9 REVOCATION IMPOSED FOR THAT CONVICTION HAS BEEN FULLY SERVED.

10 (7) ANY PERSON WHOSE OPERATING PRIVILEGE HAS BEEN
11 SUSPENDED FOR REFUSAL TO SUBMIT TO CHEMICAL TESTING TO
12 DETERMINE THE AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE
13 UNLESS THAT SUSPENSION HAS BEEN FULLY SERVED.

14 (8) EXCEPT AS SET FORTH IN SUBSECTIONS (D.1) AND (D.2),
15 ANY PERSON WHO HAS BEEN CONVICTED OF DRIVING UNDER THE
16 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AND WHOSE
17 LICENSE HAS BEEN SUSPENDED BY THE DEPARTMENT UNLESS THE
18 SUSPENSION IMPOSED HAS BEEN FULLY SERVED.]

19 * * *

20 [(D.1) ADJUDICATION ELIGIBILITY.--AN INDIVIDUAL WHO HAS BEEN
21 CONVICTED OF AN OFFENSE UNDER SECTION 3802 (RELATING TO DRIVING
22 UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND DOES NOT
23 HAVE A PRIOR OFFENSE AS DEFINED IN SECTION 3806(A) (RELATING TO
24 PRIOR OFFENSES) SHALL BE ELIGIBLE FOR AN OCCUPATIONAL LIMITED
25 LICENSE ONLY IF THE INDIVIDUAL HAS SERVED 60 DAYS OF THE
26 SUSPENSION IMPOSED FOR THE OFFENSE.

27 (D.2) SUSPENSION ELIGIBILITY.--

28 (1) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED FOR A
29 PERIOD OF 18 MONTHS UNDER SECTION 1547(B)(1)(II) (RELATING TO
30 CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED

1 SUBSTANCE) OR 3804(E) (2) (II) (RELATING TO PENALTIES) SHALL
2 NOT BE PROHIBITED FROM OBTAINING AN OCCUPATIONAL LIMITED
3 LICENSE UNDER THIS SECTION IF THE INDIVIDUAL:

4 (I) IS OTHERWISE ELIGIBLE FOR RESTORATION;

5 (II) HAS SERVED 12 MONTHS OF THE SUSPENSION IMPOSED
6 FOR THE OFFENSE;

7 (III) HAS NO MORE THAN ONE PRIOR OFFENSE AS DEFINED
8 IN SECTION 3806(B);

9 (IV) ONLY OPERATES A MOTOR VEHICLE EQUIPPED WITH AN
10 IGNITION INTERLOCK SYSTEM AS DEFINED IN SECTION 3801
11 (RELATING TO DEFINITIONS); AND

12 (V) HAS CERTIFIED TO THE DEPARTMENT UNDER PARAGRAPH
13 (3).

14 (2) A PERIOD OF IGNITION INTERLOCK ACCEPTED UNDER THIS
15 SUBSECTION SHALL NOT COUNT TOWARDS THE ONE-YEAR MANDATORY
16 PERIOD OF IGNITION INTERLOCK IMPOSED UNDER SECTION 3805
17 (RELATING TO IGNITION INTERLOCK).

18 (3) IF AN INDIVIDUAL SEEKS AN OCCUPATIONAL LIMITED
19 LICENSE UNDER THIS SUBSECTION, THE DEPARTMENT SHALL REQUIRE
20 THAT EACH MOTOR VEHICLE OWNED OR REGISTERED TO THE PERSON HAS
21 BEEN EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM AS DEFINED IN
22 SECTION 3801 AS A CONDITION OF ISSUING AN OCCUPATIONAL
23 LIMITED LICENSE WITH AN IGNITION INTERLOCK RESTRICTION.]

24 * * *

25 SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

26 § 1556. IGNITION INTERLOCK LIMITED LICENSE.

