

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 AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JULY 8, 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 ~~AMENDING TITLES 18 (CRIMES AND OFFENSES), 30 (FISH), 34 (GAME),~~ <—  
19 ~~42 (JUDICIARY AND JUDICIAL PROCEDURE) AND 75 (VEHICLES) OF~~  
20 ~~THE PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER PROVIDING FOR~~  
21 ~~IMPAIRMENT DUE TO ALCOHOL OR CONTROLLED SUBSTANCES, FOR~~  
22 ~~DEPARTMENT OF TRANSPORTATION RECORDS, FOR INVESTIGATION BY~~  
23 ~~POLICE OFFICERS AND FOR CERTAIN SURCHARGES; AND MAKING~~  
24 ~~EDITORIAL CHANGES.~~  
25 The General Assembly of the Commonwealth of Pennsylvania  
26 hereby enacts as follows:  
27 ~~Section 1. The definition of "emergency vehicle" in section~~ <—

1 ~~102 of Title 75 of the Pennsylvania Consolidated Statutes is~~  
2 ~~amended to read:~~

3 ~~§ 102. Definitions.~~

4 ~~Subject to additional definitions contained in subsequent~~  
5 ~~provisions of this title which are applicable to specific~~  
6 ~~provisions of this title, the following words and phrases when~~  
7 ~~used in this title shall have, unless the context clearly~~  
8 ~~indicates otherwise, the meanings given to them in this section:~~

9 ~~\* \* \*~~

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

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

22 ~~(2) A fire chief, assistant chief and, when a fire~~  
23 ~~company has three or more fire vehicles, a second or third~~  
24 ~~assistant chief.~~

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

26 ~~(4) An ambulance corps commander and assistant~~  
27 ~~commander.~~

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

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

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



1 ~~provisions of section 3731(i).~~

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

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

5 ~~(ii) a minor is 0.02% or more,~~

6 ~~this fact may be introduced into evidence if the person is~~  
7 ~~charged with violating section 3731.~~

8 ~~\* \* \*~~

9 ~~§ 3731. Driving under influence of alcohol or controlled~~  
10 ~~substance.~~

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

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

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

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

24 ~~(4) While the amount of alcohol by weight in the blood~~  
25 ~~of:~~

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

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

28 ~~(a.1) Prima facie evidence.—~~

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

30 ~~(i) an adult had [0.10%] 0.08% or more by weight of~~

1 ~~alcohol in his or her blood at the time of driving,~~  
2 ~~operating or being in actual physical control of the~~  
3 ~~movement of any vehicle if the amount of alcohol by~~  
4 ~~weight in the blood of the person is equal to or greater~~  
5 ~~than [0.10%] 0.08% at the time a chemical test is~~  
6 ~~performed on a sample of the person's breath, blood or~~  
7 ~~urine;~~

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

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

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

29 ~~\* \* \*~~

30 ~~§ 4571. Visual and audible signals on emergency vehicles.~~

<—

1       \* \* \*

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

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

11       \* \* \*

12 § 4582. ~~Child Passenger Restraint Fund.~~

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

30 § 4586. ~~Civil immunity for lenders of child passenger restraint~~

1           systems.

2       No person or organization who or which lends to another  
3 person or organization a child passenger restraint system or  
4 child booster seat, as [described] defined in section 4581  
5 (relating to restraint systems), shall be liable for any civil  
6 damages resulting from any acts or omission, except any act or  
7 omission intentionally designed to harm, or any grossly  
8 negligent act or omission resulting in harm to another.

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

10       SECTION 2. THIS ACT SHALL TAKE EFFECT OCTOBER 1, 2003, OR <—  
11 IMMEDIATELY, WHICHEVER IS LATER.

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

14 § 6105. PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL  
15 OR TRANSFER FIREARMS.

16       \* \* \*

17       (C) OTHER PERSONS. IN ADDITION TO ANY PERSON WHO HAS BEEN  
18 CONVICTED OF ANY OFFENSE LISTED UNDER SUBSECTION (B), THE  
19 FOLLOWING PERSONS SHALL BE SUBJECT TO THE PROHIBITION OF  
20 SUBSECTION (A):

21       \* \* \*

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

30       \* \* \*

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

3 ~~§ 7508.1. SUBSTANCE ABUSE EDUCATION AND DEMAND REDUCTION FUND.~~

4       ~~\* \* \*~~

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

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

26       ~~\* \* \*~~

27       ~~SECTION 3. SECTION 7514 OF TITLE 18 IS REPEALED.~~

28       ~~SECTION 4. SECTION 5502(A)(4) AND (A.1)(1) OF TITLE 30 ARE~~  
29 ~~AMENDED TO READ:~~

30 ~~§ 5502. OPERATING WATERCRAFT UNDER INFLUENCE OF ALCOHOL OR~~



1                   ~~CONTROLLED SUBSTANCE.~~

2           ~~(A) GENERAL RULE. NO PERSON SHALL OPERATE OR BE IN ACTUAL~~  
3 ~~PHYSICAL CONTROL OF THE MOVEMENT OF A WATERCRAFT UPON, IN OR~~  
4 ~~THROUGH THE WATERS OF THIS COMMONWEALTH:~~

5                   ~~\* \* \*~~

6           ~~(4) WHILE THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD~~  
7 ~~OF:~~

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

9                   ~~(II) A MINOR IS 0.02% OR GREATER.~~

10           ~~(A.1) PRIMA FACIE EVIDENCE.~~

11                   ~~(1) IT IS PRIMA FACIE EVIDENCE THAT:~~

12                   ~~(I) AN ADULT HAD [0.10%] 0.08% OR MORE BY WEIGHT OF~~  
13 ~~ALCOHOL IN HIS OR HER BLOOD AT THE TIME OF OPERATING OR~~  
14 ~~BEING IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A~~  
15 ~~WATERCRAFT IF THE AMOUNT OF ALCOHOL BY WEIGHT IN THE~~  
16 ~~BLOOD OF THE PERSON IS EQUAL TO OR GREATER THAN [0.10%]~~  
17 ~~0.08% AT THE TIME A CHEMICAL TEST IS PERFORMED ON A~~  
18 ~~SAMPLE OF THE PERSON'S BREATH, BLOOD OR URINE; AND~~

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

26                   ~~\* \* \*~~

27           ~~SECTION 5. SECTIONS 2501(A)(4) AND (A.1)(1)(I) AND (B) AND~~  
28 ~~2502(D)(2) AND (3) OF TITLE 34 ARE AMENDED TO READ:~~

29   ~~§ 2501. HUNTING OR FUR TAKING PROHIBITED WHILE UNDER INFLUENCE~~  
30                   ~~OF ALCOHOL OR CONTROLLED SUBSTANCE.~~

1       ~~(A) GENERAL RULE. IT IS UNLAWFUL TO HUNT OR TAKE GAME,~~  
2 ~~FURBEARERS OR WILDLIFE OR AID, ABET, ASSIST OR CONSPIRE TO HUNT~~  
3 ~~OR TAKE GAME, FURBEARERS OR WILDLIFE ANYWHERE IN THIS~~  
4 ~~COMMONWEALTH WHILE IN POSSESSION OF A FIREARM OF ANY KIND OR A~~  
5 ~~BOW AND ARROW IF:~~

6           ~~\* \* \*~~

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

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

9           ~~(II) A MINOR IS 0.02% OR GREATER.~~

10       ~~(A.1) PRIMA FACIE EVIDENCE. —~~

11           ~~(1) IT IS PRIMA FACIE EVIDENCE THAT:~~

12           ~~(I) AN ADULT HAD [0.10%] 0.08% OR MORE BY WEIGHT OF~~  
13 ~~ALCOHOL IN HIS OR HER BLOOD AT THE TIME OF HUNTING OR~~  
14 ~~TAKING OF GAME, FURBEARERS OR WILDLIFE OR THE AIDING,~~  
15 ~~ABETTING, ASSISTING OR CONSPIRING TO HUNT OR TAKE GAME,~~  
16 ~~FURBEARERS OR WILDLIFE IF THE AMOUNT OF ALCOHOL BY WEIGHT~~  
17 ~~IN THE BLOOD OF THE PERSON IS EQUAL TO OR GREATER THAN~~  
18 ~~[0.10%] 0.08% AT THE TIME A CHEMICAL TEST IS PERFORMED ON~~  
19 ~~A SAMPLE OF THE PERSON'S BREATH, BLOOD OR URINE; OR~~

20           ~~\* \* \*~~

21       ~~(B) PENALTY. —~~

22           ~~(1) A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL~~  
23 ~~BE A SUMMARY OFFENSE IF THE AMOUNT OF ALCOHOL BY WEIGHT IN~~  
24 ~~THE BLOOD OF THE INDIVIDUAL IS AT LEAST 0.08% BUT LESS THAN~~  
25 ~~0.10%.~~

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

29           ~~(3) IN ADDITION TO ANY PENALTY, THE VIOLATOR SHALL BE~~  
30 ~~DENIED THE RIGHT TO HUNT OR TRAP IN THIS COMMONWEALTH, WITH~~

1       ~~OR WITHOUT A LICENSE, FOR A PERIOD OF ONE YEAR.~~

2       ~~\* \* \*~~

3       ~~§ 2502. CHEMICAL TEST TO DETERMINE AMOUNT OF ALCOHOL.~~

4       ~~\* \* \*~~

5       ~~(D) PRESUMPTIONS FROM AMOUNT OF ALCOHOL. IF CHEMICAL~~  
6 ~~ANALYSIS OF A PERSON'S BREATH, BLOOD OR URINE SHOWS:~~

7               ~~\* \* \*~~

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

15               ~~(3) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF~~  
16 ~~THE PERSON TESTED IS [0.10%] 0.08% OR MORE, IT SHALL BE~~  
17 ~~PRESUMED THAT THE DEFENDANT WAS UNDER THE INFLUENCE OF~~  
18 ~~ALCOHOL.~~

19       ~~\* \* \*~~

20       ~~SECTION 6. SECTIONS 933(A)(1)(II), 1515(A)(5), 1725.3(A),~~  
21 ~~3571(B)(4) AND 3573(B)(3) OF TITLE 42 ARE AMENDED TO READ:~~

22       ~~§ 933. APPEALS FROM GOVERNMENT AGENCIES.~~

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

28               ~~(1) APPEALS FROM COMMONWEALTH AGENCIES IN THE FOLLOWING~~  
29 ~~CASES:~~

30               ~~\* \* \*~~

1                   ~~(II) DETERMINATIONS OF THE DEPARTMENT OF~~  
2                   ~~TRANSPORTATION APPEALABLE UNDER THE FOLLOWING PROVISIONS~~  
3                   ~~OF TITLE 75 (RELATING TO VEHICLES):~~

4                   ~~SECTION 1377 (RELATING TO JUDICIAL REVIEW).~~

5                   ~~SECTION 1550 (RELATING TO JUDICIAL REVIEW).~~

6                   ~~SECTION 4724(B) (RELATING TO JUDICIAL REVIEW).~~

7                   ~~SECTION 7303(B) (RELATING TO JUDICIAL REVIEW).~~

8                   ~~SECTION 7503(B) (RELATING TO JUDICIAL REVIEW).~~

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

26                   ~~\* \* \*~~

27                  ~~§ 1515. JURISDICTION AND VENUE.~~

28                  ~~(A) JURISDICTION. EXCEPT AS OTHERWISE PRESCRIBED BY GENERAL~~  
29                  ~~RULE ADOPTED PURSUANT TO SECTION 503 (RELATING TO REASSIGNMENT~~  
30                  ~~OF MATTERS), DISTRICT JUSTICES SHALL, UNDER PROCEDURES~~

1 ~~PRESCRIBED BY GENERAL RULE, HAVE JURISDICTION OF ALL OF THE~~  
2 ~~FOLLOWING MATTERS:~~

3 ~~\* \* \*~~

4 ~~(5) OFFENSES UNDER 75 PA.C.S. § [3731] 3802 (RELATING TO~~  
5 ~~DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE),~~  
6 ~~IF THE FOLLOWING CRITERIA ARE MET:~~

7 ~~(I) THE OFFENSE IS THE FIRST OFFENSE BY THE~~  
8 ~~DEFENDANT UNDER SUCH PROVISION IN THIS COMMONWEALTH.~~

9 ~~(II) NO PERSONAL INJURY (OTHER THAN TO THE DEFENDANT~~  
10 ~~[OR THE IMMEDIATE FAMILY OF THE DEFENDANT]) RESULTED FROM~~  
11 ~~THE OFFENSE.~~

12 ~~(III) THE DEFENDANT PLEADS GUILTY.~~

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

15 ~~(V) THE DEFENDANT IS NOT SUBJECT TO THE PROVISIONS~~  
16 ~~OF CHAPTER 63 (RELATING TO JUVENILE MATTERS).~~

17 ~~(VI) THE ARRESTING AUTHORITY SHALL CAUSE TO BE~~  
18 ~~TRANSMITTED A COPY OF THE CHARGE OF ANY VIOLATION OF 75~~  
19 ~~PA.C.S. § [3731] 3802 TO THE OFFICE OF THE CLERK OF THE~~  
20 ~~COURT OF COMMON PLEAS WITHIN FIVE DAYS AFTER THE~~  
21 ~~PRELIMINARY ARRAIGNMENT.~~

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

28 ~~\* \* \*~~

29 ~~§ 1725.3. CRIMINAL LABORATORY USER FEE.~~

30 ~~(A) IMPOSITION. A PERSON WHO IS PLACED ON PROBATION WITHOUT~~

1 ~~VERDICT PURSUANT TO SECTION 17 OF THE ACT OF APRIL 14, 1972~~  
2 ~~(P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,~~  
3 ~~DEVICE AND COSMETIC ACT, OR WHO RECEIVES ACCELERATED~~  
4 ~~REHABILITATIVE DISPOSITION OR WHO PLEADS GUILTY TO OR NOLO~~  
5 ~~CONTENDERE TO OR WHO IS CONVICTED OF A CRIME AS DEFINED IN 18~~  
6 ~~PA.C.S. § 106 (RELATING TO CLASSES OF OFFENSES) OR 75 PA.C.S. §~~  
7 ~~{3731} 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
8 ~~CONTROLLED SUBSTANCE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE~~  
9 ~~WHILE DRIVING UNDER INFLUENCE) OR A VIOLATION OF THE CONTROLLED~~  
10 ~~SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT SHALL, IN ADDITION TO~~  
11 ~~ANY FINES, PENALTIES OR COSTS, IN EVERY CASE WHERE LABORATORY~~  
12 ~~SERVICES WERE REQUIRED TO PROSECUTE THE CRIME OR VIOLATION, BE~~  
13 ~~SENTENCED TO PAY A CRIMINAL LABORATORY USER FEE WHICH SHALL~~  
14 ~~INCLUDE, BUT NOT BE LIMITED TO, THE COST OF SENDING A LABORATORY~~  
15 ~~TECHNICIAN TO COURT PROCEEDINGS.~~

16 \* \* \*

17 ~~§ 3571. COMMONWEALTH PORTION OF FINES, ETC.~~

18 \* \* \*

19 ~~(B) VEHICLE OFFENSES.~~

20 \* \* \*

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

28 ~~(I) FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE~~  
29 ~~ALLOCATED TO THE APPROPRIATE COUNTY AUTHORITY WHICH~~  
30 ~~IMPLEMENTS THE COUNTY DRUG AND ALCOHOL PROGRAM TO BE USED~~

1           ~~SOLELY FOR THE PURPOSES OF AIDING PROGRAMS PROMOTING DRUG~~  
2           ~~ABUSE AND ALCOHOLISM PREVENTION, EDUCATION, TREATMENT AND~~  
3           ~~RESEARCH. PROGRAMS UNDER THIS SUBPARAGRAPH INCLUDE~~  
4           ~~PROJECT DARE (DRUG AND ALCOHOL RESISTANCE EDUCATION) AND~~  
5           ~~MOTHERS AGAINST DRUNK DRIVING VICTIM IMPACT PANELS.~~

6                   ~~(II) FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE~~  
7           ~~USED FOR EXPENDITURES INCURRED FOR COUNTY JAILS, PRISONS,~~  
8           ~~WORKHOUSES AND DETENTION CENTERS.~~

9           ~~\* \* \*~~

10   ~~§ 3573. MUNICIPAL CORPORATION PORTION OF FINES, ETC.~~

11           ~~\* \* \*~~

12           ~~(B) VEHICLE OFFENSES.~~

13           ~~\* \* \*~~

14                   ~~(3) WHEN PROSECUTION UNDER 75 PA.C.S. § [3731] 3802~~  
15           ~~(RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED~~  
16           ~~SUBSTANCE) IS THE RESULT OF LOCAL POLICE ACTION, 50% OF ALL~~  
17           ~~FINES, FORFEITED RECOGNIZANCES AND OTHER FORFEITURES IMPOSED,~~  
18           ~~LOST OR FORFEITED SHALL BE PAYABLE TO THE MUNICIPAL~~  
19           ~~CORPORATION UNDER WHICH THE LOCAL POLICE ARE ORGANIZED, AND~~  
20           ~~50% SHALL BE PAYABLE TO THE COUNTY WHICH SHALL BE FURTHER~~  
21           ~~DIVIDED AS FOLLOWS:~~

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

30                   ~~(II) FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE~~

1           ~~USED FOR EXPENDITURES INCURRED FOR COUNTY JAILS, PRISONS,~~  
2           ~~WORKHOUSES AND DETENTION CENTERS.~~

3           ~~\* \* \*~~

4           ~~SECTION 7. CHAPTER 70 OF TITLE 42 IS REPEALED.~~

5           ~~SECTION 8. SECTION 9763(C) OF TITLE 42 IS AMENDED TO READ:~~

6           ~~§ 9763. SENTENCE OF INTERMEDIATE PUNISHMENT.~~

7           ~~\* \* \*~~

8           ~~(C) RESTRICTION.~~

9           ~~(1) A DEFENDANT [CONVICTED UNDER] SUBJECT TO 75 PA.C.S.~~  
10          ~~§ [3731(E) (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
11          ~~CONTROLLED SUBSTANCE)] 3804 (RELATING TO PENALTIES) MAY ONLY~~  
12          ~~BE SENTENCED TO INTERMEDIATE PUNISHMENT:~~

13          ~~{(1) IN A RESIDENTIAL INPATIENT PROGRAM OR IN A~~  
14          ~~RESIDENTIAL REHABILITATIVE CENTER; OR~~

15          ~~(2) BY HOUSE ARREST OR ELECTRONIC SURVEILLANCE COMBINED~~  
16          ~~WITH DRUG AND ALCOHOL TREATMENT.}~~

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

19          ~~(II) AFTER UNDERGOING AN ASSESSMENT UNDER 75 PA.C.S.~~  
20          ~~§ 3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS).~~

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

29          ~~(3) IF THE DEFENDANT IS DETERMINED NOT TO BE IN NEED OF~~  
30          ~~DRUG AND ALCOHOL TREATMENT, THE DEFENDANT MAY ONLY BE~~



1 ~~SENTENCED TO INTERMEDIATE PUNISHMENT:~~

2 ~~(I) BY HOUSE ARREST OR ELECTRONIC SURVEILLANCE;~~

3 ~~(II) PARTIAL CONFINEMENT PROGRAMS, SUCH AS WORK~~

4 ~~RELEASE, WORK CAMPS AND HALFWAY FACILITIES; OR~~

5 ~~(III) ANY COMBINATION OF THE PROGRAMS SET FORTH IN~~

6 ~~THIS SUBSECTION.~~

7 \* \* \*

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

10 § 9804. COUNTY INTERMEDIATE PUNISHMENT PROGRAMS.

11 \* \* \*

12 (B) ELIGIBILITY.

