

AMENDMENTS TO SENATE BILL NO. 16

Sponsor: SENATOR SABATINA

Printer's No. 592

1 Amend Bill, page 1, lines 2 through 4, by striking out "in
2 driving after imbibing alcohol or utilizing" in line 2 and all
3 of lines 3 and 4 and inserting
4 in licensing of drivers, providing for automatic suspension and
5 additional penalties.

6 Amend Bill, page 1, lines 10 through 19; page 2, lines 1
7 through 15; by striking out all of said lines on said pages and
8 inserting

9 § 1547.1. Automatic suspension and additional penalties.

10 (a) General rule.--Any driver who operates or is in actual
11 physical control of the movement of a vehicle in this
12 Commonwealth shall be deemed to have given consent to an
13 automatic suspension of driving privileges if a criminal
14 complaint has been filed against the driver and a preliminary
15 arraignment has occurred for a violation of the following:

16 (1) Section 3735 (relating to homicide by vehicle while
17 driving under influence).

18 (2) Section 3735.1 (relating to aggravated assault by
19 vehicle while driving under the influence).

20 (b) Period of suspension.--The following apply:

21 (1) The department shall suspend the operating privilege
22 of a driver under subsection (a) as follows:

23 (i) Except as set forth in subparagraph (ii), for a
24 period of 12 months.

25 (ii) For a period of 18 months if any of the
26 following apply:

27 (A) The driver's operating privileges have
28 previously been suspended under this section.

29 (B) The driver has, prior to the filing of a
30 complaint and the completion of a preliminary
31 arraignment for an offense listed under subsection
32 (a), been sentenced for any of the following:

33 (I) an offense under section 3802 (relating
34 to driving under influence of alcohol or

1 controlled substance);

2 (II) an offense under former section 3731
3 (relating to driving under influence of alcohol
4 or controlled substance); or

5 (III) an equivalent to an offense under
6 subclause (I) or (II).

7 (2) A suspension imposed pursuant to this section shall
8 count as credit towards any suspension imposed for a
9 conviction under either of the following:

10 (i) Section 3735.

11 (ii) Section 3735.1.

12 (c) Notice and right to appeal.--The following apply:

13 (1) It shall be the duty of the issuing authority named
14 in the citation to inform the driver that the driver's
15 operating privilege will be suspended upon the filing of a
16 criminal complaint and completion of a preliminary
17 arraignment for an offense listed under subsection (a) and
18 that the driver will be subject to a restoration fee of up to
19 \$2,000.

20 (2) Any driver whose operating privilege is suspended
21 under the provisions of this section shall have the same
22 right of appeal as provided for under section 1550 (relating
23 to judicial review).

24 (d) Ignition interlock.--Notwithstanding section 3805(c)
25 (relating to ignition interlock), if a driver receives a
26 suspension pursuant to this section who, at the time of the
27 offense, was required to comply with the provisions of section
28 3805 prior to obtaining a replacement license under section
29 1951(d) (relating to driver's license and learner's permit) and
30 is driving a vehicle at the time of offense that does not
31 contain an ignition interlock restriction or ignition interlock
32 limitation, the suspension imposed under this section shall
33 result in the recall of any ignition interlock restricted
34 license previously issued and the driver shall surrender the
35 ignition interlock restricted license or ignition interlock
36 limited license to the department. Prior to the issuance of a
37 replacement license under section 1951(d) that does not contain
38 an ignition interlock restriction or ignition interlock
39 limitation, the department shall require that the driver comply
40 with the provisions of section 3805.

41 (e) Restoration fees.--

42 (1) A driver whose operating privilege has been
43 suspended in accordance with subsection (b) or (c) shall:

44 (i) Except as provided in subparagraph (ii) or
45 (iii), pay a restoration fee of \$500.

46 (ii) If the department has previously suspended the
47 driver's operating privilege under this section or
48 section 1547 (relating to chemical testing to determine
49 amount of alcohol or controlled substance) on one
50 occasion, pay a restoration fee of \$1,000.

51 (iii) If the department has previously suspended the

1 driver's operating privilege under this section or
2 section 1547 on two or more occasions, pay a restoration
3 fee of \$2,000.

4 (2) All restoration fees imposed under this section must
5 be paid prior to the reinstatement of an individual's
6 unrestricted operating privilege or in accordance with
7 section 1556(b)(3) (relating to ignition interlock limited
8 license) or before a restricted license is issued in
9 accordance with section 3805.