27 (A) ISSUANCE.--

28 (1) THE DEPARTMENT SHALL ISSUE AN IGNITION INTERLOCK
29 LIMITED LICENSE UNDER THIS SECTION TO AN INDIVIDUAL WHOSE
30 OPERATING PRIVILEGES HAVE BEEN SUSPENDED FOR:

1 (I) A VIOLATION UNDER SECTION 3802 (RELATING TO
2 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
3 SUBSTANCE) OR UNDER FORMER SECTION 3731 (RELATING TO
4 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
5 SUBSTANCE); OR

6 (II) A REFUSAL TO SUBMIT TO CHEMICAL TESTING
7 UNDER SECTION 1547 (RELATING TO CHEMICAL TESTING TO
8 DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE).

9 (2) THE DEPARTMENT SHALL ISSUE AN IGNITION INTERLOCK
10 LIMITED LICENSE UNDER THE PROVISIONS OF THIS SECTION ONLY
11 UPON RECEIVING PROOF THAT EACH MOTOR VEHICLE OWNED OR TO BE
12 OPERATED BY THE INDIVIDUAL HAS BEEN EQUIPPED WITH AN APPROVED
13 IGNITION INTERLOCK SYSTEM AS DEFINED IN SECTION 3801
14 (RELATING TO DEFINITIONS) AS A CONDITION OF ISSUING AN
15 IGNITION INTERLOCK LIMITED LICENSE.

16 (3) AN IGNITION INTERLOCK LIMITED LICENSE ISSUED UNDER
17 THE PROVISIONS OF THIS SECTION PERMITS AN INDIVIDUAL TO
18 OPERATE MOTOR VEHICLES EQUIPPED WITH A FUNCTIONING IGNITION
19 INTERLOCK SYSTEM, AS DEFINED IN SECTION 3801.

20 (4) ANY PERIOD IN WHICH AN INDIVIDUAL HOLDS A VALID
21 IGNITION INTERLOCK LIMITED LICENSE UNDER THIS SECTION SHALL
22 COUNT ON A DAY-FOR-DAY BASIS TOWARD ANY MANDATORY PERIOD OF
23 IGNITION INTERLOCK USE IMPOSED UNDER SECTION 3805 (RELATING
24 TO IGNITION INTERLOCK) ARISING FROM THE SAME INCIDENT.

25 (B) PETITION.--

26 (1) AN APPLICANT FOR AN IGNITION INTERLOCK LIMITED
27 LICENSE SHALL FILE A PETITION WITH THE DEPARTMENT, BY
28 CERTIFIED MAIL, ON A FORM PRESCRIBED BY THE DEPARTMENT, AND
29 SHALL INCLUDE PROOF THAT AN APPROVED IGNITION INTERLOCK
30 SYSTEM, AS DEFINED IN SECTION 3801, HAS BEEN INSTALLED IN ONE

1 OR MORE MOTOR VEHICLES THAT THE APPLICANT SEEKS PERMISSION TO
2 OPERATE.

3 (2) THE PETITION SHALL ALSO INCLUDE PROOF OF FINANCIAL
4 RESPONSIBILITY COVERING EACH VEHICLE THE APPLICANT REQUESTS
5 TO BE PERMITTED TO OPERATE. THE DEPARTMENT SHALL PROMULGATE
6 REGULATIONS TO REQUIRE ADDITIONAL INFORMATION AS WELL AS
7 ADDITIONAL EVIDENCE TO VERIFY THE INFORMATION CONTAINED IN
8 THE PETITION.

9 (3) THE APPLICANT SHALL SURRENDER THE APPLICANT'S
10 DRIVER'S LICENSE IN ACCORDANCE WITH SECTION 1540 (RELATING TO
11 SURRENDER OF LICENSE). IF THE APPLICANT'S DRIVER'S LICENSE
12 HAS BEEN LOST OR STOLEN, THE APPLICANT SHALL SUBMIT AN
13 APPLICATION FOR A REPLACEMENT LICENSE, ALONG WITH THE PROPER
14 FEE. IF THE APPLICANT IS A NONRESIDENT LICENSED DRIVER, THE
15 APPLICANT SHALL SUBMIT AN ACKNOWLEDGMENT OF SUSPENSION IN
16 LIEU OF A DRIVER'S LICENSE. IF THE APPLICANT'S LICENSE HAS
17 EXPIRED, THE APPLICANT SHALL SUBMIT AN APPLICATION FOR
18 RENEWAL, ALONG WITH THE APPROPRIATE FEE. ALL FINES, COSTS AND
19 RESTORATION FEES MUST BE PAID AT THE TIME OF PETITION.