13 \* \* \*

14 [(3) ANY PERSON RECEIVING A PENALTY IMPOSED PURSUANT TO  
15 75 PA.C.S. § 1543(B) (RELATING TO DRIVING WHILE OPERATING  
16 PRIVILEGE IS SUSPENDED OR REVOKED) OR 3731(E) (RELATING TO  
17 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE)  
18 MAY ONLY BE SENTENCED TO INTERMEDIATE PUNISHMENT PROGRAM IN:

19 (I) A RESIDENTIAL INPATIENT PROGRAM OR A RESIDENTIAL  
20 REHABILITATIVE CENTER;

21 (II) HOUSE ARREST AND ELECTRONIC SURVEILLANCE  
22 COMBINED WITH DRUG AND ALCOHOL TREATMENT; OR

23 (III) PARTIAL CONFINEMENT PROGRAMS, SUCH AS WORK  
24 RELEASE, WORK CAMPS AND HALFWAY FACILITIES, COMBINED WITH  
25 DRUG AND ALCOHOL TREATMENT.]

26 (4) (I) ANY PERSON RECEIVING A PENALTY IMPOSED PURSUANT  
27 TO 75 PA.C.S. § 1543(B) (RELATING TO DRIVING WHILE  
28 OPERATING PRIVILEGE IS SUSPENDED OR REVOKED) OR 3804  
29 (RELATING TO PENALTIES) SHALL UNDERGO AN ASSESSMENT UNDER  
30 75 PA.C.S. § 3814 (RELATING TO DRUG AND ALCOHOL

1 ~~ASSESSMENTS).~~

2 ~~(II) IF THE DEFENDANT IS DETERMINED TO BE IN NEED OF~~  
3 ~~DRUG AND ALCOHOL TREATMENT, A SENTENCE TO INTERMEDIATE~~  
4 ~~PUNISHMENT SHALL INCLUDE PARTICIPATION IN DRUG AND~~  
5 ~~ALCOHOL TREATMENT UNDER 75 PA.C.S. § 3815(C) (RELATING TO~~  
6 ~~MANDATORY SENTENCING). SUCH TREATMENT MAY BE COMBINED~~  
7 ~~WITH HOUSE ARREST WITH ELECTRONIC SURVEILLANCE OR A~~  
8 ~~PARTIAL CONFINEMENT PROGRAM, SUCH AS WORK RELEASE, A WORK~~  
9 ~~CAMP OR A HALFWAY FACILITY.~~

10 ~~(III) IF THE DEFENDANT IS DETERMINED NOT TO BE IN~~  
11 ~~NEED OF DRUG AND ALCOHOL TREATMENT, THE DEFENDANT MAY~~  
12 ~~ONLY BE SENTENCED TO INTERMEDIATE PUNISHMENT PROGRAM IN:~~

13 ~~(A) HOUSE ARREST AND ELECTRONIC SURVEILLANCE;~~

14 ~~(B) PARTIAL CONFINEMENT PROGRAMS, SUCH AS WORK~~  
15 ~~RELEASE, WORK CAMPS AND HALFWAY FACILITIES; OR~~

16 ~~(C) ANY COMBINATION OF THE PROGRAMS SET FORTH IN~~  
17 ~~THIS PARAGRAPH.~~

18 ~~(5) A DEFENDANT SUBJECT TO 75 PA.C.S. § 3804 (RELATING TO~~  
19 ~~PENALTIES) MAY ONLY BE SENTENCED TO INTERMEDIATE PUNISHMENT~~  
20 ~~FOR A FIRST, SECOND OR THIRD OFFENSE UNDER 75 PA.C.S. CH. 38~~  
21 ~~(RELATING TO DRIVING WHILE IMPAIRED).~~

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

24 ~~§ 1332. DISPLAY OF REGISTRATION PLATE.~~

25 ~~\* \* \*~~

26 ~~(B) OBSCURING PLATE. IT IS UNLAWFUL TO DISPLAY ON ANY~~  
27 ~~VEHICLE A REGISTRATION PLATE WHICH:~~

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

30 ~~(2) IS OBSCURED IN ANY MANNER WHICH INHIBITS THE PROPER~~

~~OPERATION OF AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM IN PLACE PURSUANT TO SECTION 3116 (RELATING TO AUTOMATED RED LIGHT ENFORCEMENT SYSTEM IN FIRST CLASS CITIES); OR~~

~~(3) IS OTHERWISE ILLEGIBLE AT A REASONABLE DISTANCE OR IS OBSCURED IN ANY MANNER.~~

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

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

~~§ 1516. DEPARTMENT RECORDS.~~

~~\* \* \*~~

~~(C) DISMISSAL OF CHARGES FOR VIOLATIONS. IF A CHARGE FOR VIOLATION OF ANY OF THE PROVISIONS OF THIS TITLE AGAINST ANY PERSON IS DISMISSED WHERE THERE HAVE BEEN NO PRIOR CONVICTIONS BY ANY COURT OF COMPETENT JURISDICTION, NO RECORD OF THE CHARGE AND DISMISSAL SHALL BE INCLUDED IN THE DRIVING RECORD OF THE PERSON. IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED OF THE CHARGE AND SUSPENSION WAS IMPOSED BY THE DEPARTMENT, WHICH SUSPENSION WAS EITHER PARTIALLY OR FULLY SERVED, THE DEPARTMENT MAY KEEP A RECORD OF THE OFFENSE FOR THE PURPOSE OF SHOWING THE SUSPENSION WAS IMPOSED AGAINST THE PERSON[.], BUT THE OFFENSE SHALL NOT BE USED FOR THE PURPOSE OF CALCULATING THE REQUISITE NUMBER OF OFFENSES UNDER SECTION 1542 (RELATING TO REVOCATION OF HABITUAL OFFENDER'S LICENSE). IN ADDITION, THE DEPARTMENT MAY KEEP RECORDS OF CHARGES THAT HAVE BEEN FILED WITH THE COURTS IN ORDER TO DETERMINE A PERSON'S ELIGIBILITY FOR A PROBATIONARY LICENSE UNDER THE PROVISIONS OF SECTION 1554(B)(3) (RELATING TO PROBATIONARY LICENSE). ALL RECORDS MAINTAINED PURSUANT TO THIS~~

1 ~~SUBSECTION SHALL BE MAINTAINED FOR ADMINISTRATIVE AND LAW~~  
2 ~~ENFORCEMENT USE ONLY AND SHALL NOT BE RELEASED FOR ANY OTHER~~  
3 ~~PURPOSE.~~

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

17 ~~§ 1532. SUSPENSION OF OPERATING PRIVILEGE.~~

18 ~~\* \* \*~~

19 ~~(B) SUSPENSION.~~

20 ~~\* \* \*~~

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

1 MONTHS UPON RECEIVING A CERTIFIED RECORD OF A CONSENT DECREE  
2 GRANTED UNDER 42 PA.C.S. CH. 63 (RELATING TO JUVENILE  
3 MATTERS) BASED ON SECTION [3731 OR] 3733.

4 \* \* \*

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

7 § 1534. NOTICE OF ACCEPTANCE OF ACCELERATED REHABILITATIVE  
8 DISPOSITION.

9 \* \* \*

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

20 (C) EXPUNGEMENT. IMMEDIATELY FOLLOWING THE EXPIRATION OF  
21 THE TEN YEAR PERIOD, THE DEPARTMENT SHALL EXPUNGE THE RECORD OF  
22 THE ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION. THE  
23 DEPARTMENT SHALL NOT REQUIRE AN ORDER OF COURT TO EXPUNGE THE  
24 RECORD.

25 (D) EXCEPTIONS TO EXPUNGEMENT. THE DEPARTMENT SHALL NOT BE  
26 REQUIRED TO EXPUNGE THE RECORD OF ACCEPTANCE OF ACCELERATED  
27 REHABILITATIVE DISPOSITION IF:

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

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

3           ~~SECTION 12. SECTIONS 1541(A.1) AND (D), 1542(B), 1543(B) AND~~  
4           ~~1547(B)(1), (C), (D), (E) AND (I) OF TITLE 75 ARE AMENDED TO~~  
5           ~~READ:~~

6           ~~§ 1541. PERIOD OF DISQUALIFICATION, REVOCATION OR SUSPENSION OF~~  
7           ~~OPERATING PRIVILEGE.~~

8           ~~\* \* \*~~

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

19          ~~\* \* \*~~

20          ~~(D) CONTINUED SUSPENSION OF OPERATING PRIVILEGE. A~~  
21          ~~DEFENDANT ORDERED BY THE COURT UNDER SECTION [1548] 3816~~  
22          ~~(RELATING TO REQUIREMENTS FOR DRIVING UNDER INFLUENCE~~  
23          ~~OFFENDERS), AS THE RESULT OF A CONVICTION OR ACCELERATED~~  
24          ~~REHABILITATIVE DISPOSITION OF A VIOLATION OF SECTION [3731~~  
25          ~~(RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED~~  
26          ~~SUBSTANCE)] 3802, TO ATTEND A TREATMENT PROGRAM FOR ALCOHOL OR~~  
27          ~~DRUG ADDICTION MUST SUCCESSFULLY COMPLETE ALL REQUIREMENTS OF~~  
28          ~~THE TREATMENT PROGRAM ORDERED BY THE COURT BEFORE THE~~  
29          ~~DEFENDANT'S OPERATING PRIVILEGE MAY BE RESTORED. SUCCESSFUL~~  
30          ~~COMPLETION OF A TREATMENT PROGRAM INCLUDES THE PAYMENT OF ALL~~

1 ~~COURT IMPOSED FINES AND COSTS, AS WELL AS FEES TO BE PAID TO THE~~  
2 ~~TREATMENT PROGRAM BY THE DEFENDANT. IF A DEFENDANT FAILS TO~~  
3 ~~SUCCESSFULLY COMPLETE THE REQUIREMENTS OF A TREATMENT PROGRAM,~~  
4 ~~THE SUSPENSION SHALL REMAIN IN EFFECT UNTIL THE DEFENDANT~~  
5 ~~COMPLETES THE PROGRAM AND IS OTHERWISE ELIGIBLE FOR RESTORATION~~  
6 ~~OF HIS OPERATING PRIVILEGE. THE TREATMENT AGENCY SHALL~~  
7 ~~IMMEDIATELY NOTIFY THE COURT OF SUCCESSFUL COMPLETION OF THE~~  
8 ~~TREATMENT PROGRAM. THE FINAL DECISION AS TO WHETHER A DEFENDANT~~  
9 ~~HAS SUCCESSFULLY COMPLETED THE TREATMENT PROGRAM RESTS WITH THE~~  
10 ~~COURT.~~

11 ~~§ 1542. REVOCATION OF HABITUAL OFFENDER'S LICENSE.~~

12 ~~\* \* \*~~

13 ~~(B) OFFENSES ENUMERATED. THREE CONVICTIONS ARISING FROM~~  
14 ~~SEPARATE ACTS OF ANY ONE OR MORE OF THE FOLLOWING OFFENSES~~  
15 ~~COMMITTED BY ANY PERSON SHALL RESULT IN SUCH PERSON BEING~~  
16 ~~DESIGNATED AS A HABITUAL OFFENDER:~~

17 ~~(1) ANY VIOLATION OF SUBCHAPTER B OF CHAPTER 37~~

18 ~~(RELATING TO SERIOUS TRAFFIC OFFENSES).~~

19 ~~(1.1) ANY VIOLATION OF CHAPTER 38 (RELATING TO DRIVING~~  
20 ~~WHILE IMPAIRED).~~

21 ~~(2) ANY VIOLATION OF SECTION 3367 (RELATING TO RACING ON~~  
22 ~~HIGHWAYS).~~

23 ~~(3) ANY VIOLATION OF SECTION 3742 (RELATING TO ACCIDENTS~~  
24 ~~INVOLVING DEATH OR PERSONAL INJURY).~~

25 ~~(3.1) ANY VIOLATION OF SECTION 3742.1 (RELATING TO~~  
26 ~~ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY WHILE NOT~~  
27 ~~PROPERLY LICENSED).~~

28 ~~(4) ANY VIOLATION OF SECTION 3743 (RELATING TO ACCIDENTS~~  
29 ~~INVOLVING DAMAGE TO ATTENDED VEHICLE OR PROPERTY).~~

30 ~~\* \* \*~~

1 ~~§ 1543. DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR~~  
2 ~~REVOKED.~~

3 \* \* \*

4 ~~(B) CERTAIN OFFENSES.~~

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

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



1           ~~CONDITION OF ACCEPTANCE OF ACCELERATED REHABILITATIVE~~  
2           ~~DISPOSITION FOR A VIOLATION OF SECTION [3731] 3802 OR~~  
3           ~~BECAUSE OF A VIOLATION OF SECTION 1547(B)(1) OR [3731]~~  
4           ~~3802 OR IS SUSPENDED UNDER SECTION 1581 FOR AN OFFENSE~~  
5           ~~SUBSTANTIALLY SIMILAR TO A VIOLATION OF SECTION [3731]~~  
6           ~~3802 SHALL, UPON A FIRST CONVICTION, BE GUILTY OF A~~  
7           ~~SUMMARY OFFENSE AND SHALL BE SENTENCED TO PAY A FINE OF~~  
8           ~~\$1,000 AND TO UNDERGO IMPRISONMENT FOR A PERIOD OF NOT~~  
9           ~~LESS THAN 90 DAYS.~~

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

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

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

1 OFFENSE THAT IS SUBSTANTIALLY SIMILAR TO A VIOLATION OF  
2 SECTION [3731] 3802 FOR WHICH A REVOCATION IS IMPOSED UNDER  
3 SECTION 1581.

4 \* \* \*

5 ~~§ 1547. CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR  
6 CONTROLLED SUBSTANCE.~~

7 \* \* \*

8 ~~(B) SUSPENSION FOR REFUSAL.~~

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

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

18 ~~(II) FOR A PERIOD OF 24 MONTHS IF ANY OF THE  
19 FOLLOWING APPLY:~~

20 ~~(A) THE PERSON'S OPERATING PRIVILEGES HAVE  
21 PREVIOUSLY BEEN SUSPENDED UNDER THIS SUBSECTION.~~

22 ~~(B) THE PERSON HAS, PRIOR TO THE REFUSAL UNDER  
23 THIS PARAGRAPH, BEEN SENTENCED FOR:~~

24 ~~(I) AN OFFENSE UNDER FORMER SECTION 3731;~~

25 ~~(II) AN OFFENSE UNDER SECTION 3802 (RELATING  
26 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
27 CONTROLLED SUBSTANCE);~~

28 ~~(III) AN OFFENSE EQUIVALENT TO AN OFFENSE  
29 UNDER SUBCLAUSE (I) OR (II); OR~~

30 ~~(IV) A COMBINATION OF THE OFFENSES SET FORTH~~

1                   ~~IN THIS CLAUSE.~~

2                   \* \* \*

3           ~~(C) TEST RESULTS ADMISSIBLE IN EVIDENCE. IN ANY SUMMARY~~  
4 ~~PROCEEDING OR CRIMINAL PROCEEDING IN WHICH THE DEFENDANT IS~~  
5 ~~CHARGED WITH A VIOLATION OF SECTION [3731] 3802 OR ANY OTHER~~  
6 ~~VIOLATION OF THIS TITLE ARISING OUT OF THE SAME ACTION, THE~~  
7 ~~AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE IN THE DEFENDANT'S~~  
8 ~~BLOOD, AS SHOWN BY CHEMICAL TESTING OF THE PERSON'S BREATH,~~  
9 ~~BLOOD OR URINE, WHICH TESTS WERE CONDUCTED BY QUALIFIED PERSONS~~  
10 ~~USING APPROVED EQUIPMENT, SHALL BE ADMISSIBLE IN EVIDENCE.~~

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

26           ~~(2) CHEMICAL TESTS OF BLOOD OR URINE, IF CONDUCTED BY A~~  
27 ~~FACILITY LOCATED IN THIS COMMONWEALTH, SHALL BE PERFORMED BY~~  
28 ~~A CLINICAL LABORATORY LICENSED AND APPROVED BY THE DEPARTMENT~~  
29 ~~OF HEALTH FOR THIS PURPOSE USING PROCEDURES AND EQUIPMENT~~  
30 ~~PRESCRIBED BY THE DEPARTMENT OF HEALTH OR BY A PENNSYLVANIA~~

1       ~~STATE POLICE CRIMINAL LABORATORY. FOR PURPOSES OF BLOOD AND~~  
2       ~~URINE TESTING, QUALIFIED PERSON MEANS AN INDIVIDUAL WHO IS~~  
3       ~~AUTHORIZED TO PERFORM THOSE CHEMICAL TESTS UNDER THE ACT OF~~  
4       ~~SEPTEMBER 26, 1951 (P.L.1539, NO.389), KNOWN AS THE CLINICAL~~  
5       ~~LABORATORY ACT.~~

6           ~~(3) CHEMICAL TESTS OF BLOOD OR URINE, IF CONDUCTED BY A~~  
7       ~~FACILITY LOCATED OUTSIDE THIS COMMONWEALTH, SHALL BE~~  
8       ~~PERFORMED:~~

9           ~~(I) BY A FACILITY LICENSED BY THE DEPARTMENT OF~~  
10       ~~HEALTH; OR~~

11           ~~(II) BY A FACILITY LICENSED TO CONDUCT THE TESTS BY~~  
12       ~~THE STATE IN WHICH THE FACILITY IS LOCATED AND LICENSED~~  
13       ~~PURSUANT TO THE CLINICAL LABORATORY IMPROVEMENT~~  
14       ~~AMENDMENTS OF 1988 (PUBLIC LAW 100 578, 102 STAT. 2903).~~

15       ~~{(D) PRESUMPTIONS FROM AMOUNT OF ALCOHOL. IF CHEMICAL~~  
16       ~~TESTING OF A PERSON'S BREATH, BLOOD OR URINE SHOWS:~~

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

26           ~~(2) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF~~  
27       ~~AN ADULT IS IN EXCESS OF 0.05% BUT LESS THAN 0.10%, THIS FACT~~  
28       ~~SHALL NOT GIVE RISE TO ANY PRESUMPTION THAT THE ADULT WAS OR~~  
29       ~~WAS NOT UNDER THE INFLUENCE OF ALCOHOL, BUT THIS FACT MAY BE~~  
30       ~~CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING~~

1       ~~WHETHER THE ADULT WAS OR WAS NOT UNDER THE INFLUENCE OF~~  
2       ~~ALCOHOL. THIS PROVISION SHALL NOT NEGATE THE PROVISIONS OF~~  
3       ~~SECTION 3731(I).~~

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

6                   ~~(I) AN ADULT IS 0.10% OR MORE; OR~~

7                   ~~(II) A MINOR IS 0.02% OR MORE,~~

8       ~~THIS FACT MAY BE INTRODUCED INTO EVIDENCE IF THE PERSON IS~~  
9       ~~CHARGED WITH VIOLATING SECTION 3731.]~~

10       ~~(E) REFUSAL ADMISSIBLE IN EVIDENCE. IN ANY SUMMARY~~

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

20       ~~\* \* \*~~

21       ~~(I) REQUEST BY DRIVER FOR TEST. ANY PERSON INVOLVED IN AN~~  
22 ~~ACCIDENT OR PLACED UNDER ARREST FOR A VIOLATION OF SECTION~~  
23 ~~[3731] 3802 MAY REQUEST A CHEMICAL TEST OF HIS BREATH, BLOOD OR~~  
24 ~~URINE. SUCH REQUESTS SHALL BE HONORED WHEN IT IS REASONABLY~~  
25 ~~PRACTICABLE TO DO SO.~~

26       ~~\* \* \*~~

27       ~~SECTION 13. SECTION 1548 OF TITLE 75 IS REPEALED.~~

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

29       ~~§ 1552. ACCELERATED REHABILITATIVE DISPOSITION.~~

30       ~~THE COURT OF COMMON PLEAS IN EACH JUDICIAL DISTRICT AND THE~~

1 ~~MUNICIPAL COURT OF PHILADELPHIA SHALL ESTABLISH AND IMPLEMENT A~~  
2 ~~PROGRAM FOR ACCELERATED REHABILITATIVE DISPOSITION FOR PERSONS~~  
3 ~~CHARGED WITH A VIOLATION OF SECTION [3731] 3802 (RELATING TO~~  
4 ~~DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) IN~~  
5 ~~ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER AND RULES ADOPTED~~  
6 ~~BY THE SUPREME COURT.~~

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

10 ~~§ 1553. OCCUPATIONAL LIMITED LICENSE.~~

11 \* \* \*

12 ~~(D) UNAUTHORIZED ISSUANCE. THE DEPARTMENT SHALL PROHIBIT~~  
13 ~~ISSUANCE OF AN OCCUPATIONAL LIMITED LICENSE TO:~~

14 \* \* \*

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

20 \* \* \*

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

27 \* \* \*

28 ~~(16) [ ANY ] EXCEPT AS SET FORTH IN SUBSECTION (D.3), ANY~~  
29 ~~PERSON WHOSE OPERATING PRIVILEGE HAS BEEN SUSPENDED UNDER AN~~  
30 ~~INTERJURISDICTIONAL AGREEMENT AS PROVIDED FOR IN SECTION 6146~~

1 AS THE RESULT OF A CONVICTION OR ADJUDICATION IF THE  
2 CONVICTION OR ADJUDICATION FOR AN EQUIVALENT OFFENSE IN THIS  
3 COMMONWEALTH WOULD HAVE PROHIBITED THE ISSUANCE OF AN  
4 OCCUPATIONAL LIMITED LICENSE.

