

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 8

Session of  
2003

INTRODUCED BY DENT, WONDERLING, MADIGAN, HELFRICK, LEMMOND,  
CORMAN, TOMLINSON, WENGER, RAFFERTY, THOMPSON, COSTA, KITCHEN  
AND C. WILLIAMS, FEBRUARY 3, 2003

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 30, 2003

AN ACT

1 ~~Amending Title 75 (Vehicles) of the Pennsylvania Consolidated~~ <—  
2 ~~Statutes, further defining "emergency vehicle"; and further~~ <—  
3 ~~providing for chemical testing to determine amount of alcohol~~  
4 ~~or controlled substance AND for driving under the influence~~ <—  
5 ~~of alcohol or controlled substances. for visual and audible~~ <—  
6 ~~signals on emergency vehicles, for the Child Passenger~~  
7 ~~Restraint Fund and for civil immunity for lenders of child~~  
8 ~~passenger restraint systems.~~  
9 AMENDING TITLES 18 (CRIMES AND OFFENSES), 30 (FISH), 34 (GAME), <—  
10 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND 75 (VEHICLES) OF  
11 THE PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER PROVIDING FOR  
12 DISPLAY OF REGISTRATION PLATE, FOR IMPAIRMENT DUE TO ALCOHOL  
13 OR CONTROLLED SUBSTANCES, FOR DEPARTMENT OF TRANSPORTATION  
14 RECORDS, FOR AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST  
15 CLASS CITIES, FOR ENUMERATION OF POLICE POWERS, FOR  
16 INVESTIGATION BY POLICE OFFICERS AND FOR CERTAIN SURCHARGES;  
17 AND MAKING EDITORIAL CHANGES.

18 The General Assembly of the Commonwealth of Pennsylvania  
19 hereby enacts as follows:

20 ~~Section 1. The definition of "emergency vehicle" in section~~ <—  
21 ~~102 of Title 75 of the Pennsylvania Consolidated Statutes is~~  
22 ~~amended to read:~~  
23 ~~§ 102. Definitions.~~  
24 ~~Subject to additional definitions contained in subsequent~~

1 ~~provisions of this title which are applicable to specific~~  
2 ~~provisions of this title, the following words and phrases when~~  
3 ~~used in this title shall have, unless the context clearly~~  
4 ~~indicates otherwise, the meanings given to them in this section:~~

5 \* \* \*

6 ~~"Emergency vehicle." A fire department vehicle, police~~  
7 ~~vehicle, sheriff vehicle, ambulance, blood delivery vehicle,~~  
8 ~~human organ delivery vehicle, hazardous material response~~  
9 ~~vehicle, armed forces emergency vehicle, one vehicle operated by~~  
10 ~~a coroner or chief county medical examiner and one vehicle~~  
11 ~~operated by a chief deputy coroner or deputy chief county~~  
12 ~~medical examiner used for answering emergency calls, or any~~  
13 ~~other vehicle designated by the State Police under section 6106~~  
14 ~~(relating to designation of emergency vehicles by Pennsylvania~~  
15 ~~State Police), or a privately owned vehicle used in answering an~~  
16 ~~emergency call when used by any of the following:~~

17 ~~(1) A police chief and assistant chief.~~

18 ~~(2) A fire chief, assistant chief and, when a fire~~  
19 ~~company has three or more fire vehicles, a second or third~~  
20 ~~assistant chief.~~

21 ~~(3) A fire police captain and fire police lieutenant.~~

22 ~~(4) An ambulance corps commander and assistant~~  
23 ~~commander.~~

24 ~~(5) A river rescue commander and assistant commander.~~

25 ~~(6) A county emergency management coordinator.~~

26 ~~(7) A fire marshal.~~

27 ~~(8) A rescue service chief and assistant chief.~~

28 ~~(9) A hazardous materials team chief and assistant~~  
29 ~~chief.~~

30 \* \* \*

1 Section 2. ~~Sections 1547(d), 3731(a) and (a.1), 4571(b)~~  
2 ~~heading and (1), 4582 and 4586 of Title 75 are amended to read:~~

3 SECTION 1. ~~SECTIONS 1547(D) AND 3731(A) AND (A.1) OF TITLE~~ <—  
4 ~~75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO~~  
5 ~~READ:~~

6 § 1547. ~~Chemical testing to determine amount of alcohol or~~  
7 ~~controlled substance.~~

8 \* \* \*

9 ~~(d) Presumptions from amount of alcohol. If chemical~~  
10 ~~testing of a person's breath, blood or urine shows:~~

11 ~~(1) That the amount of alcohol by weight in the blood of~~  
12 ~~an adult is 0.05% or less, it shall be presumed that the~~  
13 ~~adult was not under the influence of alcohol and the adult~~  
14 ~~shall not be charged with any violation under section~~  
15 ~~3731(a)(1), (4) or (5) (relating to driving under influence~~  
16 ~~of alcohol or controlled substance), or, if the adult was so~~  
17 ~~charged prior to the test, the charge shall be void ab~~  
18 ~~initio. This fact shall not give rise to any presumption~~  
19 ~~concerning a violation of section 3731(a)(2) or (3) or (i).~~

20 ~~(2) That the amount of alcohol by weight in the blood of~~  
21 ~~an adult is in excess of 0.05% but less than [0.10%] 0.08%,~~  
22 ~~this fact shall not give rise to any presumption that the~~  
23 ~~adult was or was not under the influence of alcohol, but this~~  
24 ~~fact may be considered with other competent evidence in~~  
25 ~~determining whether the adult was or was not under the~~  
26 ~~influence of alcohol. This provision shall not negate the~~  
27 ~~provisions of section 3731(i).~~

28 ~~(3) That the amount of alcohol by weight in the blood~~  
29 ~~of:~~

30 ~~(i) an adult is [0.10%] 0.08% or more; or~~

1           ~~(ii) a minor is 0.02% or more,~~  
2           ~~this fact may be introduced into evidence if the person is~~  
3           ~~charged with violating section 3731.~~

4           ~~\* \* \*~~

5   ~~§ 3731. Driving under influence of alcohol or controlled~~  
6           ~~substance.~~

7           ~~(a) Offense defined. A person shall not drive, operate or~~  
8           ~~be in actual physical control of the movement of a vehicle in~~  
9           ~~any of the following circumstances:~~

10           ~~(1) While under the influence of alcohol to a degree~~  
11           ~~which renders the person incapable of safe driving.~~

12           ~~(2) While under the influence of any controlled~~  
13           ~~substance, as defined in the act of April 14, 1972 (P.L.233,~~  
14           ~~No.64), known as The Controlled Substance, Drug, Device and~~  
15           ~~Cosmetic Act, to a degree which renders the person incapable~~  
16           ~~of safe driving.~~

17           ~~(3) While under the combined influence of alcohol and~~  
18           ~~any controlled substance to a degree which renders the person~~  
19           ~~incapable of safe driving.~~

20           ~~(4) While the amount of alcohol by weight in the blood~~  
21           ~~of:~~

22           ~~(i) an adult is [0.10%] 0.08% or greater; or~~

23           ~~(ii) a minor is 0.02% or greater.~~

24           ~~(a.1) Prima facie evidence.—~~

25           ~~(1) It is prima facie evidence that:~~

26           ~~(i) an adult had [0.10%] 0.08% or more by weight of~~  
27           ~~alcohol in his or her blood at the time of driving,~~  
28           ~~operating or being in actual physical control of the~~  
29           ~~movement of any vehicle if the amount of alcohol by~~  
30           ~~weight in the blood of the person is equal to or greater~~

1 than ~~[0.10%]~~ 0.08% at the time a chemical test is  
2 performed on a sample of the person's breath, blood or  
3 urine;

4 (ii) ~~a minor had 0.02% or more by weight of alcohol~~  
5 ~~in his or her blood at the time of driving, operating or~~  
6 ~~being in actual physical control of the movement of any~~  
7 ~~vehicle if the amount of alcohol by weight in the blood~~  
8 ~~of the minor is equal to or greater than 0.02% at the~~  
9 ~~time a chemical test is performed on a sample of the~~  
10 ~~person's breath, blood or urine; and~~

11 (iii) ~~a person operating a commercial vehicle had~~  
12 ~~0.04% or more by weight of alcohol in his or her blood at~~  
13 ~~the time of driving, operating or being in actual~~  
14 ~~physical control of the movement of the commercial~~  
15 ~~vehicle if the amount of alcohol by weight in the blood~~  
16 ~~of a person operating a commercial vehicle is equal to or~~  
17 ~~greater than 0.04% at the time a chemical test is~~  
18 ~~performed on a sample of the person's breath, blood or~~  
19 ~~urine.~~

20 (2) ~~For the purposes of this section, the chemical test~~  
21 ~~of the sample of the person's breath, blood or urine shall be~~  
22 ~~from a sample obtained within three hours after the person~~  
23 ~~drove, operated or was in actual physical control of the~~  
24 ~~vehicle.~~

25 \* \* \*

26 ~~§ 4571. Visual and audible signals on emergency vehicles.~~ <—

27 \* \* \*

28 (b) ~~Police, sheriff, fire and coroner [or] medical examiner~~  
29 ~~or hazardous materials response vehicles.—~~

30 (1) ~~Police, sheriff, coroner, medical examiner [or] medical examiner~~

1 ~~fire police and hazardous materials response vehicles may in~~  
2 ~~addition to the requirements of subsection (a) be equipped~~  
3 ~~with one or more revolving or flashing blue lights. The~~  
4 ~~combination of red and blue lights may be used only on~~  
5 ~~police, sheriff, coroner, medical examiner [or], fire police~~  
6 ~~or hazardous materials response vehicles.~~

7 \* \* \*

8 ~~§ 4582. Child Passenger Restraint Fund.~~

9 ~~A Child Passenger Restraint Fund is established in the~~  
10 ~~General Fund as a special restricted receipts account hereby~~  
11 ~~earmarked for and appropriated to the department. This fund~~  
12 ~~shall consist of all fines deposited pursuant to section 4581(b)~~  
13 ~~(relating to restraint systems), all Federal funds granted for~~  
14 ~~said use and any moneys donated into the fund. All such funds~~  
15 ~~shall be used solely for the purpose of purchasing Federally~~  
16 ~~approved child restraint seats and child booster seats and~~  
17 ~~making such seats available to qualified loaner programs within~~  
18 ~~the Commonwealth. A qualified loaner program shall be one~~  
19 ~~determined by the department to loan Federally approved child~~  
20 ~~restraint seats and child booster seats to parents or legal~~  
21 ~~guardians of children under [four] eight years of age who, due~~  
22 ~~to financial or economic hardship, are unable to comply with the~~  
23 ~~provisions of this subchapter. The department shall adopt such~~  
24 ~~regulations as are necessary to effectuate the purpose of this~~  
25 ~~section.~~

26 ~~§ 4586. Civil immunity for lenders of child passenger restraint~~  
27 ~~systems.~~

28 ~~No person or organization who or which lends to another~~  
29 ~~person or organization a child passenger restraint system or~~  
30 ~~child booster seat, as [described] defined in section 4581~~

1 ~~(relating to restraint systems), shall be liable for any civil~~  
2 ~~damages resulting from any acts or omission, except any act or~~  
3 ~~omission intentionally designed to harm, or any grossly~~  
4 ~~negligent act or omission resulting in harm to another.~~

5 ~~Section 3. This act shall take effect September 30, 2003.~~

6 ~~SECTION 2. THIS ACT SHALL TAKE EFFECT OCTOBER 1, 2003, OR~~ <—  
7 ~~IMMEDIATELY, WHICHEVER IS LATER.~~

8 SECTION 1. SECTION 6105(C)(3) OF TITLE 18 OF THE <—  
9 PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

10 § 6105. PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL  
11 OR TRANSFER FIREARMS.

12 \* \* \*

13 (C) OTHER PERSONS.--IN ADDITION TO ANY PERSON WHO HAS BEEN  
14 CONVICTED OF ANY OFFENSE LISTED UNDER SUBSECTION (B), THE  
15 FOLLOWING PERSONS SHALL BE SUBJECT TO THE PROHIBITION OF  
16 SUBSECTION (A):

17 \* \* \*

18 (3) A PERSON WHO HAS BEEN CONVICTED OF DRIVING UNDER THE  
19 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AS PROVIDED IN  
20 75 PA.C.S. § [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE  
21 OF ALCOHOL OR CONTROLLED SUBSTANCE) ON THREE OR MORE SEPARATE  
22 OCCASIONS WITHIN A FIVE-YEAR PERIOD. FOR THE PURPOSES OF THIS  
23 PARAGRAPH ONLY, THE PROHIBITION OF SUBSECTION (A) SHALL ONLY  
24 APPLY TO TRANSFERS OR PURCHASES OF FIREARMS AFTER THE THIRD  
25 CONVICTION.

26 \* \* \*

27 SECTION 2. SECTION 7508.1(B) AND (C) OF TITLE 18 ARE AMENDED  
28 TO READ:

29 § 7508.1. SUBSTANCE ABUSE EDUCATION AND DEMAND REDUCTION FUND.

30 \* \* \*

1 (B) IMPOSITION.--UNLESS THE COURT FINDS THAT UNDUE HARDSHIP  
2 WOULD RESULT, A MANDATORY COST OF \$100, WHICH SHALL BE IN  
3 ADDITION TO ANY OTHER COSTS IMPOSED PURSUANT TO STATUTORY  
4 AUTHORITY, SHALL AUTOMATICALLY BE ASSESSED ON ANY INDIVIDUAL  
5 CONVICTED, ADJUDICATED DELINQUENT OR GRANTED ACCELERATED  
6 REHABILITATIVE DISPOSITION OR ANY INDIVIDUAL WHO PLEADS GUILTY  
7 OR NOLO CONTENDERE FOR A VIOLATION OF THE ACT OF APRIL 14, 1972  
8 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,  
9 DEVICE AND COSMETIC ACT, OR A VIOLATION OF 75 PA.C.S. § [3731]  
10 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
11 CONTROLLED SUBSTANCE).

12 (C) ADDITIONAL ASSESSMENT.--IN ADDITION TO THE ASSESSMENT  
13 REQUIRED BY SUBSECTION (B), A PERSON CONVICTED OF OR ADJUDICATED  
14 DELINQUENT FOR A VIOLATION OF 75 PA.C.S. § [3731] 3802 SHALL BE  
15 ASSESSED \$200 WHERE THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD  
16 OF THE PERSON IS EQUAL TO OR GREATER THAN [.15%] .16% AT THE  
17 TIME A CHEMICAL TEST IS PERFORMED ON A SAMPLE OF THE PERSON'S  
18 BREATH, BLOOD OR URINE. FOR THE PURPOSES OF THIS SUBSECTION, THE  
19 SAMPLE OF THE PERSON'S BLOOD, BREATH OR URINE SHALL BE TAKEN  
20 WITHIN [TWO] THREE HOURS AFTER THE PERSON IS PLACED UNDER  
21 ARREST.

22 \* \* \*

23 SECTION 3. SECTION 7514 OF TITLE 18 IS REPEALED.

24 SECTION 4. SECTION 5502(A)(4) AND (A.1)(1) OF TITLE 30 ARE  
25 AMENDED TO READ:

26 § 5502. OPERATING WATERCRAFT UNDER INFLUENCE OF ALCOHOL OR  
27 CONTROLLED SUBSTANCE.

28 (A) GENERAL RULE.--NO PERSON SHALL OPERATE OR BE IN ACTUAL  
29 PHYSICAL CONTROL OF THE MOVEMENT OF A WATERCRAFT UPON, IN OR  
30 THROUGH THE WATERS OF THIS COMMONWEALTH:

1 \* \* \*

2 (4) WHILE THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD  
3 OF:

4 (I) AN ADULT IS [0.10%] 0.08% OR GREATER; OR

5 (II) A MINOR IS 0.02% OR GREATER.

6 (A.1) PRIMA FACIE EVIDENCE.--

7 (1) IT IS PRIMA FACIE EVIDENCE THAT:

8 (I) AN ADULT HAD [0.10%] 0.08% OR MORE BY WEIGHT OF  
9 ALCOHOL IN HIS OR HER BLOOD AT THE TIME OF OPERATING OR  
10 BEING IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A  
11 WATERCRAFT IF THE AMOUNT OF ALCOHOL BY WEIGHT IN THE  
12 BLOOD OF THE PERSON IS EQUAL TO OR GREATER THAN [0.10%]  
13 0.08% AT THE TIME A CHEMICAL TEST IS PERFORMED ON A  
14 SAMPLE OF THE PERSON'S BREATH, BLOOD OR URINE; AND

15 (II) A MINOR HAD 0.02% OR MORE BY WEIGHT OF ALCOHOL  
16 IN HIS OR HER BLOOD AT THE TIME OF OPERATING OR BEING IN  
17 ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A WATERCRAFT  
18 IF THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF THE  
19 MINOR IS EQUAL TO OR GREATER THAN 0.02% AT THE TIME A  
20 CHEMICAL TEST IS PERFORMED ON A SAMPLE OF THE PERSON'S  
21 BREATH, BLOOD OR URINE.

22 \* \* \*

23 SECTION 5. SECTIONS 2501(A)(4) AND (A.1)(1)(I) AND (B) AND  
24 2502(D)(2) AND (3) OF TITLE 34 ARE AMENDED TO READ:

25 § 2501. HUNTING OR FURTAKING PROHIBITED WHILE UNDER INFLUENCE  
26 OF ALCOHOL OR CONTROLLED SUBSTANCE.

27 (A) GENERAL RULE.--IT IS UNLAWFUL TO HUNT OR TAKE GAME,  
28 FURBEARERS OR WILDLIFE OR AID, ABET, ASSIST OR CONSPIRE TO HUNT  
29 OR TAKE GAME, FURBEARERS OR WILDLIFE ANYWHERE IN THIS  
30 COMMONWEALTH WHILE IN POSSESSION OF A FIREARM OF ANY KIND OR A

1 BOW AND ARROW IF:

2 \* \* \*

3 (4) THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF:

4 (I) AN ADULT IS [0.10%] 0.08% OR GREATER; OR

5 (II) A MINOR IS 0.02% OR GREATER.

6 (A.1) PRIMA FACIE EVIDENCE.--

7 (1) IT IS PRIMA FACIE EVIDENCE THAT:

8 (I) AN ADULT HAD [0.10%] 0.08% OR MORE BY WEIGHT OF  
9 ALCOHOL IN HIS OR HER BLOOD AT THE TIME OF HUNTING OR  
10 TAKING OF GAME, FURBEARERS OR WILDLIFE OR THE AIDING,  
11 ABETTING, ASSISTING OR CONSPIRING TO HUNT OR TAKE GAME,  
12 FURBEARERS OR WILDLIFE IF THE AMOUNT OF ALCOHOL BY WEIGHT  
13 IN THE BLOOD OF THE PERSON IS EQUAL TO OR GREATER THAN  
14 [0.10%] 0.08% AT THE TIME A CHEMICAL TEST IS PERFORMED ON  
15 A SAMPLE OF THE PERSON'S BREATH, BLOOD OR URINE; OR

16 \* \* \*

17 (B) PENALTY.--

18 (1) A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL  
19 BE A SUMMARY OFFENSE IF THE AMOUNT OF ALCOHOL BY WEIGHT IN  
20 THE BLOOD OF THE INDIVIDUAL IS AT LEAST 0.08% BUT LESS THAN  
21 0.10%.

22 (2) A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL  
23 BE A MISDEMEANOR OF THE THIRD DEGREE IF THE AMOUNT OF ALCOHOL  
24 BY WEIGHT IN THE BLOOD OF THE INDIVIDUAL IS AT LEAST 0.10%.

25 (3) IN ADDITION TO ANY PENALTY, THE VIOLATOR SHALL BE  
26 DENIED THE RIGHT TO HUNT OR TRAP IN THIS COMMONWEALTH, WITH  
27 OR WITHOUT A LICENSE, FOR A PERIOD OF ONE YEAR.

28 \* \* \*

29 § 2502. CHEMICAL TEST TO DETERMINE AMOUNT OF ALCOHOL.

30 \* \* \*

1 (D) PRESUMPTIONS FROM AMOUNT OF ALCOHOL.--IF CHEMICAL  
2 ANALYSIS OF A PERSON'S BREATH, BLOOD OR URINE SHOWS:

3 \* \* \*

4 (2) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF  
5 THE PERSON TESTED IS IN EXCESS OF 0.05% BUT LESS THAN [0.10%]  
6 0.08%, THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION THAT  
7 THE PERSON TESTED WAS OR WAS NOT UNDER THE INFLUENCE OF  
8 ALCOHOL, BUT THIS FACT MAY BE CONSIDERED WITH OTHER COMPETENT  
9 EVIDENCE IN DETERMINING WHETHER THE PERSON WAS OR WAS NOT  
10 UNDER THE INFLUENCE OF ALCOHOL.

11 (3) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF  
12 THE PERSON TESTED IS [0.10%] 0.08% OR MORE, IT SHALL BE  
13 PRESUMED THAT THE DEFENDANT WAS UNDER THE INFLUENCE OF  
14 ALCOHOL.

15 \* \* \*

16 SECTION 6. SECTIONS 933(A)(1)(II), 1515(A)(5), 1725.3(A),  
17 3571(B)(4) AND 3573(B)(3) OF TITLE 42 ARE AMENDED TO READ:

18 § 933. APPEALS FROM GOVERNMENT AGENCIES.

19 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PRESCRIBED BY ANY  
20 GENERAL RULE ADOPTED PURSUANT TO SECTION 503 (RELATING TO  
21 REASSIGNMENT OF MATTERS), EACH COURT OF COMMON PLEAS SHALL HAVE  
22 JURISDICTION OF APPEALS FROM FINAL ORDERS OF GOVERNMENT AGENCIES  
23 IN THE FOLLOWING CASES:

24 (1) APPEALS FROM COMMONWEALTH AGENCIES IN THE FOLLOWING  
25 CASES:

26 \* \* \*

27 (II) DETERMINATIONS OF THE DEPARTMENT OF  
28 TRANSPORTATION APPEALABLE UNDER THE FOLLOWING PROVISIONS  
29 OF TITLE 75 (RELATING TO VEHICLES):

30 SECTION 1377 (RELATING TO JUDICIAL REVIEW).

1 SECTION 1550 (RELATING TO JUDICIAL REVIEW).  
2 SECTION 4724(B) (RELATING TO JUDICIAL REVIEW).  
3 SECTION 7303(B) (RELATING TO JUDICIAL REVIEW).  
4 SECTION 7503(B) (RELATING TO JUDICIAL REVIEW).  
5 EXCEPT AS OTHERWISE PRESCRIBED BY GENERAL RULES, THE  
6 VENUE SHALL BE IN THE COUNTY OF THE PRINCIPAL PLACE OF  
7 BUSINESS OF ANY SALVOR OR MESSENGER SERVICE, THE LOCATION  
8 OF ANY INSPECTION STATION INVOLVED, THE COUNTY WHERE THE  
9 ARREST FOR A VIOLATION OF 75 PA.C.S. § [3731] 3802  
10 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
11 CONTROLLED SUBSTANCE) WAS MADE IN APPEALS INVOLVING THE  
12 SUSPENSION OF OPERATING PRIVILEGES UNDER 75 PA.C.S. §  
13 1547 (RELATING TO CHEMICAL TESTING TO DETERMINE AMOUNT OF  
14 ALCOHOL OR CONTROLLED SUBSTANCE) OR THE RESIDENCE OF ANY  
15 INDIVIDUAL APPELLANT WHERE THE VENUE IS NOT OTHERWISE  
16 FIXED BY THIS SENTENCE. IN THE CASE OF A NONRESIDENT  
17 INDIVIDUAL VENUE, EXCEPT AS OTHERWISE PRESCRIBED BY  
18 GENERAL RULES, SHALL BE IN THE COUNTY IN WHICH THE  
19 OFFENSE GIVING RISE TO THE RECALL, CANCELLATION,  
20 SUSPENSION OR REVOCATION OF OPERATING PRIVILEGES  
21 OCCURRED.