20 (4) CONSISTENT WITH THE PROVISIONS OF THIS SECTION, IF
21 THE APPLICANT IS QUALIFIED, THE DEPARTMENT SHALL ISSUE AN
22 IGNITION INTERLOCK LIMITED LICENSE WITHIN 20 DAYS OF RECEIPT
23 OF THE PETITION AND ALL OTHER REQUIREMENTS FOR ISSUANCE.

24 (C) FEE.--THE APPLICATION FEE FOR AN IGNITION INTERLOCK
25 LIMITED LICENSE SHALL BE \$50. THIS FEE SHALL BE NONREFUNDABLE.

26 (D) UNAUTHORIZED ISSUANCE.--THE DEPARTMENT SHALL PROHIBIT
27 ISSUANCE OF AN IGNITION INTERLOCK LIMITED LICENSE TO:

28 (1) ANY INDIVIDUAL WHO IS NOT LICENSED TO DRIVE BY THE
29 COMMONWEALTH OR ANY OTHER STATE.

30 (2) ANY INDIVIDUAL WHO IS REQUIRED BY THIS TITLE TO TAKE

1 AN EXAMINATION AND WHO HAS FAILED TO TAKE AND PASS THE
2 EXAMINATION.

3 (3) ANY INDIVIDUAL WHOSE OPERATING PRIVILEGE HAS BEEN
4 RECALLED OR CANCELED.

5 (4) ANY INDIVIDUAL WHO HAS AN UNSATISFIED JUDGMENT
6 AGAINST THE INDIVIDUAL AS THE RESULT OF A MOTOR VEHICLE
7 OPERATION, UNTIL THE JUDGMENT HAS BEEN SATISFIED UNDER THE
8 PROVISIONS OF SECTION 1774 (RELATING TO PAYMENTS SUFFICIENT
9 TO SATISFY JUDGMENTS) OR AN INSTALLMENT AGREEMENT HAS BEEN
10 ENTERED INTO TO SATISFY THE JUDGMENT, AS PERMITTED UNDER
11 SECTION 1772 (B) (RELATING TO SUSPENSION FOR NONPAYMENT OF
12 JUDGMENTS) OR 1775 (RELATING TO INSTALLMENT PAYMENT OF
13 JUDGMENTS), AND THE FINANCIAL RESPONSIBILITY OF THE PERSON
14 HAS BEEN ESTABLISHED.

15 (5) ANY INDIVIDUAL APPLYING FOR AN IGNITION INTERLOCK
16 LIMITED LICENSE TO OPERATE A COMMERCIAL MOTOR VEHICLE.

17 (6) ANY INDIVIDUAL IF THE DEPARTMENT IS DISQUALIFIED
18 FROM ISSUING THE IGNITION INTERLOCK LIMITED LICENSE UNDER THE
19 COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 (TITLE XII OF
20 PUBLIC LAW 99-570, 49 U.S.C. APP. § 2701 ET SEQ.) OR THE
21 MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 (PUBLIC LAW 106-
22 159, 113 STAT. 1748).

23 (7) ANY INDIVIDUAL WHOSE OPERATING PRIVILEGE HAS BEEN
24 SUSPENDED UNDER SECTION 1532 (A.1) (RELATING TO SUSPENSION OF
25 OPERATING PRIVILEGE) FOR CONVICTION OR ADJUDICATION OF
26 DELINQUENCY BASED ON A VIOLATION OF SECTION 3732 (RELATING TO
27 HOMICIDE BY VEHICLE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE
28 WHILE DRIVING UNDER INFLUENCE).