5 \* \* \*

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

13 ~~(D.2) SUSPENSION ELIGIBILITY.~~

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

20 ~~(I) IS OTHERWISE ELIGIBLE FOR RESTORATION;~~

21 ~~(II) HAS SERVED AT LEAST 12 MONTHS OF THE LICENSE~~  
22 ~~SUSPENSION;~~

23 ~~(III) ONLY OPERATES A MOTOR VEHICLE EQUIPPED WITH AN~~  
24 ~~IGNITION INTERLOCK SYSTEM AS DEFINED IN SECTION 3801~~  
25 ~~(RELATING TO DEFINITIONS); AND~~

26 ~~(IV) HAS CERTIFIED TO THE DEPARTMENT UNDER PARAGRAPH~~

27 ~~(3).~~

28 ~~(2) A PERIOD OF IGNITION INTERLOCK ACCEPTED UNDER THIS~~  
29 ~~SUBSECTION SHALL NOT COUNT TOWARDS THE ONE YEAR MANDATORY~~  
30 ~~PERIOD OF IGNITION INTERLOCK IMPOSED UNDER SECTION 3805~~

1 ~~(RELATING TO IGNITION INTERLOCK).~~

2 ~~(3) IF AN INDIVIDUAL SEEKS AN OCCUPATIONAL LIMITED~~  
3 ~~LICENSE UNDER THIS SUBSECTION, THE DEPARTMENT SHALL REQUIRE~~  
4 ~~THAT EACH MOTOR VEHICLE OWNED OR REGISTERED TO THE PERSON HAS~~  
5 ~~BEEN EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM AS A~~  
6 ~~CONDITION OF ISSUING AN OCCUPATIONAL LIMITED LICENSE WITH AN~~  
7 ~~IGNITION INTERLOCK RESTRICTION.~~

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

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

25 ~~(F) RESTRICTIONS. A DRIVER WHO HAS BEEN ISSUED AN~~  
26 ~~OCCUPATIONAL LIMITED LICENSE SHALL OBSERVE THE FOLLOWING:~~

27 ~~(1) THE DRIVER SHALL OPERATE A DESIGNATED VEHICLE ONLY~~  
28 ~~{BETWEEN}:~~

29 ~~(I) BETWEEN THE DRIVER'S PLACE OF RESIDENCE AND~~  
30 ~~PLACE OF EMPLOYMENT OR STUDY AND AS NECESSARY IN THE~~



1 COURSE OF EMPLOYMENT OR CONDUCTING A BUSINESS OR PURSUING  
2 A COURSE OF STUDY WHERE THE OPERATION OF A MOTOR VEHICLE  
3 IS A REQUIREMENT OF EMPLOYMENT OR OF CONDUCTING A  
4 BUSINESS OR OF PURSUING A COURSE OF STUDY.

5 ~~(II) TO AND FROM A PLACE FOR SCHEDULED OR EMERGENCY~~  
6 ~~MEDICAL EXAMINATION OR TREATMENT. THIS SUBPARAGRAPH~~  
7 ~~INCLUDES TREATMENT REQUIRED UNDER CHAPTER 38 (RELATING TO~~  
8 ~~DRIVING WHILE IMPAIRED).~~

9 \* \* \*

10 SECTION 16. SECTIONS 1554(F)(8), 1575(B), 1586, 1611(A)(1),  
11 3101(B), 3116(L)(2) AND (Q), 3326(C), 3327(E) AND 3716(A) ARE  
12 AMENDED TO READ:

13 § 1554. PROBATIONARY LICENSE.

14 \* \* \*

15 (F) UNAUTHORIZED ISSUANCE. THE DEPARTMENT SHALL NOT ISSUE A  
16 PROBATIONARY LICENSE TO:

17 \* \* \*

18 (8) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF  
19 SECTION [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF  
20 ALCOHOL OR CONTROLLED SUBSTANCE) WITHIN THE PRECEDING SEVEN  
21 YEARS.

22 \* \* \*

23 § 1575. PERMITTING VIOLATION OF TITLE.

24 \* \* \*

25 (B) PENALTY. ANY PERSON VIOLATING THE PROVISIONS OF  
26 SUBSECTION (A) IS GUILTY OF A SUMMARY OFFENSE AND IS SUBJECT TO  
27 THE SAME FINE AS THE DRIVER OF THE VEHICLE. IF THE DRIVER IS  
28 CONVICTED UNDER SECTION [3731 (RELATING TO DRIVING UNDER  
29 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) OR] 3735 (RELATING  
30 TO HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE) OR 3802

1 ~~(RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED~~  
2 ~~SUBSTANCE), THE PERSON VIOLATING SUBSECTION (A) SHALL ALSO BE~~  
3 ~~SUBJECT TO SUSPENSION OR REVOCATION, AS APPLICABLE, UNDER~~  
4 ~~SECTIONS [1532 (RELATING TO REVOCATION OR SUSPENSION OF~~  
5 ~~OPERATING PRIVILEGE)] 3804(E) (RELATING TO PENALTIES) AND 1542~~  
6 ~~(RELATING TO REVOCATION OF HABITUAL OFFENDER'S LICENSE).~~

7 \* \* \*

8 § 1586. DUTIES OF DEPARTMENT.

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

25 § 1611. DISQUALIFICATION.

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

1 ~~YEAR FOR THE FIRST VIOLATION OF:~~

2 ~~(1) SECTION [3731] 3802 (RELATING TO DRIVING UNDER THE~~  
3 ~~INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE), WHERE THE~~  
4 ~~VIOLATION OCCURRED WHILE THE PERSON WAS OPERATING A~~  
5 ~~COMMERCIAL MOTOR VEHICLE OR SCHOOL VEHICLE;~~

6 ~~\* \* \*~~

7 ~~§ 3101. APPLICATION OF PART.~~

8 ~~\* \* \*~~

9 ~~(B) SERIOUS TRAFFIC OFFENSES. THE PROVISIONS OF SECTION~~  
10 ~~3345 (RELATING TO MEETING OR OVERTAKING SCHOOL BUS) [AND],~~  
11 ~~SUBCHAPTER B OF CHAPTER 37 (RELATING TO SERIOUS TRAFFIC~~  
12 ~~OFFENSES) AND CHAPTER 38 (RELATING TO DRIVING WHILE IMPAIRED)~~  
13 ~~SHALL APPLY UPON HIGHWAYS AND TRAFFICWAYS THROUGHOUT THIS~~  
14 ~~COMMONWEALTH.~~

15 ~~§ 3116. AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS~~  
16 ~~CITIES.~~

17 ~~\* \* \*~~

18 ~~(L) PAYMENT OF FINE.~~

19 ~~\* \* \*~~

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

30 ~~(I) TO REIMBURSE THE SYSTEM ADMINISTRATOR FOR COSTS~~

1           ~~ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. THIS~~  
2           ~~SUBPARAGRAPH INCLUDES COSTS FOR OPERATION AND~~  
3           ~~MAINTENANCE.~~

4           ~~(II) TO DEVELOP, BY REGULATION, A TRANSPORTATION~~  
5           ~~ENHANCEMENTS GRANT PROGRAM.] TO DEVELOP, BY REGULATION, A~~  
6           ~~TRANSPORTATION ENHANCEMENTS GRANT PROGRAM.~~

7           ~~\* \* \*~~

8           ~~(Q) EXPIRATION. THIS SECTION SHALL EXPIRE DECEMBER 31,~~  
9           ~~{2006} 2007.~~

10          ~~§ 3326. DUTY OF DRIVER IN CONSTRUCTION AND MAINTENANCE AREAS OR~~  
11           ~~ON HIGHWAY SAFETY CORRIDORS.~~

12          ~~\* \* \*~~

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

19           ~~SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED~~  
20           ~~PERSONS DIRECTING TRAFFIC).~~

21           ~~SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC~~  
22           ~~CONTROL DEVICES).~~

23           ~~SECTION 3112 (RELATING TO TRAFFIC CONTROL SIGNALS).~~

24           ~~SECTION 3114 (RELATING TO FLASHING SIGNALS).~~

25           ~~SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING~~  
26           ~~IN OPPOSITE DIRECTION).~~

27           ~~SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE~~  
28           ~~LEFT).~~

29           ~~SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE~~  
30           ~~RIGHT).~~

1           ~~SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING~~  
2           ~~ON THE LEFT).~~

3           ~~SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON~~  
4           ~~LEFT SIDE OF ROADWAY).~~

5           ~~SECTION 3307 (RELATING TO NO PASSING ZONES).~~

6           ~~SECTION 3309 (RELATING TO DRIVING ON ROADWAYS LANED~~  
7           ~~FOR TRAFFIC).~~

8           ~~SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY).~~

9           ~~SECTION 3323 (RELATING TO STOP SIGNS AND YIELD~~  
10          ~~SIGNS).~~

11          ~~SECTION 3326 (RELATING TO DUTY OF DRIVER IN~~  
12          ~~CONSTRUCTION AND MAINTENANCE AREAS).~~

13          ~~SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE~~  
14          ~~SPEED).~~

15          ~~SECTION 3362 (RELATING TO MAXIMUM SPEED LIMITS).~~

16          ~~SECTION 3702 (RELATING TO LIMITATIONS ON BACKING).~~

17          ~~SECTION 3714 (RELATING TO CARELESS DRIVING).~~

18          ~~SECTION 3715 (RELATING TO RESTRICTION ON ALCOHOLIC~~  
19          ~~BEVERAGES).~~

20          ~~{SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE OF~~  
21          ~~ALCOHOL OR CONTROLLED SUBSTANCE).}~~

22          ~~SECTION 3736 (RELATING TO RECKLESS DRIVING).~~

23          ~~SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF~~  
24          ~~ALCOHOL OR CONTROLLED SUBSTANCE).~~

25          ~~\* \* \*~~

26          ~~§ 3327. DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS.~~

27          ~~\* \* \*~~

28          ~~(E) FINES TO BE DOUBLED. IN ADDITION TO ANY PENALTY AS~~  
29          ~~PROVIDED IN SUBSECTION (B), THE FINE FOR ANY OF THE FOLLOWING~~  
30          ~~VIOLATIONS WHEN COMMITTED IN AN EMERGENCY RESPONSE AREA MANNED~~

1 ~~BY EMERGENCY SERVICE RESPONDERS SHALL BE DOUBLE THE USUAL~~  
2 ~~AMOUNT.~~

3 ~~SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED PERSONS~~  
4 ~~DIRECTING TRAFFIC).~~

5 ~~SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC CONTROL~~  
6 ~~DEVICES).~~

7 ~~SECTION 3114 (RELATING TO FLASHING SIGNALS).~~

8 ~~SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING IN~~  
9 ~~OPPOSITE DIRECTION).~~

10 ~~SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE~~  
11 ~~LEFT).~~

12 ~~SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE~~  
13 ~~RIGHT).~~

14 ~~SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING ON~~  
15 ~~THE LEFT).~~

16 ~~SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON LEFT~~  
17 ~~SIDE OF ROADWAY).~~

18 ~~SECTION 3307 (RELATING TO NO PASSING ZONES).~~

19 ~~SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY).~~

20 ~~SECTION 3312 (RELATING TO LIMITED ACCESS HIGHWAY~~  
21 ~~ENTRANCES AND EXITS).~~

22 ~~SECTION 3323 (RELATING TO STOP SIGNS AND YIELD SIGNS).~~

23 ~~SECTION 3325 (RELATING TO DUTY OF DRIVER ON APPROACH OF~~  
24 ~~EMERGENCY VEHICLE).~~

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

26 ~~SECTION 3707 (RELATING TO DRIVING OR STOPPING CLOSE TO~~  
27 ~~FIRE APPARATUS).~~

28 ~~SECTION 3710 (RELATING TO STOPPING AT INTERSECTION OR~~  
29 ~~CROSSING TO PREVENT OBSTRUCTION).~~

30 ~~SECTION 3714 (RELATING TO CARELESS DRIVING).~~

1           ~~SECTION 3715.1 (RELATING TO RESTRICTION ON ALCOHOLIC~~  
2           ~~BEVERAGES).~~

3           ~~[SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE OF~~  
4           ~~ALCOHOL OR CONTROLLED SUBSTANCE).]~~

5           ~~SECTION 3736 (RELATING TO RECKLESS DRIVING).~~

6           ~~SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF~~  
7           ~~ALCOHOL OR CONTROLLED SUBSTANCE).~~

8           ~~\* \* \*~~

9           ~~§ 3716. ACCIDENTS INVOLVING OVERTURNED VEHICLES.~~

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

19          ~~\* \* \*~~

20          ~~SECTION 17. SECTION 3731 OF TITLE 75 IS REPEALED.~~

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

23          ~~§ 3732. HOMICIDE BY VEHICLE.~~

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

1 ~~WHEN THE VIOLATION IS THE CAUSE OF DEATH.~~

2 \* \* \*

3 ~~§ 3735. HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE.~~

4 ~~(A) OFFENSE DEFINED. ANY PERSON WHO UNINTENTIONALLY CAUSES~~  
5 ~~THE DEATH OF ANOTHER PERSON AS THE RESULT OF A VIOLATION OF~~  
6 ~~SECTION [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF~~  
7 ~~ALCOHOL OR CONTROLLED SUBSTANCE) AND WHO IS CONVICTED OF~~  
8 ~~VIOLATING SECTION [3731] 3802 IS GUILTY OF A FELONY OF THE~~  
9 ~~SECOND DEGREE WHEN THE VIOLATION IS THE CAUSE OF DEATH AND THE~~  
10 ~~SENTENCING COURT SHALL ORDER THE PERSON TO SERVE A MINIMUM TERM~~  
11 ~~OF IMPRISONMENT OF NOT LESS THAN THREE YEARS. A CONSECUTIVE~~  
12 ~~THREE YEAR TERM OF IMPRISONMENT SHALL BE IMPOSED FOR EACH VICTIM~~  
13 ~~WHOSE DEATH IS THE RESULT OF THE VIOLATION OF SECTION [3731]~~  
14 ~~3802.~~

15 \* \* \*

16 ~~§ 3735.1. AGGRAVATED ASSAULT BY VEHICLE WHILE DRIVING UNDER THE~~  
17 ~~INFLUENCE.~~

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

24 \* \* \*

25 ~~§ 3755. REPORTS BY EMERGENCY ROOM PERSONNEL.~~

26 ~~(A) GENERAL RULE. IF, AS A RESULT OF A MOTOR VEHICLE~~  
27 ~~ACCIDENT, THE PERSON WHO DROVE, OPERATED OR WAS IN ACTUAL~~  
28 ~~PHYSICAL CONTROL OF THE MOVEMENT OF ANY INVOLVED MOTOR VEHICLE~~  
29 ~~REQUIRES MEDICAL TREATMENT IN AN EMERGENCY ROOM OF A HOSPITAL~~  
30 ~~AND IF PROBABLE CAUSE EXISTS TO BELIEVE A VIOLATION OF SECTION~~



1 ~~{3731} 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
2 ~~CONTROLLED SUBSTANCE) WAS INVOLVED, THE EMERGENCY ROOM PHYSICIAN~~  
3 ~~OR HIS DESIGNEE SHALL PROMPTLY TAKE BLOOD SAMPLES FROM THOSE~~  
4 ~~PERSONS AND TRANSMIT THEM WITHIN 24 HOURS FOR TESTING TO THE~~  
5 ~~DEPARTMENT OF HEALTH OR A CLINICAL LABORATORY LICENSED AND~~  
6 ~~APPROVED BY THE DEPARTMENT OF HEALTH AND SPECIFICALLY DESIGNATED~~  
7 ~~FOR THIS PURPOSE. THIS SECTION SHALL BE APPLICABLE TO ALL~~  
8 ~~INJURED OCCUPANTS WHO WERE CAPABLE OF MOTOR VEHICLE OPERATION IF~~  
9 ~~THE OPERATOR OR PERSON IN ACTUAL PHYSICAL CONTROL OF THE~~  
10 ~~MOVEMENT OF THE MOTOR VEHICLE CANNOT BE DETERMINED. TEST RESULTS~~  
11 ~~SHALL BE RELEASED UPON REQUEST OF THE PERSON TESTED, HIS~~  
12 ~~ATTORNEY, HIS PHYSICIAN OR GOVERNMENTAL OFFICIALS OR AGENCIES.~~

13 \* \* \*

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

15 CHAPTER 38

16 DRIVING WHILE IMPAIRED

17 SEC.

18 3801. DEFINITIONS.

19 3802. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
20 SUBSTANCE.

21 3803. GRADING.

22 3804. PENALTIES.

23 3805. IGNITION INTERLOCK.

24 3806. PRIOR OFFENSES.

25 3807. ACCELERATED REHABILITATIVE DISPOSITION.

26 3808. ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH  
27 IGNITION INTERLOCK.

28 3809. RESTRICTION ON ALCOHOLIC BEVERAGES.

29 3810. AUTHORIZED USE NOT A DEFENSE.

30 3811. CERTAIN ARRESTS AUTHORIZED.