22 \* \* \*

23 § 1515. JURISDICTION AND VENUE.

24 (A) JURISDICTION.--EXCEPT AS OTHERWISE PRESCRIBED BY GENERAL  
25 RULE ADOPTED PURSUANT TO SECTION 503 (RELATING TO REASSIGNMENT  
26 OF MATTERS), DISTRICT JUSTICES SHALL, UNDER PROCEDURES  
27 PRESCRIBED BY GENERAL RULE, HAVE JURISDICTION OF ALL OF THE  
28 FOLLOWING MATTERS:

29 \* \* \*

30 (5) OFFENSES UNDER 75 PA.C.S. § [3731] 3802 (RELATING TO

1 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE),  
2 IF THE FOLLOWING CRITERIA ARE MET:

3 (I) THE OFFENSE IS THE FIRST OFFENSE BY THE  
4 DEFENDANT UNDER SUCH PROVISION IN THIS COMMONWEALTH.

5 (II) NO PERSONAL INJURY (OTHER THAN TO THE DEFENDANT  
6 [OR THE IMMEDIATE FAMILY OF THE DEFENDANT]) RESULTED FROM  
7 THE OFFENSE.

8 (III) THE DEFENDANT PLEADS GUILTY.

9 (IV) NO PROPERTY DAMAGE IN EXCESS OF \$500 OTHER THAN  
10 TO THE DEFENDANT'S PROPERTY RESULTED FROM THE VIOLATION.

11 (V) THE DEFENDANT IS NOT SUBJECT TO THE PROVISIONS  
12 OF CHAPTER 63 (RELATING TO JUVENILE MATTERS).

13 (VI) THE ARRESTING AUTHORITY SHALL CAUSE TO BE  
14 TRANSMITTED A COPY OF THE CHARGE OF ANY VIOLATION OF 75  
15 P.A.C.S. § [3731] 3802 TO THE OFFICE OF THE CLERK OF THE  
16 COURT OF COMMON PLEAS WITHIN FIVE DAYS AFTER THE  
17 PRELIMINARY ARRAIGNMENT.

18 IN DETERMINING THAT THE ABOVE CRITERIA ARE MET THE DISTRICT  
19 JUSTICE SHALL RELY ON THE CERTIFICATION OF THE ARRESTING  
20 AUTHORITY. CERTIFICATION THAT THE CRITERIA ARE MET NEED NOT  
21 BE IN WRITING. WITHIN TEN DAYS AFTER THE DISPOSITION, THE  
22 DISTRICT JUSTICE SHALL CERTIFY THE DISPOSITION TO THE OFFICE  
23 OF THE CLERK OF THE COURT OF COMMON PLEAS IN WRITING.

24 \* \* \*

25 § 1725.3. CRIMINAL LABORATORY USER FEE.

26 (A) IMPOSITION.--A PERSON WHO IS PLACED ON PROBATION WITHOUT  
27 VERDICT PURSUANT TO SECTION 17 OF THE ACT OF APRIL 14, 1972  
28 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,  
29 DEVICE AND COSMETIC ACT, OR WHO RECEIVES ACCELERATED  
30 REHABILITATIVE DISPOSITION OR WHO PLEADS GUILTY TO OR NOLO

1   CONTENDERE TO OR WHO IS CONVICTED OF A CRIME AS DEFINED IN 18  
2   PA.C.S. § 106 (RELATING TO CLASSES OF OFFENSES) OR 75 PA.C.S. §  
3   [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
4   CONTROLLED SUBSTANCE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE  
5   WHILE DRIVING UNDER INFLUENCE) OR A VIOLATION OF THE CONTROLLED  
6   SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT SHALL, IN ADDITION TO  
7   ANY FINES, PENALTIES OR COSTS, IN EVERY CASE WHERE LABORATORY  
8   SERVICES WERE REQUIRED TO PROSECUTE THE CRIME OR VIOLATION, BE  
9   SENTENCED TO PAY A CRIMINAL LABORATORY USER FEE WHICH SHALL  
10  INCLUDE, BUT NOT BE LIMITED TO, THE COST OF SENDING A LABORATORY  
11  TECHNICIAN TO COURT PROCEEDINGS.

12       \* \* \*

13  § 3571.   COMMONWEALTH PORTION OF FINES, ETC.

14       \* \* \*

15       (B)   VEHICLE OFFENSES.--

16       \* \* \*

17       (4)   WHEN PROSECUTION UNDER 75 PA.C.S. § [3731] 3802  
18       (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
19       SUBSTANCE) IS THE RESULT OF STATE POLICE ACTION, 50% OF ALL  
20       FINES, FORFEITED RECOGNIZANCES AND OTHER FORFEITURES IMPOSED,  
21       LOST OR FORFEITED SHALL BE PAYABLE TO THE COMMONWEALTH, FOR  
22       CREDIT TO THE MOTOR LICENSE FUND, AND 50% SHALL BE PAYABLE TO  
23       THE COUNTY WHICH SHALL BE FURTHER DIVIDED AS FOLLOWS:

24               (I)   FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE  
25       ALLOCATED TO THE APPROPRIATE COUNTY AUTHORITY WHICH  
26       IMPLEMENTS THE COUNTY DRUG AND ALCOHOL PROGRAM TO BE USED  
27       SOLELY FOR THE PURPOSES OF AIDING PROGRAMS PROMOTING DRUG  
28       ABUSE AND ALCOHOLISM PREVENTION, EDUCATION, TREATMENT AND  
29       RESEARCH. PROGRAMS UNDER THIS SUBPARAGRAPH INCLUDE  
30       PROJECT DARE (DRUG AND ALCOHOL RESISTANCE EDUCATION) AND

1           MOTHERS AGAINST DRUNK DRIVING VICTIM IMPACT PANELS.

2           (II) FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE  
3           USED FOR EXPENDITURES INCURRED FOR COUNTY JAILS, PRISONS,  
4           WORKHOUSES AND DETENTION CENTERS.

5           \* \* \*

6   § 3573. MUNICIPAL CORPORATION PORTION OF FINES, ETC.

7           \* \* \*

8           (B) VEHICLE OFFENSES.--

9           \* \* \*

10           (3) WHEN PROSECUTION UNDER 75 PA.C.S. § [3731] 3802  
11           (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
12           SUBSTANCE) IS THE RESULT OF LOCAL POLICE ACTION, 50% OF ALL  
13           FINES, FORFEITED RECOGNIZANCES AND OTHER FORFEITURES IMPOSED,  
14           LOST OR FORFEITED SHALL BE PAYABLE TO THE MUNICIPAL  
15           CORPORATION UNDER WHICH THE LOCAL POLICE ARE ORGANIZED, AND  
16           50% SHALL BE PAYABLE TO THE COUNTY WHICH SHALL BE FURTHER  
17           DIVIDED AS FOLLOWS:

18           (I) FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE  
19           ALLOCATED TO THE APPROPRIATE COUNTY AUTHORITY WHICH  
20           IMPLEMENTS THE COUNTY DRUG AND ALCOHOL PROGRAM TO BE USED  
21           SOLELY FOR THE PURPOSES OF AIDING PROGRAMS PROMOTING DRUG  
22           ABUSE AND ALCOHOLISM PREVENTION, EDUCATION, TREATMENT AND  
23           RESEARCH. PROGRAMS UNDER THIS SUBPARAGRAPH INCLUDE  
24           PROJECT DARE (DRUG AND ALCOHOL RESISTANCE EDUCATION) AND  
25           MOTHERS AGAINST DRUNK DRIVING VICTIM IMPACT PANELS.

26           (II) FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE  
27           USED FOR EXPENDITURES INCURRED FOR COUNTY JAILS, PRISONS,  
28           WORKHOUSES AND DETENTION CENTERS.

29           \* \* \*

30           SECTION 7. CHAPTER 70 OF TITLE 42 IS REPEALED.

1 SECTION 8. SECTION 9763(C) OF TITLE 42 IS AMENDED TO READ:  
2 § 9763. SENTENCE OF INTERMEDIATE PUNISHMENT.

3 \* \* \*

4 (C) RESTRICTION.--

5 (1) A DEFENDANT [CONVICTED UNDER] SUBJECT TO 75 PA.C.S.  
6 § [3731(E) (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
7 CONTROLLED SUBSTANCE)] 3804 (RELATING TO PENALTIES) MAY ONLY  
8 BE SENTENCED TO INTERMEDIATE PUNISHMENT:

9 [(1) IN A RESIDENTIAL INPATIENT PROGRAM OR IN A  
10 RESIDENTIAL REHABILITATIVE CENTER; OR

11 (2) BY HOUSE ARREST OR ELECTRONIC SURVEILLANCE COMBINED  
12 WITH DRUG AND ALCOHOL TREATMENT.]

13 (I) FOR A FIRST, SECOND OR THIRD OFFENSE UNDER 75  
14 PA.C.S CH. 38 (RELATING TO DRIVING WHILE IMPAIRED); AND

15 (II) AFTER UNDERGOING AN ASSESSMENT UNDER 75 PA.C.S.  
16 § 3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS).

17 (2) IF THE DEFENDANT IS DETERMINED TO BE IN NEED OF DRUG  
18 AND ALCOHOL TREATMENT, THE DEFENDANT MAY ONLY BE SENTENCED TO  
19 INTERMEDIATE PUNISHMENT WHICH INCLUDES PARTICIPATION IN DRUG  
20 AND ALCOHOL TREATMENT UNDER 75 PA.C.S. § 3815(C) (RELATING TO  
21 MANDATORY SENTENCING). SUCH TREATMENT MAY BE COMBINED WITH  
22 HOUSE ARREST WITH ELECTRONIC SURVEILLANCE OR A PARTIAL  
23 CONFINEMENT PROGRAM, SUCH AS WORK RELEASE, A WORK CAMP OR A  
24 HALFWAY FACILITY.

25 (3) IF THE DEFENDANT IS DETERMINED NOT TO BE IN NEED OF  
26 DRUG AND ALCOHOL TREATMENT, THE DEFENDANT MAY ONLY BE  
27 SENTENCED TO INTERMEDIATE PUNISHMENT:

28 (I) BY HOUSE ARREST OR ELECTRONIC SURVEILLANCE;

29 (II) PARTIAL CONFINEMENT PROGRAMS, SUCH AS WORK  
30 RELEASE, WORK CAMPS AND HALFWAY FACILITIES; OR

1           (III) ANY COMBINATION OF THE PROGRAMS SET FORTH IN  
2           THIS SUBSECTION.

3           \* \* \*

4           SECTION 8.1. SECTION 9804(B)(3) OF TITLE 42 IS AMENDED AND  
5 THE SUBSECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:

6 § 9804. COUNTY INTERMEDIATE PUNISHMENT PROGRAMS.

7           \* \* \*

8           (B) ELIGIBILITY.--

9           \* \* \*

10           [(3) ANY PERSON RECEIVING A PENALTY IMPOSED PURSUANT TO  
11 75 PA.C.S. § 1543(B) (RELATING TO DRIVING WHILE OPERATING  
12 PRIVILEGE IS SUSPENDED OR REVOKED) OR 3731(E) (RELATING TO  
13 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE)  
14 MAY ONLY BE SENTENCED TO INTERMEDIATE PUNISHMENT PROGRAM IN:

15           (I) A RESIDENTIAL INPATIENT PROGRAM OR A RESIDENTIAL  
16 REHABILITATIVE CENTER;

17           (II) HOUSE ARREST AND ELECTRONIC SURVEILLANCE  
18 COMBINED WITH DRUG AND ALCOHOL TREATMENT; OR

19           (III) PARTIAL CONFINEMENT PROGRAMS, SUCH AS WORK  
20 RELEASE, WORK CAMPS AND HALFWAY FACILITIES, COMBINED WITH  
21 DRUG AND ALCOHOL TREATMENT.]

22           (4) (I) ANY PERSON RECEIVING A PENALTY IMPOSED PURSUANT  
23 TO 75 PA.C.S. § 1543(B) (RELATING TO DRIVING WHILE  
24 OPERATING PRIVILEGE IS SUSPENDED OR REVOKED) OR 3804  
25 (RELATING TO PENALTIES) SHALL UNDERGO AN ASSESSMENT UNDER  
26 75 PA.C.S. § 3814 (RELATING TO DRUG AND ALCOHOL  
27 ASSESSMENTS).

28           (II) IF THE DEFENDANT IS DETERMINED TO BE IN NEED OF  
29 DRUG AND ALCOHOL TREATMENT, A SENTENCE TO INTERMEDIATE  
30 PUNISHMENT SHALL INCLUDE PARTICIPATION IN DRUG AND

1 ALCOHOL TREATMENT UNDER 75 PA.C.S. § 3815(C) (RELATING TO  
2 MANDATORY SENTENCING). SUCH TREATMENT MAY BE COMBINED  
3 WITH HOUSE ARREST WITH ELECTRONIC SURVEILLANCE OR A  
4 PARTIAL CONFINEMENT PROGRAM, SUCH AS WORK RELEASE, A WORK  
5 CAMP OR A HALFWAY FACILITY.

6 (III) IF THE DEFENDANT IS DETERMINED NOT TO BE IN  
7 NEED OF DRUG AND ALCOHOL TREATMENT, THE DEFENDANT MAY  
8 ONLY BE SENTENCED TO INTERMEDIATE PUNISHMENT PROGRAM IN:

9 (A) HOUSE ARREST AND ELECTRONIC SURVEILLANCE;

10 (B) PARTIAL CONFINEMENT PROGRAMS, SUCH AS WORK  
11 RELEASE, WORK CAMPS AND HALFWAY FACILITIES; OR

12 (C) ANY COMBINATION OF THE PROGRAMS SET FORTH IN  
13 THIS PARAGRAPH.

14 (5) A DEFENDANT SUBJECT TO 75 PA.C.S § 3804 (RELATING TO  
15 PENALTIES) MAY ONLY BE SENTENCED TO INTERMEDIATE PUNISHMENT  
16 FOR A FIRST, SECOND OR THIRD OFFENSE UNDER 75 PA.C.S. CH. 38  
17 (RELATING TO DRIVING WHILE IMPAIRED).

18 SECTION 9. SECTION 1332(B) OF TITLE 75 IS AMENDED AND THE  
19 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

20 § 1332. DISPLAY OF REGISTRATION PLATE.

21 \* \* \*

22 (B) OBSCURING PLATE.--IT IS UNLAWFUL TO DISPLAY ON ANY  
23 VEHICLE A REGISTRATION PLATE WHICH:

24 (1) IS SO DIRTY AS TO PREVENT THE READING OF THE NUMBER  
25 OR LETTERS THEREON AT A REASONABLE DISTANCE [OR];

26 (2) IS OBSCURED IN ANY MANNER WHICH INHIBITS THE PROPER  
27 OPERATION OF AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM IN  
28 PLACE PURSUANT TO SECTION 3116 (RELATING TO AUTOMATED RED  
29 LIGHT ENFORCEMENT SYSTEM IN FIRST CLASS CITIES); OR

30 (3) IS OTHERWISE ILLEGIBLE AT A REASONABLE DISTANCE OR

1 IS OBSCURED IN ANY MANNER.

2 (C) PENALTY.--ANY PERSON WHO VIOLATES THIS SECTION COMMITS A  
3 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY  
4 A FINE OF \$100 FOR THE FIRST OFFENSE AND \$200 FOR EACH  
5 SUBSEQUENT OFFENSE.

6 SECTION 10. SECTIONS 1516(C) AND (D) AND 1532(B)(3) OF TITLE  
7 75 ARE AMENDED TO READ:

8 § 1516. DEPARTMENT RECORDS.

9 \* \* \*

10 (C) DISMISSAL OF CHARGES FOR VIOLATIONS.--IF A CHARGE FOR  
11 VIOLATION OF ANY OF THE PROVISIONS OF THIS TITLE AGAINST ANY  
12 PERSON IS DISMISSED WHERE THERE HAVE BEEN NO PRIOR CONVICTIONS  
13 BY ANY COURT OF COMPETENT JURISDICTION, NO RECORD OF THE CHARGE  
14 AND DISMISSAL SHALL BE INCLUDED IN THE DRIVING RECORD OF THE  
15 PERSON. IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED OF THE  
16 CHARGE AND SUSPENSION WAS IMPOSED BY THE DEPARTMENT, WHICH  
17 SUSPENSION WAS EITHER PARTIALLY OR FULLY SERVED, THE DEPARTMENT  
18 MAY KEEP A RECORD OF THE OFFENSE FOR THE PURPOSE OF SHOWING THE  
19 SUSPENSION WAS IMPOSED AGAINST THE PERSON[.], BUT THE OFFENSE  
20 SHALL NOT BE USED FOR THE PURPOSE OF CALCULATING THE REQUISITE  
21 NUMBER OF OFFENSES UNDER SECTION 1542 (RELATING TO REVOCATION OF  
22 HABITUAL OFFENDER'S LICENSE). IN ADDITION, THE DEPARTMENT MAY  
23 KEEP RECORDS OF CHARGES THAT HAVE BEEN FILED WITH THE COURTS IN  
24 ORDER TO DETERMINE A PERSON'S ELIGIBILITY FOR A PROBATIONARY  
25 LICENSE UNDER THE PROVISIONS OF SECTION 1554(B)(3) (RELATING TO  
26 PROBATIONARY LICENSE). ALL RECORDS MAINTAINED PURSUANT TO THIS  
27 SUBSECTION SHALL BE MAINTAINED FOR ADMINISTRATIVE AND LAW  
28 ENFORCEMENT USE ONLY AND SHALL NOT BE RELEASED FOR ANY OTHER  
29 PURPOSE.

30 (D) UPDATING DRIVING RECORD.--DRIVERS WISHING TO HAVE THEIR

1 RECORD REVIEWED BY THE DEPARTMENT MAY MAKE SUCH A REQUEST IN  
2 ORDER THAT THE RECORD BE BROUGHT UP TO DATE. IN UPDATING  
3 RECORDS, THE DEPARTMENT SHALL INCLUDE RECALCULATION OF  
4 SUSPENSION OR REVOCATION SEGMENTS AND THE ASSIGNMENT AND  
5 CREDITING OF ANY SUSPENSION OR REVOCATION TIME PREVIOUSLY  
6 ASSIGNED OR CREDITED TOWARD A SUSPENSION OR REVOCATION WHICH  
7 RESULTED FROM A CONVICTION WHICH HAS BEEN VACATED, OVERTURNED,  
8 DISMISSED OR WITHDRAWN. ANY FULLY OR PARTIALLY SERVED SUSPENSION  
9 OR REVOCATION TIME MAY ONLY BE REASSIGNED OR CREDITED TOWARD A  
10 SUSPENSION OR REVOCATION SEGMENT PROCESSED ON THE DRIVER'S  
11 RECORD AS OF THE ACTUAL COMMENCEMENT DATE OF THE FULLY OR  
12 PARTIALLY SERVED SUSPENSION OR REVOCATION TIME.

13 § 1532. SUSPENSION OF OPERATING PRIVILEGE.

14 \* \* \*

15 (B) SUSPENSION.--

16 \* \* \*

17 (3) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE  
18 OF ANY DRIVER FOR 12 MONTHS UPON RECEIVING A CERTIFIED RECORD  
19 OF THE DRIVER'S CONVICTION OF SECTION [3731 (RELATING TO  
20 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE)  
21 OR] 3733 (RELATING TO FLEEING OR ATTEMPTING TO ELUDE POLICE  
22 OFFICER)[,] OR A SUBSTANTIALLY SIMILAR [OFFENSES] OFFENSE  
23 REPORTED TO THE DEPARTMENT UNDER ARTICLE III OF SECTION 1581  
24 (RELATING TO DRIVER'S LICENSE COMPACT), OR AN ADJUDICATION OF  
25 DELINQUENCY BASED ON SECTION [3731 OR] 3733. THE DEPARTMENT  
26 SHALL SUSPEND THE OPERATING PRIVILEGE OF ANY DRIVER FOR SIX  
27 MONTHS UPON RECEIVING A CERTIFIED RECORD OF A CONSENT DECREE  
28 GRANTED UNDER 42 PA.C.S. CH. 63 (RELATING TO JUVENILE  
29 MATTERS) BASED ON SECTION [3731 OR] 3733.

30 \* \* \*

1 SECTION 11. SECTION 1534(B) OF TITLE 75 IS AMENDED AND THE  
2 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

3 § 1534. NOTICE OF ACCEPTANCE OF ACCELERATED REHABILITATIVE  
4 DISPOSITION.

5 \* \* \*

6 (B) EXCEPTION.--IF A PERSON IS ARRESTED FOR ANY OFFENSE  
7 ENUMERATED IN SECTION [3731] 3802 (RELATING TO DRIVING UNDER  
8 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND IS OFFERED AND  
9 ACCEPTS ACCELERATED REHABILITATIVE DISPOSITION UNDER GENERAL  
10 RULES, THE COURT SHALL PROMPTLY NOTIFY THE DEPARTMENT. THE  
11 DEPARTMENT SHALL MAINTAIN A RECORD OF THE ACCEPTANCE OF  
12 ACCELERATED REHABILITATIVE DISPOSITION FOR A PERIOD OF [SEVEN]  
13 TEN YEARS FROM THE DATE OF NOTIFICATION. THIS RECORD SHALL NOT  
14 BE EXPUNGED [BY ORDER OF COURT.] PRIOR TO THE EXPIRATION OF THE  
15 TEN-YEAR PERIOD.

16 (C) EXPUNGEMENT.--IMMEDIATELY FOLLOWING THE EXPIRATION OF  
17 THE TEN-YEAR PERIOD, THE DEPARTMENT SHALL EXPUNGE THE RECORD OF  
18 THE ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION. THE  
19 DEPARTMENT SHALL NOT REQUIRE AN ORDER OF COURT TO EXPUNGE THE  
20 RECORD.