29 (E) ADJUDICATION ELIGIBILITY.--AN INDIVIDUAL WHO HAS BEEN
30 CONVICTED OF AN OFFENSE UNDER SECTION 3802 SHALL BE ELIGIBLE TO

1 APPLY FOR AND, IF OTHERWISE QUALIFIED, BE ISSUED AN IGNITION
2 INTERLOCK LIMITED LICENSE UPON CONVICTION.

3 (F) SUSPENSION ELIGIBILITY.--THE FOLLOWING SHALL APPLY:

4 (1) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED UNDER
5 SECTION 1547(B) SHALL BE ELIGIBLE TO APPLY FOR AND, IF
6 OTHERWISE QUALIFIED, BE ISSUED AN IGNITION INTERLOCK LIMITED
7 LICENSE UNDER THIS SECTION IF THE INDIVIDUAL:

8 (I) HAS SERVED SIX MONTHS OF THE SUSPENSION IMPOSED
9 UNDER SECTION 1547(B) (1) (I); OR

10 (II) HAS SERVED NINE MONTHS OF THE SUSPENSION
11 IMPOSED UNDER SECTION 1547(B) (1) (II).

12 (2) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED UNDER
13 SECTION 3804(E) (RELATING TO PENALTIES) SHALL BE ELIGIBLE TO
14 APPLY FOR AND, IF OTHERWISE QUALIFIED, BE ISSUED AN IGNITION
15 INTERLOCK LIMITED LICENSE UNDER THIS SECTION IF THE
16 INDIVIDUAL:

17 (I) HAS SERVED SIX MONTHS OF THE SUSPENSION IMPOSED
18 UNDER SECTION 3804(E) (2) (I); OR

19 (II) HAS SERVED NINE MONTHS OF THE SUSPENSION
20 IMPOSED UNDER SECTION 3804 (E) (2) (II).

21 (3) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED UNDER
22 SECTION 3807(D) (RELATED TO ACCELERATED REHABILITATIVE
23 DISPOSITION) SHALL BE ELIGIBLE TO APPLY FOR AND, IF OTHERWISE
24 QUALIFIED, BE ISSUED AN IGNITION INTERLOCK LIMITED LICENSE
25 UNDER THIS SECTION IF THE SUSPENSION HAS BEEN FULLY SERVED.

26 (G) CREDIT AGAINST MANDATORY IGNITION INTERLOCK
27 REQUIREMENT.--ANY PERIOD DURING WHICH AN INDIVIDUAL HOLDS A
28 VALID IGNITION INTERLOCK LIMITED LICENSE UNDER SUBSECTION (E) OR
29 (F) SHALL COUNT ON A DAY-FOR-DAY BASIS TOWARD THE MANDATORY
30 PERIOD OF IGNITION INTERLOCK USAGE IMPOSED UNDER THE APPLICABLE

1 SUBPARAGRAPHS OF SECTION 3805(B) (2) ARISING FROM THE SAME
2 INCIDENT.

3 (H) CERTIFICATION TO THE DEPARTMENT.--IF AN INDIVIDUAL
4 APPLIES FOR AN IGNITION INTERLOCK LIMITED LICENSE UNDER THIS
5 SECTION, THE DEPARTMENT SHALL REQUIRE THAT ONE OR MORE MOTOR
6 VEHICLES OWNED OR TO BE OPERATED BY THE INDIVIDUAL BE EQUIPPED
7 WITH A FUNCTIONING IGNITION INTERLOCK SYSTEM, AS DEFINED IN
8 SECTION 3801, AS A CONDITION OF ISSUING AN IGNITION INTERLOCK
9 LIMITED LICENSE WITH AN IGNITION INTERLOCK RESTRICTION.