1 ~~3812. PRELIMINARY HEARING OR ARRAIGNMENT.~~

2 ~~3813. WORK RELEASE.~~

3 ~~3814. DRUG AND ALCOHOL ASSESSMENTS.~~

4 ~~3815. MANDATORY SENTENCING.~~

5 ~~3816. REQUIREMENTS FOR DRIVING UNDER INFLUENCE OFFENDERS.~~

6 ~~3817. REPORTING REQUIREMENTS FOR OFFENSES.~~

7 ~~§ 3801. DEFINITIONS.~~

8 ~~THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER~~  
9 ~~SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE~~  
10 ~~CONTEXT CLEARLY INDICATES OTHERWISE:~~

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

12 ~~"IGNITION INTERLOCK SYSTEM." A SYSTEM APPROVED BY THE~~  
13 ~~DEPARTMENT WHICH PREVENTS A VEHICLE FROM BEING STARTED OR~~  
14 ~~OPERATED UNLESS THE OPERATOR FIRST PROVIDES A BREATH SAMPLE~~  
15 ~~INDICATING THAT THE OPERATOR HAS AN ALCOHOL LEVEL LESS THAN~~  
16 ~~.025%.~~

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

18 ~~§ 3802. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED~~  
19 ~~SUBSTANCE.~~

20 ~~(A) GENERAL IMPAIRMENT.~~

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

26 ~~(2) AN INDIVIDUAL MAY NOT DRIVE, OPERATE OR BE IN ACTUAL~~  
27 ~~PHYSICAL CONTROL OF THE MOVEMENT OF A VEHICLE AFTER IMBIBING~~  
28 ~~A SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT THE ALCOHOL~~  
29 ~~CONCENTRATION IN THE INDIVIDUAL'S BLOOD OR BREATH IS AT LEAST~~  
30 ~~.08% BUT LESS THAN .10% WITHIN THREE HOURS AFTER THE~~

1 ~~INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN ACTUAL PHYSICAL~~  
2 ~~CONTROL OF THE MOVEMENT OF THE VEHICLE.~~

3 ~~(B) HIGH RATE OF ALCOHOL. AN INDIVIDUAL MAY NOT DRIVE,~~  
4 ~~OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A~~  
5 ~~VEHICLE AFTER IMBIBING A SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT~~  
6 ~~THE ALCOHOL CONCENTRATION IN THE INDIVIDUAL'S BLOOD OR BREATH IS~~  
7 ~~AT LEAST .10% BUT LESS THAN .16% WITHIN THREE HOURS AFTER THE~~  
8 ~~INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN ACTUAL PHYSICAL~~  
9 ~~CONTROL OF THE MOVEMENT OF THE VEHICLE.~~

10 ~~(C) HIGHEST RATE OF ALCOHOL. AN INDIVIDUAL MAY NOT DRIVE,~~  
11 ~~OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A~~  
12 ~~VEHICLE AFTER IMBIBING A SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT~~  
13 ~~THE ALCOHOL CONCENTRATION IN THE INDIVIDUAL'S BLOOD OR BREATH IS~~  
14 ~~.16% OR HIGHER WITHIN THREE HOURS AFTER THE INDIVIDUAL HAS~~  
15 ~~DRIVEN, OPERATED OR BEEN IN ACTUAL PHYSICAL CONTROL OF THE~~  
16 ~~MOVEMENT OF THE VEHICLE.~~

17 ~~(D) CONTROLLED SUBSTANCES. AN INDIVIDUAL MAY NOT DRIVE,~~  
18 ~~OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A~~  
19 ~~VEHICLE UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:~~

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

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

24 ~~(II) SCHEDULE II OR SCHEDULE III CONTROLLED~~  
25 ~~SUBSTANCE, AS DEFINED IN THE CONTROLLED SUBSTANCE, DRUG,~~  
26 ~~DEVICE AND COSMETIC ACT, WHICH HAS NOT BEEN MEDICALLY~~  
27 ~~PRESCRIBED FOR THE INDIVIDUAL; OR~~

28 ~~(III) METABOLITE OF A SUBSTANCE UNDER SUBPARAGRAPH~~  
29 ~~(I) OR (II).~~

30 ~~(2) THE INDIVIDUAL IS UNDER THE INFLUENCE OF A DRUG OR~~

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

4 ~~(3) THE INDIVIDUAL IS UNDER THE COMBINED INFLUENCE OF~~  
5 ~~ALCOHOL AND A DRUG OR COMBINATION OF DRUGS TO A DEGREE WHICH~~  
6 ~~IMPAIRS THE INDIVIDUAL'S ABILITY TO SAFELY DRIVE, OPERATE OR~~  
7 ~~BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF THE VEHICLE.~~

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

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

18 ~~(F) COMMERCIAL SCHOOL VEHICLES. AN INDIVIDUAL MAY NOT~~  
19 ~~DRIVE, OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT~~  
20 ~~OF A COMMERCIAL VEHICLE OR SCHOOL VEHICLE IN ANY OF THE~~  
21 ~~FOLLOWING CIRCUMSTANCES:~~

22 ~~(1) AFTER THE INDIVIDUAL HAS IMBIBED A SUFFICIENT AMOUNT~~  
23 ~~OF ALCOHOL SUCH THAT THE ALCOHOL CONCENTRATION IN THE~~  
24 ~~INDIVIDUAL'S BLOOD OR BREATH IS:~~

25 ~~(I) .04% OR GREATER WITHIN THREE HOURS AFTER THE~~  
26 ~~INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN ACTUAL~~  
27 ~~PHYSICAL CONTROL OF THE MOVEMENT OF A COMMERCIAL VEHICLE~~  
28 ~~OTHER THAN A SCHOOL BUS OR A SCHOOL VEHICLE.~~

29 ~~(II) .02% OR GREATER WITHIN THREE HOURS AFTER THE~~  
30 ~~INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN ACTUAL~~

1           ~~PHYSICAL CONTROL OF THE MOVEMENT OF A SCHOOL BUS OR A~~  
2           ~~SCHOOL VEHICLE.~~

3           ~~(2) AFTER THE INDIVIDUAL HAS IMBIBED A SUFFICIENT AMOUNT~~  
4           ~~OF ALCOHOL SUCH THAT THE INDIVIDUAL WAS INCAPABLE OF SAFELY~~  
5           ~~DRIVING, OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF THE~~  
6           ~~MOVEMENT OF A COMMERCIAL VEHICLE.~~

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

10           ~~(4) WHILE THE INDIVIDUAL IS UNDER THE COMBINED INFLUENCE~~  
11           ~~OF ALCOHOL AND A CONTROLLED SUBSTANCE OR COMBINATION OF~~  
12           ~~CONTROLLED SUBSTANCES, AS DEFINED IN SECTION 1603.~~

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

21           ~~(1) WHERE THE COMMONWEALTH SHOWS GOOD CAUSE EXPLAINING~~  
22           ~~WHY THE CHEMICAL TEST COULD NOT BE PERFORMED WITHIN THREE~~  
23           ~~HOURS; AND~~

24           ~~(2) WHERE THE COMMONWEALTH ESTABLISHES THAT THE~~  
25           ~~INDIVIDUAL DID NOT IMBIBE ANY ALCOHOL BETWEEN THE TIME THE~~  
26           ~~INDIVIDUAL WAS ARRESTED AND THE TIME THE TEST WAS PERFORMED.~~

27           ~~§ 3803. GRADING.~~

28           ~~(A) BASIC OFFENSES. —~~

29           ~~(1) AN INDIVIDUAL WHO VIOLATES SECTION 3802(A) (RELATING~~  
30           ~~TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED~~

1 ~~SUBSTANCE) AND HAS NO MORE THAN ONE PRIOR OFFENSE COMMITS A~~  
2 ~~MISDEMEANOR FOR WHICH THE INDIVIDUAL MAY BE SENTENCED TO A~~  
3 ~~TERM OF IMPRISONMENT OF NOT MORE THAN SIX MONTHS AND TO PAY A~~  
4 ~~FINE UNDER SECTION 3804 (RELATING TO PENALTIES).~~

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

8 ~~(B) OTHER OFFENSES.~~

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

14 ~~(2) AN INDIVIDUAL WHO VIOLATES SECTION 3802(C) OR (D)~~  
15 ~~AND WHO HAS NO PRIOR OFFENSES COMMITS A MISDEMEANOR FOR WHICH~~  
16 ~~THE INDIVIDUAL MAY BE SENTENCED TO A TERM OF IMPRISONMENT OF~~  
17 ~~NOT MORE THAN SIX MONTHS AND TO PAY A FINE UNDER SECTION~~  
18 ~~3804.~~

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

22 ~~(4) AN INDIVIDUAL WHO VIOLATES SECTION 3802(C) OR (D)~~  
23 ~~AND WHO HAS ONE OR MORE PRIOR OFFENSES COMMITS A MISDEMEANOR~~  
24 ~~OF THE FIRST DEGREE.~~

25 ~~§ 3804. PENALTIES.~~

26 ~~(A) GENERAL IMPAIRMENT. AN INDIVIDUAL WHO VIOLATES SECTION~~  
27 ~~3802(A) (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
28 ~~CONTROLLED SUBSTANCE) SHALL BE SENTENCED AS FOLLOWS:~~

29 ~~(1) FOR A FIRST OFFENSE, TO:~~

30 ~~(I) UNDERGO A PERIOD OF PROBATION NOT TO EXCEED SIX~~

1 MONTHS;

2 ~~(II) PAY A FINE OF \$300;~~

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 SECTION 3814 (RELATING TO DRUG~~

7 ~~AND ALCOHOL ASSESSMENTS) AND SECTION 3815 (RELATING TO~~

8 ~~MANDATORY SENTENCING).~~

9 ~~(2) FOR A SECOND OFFENSE, TO:~~

10 ~~(I) UNDERGO IMPRISONMENT FOR NOT LESS THAN FIVE DAYS~~

11 ~~NOR MORE THAN SIX MONTHS;~~

12 ~~(II) PAY A FINE OF NOT LESS THAN \$300 NOR MORE THAN~~

13 ~~\$2,500;~~

14 ~~(III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL~~

15 ~~APPROVED BY THE DEPARTMENT; AND~~

16 ~~(IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~

17 ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~

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

19 ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN TEN DAYS~~

20 ~~NOR MORE THAN TWO YEARS;~~

21 ~~(II) PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN~~

22 ~~\$5,000; AND~~

23 ~~(III) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~

24 ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~

25 ~~(B) HIGH RATE OF BLOOD ALCOHOL; MINORS; COMMERCIAL VEHICLES~~

26 ~~AND SCHOOL BUSES AND SCHOOL VEHICLES; ACCIDENTS. EXCEPT AS SET~~

27 ~~FORTH IN SUBSECTION (C), AN INDIVIDUAL WHO VIOLATES SECTION~~

28 ~~3802(A)(1) WHERE THERE WAS AN ACCIDENT RESULTING IN BODILY~~

29 ~~INJURY, SERIOUS BODILY INJURY OR DEATH OF ANY PERSON OR IN~~

30 ~~DAMAGE TO A VEHICLE OR OTHER PROPERTY OR WHO VIOLATES SECTION~~

1 ~~3802(B), (E) OR (F) SHALL BE SENTENCED AS FOLLOWS:~~

2 ~~(1) FOR A FIRST OFFENSE, TO:~~

3 ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN 72~~

4 ~~CONSECUTIVE HOURS NOR MORE THAN SIX MONTHS;~~

5 ~~(II) PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN~~  
6 ~~\$5,000;~~

7 ~~(III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL~~  
8 ~~APPROVED BY THE DEPARTMENT; AND~~

9 ~~(IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~  
10 ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~

11 ~~(2) FOR A SECOND OFFENSE, TO:~~

12 ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN 30 DAYS~~  
13 ~~NOR MORE THAN SIX MONTHS;~~

14 ~~(II) PAY A FINE OF NOT LESS THAN \$750 NOR MORE THAN~~  
15 ~~\$5,000;~~

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

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

20 ~~(3) FOR A THIRD OFFENSE, TO:~~

21 ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN 120 DAYS~~  
22 ~~NOR MORE THAN FIVE YEARS;~~

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

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

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

28 ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN ONE YEAR~~  
29 ~~NOR MORE THAN FIVE YEARS;~~

30 ~~(II) PAY A FINE OF NOT LESS THAN \$1,500 NOR MORE~~



1           ~~THAN \$10,000; AND~~

2                   ~~(III) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~

3           ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~

4           ~~(C) INCAPACITY; HIGHEST BLOOD ALCOHOL; CONTROLLED~~

5           ~~SUBSTANCES. AN INDIVIDUAL CONVICTED OF VIOLATING SECTION~~

6           ~~3802(A)(1) AFTER HAVING REFUSED TESTING OF BLOOD OR BREATH OR OF~~

7           ~~VIOLATING SECTION 3802(C) OR (D) SHALL BE SENTENCED AS FOLLOWS:~~

8                   ~~(1) FOR A FIRST OFFENSE, TO:~~

9                           ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN SEVEN~~

10           ~~CONSECUTIVE DAYS NOR MORE THAN SIX MONTHS;~~

11                           ~~(II) PAY A FINE OF NOT LESS THAN \$1,000 NOR MORE~~

12           ~~THAN \$5,000;~~

13                           ~~(III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL~~

14           ~~APPROVED BY THE DEPARTMENT; AND~~

15                           ~~(IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~

16           ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~

17                   ~~(2) FOR A SECOND OFFENSE, TO:~~

18                           ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN 90 DAYS~~

19           ~~NOR MORE THAN FIVE YEARS;~~

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

21                           ~~(III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL~~

22           ~~APPROVED BY THE DEPARTMENT; AND~~

23                           ~~(IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~

24           ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~

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

26                           ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN ONE YEAR~~

27           ~~NOR MORE THAN FIVE YEARS;~~

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

29                           ~~(III) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~

30           ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~

1       ~~(D) EXTENDED SUPERVISION OF COURT. WHERE A PERSON IS~~  
2       ~~SENTENCED PURSUANT TO THIS CHAPTER AND FOLLOWING THE INITIAL~~  
3       ~~ASSESSMENT REQUIRED BY SECTION 3814(1), THE PERSON IS DETERMINED~~  
4       ~~TO BE IN NEED OF ADDITIONAL TREATMENT PURSUANT TO SECTION~~  
5       ~~3814(2), THE JUDGE SHALL IMPOSE A MINIMUM SENTENCE AS PROVIDED~~  
6       ~~BY LAW AND A MAXIMUM SENTENCE EQUAL TO THE STATUTORILY AVAILABLE~~  
7       ~~MAXIMUM.~~

8       ~~(E) SUSPENSION OF OPERATING PRIVILEGES UPON CONVICTION.~~

9             ~~(1) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE~~  
10          ~~OF AN INDIVIDUAL UNDER PARAGRAPH (2) UPON RECEIVING A~~  
11          ~~CERTIFIED RECORD OF THE INDIVIDUAL'S CONVICTION OF OR AN~~  
12          ~~ADJUDICATION OF DELINQUENCY FOR:~~

13                     ~~(I) AN OFFENSE UNDER SECTION 3802; OR~~

14                     ~~(II) A SUBSTANTIALLY SIMILAR OFFENSE REPORTED TO THE~~  
15          ~~DEPARTMENT UNDER ARTICLE III OF THE COMPACT IN SECTION~~  
16          ~~1581 (RELATING TO DRIVER'S LICENSE COMPACT).~~

17             ~~(2) SUSPENSION UNDER PARAGRAPH (1)(I) SHALL BE IN~~  
18          ~~ACCORDANCE WITH THE FOLLOWING:~~

19                     ~~(I) EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH (III), 12~~  
20          ~~MONTHS FOR AN UNGRADED MISDEMEANOR OR MISDEMEANOR OF THE~~  
21          ~~SECOND DEGREE UNDER THIS CHAPTER.~~

22                     ~~(II) 24 MONTHS FOR A MISDEMEANOR OF THE FIRST DEGREE~~  
23          ~~UNDER THIS CHAPTER.~~

24                     ~~(III) THERE SHALL BE NO SUSPENSION FOR AN UNGRADED~~  
25          ~~MISDEMEANOR UNDER SECTION 3802(A) WHERE THE PERSON HAS NO~~  
26          ~~PRIOR OFFENSE.~~

27             ~~(3) SUSPENSION IMPOSED UNDER PARAGRAPH (1)(II) SHALL BE~~  
28          ~~IN ACCORDANCE WITH THE FOLLOWING:~~

29                     ~~(I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II), THE~~  
30          ~~PERIOD SHALL BE SIX MONTHS.~~

1           ~~(II) IF THE INDIVIDUAL HAS A PRIOR OFFENSE AS~~  
2           ~~DEFINED BY SECTION 3806(A) (RELATING TO PRIOR OFFENSES),~~  
3           ~~THE PERIOD SHALL BE ONE YEAR.~~

4           ~~(III) NOTWITHSTANDING ANY PROVISION OF LAW OR~~  
5           ~~ENFORCEMENT AGREEMENT TO THE CONTRARY, A SUSPENSION~~  
6           ~~IMPOSED PURSUANT TO PARAGRAPH (1)(II) SHALL DATE FROM AND~~  
7           ~~RUN CONCURRENTLY TO ANY SUSPENSION IMPOSED BY THE~~  
8           ~~REPORTING PARTY STATE.~~

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

17          ~~(G) COURT ORDERED IGNITION INTERLOCK. IF THE PERSON HAS A~~  
18          ~~PRIOR OFFENSE AS DEFINED IN SECTION 3806(A), THE COURT SHALL~~  
19          ~~ORDER THE DEPARTMENT TO REQUIRE AN IGNITION INTERLOCK SYSTEM~~  
20          ~~UNDER SECTION 3805 (RELATING TO IGNITION INTERLOCK).~~

21          ~~(H) SENTENCING GUIDELINES. THE SENTENCING GUIDELINES~~  
22          ~~PROMULGATED BY THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL~~  
23          ~~NOT SUPERSEDE THE MANDATORY PENALTIES OF THIS SECTION.~~

24          ~~(I) APPEAL. THE COMMONWEALTH HAS THE RIGHT TO APPEAL~~  
25          ~~DIRECTLY TO THE SUPERIOR COURT ANY ORDER OF COURT WHICH IMPOSES~~  
26          ~~A SENTENCE FOR VIOLATION OF THIS SECTION WHICH DOES NOT MEET THE~~  
27          ~~REQUIREMENTS OF THIS SECTION. THE SUPERIOR COURT SHALL REMAND~~  
28          ~~THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A SENTENCE IN~~  
29          ~~ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.~~

30          ~~(J) FIRST CLASS CITIES. NOTWITHSTANDING THE PROVISION FOR~~

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

15 ~~§ 3805. IGNITION INTERLOCK.~~

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

23 ~~(1) EACH MOTOR VEHICLE OWNED BY THE PERSON OR REGISTERED~~  
24 ~~TO THE PERSON HAS BEEN EQUIPPED WITH AN APPROVED IGNITION~~  
25 ~~INTERLOCK SYSTEM AND REMAINS SO FOR THE DURATION OF THE~~  
26 ~~RESTRICTED LICENSE PERIOD.~~

27 ~~(2) IF THERE ARE NO VEHICLES OWNED BY THE PERSON OR~~  
28 ~~REGISTERED TO THE PERSON THAT THE PERSON SO CERTIFY TO THE~~  
29 ~~DEPARTMENT. A PERSON SO CERTIFYING SHALL BE DEEMED TO HAVE~~  
30 ~~SATISFIED THE REQUIREMENT THAT ALL VEHICLES OWNED BY THE~~

1       ~~PERSON OR REGISTERED TO THE PERSON BE EQUIPPED WITH AN~~  
2       ~~IGNITION INTERLOCK SYSTEM AS REQUIRED BY THIS SUBSECTION.~~

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

14       ~~(C) ISSUANCE OF UNRESTRICTED LICENSE. ONE YEAR FROM THE~~  
15 ~~DATE OF ISSUANCE OF AN IGNITION INTERLOCK RESTRICTED LICENSE~~  
16 ~~UNDER THIS SECTION, IF OTHERWISE ELIGIBLE, A PERSON MAY APPLY~~  
17 ~~FOR A REPLACEMENT LICENSE UNDER SECTION 1951(D) THAT DOES NOT~~  
18 ~~CONTAIN THE IGNITION INTERLOCK SYSTEM RESTRICTION.~~

19       ~~(D) PROHIBITION. UNTIL THE PERSON OBTAINS AN UNRESTRICTED~~  
20 ~~LICENSE, THE PERSON MAY NOT OWN, REGISTER OR OPERATE ANY MOTOR~~  
21 ~~VEHICLE ON A HIGHWAY WITHIN THIS COMMONWEALTH UNLESS THE MOTOR~~  
22 ~~VEHICLE IS EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM.~~