21 (D) EXCEPTIONS TO EXPUNGEMENT.--THE DEPARTMENT SHALL NOT BE  
22 REQUIRED TO EXPUNGE THE RECORD OF ACCEPTANCE OF ACCELERATED  
23 REHABILITATIVE DISPOSITION IF:

24 (1) DURING THE TEN-YEAR PERIOD, THE DEPARTMENT REVOKES  
25 THE OPERATING PRIVILEGES OF A PERSON PURSUANT TO SECTION 1542  
26 (RELATING TO REVOCATION OF HABITUAL OFFENDER'S LICENSE); OR

27 (2) THE PERSON WAS A COMMERCIAL DRIVER AT THE TIME OF  
28 THE VIOLATION CAUSING THE DISPOSITION.

29 SECTION 12. SECTIONS 1541(A.1) AND (D), 1542(B), 1543(B) AND  
30 1547(B)(1), (C), (D), (E) AND (I) OF TITLE 75 ARE AMENDED TO

1 READ:

2 § 1541. PERIOD OF DISQUALIFICATION, REVOCATION OR SUSPENSION OF  
3 OPERATING PRIVILEGE.

4 \* \* \*

5 (A.1) CREDIT TOWARD SERVING PERIOD OF SUSPENSION FOR CERTAIN  
6 VIOLATIONS.--CREDIT TOWARD SERVING THE PERIOD OF SUSPENSION OR  
7 REVOCATION IMPOSED FOR SECTIONS [3731 (RELATING TO DRIVING UNDER  
8 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE),] 3732 (RELATING  
9 TO HOMICIDE BY VEHICLE), 3735 (RELATING TO HOMICIDE BY VEHICLE  
10 WHILE DRIVING UNDER THE INFLUENCE) [AND] 3735.1 (RELATING TO  
11 AGGRAVATED ASSAULT BY VEHICLE WHILE DRIVING UNDER THE INFLUENCE)  
12 AND 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
13 CONTROLLED SUBSTANCE) SHALL NOT COMMENCE UNTIL THE DATE OF THE  
14 PERSON'S RELEASE FROM PRISON.

15 \* \* \*

16 (D) CONTINUED SUSPENSION OF OPERATING PRIVILEGE.--A  
17 DEFENDANT ORDERED BY THE COURT UNDER SECTION [1548] 3816  
18 (RELATING TO REQUIREMENTS FOR DRIVING UNDER INFLUENCE  
19 OFFENDERS), AS THE RESULT OF A CONVICTION OR ACCELERATED  
20 REHABILITATIVE DISPOSITION OF A VIOLATION OF SECTION [3731  
21 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
22 SUBSTANCE)] 3802, TO ATTEND A TREATMENT PROGRAM FOR ALCOHOL OR  
23 DRUG ADDICTION MUST SUCCESSFULLY COMPLETE ALL REQUIREMENTS OF  
24 THE TREATMENT PROGRAM ORDERED BY THE COURT BEFORE THE  
25 DEFENDANT'S OPERATING PRIVILEGE MAY BE RESTORED. SUCCESSFUL  
26 COMPLETION OF A TREATMENT PROGRAM INCLUDES THE PAYMENT OF ALL  
27 COURT-IMPOSED FINES AND COSTS, AS WELL AS FEES TO BE PAID TO THE  
28 TREATMENT PROGRAM BY THE DEFENDANT. IF A DEFENDANT FAILS TO  
29 SUCCESSFULLY COMPLETE THE REQUIREMENTS OF A TREATMENT PROGRAM,  
30 THE SUSPENSION SHALL REMAIN IN EFFECT UNTIL THE DEFENDANT

1 COMPLETES THE PROGRAM AND IS OTHERWISE ELIGIBLE FOR RESTORATION  
2 OF HIS OPERATING PRIVILEGE. THE TREATMENT AGENCY SHALL  
3 IMMEDIATELY NOTIFY THE COURT OF SUCCESSFUL COMPLETION OF THE  
4 TREATMENT PROGRAM. THE FINAL DECISION AS TO WHETHER A DEFENDANT  
5 HAS SUCCESSFULLY COMPLETED THE TREATMENT PROGRAM RESTS WITH THE  
6 COURT.

7 § 1542. REVOCATION OF HABITUAL OFFENDER'S LICENSE.

8 \* \* \*

9 (B) OFFENSES ENUMERATED.--THREE CONVICTIONS ARISING FROM  
10 SEPARATE ACTS OF ANY ONE OR MORE OF THE FOLLOWING OFFENSES  
11 COMMITTED BY ANY PERSON SHALL RESULT IN SUCH PERSON BEING  
12 DESIGNATED AS A HABITUAL OFFENDER:

13 (1) ANY VIOLATION OF SUBCHAPTER B OF CHAPTER 37  
14 (RELATING TO SERIOUS TRAFFIC OFFENSES).

15 (1.1) ANY VIOLATION OF CHAPTER 38 (RELATING TO DRIVING  
16 WHILE IMPAIRED).

17 (2) ANY VIOLATION OF SECTION 3367 (RELATING TO RACING ON  
18 HIGHWAYS).

19 (3) ANY VIOLATION OF SECTION 3742 (RELATING TO ACCIDENTS  
20 INVOLVING DEATH OR PERSONAL INJURY).

21 (3.1) ANY VIOLATION OF SECTION 3742.1 (RELATING TO  
22 ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY WHILE NOT  
23 PROPERLY LICENSED).

24 (4) ANY VIOLATION OF SECTION 3743 (RELATING TO ACCIDENTS  
25 INVOLVING DAMAGE TO ATTENDED VEHICLE OR PROPERTY).

26 \* \* \*

27 § 1543. DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR  
28 REVOKED.

29 \* \* \*

30 (B) CERTAIN OFFENSES.--

1 (1) A PERSON WHO DRIVES A MOTOR VEHICLE ON A HIGHWAY OR  
2 TRAFFICWAY OF THIS COMMONWEALTH AT A TIME WHEN THE PERSON'S  
3 OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AS A CONDITION OF  
4 ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION FOR A  
5 VIOLATION OF SECTION [3731] 3802 (RELATING TO DRIVING UNDER  
6 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) OR BECAUSE OF A  
7 VIOLATION OF SECTION 1547(B)(1) (RELATING TO SUSPENSION FOR  
8 REFUSAL) OR [3731] 3802 OR IS SUSPENDED UNDER SECTION 1581  
9 (RELATING TO DRIVER'S LICENSE COMPACT) FOR AN OFFENSE  
10 SUBSTANTIALLY SIMILAR TO A VIOLATION OF SECTION [3731] 3802  
11 SHALL, UPON CONVICTION, BE GUILTY OF A SUMMARY OFFENSE AND  
12 SHALL BE SENTENCED TO PAY A FINE OF [\$1,000] \$500 AND TO  
13 UNDERGO IMPRISONMENT FOR A PERIOD OF NOT LESS THAN [90] 60  
14 DAYS.

15 (1.1) (I) A PERSON WHO HAS AN AMOUNT OF ALCOHOL BY  
16 WEIGHT IN HIS BLOOD THAT IS EQUAL TO OR GREATER THAN .02%  
17 OR [IS UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE AS  
18 DEFINED IN SECTION 1603 (RELATING TO DEFINITIONS)] WHO  
19 HAS ANY AMOUNT OF A SCHEDULE I, II OR III CONTROLLED  
20 SUBSTANCE, AS DEFINED IN THE ACT OF APRIL 14, 1972  
21 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE,  
22 DRUG, DEVICE AND COSMETIC ACT, OR ITS METABOLITE, WHICH  
23 HAS NOT BEEN MEDICALLY PRESCRIBED FOR THE INDIVIDUAL AND  
24 WHO DRIVES A MOTOR VEHICLE ON ANY HIGHWAY OR TRAFFICWAY  
25 OF THIS COMMONWEALTH AT A TIME WHEN THE PERSON'S  
26 OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AS A  
27 CONDITION OF ACCEPTANCE OF ACCELERATED REHABILITATIVE  
28 DISPOSITION FOR A VIOLATION OF SECTION [3731] 3802 OR  
29 BECAUSE OF A VIOLATION OF SECTION 1547(B)(1) OR [3731]  
30 3802 OR IS SUSPENDED UNDER SECTION 1581 FOR AN OFFENSE

1 SUBSTANTIALLY SIMILAR TO A VIOLATION OF SECTION [3731]  
2 3802 SHALL, UPON A FIRST CONVICTION, BE GUILTY OF A  
3 SUMMARY OFFENSE AND SHALL BE SENTENCED TO PAY A FINE OF  
4 \$1,000 AND TO UNDERGO IMPRISONMENT FOR A PERIOD OF NOT  
5 LESS THAN 90 DAYS.

6 (II) A SECOND VIOLATION OF THIS PARAGRAPH SHALL  
7 CONSTITUTE A MISDEMEANOR OF THE THIRD DEGREE, AND UPON  
8 CONVICTION THEREOF THE PERSON SHALL BE SENTENCED TO PAY A  
9 FINE OF \$2,500 AND TO UNDERGO IMPRISONMENT FOR NOT LESS  
10 THAN SIX MONTHS.

11 (III) A THIRD OR SUBSEQUENT VIOLATION OF THIS  
12 PARAGRAPH SHALL CONSTITUTE A MISDEMEANOR OF THE FIRST  
13 DEGREE, AND UPON CONVICTION THEREOF THE PERSON SHALL BE  
14 SENTENCED TO PAY A FINE OF \$5,000 AND TO UNDERGO  
15 IMPRISONMENT FOR NOT LESS THAN TWO YEARS.

16 (2) THIS SUBSECTION SHALL APPLY TO ANY PERSON AGAINST  
17 WHOM ONE OF THESE SUSPENSIONS HAS BEEN IMPOSED WHETHER THE  
18 PERSON IS CURRENTLY SERVING THIS SUSPENSION OR WHETHER THE  
19 EFFECTIVE DATE OF SUSPENSION HAS BEEN DEFERRED UNDER ANY OF  
20 THE PROVISIONS OF SECTION 1544 (RELATING TO ADDITIONAL PERIOD  
21 OF REVOCATION OR SUSPENSION). THIS PROVISION SHALL ALSO APPLY  
22 UNTIL THE PERSON HAS HAD THE OPERATING PRIVILEGE RESTORED.  
23 THIS SUBSECTION SHALL ALSO APPLY TO ANY REVOCATION IMPOSED  
24 PURSUANT TO SECTION 1542 (RELATING TO REVOCATION OF HABITUAL  
25 OFFENDER'S LICENSE) IF ANY OF THE ENUMERATED OFFENSES WAS FOR  
26 A VIOLATION OF SECTION [3731] 3802 OR FOR AN OUT-OF-STATE  
27 OFFENSE THAT IS SUBSTANTIALLY SIMILAR TO A VIOLATION OF  
28 SECTION [3731] 3802 FOR WHICH A REVOCATION IS IMPOSED UNDER  
29 SECTION 1581.

30 \* \* \*

1 § 1547. CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR  
2 CONTROLLED SUBSTANCE.

3 \* \* \*

4 (B) SUSPENSION FOR REFUSAL.--

5 (1) IF ANY PERSON PLACED UNDER ARREST FOR A VIOLATION OF  
6 SECTION [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF  
7 ALCOHOL OR CONTROLLED SUBSTANCE) IS REQUESTED TO SUBMIT TO  
8 CHEMICAL TESTING AND REFUSES TO DO SO, THE TESTING SHALL NOT  
9 BE CONDUCTED BUT UPON NOTICE BY THE POLICE OFFICER, THE  
10 DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE OF THE  
11 PERSON [FOR A PERIOD OF 12 MONTHS.] AS FOLLOWS:

12 (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II), FOR A  
13 PERIOD OF 12 MONTHS.

14 (II) FOR A PERIOD OF 24 MONTHS IF ANY OF THE  
15 FOLLOWING APPLY:

16 (A) THE PERSON'S OPERATING PRIVILEGES HAVE  
17 PREVIOUSLY BEEN SUSPENDED UNDER THIS SUBSECTION.

18 (B) THE PERSON HAS, PRIOR TO THE REFUSAL UNDER  
19 THIS PARAGRAPH, BEEN SENTENCED FOR:

20 (I) AN OFFENSE UNDER FORMER SECTION 3731;

21 (II) AN OFFENSE UNDER SECTION 3802 (RELATING  
22 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
23 CONTROLLED SUBSTANCE);

24 (III) AN OFFENSE EQUIVALENT TO AN OFFENSE  
25 UNDER SUBCLAUSE (I) OR (II); OR

26 (IV) A COMBINATION OF THE OFFENSES SET FORTH  
27 IN THIS CLAUSE.

28 \* \* \*

29 (C) TEST RESULTS ADMISSIBLE IN EVIDENCE.--IN ANY SUMMARY  
30 PROCEEDING OR CRIMINAL PROCEEDING IN WHICH THE DEFENDANT IS

1 CHARGED WITH A VIOLATION OF SECTION [3731] 3802 OR ANY OTHER  
2 VIOLATION OF THIS TITLE ARISING OUT OF THE SAME ACTION, THE  
3 AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE IN THE DEFENDANT'S  
4 BLOOD, AS SHOWN BY CHEMICAL TESTING OF THE PERSON'S BREATH,  
5 BLOOD OR URINE, WHICH TESTS WERE CONDUCTED BY QUALIFIED PERSONS  
6 USING APPROVED EQUIPMENT, SHALL BE ADMISSIBLE IN EVIDENCE.

7 (1) CHEMICAL TESTS OF BREATH SHALL BE PERFORMED ON  
8 DEVICES APPROVED BY THE DEPARTMENT OF HEALTH USING PROCEDURES  
9 PRESCRIBED JOINTLY BY REGULATIONS OF THE DEPARTMENTS OF  
10 HEALTH AND TRANSPORTATION. DEVICES SHALL HAVE BEEN CALIBRATED  
11 AND TESTED FOR ACCURACY WITHIN A PERIOD OF TIME AND IN A  
12 MANNER SPECIFIED BY REGULATIONS OF THE DEPARTMENTS OF HEALTH  
13 AND TRANSPORTATION. FOR PURPOSES OF BREATH TESTING, A  
14 QUALIFIED PERSON MEANS A PERSON WHO HAS FULFILLED THE  
15 TRAINING REQUIREMENT IN THE USE OF THE EQUIPMENT IN A  
16 TRAINING PROGRAM APPROVED BY THE DEPARTMENTS OF HEALTH AND  
17 TRANSPORTATION. A CERTIFICATE OR LOG SHOWING THAT A DEVICE  
18 WAS CALIBRATED AND TESTED FOR ACCURACY AND THAT THE DEVICE  
19 WAS ACCURATE SHALL BE PRESUMPTIVE EVIDENCE OF THOSE FACTS IN  
20 EVERY PROCEEDING IN WHICH A VIOLATION OF THIS TITLE IS  
21 CHARGED.

22 (2) CHEMICAL TESTS OF BLOOD OR URINE, IF CONDUCTED BY A  
23 FACILITY LOCATED IN THIS COMMONWEALTH, SHALL BE PERFORMED BY  
24 A CLINICAL LABORATORY LICENSED AND APPROVED BY THE DEPARTMENT  
25 OF HEALTH FOR THIS PURPOSE USING PROCEDURES AND EQUIPMENT  
26 PRESCRIBED BY THE DEPARTMENT OF HEALTH OR BY A PENNSYLVANIA  
27 STATE POLICE CRIMINAL LABORATORY. FOR PURPOSES OF BLOOD AND  
28 URINE TESTING, QUALIFIED PERSON MEANS AN INDIVIDUAL WHO IS  
29 AUTHORIZED TO PERFORM THOSE CHEMICAL TESTS UNDER THE ACT OF  
30 SEPTEMBER 26, 1951 (P.L.1539, NO.389), KNOWN AS THE CLINICAL

1 LABORATORY ACT.

2 (3) CHEMICAL TESTS OF BLOOD OR URINE, IF CONDUCTED BY A  
3 FACILITY LOCATED OUTSIDE THIS COMMONWEALTH, SHALL BE  
4 PERFORMED:

5 (I) BY A FACILITY LICENSED BY THE DEPARTMENT OF  
6 HEALTH; OR

7 (II) BY A FACILITY LICENSED TO CONDUCT THE TESTS BY  
8 THE STATE IN WHICH THE FACILITY IS LOCATED AND LICENSED  
9 PURSUANT TO THE CLINICAL LABORATORY IMPROVEMENT  
10 AMENDMENTS OF 1988 (PUBLIC LAW 100-578, 102 STAT. 2903).

11 [(D) PRESUMPTIONS FROM AMOUNT OF ALCOHOL.--IF CHEMICAL  
12 TESTING OF A PERSON'S BREATH, BLOOD OR URINE SHOWS:

13 (1) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF  
14 AN ADULT IS 0.05% OR LESS, IT SHALL BE PRESUMED THAT THE  
15 ADULT WAS NOT UNDER THE INFLUENCE OF ALCOHOL AND THE ADULT  
16 SHALL NOT BE CHARGED WITH ANY VIOLATION UNDER SECTION  
17 3731(A)(1), (4) OR (5) (RELATING TO DRIVING UNDER INFLUENCE  
18 OF ALCOHOL OR CONTROLLED SUBSTANCE), OR, IF THE ADULT WAS SO  
19 CHARGED PRIOR TO THE TEST, THE CHARGE SHALL BE VOID AB  
20 INITIO. THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION  
21 CONCERNING A VIOLATION OF SECTION 3731(A)(2) OR (3) OR (I).

22 (2) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF  
23 AN ADULT IS IN EXCESS OF 0.05% BUT LESS THAN 0.10%, THIS FACT  
24 SHALL NOT GIVE RISE TO ANY PRESUMPTION THAT THE ADULT WAS OR  
25 WAS NOT UNDER THE INFLUENCE OF ALCOHOL, BUT THIS FACT MAY BE  
26 CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING  
27 WHETHER THE ADULT WAS OR WAS NOT UNDER THE INFLUENCE OF  
28 ALCOHOL. THIS PROVISION SHALL NOT NEGATE THE PROVISIONS OF  
29 SECTION 3731(I).

30 (3) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD

1 OF:

2 (I) AN ADULT IS 0.10% OR MORE; OR

3 (II) A MINOR IS 0.02% OR MORE,

4 THIS FACT MAY BE INTRODUCED INTO EVIDENCE IF THE PERSON IS  
5 CHARGED WITH VIOLATING SECTION 3731.]

6 (E) REFUSAL ADMISSIBLE IN EVIDENCE.--IN ANY SUMMARY  
7 PROCEEDING OR CRIMINAL PROCEEDING IN WHICH THE DEFENDANT IS  
8 CHARGED WITH A VIOLATION OF SECTION [3731] 3802 OR ANY OTHER  
9 VIOLATION OF THIS TITLE ARISING OUT OF THE SAME ACTION, THE FACT  
10 THAT THE DEFENDANT REFUSED TO SUBMIT TO CHEMICAL TESTING AS  
11 REQUIRED BY SUBSECTION (A) MAY BE INTRODUCED IN EVIDENCE ALONG  
12 WITH OTHER TESTIMONY CONCERNING THE CIRCUMSTANCES OF THE  
13 REFUSAL. NO PRESUMPTIONS SHALL ARISE FROM THIS EVIDENCE BUT IT  
14 MAY BE CONSIDERED ALONG WITH OTHER FACTORS CONCERNING THE  
15 CHARGE.

16 \* \* \*

17 (I) REQUEST BY DRIVER FOR TEST.--ANY PERSON INVOLVED IN AN  
18 ACCIDENT OR PLACED UNDER ARREST FOR A VIOLATION OF SECTION  
19 [3731] 3802 MAY REQUEST A CHEMICAL TEST OF HIS BREATH, BLOOD OR  
20 URINE. SUCH REQUESTS SHALL BE HONORED WHEN IT IS REASONABLY  
21 PRACTICABLE TO DO SO.

22 \* \* \*

23 SECTION 13. SECTION 1548 OF TITLE 75 IS REPEALED.

24 SECTION 14. SECTION 1552 OF TITLE 75 IS AMENDED TO READ:

25 § 1552. ACCELERATED REHABILITATIVE DISPOSITION.

26 THE COURT OF COMMON PLEAS IN EACH JUDICIAL DISTRICT AND THE  
27 MUNICIPAL COURT OF PHILADELPHIA SHALL ESTABLISH AND IMPLEMENT A  
28 PROGRAM FOR ACCELERATED REHABILITATIVE DISPOSITION FOR PERSONS  
29 CHARGED WITH A VIOLATION OF SECTION [3731] 3802 (RELATING TO  
30 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) IN

1 ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER AND RULES ADOPTED  
2 BY THE SUPREME COURT.

3 SECTION 15. SECTION 1553(D), (6), (8) AND (16), (E) AND  
4 (F)(1) ARE AMENDED AND THE SECTION IS AMENDED BY ADDING  
5 SUBSECTIONS TO READ:

6 § 1553. OCCUPATIONAL LIMITED LICENSE.

7 \* \* \*

8 (D) UNAUTHORIZED ISSUANCE.--THE DEPARTMENT SHALL PROHIBIT  
9 ISSUANCE OF AN OCCUPATIONAL LIMITED LICENSE TO:

10 \* \* \*

11 (6) [ ANY ] EXCEPT AS SET FORTH IN SUBSECTION (D.1) OR  
12 (D.2) ANY PERSON WHO HAS BEEN ADJUDICATED DELINQUENT OR  
13 CONVICTED OF DRIVING UNDER THE INFLUENCE OF ALCOHOL OR  
14 CONTROLLED SUBSTANCE UNLESS THE SUSPENSION OR REVOCATION  
15 IMPOSED FOR THAT CONVICTION HAS BEEN FULLY SERVED.

16 \* \* \*

17 (8) [ANY] EXCEPT AS SET FORTH IN SUBSECTIONS (D.1) AND  
18 (D.2), ANY PERSON WHO HAS BEEN GRANTED A CONSENT DECREE OR  
19 ACCELERATED REHABILITATIVE DISPOSITION FOR DRIVING UNDER THE  
20 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AND WHOSE  
21 LICENSE HAS BEEN SUSPENDED BY THE DEPARTMENT UNLESS THE  
22 SUSPENSION IMPOSED HAS BEEN FULLY SERVED.

23 \* \* \*

24 (16) [ANY] EXCEPT AS SET FORTH IN SUBSECTION (D.3), ANY  
25 PERSON WHOSE OPERATING PRIVILEGE HAS BEEN SUSPENDED UNDER AN  
26 INTERJURISDICTIONAL AGREEMENT AS PROVIDED FOR IN SECTION 6146  
27 AS THE RESULT OF A CONVICTION OR ADJUDICATION IF THE  
28 CONVICTION OR ADJUDICATION FOR AN EQUIVALENT OFFENSE IN THIS  
29 COMMONWEALTH WOULD HAVE PROHIBITED THE ISSUANCE OF AN  
30 OCCUPATIONAL LIMITED LICENSE.

