



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 553

PRINTERS NO. 1037

PRIME SPONSOR: Rafferty

COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	\$0	\$0
Motor License Fund	See "Fiscal Impact"	See "Fiscal Impact"
Local Funds	\$0	\$0

SUMMARY: Amends Title 75 (Vehicle Code) regarding the Commonwealth's DUI laws. The amendment of §1547(b)(2)(ii), 1556(B)(3), 3804(c) and 3805(a.1) and (h.2)(1) would take effect immediately. The amendment or addition of § 1547(a), (b) heading, (1), (2)(i) and (3), (b.1), (b.2) and (b.3) would take effect in six months and the remainder of this act would take effect in 15 months.

ANALYSIS: This legislation amends the Vehicle Code to makes a variety of changes to PA's current DUI laws, as follows:

Surrender of License (§1540): The legislation eliminates the requirement that a court or district attorney require a licensee to surrender his/her driver's license upon conviction and forward the license with the record of the conviction to PennDOT. Licenses will continue to be surrendered upon suspension, revocation or disqualification of the operating privilege upon written notification from PennDOT to the licensee. The notification shall include the effective date of the suspension, revocation or disqualification as determined by PennDOT. Notification by the court or district attorney of the impending suspension shall serve as a rebuttable presumption of the defendant's knowledge of the suspension.

Any police officer or designated employee of the Commonwealth shall be authorized to confiscate any license that has been revoked, suspended, canceled or disqualified. That driver's license shall be returned to PennDOT and may be destroyed at the discretion of PennDOT. When driving privileges are restored, the licensee may apply for a replacement license.

Period of Disqualification, Revocation or Suspension of Operating Privilege (§1541): This legislation eliminates the requirement for a licensee to surrender a driver's license or acknowledge a suspension in order to begin receiving credit for serving a suspension, revocation or disqualification and allows a licensee to begin receiving credit from the effective date of the suspension set by PennDOT. The legislation also eliminates the ability to request a hearing regarding such earned credit.

Driving While Operating Privilege is Suspended or Revoked (§1543): The legislation adds the term, “or adjudication of delinquency” to include juvenile offenders of this section tried in juvenile courts.

Chemical Testing to Determine Amount of Alcohol or Controlled Substance (§1547): The legislation eliminates §1547(a)(2) from the Vehicle Code which allows chemical testing of a person, who drives or operates a vehicle which is involved in an accident in which the operator or passenger of any vehicle involved in the accident or a pedestrian was injured or killed, without probable cause to believe the operator was under the influence of alcohol or a controlled substance.

This legislation requires a police officer to inform a person who is placed under arrest for a violation of §3802 (relating to driving under the influence of alcohol or controlled substance) that a restoration fee of up to \$2,000 will be imposed if the person refuses to submit to chemical testing in addition to a suspension of the person’s operating privilege. In lieu of a criminal penalty for refusal to submit to chemical testing, creates a civil penalty structure to require a restoration fee of \$500 for a first refusal, \$1,000 for a second, and \$2,000 for a third or subsequent refusal. All fines must be paid prior to the reinstatement of a person’s unrestricted operating privilege or in accordance with §1556(b)(3) (ignition interlock limited license).

The legislation also clarifies that there is no limitation impacting the ability of law enforcement to obtain chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States or the Constitution of Pennsylvania.

This legislation eliminates references to surrendering a license to an agent designated under the authority of §1540, since the legislation specifically states all licenses must be surrendered to PennDOT.

Probationary License (§1554): This legislation removes references to “earned credit”, to be consistent with eliminating the acknowledgement requirement under §1541.

Ignition Interlock Limited Licenses (IILLs) (§1556): This legislation allows for restoration fees required under §1547(b.2) to be paid in separate transactions; half must be paid at the time of petition for an IILL and the remaining paid at the time of application for an unrestricted driver’s license.

The legislation also makes eligible, but does not require, individuals enrolled in an accelerated rehabilitative disposition (ARD) program to apply for and receive an IILL for the duration of their suspension.

Penalties (§3804): The legislation clarifies that if a person violates §3802(a)(1) by drinking a sufficient amount of alcohol such that the individual is rendered incapable of safely driving and refuses to submit to chemical breath testing under §1547 or the testing of blood pursuant to a valid search warrant, then the person will be subject to the penalties under §3804(c) which include imprisonment and fines.

Ignition Interlock (§3805): The legislation clarifies that the ignition interlock requirement excludes a person, who is subject to mandatory suspension of operating privilege under §3807(d) and who enters into an ARD program, from the ignition interlock requirement. This legislation also increases the time, from 5 to 10 minutes, which an individual has to re-blow into the ignition interlock after an initial breath alcohol concentration of 0.08% or more.

This legislation eliminates references to surrendering a license to an agent designated under the authority of §1540, since the legislation specifically states all licenses must be surrendered to PennDOT. The legislation also requires those on ARD, and who opt for IILL, to receive a declaration of compliance from the vendor stating they have complied during the 30 day suspension.

Illegally Operating a Motor Vehicle not Equipped with Ignition Interlock (§3808): This legislation eliminates references to surrendering a license to an agent designated under the authority of §1540 since the legislation specifically states all licenses must be surrendered to PennDOT.

FISCAL IMPACT: According to PennDOT, the legislation would cost approximately \$946,000 for additional staff and system changes as it is anticipated that a large number of individuals in the ARD process would apply for and obtain an Ignition Interlock Limited License. Those costs include \$196,000 for the addition of two new employees as well as \$750,000 for system changes.

PennDOT indicates that the provision within the legislation that allows PennDOT to destroy suspended licenses would save them roughly \$100,000 annually as they could vacate their suspended license storage room and eliminate the costs to staff and maintain those suspended licenses.

The legislation would also result in additional revenue for the Motor License Fund as new revenue would be available from the newly established restoration fees to reinstate a person's operating privilege. PennDOT estimates that new revenue will be approximately \$4.3 million annually.

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House Appropriations Committee (R)

DATE: July 8, 2017

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.