

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1006 Session of  
1991

INTRODUCED BY SAURMAN, FARGO, DEMPSEY, JOHNSON, MELIO, MARKOSEK,  
NOYE, HECKLER, GEIST, GODSHALL, VROON, BUNT, CARONE, MAIALE,  
MERRY, BILLOW, R. C. WRIGHT, CORNELL, CIVERA, TRELLO,  
E. Z. TAYLOR, SURRA, JOSEPHS AND TELEK, APRIL 3, 1991

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 3, 1991

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for operating privileges; and  
3 making a repeal.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated

7 Statutes is amended by adding a section to read:

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

10 (a) General rule.--An individual whose operating privilege  
11 has been revoked or suspended for a period of one year or  
12 longer, except in the case involving driving under the influence  
13 of alcohol or controlled substances, may, upon the expiration of  
14 six months of his revocation or suspension, have his operating  
15 privilege conditionally restored if he agrees to participate in  
16 community public service programs or other alternative programs,  
17 designated by the Office of Probation and Parole of the county

1 in which the individual resides over the offense for which the  
2 license was suspended or revoked, and upon completion of a  
3 highway safety school and a special driving examination which  
4 may be completed during the first six months.

5 (b) Notification.--An individual who agrees to participate  
6 in such program shall notify the Office of Probation and Parole  
7 in the county in which he resides. The Office of Probation and  
8 Parole shall notify the department of the defendant's intent.

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

24 (d) Completion of program.--The Office of Probation and  
25 Parole shall provide written notice to the public service or  
26 charitable agency or organization or political subdivision of  
27 the placement of the offender. Upon notification, the public  
28 service or charitable agency or organization or political  
29 subdivision shall, as a condition to agreeing to accept  
30 responsibility for supervision of the offender, make periodic

reports on the fulfillment of the condition and a final report upon the completion of the community public service program or alternative program as required by the Office of Probation and Parole. The Office of Probation and Parole shall notify the department that the offender has successfully completed the program. The length of the program shall be related to the length of the individual's license suspension, as determined by the Office of Probation and Parole.

(e) Failure to complete program.--If the offender fails to complete the program without good cause or violates any condition of the program without good cause, the Office of Probation and Parole shall notify the department who shall immediately revoke the offender's operating privilege and invoke the revocation or suspension for the duration of the original revocation or suspension.

(f) Immunity.--The Office of Probation and Parole and any public service or charitable agency or organization or political subdivision supervising or administering a public service program under this section shall be immune from any civil action for damages brought by a person admitted to this program. Nothing in this section shall be construed to limit or otherwise affect or preclude liability resulting from gross negligence or intentional misconduct. Reckless, willful or wanton misconduct constitutes gross negligence.

(g) Conditional license.--Any person who satisfactorily participates in the program established in this section shall have limited operating privileges. These privileges shall only exist when such person is operating a motor vehicle for going to work, during work and returning from work or in emergency situations. Upon successful completion of this program, the

1 individual shall receive full operating privileges from the  
2 department.

3 (h) Costs.--All costs for schooling and examination required  
4 in subsection (a) shall be borne by the offender.

5 Section 2. Section 1553 of Title 75 is repealed.

6 Section 3. This act shall take effect in 60 days.