1           \* \* \*

2           (D.1) ADJUDICATION ELIGIBILITY.--AN INDIVIDUAL WHO HAS BEEN  
3 ADJUDICATED DELINQUENT, CONVICTED, GRANTED A CONSENT DECREE OR  
4 GRANTED ACCELERATED REHABILITATION DISPOSITION FOR DRIVING UNDER  
5 THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AND DOES NOT  
6 HAVE A PRIOR OFFENSE AS DEFINED IN SECTION 3806(A) (RELATING TO  
7 PRIOR OFFENSES) SHALL BE ELIGIBLE FOR AN OCCUPATIONAL LIMITED  
8 LICENSE.

9           (D.2) SUSPENSION ELIGIBILITY.--

10           (1) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED FOR A  
11 PERIOD OF 24 MONTHS UNDER SECTION 1547(B)(1)(II) (RELATING TO  
12 CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED  
13 SUBSTANCE) OR 3804(E)(2)(II) (RELATING TO PENALTIES) SHALL  
14 NOT BE PROHIBITED FROM OBTAINING AN OCCUPATIONAL LIMITED  
15 LICENSE UNDER THIS SECTION IF THE INDIVIDUAL:

16           (I) IS OTHERWISE ELIGIBLE FOR RESTORATION;

17           (II) HAS SERVED AT LEAST 12 MONTHS OF THE LICENSE  
18 SUSPENSION;

19           (III) ONLY OPERATES A MOTOR VEHICLE EQUIPPED WITH AN  
20 IGNITION INTERLOCK SYSTEM AS DEFINED IN SECTION 3801  
21 (RELATING TO DEFINITIONS); AND

22           (IV) HAS CERTIFIED TO THE DEPARTMENT UNDER PARAGRAPH  
23 (3).

24           (2) A PERIOD OF IGNITION INTERLOCK ACCEPTED UNDER THIS  
25 SUBSECTION SHALL NOT COUNT TOWARDS THE ONE-YEAR MANDATORY  
26 PERIOD OF IGNITION INTERLOCK IMPOSED UNDER SECTION 3805  
27 (RELATING TO IGNITION INTERLOCK).

28           (3) IF AN INDIVIDUAL SEEKS AN OCCUPATIONAL LIMITED  
29 LICENSE UNDER THIS SUBSECTION, THE DEPARTMENT SHALL REQUIRE  
30 THAT EACH MOTOR VEHICLE OWNED OR REGISTERED TO THE PERSON HAS

1 BEEN EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM AS A  
2 CONDITION OF ISSUING AN OCCUPATIONAL LIMITED LICENSE WITH AN  
3 IGNITION INTERLOCK RESTRICTION.

4 (D.3) INTERJURISDICTIONAL SUSPENSIONS.--AN INDIVIDUAL WHOSE  
5 OPERATING PRIVILEGE HAS BEEN SUSPENDED PURSUANT TO AN  
6 INTERJURISDICTIONAL AGREEMENT UNDER SECTION 6146 AS THE RESULT  
7 OF AN ADJUDICATION OR CONVICTION FOR DRIVING UNDER THE INFLUENCE  
8 OF ALCOHOL OR CONTROLLED SUBSTANCE AND DOES NOT HAVE A PRIOR  
9 OFFENSE AS DEFINED IN SECTION 3806(A) SHALL BE ELIGIBLE FOR AN  
10 OCCUPATIONAL LIMITED LICENSE.

11 (E) OFFENSES COMMITTED DURING A PERIOD FOR WHICH AN  
12 OCCUPATIONAL LIMITED LICENSE HAS BEEN ISSUED.--ANY DRIVER WHO  
13 HAS BEEN ISSUED AN OCCUPATIONAL LIMITED LICENSE AND AS TO WHOM  
14 THE DEPARTMENT RECEIVES A REPORT OF CONVICTION OF AN OFFENSE FOR  
15 WHICH THE PENALTY IS A CANCELLATION, DISQUALIFICATION, RECALL,  
16 SUSPENSION OR REVOCATION OF OPERATING PRIVILEGES OR A REPORT  
17 UNDER SECTION 3815(C)(4) (RELATING TO MANDATORY SENTENCING)  
18 SHALL HAVE THE OCCUPATIONAL LIMITED LICENSE RECALLED, AND THE  
19 DRIVER SHALL SURRENDER THE LIMITED LICENSE TO THE DEPARTMENT OR  
20 ITS AGENTS DESIGNATED UNDER THE AUTHORITY OF SECTION 1540.

21 (F) RESTRICTIONS.--A DRIVER WHO HAS BEEN ISSUED AN  
22 OCCUPATIONAL LIMITED LICENSE SHALL OBSERVE THE FOLLOWING:

23 (1) THE DRIVER SHALL OPERATE A DESIGNATED VEHICLE ONLY  
24 [BETWEEN]:

25 (I) BETWEEN THE DRIVER'S PLACE OF RESIDENCE AND  
26 PLACE OF EMPLOYMENT OR STUDY AND AS NECESSARY IN THE  
27 COURSE OF EMPLOYMENT OR CONDUCTING A BUSINESS OR PURSUING  
28 A COURSE OF STUDY WHERE THE OPERATION OF A MOTOR VEHICLE  
29 IS A REQUIREMENT OF EMPLOYMENT OR OF CONDUCTING A  
30 BUSINESS OR OF PURSUING A COURSE OF STUDY.

1                   (II) TO AND FROM A PLACE FOR SCHEDULED OR EMERGENCY  
2                   MEDICAL EXAMINATION OR TREATMENT. THIS SUBPARAGRAPH  
3                   INCLUDES TREATMENT REQUIRED UNDER CHAPTER 38 (RELATING TO  
4                   DRIVING WHILE IMPAIRED).

5                   \* \* \*

6                   SECTION 16. SECTIONS 1554(F)(8), 1575(B), 1586, 1611(A)(1),  
7                   3101(B), 3116(L)(2) AND (Q), 3326(C), 3327(E) AND 3716(A) ARE  
8                   AMENDED TO READ:

9                   § 1554. PROBATIONARY LICENSE.

10                   \* \* \*

11                   (F) UNAUTHORIZED ISSUANCE.--THE DEPARTMENT SHALL NOT ISSUE A  
12                   PROBATIONARY LICENSE TO:

13                   \* \* \*

14                   (8) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF  
15                   SECTION [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF  
16                   ALCOHOL OR CONTROLLED SUBSTANCE) WITHIN THE PRECEDING SEVEN  
17                   YEARS.

18                   \* \* \*

19                   § 1575. PERMITTING VIOLATION OF TITLE.

20                   \* \* \*

21                   (B) PENALTY.--ANY PERSON VIOLATING THE PROVISIONS OF  
22                   SUBSECTION (A) IS GUILTY OF A SUMMARY OFFENSE AND IS SUBJECT TO  
23                   THE SAME FINE AS THE DRIVER OF THE VEHICLE. IF THE DRIVER IS  
24                   CONVICTED UNDER SECTION [3731 (RELATING TO DRIVING UNDER  
25                   INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) OR] 3735 (RELATING  
26                   TO HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE) OR 3802  
27                   (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
28                   SUBSTANCE), THE PERSON VIOLATING SUBSECTION (A) SHALL ALSO BE  
29                   SUBJECT TO SUSPENSION OR REVOCATION, AS APPLICABLE, UNDER  
30                   SECTIONS [1532 (RELATING TO REVOCATION OR SUSPENSION OF

1 OPERATING PRIVILEGE)] 3804(E) (RELATING TO PENALTIES) AND 1542  
2 (RELATING TO REVOCATION OF HABITUAL OFFENDER'S LICENSE).

3 \* \* \*

4 § 1586. DUTIES OF DEPARTMENT.

5 THE DEPARTMENT SHALL, FOR PURPOSES OF IMPOSING A SUSPENSION  
6 OR REVOCATION UNDER ARTICLE IV OF THE COMPACT, TREAT REPORTS OF  
7 CONVICTIONS RECEIVED FROM PARTY STATES THAT RELATE TO DRIVING,  
8 OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF A VEHICLE WHILE  
9 IMPAIRED BY OR UNDER THE INFLUENCE OF ALCOHOL, INTOXICATING  
10 LIQUOR, DRUGS, NARCOTICS, CONTROLLED SUBSTANCES OR OTHER  
11 IMPAIRING OR INTOXICATING SUBSTANCE AS BEING SUBSTANTIALLY  
12 SIMILAR TO SECTION [3731] 3802 (RELATING TO DRIVING UNDER THE  
13 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE). THE FACT THAT THE  
14 OFFENSE REPORTED TO THE DEPARTMENT BY A PARTY STATE MAY REQUIRE  
15 A DIFFERENT DEGREE OF IMPAIRMENT OF A PERSON'S ABILITY TO  
16 OPERATE, DRIVE OR CONTROL A VEHICLE THAN THAT REQUIRED TO  
17 SUPPORT A CONVICTION FOR A VIOLATION OF SECTION [3731] 3802  
18 SHALL NOT BE A BASIS FOR DETERMINING THAT THE PARTY STATE'S  
19 OFFENSE IS NOT SUBSTANTIALLY SIMILAR TO SECTION [3731] 3802 FOR  
20 PURPOSES OF ARTICLE IV OF THE COMPACT.

21 § 1611. DISQUALIFICATION.

22 (A) DISQUALIFICATION FOR FIRST VIOLATION OF CERTAIN  
23 OFFENSES.--UPON RECEIPT OF A CERTIFIED COPY OF CONVICTION, THE  
24 DEPARTMENT SHALL, IN ADDITION TO ANY OTHER PENALTIES IMPOSED  
25 UNDER THIS TITLE, DISQUALIFY ANY PERSON FROM DRIVING A  
26 COMMERCIAL MOTOR VEHICLE OR SCHOOL VEHICLE FOR A PERIOD OF ONE  
27 YEAR FOR THE FIRST VIOLATION OF:

28 (1) SECTION [3731] 3802 (RELATING TO DRIVING UNDER THE  
29 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE), WHERE THE  
30 VIOLATION OCCURRED WHILE THE PERSON WAS OPERATING A

1 COMMERCIAL MOTOR VEHICLE OR SCHOOL VEHICLE;

2 \* \* \*

3 § 3101. APPLICATION OF PART.

4 \* \* \*

5 (B) SERIOUS TRAFFIC OFFENSES.--THE PROVISIONS OF SECTION  
6 3345 (RELATING TO MEETING OR OVERTAKING SCHOOL BUS) [AND]    
7 SUBCHAPTER B OF CHAPTER 37 (RELATING TO SERIOUS TRAFFIC  
8 OFFENSES) AND CHAPTER 38 (RELATING TO DRIVING WHILE IMPAIRED)  
9 SHALL APPLY UPON HIGHWAYS AND TRAFFICWAYS THROUGHOUT THIS  
10 COMMONWEALTH.

11 § 3116. AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS  
12 CITIES.

13 \* \* \*

14 (L) PAYMENT OF FINE.--

15 \* \* \*

16 (2) PAYMENT MUST BE MADE PERSONALLY, THROUGH AN  
17 AUTHORIZED AGENT OR BY MAILING BOTH PAYMENT AND THE NOTICE OF  
18 VIOLATION TO THE SYSTEM ADMINISTRATOR. PAYMENT BY MAIL MUST  
19 BE MADE ONLY BY MONEY ORDER, CREDIT CARD OR CHECK MADE  
20 PAYABLE TO THE SYSTEM ADMINISTRATOR. THE SYSTEM ADMINISTRATOR  
21 SHALL REMIT THE FINE, LESS THE SYSTEM ADMINISTRATOR'S  
22 OPERATION AND MAINTENANCE COSTS NECESSITATED BY THIS SECTION,  
23 TO THE DEPARTMENT FOR DEPOSIT INTO THE MOTOR LICENSE FUND.  
24 FINES DEPOSITED IN THE FUND UNDER THIS PARAGRAPH SHALL BE  
25 USED BY THE DEPARTMENT [AS FOLLOWS:

26 (I) TO REIMBURSE THE SYSTEM ADMINISTRATOR FOR COSTS  
27 ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. THIS  
28 SUBPARAGRAPH INCLUDES COSTS FOR OPERATION AND  
29 MAINTENANCE.

30 (II) TO DEVELOP, BY REGULATION, A TRANSPORTATION

1           ENHANCEMENTS GRANT PROGRAM.] TO DEVELOP, BY REGULATION, A  
2           TRANSPORTATION ENHANCEMENTS GRANT PROGRAM.

3           \* \* \*

4           (Q) EXPIRATION.--THIS SECTION SHALL EXPIRE DECEMBER 31,  
5 [2006] 2007.

6 § 3326. DUTY OF DRIVER IN CONSTRUCTION AND MAINTENANCE AREAS OR  
7           ON HIGHWAY SAFETY CORRIDORS.

8           \* \* \*

9           (C) FINES TO BE DOUBLED.-- FOR ANY OF THE FOLLOWING  
10 VIOLATIONS, WHEN COMMITTED IN AN ACTIVE WORK ZONE MANNED BY  
11 WORKERS ACTING IN THEIR OFFICIAL CAPACITY OR ON A HIGHWAY SAFETY  
12 CORRIDOR DESIGNATED UNDER SECTION 6105.1 (RELATING TO  
13 DESIGNATION OF HIGHWAY SAFETY CORRIDORS), THE FINE SHALL BE  
14 DOUBLE THE USUAL AMOUNT:

15           SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED  
16           PERSONS DIRECTING TRAFFIC).

17           SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC-  
18           CONTROL DEVICES).

19           SECTION 3112 (RELATING TO TRAFFIC-CONTROL SIGNALS).

20           SECTION 3114 (RELATING TO FLASHING SIGNALS).

21           SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING  
22           IN OPPOSITE DIRECTION).

23           SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE  
24           LEFT).

25           SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE  
26           RIGHT).

27           SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING  
28           ON THE LEFT).

29           SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON  
30           LEFT SIDE OF ROADWAY).

1 SECTION 3307 (RELATING TO NO-PASSING ZONES).  
2 SECTION 3309 (RELATING TO DRIVING ON ROADWAYS LANED  
3 FOR TRAFFIC).

4 SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY).

5 SECTION 3323 (RELATING TO STOP SIGNS AND YIELD  
6 SIGNS).

7 SECTION 3326 (RELATING TO DUTY OF DRIVER IN  
8 CONSTRUCTION AND MAINTENANCE AREAS).

9 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE  
10 SPEED).

11 SECTION 3362 (RELATING TO MAXIMUM SPEED LIMITS).

12 SECTION 3702 (RELATING TO LIMITATIONS ON BACKING).

13 SECTION 3714 (RELATING TO CARELESS DRIVING).

14 SECTION 3715 (RELATING TO RESTRICTION ON ALCOHOLIC  
15 BEVERAGES).

16 [SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE OF  
17 ALCOHOL OR CONTROLLED SUBSTANCE).]

18 SECTION 3736 (RELATING TO RECKLESS DRIVING).

19 SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF  
20 ALCOHOL OR CONTROLLED SUBSTANCE).

21 \* \* \*

22 § 3327. DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS.

23 \* \* \*

24 (E) FINES TO BE DOUBLED.--IN ADDITION TO ANY PENALTY AS  
25 PROVIDED IN SUBSECTION (B), THE FINE FOR ANY OF THE FOLLOWING  
26 VIOLATIONS WHEN COMMITTED IN AN EMERGENCY RESPONSE AREA MANNED  
27 BY EMERGENCY SERVICE RESPONDERS SHALL BE DOUBLE THE USUAL  
28 AMOUNT:

29 SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED PERSONS  
30 DIRECTING TRAFFIC).

1 SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC-CONTROL  
2 DEVICES).

3 SECTION 3114 (RELATING TO FLASHING SIGNALS).

4 SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING IN  
5 OPPOSITE DIRECTION).

6 SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE  
7 LEFT).

8 SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE  
9 RIGHT).

10 SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING ON  
11 THE LEFT).

12 SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON LEFT  
13 SIDE OF ROADWAY).

14 SECTION 3307 (RELATING TO NO-PASSING ZONES).

15 SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY).

16 SECTION 3312 (RELATING TO LIMITED ACCESS HIGHWAY  
17 ENTRANCES AND EXITS).

18 SECTION 3323 (RELATING TO STOP SIGNS AND YIELD SIGNS).

19 SECTION 3325 (RELATING TO DUTY OF DRIVER ON APPROACH OF  
20 EMERGENCY VEHICLE).

21 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED).

22 SECTION 3707 (RELATING TO DRIVING OR STOPPING CLOSE TO  
23 FIRE APPARATUS).

24 SECTION 3710 (RELATING TO STOPPING AT INTERSECTION OR  
25 CROSSING TO PREVENT OBSTRUCTION).

26 SECTION 3714 (RELATING TO CARELESS DRIVING).

27 SECTION 3715.1 (RELATING TO RESTRICTION ON ALCOHOLIC  
28 BEVERAGES).

29 [SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE OF  
30 ALCOHOL OR CONTROLLED SUBSTANCE).]

1 SECTION 3736 (RELATING TO RECKLESS DRIVING).

2 SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF  
3 ALCOHOL OR CONTROLLED SUBSTANCE).

4 \* \* \*

5 § 3716. ACCIDENTS INVOLVING OVERTURNED VEHICLES.

6 (A) SPEEDING, CARELESS DRIVING, ETC.--IF A COMMERCIAL MOTOR  
7 VEHICLE OVERTURNS IN AN ACCIDENT RESULTING FROM A VIOLATION OF  
8 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED), 3362  
9 (RELATING TO MAXIMUM SPEED LIMITS), 3714 (RELATING TO CARELESS  
10 DRIVING) OR [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF  
11 ALCOHOL OR CONTROLLED SUBSTANCE), THE OPERATOR OF THE VEHICLE  
12 SHALL, UPON CONVICTION OF ANY OF THE AFOREMENTIONED OFFENSES, BE  
13 SENTENCED TO PAY A FINE OF \$2,000, IN ADDITION TO ANY OTHER  
14 PENALTY AUTHORIZED BY LAW.

15 \* \* \*

16 SECTION 17. SECTION 3731 OF TITLE 75 IS REPEALED.

17 SECTION 18. SECTIONS 3732(A), 3735(A), 3735.1(A) AND 3755(A)  
18 OF TITLE 75 ARE AMENDED TO READ:

19 § 3732. HOMICIDE BY VEHICLE.

20 (A) OFFENSE.--ANY PERSON WHO RECKLESSLY OR WITH GROSS  
21 NEGLIGENCE CAUSES THE DEATH OF ANOTHER PERSON WHILE ENGAGED IN  
22 THE VIOLATION OF ANY LAW OF THIS COMMONWEALTH OR MUNICIPAL  
23 ORDINANCE APPLYING TO THE OPERATION OR USE OF A VEHICLE OR TO  
24 THE REGULATION OF TRAFFIC EXCEPT SECTION [3731] 3802 (RELATING  
25 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE)  
26 IS GUILTY OF HOMICIDE BY VEHICLE, A FELONY OF THE THIRD DEGREE,  
27 WHEN THE VIOLATION IS THE CAUSE OF DEATH.

28 \* \* \*

29 § 3735. HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE.

30 (A) OFFENSE DEFINED.--ANY PERSON WHO UNINTENTIONALLY CAUSES

1 THE DEATH OF ANOTHER PERSON AS THE RESULT OF A VIOLATION OF  
2 SECTION [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF  
3 ALCOHOL OR CONTROLLED SUBSTANCE) AND WHO IS CONVICTED OF  
4 VIOLATING SECTION [3731] 3802 IS GUILTY OF A FELONY OF THE  
5 SECOND DEGREE WHEN THE VIOLATION IS THE CAUSE OF DEATH AND THE  
6 SENTENCING COURT SHALL ORDER THE PERSON TO SERVE A MINIMUM TERM  
7 OF IMPRISONMENT OF NOT LESS THAN THREE YEARS. A CONSECUTIVE  
8 THREE-YEAR TERM OF IMPRISONMENT SHALL BE IMPOSED FOR EACH VICTIM  
9 WHOSE DEATH IS THE RESULT OF THE VIOLATION OF SECTION [3731]  
10 3802.

11 \* \* \*

12 § 3735.1. AGGRAVATED ASSAULT BY VEHICLE WHILE DRIVING UNDER THE  
13 INFLUENCE.

14 (A) OFFENSE DEFINED.--ANY PERSON WHO NEGLIGENTLY CAUSES  
15 SERIOUS BODILY INJURY TO ANOTHER PERSON AS THE RESULT OF A  
16 VIOLATION OF SECTION [3731] 3802 (RELATING TO DRIVING UNDER  
17 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND WHO IS  
18 CONVICTED OF VIOLATING SECTION [3731] 3802 COMMITS A FELONY OF  
19 THE SECOND DEGREE WHEN THE VIOLATION IS THE CAUSE OF THE INJURY.

20 \* \* \*

21 § 3755. REPORTS BY EMERGENCY ROOM PERSONNEL.

22 (A) GENERAL RULE.--IF, AS A RESULT OF A MOTOR VEHICLE  
23 ACCIDENT, THE PERSON WHO DROVE, OPERATED OR WAS IN ACTUAL  
24 PHYSICAL CONTROL OF THE MOVEMENT OF ANY INVOLVED MOTOR VEHICLE  
25 REQUIRES MEDICAL TREATMENT IN AN EMERGENCY ROOM OF A HOSPITAL  
26 AND IF PROBABLE CAUSE EXISTS TO BELIEVE A VIOLATION OF SECTION  
27 [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
28 CONTROLLED SUBSTANCE) WAS INVOLVED, THE EMERGENCY ROOM PHYSICIAN  
29 OR HIS DESIGNEE SHALL PROMPTLY TAKE BLOOD SAMPLES FROM THOSE  
30 PERSONS AND TRANSMIT THEM WITHIN 24 HOURS FOR TESTING TO THE

1 DEPARTMENT OF HEALTH OR A CLINICAL LABORATORY LICENSED AND  
2 APPROVED BY THE DEPARTMENT OF HEALTH AND SPECIFICALLY DESIGNATED  
3 FOR THIS PURPOSE. THIS SECTION SHALL BE APPLICABLE TO ALL  
4 INJURED OCCUPANTS WHO WERE CAPABLE OF MOTOR VEHICLE OPERATION IF  
5 THE OPERATOR OR PERSON IN ACTUAL PHYSICAL CONTROL OF THE  
6 MOVEMENT OF THE MOTOR VEHICLE CANNOT BE DETERMINED. TEST RESULTS  
7 SHALL BE RELEASED UPON REQUEST OF THE PERSON TESTED, HIS  
8 ATTORNEY, HIS PHYSICIAN OR GOVERNMENTAL OFFICIALS OR AGENCIES.

9 \* \* \*

10 SECTION 19. TITLE 75 IS AMENDED BY ADDING A CHAPTER TO READ:

11 CHAPTER 38

12 DRIVING WHILE IMPAIRED

13 SEC.

14 3801. DEFINITIONS.