23       ~~(E) ECONOMIC HARDSHIP EXEMPTION. A PERSON SUBJECT TO THE~~  
24 ~~REQUIREMENTS OF SUBSECTION (A) MAY APPLY TO THE DEPARTMENT FOR A~~  
25 ~~HARDSHIP EXEMPTION TO THE REQUIREMENT THAT AN IGNITION INTERLOCK~~  
26 ~~SYSTEM MUST BE INSTALLED IN EACH OF THE PERSON'S MOTOR VEHICLES.~~  
27 ~~WHERE THE DEPARTMENT DETERMINES THAT THE APPLICANT ESTABLISHES~~  
28 ~~THAT SUCH A REQUIREMENT WOULD RESULT IN UNDUE FINANCIAL~~  
29 ~~HARDSHIP, THE DEPARTMENT MAY PERMIT THE APPLICANT TO INSTALL AN~~  
30 ~~IGNITION INTERLOCK SYSTEM ON ONLY ONE OF THE APPLICANT'S~~

1 ~~VEHICLES. HOWEVER, THE APPLICANT IN ACCORDANCE WITH SECTION 3808~~  
2 ~~(RELATING TO ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED~~  
3 ~~WITH IGNITION INTERLOCK) SHALL BE PROHIBITED FROM DRIVING ANY~~  
4 ~~VEHICLE, INCLUDING ANY OF THE APPLICANT'S VEHICLES, WITHOUT AN~~  
5 ~~IGNITION INTERLOCK SYSTEM.~~

6 ~~(F) EMPLOYMENT EXEMPTION. IF A PERSON WITH A RESTRICTED~~  
7 ~~LICENSE IS REQUIRED IN THE COURSE AND SCOPE OF EMPLOYMENT TO~~  
8 ~~OPERATE A MOTOR VEHICLE OWNED BY THE PERSON'S EMPLOYER, THE~~  
9 ~~FOLLOWING APPLY:~~

10 ~~(1) EXCEPT AS SET FORTH IN PARAGRAPH (2), THE PERSON MAY~~  
11 ~~OPERATE THAT MOTOR VEHICLE IN THE COURSE AND SCOPE OF~~  
12 ~~EMPLOYMENT WITHOUT INSTALLATION OF AN IGNITION INTERLOCK~~  
13 ~~SYSTEM IF:~~

14 ~~(I) THE EMPLOYER HAS BEEN NOTIFIED THAT THE EMPLOYEE~~  
15 ~~IS RESTRICTED; AND~~

16 ~~(II) THE EMPLOYEE HAS PROOF OF THE NOTIFICATION IN~~  
17 ~~THE EMPLOYEE'S POSSESSION WHILE OPERATING THE EMPLOYER'S~~  
18 ~~MOTOR VEHICLE.~~

19 ~~(2) PARAGRAPH (1) DOES NOT APPLY IN ANY OF THE FOLLOWING~~  
20 ~~CIRCUMSTANCES:~~

21 ~~(I) TO THE EXTENT THAT AN EMPLOYER OWNED MOTOR~~  
22 ~~VEHICLE IS MADE AVAILABLE TO THE EMPLOYEE FOR PERSONAL~~  
23 ~~USE.~~

24 ~~(II) IF THE EMPLOYER OWNED MOTOR VEHICLE IS OWNED BY~~  
25 ~~AN ENTITY WHICH IS WHOLLY OR PARTIALLY OWNED BY THE~~  
26 ~~PERSON SUBJECT TO THIS SECTION.~~

27 ~~§ 3806. PRIOR OFFENSES.~~

28 ~~(A) GENERAL RULE. EXCEPT AS SET FORTH IN SUBSECTION (B),~~  
29 ~~THE TERM "PRIOR OFFENSE" AS USED IN THIS CHAPTER SHALL MEAN A~~  
30 ~~CONVICTION, ADJUDICATION OF DELINQUENCY, JUVENILE CONSENT~~

1 ~~DECREE, ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION OR~~  
2 ~~OTHER FORM OF PRELIMINARY DISPOSITION BEFORE THE SENTENCING ON~~  
3 ~~THE PRESENT VIOLATION FOR ANY OF THE FOLLOWING:~~

4 ~~(1) AN OFFENSE UNDER FORMER SECTION 3731 (RELATING TO~~  
5 ~~DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE);~~

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

8 ~~(3) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER~~  
9 ~~PARAGRAPHS (1) OR (2) IN ANOTHER JURISDICTION; OR~~

10 ~~(4) ANY COMBINATION OF THE OFFENSES SET FORTH IN~~  
11 ~~PARAGRAPHS (1), (2) OR (3).~~

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

19 ~~(1) AN OFFENSE UNDER FORMER SECTION 3731;~~

20 ~~(2) AN OFFENSE UNDER SECTION 3802;~~

21 ~~(3) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER~~  
22 ~~PARAGRAPH (1) OR (2) IN ANOTHER JURISDICTION; OR~~

23 ~~(4) ANY COMBINATION OF THE OFFENSES SET FORTH IN~~  
24 ~~PARAGRAPH (1), (2) OR (3).~~

25 ~~§ 3807. ACCELERATED REHABILITATIVE DISPOSITION.~~

26 ~~(A) ELIGIBILITY.—~~

27 ~~(1) EXCEPT AS SET FORTH IN PARAGRAPH (2), A DEFENDANT~~  
28 ~~CHARGED WITH A VIOLATION OF SECTION 3802 (RELATING TO DRIVING~~  
29 ~~UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) MAY BE~~  
30 ~~CONSIDERED BY THE ATTORNEY FOR THE COMMONWEALTH FOR~~

1       ~~PARTICIPATION IN AN ACCELERATED REHABILITATIVE DISPOSITION~~  
2       ~~PROGRAM IN A COUNTY IF THE PROGRAM INCLUDES THE MINIMUM~~  
3       ~~REQUIREMENTS CONTAINED IN THIS SECTION.~~

4             ~~(2) THE ATTORNEY FOR THE COMMONWEALTH SHALL NOT SUBMIT A~~  
5       ~~CHARGE BROUGHT UNDER THIS CHAPTER FOR ACCELERATED~~  
6       ~~REHABILITATIVE DISPOSITION IF ANY OF THE FOLLOWING APPLY:~~

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

13            ~~(II) AN ACCIDENT OCCURRED IN CONNECTION WITH THE~~  
14      ~~EVENTS SURROUNDING THE CURRENT OFFENSE AND AN INDIVIDUAL~~  
15      ~~OTHER THAN THE DEFENDANT WAS KILLED OR SUFFERED SERIOUS~~  
16      ~~BODILY INJURY AS A RESULT OF THE ACCIDENT.~~

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

19      ~~(B) EVALUATION AND TREATMENT.~~

20            ~~(1) A DEFENDANT OFFERED ACCELERATED REHABILITATIVE~~  
21      ~~DISPOSITION FOR A VIOLATION OF SECTION 3802 IS, AS A~~  
22      ~~CONDITION OF PARTICIPATION IN THE PROGRAM, SUBJECT TO THE~~  
23      ~~FOLLOWING REQUIREMENTS IN ADDITION TO ANY OTHER CONDITIONS OF~~  
24      ~~PARTICIPATION IMPOSED BY THE COURT:~~

25            ~~(I) THE DEFENDANT MUST ATTEND AND SUCCESSFULLY~~  
26      ~~COMPLETE AN ALCOHOL HIGHWAY SAFETY SCHOOL ESTABLISHED~~  
27      ~~UNDER SECTION 1549 (RELATING TO ESTABLISHMENT OF~~  
28      ~~SCHOOLS). A PARTICIPATING DEFENDANT SHALL BE GIVEN BOTH~~  
29      ~~ORAL AND WRITTEN NOTICE OF THE PROVISIONS OF SECTION~~  
30      ~~1543(B) (RELATING TO DRIVING WHILE OPERATING PRIVILEGE IS~~



1           ~~SUSPENDED OR REVOKED).~~

2           ~~(II) PRIOR TO RECEIVING ACCELERATED REHABILITATIVE~~  
3           ~~DISPOSITION OR OTHER PRELIMINARY DISPOSITION, THE~~  
4           ~~DEFENDANT MUST BE EVALUATED UNDER SECTION 3816(A)~~  
5           ~~(RELATING TO REQUIREMENTS FOR DRIVING UNDER INFLUENCE~~  
6           ~~OFFENDERS) TO DETERMINE THE EXTENT OF THE DEFENDANT'S~~  
7           ~~INVOLVEMENT WITH ALCOHOL OR OTHER DRUG AND TO ASSIST THE~~  
8           ~~COURT IN DETERMINING WHAT CONDITIONS OF ACCELERATED~~  
9           ~~REHABILITATIVE DISPOSITION WOULD BENEFIT THE DEFENDANT~~  
10          ~~AND THE PUBLIC. IF THE EVALUATION INDICATES THERE IS A~~  
11          ~~NEED FOR COUNSELING OR TREATMENT, THE DEFENDANT SHALL BE~~  
12          ~~SUBJECT TO A FULL ASSESSMENT FOR ALCOHOL AND DRUG~~  
13          ~~ADDICTION IN ACCORDANCE WITH THE PROVISIONS OF SECTION~~  
14          ~~3814(3) AND (4) (RELATING TO DRUG AND ALCOHOL~~  
15          ~~ASSESSMENTS).~~

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

1           ~~(IV) THE DEFENDANT MUST REMAIN SUBJECT TO COURT~~  
2           ~~SUPERVISION FOR SIX MONTHS.~~

3           ~~(V) THE DEFENDANT MUST MAKE RESTITUTION TO ANY~~  
4           ~~PERSON THAT INCURRED DETERMINABLE FINANCIAL LOSS AS A~~  
5           ~~RESULT OF THE DEFENDANT'S ACTIONS WHICH RESULTED IN THE~~  
6           ~~OFFENSE. RESTITUTION MUST BE SUBJECT TO COURT~~  
7           ~~SUPERVISION.~~

8           ~~(VI) THE DEFENDANT MUST PAY THE REASONABLE COSTS OF~~  
9           ~~A MUNICIPAL CORPORATION IN CONNECTION WITH THE OFFENSE.~~  
10          ~~FEEES IMPOSED UNDER THIS SUBPARAGRAPH SHALL BE DISTRIBUTED~~  
11          ~~TO THE AFFECTED MUNICIPAL CORPORATION.~~

12          ~~(VII) THE DEFENDANT MUST PAY ANY OTHER FEE,~~  
13          ~~SURCHARGE OR COST REQUIRED BY LAW. EXCEPT AS SET FORTH IN~~  
14          ~~SUBPARAGRAPH (VI) OR (VIII), A FEE OR FINANCIAL CONDITION~~  
15          ~~IMPOSED BY A JUDGE AS A CONDITION OF ACCELERATED~~  
16          ~~REHABILITATIVE DISPOSITION OR ANY OTHER PRELIMINARY~~  
17          ~~DISPOSITION OF ANY CHARGE UNDER THIS CHAPTER SHALL BE~~  
18          ~~DISTRIBUTED AS PROVIDED FOR IN 42 PA.C.S. §§ 3571~~  
19          ~~(RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) AND~~  
20          ~~3573 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES,~~  
21          ~~ETC.).~~

22          ~~(VIII) THE DEFENDANT MUST PAY THE COSTS OF~~  
23          ~~COMPLIANCE WITH SUBPARAGRAPHS (I), (II) AND (III).~~

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

26                 ~~(I) THE EVALUATION UNDER PARAGRAPH (1)(II) INDICATES~~  
27                 ~~A LIKELIHOOD THAT THE DEFENDANT IS ADDICTED TO ALCOHOL OR~~  
28                 ~~OTHER DRUGS.~~

29                 ~~(II) THE DEFENDANT'S BLOOD ALCOHOL CONTENT AT THE~~  
30                 ~~TIME OF THE OFFENSE WAS AT LEAST .16%.~~

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

3           ~~(I) THE DEPARTMENT OF HEALTH OR ITS DESIGNEE.~~

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

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

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

12          ~~(I) LENGTH OF STAY.~~

13          ~~(II) LEVELS OF CARE.~~

14          ~~(III) FOLLOW UP CARE AND MONITORING.~~

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

23          ~~(D) MANDATORY SUSPENSION OF OPERATING PRIVILEGES. AS A~~  
24          ~~CONDITION OF PARTICIPATION IN AN ACCELERATED REHABILITATIVE~~  
25          ~~DISPOSITION PROGRAM, THE COURT SHALL ORDER THE DEFENDANT'S~~  
26          ~~LICENSE SUSPENDED AS FOLLOWS:~~

27                  ~~(1) THERE SHALL BE NO LICENSE SUSPENSION IF THE~~  
28                  ~~DEFENDANT'S BLOOD ALCOHOL CONCENTRATION AT THE TIME OF~~  
29                  ~~TESTING WAS LESS THAN .10%.~~

30                  ~~(2) FOR 30 DAYS, IF THE DEFENDANT'S BLOOD ALCOHOL~~

1 ~~CONCENTRATION AT THE TIME OF TESTING WAS AT LEAST .10% BUT~~  
2 ~~LESS THAN .16%.~~

3 ~~(3) FOR 60 DAYS, IF:~~

4 ~~(I) THE DEFENDANT'S BLOOD ALCOHOL CONCENTRATION AT~~  
5 ~~THE TIME OF TESTING WAS .16% OR HIGHER;~~

6 ~~(II) THE DEFENDANT'S BLOOD ALCOHOL CONCENTRATION IS~~  
7 ~~NOT KNOWN; OR~~

8 ~~(III) AN ACCIDENT WHICH RESULTED IN BODILY INJURY OR~~  
9 ~~IN DAMAGE TO A VEHICLE OR OTHER PROPERTY OCCURRED IN~~  
10 ~~CONNECTION WITH THE EVENTS SURROUNDING THE CURRENT~~  
11 ~~OFFENSE.~~

12 ~~(E) FAILURE TO COMPLY.—~~

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

19 ~~(2) THE COURT SHALL DIRECT THE ATTORNEY FOR THE~~  
20 ~~COMMONWEALTH TO PROCEED ON THE CHARGES AS PRESCRIBED IN THE~~  
21 ~~RULES OF CRIMINAL PROCEDURE IF THE DEFENDANT:~~

22 ~~(I) FAILS TO MEET ANY OF THE REQUIREMENTS OF THIS~~  
23 ~~SECTION;~~

24 ~~(II) IS CHARGED WITH OR COMMITS AN OFFENSE UNDER 18~~  
25 ~~PA.C.S (RELATING TO CRIMES AND OFFENSES); OR~~

26 ~~(III) VIOLATES ANY OTHER CONDITION IMPOSED BY THE~~  
27 ~~COURT.~~

28 ~~§ 3808. ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH~~  
29 ~~IGNITION INTERLOCK.~~

30 ~~(A) OFFENSE DEFINED.—~~

1           ~~(1) AN INDIVIDUAL REQUIRED TO OPERATE ONLY A MOTOR~~  
2           ~~VEHICLE EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM~~  
3           ~~UNDER SECTION 1553(D.2) (RELATING TO OCCUPATIONAL LIMITED~~  
4           ~~LICENSE) OR 3805 (RELATING TO IGNITION INTERLOCK) WHO~~  
5           ~~OPERATES A MOTOR VEHICLE ON A HIGHWAY OF THIS COMMONWEALTH~~  
6           ~~WITHOUT SUCH A SYSTEM COMMITS A SUMMARY OFFENSE AND SHALL,~~  
7           ~~UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS THAN~~  
8           ~~\$300 AND NOT MORE THAN \$1,000 AND TO IMPRISONMENT FOR NOT~~  
9           ~~MORE THAN 90 DAYS.~~

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

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

1 ~~ATTEMPTING TO CIRCUMVENT OR BYPASS OR CIRCUMVENTING OR BYPASSING~~  
2 ~~AN IGNITION INTERLOCK DEVICE BY:~~

3 ~~(1) MEANS OF USING ANOTHER INDIVIDUAL TO PROVIDE A~~  
4 ~~BREATH SAMPLE; OR~~

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

7 ~~(C) REVOCATION OF OPERATING PRIVILEGE. UPON RECEIVING A~~  
8 ~~CERTIFIED RECORD OF THE CONVICTION OF AN INDIVIDUAL UNDER THIS~~  
9 ~~SECTION, THE DEPARTMENT SHALL REVOKE THE INDIVIDUAL'S OPERATING~~  
10 ~~PRIVILEGE FOR A PERIOD OF ONE YEAR.~~

11 ~~§ 3809. RESTRICTION ON ALCOHOLIC BEVERAGES.~~

12 ~~(A) GENERAL RULE. EXCEPT AS SET FORTH IN SUBSECTION (B), AN~~  
13 ~~INDIVIDUAL WHO IS AN OPERATOR OR AN OCCUPANT IN A MOTOR VEHICLE~~  
14 ~~MAY NOT BE IN POSSESSION OF AN OPEN ALCOHOLIC BEVERAGE CONTAINER~~  
15 ~~OR CONSUME A CONTROLLED SUBSTANCE AS DEFINED IN THE ACT OF APRIL~~  
16 ~~14, 1972 (P.L. 233, NO. 64), KNOWN AS THE CONTROLLED SUBSTANCE,~~  
17 ~~DRUG, DEVICE AND COSMETIC ACT, OR AN ALCOHOLIC BEVERAGE IN A~~  
18 ~~MOTOR VEHICLE WHILE THE MOTOR VEHICLE IS LOCATED ON A HIGHWAY IN~~  
19 ~~THIS COMMONWEALTH.~~

20 ~~(B) EXCEPTION. THIS SECTION DOES NOT PROHIBIT POSSESSION OR~~  
21 ~~CONSUMPTION BY ANY OF THE FOLLOWING:~~

22 ~~(1) A PASSENGER IN THE PASSENGER AREA OF A MOTOR VEHICLE~~  
23 ~~DESIGNED, MAINTAINED OR USED PRIMARILY FOR THE LAWFUL~~  
24 ~~TRANSPORTATION OF PERSONS FOR COMPENSATION. THIS PARAGRAPH~~  
25 ~~INCLUDES BUSES, TAXIS AND LIMOUSINES.~~

26 ~~(2) AN INDIVIDUAL IN THE LIVING QUARTERS OF A HOUSE~~  
27 ~~COACH OR HOUSE TRAILER.~~

28 ~~(C) PENALTY. AN INDIVIDUAL WHO VIOLATES THIS SECTION~~  
29 ~~COMMITS A SUMMARY OFFENSE.~~

30 ~~§ 3810. AUTHORIZED USE NOT A DEFENSE.~~

1       ~~THE FACT THAT A PERSON CHARGED WITH VIOLATING THIS CHAPTER IS~~  
2 ~~OR HAS BEEN LEGALLY ENTITLED TO USE ALCOHOL OR CONTROLLED~~  
3 ~~SUBSTANCES IS NOT A DEFENSE TO A CHARGE OF VIOLATING THIS~~  
4 ~~CHAPTER.~~

5       ~~§ 3811. CERTAIN ARRESTS AUTHORIZED.~~

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

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

21       ~~§ 3812. PRELIMINARY HEARING OR ARRAIGNMENT.~~

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

28       ~~§ 3813. WORK RELEASE.~~

29       ~~IN ANY CASE IN WHICH AN INDIVIDUAL IS SENTENCED TO A PERIOD~~  
30 ~~OF IMPRISONMENT AS A RESULT OF A CONVICTION FOR VIOLATING A~~