10 (I) OFFENSES COMMITTED DURING A PERIOD FOR WHICH AN IGNITION
11 INTERLOCK LIMITED LICENSE HAS BEEN ISSUED.--IF THE DEPARTMENT
12 RECEIVES A REPORT OF CONVICTION OF AN OFFENSE FOR WHICH THE
13 PENALTY IS A CANCELLATION, DISQUALIFICATION, RECALL, SUSPENSION
14 OR REVOCATION OF OPERATING PRIVILEGES OR A REPORT UNDER SECTION
15 3815(C) (4) (RELATING TO MANDATORY SENTENCING) FOR ANY INDIVIDUAL
16 WHO HAS BEEN ISSUED AN IGNITION INTERLOCK LIMITED LICENSE, THE
17 DEPARTMENT, AT ITS SOLE DISCRETION, SHALL EITHER:

18 (1) EXTEND THE TERM OF THE IGNITION INTERLOCK LIMITED
19 LICENSE FOR UP TO THE ORIGINAL TERM FOR WHICH THE DRIVER'S
20 LICENSE WAS SUSPENDED OR REVOKED; OR

21 (2) RECALL THE IGNITION INTERLOCK LIMITED LICENSE AND
22 THE INDIVIDUAL SHALL SURRENDER THE LIMITED LICENSE TO THE
23 DEPARTMENT OR ITS AGENTS DESIGNATED UNDER THE AUTHORITY OF
24 SECTION 1540.

25 (J) RESTRICTIONS.--

26 (1) PURSUANT TO SUBSECTION (A) (2), AN INDIVIDUAL WHO HAS
27 BEEN ISSUED AN IGNITION INTERLOCK LIMITED LICENSE SHALL
28 OPERATE ONLY MOTOR VEHICLES EQUIPPED WITH A FUNCTIONING
29 IGNITION INTERLOCK SYSTEM, AS DEFINED IN SECTION 3801.

30 (2) ANY INDIVIDUAL WHO VIOLATES THE CONDITIONS OF

1 ISSUANCE OR RESTRICTIONS OF THE IGNITION INTERLOCK LIMITED
2 LICENSE COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION,
3 BE SENTENCED TO PAY A FINE OF \$200; AND, UPON RECEIPT OF A
4 CERTIFIED RECORD OF CONVICTION, THE DEPARTMENT SHALL RECALL
5 THE LIMITED LICENSE.

6 (3) THE OPERATING PRIVILEGES OF AN INDIVIDUAL WHO HAS
7 BEEN ISSUED AN IGNITION INTERLOCK LIMITED LICENSE REMAIN
8 UNDER SUSPENSION OR REVOCATION, EXCEPT WHEN OPERATING A MOTOR
9 VEHICLE IN ACCORDANCE WITH THE CONDITIONS OF ISSUANCE AND
10 RESTRICTIONS OF THE IGNITION INTERLOCK LIMITED LICENSE.

11 (K) APPEAL FROM DENIAL OR RECALL OF IGNITION INTERLOCK
12 LIMITED LICENSE.--

13 (1) ANY INDIVIDUAL WHO IS DENIED AN IGNITION INTERLOCK
14 LIMITED LICENSE OR WHOSE IGNITION INTERLOCK LIMITED LICENSE
15 IS EXTENDED OR RECALLED UNDER SUBSECTION (I) MAY FILE WITH
16 THE DEPARTMENT A PETITION FOR A HEARING. THE HEARING SHALL BE
17 CONDUCTED IN ACCORDANCE WITH 2 PA.C.S. (RELATING TO
18 ADMINISTRATIVE LAW AND PROCEDURE).

19 (2) THE DEPARTMENT MAY CHARGE A REASONABLE FEE BASED ON
20 THE COST TO THE DEPARTMENT FOR CONDUCTING THE HEARING.

21 (3) THE APPEAL SHALL NOT OPERATE AS AN AUTOMATIC
22 SUPERSEDEAS. IF AN ADMINISTRATIVE HEARING OFFICER ORDERS A
23 SUPERSEDEAS IN ANY APPEAL, THE INDIVIDUAL SHALL EARN NO
24 CREDIT TOWARD SERVING THE SUSPENSION FOR WHICH THE INDIVIDUAL
25 WAS GRANTED AN IGNITION INTERLOCK LIMITED LICENSE.