15 3802. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
16 SUBSTANCE.

17 3803. GRADING.

18 3804. PENALTIES.

19 3805. IGNITION INTERLOCK.

20 3806. PRIOR OFFENSES.

21 3807. ACCELERATED REHABILITATIVE DISPOSITION.

22 3808. ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH  
23 IGNITION INTERLOCK.

24 3809. RESTRICTION ON ALCOHOLIC BEVERAGES.

25 3810. AUTHORIZED USE NOT A DEFENSE.

26 3811. CERTAIN ARRESTS AUTHORIZED.

27 3812. PRELIMINARY HEARING OR ARRAIGNMENT.

28 3813. WORK RELEASE.

29 3814. DRUG AND ALCOHOL ASSESSMENTS.

30 3815. MANDATORY SENTENCING.

1 3816. REQUIREMENTS FOR DRIVING UNDER INFLUENCE OFFENDERS.

2 3817. REPORTING REQUIREMENTS FOR OFFENSES.

3 § 3801. DEFINITIONS.

4 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
5 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
6 CONTEXT CLEARLY INDICATES OTHERWISE:

7 "ADULT." AN INDIVIDUAL WHO IS AT LEAST 21 YEARS OF AGE.

8 "IGNITION INTERLOCK SYSTEM." A SYSTEM APPROVED BY THE  
9 DEPARTMENT WHICH PREVENTS A VEHICLE FROM BEING STARTED OR  
10 OPERATED UNLESS THE OPERATOR FIRST PROVIDES A BREATH SAMPLE  
11 INDICATING THAT THE OPERATOR HAS AN ALCOHOL LEVEL LESS THAN  
12 .025%.

13 "MINOR." AN INDIVIDUAL WHO IS UNDER 21 YEARS OF AGE.

14 § 3802. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
15 SUBSTANCE.

16 (A) GENERAL IMPAIRMENT.--

17 (1) AN INDIVIDUAL MAY NOT DRIVE, OPERATE OR BE IN ACTUAL  
18 PHYSICAL CONTROL OF THE MOVEMENT OF A VEHICLE AFTER IMBIBING  
19 A SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT THE INDIVIDUAL WAS  
20 INCAPABLE OF SAFELY DRIVING, OPERATING OR BEING IN ACTUAL  
21 PHYSICAL CONTROL OF THE MOVEMENT OF THE VEHICLE.

22 (2) AN INDIVIDUAL MAY NOT DRIVE, OPERATE OR BE IN ACTUAL  
23 PHYSICAL CONTROL OF THE MOVEMENT OF A VEHICLE AFTER IMBIBING  
24 A SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT THE ALCOHOL  
25 CONCENTRATION IN THE INDIVIDUAL'S BLOOD OR BREATH IS AT LEAST  
26 .08% BUT LESS THAN .10% WITHIN THREE HOURS AFTER THE  
27 INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN ACTUAL PHYSICAL  
28 CONTROL OF THE MOVEMENT OF THE VEHICLE.

29 (B) HIGH RATE OF ALCOHOL.--AN INDIVIDUAL MAY NOT DRIVE,  
30 OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A

1 VEHICLE AFTER IMBIBING A SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT  
2 THE ALCOHOL CONCENTRATION IN THE INDIVIDUAL'S BLOOD OR BREATH IS  
3 AT LEAST .10% BUT LESS THAN .16% WITHIN THREE HOURS AFTER THE  
4 INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN ACTUAL PHYSICAL  
5 CONTROL OF THE MOVEMENT OF THE VEHICLE.

6 (C) HIGHEST RATE OF ALCOHOL.--AN INDIVIDUAL MAY NOT DRIVE,  
7 OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A  
8 VEHICLE AFTER IMBIBING A SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT  
9 THE ALCOHOL CONCENTRATION IN THE INDIVIDUAL'S BLOOD OR BREATH IS  
10 .16% OR HIGHER WITHIN THREE HOURS AFTER THE INDIVIDUAL HAS  
11 DRIVEN, OPERATED OR BEEN IN ACTUAL PHYSICAL CONTROL OF THE  
12 MOVEMENT OF THE VEHICLE.

13 (D) CONTROLLED SUBSTANCES.--AN INDIVIDUAL MAY NOT DRIVE,  
14 OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A  
15 VEHICLE UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

16 (1) THERE IS IN THE INDIVIDUAL'S BLOOD ANY AMOUNT OF A:

17 (I) SCHEDULE I CONTROLLED SUBSTANCE, AS DEFINED IN  
18 THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE  
19 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT;

20 (II) SCHEDULE II OR SCHEDULE III CONTROLLED  
21 SUBSTANCE, AS DEFINED IN THE CONTROLLED SUBSTANCE, DRUG,  
22 DEVICE AND COSMETIC ACT, WHICH HAS NOT BEEN MEDICALLY  
23 PRESCRIBED FOR THE INDIVIDUAL; OR

24 (III) METABOLITE OF A SUBSTANCE UNDER SUBPARAGRAPH  
25 (I) OR (II).

26 (2) THE INDIVIDUAL IS UNDER THE INFLUENCE OF A DRUG OR  
27 COMBINATION OF DRUGS TO A DEGREE WHICH IMPAIRS THE  
28 INDIVIDUAL'S ABILITY TO SAFELY DRIVE, OPERATE OR BE IN ACTUAL  
29 PHYSICAL CONTROL OF THE MOVEMENT OF THE VEHICLE.

30 (3) THE INDIVIDUAL IS UNDER THE COMBINED INFLUENCE OF

1 ALCOHOL AND A DRUG OR COMBINATION OF DRUGS TO A DEGREE WHICH  
2 IMPAIRS THE INDIVIDUAL'S ABILITY TO SAFELY DRIVE, OPERATE OR  
3 BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF THE VEHICLE.

4 (4) THE INDIVIDUAL IS UNDER THE INFLUENCE OF A SOLVENT  
5 OR NOXIOUS SUBSTANCE IN VIOLATION OF 18 PA.C.S. § 7303  
6 (RELATING TO SALE OR ILLEGAL USE OF CERTAIN SOLVENTS AND  
7 NOXIOUS SUBSTANCES).

8 (E) MINORS.--A MINOR MAY NOT DRIVE, OPERATE OR BE IN ACTUAL  
9 PHYSICAL CONTROL OF THE MOVEMENT OF A VEHICLE AFTER IMBIBING A  
10 SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT THE ALCOHOL CONCENTRATION  
11 IN THE MINOR'S BLOOD OR BREATH IS .02% OR HIGHER WITHIN THREE  
12 HOURS AFTER THE MINOR HAS DRIVEN, OPERATED OR BEEN IN ACTUAL  
13 PHYSICAL CONTROL OF THE MOVEMENT OF THE VEHICLE.

14 (F) COMMERCIAL SCHOOL VEHICLES.--AN INDIVIDUAL MAY NOT  
15 DRIVE, OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT  
16 OF A COMMERCIAL VEHICLE OR SCHOOL VEHICLE IN ANY OF THE  
17 FOLLOWING CIRCUMSTANCES:

18 (1) AFTER THE INDIVIDUAL HAS IMBIBED A SUFFICIENT AMOUNT  
19 OF ALCOHOL SUCH THAT THE ALCOHOL CONCENTRATION IN THE  
20 INDIVIDUAL'S BLOOD OR BREATH IS:

21 (I) .04% OR GREATER WITHIN THREE HOURS AFTER THE  
22 INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN ACTUAL  
23 PHYSICAL CONTROL OF THE MOVEMENT OF A COMMERCIAL VEHICLE  
24 OTHER THAN A SCHOOL BUS OR A SCHOOL VEHICLE.

25 (II) .02% OR GREATER WITHIN THREE HOURS AFTER THE  
26 INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN ACTUAL  
27 PHYSICAL CONTROL OF THE MOVEMENT OF A SCHOOL BUS OR A  
28 SCHOOL VEHICLE.

29 (2) AFTER THE INDIVIDUAL HAS IMBIBED A SUFFICIENT AMOUNT  
30 OF ALCOHOL SUCH THAT THE INDIVIDUAL WAS INCAPABLE OF SAFELY

1 DRIVING, OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF THE  
2 MOVEMENT OF A COMMERCIAL VEHICLE.

3 (3) WHILE THE INDIVIDUAL IS UNDER THE INFLUENCE OF A  
4 CONTROLLED SUBSTANCE OR COMBINATION OF CONTROLLED SUBSTANCES,  
5 AS DEFINED IN SECTION 1603 (RELATING TO DEFINITIONS).

6 (4) WHILE THE INDIVIDUAL IS UNDER THE COMBINED INFLUENCE  
7 OF ALCOHOL AND A CONTROLLED SUBSTANCE OR COMBINATION OF  
8 CONTROLLED SUBSTANCES, AS DEFINED IN SECTION 1603.

9 (G) EXCEPTION TO THREE-HOUR RULE.--NOTWITHSTANDING THE  
10 PROVISIONS OF SUBSECTION (A), (B), (C), (E) OR (F), WHERE  
11 ALCOHOL CONCENTRATION IN AN INDIVIDUAL'S BLOOD OR BREATH IS AN  
12 ELEMENT OF THE OFFENSE, EVIDENCE OF SUCH ALCOHOL CONCENTRATION  
13 MORE THAN THREE HOURS AFTER THE INDIVIDUAL HAS DRIVEN, OPERATED  
14 OR BEEN IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF THE  
15 VEHICLE IS SUFFICIENT TO ESTABLISH THAT ELEMENT OF THE OFFENSE  
16 UNDER THE FOLLOWING CIRCUMSTANCES:

17 (1) WHERE THE COMMONWEALTH SHOWS GOOD CAUSE EXPLAINING  
18 WHY THE CHEMICAL TEST COULD NOT BE PERFORMED WITHIN THREE  
19 HOURS; AND

20 (2) WHERE THE COMMONWEALTH ESTABLISHES THAT THE  
21 INDIVIDUAL DID NOT IMBIBE ANY ALCOHOL BETWEEN THE TIME THE  
22 INDIVIDUAL WAS ARRESTED AND THE TIME THE TEST WAS PERFORMED.

23 § 3803. GRADING.

24 (A) BASIC OFFENSES.--

25 (1) AN INDIVIDUAL WHO VIOLATES SECTION 3802(A) (RELATING  
26 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
27 SUBSTANCE) AND HAS NO MORE THAN ONE PRIOR OFFENSE COMMITS A  
28 MISDEMEANOR FOR WHICH THE INDIVIDUAL MAY BE SENTENCED TO A  
29 TERM OF IMPRISONMENT OF NOT MORE THAN SIX MONTHS AND TO PAY A  
30 FINE UNDER SECTION 3804 (RELATING TO PENALTIES).

1 (2) AN INDIVIDUAL WHO VIOLATES SECTION 3802(A) AND HAS  
2 MORE THAN ONE PRIOR OFFENSE COMMITS A MISDEMEANOR OF THE  
3 SECOND DEGREE.

4 (B) OTHER OFFENSES.--

5 (1) AN INDIVIDUAL WHO VIOLATES SECTION 3802(B), (E) OR  
6 (F) AND WHO HAS NO MORE THAN ONE PRIOR OFFENSE COMMITS A  
7 MISDEMEANOR FOR WHICH THE INDIVIDUAL MAY BE SENTENCED TO A  
8 TERM OF IMPRISONMENT OF NOT MORE THAN SIX MONTHS AND TO PAY A  
9 FINE UNDER SECTION 3804.

10 (2) AN INDIVIDUAL WHO VIOLATES SECTION 3802(C) OR (D)  
11 AND WHO HAS NO PRIOR OFFENSES COMMITS A MISDEMEANOR FOR WHICH  
12 THE INDIVIDUAL MAY BE SENTENCED TO A TERM OF IMPRISONMENT OF  
13 NOT MORE THAN SIX MONTHS AND TO PAY A FINE UNDER SECTION  
14 3804.

15 (3) AN INDIVIDUAL WHO VIOLATES SECTION 3802(B), (E) OR  
16 (F) AND WHO HAS MORE THAN ONE PRIOR OFFENSE COMMITS A  
17 MISDEMEANOR OF THE FIRST DEGREE.

18 (4) AN INDIVIDUAL WHO VIOLATES SECTION 3802(C) OR (D)  
19 AND WHO HAS ONE OR MORE PRIOR OFFENSES COMMITS A MISDEMEANOR  
20 OF THE FIRST DEGREE.

21 § 3804. PENALTIES.

22 (A) GENERAL IMPAIRMENT.--AN INDIVIDUAL WHO VIOLATES SECTION  
23 3802(A) (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
24 CONTROLLED SUBSTANCE) SHALL BE SENTENCED AS FOLLOWS:

25 (1) FOR A FIRST OFFENSE, TO:

26 (I) UNDERGO A PERIOD OF PROBATION NOT TO EXCEED SIX  
27 MONTHS;

28 (II) PAY A FINE OF \$300;

29 (III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL

30 APPROVED BY THE DEPARTMENT; AND

1 (IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT  
2 REQUIREMENTS IMPOSED UNDER SECTION 3814 (RELATING TO DRUG  
3 AND ALCOHOL ASSESSMENTS) AND SECTION 3815 (RELATING TO  
4 MANDATORY SENTENCING).

5 (2) FOR A SECOND OFFENSE, TO:

6 (I) UNDERGO IMPRISONMENT FOR NOT LESS THAN FIVE DAYS  
7 NOR MORE THAN SIX MONTHS;

8 (II) PAY A FINE OF NOT LESS THAN \$300 NOR MORE THAN  
9 \$2,500;

10 (III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL  
11 APPROVED BY THE DEPARTMENT; AND

12 (IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT  
13 REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.

14 (3) FOR A THIRD OR SUBSEQUENT OFFENSE, TO:

15 (I) UNDERGO IMPRISONMENT OF NOT LESS THAN TEN DAYS  
16 NOR MORE THAN TWO YEARS;

17 (II) PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN  
18 \$5,000; AND

19 (III) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT  
20 REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.

21 (B) HIGH RATE OF BLOOD ALCOHOL; MINORS; COMMERCIAL VEHICLES  
22 AND SCHOOL BUSES AND SCHOOL VEHICLES; ACCIDENTS.--EXCEPT AS SET  
23 FORTH IN SUBSECTION (C), AN INDIVIDUAL WHO VIOLATES SECTION  
24 3802(A)(1) WHERE THERE WAS AN ACCIDENT RESULTING IN BODILY  
25 INJURY, SERIOUS BODILY INJURY OR DEATH OF ANY PERSON OR IN  
26 DAMAGE TO A VEHICLE OR OTHER PROPERTY OR WHO VIOLATES SECTION  
27 3802(B), (E) OR (F) SHALL BE SENTENCED AS FOLLOWS:

28 (1) FOR A FIRST OFFENSE, TO:

29 (I) UNDERGO IMPRISONMENT OF NOT LESS THAN 72  
30 CONSECUTIVE HOURS NOR MORE THAN SIX MONTHS;

1 (II) PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN  
2 \$5,000;

3 (III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL  
4 APPROVED BY THE DEPARTMENT; AND

5 (IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT  
6 REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.

7 (2) FOR A SECOND OFFENSE, TO:

8 (I) UNDERGO IMPRISONMENT OF NOT LESS THAN 30 DAYS  
9 NOR MORE THAN SIX MONTHS;

10 (II) PAY A FINE OF NOT LESS THAN \$750 NOR MORE THAN  
11 \$5,000;

12 (III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL  
13 APPROVED BY THE DEPARTMENT; AND

14 (IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT  
15 REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.

16 (3) FOR A THIRD OFFENSE, TO:

17 (I) UNDERGO IMPRISONMENT OF NOT LESS THAN 120 DAYS  
18 NOR MORE THAN FIVE YEARS;

19 (II) PAY A FINE OF NOT LESS THAN \$1,500 NOR MORE  
20 THAN \$10,000; AND

21 (III) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT  
22 REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.

23 (4) FOR A FOURTH OR SUBSEQUENT OFFENSE, TO:

24 (I) UNDERGO IMPRISONMENT OF NOT LESS THAN ONE YEAR  
25 NOR MORE THAN FIVE YEARS;

26 (II) PAY A FINE OF NOT LESS THAN \$1,500 NOR MORE  
27 THAN \$10,000; AND

28 (III) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT  
29 REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.

30 (C) INCAPACITY; HIGHEST BLOOD ALCOHOL; CONTROLLED

1 SUBSTANCES.--AN INDIVIDUAL CONVICTED OF VIOLATING SECTION  
2 3802(A)(1) AFTER HAVING REFUSED TESTING OF BLOOD OR BREATH OR OF  
3 VIOLATING SECTION 3802(C) OR (D) SHALL BE SENTENCED AS FOLLOWS:

4 (1) FOR A FIRST OFFENSE, TO:

5 (I) UNDERGO IMPRISONMENT OF NOT LESS THAN SEVEN  
6 CONSECUTIVE DAYS NOR MORE THAN SIX MONTHS;

7 (II) PAY A FINE OF NOT LESS THAN \$1,000 NOR MORE  
8 THAN \$5,000;

9 (III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL  
10 APPROVED BY THE DEPARTMENT; AND

11 (IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT  
12 REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.

13 (2) FOR A SECOND OFFENSE, TO:

14 (I) UNDERGO IMPRISONMENT OF NOT LESS THAN 90 DAYS  
15 NOR MORE THAN FIVE YEARS;

16 (II) PAY A FINE OF NOT LESS THAN \$1,500;

17 (III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL  
18 APPROVED BY THE DEPARTMENT; AND

19 (IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT  
20 REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.

21 (3) FOR A THIRD OR SUBSEQUENT OFFENSE, TO:

22 (I) UNDERGO IMPRISONMENT OF NOT LESS THAN ONE YEAR  
23 NOR MORE THAN FIVE YEARS;

24 (II) PAY A FINE OF NOT LESS THAN \$2,500; AND

25 (III) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT  
26 REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.

27 (D) EXTENDED SUPERVISION OF COURT.--WHERE A PERSON IS  
28 SENTENCED PURSUANT TO THIS CHAPTER AND FOLLOWING THE INITIAL  
29 ASSESSMENT REQUIRED BY SECTION 3814(1), THE PERSON IS DETERMINED  
30 TO BE IN NEED OF ADDITIONAL TREATMENT PURSUANT TO SECTION

1 3814(2), THE JUDGE SHALL IMPOSE A MINIMUM SENTENCE AS PROVIDED  
2 BY LAW AND A MAXIMUM SENTENCE EQUAL TO THE STATUTORILY AVAILABLE  
3 MAXIMUM.

4 (E) SUSPENSION OF OPERATING PRIVILEGES UPON CONVICTION.--

5 (1) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE  
6 OF AN INDIVIDUAL UNDER PARAGRAPH (2) UPON RECEIVING A  
7 CERTIFIED RECORD OF THE INDIVIDUAL'S CONVICTION OF OR AN  
8 ADJUDICATION OF DELINQUENCY FOR:

9 (I) AN OFFENSE UNDER SECTION 3802; OR

10 (II) A SUBSTANTIALLY SIMILAR OFFENSE REPORTED TO THE  
11 DEPARTMENT UNDER ARTICLE III OF THE COMPACT IN SECTION  
12 1581 (RELATING TO DRIVER'S LICENSE COMPACT).

13 (2) SUSPENSION UNDER PARAGRAPH (1)(I) SHALL BE IN  
14 ACCORDANCE WITH THE FOLLOWING:

15 (I) EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH (III), 12  
16 MONTHS FOR AN UNGRADED MISDEMEANOR OR MISDEMEANOR OF THE  
17 SECOND DEGREE UNDER THIS CHAPTER.

18 (II) 24 MONTHS FOR A MISDEMEANOR OF THE FIRST DEGREE  
19 UNDER THIS CHAPTER.

20 (III) THERE SHALL BE NO SUSPENSION FOR AN UNGRADED  
21 MISDEMEANOR UNDER SECTION 3802(A) WHERE THE PERSON HAS NO  
22 PRIOR OFFENSE.

23 (3) SUSPENSION IMPOSED UNDER PARAGRAPH (1)(II) SHALL BE  
24 IN ACCORDANCE WITH THE FOLLOWING:

25 (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II), THE  
26 PERIOD SHALL BE SIX MONTHS.

27 (II) IF THE INDIVIDUAL HAS A PRIOR OFFENSE AS  
28 DEFINED BY SECTION 3806(A) (RELATING TO PRIOR OFFENSES),  
29 THE PERIOD SHALL BE ONE YEAR.

30 (III) NOTWITHSTANDING ANY PROVISION OF LAW OR

1 ENFORCEMENT AGREEMENT TO THE CONTRARY, A SUSPENSION  
2 IMPOSED PURSUANT TO PARAGRAPH (1)(II) SHALL DATE FROM AND  
3 RUN CONCURRENTLY TO ANY SUSPENSION IMPOSED BY THE  
4 REPORTING PARTY STATE.

5 (F) COMMUNITY SERVICE ASSIGNMENTS.--IN ADDITION TO THE  
6 PENALTIES SET FORTH IN THIS SECTION, THE SENTENCING JUDGE MAY  
7 IMPOSE UP TO 150 HOURS OF COMMUNITY SERVICE. WHERE THE  
8 INDIVIDUAL HAS BEEN ORDERED TO DRUG AND ALCOHOL TREATMENT  
9 PURSUANT TO SECTIONS 3814 AND 3815, THE COMMUNITY SERVICE SHALL  
10 BE CERTIFIED BY THE DRUG AND ALCOHOL TREATMENT PROGRAM AS  
11 CONSISTENT WITH ANY DRUG AND ALCOHOL TREATMENT REQUIREMENTS  
12 IMPOSED UNDER SECTIONS 3814 AND 3815.

13 (G) COURT-ORDERED IGNITION INTERLOCK.--IF THE PERSON HAS A  
14 PRIOR OFFENSE AS DEFINED IN SECTION 3806(A), THE COURT SHALL  
15 ORDER THE DEPARTMENT TO REQUIRE AN IGNITION INTERLOCK SYSTEM  
16 UNDER SECTION 3805 (RELATING TO IGNITION INTERLOCK).

17 (H) SENTENCING GUIDELINES.--THE SENTENCING GUIDELINES  
18 PROMULGATED BY THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL  
19 NOT SUPERSEDE THE MANDATORY PENALTIES OF THIS SECTION.