1 ~~PROVISION OF THIS CHAPTER, THE JUDICIAL OFFICER IMPOSING THE~~  
2 ~~SENTENCE SHALL CONSIDER ASSIGNING THAT INDIVIDUAL TO A DAYTIME~~  
3 ~~WORK RELEASE PROGRAM. ANY WORK RELEASE PROGRAM PERMITTED UNDER~~  
4 ~~THIS SECTION SHALL BE CERTIFIED BY THE DRUG AND ALCOHOL~~  
5 ~~TREATMENT PROGRAM ADMINISTRATION AS BEING CONSISTENT WITH ANY~~  
6 ~~DRUG AND ALCOHOL TREATMENT REQUIREMENTS IMPOSED UNDER SECTION~~  
7 ~~3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS).~~

8 ~~§ 3814. DRUG AND ALCOHOL ASSESSMENTS.~~

9 ~~IF A DEFENDANT IS CONVICTED OR PLEADS GUILTY OR NO CONTEST TO~~  
10 ~~A VIOLATION OF SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE~~  
11 ~~OF ALCOHOL OR CONTROLLED SUBSTANCE), THE FOLLOWING APPLY PRIOR~~  
12 ~~TO SENTENCING:~~

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

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

23 ~~(I) THE DEFENDANT, WITHIN TEN YEARS PRIOR TO THE~~  
24 ~~OFFENSE FOR WHICH SENTENCE IS BEING IMPOSED, HAS BEEN~~  
25 ~~SENTENCED FOR AN OFFENSE UNDER:~~

26 ~~(A) FORMER SECTION 3731 (RELATING TO DRIVING~~  
27 ~~UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE);~~

28 ~~(B) SECTION 3802; OR~~

29 ~~(C) AN EQUIVALENT OFFENSE IN ANOTHER~~  
30 ~~JURISDICTION.~~



1           ~~(II) EITHER:~~

2                   ~~(A) THE EVALUATION UNDER PARAGRAPH (1) INDICATES~~  
3           ~~THERE IS A NEED FOR COUNSELING OR TREATMENT; OR~~

4                   ~~(B) THE DEFENDANT'S BLOOD ALCOHOL CONTENT AT THE~~  
5           ~~TIME OF THE OFFENSE WAS AT LEAST .16%.~~

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

8                   ~~(I) THE DEPARTMENT OF HEALTH OR ITS DESIGNEE.~~

9                   ~~(II) THE COUNTY AGENCY WITH RESPONSIBILITY FOR~~  
10           ~~COUNTY DRUG AND ALCOHOL PROGRAMS OR ITS DESIGNEE.~~

11                   ~~(III) THE CLINICAL PERSONNEL OF A FACILITY LICENSED~~  
12           ~~BY THE DEPARTMENT OF HEALTH FOR THE CONDUCT OF DRUG AND~~  
13           ~~ALCOHOL ADDICTION TREATMENT PROGRAMS.~~

14           ~~(4) THE ASSESSMENT UNDER PARAGRAPH (2) SHALL CONSIDER~~  
15           ~~ISSUES OF PUBLIC SAFETY AND SHALL INCLUDE RECOMMENDATIONS FOR~~  
16           ~~ALL OF THE FOLLOWING:~~

17                   ~~(I) LENGTH OF STAY.~~

18                   ~~(II) LEVELS OF CARE.~~

19                   ~~(III) FOLLOW UP CARE AND MONITORING.~~

20   ~~§ 3815. MANDATORY SENTENCING.~~

21           ~~(A) COUNTY SUPERVISION. NOTWITHSTANDING THE LENGTH OF ANY~~  
22           ~~MAXIMUM TERM OF IMPRISONMENT REQUIRED BY SECTION 3804 (RELATING~~  
23           ~~TO PENALTIES), THE SENTENCING JUDGE MAY SUBJECT THE OFFENDER TO~~  
24           ~~THE SUPERVISION OF THE COUNTY PAROLE SYSTEM.~~

25           ~~(B) PAROLE.~~

26                   ~~(1) AN OFFENDER WHO IS DETERMINED PURSUANT TO SECTION~~  
27           ~~3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS) TO BE IN NEED~~  
28           ~~OF DRUG AND ALCOHOL TREATMENT SHALL BE ELIGIBLE FOR PAROLE IN~~  
29           ~~ACCORDANCE WITH THE TERMS AND CONDITIONS PRESCRIBED IN THIS~~  
30           ~~SECTION FOLLOWING THE EXPIRATION OF THE OFFENDER'S MANDATORY~~

1 ~~MINIMUM TERM OF IMPRISONMENT.~~

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

3 ~~(I) IF THE OFFENDER IS NOT DETERMINED UNDER THE~~  
4 ~~PROCEDURES SET FORTH IN SECTION 3814 TO BE ADDICTED TO~~  
5 ~~ALCOHOL OR ANOTHER SUBSTANCE, THE OFFENDER MUST REFRAIN~~  
6 ~~FROM:~~

7 ~~(A) THE USE OF ILLEGAL CONTROLLED SUBSTANCES;~~

8 ~~AND~~

9 ~~(B) THE ABUSE OF PRESCRIPTION DRUGS, OVER THE~~  
10 ~~COUNTER DRUGS OR ANY OTHER SUBSTANCES.~~

11 ~~(II) IF THE OFFENDER IS DETERMINED UNDER THE~~  
12 ~~PROCEDURES SET FORTH IN SECTION 3814 TO BE ADDICTED TO~~  
13 ~~ALCOHOL OR ANOTHER SUBSTANCE, THE OFFENDER MUST DO ALL OF~~  
14 ~~THE FOLLOWING:~~

15 ~~(A) REFRAIN FROM:~~

16 ~~(I) THE USE OF ALCOHOL OR ILLEGAL CONTROLLED~~  
17 ~~SUBSTANCES; AND~~

18 ~~(II) THE ABUSE OF PRESCRIPTION DRUGS, OVER~~  
19 ~~THE COUNTER DRUGS OR ANY OTHER SUBSTANCES.~~

20 ~~(B) PARTICIPATE IN AND COOPERATE WITH DRUG AND~~  
21 ~~ALCOHOL ADDICTION TREATMENT UNDER SUBSECTION (C).~~

22 ~~(C) TREATMENT.~~

23 ~~(1) TREATMENT MUST CONFORM TO ASSESSMENT RECOMMENDATIONS~~  
24 ~~MADE UNDER SECTION 3814.~~

25 ~~(2) TREATMENT MUST BE CONDUCTED BY A DRUG AND ALCOHOL~~  
26 ~~ADDICTION TREATMENT PROGRAM LICENSED BY THE DEPARTMENT OF~~  
27 ~~HEALTH.~~

28 ~~(3) THE TREATMENT PROGRAM SHALL REPORT PERIODICALLY TO~~  
29 ~~THE ASSIGNED PAROLE OFFICER ON THE OFFENDER'S PROGRESS IN THE~~  
30 ~~TREATMENT PROGRAM. THE TREATMENT PROGRAM SHALL PROMPTLY~~

1 ~~NOTIFY THE PAROLE OFFICER IF THE OFFENDER:~~

2 ~~(I) FAILS TO COMPLY WITH PROGRAM RULES AND TREATMENT~~  
3 ~~EXPECTATIONS;~~

4 ~~(II) REFUSES TO CONSTRUCTIVELY ENGAGE IN THE~~  
5 ~~TREATMENT PROCESS; OR~~

6 ~~(III) WITHOUT AUTHORIZATION TERMINATES PARTICIPATION~~  
7 ~~IN THE TREATMENT PROGRAM.~~

8 ~~(4) UPON NOTIFICATION UNDER PARAGRAPH (3), THE PAROLE~~  
9 ~~OFFICER SHALL REPORT THE OFFENDER'S ACTIONS TO THE PAROLE~~  
10 ~~AUTHORITY AND TO THE DEPARTMENT FOR COMPLIANCE WITH SECTION~~  
11 ~~1553(E) (RELATING TO OCCUPATIONAL LIMITED LICENSE). THE~~  
12 ~~PAROLE AUTHORITY SHALL SCHEDULE A REVOCATION HEARING TO~~  
13 ~~CONSIDER RECOMMENDATIONS OF THE PAROLE OFFICER AND THE~~  
14 ~~TREATMENT PROGRAM.~~

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

23 ~~(D) ENFORCEMENT. —~~

24 ~~(1) THIS SUBSECTION APPLIES TO AN OFFENDER ORDERED TO~~  
25 ~~PARTICIPATE IN A TREATMENT PROGRAM UNDER SUBSECTION~~

26 ~~(B)(2)(II) WHO:~~

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

29 ~~(II) REFUSES TO CONSTRUCTIVELY ENGAGE IN THE~~  
30 ~~TREATMENT PROCESS; OR~~

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

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

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

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

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

19           ~~(E) FOLLOW UP. AFTER AN OFFENDER HAS COMPLETED THE~~  
20           ~~TREATMENT PROGRAM UNDER SUBSECTION (C), THE PAROLE OFFICER SHALL~~  
21           ~~TAKE REASONABLE STEPS TO ENSURE THAT THE OFFENDER DOES NOT ABUSE~~  
22           ~~ALCOHOL, USE ILLEGAL CONTROLLED SUBSTANCES OR ABUSE PRESCRIPTION~~  
23           ~~DRUGS, OVER THE COUNTER DRUGS OR ANY OTHER SUCH SUBSTANCES.~~

24           ~~THESE REASONABLE STEPS INCLUDE REQUIRING CHEMICAL TESTING AND~~  
25           ~~PERIODIC REASSESSMENT OF THE OFFENDER BY THE TREATMENT PROGRAM.~~

26           ~~(F) FEES.~~

27           ~~(1) EXCEPT AS SET FORTH IN PARAGRAPH (2), THE PAROLE~~  
28           ~~AUTHORITY SHALL IMPOSE UPON AN OFFENDER SUBJECT TO THIS~~  
29           ~~SECTION REASONABLE FEES TO COVER THE COST OF ANY OF THE~~  
30           ~~FOLLOWING:~~

1           ~~(I) CHEMICAL TESTING OF THE OFFENDER REQUIRED UNDER~~  
2           ~~THIS SECTION.~~

3           ~~(II) AN ASSESSMENT OF THE OFFENDER REQUIRED UNDER~~  
4           ~~THIS SECTION.~~

5           ~~(III) DRUG OR ALCOHOL TREATMENT PROVIDED IN~~  
6           ~~ACCORDANCE WITH THE ASSESSMENT.~~

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

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

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

1 ~~THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.~~

2 ~~§ 3816. REQUIREMENTS FOR DRIVING UNDER INFLUENCE OFFENDERS.~~

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

18 ~~(B) COURT ORDERED INTERVENTION OR TREATMENT. A RECORD SHALL~~  
19 ~~BE SUBMITTED TO THE DEPARTMENT AS TO WHETHER THE COURT DID OR~~  
20 ~~DID NOT ORDER A DEFENDANT TO ATTEND DRUG AND ALCOHOL TREATMENT~~  
21 ~~PURSUANT TO THE REQUIREMENTS OF SECTIONS 3804 (RELATING TO~~  
22 ~~PENALTIES), 3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS) AND~~  
23 ~~3815 (RELATING TO MANDATORY SENTENCING). IF THE COURT ORDERS~~  
24 ~~TREATMENT, A REPORT SHALL BE FORWARDED TO THE DEPARTMENT AS TO~~  
25 ~~WHETHER THE DEFENDANT SUCCESSFULLY COMPLETED THE PROGRAM. IF A~~  
26 ~~DEFENDANT FAILS TO SUCCESSFULLY COMPLETE A PROGRAM OF TREATMENT~~  
27 ~~AS ORDERED BY THE COURT, THE SUSPENSION SHALL REMAIN IN EFFECT~~  
28 ~~UNTIL THE DEPARTMENT IS NOTIFIED BY THE COURT THAT THE DEFENDANT~~  
29 ~~HAS SUCCESSFULLY COMPLETED TREATMENT AND THE DEFENDANT IS~~  
30 ~~OTHERWISE ELIGIBLE FOR RESTORATION OF HIS OPERATING PRIVILEGE.~~

1 ~~IN ORDER TO IMPLEMENT THE RECORDKEEPING REQUIREMENTS OF THIS~~  
2 ~~SECTION, THE DEPARTMENT AND THE COURT SHALL WORK TOGETHER TO~~  
3 ~~EXCHANGE PERTINENT INFORMATION ABOUT A DEFENDANT'S CASE,~~  
4 ~~INCLUDING ATTENDANCE AND COMPLETION OF TREATMENT OR FAILURE TO~~  
5 ~~COMPLETE TREATMENT.~~

6 ~~§ 3817. REPORTING REQUIREMENTS FOR OFFENSES.~~

7 ~~(A) REQUIREMENT. THE DEPARTMENT SHALL MAKE AN ANNUAL REPORT~~  
8 ~~ON THE ADMINISTRATION OF THIS CHAPTER. THE DEPARTMENT, THE~~  
9 ~~COURTS AND THE PENNSYLVANIA SENTENCING COMMISSION SHALL WORK~~  
10 ~~TOGETHER TO EXCHANGE PERTINENT INFORMATION NECESSARY TO COMPLETE~~  
11 ~~THIS REPORT.~~

12 ~~(B) CONTENTS. THE REPORT SHALL INCLUDE:~~

13 ~~(1) THE NUMBER OF OFFENDERS.~~

14 ~~(2) THE NUMBER OF OFFENDERS SUBJECT TO SECTION 3815~~  
15 ~~(RELATING TO MANDATORY SENTENCING).~~

16 ~~(3) THE NUMBER OF OFFENDERS SENT TO TREATMENT FOR~~  
17 ~~ALCOHOL AND DRUG PROBLEMS AND ADDICTION.~~

18 ~~(4) THE NAMES OF THE TREATMENT FACILITIES PROVIDING~~  
19 ~~TREATMENT AND THE LEVEL OF CARE AND LENGTH OF STAY IN~~  
20 ~~TREATMENT.~~

21 ~~(5) THE NUMBER OF OFFENDERS SUCCESSFULLY COMPLETING~~  
22 ~~TREATMENT.~~

23 ~~(6) THE NUMBER OF SUSPENDED LICENSES RETURNED AFTER~~  
24 ~~COMPLETION OF TREATMENT.~~

25 ~~(7) THE NUMBER OF FIRST, SECOND, THIRD AND SUBSEQUENT~~  
26 ~~OFFENDERS.~~

27 ~~(C) RECIPIENTS. THE ANNUAL REPORT SHALL BE SUBMITTED TO THE~~  
28 ~~JUDICIARY COMMITTEE, PUBLIC HEALTH AND WELFARE COMMITTEE AND~~  
29 ~~TRANSPORTATION COMMITTEE OF THE SENATE; THE HEALTH AND HUMAN~~  
30 ~~SERVICES COMMITTEE, JUDICIARY COMMITTEE AND TRANSPORTATION~~

1 ~~COMMITTEE OF THE HOUSE OF REPRESENTATIVES; AND THE BUREAU OF~~  
2 ~~DRUG AND ALCOHOL PROGRAMS. THE REPORT SHALL BE MADE AVAILABLE TO~~  
3 ~~THE PUBLIC.~~

4 ~~SECTION 20. SECTION 6109(A)(1) AND (F) OF TITLE 75 ARE~~  
5 ~~AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO~~  
6 ~~READ:~~

7 ~~§ 6109. SPECIFIC POWERS OF DEPARTMENT AND LOCAL AUTHORITIES.~~

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

14 ~~(1) [REGULATING] EXCEPT AS LIMITED BY SUBSECTION (G),~~  
15 ~~REGULATING OR PROHIBITING STOPPING, STANDING OR PARKING.~~

16 ~~\* \* \*~~

17 ~~(F) DELEGATION OF POWERS AUTHORIZED. [NOTHING] EXCEPT AS~~  
18 ~~SET FORTH IN SUBSECTION (G), NOTHING CONTAINED IN THIS SECTION~~  
19 ~~SHALL BE DEEMED TO PREVENT LOCAL AUTHORITIES BY ORDINANCE OR~~  
20 ~~RESOLUTION OF THE LOCAL GOVERNING BODY FROM DELEGATING THEIR~~  
21 ~~POWERS UNDER SUBSECTION (A)(1) OR (22) TO A PARKING AUTHORITY~~  
22 ~~ESTABLISHED PURSUANT TO [THE ACT OF JUNE 5, 1947 (P.L.458,~~  
23 ~~NO.208), KNOWN AS THE "PARKING AUTHORITY LAW."] 53 PA.C.S. CH.~~  
24 ~~55 (RELATING TO PARKING AUTHORITIES).~~

25 ~~(G) DELEGATION OF POWERS IN CITIES OF THE FIRST CLASS.~~

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



1           ~~(2) AS USED IN THIS SUBSECTION, THE FOLLOWING WORDS AND~~  
2           ~~PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS~~  
3           ~~PARAGRAPH:~~

4           ~~"ADMINISTER." TO PROVIDE ANY SERVICES OR MATERIALS~~  
5           ~~NECESSARY TO ENFORCE ANY ORDINANCE OR RESOLUTION ENACTED IN~~  
6           ~~ORDER TO REGULATE OR PROHIBIT THE STOPPING, STANDING OR~~  
7           ~~PARKING OF MOTOR VEHICLES IN A CITY OF THE FIRST CLASS,~~  
8           ~~INCLUDING, BUT NOT LIMITED TO:~~

9           ~~(I) THE INSTALLATION AND MAINTENANCE OF ALL~~  
10           ~~EQUIPMENT, INCLUDING PARKING METERS, ON AND ALONG~~  
11           ~~HIGHWAYS, STREETS AND ROADWAYS.~~

12           ~~(II) THE INSTALLATION AND MAINTENANCE OF ALL~~  
13           ~~SIGNAGE, INCLUDING SIGNAGE FOR HANDICAPPED PARKING,~~  
14           ~~RESIDENTIAL PERMIT PARKING AND LOADING AREAS, ON AND~~  
15           ~~ALONG HIGHWAYS, STREETS AND ROADWAYS.~~

16           ~~(III) THE OPERATION AND MANAGEMENT OF ANY~~  
17           ~~HANDICAPPED PARKING, RESIDENTIAL PARKING AND LOADING AREA~~  
18           ~~PERMIT PROGRAMS.~~

19           ~~(IV) THE ADJUDICATION OF ALL DISPUTED PARKING~~  
20           ~~VIOLATION NOTICES OR CITATIONS ISSUED THROUGH ENFORCEMENT~~  
21           ~~BY THE PARKING AUTHORITY IN A CITY OF THE FIRST CLASS OR~~  
22           ~~THE POLICE DEPARTMENT WITH JURISDICTION OVER THE CITY OF~~  
23           ~~THE FIRST CLASS.~~

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

30           ~~SECTION 21. SECTIONS 6308(B) AND 6506(A) AND (B) OF TITLE 75~~

1 ~~ARE AMENDED TO READ:~~

2 ~~§ 6308. INVESTIGATION BY POLICE OFFICERS.~~

3 ~~\* \* \*~~

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

15 ~~\* \* \*~~

16 ~~§ 6506. SURCHARGE.~~

17 ~~(A) LEVY AND IMPOSITION. IN ADDITION TO ANY FINES, FEES OR~~  
18 ~~PENALTIES LEVIED OR IMPOSED AS PROVIDED BY LAW, UNDER THIS TITLE~~  
19 ~~OR ANY OTHER STATUTE, A SURCHARGE SHALL BE LEVIED FOR~~  
20 ~~DISPOSITION IN ACCORDANCE WITH SUBSECTION (B) AS FOLLOWS:~~

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

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

29 ~~(I) SECTION 3306(A)(1) (RELATING TO LIMITATIONS ON~~  
30 ~~DRIVING ON LEFT SIDE OF ROADWAY).~~

1           ~~(II) SECTION 3745 (RELATING TO ACCIDENTS INVOLVING~~  
2           ~~DAMAGE TO UNATTENDED VEHICLE OR PROPERTY).~~

