

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2434 Session of
1990

INTRODUCED BY SAURMAN, FOX, GODSHALL, NOYE, DISTLER, MAIALE,
MICOZZIE, TANGRETTI, NAHILL, DeLUCA, KENNEY, BRANDT, CARN,
HALUSKA, J. L. WRIGHT, LASHINGER, PHILLIPS, TIGUE, BURD,
MORRIS, D. R. WRIGHT, HOWLETT, BILLOW, CORNELL, COLAFELLA AND
HERMAN, APRIL 3, 1990

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 3, 1990

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for operating privileges.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Title 75 of the Pennsylvania Consolidated
6 Statutes is amended by adding a section to read:

7 § 1545.1. Special provisions for restoration of operating
8 privileges.

9 (a) General rule.--An individual whose operating privilege
10 has been revoked or suspended for a period of one year or longer
11 may, upon the expiration of six months of his revocation or
12 suspension, have his operating privilege restored if he agrees
13 to participate in community public service programs or other
14 alternative programs, designated by the court having
15 jurisdiction over the offense for which the license was
16 suspended or revoked, for a period of time equivalent to the

1 remainder of the revocation or suspension and upon completion of
2 a highway safety school and a special driving examination which
3 may be completed during the first six months.

4 (b) Notification.--An individual who agrees to participate
5 in such program shall, upon conviction and prior to sentencing,
6 notify the court having jurisdiction of his intent. The court of
7 jurisdiction shall notify the department of the defendant's
8 intent.

9 (c) Public service programs and alternative programs.--If an
10 individual consents to participate in the community public
11 service program or other alternative program, the court having
12 jurisdiction shall place the offender in an appropriate program
13 in which a public service or charitable agency or organization
14 or political subdivision agrees to assume supervisory
15 responsibility for the offender. If the court having
16 jurisdiction is a district justice, the court of common pleas
17 having supervision over that magisterial district shall approve
18 the program. This program may include work, counseling, public
19 service, job training, education or other appropriate community
20 service or self-improvement. The placement authorized by the
21 court having jurisdiction shall be in the best interest of the
22 community and the offender. The condition of the program shall
23 include the imposition of costs and restitution, the imposition
24 of a reasonable charge relating to the expense of administering
25 the program and any other conditions agreed to by the offender.

26 (d) Completion of program.--The court having jurisdiction
27 shall provide written notice to the public service or charitable
28 agency or organization or political subdivision of the placement
29 of the offender. Upon notification, the public service or
30 charitable agency or organization or political subdivision

1 shall, as a condition to agreeing to accept responsibility for
2 supervision of the offender, make periodic reports on the
3 fulfillment of the condition and a final report upon the
4 completion of the community public service program or
5 alternative program as required by the supervising court of
6 jurisdiction. The court having jurisdiction shall notify the
7 department that the offender has successfully completed the
8 program.

9 (e) Failure to complete program.--If the offender fails to
10 complete the program without good cause or violates any
11 condition of the program without good cause, the court having
12 jurisdiction shall notify the department who shall immediately
13 revoke the offender's operating privilege and invoke the
14 revocation or suspension for the duration of the original
15 revocation or suspension.

16 (f) Immunity.--The court having jurisdiction and any public
17 service or charitable agency or organization or political
18 subdivision supervising or administering a public service
19 program under this section shall be immune from any civil action
20 for damages brought by a person admitted to this program.
21 Nothing in this section shall be construed to limit or otherwise
22 affect or preclude liability resulting from gross negligence or
23 intentional misconduct. Reckless, willful or wanton misconduct
24 constitutes gross negligence.

25 (g) Costs.--All costs for schooling and examination required
26 in subsection (a) shall be borne by the offender.

27 Section 2. This act shall take effect in 60 days.