20 (I) APPEAL.--THE COMMONWEALTH HAS THE RIGHT TO APPEAL  
21 DIRECTLY TO THE SUPERIOR COURT ANY ORDER OF COURT WHICH IMPOSES  
22 A SENTENCE FOR VIOLATION OF THIS SECTION WHICH DOES NOT MEET THE  
23 REQUIREMENTS OF THIS SECTION. THE SUPERIOR COURT SHALL REMAND  
24 THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A SENTENCE IN  
25 ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

26 (J) FIRST CLASS CITIES.--NOTWITHSTANDING THE PROVISION FOR  
27 DIRECT APPEAL TO THE SUPERIOR COURT, IF, IN A CITY OF THE FIRST  
28 CLASS, A PERSON APPEALS FROM A JUDGMENT OF SENTENCE UNDER THIS  
29 SECTION FROM THE MUNICIPAL COURT TO THE COMMON PLEAS COURT FOR A  
30 TRIAL DE NOVO, THE COMMONWEALTH SHALL HAVE THE RIGHT TO APPEAL

1 DIRECTLY TO THE SUPERIOR COURT FROM THE ORDER OF THE COMMON  
2 PLEAS COURT IF THE SENTENCE IMPOSED IS IN VIOLATION OF THIS  
3 SECTION. IF, IN A CITY OF THE FIRST CLASS, A PERSON APPEALS TO  
4 THE COURT OF COMMON PLEAS AFTER CONVICTION OF A VIOLATION OF  
5 THIS SECTION IN THE MUNICIPAL COURT AND THEREAFTER WITHDRAWS HIS  
6 APPEAL TO THE COMMON PLEAS COURT, THEREBY REINSTATING THE  
7 JUDGMENT OF SENTENCE OF THE MUNICIPAL COURT, THE COMMONWEALTH  
8 SHALL HAVE 30 DAYS FROM THE DATE OF THE WITHDRAWAL TO APPEAL TO  
9 THE SUPERIOR COURT IF THE SENTENCE IS IN VIOLATION OF THIS  
10 SECTION.

11 § 3805. IGNITION INTERLOCK.

12 (A) GENERAL RULE.--WHERE A PERSON VIOLATES SECTION 3802  
13 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
14 SUBSTANCE) AND HAS A PRIOR OFFENSE AS DEFINED IN SECTION 3806(A)  
15 (RELATING TO PRIOR OFFENSES) AND THE PERSON SEEKS A RESTORATION  
16 OF OPERATING PRIVILEGES, THE DEPARTMENT SHALL REQUIRE AS A  
17 CONDITION OF ISSUING A RESTRICTED LICENSE PURSUANT TO THIS  
18 SECTION THAT ANY OF THE FOLLOWING OCCUR:

19 (1) EACH MOTOR VEHICLE OWNED BY THE PERSON OR REGISTERED  
20 TO THE PERSON HAS BEEN EQUIPPED WITH AN APPROVED IGNITION  
21 INTERLOCK SYSTEM AND REMAINS SO FOR THE DURATION OF THE  
22 RESTRICTED LICENSE PERIOD.

23 (2) IF THERE ARE NO VEHICLES OWNED BY THE PERSON OR  
24 REGISTERED TO THE PERSON THAT THE PERSON SO CERTIFY TO THE  
25 DEPARTMENT. A PERSON SO CERTIFYING SHALL BE DEEMED TO HAVE  
26 SATISFIED THE REQUIREMENT THAT ALL VEHICLES OWNED BY THE  
27 PERSON OR REGISTERED TO THE PERSON BE EQUIPPED WITH AN  
28 IGNITION INTERLOCK SYSTEM AS REQUIRED BY THIS SUBSECTION.

29 (B) APPLICATION FOR A RESTRICTED LICENSE.--A PERSON SUBJECT  
30 TO THIS SECTION SHALL APPLY TO THE DEPARTMENT FOR AN IGNITION

1 INTERLOCK RESTRICTED LICENSE UNDER SECTION 1951 (RELATING TO  
2 DRIVER'S LICENSE AND LEARNER'S PERMIT), WHICH SHALL BE CLEARLY  
3 MARKED TO RESTRICT THE PERSON TO OPERATING ONLY MOTOR VEHICLES  
4 EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM. UPON  
5 ISSUANCE OF AN IGNITION INTERLOCK RESTRICTED LICENSE TO ANY  
6 PERSON, THE DEPARTMENT SHALL NOTIFY THE PERSON THAT UNTIL THE  
7 PERSON OBTAINS AN UNRESTRICTED LICENSE THE PERSON MAY NOT OWN,  
8 REGISTER OR OPERATE ANY VEHICLE WHICH IS NOT EQUIPPED WITH AN  
9 APPROVED IGNITION INTERLOCK SYSTEM.

10 (C) ISSUANCE OF UNRESTRICTED LICENSE.--ONE YEAR FROM THE  
11 DATE OF ISSUANCE OF AN IGNITION INTERLOCK RESTRICTED LICENSE  
12 UNDER THIS SECTION, IF OTHERWISE ELIGIBLE, A PERSON MAY APPLY  
13 FOR A REPLACEMENT LICENSE UNDER SECTION 1951(D) THAT DOES NOT  
14 CONTAIN THE IGNITION INTERLOCK SYSTEM RESTRICTION.

15 (D) PROHIBITION.--UNTIL THE PERSON OBTAINS AN UNRESTRICTED  
16 LICENSE, THE PERSON MAY NOT OWN, REGISTER OR OPERATE ANY MOTOR  
17 VEHICLE ON A HIGHWAY WITHIN THIS COMMONWEALTH UNLESS THE MOTOR  
18 VEHICLE IS EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM.

19 (E) ECONOMIC HARDSHIP EXEMPTION.--A PERSON SUBJECT TO THE  
20 REQUIREMENTS OF SUBSECTION (A) MAY APPLY TO THE DEPARTMENT FOR A  
21 HARDSHIP EXEMPTION TO THE REQUIREMENT THAT AN IGNITION INTERLOCK  
22 SYSTEM MUST BE INSTALLED IN EACH OF THE PERSON'S MOTOR VEHICLES.  
23 WHERE THE DEPARTMENT DETERMINES THAT THE APPLICANT ESTABLISHES  
24 THAT SUCH A REQUIREMENT WOULD RESULT IN UNDUE FINANCIAL  
25 HARDSHIP, THE DEPARTMENT MAY PERMIT THE APPLICANT TO INSTALL AN  
26 IGNITION INTERLOCK SYSTEM ON ONLY ONE OF THE APPLICANT'S  
27 VEHICLES. HOWEVER, THE APPLICANT IN ACCORDANCE WITH SECTION 3808  
28 (RELATING TO ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED  
29 WITH IGNITION INTERLOCK) SHALL BE PROHIBITED FROM DRIVING ANY  
30 VEHICLE, INCLUDING ANY OF THE APPLICANT'S VEHICLES, WITHOUT AN

1 IGNITION INTERLOCK SYSTEM.

2 (F) EMPLOYMENT EXEMPTION.--IF A PERSON WITH A RESTRICTED  
3 LICENSE IS REQUIRED IN THE COURSE AND SCOPE OF EMPLOYMENT TO  
4 OPERATE A MOTOR VEHICLE OWNED BY THE PERSON'S EMPLOYER, THE  
5 FOLLOWING APPLY:

6 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), THE PERSON MAY  
7 OPERATE THAT MOTOR VEHICLE IN THE COURSE AND SCOPE OF  
8 EMPLOYMENT WITHOUT INSTALLATION OF AN IGNITION INTERLOCK  
9 SYSTEM IF:

10 (I) THE EMPLOYER HAS BEEN NOTIFIED THAT THE EMPLOYEE  
11 IS RESTRICTED; AND

12 (II) THE EMPLOYEE HAS PROOF OF THE NOTIFICATION IN  
13 THE EMPLOYEE'S POSSESSION WHILE OPERATING THE EMPLOYER'S  
14 MOTOR VEHICLE.

15 (2) PARAGRAPH (1) DOES NOT APPLY IN ANY OF THE FOLLOWING  
16 CIRCUMSTANCES:

17 (I) TO THE EXTENT THAT AN EMPLOYER-OWNED MOTOR  
18 VEHICLE IS MADE AVAILABLE TO THE EMPLOYEE FOR PERSONAL  
19 USE.

20 (II) IF THE EMPLOYER-OWNED MOTOR VEHICLE IS OWNED BY  
21 AN ENTITY WHICH IS WHOLLY OR PARTIALLY OWNED BY THE  
22 PERSON SUBJECT TO THIS SECTION.

23 § 3806. PRIOR OFFENSES.

24 (A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION (B),  
25 THE TERM "PRIOR OFFENSE" AS USED IN THIS CHAPTER SHALL MEAN A  
26 CONVICTION, ADJUDICATION OF DELINQUENCY, JUVENILE CONSENT  
27 DECREE, ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION OR  
28 OTHER FORM OF PRELIMINARY DISPOSITION BEFORE THE SENTENCING ON  
29 THE PRESENT VIOLATION FOR ANY OF THE FOLLOWING:

30 (1) AN OFFENSE UNDER FORMER SECTION 3731 (RELATING TO

1 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE);

2 (2) AN OFFENSE UNDER SECTION 3802 (RELATING TO DRIVING  
3 UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE);

4 (3) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER  
5 PARAGRAPHS (1) OR (2) IN ANOTHER JURISDICTION; OR

6 (4) ANY COMBINATION OF THE OFFENSES SET FORTH IN  
7 PARAGRAPHS (1), (2) OR (3).

8 (B) EXCEPTIONS.--FOR PURPOSES OF SECTION 3804 (RELATING TO  
9 PENALTIES), THE CALCULATION OF PRIOR AND SUBSEQUENT OFFENSES  
10 SHALL INCLUDE ANY CONVICTION, ADJUDICATION OF DELINQUENCY,  
11 JUVENILE CONSENT DECREE, ACCEPTANCE OF ACCELERATED  
12 REHABILITATIVE DISPOSITION OR OTHER FORM OF PRELIMINARY  
13 DISPOSITION WITHIN THE TEN YEARS BEFORE THE PRESENT VIOLATION  
14 OCCURRED FOR ANY OF THE FOLLOWING:

15 (1) AN OFFENSE UNDER FORMER SECTION 3731;

16 (2) AN OFFENSE UNDER SECTION 3802;

17 (3) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER  
18 PARAGRAPH (1) OR (2) IN ANOTHER JURISDICTION; OR

19 (4) ANY COMBINATION OF THE OFFENSES SET FORTH IN  
20 PARAGRAPH (1), (2) OR (3).

21 § 3807. ACCELERATED REHABILITATIVE DISPOSITION.

22 (A) ELIGIBILITY.--

23 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), A DEFENDANT  
24 CHARGED WITH A VIOLATION OF SECTION 3802 (RELATING TO DRIVING  
25 UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) MAY BE  
26 CONSIDERED BY THE ATTORNEY FOR THE COMMONWEALTH FOR  
27 PARTICIPATION IN AN ACCELERATED REHABILITATIVE DISPOSITION  
28 PROGRAM IN A COUNTY IF THE PROGRAM INCLUDES THE MINIMUM  
29 REQUIREMENTS CONTAINED IN THIS SECTION.

30 (2) THE ATTORNEY FOR THE COMMONWEALTH SHALL NOT SUBMIT A

1 CHARGE BROUGHT UNDER THIS CHAPTER FOR ACCELERATED  
2 REHABILITATIVE DISPOSITION IF ANY OF THE FOLLOWING APPLY:

3 (I) THE DEFENDANT HAS BEEN FOUND GUILTY OF OR  
4 ACCEPTED ACCELERATED REHABILITATIVE DISPOSITION OF A  
5 CHARGE BROUGHT UNDER SECTION 3802 WITHIN TEN YEARS OF THE  
6 DATE OF THE CURRENT OFFENSE UNLESS THE CHARGE WAS FOR AN  
7 UNGRADED MISDEMEANOR UNDER SECTION 3802(A)(2) AND WAS THE  
8 DEFENDANT'S FIRST OFFENSE UNDER SECTION 3802.

9 (II) AN ACCIDENT OCCURRED IN CONNECTION WITH THE  
10 EVENTS SURROUNDING THE CURRENT OFFENSE AND AN INDIVIDUAL  
11 OTHER THAN THE DEFENDANT WAS KILLED OR SUFFERED SERIOUS  
12 BODILY INJURY AS A RESULT OF THE ACCIDENT.

13 (III) THERE WAS A PASSENGER UNDER 14 YEARS OF AGE IN  
14 THE VEHICLE THE DEFENDANT WAS OPERATING.

15 (B) EVALUATION AND TREATMENT.--

16 (1) A DEFENDANT OFFERED ACCELERATED REHABILITATIVE  
17 DISPOSITION FOR A VIOLATION OF SECTION 3802 IS, AS A  
18 CONDITION OF PARTICIPATION IN THE PROGRAM, SUBJECT TO THE  
19 FOLLOWING REQUIREMENTS IN ADDITION TO ANY OTHER CONDITIONS OF  
20 PARTICIPATION IMPOSED BY THE COURT:

21 (I) THE DEFENDANT MUST ATTEND AND SUCCESSFULLY  
22 COMPLETE AN ALCOHOL HIGHWAY SAFETY SCHOOL ESTABLISHED  
23 UNDER SECTION 1549 (RELATING TO ESTABLISHMENT OF  
24 SCHOOLS). A PARTICIPATING DEFENDANT SHALL BE GIVEN BOTH  
25 ORAL AND WRITTEN NOTICE OF THE PROVISIONS OF SECTION  
26 1543(B) (RELATING TO DRIVING WHILE OPERATING PRIVILEGE IS  
27 SUSPENDED OR REVOKED).

28 (II) PRIOR TO RECEIVING ACCELERATED REHABILITATIVE  
29 DISPOSITION OR OTHER PRELIMINARY DISPOSITION, THE  
30 DEFENDANT MUST BE EVALUATED UNDER SECTION 3816(A)

1 (RELATING TO REQUIREMENTS FOR DRIVING UNDER INFLUENCE  
2 OFFENDERS) TO DETERMINE THE EXTENT OF THE DEFENDANT'S  
3 INVOLVEMENT WITH ALCOHOL OR OTHER DRUG AND TO ASSIST THE  
4 COURT IN DETERMINING WHAT CONDITIONS OF ACCELERATED  
5 REHABILITATIVE DISPOSITION WOULD BENEFIT THE DEFENDANT  
6 AND THE PUBLIC. IF THE EVALUATION INDICATES THERE IS A  
7 NEED FOR COUNSELING OR TREATMENT, THE DEFENDANT SHALL BE  
8 SUBJECT TO A FULL ASSESSMENT FOR ALCOHOL AND DRUG  
9 ADDICTION IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
10 3814(3) AND (4) (RELATING TO DRUG AND ALCOHOL  
11 ASSESSMENTS).

12 (III) IF THE DEFENDANT IS ASSESSED UNDER  
13 SUBPARAGRAPH (II) TO BE IN NEED OF TREATMENT, THE  
14 DEFENDANT MUST PARTICIPATE AND COOPERATE WITH A LICENSED  
15 ALCOHOL OR DRUG ADDICTION TREATMENT PROGRAM. THE LEVEL  
16 AND DURATION OF TREATMENT SHALL BE IN ACCORDANCE WITH THE  
17 RECOMMENDATIONS WITH THE FULL ASSESSMENT. NOTHING IN THIS  
18 SUBPARAGRAPH SHALL PREVENT A TREATMENT PROGRAM FROM  
19 REFUSING TO ACCEPT A DEFENDANT IF THE PROGRAM  
20 ADMINISTRATOR DEEMS THE DEFENDANT TO BE INAPPROPRIATE FOR  
21 ADMISSION TO THE PROGRAM. A TREATMENT PROGRAM SHALL  
22 RETAIN THE RIGHT TO IMMEDIATELY DISCHARGE INTO THE  
23 CUSTODY OF THE PROBATION OFFICER AN OFFENDER WHO FAILS TO  
24 COMPLY WITH PROGRAM RULES AND TREATMENT EXPECTATIONS OR  
25 REFUSES TO CONSTRUCTIVELY ENGAGE IN THE TREATMENT  
26 PROCESS.

27 (IV) THE DEFENDANT MUST REMAIN SUBJECT TO COURT  
28 SUPERVISION FOR SIX MONTHS.

29 (V) THE DEFENDANT MUST MAKE RESTITUTION TO ANY  
30 PERSON THAT INCURRED DETERMINABLE FINANCIAL LOSS AS A

1 RESULT OF THE DEFENDANT'S ACTIONS WHICH RESULTED IN THE  
2 OFFENSE. RESTITUTION MUST BE SUBJECT TO COURT  
3 SUPERVISION.

4 (VI) THE DEFENDANT MUST PAY THE REASONABLE COSTS OF  
5 A MUNICIPAL CORPORATION IN CONNECTION WITH THE OFFENSE.  
6 FEES IMPOSED UNDER THIS SUBPARAGRAPH SHALL BE DISTRIBUTED  
7 TO THE AFFECTED MUNICIPAL CORPORATION.

8 (VII) THE DEFENDANT MUST PAY ANY OTHER FEE,  
9 SURCHARGE OR COST REQUIRED BY LAW. EXCEPT AS SET FORTH IN  
10 SUBPARAGRAPH (VI) OR (VIII), A FEE OR FINANCIAL CONDITION  
11 IMPOSED BY A JUDGE AS A CONDITION OF ACCELERATED  
12 REHABILITATIVE DISPOSITION OR ANY OTHER PRELIMINARY  
13 DISPOSITION OF ANY CHARGE UNDER THIS CHAPTER SHALL BE  
14 DISTRIBUTED AS PROVIDED FOR IN 42 PA.C.S. §§ 3571  
15 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) AND  
16 3573 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES,  
17 ETC.).

18 (VIII) THE DEFENDANT MUST PAY THE COSTS OF  
19 COMPLIANCE WITH SUBPARAGRAPHS (I), (II) AND (III).

20 (2) THE DEFENDANT SHALL BE SUBJECT TO A FULL ASSESSMENT  
21 FOR ALCOHOL AND DRUG ADDICTION IF ANY OF THE FOLLOWING APPLY:

22 (I) THE EVALUATION UNDER PARAGRAPH (1)(II) INDICATES  
23 A LIKELIHOOD THAT THE DEFENDANT IS ADDICTED TO ALCOHOL OR  
24 OTHER DRUGS.

25 (II) THE DEFENDANT'S BLOOD ALCOHOL CONTENT AT THE  
26 TIME OF THE OFFENSE WAS AT LEAST .16%.

27 (3) THE ASSESSMENT UNDER PARAGRAPH (2) SHALL BE  
28 CONDUCTED BY ONE OF THE FOLLOWING:

29 (I) THE DEPARTMENT OF HEALTH OR ITS DESIGNEE.

30 (II) THE COUNTY AGENCY WITH RESPONSIBILITY FOR

1 COUNTY DRUG AND ALCOHOL PROGRAMS OR ITS DESIGNEE.

2 (III) THE CLINICAL PERSONNEL OF A FACILITY LICENSED  
3 BY THE DEPARTMENT OF HEALTH FOR THE CONDUCT OF DRUG AND  
4 ALCOHOL ADDICTION TREATMENT PROGRAMS.

5 (4) THE ASSESSMENT UNDER PARAGRAPH (2) SHALL CONSIDER  
6 ISSUES OF PUBLIC SAFETY AND SHALL INCLUDE RECOMMENDATIONS FOR  
7 ALL OF THE FOLLOWING:

8 (I) LENGTH OF STAY.

9 (II) LEVELS OF CARE.

10 (III) FOLLOW-UP CARE AND MONITORING.

11 (C) INSURANCE.--IF AN INDIVIDUAL WHO IS A SUBSCRIBER TO A  
12 HEALTH INSURANCE, HEALTH MAINTENANCE ORGANIZATION OR OTHER  
13 HEALTH PLAN THAT IS DOING BUSINESS IN THIS COMMONWEALTH, THE  
14 INDIVIDUAL MAY NOT BE DEPRIVED OF ALCOHOL AND OTHER DRUG ABUSE  
15 AND ADDICTION TREATMENT OR COVERAGE WITHIN THE SCOPE OF THAT  
16 PLAN DUE TO THE IDENTIFICATION OF AN ALCOHOL OR OTHER DRUG  
17 PROBLEM WHICH OCCURS AS A RESULT OF AN ASSESSMENT UNDER THIS  
18 SECTION.

19 (D) MANDATORY SUSPENSION OF OPERATING PRIVILEGES.--AS A  
20 CONDITION OF PARTICIPATION IN AN ACCELERATED REHABILITATIVE  
21 DISPOSITION PROGRAM, THE COURT SHALL ORDER THE DEFENDANT'S  
22 LICENSE SUSPENDED AS FOLLOWS:

23 (1) THERE SHALL BE NO LICENSE SUSPENSION IF THE  
24 DEFENDANT'S BLOOD ALCOHOL CONCENTRATION AT THE TIME OF  
25 TESTING WAS LESS THAN .10%.

26 (2) FOR 30 DAYS, IF THE DEFENDANT'S BLOOD ALCOHOL  
27 CONCENTRATION AT THE TIME OF TESTING WAS AT LEAST .10% BUT  
28 LESS THAN .16%.

29 (3) FOR 60 DAYS, IF:

30 (I) THE DEFENDANT'S BLOOD ALCOHOL CONCENTRATION AT

1 THE TIME OF TESTING WAS .16% OR HIGHER;

2 (II) THE DEFENDANT'S BLOOD ALCOHOL CONCENTRATION IS  
3 NOT KNOWN; OR

4 (III) AN ACCIDENT WHICH RESULTED IN BODILY INJURY OR  
5 IN DAMAGE TO A VEHICLE OR OTHER PROPERTY OCCURRED IN  
6 CONNECTION WITH THE EVENTS SURROUNDING THE CURRENT  
7 OFFENSE.

8 (E) FAILURE TO COMPLY.--

9 (1) A DEFENDANT WHO FAILS TO COMPLETE ANY OF THE  
10 CONDITIONS OF PARTICIPATION CONTAINED IN THIS SECTION SHALL  
11 BE DEEMED TO HAVE UNSUCCESSFULLY PARTICIPATED IN AN  
12 ACCELERATED REHABILITATIVE DISPOSITION PROGRAM, AND THE  
13 CRIMINAL RECORD UNDERLYING PARTICIPATION IN THE PROGRAM SHALL  
14 NOT BE EXPUNGED.

15 (2) THE COURT SHALL DIRECT THE ATTORNEY FOR THE  
16 COMMONWEALTH TO PROCEED ON THE CHARGES AS PRESCRIBED IN THE  
17 RULES OF CRIMINAL PROCEDURE IF THE DEFENDANT:

18 (I) FAILS TO MEET ANY OF THE REQUIREMENTS OF THIS  
19 SECTION;

20 (II) IS CHARGED WITH OR COMMITS AN OFFENSE UNDER 18  
21 P.A.C.S (RELATING TO CRIMES AND OFFENSES); OR

22 (III) VIOLATES ANY OTHER CONDITION IMPOSED BY THE  
23 COURT.

24 § 3808. ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH  
25 IGNITION INTERLOCK.