3           ~~(3) UPON CONVICTION FOR A VIOLATION OF SECTION 3345(A)~~  
4           ~~(RELATING TO MEETING OR OVERTAKING SCHOOL BUS), A SURCHARGE~~  
5           ~~OF \$50.~~

6           ~~(4) UPON CONVICTION FOR A VIOLATION OF SECTION 3362~~  
7           ~~(RELATING TO MAXIMUM SPEED LIMITS), THE FOLLOWING APPLICABLE~~  
8           ~~SURCHARGE:~~

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

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

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

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

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

26           ~~(7) UPON CONVICTION OF OFFENSES UNDER SECTION [3731]~~  
27           ~~3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
28           ~~CONTROLLED SUBSTANCE), OR UPON ADMISSION TO PROGRAMS FOR~~  
29           ~~ACCELERATED REHABILITATIVE DISPOSITION FOR OFFENSES~~  
30           ~~ENUMERATED IN SECTION [3731] 3802, A SURCHARGE, RESPECTIVELY,~~

1 OF:-

2 ~~(I) \$50 FOR THE FIRST OFFENSE.~~

3 ~~(II) \$100 FOR THE SECOND OFFENSE.~~

4 ~~(III) \$200 FOR THE THIRD OFFENSE.~~

5 ~~(IV) \$300 FOR THE FOURTH AND SUBSEQUENT OFFENSES.~~

6 ~~THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO ANY~~  
7 ~~VIOLATION COMMITTED BY THE OPERATOR OF A MOTORCYCLE, MOTOR-~~  
8 ~~DRIVEN CYCLE, PEDALCYCLE, MOTORIZED PEDALCYCLE OR RECREATIONAL~~  
9 ~~VEHICLE NOT INTENDED FOR HIGHWAY USE.~~

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

12 ~~(B) DISPOSITION.~~

13 ~~(1) NOTWITHSTANDING THE PROVISIONS OF 42 PA.C.S. §§ 3571~~  
14 ~~(RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) AND 3573~~  
15 ~~(RELATING TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.)[,~~  
16 ~~ALL];~~

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

26 ~~(II) ALL SURCHARGES LEVIED AND COLLECTED UNDER~~  
27 ~~SUBSECTION (A)(8) BY SUCH DIVISION OF THE UNIFIED~~  
28 ~~JUDICIAL SYSTEM SHALL BE REMITTED TO THE APPROPRIATE~~  
29 ~~TOWING AND STORAGE AGENT AS SET FORTH IN SECTION~~  
30 ~~6309.2(E) (RELATING TO IMMOBILIZATION, TOWING AND STORAGE~~

~~OF VEHICLE FOR DRIVING WITHOUT OPERATING PRIVILEGES OR  
REGISTRATION) FOR PURPOSES OF FUNDING ITS COSTS  
ASSOCIATED WITH SUBCHAPTER A OF CHAPTER 63 (RELATING TO  
GENERAL PROVISIONS).~~

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

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

~~\* \* \*~~

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

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

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

~~(3) AFTER JUNE 30, 2006, FOR AN OFFENDER SENTENCED~~

1 ~~PURSUANT TO SECTION 3804(A)(3), (B)(2) AND (C)(1).~~

2 ~~SECTION 23. THE DEPARTMENT OF TRANSPORTATION HAS THE~~  
3 ~~FOLLOWING DUTIES:~~

4 ~~(1) IN ORDER TO IMPLEMENT THE ADDITION OF 75 PA.C.S. §~~  
5 ~~3805, THE FOLLOWING SHALL APPLY:~~

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

13 ~~(II) BY SEPTEMBER 30, 2004, THE DEPARTMENT SHALL, IN~~  
14 ~~ACCORDANCE WITH LAW, PROMULGATE REGULATIONS TO REPLACE~~  
15 ~~THE GUIDELINES UNDER SUBPARAGRAPH (I).~~

16 ~~(III) THE GUIDELINES UNDER SUBPARAGRAPH (I) SHALL:~~

17 ~~(A) TAKE EFFECT SEPTEMBER 30, 2003, OR~~

18 ~~IMMEDIATELY, WHICHEVER IS LATER; AND~~

19 ~~(B) EXPIRE ON THE EARLIER OF:~~

20 ~~(I) THE EFFECTIVE DATE OF REGULATIONS UNDER~~  
21 ~~SUBPARAGRAPH (II); OR~~

22 ~~(II) SEPTEMBER 30, 2005.~~

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

25 ~~SECTION 24. THE ADDITION OF 75 PA.C.S. CH. 38 IS A~~  
26 ~~CONTINUATION OF FORMER 75 PA.C.S. § 3731. THE REPEAL OF 75~~  
27 ~~PA.C.S. § 3731 SHALL NOT AFFECT OFFENSES COMMITTED PRIOR TO THE~~  
28 ~~EFFECTIVE DATE OF THIS SECTION.~~

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

30 ~~(1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN 60~~

1       ~~DAYS:~~

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

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

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

5               ~~(Q).~~

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

7               ~~(F).~~

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

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

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

11              ~~(2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT~~

12              ~~IMMEDIATELY:~~

13                      ~~(I) SECTION 23 OF THIS ACT.~~

14                      ~~(II) THIS SECTION.~~

15              ~~(3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT~~

16              ~~SEPTEMBER 30, 2003, OR IMMEDIATELY, WHICHEVER IS LATER.~~

17              ~~SECTION 1. SECTIONS 6105(C)(3) AND 7508.1(B) AND (C) OF~~ <—

18              ~~TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED~~

19              ~~TO READ:~~

20                      ~~SECTION 1. SECTION 6105(C)(3) OF TITLE 18 OF THE~~ <—

21              ~~PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:~~

22              ~~§ 6105. PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL~~

23                      ~~OR TRANSFER FIREARMS.~~

24                      ~~\* \* \*~~

25                      ~~(C) OTHER PERSONS. IN ADDITION TO ANY PERSON WHO HAS BEEN~~

26              ~~CONVICTED OF ANY OFFENSE LISTED UNDER SUBSECTION (B), THE~~

27              ~~FOLLOWING PERSONS SHALL BE SUBJECT TO THE PROHIBITION OF~~

28              ~~SUBSECTION (A):~~

29                      ~~\* \* \*~~

30                      ~~(3) A PERSON WHO HAS BEEN CONVICTED OF DRIVING UNDER THE~~

1 ~~INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AS PROVIDED IN~~  
2 ~~75 PA.C.S. § [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE~~  
3 ~~OF ALCOHOL OR CONTROLLED SUBSTANCE) ON THREE OR MORE SEPARATE~~  
4 ~~OCCASIONS WITHIN A FIVE YEAR PERIOD. FOR THE PURPOSES OF THIS~~  
5 ~~PARAGRAPH ONLY, THE PROHIBITION OF SUBSECTION (A) SHALL ONLY~~  
6 ~~APPLY TO TRANSFERS OR PURCHASES OF FIREARMS AFTER THE THIRD~~  
7 ~~CONVICTION.~~

8 \* \* \*

9 ~~SECTION 1.1. SECTION 7508.1(B) AND (C) OF TITLE 18, ADDED~~  
10 ~~DECEMBER 9, 2002 (P.L.1539, NO.198), IS AMENDED TO READ:~~

11 ~~§ 7508.1. SUBSTANCE ABUSE EDUCATION AND DEMAND REDUCTION FUND.~~

12 \* \* \*

13 ~~(B) IMPOSITION. UNLESS THE COURT FINDS THAT UNDUE HARDSHIP~~  
14 ~~WOULD RESULT, A MANDATORY COST OF \$100, WHICH SHALL BE IN~~  
15 ~~ADDITION TO ANY OTHER COSTS IMPOSED PURSUANT TO STATUTORY~~  
16 ~~AUTHORITY, SHALL AUTOMATICALLY BE ASSESSED ON ANY INDIVIDUAL~~  
17 ~~CONVICTED, ADJUDICATED DELINQUENT OR GRANTED ACCELERATED~~  
18 ~~REHABILITATIVE DISPOSITION OR ANY INDIVIDUAL WHO PLEADS GUILTY~~  
19 ~~OR NOLO CONTENDERE FOR A VIOLATION OF THE ACT OF APRIL 14, 1972~~  
20 ~~(P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,~~  
21 ~~DEVICE AND COSMETIC ACT, OR A VIOLATION OF 75 PA.C.S. § [3731]~~  
22 ~~3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
23 ~~CONTROLLED SUBSTANCE).~~

24 ~~(C) ADDITIONAL ASSESSMENT. IN ADDITION TO THE ASSESSMENT~~  
25 ~~REQUIRED BY SUBSECTION (B), A PERSON CONVICTED OF OR ADJUDICATED~~  
26 ~~DELINQUENT FOR A VIOLATION OF 75 PA.C.S. § [3731] 3802 SHALL BE~~  
27 ~~ASSESSED \$200 WHERE THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD~~  
28 ~~OF THE PERSON IS EQUAL TO OR GREATER THAN [.15%] .16% AT THE~~  
29 ~~TIME A CHEMICAL TEST IS PERFORMED ON A SAMPLE OF THE PERSON'S~~  
30 ~~BREATH, BLOOD OR URINE. FOR THE PURPOSES OF THIS SUBSECTION, THE~~



1 ~~SAMPLE OF THE PERSON'S BLOOD, BREATH OR URINE SHALL BE TAKEN~~  
2 ~~WITHIN [TWO] THREE HOURS AFTER THE PERSON IS PLACED UNDER~~  
3 ~~ARREST.~~

4 \* \* \*

5 ~~SECTION 2. SECTION 7514 OF TITLE 18 IS REPEALED.~~

6 ~~SECTION 3. SECTION 5502(A)(4) AND (A.1)(1) OF TITLE 30 ARE~~  
7 ~~AMENDED TO READ:~~

8 ~~§ 5502. OPERATING WATERCRAFT UNDER INFLUENCE OF ALCOHOL OR~~  
9 ~~CONTROLLED SUBSTANCE.~~

10 ~~(A) GENERAL RULE. NO PERSON SHALL OPERATE OR BE IN ACTUAL~~  
11 ~~PHYSICAL CONTROL OF THE MOVEMENT OF A WATERCRAFT UPON, IN OR~~  
12 ~~THROUGH THE WATERS OF THIS COMMONWEALTH:~~

13 \* \* \*

14 ~~(4) WHILE THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD~~  
15 ~~OF:~~

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

17 ~~(II) A MINOR IS 0.02% OR GREATER.~~

18 ~~(A.1) PRIMA FACIE EVIDENCE.~~

19 ~~(1) IT IS PRIMA FACIE EVIDENCE THAT:~~

20 ~~(I) AN ADULT HAD [0.10%] 0.08% OR MORE BY WEIGHT OF~~  
21 ~~ALCOHOL IN HIS OR HER BLOOD AT THE TIME OF OPERATING OR~~  
22 ~~BEING IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A~~  
23 ~~WATERCRAFT IF THE AMOUNT OF ALCOHOL BY WEIGHT IN THE~~  
24 ~~BLOOD OF THE PERSON IS EQUAL TO OR GREATER THAN [0.10%]~~  
25 ~~0.08% AT THE TIME A CHEMICAL TEST IS PERFORMED ON A~~  
26 ~~SAMPLE OF THE PERSON'S BREATH, BLOOD OR URINE; AND~~

27 ~~(II) A MINOR HAD 0.02% OR MORE BY WEIGHT OF ALCOHOL~~  
28 ~~IN HIS OR HER BLOOD AT THE TIME OF OPERATING OR BEING IN~~  
29 ~~ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A WATERCRAFT~~  
30 ~~IF THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF THE~~

1           ~~MINOR IS EQUAL TO OR GREATER THAN 0.02% AT THE TIME A~~  
2           ~~CHEMICAL TEST IS PERFORMED ON A SAMPLE OF THE PERSON'S~~  
3           ~~BREATH, BLOOD OR URINE.~~

4           ~~\* \* \*~~

5           ~~SECTION 4. SECTIONS 2501(A)(4) AND (A.1)(1)(I) AND (B) AND~~  
6           ~~2502(D)(2) AND (3) OF TITLE 34 ARE AMENDED TO READ:~~

7           ~~§ 2501. HUNTING OR FUR TAKING PROHIBITED WHILE UNDER INFLUENCE~~  
8           ~~OF ALCOHOL OR CONTROLLED SUBSTANCE.~~

9           ~~(A) GENERAL RULE. IT IS UNLAWFUL TO HUNT OR TAKE GAME,~~  
10           ~~FURBEARERS OR WILDLIFE OR AID, ABET, ASSIST OR CONSPIRE TO HUNT~~  
11           ~~OR TAKE GAME, FURBEARERS OR WILDLIFE ANYWHERE IN THIS~~  
12           ~~COMMONWEALTH WHILE IN POSSESSION OF A FIREARM OF ANY KIND OR A~~  
13           ~~BOW AND ARROW IF:~~

14           ~~\* \* \*~~

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

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

17           ~~(II) A MINOR IS 0.02% OR GREATER.~~

18           ~~(A.1) PRIMA FACIE EVIDENCE. —~~

19           ~~(1) IT IS PRIMA FACIE EVIDENCE THAT:~~

20           ~~(I) AN ADULT HAD [0.10%] 0.08% OR MORE BY WEIGHT OF~~  
21           ~~ALCOHOL IN HIS OR HER BLOOD AT THE TIME OF HUNTING OR~~  
22           ~~TAKING OF GAME, FURBEARERS OR WILDLIFE OR THE AIDING,~~  
23           ~~ABETTING, ASSISTING OR CONSPIRING TO HUNT OR TAKE GAME,~~  
24           ~~FURBEARERS OR WILDLIFE IF THE AMOUNT OF ALCOHOL BY WEIGHT~~  
25           ~~IN THE BLOOD OF THE PERSON IS EQUAL TO OR GREATER THAN~~  
26           ~~[0.10%] 0.08% AT THE TIME A CHEMICAL TEST IS PERFORMED ON~~  
27           ~~A SAMPLE OF THE PERSON'S BREATH, BLOOD OR URINE; OR~~

28           ~~\* \* \*~~

29           ~~(B) PENALTY. —~~

30           ~~(1) A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL~~

1 ~~BE A SUMMARY OFFENSE IF THE AMOUNT OF ALCOHOL BY WEIGHT IN~~  
2 ~~THE BLOOD OF THE INDIVIDUAL IS AT LEAST 0.08% BUT LESS THAN~~  
3 ~~0.10%.~~

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

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

10 \* \* \*

11 ~~§ 2502. CHEMICAL TEST TO DETERMINE AMOUNT OF ALCOHOL.~~

12 \* \* \*

13 ~~(D) PRESUMPTIONS FROM AMOUNT OF ALCOHOL. IF CHEMICAL~~  
14 ~~ANALYSIS OF A PERSON'S BREATH, BLOOD OR URINE SHOWS:~~

15 \* \* \*

16 ~~(2) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF~~  
17 ~~THE PERSON TESTED IS IN EXCESS OF 0.05% BUT LESS THAN [0.10%]~~  
18 ~~0.08%, THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION THAT~~  
19 ~~THE PERSON TESTED WAS OR WAS NOT UNDER THE INFLUENCE OF~~  
20 ~~ALCOHOL, BUT THIS FACT MAY BE CONSIDERED WITH OTHER COMPETENT~~  
21 ~~EVIDENCE IN DETERMINING WHETHER THE PERSON WAS OR WAS NOT~~  
22 ~~UNDER THE INFLUENCE OF ALCOHOL.~~

23 ~~(3) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF~~  
24 ~~THE PERSON TESTED IS [0.10%] 0.08% OR MORE, IT SHALL BE~~  
25 ~~PRESUMED THAT THE DEFENDANT WAS UNDER THE INFLUENCE OF~~  
26 ~~ALCOHOL.~~

27 \* \* \*

28 ~~SECTION 5. SECTIONS 933(A)(1)(II), 1515(A)(5), 1725.3(A),~~  
29 ~~3571(B)(4) AND 3573(B)(3) OF TITLE 42 ARE AMENDED TO READ:~~

30 ~~§ 933. APPEALS FROM GOVERNMENT AGENCIES.~~

1       ~~(A) GENERAL RULE. EXCEPT AS OTHERWISE PRESCRIBED BY ANY~~  
2 ~~GENERAL RULE ADOPTED PURSUANT TO SECTION 503 (RELATING TO~~  
3 ~~REASSIGNMENT OF MATTERS), EACH COURT OF COMMON PLEAS SHALL HAVE~~  
4 ~~JURISDICTION OF APPEALS FROM FINAL ORDERS OF GOVERNMENT AGENCIES~~  
5 ~~IN THE FOLLOWING CASES:~~

6           ~~(1) APPEALS FROM COMMONWEALTH AGENCIES IN THE FOLLOWING~~  
7 ~~CASES:~~

8                   ~~\* \* \*~~

9           ~~(II) DETERMINATIONS OF THE DEPARTMENT OF~~  
10 ~~TRANSPORTATION APPEALABLE UNDER THE FOLLOWING PROVISIONS~~  
11 ~~OF TITLE 75 (RELATING TO VEHICLES):~~

12                   ~~SECTION 1377 (RELATING TO JUDICIAL REVIEW).~~

13                   ~~SECTION 1550 (RELATING TO JUDICIAL REVIEW).~~

14                   ~~SECTION 4724(B) (RELATING TO JUDICIAL REVIEW).~~

15                   ~~SECTION 7303(B) (RELATING TO JUDICIAL REVIEW).~~

16                   ~~SECTION 7503(B) (RELATING TO JUDICIAL REVIEW).~~

17       ~~EXCEPT AS OTHERWISE PRESCRIBED BY GENERAL RULES, THE~~  
18 ~~VENUE SHALL BE IN THE COUNTY OF THE PRINCIPAL PLACE OF~~  
19 ~~BUSINESS OF ANY SALVOR OR MESSENGER SERVICE, THE LOCATION~~  
20 ~~OF ANY INSPECTION STATION INVOLVED, THE COUNTY WHERE THE~~  
21 ~~ARREST FOR A VIOLATION OF 75 PA.C.S. § [3731] 3802~~

22 ~~(RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
23 ~~CONTROLLED SUBSTANCE) WAS MADE IN APPEALS INVOLVING THE~~  
24 ~~SUSPENSION OF OPERATING PRIVILEGES UNDER 75 PA.C.S. §~~

25 ~~1547 (RELATING TO CHEMICAL TESTING TO DETERMINE AMOUNT OF~~  
26 ~~ALCOHOL OR CONTROLLED SUBSTANCE) OR THE RESIDENCE OF ANY~~  
27 ~~INDIVIDUAL APPELLANT WHERE THE VENUE IS NOT OTHERWISE~~  
28 ~~FIXED BY THIS SENTENCE. IN THE CASE OF A NONRESIDENT~~  
29 ~~INDIVIDUAL VENUE, EXCEPT AS OTHERWISE PRESCRIBED BY~~  
30 ~~GENERAL RULES, SHALL BE IN THE COUNTY IN WHICH THE~~

1           ~~OFFENSE GIVING RISE TO THE RECALL, CANCELLATION,~~  
2           ~~SUSPENSION OR REVOCATION OF OPERATING PRIVILEGES~~  
3           ~~OCCURRED.~~

4                   ~~\* \* \*~~

5   ~~§ 1515. JURISDICTION AND VENUE.~~

6           ~~(A) JURISDICTION. EXCEPT AS OTHERWISE PRESCRIBED BY GENERAL~~  
7   ~~RULE ADOPTED PURSUANT TO SECTION 503 (RELATING TO REASSIGNMENT~~  
8   ~~OF MATTERS), DISTRICT JUSTICES SHALL, UNDER PROCEDURES~~  
9   ~~PRESCRIBED BY GENERAL RULE, HAVE JURISDICTION OF ALL OF THE~~  
10 ~~FOLLOWING MATTERS:~~

11                   ~~\* \* \*~~

12           ~~(5) OFFENSES UNDER 75 PA.C.S. § [3731] 3802 (RELATING TO~~  
13   ~~DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE),~~  
14   ~~IF THE FOLLOWING CRITERIA ARE MET:~~

15                   ~~(I) THE OFFENSE IS THE FIRST OFFENSE BY THE~~  
16   ~~DEFENDANT UNDER SUCH PROVISION IN THIS COMMONWEALTH.~~

17                   ~~(II) NO PERSONAL INJURY (OTHER THAN TO THE DEFENDANT~~  
18   ~~[OR THE IMMEDIATE FAMILY OF THE DEFENDANT]) RESULTED FROM~~  
19   ~~THE OFFENSE.~~

20                   ~~(III) THE DEFENDANT PLEADS GUILTY.~~

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

23                   ~~(V) THE DEFENDANT IS NOT SUBJECT TO THE PROVISIONS~~  
24   ~~OF CHAPTER 63 (RELATING TO JUVENILE MATTERS).~~

25                   ~~(VI) THE ARRESTING AUTHORITY SHALL CAUSE TO BE~~  
26   ~~TRANSMITTED A COPY OF THE CHARGE OF ANY VIOLATION OF 75~~  
27   ~~PA.C.S. § [3731] 3802 TO THE OFFICE OF THE CLERK OF THE~~  
28   ~~COURT OF COMMON PLEAS WITHIN FIVE DAYS AFTER THE~~  
29   ~~PRELIMINARY ARRAIGNMENT.~~

30           ~~IN DETERMINING THAT THE ABOVE CRITERIA ARE MET THE DISTRICT~~

1 JUSTICE SHALL RELY ON THE CERTIFICATION OF THE ARRESTING  
2 AUTHORITY. CERTIFICATION THAT THE CRITERIA ARE MET NEED NOT  
3 BE IN WRITING. WITHIN TEN DAYS AFTER THE DISPOSITION, THE  
4 DISTRICT JUSTICE SHALL CERTIFY THE DISPOSITION TO THE OFFICE  
5 OF THE CLERK OF THE COURT OF COMMON PLEAS IN WRITING.