26 (4) AN APPEAL FROM A DECISION OF AN ADMINISTRATIVE
27 HEARING OFFICER MAY BE TAKEN IN THE MANNER PROVIDED IN 42
28 PA.C.S. § 763(A) (RELATING TO DIRECT APPEALS FROM GOVERNMENT
29 AGENCIES).

30 (5) APPEALS UNDER THIS SUBSECTION ARE EXEMPT FROM THE

1 PROVISIONS OF SECTION 1550(B) (RELATING TO JUDICIAL REVIEW)
2 AND FROM THE PROVISIONS OF 42 PA.C.S. § 933 (RELATING TO
3 APPEALS FROM GOVERNMENT AGENCIES).

4 SECTION 3. SECTION 3801 OF TITLE 75 IS AMENDED BY ADDING A
5 DEFINITION TO READ:

6 § 3801. DEFINITIONS.

7 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
8 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
9 CONTEXT CLEARLY INDICATES OTHERWISE:

10 * * *

11 "IGNITION INTERLOCK LIMITED LICENSE." A DRIVER'S LICENSE
12 ISSUED TO AN INDIVIDUAL WHOSE OPERATING PRIVILEGES ARE SUSPENDED
13 OR REVOKED FOR ONE OR MORE VIOLATIONS OF SECTION 3802 (RELATING
14 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE)
15 OR 1547(B.1) (RELATING TO CHEMICAL TESTING TO DETERMINE AMOUNT
16 OF ALCOHOL OR CONTROLLED SUBSTANCE) REQUIRING THE INDIVIDUAL TO
17 OPERATE ONLY MOTOR VEHICLES EQUIPPED WITH A FUNCTIONING IGNITION
18 INTERLOCK SYSTEM.

19 * * *

20 SECTION 4. SECTION 3805(A), (B) AND (C) OF TITLE 75 ARE
21 AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO
22 READ:

23 § 3805. IGNITION INTERLOCK.

24 (A) GENERAL RULE.--IF A PERSON VIOLATES SECTION 3802
25 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
26 SUBSTANCE) [AND, WITHIN THE PAST TEN YEARS, HAS A PRIOR OFFENSE
27 AS DEFINED IN SECTION 3806(A) (RELATING TO PRIOR OFFENSES)],
28 EXCEPT FOR A VIOLATION OF SECTION 3802(A) WHERE THE INDIVIDUAL
29 HAS NOT HAD A PRIOR OFFENSE, AS DEFINED UNDER SECTION 3806(A)
30 (RELATING TO PRIOR OFFENSES), WITHIN THE PAST TEN YEARS, OR HAS

1 HAD THEIR OPERATING PRIVILEGES SUSPENDED PURSUANT TO SECTION
2 1547(B.1) (RELATING TO CHEMICAL TESTING TO DETERMINE AMOUNT OF
3 ALCOHOL OR CONTROLLED SUBSTANCE) OR 3808(C) (RELATING TO
4 ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH IGNITION
5 INTERLOCK) AND THE PERSON SEEKS A RESTORATION OF OPERATING
6 PRIVILEGES, THE DEPARTMENT SHALL REQUIRE AS A CONDITION OF
7 ISSUING A RESTRICTED LICENSE PURSUANT TO THIS SECTION THAT THE
8 FOLLOWING OCCUR:

9 (1) EACH MOTOR VEHICLE OWNED OR TO BE OPERATED BY THE
10 PERSON [OR REGISTERED TO THE PERSON] HAS BEEN EQUIPPED WITH
11 AN IGNITION INTERLOCK SYSTEM AND REMAINS SO FOR THE DURATION
12 OF THE RESTRICTED LICENSE PERIOD.

13 (2) IF THERE ARE NO MOTOR VEHICLES OWNED OR TO BE
14 OPERATED BY THE PERSON OR REGISTERED TO THE PERSON THAT THE
15 PERSON SO CERTIFY TO THE DEPARTMENT. [A PERSON SO CERTIFYING
16 SHALL BE DEEMED TO HAVE SATISFIED THE REQUIREMENT THAT ALL
17 MOTOR VEHICLES OWNED BY THE PERSON OR REGISTERED TO THE
18 PERSON BE EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM AS
19 REQUIRED BY THIS SUBSECTION.]