26 (A) OFFENSE DEFINED.--

27 (1) AN INDIVIDUAL REQUIRED TO OPERATE ONLY A MOTOR  
28 VEHICLE EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM  
29 UNDER SECTION 1553(D.2) (RELATING TO OCCUPATIONAL LIMITED  
30 LICENSE) OR 3805 (RELATING TO IGNITION INTERLOCK) WHO

1 OPERATES A MOTOR VEHICLE ON A HIGHWAY OF THIS COMMONWEALTH  
2 WITHOUT SUCH A SYSTEM COMMITS A SUMMARY OFFENSE AND SHALL,  
3 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS THAN  
4 \$300 AND NOT MORE THAN \$1,000 AND TO IMPRISONMENT FOR NOT  
5 MORE THAN 90 DAYS.

6 (2) AN INDIVIDUAL REQUIRED TO OPERATE ONLY A MOTOR  
7 VEHICLE EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM UNDER  
8 SECTION 1553(D.2) OR 3805 WHO OPERATES A MOTOR VEHICLE ON A  
9 HIGHWAY OF THIS COMMONWEALTH WITHOUT SUCH A SYSTEM AND WHO  
10 HAS AN AMOUNT OF ALCOHOL BY WEIGHT IN HIS BLOOD THAT IS EQUAL  
11 TO OR GREATER THAN .02% OR WHO HAS ANY AMOUNT OF A SCHEDULE  
12 I, II OR III CONTROLLED SUBSTANCE, AS DEFINED IN THE IN THE  
13 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE  
14 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR ITS  
15 METABOLITE, WHICH HAS NOT BEEN MEDICALLY PRESCRIBED FOR THE  
16 INDIVIDUAL COMMITS A SUMMARY OFFENSE AND SHALL, UPON  
17 CONVICTION, BE SENTENCED TO PAY A FINE OF \$1,000 AND TO  
18 UNDERGO IMPRISONMENT FOR A PERIOD OF NOT LESS THAN 90 DAYS.

19 (B) TAMPERING WITH AN INTERLOCK SYSTEM.--A PERSON THAT  
20 TAMPERS WITH AN IGNITION INTERLOCK SYSTEM REQUIRED BY LAW  
21 COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE  
22 SENTENCED TO PAY A FINE OF NOT LESS THAN \$300 NOR MORE THAN  
23 \$1,000 AND TO UNDERGO IMPRISONMENT FOR NOT MORE THAN 90 DAYS.  
24 THE TERM "TAMPERING" IN ADDITION TO ANY PHYSICAL ACT WHICH IS  
25 INTENDED TO ALTER OR INTERFERE WITH THE PROPER FUNCTIONING OF AN  
26 IGNITION INTERLOCK DEVICE REQUIRED BY LAW SHALL INCLUDE  
27 ATTEMPTING TO CIRCUMVENT OR BYPASS OR CIRCUMVENTING OR BYPASSING  
28 AN IGNITION INTERLOCK DEVICE BY:

29 (1) MEANS OF USING ANOTHER INDIVIDUAL TO PROVIDE A  
30 BREATH SAMPLE; OR

1           (2) PROVIDING A BREATH SAMPLE FOR THE PURPOSE OF  
2           BYPASSING AN IGNITION INTERLOCK DEVICE REQUIRED BY LAW.

3           (C) REVOCATION OF OPERATING PRIVILEGE.--UPON RECEIVING A  
4 CERTIFIED RECORD OF THE CONVICTION OF AN INDIVIDUAL UNDER THIS  
5 SECTION, THE DEPARTMENT SHALL REVOKE THE INDIVIDUAL'S OPERATING  
6 PRIVILEGE FOR A PERIOD OF ONE YEAR.

7 § 3809. RESTRICTION ON ALCOHOLIC BEVERAGES.

8           (A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION (B), AN  
9 INDIVIDUAL WHO IS AN OPERATOR OR AN OCCUPANT IN A MOTOR VEHICLE  
10 MAY NOT BE IN POSSESSION OF AN OPEN ALCOHOLIC BEVERAGE CONTAINER  
11 OR CONSUME A CONTROLLED SUBSTANCE AS DEFINED IN THE ACT OF APRIL  
12 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE,  
13 DRUG, DEVICE AND COSMETIC ACT, OR AN ALCOHOLIC BEVERAGE IN A  
14 MOTOR VEHICLE WHILE THE MOTOR VEHICLE IS LOCATED ON A HIGHWAY IN  
15 THIS COMMONWEALTH.

16           (B) EXCEPTION.--THIS SECTION DOES NOT PROHIBIT POSSESSION OR  
17 CONSUMPTION BY ANY OF THE FOLLOWING:

18           (1) A PASSENGER IN THE PASSENGER AREA OF A MOTOR VEHICLE  
19 DESIGNED, MAINTAINED OR USED PRIMARILY FOR THE LAWFUL  
20 TRANSPORTATION OF PERSONS FOR COMPENSATION. THIS PARAGRAPH  
21 INCLUDES BUSES, TAXIS AND LIMOUSINES.

22           (2) AN INDIVIDUAL IN THE LIVING QUARTERS OF A HOUSE  
23 COACH OR HOUSE TRAILER.

24           (C) PENALTY.--AN INDIVIDUAL WHO VIOLATES THIS SECTION  
25 COMMITS A SUMMARY OFFENSE.

26 § 3810. AUTHORIZED USE NOT A DEFENSE.

27           THE FACT THAT A PERSON CHARGED WITH VIOLATING THIS CHAPTER IS  
28 OR HAS BEEN LEGALLY ENTITLED TO USE ALCOHOL OR CONTROLLED  
29 SUBSTANCES IS NOT A DEFENSE TO A CHARGE OF VIOLATING THIS  
30 CHAPTER.

1 § 3811. CERTAIN ARRESTS AUTHORIZED.

2 (A) WARRANT NOT REQUIRED.--IN ADDITION TO ANY OTHER POWERS  
3 OF ARREST, A POLICE OFFICER IS AUTHORIZED TO ARREST AN  
4 INDIVIDUAL WITHOUT A WARRANT IF THE OFFICER HAS PROBABLE CAUSE  
5 TO BELIEVE THAT THE INDIVIDUAL HAS VIOLATED SECTION 3802  
6 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
7 SUBSTANCE), REGARDLESS OF WHETHER THE ALLEGED VIOLATION WAS  
8 COMMITTED IN THE PRESENCE OF THE POLICE OFFICER.

9 (B) TERRITORY.--THE AUTHORITY UNDER SUBSECTION (A) EXTENDS  
10 TO ANY HOSPITAL OR OTHER MEDICAL TREATMENT FACILITY LOCATED  
11 BEYOND THE TERRITORIAL LIMITS OF THE POLICE OFFICER'S POLITICAL  
12 SUBDIVISION AT WHICH AN INDIVIDUAL TO BE ARRESTED IS FOUND OR  
13 WAS TAKEN OR REMOVED FOR PURPOSES OF EMERGENCY TREATMENT,  
14 EXAMINATION OR EVALUATION AS LONG AS THERE IS PROBABLE CAUSE TO  
15 BELIEVE THAT THE VIOLATION OF SECTION 3802 OCCURRED WITHIN THE  
16 POLICE OFFICER'S POLITICAL SUBDIVISION.

17 § 3812. PRELIMINARY HEARING OR ARRAIGNMENT.

18 THE PRESIDING JUDICIAL OFFICER AT THE PRELIMINARY HEARING OR  
19 PRELIMINARY ARRAIGNMENT RELATING TO A CHARGE OF A VIOLATION OF  
20 SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
21 CONTROLLED SUBSTANCE) SHALL NOT REDUCE OR MODIFY THE ORIGINAL  
22 CHARGES WITHOUT THE CONSENT OF THE ATTORNEY FOR THE  
23 COMMONWEALTH.

24 § 3813. WORK RELEASE.

25 IN ANY CASE IN WHICH AN INDIVIDUAL IS SENTENCED TO A PERIOD  
26 OF IMPRISONMENT AS A RESULT OF A CONVICTION FOR VIOLATING A  
27 PROVISION OF THIS CHAPTER, THE JUDICIAL OFFICER IMPOSING THE  
28 SENTENCE SHALL CONSIDER ASSIGNING THAT INDIVIDUAL TO A DAYTIME  
29 WORK RELEASE PROGRAM. ANY WORK RELEASE PROGRAM PERMITTED UNDER  
30 THIS SECTION SHALL BE CERTIFIED BY THE DRUG AND ALCOHOL

1 TREATMENT PROGRAM ADMINISTRATION AS BEING CONSISTENT WITH ANY  
2 DRUG AND ALCOHOL TREATMENT REQUIREMENTS IMPOSED UNDER SECTION  
3 3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS).

4 § 3814. DRUG AND ALCOHOL ASSESSMENTS.

5 IF A DEFENDANT IS CONVICTED OR PLEADS GUILTY OR NO CONTEST TO  
6 A VIOLATION OF SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE  
7 OF ALCOHOL OR CONTROLLED SUBSTANCE), THE FOLLOWING APPLY PRIOR  
8 TO SENTENCING:

9 (1) THE DEFENDANT SHALL BE EVALUATED UNDER SECTION  
10 3816(A) (RELATING TO REQUIREMENTS FOR DRIVING UNDER INFLUENCE  
11 OFFENDERS) AND ANY OTHER ADDITIONAL EVALUATION TECHNIQUES  
12 DEEMED APPROPRIATE BY THE COURT TO DETERMINE THE EXTENT OF  
13 THE DEFENDANT'S INVOLVEMENT WITH ALCOHOL OR OTHER DRUG AND TO  
14 ASSIST THE COURT IN DETERMINING WHAT TYPE OF SENTENCE WOULD  
15 BENEFIT THE DEFENDANT AND THE PUBLIC.

16 (2) THE DEFENDANT SHALL BE SUBJECT TO A FULL ASSESSMENT  
17 FOR ALCOHOL AND DRUG ADDICTION IF ALL OF THE FOLLOWING  
18 SUBPARAGRAPHS APPLY:

19 (I) THE DEFENDANT, WITHIN TEN YEARS PRIOR TO THE  
20 OFFENSE FOR WHICH SENTENCE IS BEING IMPOSED, HAS BEEN  
21 SENTENCED FOR AN OFFENSE UNDER:

22 (A) FORMER SECTION 3731 (RELATING TO DRIVING  
23 UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE);

24 (B) SECTION 3802; OR

25 (C) AN EQUIVALENT OFFENSE IN ANOTHER  
26 JURISDICTION.

27 (II) EITHER:

28 (A) THE EVALUATION UNDER PARAGRAPH (1) INDICATES  
29 THERE IS A NEED FOR COUNSELING OR TREATMENT; OR

30 (B) THE DEFENDANT'S BLOOD ALCOHOL CONTENT AT THE

1 TIME OF THE OFFENSE WAS AT LEAST .16%.

2 (3) THE ASSESSMENT UNDER PARAGRAPH (2) SHALL BE  
3 CONDUCTED BY ONE OF THE FOLLOWING:

4 (I) THE DEPARTMENT OF HEALTH OR ITS DESIGNEE.

5 (II) THE COUNTY AGENCY WITH RESPONSIBILITY FOR  
6 COUNTY DRUG AND ALCOHOL PROGRAMS OR ITS DESIGNEE.

7 (III) THE CLINICAL PERSONNEL OF A FACILITY LICENSED  
8 BY THE DEPARTMENT OF HEALTH FOR THE CONDUCT OF DRUG AND  
9 ALCOHOL ADDICTION TREATMENT PROGRAMS.

10 (4) THE ASSESSMENT UNDER PARAGRAPH (2) SHALL CONSIDER  
11 ISSUES OF PUBLIC SAFETY AND SHALL INCLUDE RECOMMENDATIONS FOR  
12 ALL OF THE FOLLOWING:

13 (I) LENGTH OF STAY.

14 (II) LEVELS OF CARE.

15 (III) FOLLOW-UP CARE AND MONITORING.

16 § 3815. MANDATORY SENTENCING.

17 (A) COUNTY SUPERVISION.--NOTWITHSTANDING THE LENGTH OF ANY  
18 MAXIMUM TERM OF IMPRISONMENT REQUIRED BY SECTION 3804 (RELATING  
19 TO PENALTIES), THE SENTENCING JUDGE MAY SUBJECT THE OFFENDER TO  
20 THE SUPERVISION OF THE COUNTY PAROLE SYSTEM.

21 (B) PAROLE.--

22 (1) AN OFFENDER WHO IS DETERMINED PURSUANT TO SECTION  
23 3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS) TO BE IN NEED  
24 OF DRUG AND ALCOHOL TREATMENT SHALL BE ELIGIBLE FOR PAROLE IN  
25 ACCORDANCE WITH THE TERMS AND CONDITIONS PRESCRIBED IN THIS  
26 SECTION FOLLOWING THE EXPIRATION OF THE OFFENDER'S MANDATORY  
27 MINIMUM TERM OF IMPRISONMENT.

28 (2) THE FOLLOWING SHALL BE CONDITIONS OF PAROLE:

29 (I) IF THE OFFENDER IS NOT DETERMINED UNDER THE  
30 PROCEDURES SET FORTH IN SECTION 3814 TO BE ADDICTED TO

1 ALCOHOL OR ANOTHER SUBSTANCE, THE OFFENDER MUST REFRAIN  
2 FROM:

3 (A) THE USE OF ILLEGAL CONTROLLED SUBSTANCES;  
4 AND

5 (B) THE ABUSE OF PRESCRIPTION DRUGS, OVER-THE-  
6 COUNTER DRUGS OR ANY OTHER SUBSTANCES.

7 (II) IF THE OFFENDER IS DETERMINED UNDER THE  
8 PROCEDURES SET FORTH IN SECTION 3814 TO BE ADDICTED TO  
9 ALCOHOL OR ANOTHER SUBSTANCE, THE OFFENDER MUST DO ALL OF  
10 THE FOLLOWING:

11 (A) REFRAIN FROM:

12 (I) THE USE OF ALCOHOL OR ILLEGAL CONTROLLED  
13 SUBSTANCES; AND

14 (II) THE ABUSE OF PRESCRIPTION DRUGS, OVER-  
15 THE-COUNTER DRUGS OR ANY OTHER SUBSTANCES.

16 (B) PARTICIPATE IN AND COOPERATE WITH DRUG AND  
17 ALCOHOL ADDICTION TREATMENT UNDER SUBSECTION (C).

18 (C) TREATMENT.--

19 (1) TREATMENT MUST CONFORM TO ASSESSMENT RECOMMENDATIONS  
20 MADE UNDER SECTION 3814.

21 (2) TREATMENT MUST BE CONDUCTED BY A DRUG AND ALCOHOL  
22 ADDICTION TREATMENT PROGRAM LICENSED BY THE DEPARTMENT OF  
23 HEALTH.

24 (3) THE TREATMENT PROGRAM SHALL REPORT PERIODICALLY TO  
25 THE ASSIGNED PAROLE OFFICER ON THE OFFENDER'S PROGRESS IN THE  
26 TREATMENT PROGRAM. THE TREATMENT PROGRAM SHALL PROMPTLY  
27 NOTIFY THE PAROLE OFFICER IF THE OFFENDER:

28 (I) FAILS TO COMPLY WITH PROGRAM RULES AND TREATMENT  
29 EXPECTATIONS;

30 (II) REFUSES TO CONSTRUCTIVELY ENGAGE IN THE

1 TREATMENT PROCESS; OR

2 (III) WITHOUT AUTHORIZATION TERMINATES PARTICIPATION  
3 IN THE TREATMENT PROGRAM.

4 (4) UPON NOTIFICATION UNDER PARAGRAPH (3), THE PAROLE  
5 OFFICER SHALL REPORT THE OFFENDER'S ACTIONS TO THE PAROLE  
6 AUTHORITY AND TO THE DEPARTMENT FOR COMPLIANCE WITH SECTION  
7 1553(E) (RELATING TO OCCUPATIONAL LIMITED LICENSE). THE  
8 PAROLE AUTHORITY SHALL SCHEDULE A REVOCATION HEARING TO  
9 CONSIDER RECOMMENDATIONS OF THE PAROLE OFFICER AND THE  
10 TREATMENT PROGRAM.

11 (5) NOTHING IN THIS SUBSECTION SHALL PREVENT A TREATMENT  
12 PROGRAM FROM REFUSING TO ACCEPT AN OFFENDER IF THE PROGRAM  
13 ADMINISTRATOR DEEMS THE OFFENDER TO BE INAPPROPRIATE FOR  
14 ADMISSION TO THE PROGRAM. A TREATMENT PROGRAM SHALL RETAIN  
15 THE RIGHT TO IMMEDIATELY DISCHARGE INTO THE CUSTODY OF THE  
16 ASSIGNED PAROLE OFFICER AN OFFENDER WHO FAILS TO COMPLY WITH  
17 PROGRAM RULES AND TREATMENT EXPECTATIONS OR REFUSES TO  
18 CONSTRUCTIVELY ENGAGE IN THE TREATMENT PROCESS.

19 (D) ENFORCEMENT.--

20 (1) THIS SUBSECTION APPLIES TO AN OFFENDER ORDERED TO  
21 PARTICIPATE IN A TREATMENT PROGRAM UNDER SUBSECTION

22 (B)(2)(II) WHO:

23 (I) FAILS TO COMPLY WITH PROGRAM RULES AND TREATMENT  
24 EXPECTATIONS;

25 (II) REFUSES TO CONSTRUCTIVELY ENGAGE IN THE  
26 TREATMENT PROCESS; OR

27 (III) TERMINATES PARTICIPATION IN THE TREATMENT  
28 PROGRAM WITHOUT AUTHORIZATION.

29 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL OF  
30 THE FOLLOWING APPLY TO AN OFFENDER UNDER PARAGRAPH (1):

1 (I) THE OFFENDER'S PAROLE, PRERELEASE, WORK RELEASE  
2 OR ANY OTHER RELEASE STATUS SHALL BE REVOKED.

3 (II) THE OFFENDER SHALL BE INELIGIBLE FOR PAROLE,  
4 PRERELEASE, WORK RELEASE OR ANY OTHER RELEASE FROM THE  
5 CORRECTIONAL FACILITY PRIOR TO THE EXPIRATION OF THE  
6 OFFENDER'S MAXIMUM TERM UNLESS THE OFFENDER IS PERMITTED  
7 TO BE READMITTED TO A TREATMENT PROGRAM.

8 (3) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO  
9 GRANT A LEGAL RIGHT TO PAROLE TO AN OFFENDER PREVIOUSLY  
10 INELIGIBLE FOR PAROLE, ON THE GROUNDS THAT THE OFFENDER IS  
11 CURRENTLY PREPARED TO PARTICIPATE IN, COMPLY WITH AND  
12 CONSTRUCTIVELY ENGAGE IN THE TREATMENT PROCESS. UNDER SUCH  
13 CIRCUMSTANCES, PAROLE OR REPAROLE OF THE OFFENDER SHALL BE AT  
14 THE PAROLE AUTHORITY'S DISCRETION.

15 (E) FOLLOW-UP.--AFTER AN OFFENDER HAS COMPLETED THE  
16 TREATMENT PROGRAM UNDER SUBSECTION (C), THE PAROLE OFFICER SHALL  
17 TAKE REASONABLE STEPS TO ENSURE THAT THE OFFENDER DOES NOT ABUSE  
18 ALCOHOL, USE ILLEGAL CONTROLLED SUBSTANCES OR ABUSE PRESCRIPTION  
19 DRUGS, OVER-THE-COUNTER DRUGS OR ANY OTHER SUCH SUBSTANCES.  
20 THESE REASONABLE STEPS INCLUDE REQUIRING CHEMICAL TESTING AND  
21 PERIODIC REASSESSMENT OF THE OFFENDER BY THE TREATMENT PROGRAM.

22 (F) FEES.--

23 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), THE PAROLE  
24 AUTHORITY SHALL IMPOSE UPON AN OFFENDER SUBJECT TO THIS  
25 SECTION REASONABLE FEES TO COVER THE COST OF ANY OF THE  
26 FOLLOWING:

27 (I) CHEMICAL TESTING OF THE OFFENDER REQUIRED UNDER  
28 THIS SECTION.

29 (II) AN ASSESSMENT OF THE OFFENDER REQUIRED UNDER  
30 THIS SECTION.

1 (III) DRUG OR ALCOHOL TREATMENT PROVIDED IN  
2 ACCORDANCE WITH THE ASSESSMENT.

3 (2) IF THE PAROLE AUTHORITY FINDS THE OFFENDER TO BE  
4 UNABLE TO PAY THE FULL AMOUNT OF THE FEES REQUIRED BY  
5 PARAGRAPH (1) AND SECTION 1541(D) (RELATING TO PERIOD OF  
6 DISQUALIFICATION, REVOCATION OR SUSPENSION OF OPERATING  
7 PRIVILEGE), IT SHALL REQUIRE THE OFFENDER TO PAY AS MUCH OF  
8 THE FEE AS IS CONSISTENT WITH THE OFFENDER'S ABILITY TO PAY  
9 AND SHALL DIRECT THE ASSIGNED PAROLE OFFICER TO ESTABLISH A  
10 REASONABLE PAYMENT SCHEDULE FOR THE OFFENDER TO PAY AS MUCH  
11 OF THE REMAINING FEES AS IS CONSISTENT WITH THE OFFENDER'S  
12 ABILITY TO PAY.

13 (G) INSURANCE.--IF AN INDIVIDUAL WHO IS A SUBSCRIBER TO A  
14 HEALTH INSURANCE, HEALTH MAINTENANCE ORGANIZATION OR OTHER  
15 HEALTH PLAN THAT IS DOING BUSINESS IN THIS COMMONWEALTH, THE  
16 INDIVIDUAL MAY NOT BE DEPRIVED OF ALCOHOL AND OTHER DRUG ABUSE  
17 AND ADDICTION TREATMENT OR COVERAGE WITHIN THE SCOPE OF THAT  
18 PLAN DUE TO THE IDENTIFICATION OF AN ALCOHOL OR OTHER DRUG  
19 PROBLEM WHICH OCCURS AS A RESULT OF AN ASSESSMENT UNDER THIS  
20 SECTION.

21 (H) ADDITIONAL FUNDING.--IN ORDER TO SUPPORT AND AUGMENT THE  
22 DIAGNOSTIC ASSESSMENT AND TREATMENT SERVICES PROVIDED UNDER THIS  
23 SECTION, THE DEPARTMENT OF HEALTH, THE DEPARTMENT AND THE  
24 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY SHALL SEEK ALL  
25 AVAILABLE FEDERAL FUNDING, INCLUDING FUNDS AVAILABLE THROUGH THE  
26 UNITED STATES NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AND  
27 THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

28 § 3816. REQUIREMENTS FOR DRIVING UNDER INFLUENCE OFFENDERS.

