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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

May 12, 2011

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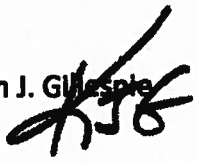
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MEMORANDUM

To: All House Members

From: Representative Keith J. Gillespie
45 East Wing 

Subject: Drivers License Suspensions for Failure to pay Restitution

I plan to introduce legislation that will amend Section 1533 of the Vehicle Code (Title 75) that currently authorizes courts and other "issuing authorities" to suspend licenses for failure to pay "any fine or costs" for violations of Title 75 or driver related offenses by adding "restitution."

Although Act 84 of 1998 requires, at minimum, 50% of all payments made by a defendant be applied to restitution there are instances where court costs and fines have been paid in full but an outstanding restitution balance remains owed to a victim(s) of crime. This situation typically occurs when a large amount of restitution has been ordered or restitution was added by the court after sentencing.

Under current law, once a defendant has paid their court costs and state fines on a driver related offense, the defendant's driver license cannot be suspended for any remaining restitution that might be owed. This circumstance has been illustrated recently in York County in Commonwealth v Ralph Dell docketed at CP-67-CR-0002282-2001 and Commonwealth v William Reynolds docketed at CP-67-CR-0000144-1995 when the Clerk of Courts on behalf of the Court of Common Pleas was unable to use this sanction as a collections enforcement tool.

It seems obvious that this important enforcement tool should be available for our courts to encourage defendants to make their victims whole.

If you would like to join me in sponsoring this bill, please contact Cheryl Gruber at 705-7167 or by email cgruber@pahousegop.com. Thank you.