

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 453

**PRINTER NO.** 378

**AMOUNT**

\$218,600 First-Year Cost  
\$168,600 Annual Ongoing Cost

**FUND**

Motor License Fund

**DATE INTRODUCED**

February 27, 2023

**PRIME SPONSOR**

Senator Phillips-Hill

**DESCRIPTION**

Senate Bill 453 amends Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes to make technical changes to address recent DUI court cases and improve the ignition interlock process enacted via Act 33 of 2016.

**Title 42 Amendment**

Section 9756 (relating to sentence of total confinement) of Title 42 is amended by adding a new subsection to allow a court to impose a determinate sentence under the Vehicle Code where the violation is graded as a summary offense and the maximum sentence of total confinement is 90 days or less. Nothing in this subsection shall be construed to preclude an otherwise eligible defendant from work release or prevent a judge from sentencing a defendant to county intermediate punishment.

**Title 75 Amendments**

Section 1543 (relating to driving while operating privilege is suspended or revoked) is amended by mandating that a person who drives a motor vehicle when the person's operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition (ARD) shall, upon a first conviction, undergo imprisonment for a period of 60 days and 90 days for a second violation.

Section 1543 is further amended by clarifying the provisions for refusing testing of breath or chemical testing of blood, consistent with Act 30 of 2017.

Section 1556 (relating to ignition interlock limited license) is amended to require that the petition for an ignition interlock limited license includes proof of financial responsibility covering each vehicle the applicant requests to be permitted to operate. Upon approval of the petition, the ignition interlock system shall be installed in any motor vehicle to be operated by the applicant, and the vendor shall provide proof of installation to the Pennsylvania Department of Transportation (department).

Section 3805 (relating to ignition interlock) is amended to require the ignition interlock vendor to notify the department if a violation occurs in the two consecutive months prior to the date entered on the certificate. The department shall notify the

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

person of the violation and that the ignition interlock device usage shall continue until no violations have occurred within a 60-day period.

This act shall take effect as follows:

- 1) The amendments to Sections 1556 (relating to ignition interlock limited license) and 3805 (relating to ignition interlock) of Title 75 shall take effect in 11 months; and
- 2) The remainder of the act shall take effect immediately.

### **FISCAL IMPACT:**

The amendments to Section 9756 (relating to sentence of total confinement) of Title 42 and Section 1543 (relating to driving while operating privilege is suspended or revoked) of Title 75 are necessary to address *Commonwealth v. Eid* where it was determined that the sentencing statute must specify the range of available sentences with "sufficient clarity."

According to the Department of Transportation, enactment of this legislation will require two additional Clerk 3 positions to manage the processing of forms and notices at an annual cost of \$168,600. Additionally, it is estimated that information systems changes will have a one-time cost of \$50,000.

Costs for forms, fact sheets, information modules and internet website changes are minimal and can be accommodated within existing staffing and funding levels for the department.