29 (A) EVALUATION USING COURT REPORTING NETWORK.--IN ADDITION  
30 TO ANY OTHER REQUIREMENTS OF THE COURT, EVERY PERSON CONVICTED

1 OF A VIOLATION OF SECTION 3802 (RELATING TO DRIVING UNDER  
2 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND EVERY PERSON  
3 OFFERED ACCELERATED REHABILITATIVE DISPOSITION AS A RESULT OF A  
4 CHARGE OF A VIOLATION OF SECTION 3802 SHALL, PRIOR TO SENTENCING  
5 OR RECEIVING ACCELERATED REHABILITATIVE DISPOSITION OR OTHER  
6 PRELIMINARY DISPOSITION, BE EVALUATED USING COURT REPORTING  
7 NETWORK INSTRUMENTS ISSUED BY THE DEPARTMENT AND ANY OTHER  
8 ADDITIONAL EVALUATION TECHNIQUES DEEMED APPROPRIATE BY THE COURT  
9 TO DETERMINE THE EXTENT OF THE PERSON'S INVOLVEMENT WITH ALCOHOL  
10 OR CONTROLLED SUBSTANCES AND TO ASSIST THE COURT IN DETERMINING  
11 WHAT SENTENCING, PROBATION OR CONDITIONS OF ACCELERATED  
12 REHABILITATIVE DISPOSITION WOULD BENEFIT THE PERSON OR THE  
13 PUBLIC.

14 (B) COURT-ORDERED INTERVENTION OR TREATMENT.--A RECORD SHALL  
15 BE SUBMITTED TO THE DEPARTMENT AS TO WHETHER THE COURT DID OR  
16 DID NOT ORDER A DEFENDANT TO ATTEND DRUG AND ALCOHOL TREATMENT  
17 PURSUANT TO THE REQUIREMENTS OF SECTIONS 3804 (RELATING TO  
18 PENALTIES), 3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS) AND  
19 3815 (RELATING TO MANDATORY SENTENCING). IF THE COURT ORDERS  
20 TREATMENT, A REPORT SHALL BE FORWARDED TO THE DEPARTMENT AS TO  
21 WHETHER THE DEFENDANT SUCCESSFULLY COMPLETED THE PROGRAM. IF A  
22 DEFENDANT FAILS TO SUCCESSFULLY COMPLETE A PROGRAM OF TREATMENT  
23 AS ORDERED BY THE COURT, THE SUSPENSION SHALL REMAIN IN EFFECT  
24 UNTIL THE DEPARTMENT IS NOTIFIED BY THE COURT THAT THE DEFENDANT  
25 HAS SUCCESSFULLY COMPLETED TREATMENT AND THE DEFENDANT IS  
26 OTHERWISE ELIGIBLE FOR RESTORATION OF HIS OPERATING PRIVILEGE.  
27 IN ORDER TO IMPLEMENT THE RECORDKEEPING REQUIREMENTS OF THIS  
28 SECTION, THE DEPARTMENT AND THE COURT SHALL WORK TOGETHER TO  
29 EXCHANGE PERTINENT INFORMATION ABOUT A DEFENDANT'S CASE,  
30 INCLUDING ATTENDANCE AND COMPLETION OF TREATMENT OR FAILURE TO

1 COMPLETE TREATMENT.

2 § 3817. REPORTING REQUIREMENTS FOR OFFENSES.

3 (A) REQUIREMENT.--THE DEPARTMENT SHALL MAKE AN ANNUAL REPORT  
4 ON THE ADMINISTRATION OF THIS CHAPTER. THE DEPARTMENT, THE  
5 COURTS AND THE PENNSYLVANIA SENTENCING COMMISSION SHALL WORK  
6 TOGETHER TO EXCHANGE PERTINENT INFORMATION NECESSARY TO COMPLETE  
7 THIS REPORT.

8 (B) CONTENTS.--THE REPORT SHALL INCLUDE:

9 (1) THE NUMBER OF OFFENDERS.

10 (2) THE NUMBER OF OFFENDERS SUBJECT TO SECTION 3815  
11 (RELATING TO MANDATORY SENTENCING).

12 (3) THE NUMBER OF OFFENDERS SENT TO TREATMENT FOR  
13 ALCOHOL AND DRUG PROBLEMS AND ADDICTION.

14 (4) THE NAMES OF THE TREATMENT FACILITIES PROVIDING  
15 TREATMENT AND THE LEVEL OF CARE AND LENGTH OF STAY IN  
16 TREATMENT.

17 (5) THE NUMBER OF OFFENDERS SUCCESSFULLY COMPLETING  
18 TREATMENT.

19 (6) THE NUMBER OF SUSPENDED LICENSES RETURNED AFTER  
20 COMPLETION OF TREATMENT.

21 (7) THE NUMBER OF FIRST, SECOND, THIRD AND SUBSEQUENT  
22 OFFENDERS.

23 (C) RECIPIENTS.--THE ANNUAL REPORT SHALL BE SUBMITTED TO THE  
24 JUDICIARY COMMITTEE, PUBLIC HEALTH AND WELFARE COMMITTEE AND  
25 TRANSPORTATION COMMITTEE OF THE SENATE; THE HEALTH AND HUMAN  
26 SERVICES COMMITTEE, JUDICIARY COMMITTEE AND TRANSPORTATION  
27 COMMITTEE OF THE HOUSE OF REPRESENTATIVES; AND THE BUREAU OF  
28 DRUG AND ALCOHOL PROGRAMS. THE REPORT SHALL BE MADE AVAILABLE TO  
29 THE PUBLIC.

30 SECTION 20. SECTION 6109(A)(1) AND (F) OF TITLE 75 ARE

1 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO  
2 READ:

3 § 6109. SPECIFIC POWERS OF DEPARTMENT AND LOCAL AUTHORITIES.

4 (A) ENUMERATION OF POLICE POWERS.--THE PROVISIONS OF THIS  
5 TITLE SHALL NOT BE DEEMED TO PREVENT THE DEPARTMENT ON STATE-  
6 DESIGNATED HIGHWAYS AND LOCAL AUTHORITIES ON STREETS OR HIGHWAYS  
7 WITHIN THEIR PHYSICAL BOUNDARIES FROM THE REASONABLE EXERCISE OF  
8 THEIR POLICE POWERS. THE FOLLOWING ARE PRESUMED TO BE REASONABLE  
9 EXERCISES OF POLICE POWER:

10 (1) [REGULATING] EXCEPT AS LIMITED BY SUBSECTION (G),  
11 REGULATING OR PROHIBITING STOPPING, STANDING OR PARKING.

12 \* \* \*

13 (F) DELEGATION OF POWERS AUTHORIZED.--[NOTHING] EXCEPT AS  
14 SET FORTH IN SUBSECTION (G), NOTHING CONTAINED IN THIS SECTION  
15 SHALL BE DEEMED TO PREVENT LOCAL AUTHORITIES BY ORDINANCE OR  
16 RESOLUTION OF THE LOCAL GOVERNING BODY FROM DELEGATING THEIR  
17 POWERS UNDER SUBSECTION (A)(1) OR (22) TO A PARKING AUTHORITY  
18 ESTABLISHED PURSUANT TO [THE ACT OF JUNE 5, 1947 (P.L.458,  
19 NO.208), KNOWN AS THE "PARKING AUTHORITY LAW." ] 53 PA.C.S. CH.  
20 55 (RELATING TO PARKING AUTHORITIES).

21 (G) DELEGATION OF POWERS IN CITIES OF THE FIRST CLASS.--

22 (1) NOTWITHSTANDING ANY CONTRARY PROVISION OF 53 PA.C.S.  
23 CH. 55 OR THIS TITLE, THE PARKING AUTHORITY OF A CITY OF THE  
24 FIRST CLASS SHALL ENFORCE AND ADMINISTER ALL ORDINANCES AND  
25 RESOLUTIONS ENACTED OR ADOPTED BY THE CITY OF THE FIRST CLASS  
26 PURSUANT TO THE POWERS SPECIFIED UNDER SUBSECTION (A)(1).

27 (2) AS USED IN THIS SUBSECTION, THE FOLLOWING WORDS AND  
28 PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
29 PARAGRAPH:

30 "ADMINISTER." TO PROVIDE ANY SERVICES OR MATERIALS

1 NECESSARY TO ENFORCE ANY ORDINANCE OR RESOLUTION ENACTED IN  
2 ORDER TO REGULATE OR PROHIBIT THE STOPPING, STANDING OR  
3 PARKING OF MOTOR VEHICLES IN A CITY OF THE FIRST CLASS,  
4 INCLUDING, BUT NOT LIMITED TO:

5 (I) THE INSTALLATION AND MAINTENANCE OF ALL  
6 EQUIPMENT, INCLUDING PARKING METERS, ON AND ALONG  
7 HIGHWAYS, STREETS AND ROADWAYS.

8 (II) THE INSTALLATION AND MAINTENANCE OF ALL  
9 SIGNAGE, INCLUDING SIGNAGE FOR HANDICAPPED PARKING,  
10 RESIDENTIAL PERMIT PARKING AND LOADING AREAS, ON AND  
11 ALONG HIGHWAYS, STREETS AND ROADWAYS.

12 (III) THE OPERATION AND MANAGEMENT OF ANY  
13 HANDICAPPED PARKING, RESIDENTIAL PARKING AND LOADING AREA  
14 PERMIT PROGRAMS.

15 (IV) THE ADJUDICATION OF ALL DISPUTED PARKING  
16 VIOLATION NOTICES OR CITATIONS ISSUED THROUGH ENFORCEMENT  
17 BY THE PARKING AUTHORITY IN A CITY OF THE FIRST CLASS OR  
18 THE POLICE DEPARTMENT WITH JURISDICTION OVER THE CITY OF  
19 THE FIRST CLASS.

20 "ENFORCE." THE ISSUANCE OF PARKING VIOLATION NOTICES OR  
21 CITATIONS, THE IMMOBILIZATION, TOWING AND IMPOUNDMENT OF  
22 MOTOR VEHICLES AND THE COLLECTION OF FINES, PENALTIES AND  
23 COSTS FOR VIOLATIONS OF ANY ORDINANCE OR RESOLUTION ENACTED  
24 IN ORDER TO REGULATE OR PROHIBIT THE STOPPING, STANDING OR  
25 PARKING OF MOTOR VEHICLES IN A CITY OF THE FIRST CLASS.

26 SECTION 21. SECTIONS 6308(B) AND 6506(A) AND (B) OF TITLE 75  
27 ARE AMENDED TO READ:

28 § 6308. INVESTIGATION BY POLICE OFFICERS.

29 \* \* \*

30 (B) AUTHORITY OF POLICE OFFICER.--WHENEVER A POLICE OFFICER

1 IS ENGAGED IN A SYSTEMATIC PROGRAM OF CHECKING VEHICLES OR  
2 DRIVERS OR HAS [ARTICULABLE AND REASONABLE GROUNDS TO SUSPECT A  
3 VIOLATION OF THIS TITLE,] REASONABLE SUSPICION THAT A VIOLATION  
4 OF THIS TITLE IS OCCURRING OR HAS OCCURRED, HE MAY STOP A  
5 VEHICLE, UPON REQUEST OR SIGNAL, FOR THE PURPOSE OF CHECKING THE  
6 VEHICLE'S REGISTRATION, PROOF OF FINANCIAL RESPONSIBILITY,  
7 VEHICLE IDENTIFICATION NUMBER OR ENGINE NUMBER OR THE DRIVER'S  
8 LICENSE, OR TO SECURE SUCH OTHER INFORMATION AS THE OFFICER MAY  
9 REASONABLY BELIEVE TO BE NECESSARY TO ENFORCE THE PROVISIONS OF  
10 THIS TITLE.

11 \* \* \*

12 § 6506. SURCHARGE.

13 (A) LEVY AND IMPOSITION.--IN ADDITION TO ANY FINES, FEES OR  
14 PENALTIES LEVIED OR IMPOSED AS PROVIDED BY LAW, UNDER THIS TITLE  
15 OR ANY OTHER STATUTE, A SURCHARGE SHALL BE LEVIED FOR  
16 DISPOSITION IN ACCORDANCE WITH SUBSECTION (B) AS FOLLOWS:

17 (1) UPON CONVICTION FOR ANY VIOLATION OF THE PROVISIONS  
18 OF THIS TITLE OR OTHER STATUTE OF THE COMMONWEALTH, OR  
19 REGULATIONS PROMULGATED UNDER THIS TITLE, WHICH IS A TRAFFIC  
20 VIOLATION AND WHICH IS NOT INCLUDED WITHIN THE PROVISIONS OF  
21 PARAGRAPHS (2) THROUGH (7), EXCLUSIVE OF PARKING OFFENSES, A  
22 SURCHARGE OF \$30.

23 (2) UPON CONVICTION FOR A VIOLATION OF THE FOLLOWING  
24 PROVISIONS OF THIS TITLE, A SURCHARGE OF \$40:

25 (I) SECTION 3306(A)(1) (RELATING TO LIMITATIONS ON  
26 DRIVING ON LEFT SIDE OF ROADWAY).

27 (II) SECTION 3745 (RELATING TO ACCIDENTS INVOLVING  
28 DAMAGE TO UNATTENDED VEHICLE OR PROPERTY).

29 (3) UPON CONVICTION FOR A VIOLATION OF SECTION 3345(A)  
30 (RELATING TO MEETING OR OVERTAKING SCHOOL BUS), A SURCHARGE

1 OF \$50.

2 (4) UPON CONVICTION FOR A VIOLATION OF SECTION 3362  
3 (RELATING TO MAXIMUM SPEED LIMITS), THE FOLLOWING APPLICABLE  
4 SURCHARGE:

5 (I) \$30 FOR EXCEEDING THE MAXIMUM SPEED LIMIT BY 6  
6 TO 10 MILES PER HOUR OR 11 TO 15 MILES PER HOUR.

7 (II) \$40 FOR EXCEEDING THE MAXIMUM SPEED LIMIT BY 16  
8 TO 25 MILES PER HOUR.

9 (III) \$50 FOR EXCEEDING THE MAXIMUM SPEED LIMIT BY  
10 AT LEAST 26 MILES PER HOUR.

11 (5) UPON CONVICTION FOR VIOLATION OF SECTION 4902  
12 (RELATING TO RESTRICTIONS ON USE OF HIGHWAYS AND BRIDGES),  
13 SUBCHAPTER C OF CHAPTER 49 (RELATING TO MAXIMUM WEIGHTS OF  
14 VEHICLES) OR SUBCHAPTER E OF CHAPTER 49 (RELATING TO  
15 MEASURING AND ADJUSTING VEHICLE SIZE AND WEIGHT), A SURCHARGE  
16 OF \$150.

17 (6) UPON CONVICTION FOR VIOLATION OF CHAPTER 47  
18 (RELATING TO INSPECTION OF VEHICLES), BY THE OWNER OR  
19 OPERATOR OR DRIVER OF A VEHICLE WHICH IS SUBJECT TO THE  
20 PROVISIONS OF CHAPTER 49 (RELATING TO SIZE, WEIGHT AND LOAD),  
21 A SURCHARGE OF \$30.

22 (7) UPON CONVICTION OF OFFENSES UNDER SECTION [3731]  
23 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
24 CONTROLLED SUBSTANCE), OR UPON ADMISSION TO PROGRAMS FOR  
25 ACCELERATED REHABILITATIVE DISPOSITION FOR OFFENSES  
26 ENUMERATED IN SECTION [3731] 3802, A SURCHARGE, RESPECTIVELY,  
27 OF:

28 (I) \$50 FOR THE FIRST OFFENSE.

29 (II) \$100 FOR THE SECOND OFFENSE.

30 (III) \$200 FOR THE THIRD OFFENSE.

1 (IV) \$300 FOR THE FOURTH AND SUBSEQUENT OFFENSES.  
2 THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO ANY  
3 VIOLATION COMMITTED BY THE OPERATOR OF A MOTORCYCLE, MOTOR-  
4 DRIVEN CYCLE, PEDALCYCLE, MOTORIZED PEDALCYCLE OR RECREATIONAL  
5 VEHICLE NOT INTENDED FOR HIGHWAY USE.

6 (8) UPON CONVICTION, IN A CITY OF THE FIRST CLASS, OF  
7 ANY VIOLATION OF THIS TITLE, A SURCHARGE OF \$10.

8 (B) DISPOSITION.--

9 (1) NOTWITHSTANDING THE PROVISIONS OF 42 PA.C.S. §§ 3571  
10 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) AND 3573  
11 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.)[,  
12 ALL]:

13 (I) ALL SURCHARGES LEVIED AND COLLECTED UNDER  
14 SUBSECTION (A)(1) THROUGH (7) BY ANY DIVISION OF THE  
15 UNIFIED JUDICIAL SYSTEM EXISTING UNDER SECTION 1 OF  
16 ARTICLE V OF THE CONSTITUTION OF PENNSYLVANIA AND 42  
17 PA.C.S. § 301 (RELATING TO UNIFIED JUDICIAL SYSTEM) SHALL  
18 BE REMITTED TO THE COMMONWEALTH FOR DEPOSIT IN THE  
19 CATASTROPHIC LOSS BENEFITS CONTINUATION FUND FOR THE  
20 PURPOSE OF FUNDING CATASTROPHIC LOSS BENEFITS IN  
21 ACCORDANCE WITH SECTION 1798.2 (RELATING TO TRANSITION).

22 (II) ALL SURCHARGES LEVIED AND COLLECTED UNDER  
23 SUBSECTION (A)(8) BY SUCH DIVISION OF THE UNIFIED  
24 JUDICIAL SYSTEM SHALL BE REMITTED TO THE APPROPRIATE  
25 TOWING AND STORAGE AGENT AS SET FORTH IN SECTION  
26 6309.2(E) (RELATING TO IMMOBILIZATION, TOWING AND STORAGE  
27 OF VEHICLE FOR DRIVING WITHOUT OPERATING PRIVILEGES OR  
28 REGISTRATION) FOR PURPOSES OF FUNDING ITS COSTS  
29 ASSOCIATED WITH SUBCHAPTER A OF CHAPTER 63 (RELATING TO  
30 GENERAL PROVISIONS).

1           (III) IF THE SURCHARGE IS BEING PAID IN  
2           INSTALLMENTS, THE SURCHARGE SHALL BE REMITTED ON EACH  
3           INSTALLMENT.

4           (2) THE SURCHARGES LEVIED AND COLLECTED UNDER SUBSECTION  
5           (A) SHALL NOT BE DEPOSITED FOR THE CREDIT OR USE OF, OR  
6           OTHERWISE ALLOCATED, DIRECTED OR PAID TO, COUNTIES OR  
7           MUNICIPALITIES UNDER THE PROVISIONS OF 42 PA.C.S. CH. 35  
8           SUBCH. E (RELATING TO FINES, ETC.), OR ANY OTHER STATUTE, THE  
9           CRIME VICTIM'S COMPENSATION BOARD UNDER SECTION 477.15(B) OF  
10          THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE  
11          ADMINISTRATIVE CODE OF 1929, THE COMMISSION ON CRIME AND  
12          DELINQUENCY FOR VICTIM-WITNESS SERVICES GRANTS UNDER SECTION  
13          477.15(C) OF THE ADMINISTRATIVE CODE OF 1929, RAPE CRISIS  
14          CENTERS, THE EMERGENCY MEDICAL SERVICES OPERATING FUND,  
15          DOMESTIC VIOLENCE SHELTERS, THE JUDICIAL COMPUTER SYSTEM  
16          AUGMENTATION ACCOUNT ESTABLISHED UNDER 42 PA.C.S. CH. 37  
17          SUBCH. C (RELATING TO JUDICIAL COMPUTER SYSTEM) OR UNDER ANY  
18          OTHER STATUTE.

19          \* \* \*

20          SECTION 22. THE ADDITION OF 75 PA.C.S. §§ 3814 AND 3815  
21          SHALL APPLY AS FOLLOWS:

22               (1) EXCEPT AS SET FORTH IN PARAGRAPH (2) OR (3), AFTER  
23               JUNE 30, 2009, FOR AN OFFENDER SENTENCED UNDER THIS CHAPTER.

24               (2) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, FOR  
25               AN OFFENDER SENTENCED FOR A MISDEMEANOR OF THE FIRST DEGREE.

26               (3) AFTER JUNE 30, 2006, FOR AN OFFENDER SENTENCED  
27               PURSUANT TO SECTION 3804(A)(3), (B)(2) AND (C)(1).

28          SECTION 23. THE DEPARTMENT OF TRANSPORTATION HAS THE  
29          FOLLOWING DUTIES:

30               (1) IN ORDER TO IMPLEMENT THE ADDITION OF 75 PA.C.S. §

1 3805, THE FOLLOWING SHALL APPLY:

2 (I) THE DEPARTMENT SHALL ADOPT AND USE GUIDELINES,  
3 WHICH SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN.  
4 THE GUIDELINES SHALL NOT BE SUBJECT TO REVIEW UNDER  
5 SECTION 205 OF THE ACT OF JULY 31, 1968 (P.L.769,  
6 NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW,  
7 AND THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS  
8 THE REGULATORY REVIEW ACT.

9 (II) BY SEPTEMBER 30, 2004, THE DEPARTMENT SHALL, IN  
10 ACCORDANCE WITH LAW, PROMULGATE REGULATIONS TO REPLACE  
11 THE GUIDELINES UNDER SUBPARAGRAPH (I).

12 (III) THE GUIDELINES UNDER SUBPARAGRAPH (I) SHALL:

13 (A) TAKE EFFECT SEPTEMBER 30, 2003, OR

14 IMMEDIATELY, WHICHEVER IS LATER; AND

15 (B) EXPIRE ON THE EARLIER OF:

16 (I) THE EFFECTIVE DATE OF REGULATIONS UNDER  
17 SUBPARAGRAPH (II); OR

18 (II) SEPTEMBER 30, 2005.

19 (2) BY OCTOBER 1, 2004, THE DEPARTMENT SHALL PROMULGATE  
20 REGULATIONS TO IMPLEMENT 75 PA.C.S. § 1549(B).

21 SECTION 24. THE ADDITION OF 75 PA.C.S CH. 38 IS A  
22 CONTINUATION OF FORMER 75 PA.C.S. § 3731. THE REPEAL OF 75  
23 PA.C.S. § 3731 SHALL NOT AFFECT OFFENSES COMMITTED PRIOR TO THE  
24 EFFECTIVE DATE OF THIS SECTION.

25 SECTION 25. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

26 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN 60  
27 DAYS:

28 (I) THE AMENDMENT OF 75 PA.C.S. § 1332(B).

29 (II) THE ADDITION OF 75 PA.C.S. § 1332(C).

30 (III) THE AMENDMENT OF 75 PA.C.S. § 3116(L)(2) AND

1 (Q).

2 (IV) THE AMENDMENT OF 75 PA.C.S. § 6109(A)(1) AND

3 (F).

4 (V) THE ADDITION OF 75 PA.C.S. § 6109(G).

5 (VI) THE ADDITION OF 75 PA.C.S. § 6506(A)(8).

6 (VII) THE AMENDMENT OF 75 PA.C.S. § 6506(B).

7 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT

8 IMMEDIATELY:

9 (I) SECTION 23 OF THIS ACT.

10 (II) THIS SECTION.

11 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT

12 SEPTEMBER 30, 2003, OR IMMEDIATELY, WHICHEVER IS LATER.