20 (A.1) NO LICENSE ISSUED.--IF THE DEPARTMENT RECEIVES THE
21 CERTIFICATION UNDER SUBSECTION (A) (2) FROM A PERSON, NO LICENSE
22 UNDER THIS SUBSECTION SHALL BE ISSUED TO THE PERSON.

23 (B) APPLICATION FOR A RESTRICTED LICENSE.--A PERSON SUBJECT
24 TO THIS SECTION SHALL APPLY TO THE DEPARTMENT FOR AN IGNITION
25 INTERLOCK RESTRICTED LICENSE UNDER SECTION 1951 (RELATING TO
26 DRIVER'S LICENSE AND LEARNER'S PERMIT), WHICH SHALL BE CLEARLY
27 MARKED TO RESTRICT THE PERSON TO ONLY DRIVING, OPERATING OR
28 BEING IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF MOTOR
29 VEHICLES EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM. UPON
30 ISSUANCE OF AN IGNITION INTERLOCK RESTRICTED LICENSE TO ANY

1 PERSON, THE DEPARTMENT SHALL NOTIFY THE PERSON THAT UNTIL THE
2 PERSON OBTAINS AN UNRESTRICTED LICENSE THE PERSON MAY NOT [OWN,
3 REGISTER,] DRIVE, OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF
4 THE MOVEMENT OF ANY MOTOR VEHICLE WHICH IS NOT EQUIPPED WITH AN
5 IGNITION INTERLOCK SYSTEM.

6 (C) ISSUANCE OF UNRESTRICTED LICENSE.--ONE YEAR FROM THE
7 DATE OF ISSUANCE OF AN IGNITION INTERLOCK RESTRICTED LICENSE
8 UNDER THIS SECTION, IF OTHERWISE ELIGIBLE, A PERSON MAY BE
9 ISSUED A REPLACEMENT LICENSE UNDER SECTION 1951(D) THAT DOES NOT
10 CONTAIN THE IGNITION INTERLOCK SYSTEM RESTRICTION. THE
11 DEPARTMENT SHALL NOT ISSUE AN UNRESTRICTED LICENSE UNTIL A
12 PERSON HAS PRESENTED ALL OF THE FOLLOWING:

13 (1) PROOF THAT THE PERSON HAS COMPLETED THE IGNITION
14 INTERLOCK RESTRICTED LICENSE PERIOD UNDER THIS SECTION.

15 (2) CERTIFICATION BY THE COMPANY THAT PROVIDED THE
16 IGNITION INTERLOCK DEVICE THAT THE PERSON HAS COMPLIED WITH
17 SUBSECTION (H.2).

18 * * *

19 (H.2) DECLARATION OF COMPLIANCE.--RESTRICTIONS IMPOSED UNDER
20 SECTION 1556 SHALL REMAIN IN EFFECT UNTIL THE DEPARTMENT
21 RECEIVES A DECLARATION FROM THE PERSON'S IGNITION INTERLOCK
22 DEVICE VENDOR, IN A FORM PROVIDED OR APPROVED BY THE DEPARTMENT,
23 CERTIFYING THAT THE FOLLOWING INCIDENTS HAVE NOT OCCURRED IN THE
24 TWO CONSECUTIVE MONTHS PRIOR TO THE DATE ENTERED ON THE
25 CERTIFICATE:

26 (1) AN ATTEMPT TO START THE VEHICLE WITH A BREATH
27 ALCOHOL CONCENTRATION OF 0.08 OR MORE, NOT FOLLOWED WITHIN
28 FIVE MINUTES BY A SUBSEQUENT ATTEMPT WITH A BREATH ALCOHOL
29 CONCENTRATION LOWER THAN 0.08.

30 (2) FAILURE TO TAKE OR PASS ANY REQUIRED RETEST.

