

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2538 Session of 2018

INTRODUCED BY STEPHENS, CALTAGIRONE, GREINER, DAVIS, CORBIN,
B. O'NEILL, MILLARD, BERNSTINE, MARSICO, SAYLOR, DeLUCA,
MARSHALL, WARREN, ROEBUCK, WATSON AND COX, JULY 3, 2018

REFERRED TO COMMITTEE ON TRANSPORTATION, JULY 3, 2018

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in general provisions, further providing for
3 definitions; and, in licensing of drivers, providing for
4 continuous alcohol monitoring device.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 102 of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:

9 § 102. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this title which are applicable to specific
12 provisions of this title, the following words and phrases when
13 used in this title shall have, unless the context clearly
14 indicates otherwise, the meanings given to them in this section:

15 * * *

16 "Continuous alcohol monitoring device" or "device." A
17 monitoring device or instrument that:

18 (1) is attached to the person;

1 (2) is designed to automatically test the alcohol
2 content in a person by contact with the skin of the person at
3 least once per one-half hour regardless of the location on
4 the person;

5 (3) detects the presence of alcohol; and

6 (4) detects an attempt to tamper with, obstruct or
7 remove the device or instrument.

8 * * *

9 Section 2. Title 75 is amended by adding a section to read:

10 § 1557. Continuous alcohol monitoring device.

11 (a) Violations.--A person arrested for a violation of
12 section 3802 (b) or (c) (relating to driving under influence of
13 alcohol or controlled substance) within 10 years of a prior
14 conviction for an offense under section 3802 or while pending
15 adjudication for one or more prior charges of violating section
16 3802 shall be fitted with a continuous alcohol monitoring
17 device.

18 (b) Determination and costs to be paid.--A person fitted
19 with a device under subsection (a) shall pay for all costs
20 associated with the device, including administrative and
21 operating costs. The court may authorize the county to finance
22 the use of the device under subsection (a) if the court, at any
23 time, determines the person fitted with a device under
24 subsection (a) lacks the financial ability to pay all or part of
25 the costs of the device.

26 (c) Financial inquiry.--A court determination under
27 subsection (b) shall be based on an appropriate inquiry into the
28 financial circumstances of the person fitted with a device under
29 subsection (a) and an affidavit or certificate, signed by the
30 person fitted with a device under subsection (a), demonstrating

1 financial inability to pay all or part of the costs of the
2 device.

3 (d) Alcohol prohibited.--At the initial court appearance and
4 as a condition for release on bail, the court shall order the
5 person fitted with a device under subsection (a) to refrain from
6 consuming any alcohol and submit to monitoring by a device for
7 no less than 90 days.

8 (e) Tampering prohibited.--The court shall order the person
9 fitted with a device under subsection (a) to refrain from
10 tampering with the device.

11 (f) Modification or suspension of conditions.--Except where
12 a court finds an extension of the 90-day period under subsection
13 (d) is necessary to ensure the safety of the public, and
14 notwithstanding any law to the contrary, the court may not
15 modify or suspend the conditions of this section.

16 (g) Device fitting.--If the person under subsection (a) was
17 not previously fitted with a device, the court shall order the
18 person to be fitted with a continuous alcohol monitoring device
19 within 10 business days of the initial court appearance of the
20 person.

21 Section 3. This act shall take effect in 60 days.