

A CONCURRENT RESOLUTION

1 Declaring that the General Assembly of the Commonwealth of
2 Pennsylvania is opposed to the enactment and enforcement of a
3 State law, under a Federal mandate, that requires the
4 suspension or revocation, or the delay of issuance or
5 reinstatement, of the driver's license of an individual
6 convicted of a violation of the Controlled Substances Act or
7 another drug offense; urging the Governor to submit a written
8 certification stating the Governor's opposition to the State
9 law along with this resolution to the United States Secretary
10 of Transportation; and accordingly preventing the United
11 States Secretary of Transportation from withholding a
12 specified percentage of Federal transportation apportionments
13 under 23 U.S.C. § 159.

14 WHEREAS, Under 23 U.S.C. § 159(a)(3)(A), in the absence of
15 compelling circumstances warranting an exception, for an
16 individual who is convicted of a violation of the Controlled
17 Substances Act (Public Law 91-513, 84 Stat. 1236) or a drug
18 offense, a state generally must enact and enforce a law
19 requiring:

- 20 (1) the revocation or suspension of the driver's license
21 of the individual for at least six months; or
22 (2) a delay in the issuance or reinstatement of the

1 driver's license of the individual for at least six months
2 after the individual applies for issuance or reinstatement if
3 the individual does not have a license or has a suspended
4 license at the time of conviction; and

5 WHEREAS, The General Assembly of the Commonwealth of
6 Pennsylvania recognizes that although license suspensions may be
7 appropriate tools in addressing rehabilitation and public safety
8 goals, because the matter of driving privileges is and always
9 has been a prerogative of a state and not the Federal
10 Government, the Commonwealth wishes to be relieved of the
11 Federal license suspension mandates; and

12 WHEREAS, Under 23 U.S.C. § 159(a) (3) (B), the Governor of a
13 state may submit to the United States Secretary of
14 Transportation a written certification stating that:

15 (1) the Governor is opposed to the enactment or
16 enforcement of Federal license suspension mandates under 23
17 U.S.C. § 159(a) (3) (A); and

18 (2) the General Assembly has adopted a resolution
19 expressing its opposition to the enactment or enforcement of
20 Federal license suspension mandates under 23 U.S.C. § 159(a)
21 (3) (A); and

22 WHEREAS, The United States Secretary of Transportation shall
23 withhold 8% of a state's highway-related funds unless a state
24 either enacts and enforces a law under 23 U.S.C. § 159(a) (3) (A)
25 or the Governor of that state submits the written certifications
26 under 23 U.S.C. § 159(a) (3) (B); and

27 WHEREAS, After considering the mandates under 23 U.S.C. §
28 159, the General Assembly of the Commonwealth of Pennsylvania
29 determines that the enactment and enforcement of a law under 23
30 U.S.C. § 159(a) (3) (A) may not be consistent with the

1 Commonwealth's goal of rehabilitation as balanced with public
2 safety concerns; and

3 WHEREAS, The Commonwealth has already enacted sufficient laws
4 to deter illegal drug activity and has the capability of
5 addressing further concerns; therefore be it

6 RESOLVED (the Senate concurring), That the General Assembly
7 of the Commonwealth of Pennsylvania declare its opposition to
8 the enactment and enforcement of a State law that requires the
9 suspension or revocation, or the delay in issuance or
10 reinstatement, of the driver's license of an individual
11 convicted of a violation of the Controlled Substances Act or
12 another drug offense due to a Federal mandate; and be it further

13 RESOLVED (the Senate concurring), That the General Assembly
14 of the Commonwealth of Pennsylvania urge the Governor to submit
15 a written certification stating the Governor's opposition to
16 such Federal mandate along with this resolution to the United
17 States Secretary of Transportation; and be it further

18 RESOLVED (the Senate concurring), That the General Assembly
19 of the Commonwealth of Pennsylvania accordingly prevent the
20 United States Secretary of Transportation from withholding a
21 specified percentage of Federal transportation apportionments
22 under 23 U.S.C. § 159; and be it further

23 RESOLVED, That certified copies of this resolution be
24 transmitted to the Governor, the presiding officers of each
25 house of Congress, the members of the Pennsylvania Congressional
26 Delegation and the United States Secretary of Transportation.