6 \* \* \*

7 ~~§ 1725.3. CRIMINAL LABORATORY USER FEE.~~

8 (A) ~~IMPOSITION. A PERSON WHO IS PLACED ON PROBATION WITHOUT~~  
9 ~~VERDICT PURSUANT TO SECTION 17 OF THE ACT OF APRIL 14, 1972~~  
10 ~~(P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,~~  
11 ~~DEVICE AND COSMETIC ACT, OR WHO RECEIVES ACCELERATED~~  
12 ~~REHABILITATIVE DISPOSITION OR WHO PLEADS GUILTY TO OR NOLO~~  
13 ~~CONTENDERE TO OR WHO IS CONVICTED OF A CRIME AS DEFINED IN 18~~  
14 ~~PA.C.S. § 106 (RELATING TO CLASSES OF OFFENSES) OR 75 PA.C.S. §~~  
15 ~~{3731} 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
16 ~~CONTROLLED SUBSTANCE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE~~  
17 ~~WHILE DRIVING UNDER INFLUENCE) OR A VIOLATION OF THE CONTROLLED~~  
18 ~~SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT SHALL, IN ADDITION TO~~  
19 ~~ANY FINES, PENALTIES OR COSTS, IN EVERY CASE WHERE LABORATORY~~  
20 ~~SERVICES WERE REQUIRED TO PROSECUTE THE CRIME OR VIOLATION, BE~~  
21 ~~SENTENCED TO PAY A CRIMINAL LABORATORY USER FEE WHICH SHALL~~  
22 ~~INCLUDE, BUT NOT BE LIMITED TO, THE COST OF SENDING A LABORATORY~~  
23 ~~TECHNICIAN TO COURT PROCEEDINGS.~~

24 \* \* \*

25 ~~§ 3571. COMMONWEALTH PORTION OF FINES, ETC.~~

26 \* \* \*

27 (B) ~~VEHICLE OFFENSES.~~

28 \* \* \*

29 (4) ~~WHEN PROSECUTION UNDER 75 PA.C.S. § [3731] 3802~~

30 ~~(RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED~~

1 ~~SUBSTANCE) IS THE RESULT OF STATE POLICE ACTION, 50% OF ALL~~  
2 ~~FINES, FORFEITED RECOGNIZANCES AND OTHER FORFEITURES IMPOSED,~~  
3 ~~LOST OR FORFEITED SHALL BE PAYABLE TO THE COMMONWEALTH, FOR~~  
4 ~~CREDIT TO THE MOTOR LICENSE FUND, AND 50% SHALL BE PAYABLE TO~~  
5 ~~THE COUNTY WHICH SHALL BE FURTHER DIVIDED AS FOLLOWS:~~

6 ~~(I) FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE~~  
7 ~~ALLOCATED TO THE APPROPRIATE COUNTY AUTHORITY WHICH~~  
8 ~~IMPLEMENTS THE COUNTY DRUG AND ALCOHOL PROGRAM TO BE USED~~  
9 ~~SOLELY FOR THE PURPOSES OF AIDING PROGRAMS PROMOTING DRUG~~  
10 ~~ABUSE AND ALCOHOLISM PREVENTION, EDUCATION, TREATMENT AND~~  
11 ~~RESEARCH. PROGRAMS UNDER THIS SUBPARAGRAPH INCLUDE~~  
12 ~~PROJECT DARE (DRUG AND ALCOHOL RESISTANCE EDUCATION) AND~~  
13 ~~MOTHERS AGAINST DRUNK DRIVING VICTIM IMPACT PANELS.~~

14 ~~(II) FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE~~  
15 ~~USED FOR EXPENDITURES INCURRED FOR COUNTY JAILS, PRISONS,~~  
16 ~~WORKHOUSES AND DETENTION CENTERS.~~

17 \* \* \*

18 ~~§ 3573. MUNICIPAL CORPORATION PORTION OF FINES, ETC.~~

19 \* \* \*

20 ~~(B) VEHICLE OFFENSES.~~

21 \* \* \*

22 ~~(3) WHEN PROSECUTION UNDER 75 PA.C.S. § [3731] 3802~~  
23 ~~(RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED~~  
24 ~~SUBSTANCE) IS THE RESULT OF LOCAL POLICE ACTION, 50% OF ALL~~  
25 ~~FINES, FORFEITED RECOGNIZANCES AND OTHER FORFEITURES IMPOSED,~~  
26 ~~LOST OR FORFEITED SHALL BE PAYABLE TO THE MUNICIPAL~~  
27 ~~CORPORATION UNDER WHICH THE LOCAL POLICE ARE ORGANIZED, AND~~  
28 ~~50% SHALL BE PAYABLE TO THE COUNTY WHICH SHALL BE FURTHER~~  
29 ~~DIVIDED AS FOLLOWS:~~

30 ~~(I) FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE~~

1           ~~ALLOCATED TO THE APPROPRIATE COUNTY AUTHORITY WHICH~~  
2           ~~IMPLEMENTS THE COUNTY DRUG AND ALCOHOL PROGRAM TO BE USED~~  
3           ~~SOLELY FOR THE PURPOSES OF AIDING PROGRAMS PROMOTING DRUG~~  
4           ~~ABUSE AND ALCOHOLISM PREVENTION, EDUCATION, TREATMENT AND~~  
5           ~~RESEARCH. PROGRAMS UNDER THIS SUBPARAGRAPH INCLUDE~~  
6           ~~PROJECT DARE (DRUG AND ALCOHOL RESISTANCE EDUCATION) AND~~  
7           ~~MOTHERS AGAINST DRUNK DRIVING VICTIM IMPACT PANELS.~~

8           ~~(II) FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE~~  
9           ~~USED FOR EXPENDITURES INCURRED FOR COUNTY JAILS, PRISONS,~~  
10          ~~WORKHOUSES AND DETENTION CENTERS.~~

11          \* \* \*

12          ~~SECTION 6. CHAPTER 70 OF TITLE 42 IS REPEALED.~~

13          ~~SECTION 7. SECTION 9763(C) OF TITLE 42 IS AMENDED TO READ:~~

14          ~~§ 9763. SENTENCE OF INTERMEDIATE PUNISHMENT.~~

15          \* \* \*

16          ~~(C) RESTRICTION.~~

17           ~~(1) A DEFENDANT [CONVICTED UNDER] SUBJECT TO 75 PA.C.S.~~  
18           ~~§ [3731(E) (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
19           ~~CONTROLLED SUBSTANCE)] 3804 (RELATING TO PENALTIES) MAY ONLY~~  
20           ~~BE SENTENCED TO INTERMEDIATE PUNISHMENT:~~

21           ~~{(1) IN A RESIDENTIAL INPATIENT PROGRAM OR IN A~~  
22           ~~RESIDENTIAL REHABILITATIVE CENTER; OR~~

23           ~~(2) BY HOUSE ARREST OR ELECTRONIC SURVEILLANCE COMBINED~~  
24           ~~WITH DRUG AND ALCOHOL TREATMENT.}~~

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

27           ~~(II) AFTER UNDERGOING AN ASSESSMENT UNDER 75 PA.C.S.~~  
28           ~~§ 3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS).~~

29           ~~(2) IF THE DEFENDANT IS DETERMINED TO BE IN NEED OF DRUG~~  
30           ~~AND ALCOHOL TREATMENT, THE DEFENDANT MAY ONLY BE SENTENCED TO~~



~~INTERMEDIATE PUNISHMENT WHICH INCLUDES PARTICIPATION IN DRUG AND ALCOHOL TREATMENT UNDER 75 PA.C.S. § 3815(C) (RELATING TO MANDATORY SENTENCING). SUCH TREATMENT MAY BE COMBINED WITH HOUSE ARREST WITH ELECTRONIC SURVEILLANCE OR A PARTIAL CONFINEMENT PROGRAM, SUCH AS WORK RELEASE, A WORK CAMP OR A HALFWAY FACILITY.~~

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

~~(I) BY HOUSE ARREST OR ELECTRONIC SURVEILLANCE;~~

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

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

~~\* \* \*~~

~~SECTION 8. SECTION 9804(B)(3) OF TITLE 42 IS AMENDED AND THE SUBSECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:~~

~~§ 9804. COUNTY INTERMEDIATE PUNISHMENT PROGRAMS.~~

~~\* \* \*~~

~~(B) ELIGIBILITY.~~

~~\* \* \*~~

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

~~(I) A RESIDENTIAL INPATIENT PROGRAM OR A RESIDENTIAL REHABILITATIVE CENTER;~~

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

1           ~~(III) PARTIAL CONFINEMENT PROGRAMS, SUCH AS WORK~~  
2           ~~RELEASE, WORK CAMPS AND HALFWAY FACILITIES, COMBINED WITH~~  
3           ~~DRUG AND ALCOHOL TREATMENT.]~~

4           ~~(4) (I) ANY PERSON RECEIVING A PENALTY IMPOSED PURSUANT~~  
5           ~~TO 75 PA.C.S. § 1543(B) (RELATING TO DRIVING WHILE~~  
6           ~~OPERATING PRIVILEGE IS SUSPENDED OR REVOKED) OR 3804~~  
7           ~~(RELATING TO PENALTIES) SHALL UNDERGO AN ASSESSMENT UNDER~~  
8           ~~75 PA.C.S. § 3814 (RELATING TO DRUG AND ALCOHOL~~  
9           ~~ASSESSMENTS).~~

10           ~~(II) IF THE DEFENDANT IS DETERMINED TO BE IN NEED OF~~  
11           ~~DRUG AND ALCOHOL TREATMENT, A SENTENCE TO INTERMEDIATE~~  
12           ~~PUNISHMENT SHALL INCLUDE PARTICIPATION IN DRUG AND~~  
13           ~~ALCOHOL TREATMENT UNDER 75 PA.C.S. § 3815(C) (RELATING TO~~  
14           ~~MANDATORY SENTENCING). SUCH TREATMENT MAY BE COMBINED~~  
15           ~~WITH HOUSE ARREST WITH ELECTRONIC SURVEILLANCE OR A~~  
16           ~~PARTIAL CONFINEMENT PROGRAM, SUCH AS WORK RELEASE, A WORK~~  
17           ~~CAMP OR A HALFWAY FACILITY.~~

18           ~~(III) IF THE DEFENDANT IS DETERMINED NOT TO BE IN~~  
19           ~~NEED OF DRUG AND ALCOHOL TREATMENT, THE DEFENDANT MAY~~  
20           ~~ONLY BE SENTENCED TO INTERMEDIATE PUNISHMENT PROGRAM IN:~~

21                   ~~(A) HOUSE ARREST AND ELECTRONIC SURVEILLANCE;~~

22                   ~~(B) PARTIAL CONFINEMENT PROGRAMS, SUCH AS WORK~~  
23                   ~~RELEASE, WORK CAMPS AND HALFWAY FACILITIES; OR~~

24                   ~~(C) ANY COMBINATION OF THE PROGRAMS SET FORTH IN~~  
25                   ~~THIS PARAGRAPH.~~

26           ~~(5) A DEFENDANT SUBJECT TO 75 PA.C.S. § 3804 (RELATING TO~~  
27           ~~PENALTIES) MAY ONLY BE SENTENCED TO INTERMEDIATE PUNISHMENT~~  
28           ~~FOR A FIRST, SECOND OR THIRD OFFENSE UNDER 75 PA.C.S. CH. 38~~  
29           ~~(RELATING TO DRIVING WHILE IMPAIRED).~~

30           ~~SECTION 9. SECTIONS 1516(C) AND (D) AND 1532(B)(3) OF TITLE~~

1 ~~75 ARE AMENDED TO READ:~~

2 ~~§ 1516. DEPARTMENT RECORDS.~~

3 \* \* \*

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

24 ~~(D) UPDATING DRIVING RECORD. DRIVERS WISHING TO HAVE THEIR~~  
25 ~~RECORD REVIEWED BY THE DEPARTMENT MAY MAKE SUCH A REQUEST IN~~  
26 ~~ORDER THAT THE RECORD BE BROUGHT UP TO DATE. IN UPDATING~~  
27 ~~RECORDS, THE DEPARTMENT SHALL INCLUDE RECALCULATION OF~~  
28 ~~SUSPENSION OR REVOCATION SEGMENTS AND THE ASSIGNMENT AND~~  
29 ~~CREDITING OF ANY SUSPENSION OR REVOCATION TIME PREVIOUSLY~~  
30 ~~ASSIGNED OR CREDITED TOWARD A SUSPENSION OR REVOCATION WHICH~~

1 ~~RESULTED FROM A CONVICTION WHICH HAS BEEN VACATED, OVERTURNED,~~  
2 ~~DISMISSED OR WITHDRAWN. ANY FULLY OR PARTIALLY SERVED SUSPENSION~~  
3 ~~OR REVOCATION TIME MAY ONLY BE REASSIGNED OR CREDITED TOWARD A~~  
4 ~~SUSPENSION OR REVOCATION SEGMENT PROCESSED ON THE DRIVER'S~~  
5 ~~RECORD AS OF THE ACTUAL COMMENCEMENT DATE OF THE FULLY OR~~  
6 ~~PARTIALLY SERVED SUSPENSION OR REVOCATION TIME.~~

7 ~~§ 1532. SUSPENSION OF OPERATING PRIVILEGE.~~

8 \* \* \*

9 ~~(B) SUSPENSION.~~

10 \* \* \*

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

24 \* \* \*

25 ~~SECTION 10. SECTION 1534(B) OF TITLE 75 IS AMENDED AND THE~~  
26 ~~SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:~~

27 ~~§ 1534. NOTICE OF ACCEPTANCE OF ACCELERATED REHABILITATIVE~~  
28 ~~DISPOSITION.~~

29 \* \* \*

30 ~~(B) EXCEPTION. IF A PERSON IS ARRESTED FOR ANY OFFENSE~~

1 ~~ENUMERATED IN SECTION [3731] 3802 (RELATING TO DRIVING UNDER~~  
2 ~~INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND IS OFFERED AND~~  
3 ~~ACCEPTS ACCELERATED REHABILITATIVE DISPOSITION UNDER GENERAL~~  
4 ~~RULES, THE COURT SHALL PROMPTLY NOTIFY THE DEPARTMENT. THE~~  
5 ~~DEPARTMENT SHALL MAINTAIN A RECORD OF THE ACCEPTANCE OF~~  
6 ~~ACCELERATED REHABILITATIVE DISPOSITION FOR A PERIOD OF [SEVEN]~~  
7 ~~TEN YEARS FROM THE DATE OF NOTIFICATION. THIS RECORD SHALL NOT~~  
8 ~~BE EXPUNGED [BY ORDER OF COURT.] PRIOR TO THE EXPIRATION OF THE~~  
9 ~~TEN YEAR PERIOD.~~

10 ~~(C) EXPUNGEMENT. IMMEDIATELY FOLLOWING THE EXPIRATION OF~~  
11 ~~THE TEN YEAR PERIOD, THE DEPARTMENT SHALL EXPUNGE THE RECORD OF~~  
12 ~~THE ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION. THE~~  
13 ~~DEPARTMENT SHALL NOT REQUIRE AN ORDER OF COURT TO EXPUNGE THE~~  
14 ~~RECORD.~~

15 ~~(D) EXCEPTIONS TO EXPUNGEMENT. THE DEPARTMENT SHALL NOT BE~~  
16 ~~REQUIRED TO EXPUNGE THE RECORD OF ACCEPTANCE OF ACCELERATED~~  
17 ~~REHABILITATIVE DISPOSITION IF:~~

18 ~~(1) DURING THE TEN YEAR PERIOD, THE DEPARTMENT REVOKES~~  
19 ~~THE OPERATING PRIVILEGES OF A PERSON PURSUANT TO SECTION 1542~~  
20 ~~(RELATING TO REVOCATION OF HABITUAL OFFENDER'S LICENSE); OR~~

21 ~~(2) THE PERSON WAS A COMMERCIAL DRIVER AT THE TIME OF~~  
22 ~~THE VIOLATION CAUSING THE DISPOSITION.~~

23 ~~SECTION 11. SECTIONS 1541(A.1) AND (D), 1542(B), 1543(B) AND~~  
24 ~~1547(B)(1), (C), (D), (E) AND (I) OF TITLE 75 ARE AMENDED TO~~  
25 ~~READ:~~

26 ~~§ 1541. PERIOD OF DISQUALIFICATION, REVOCATION OR SUSPENSION OF~~  
27 ~~OPERATING PRIVILEGE.~~

28 \* \* \*

29 ~~(A.1) CREDIT TOWARD SERVING PERIOD OF SUSPENSION FOR CERTAIN~~  
30 ~~VIOLATIONS. CREDIT TOWARD SERVING THE PERIOD OF SUSPENSION OR~~

1 ~~REVOCATION IMPOSED FOR SECTIONS [3731 (RELATING TO DRIVING UNDER~~  
2 ~~INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE),] 3732 (RELATING~~  
3 ~~TO HOMICIDE BY VEHICLE), 3735 (RELATING TO HOMICIDE BY VEHICLE~~  
4 ~~WHILE DRIVING UNDER THE INFLUENCE) [AND], 3735.1 (RELATING TO~~  
5 ~~AGGRAVATED ASSAULT BY VEHICLE WHILE DRIVING UNDER THE INFLUENCE)~~  
6 ~~AND 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
7 ~~CONTROLLED SUBSTANCE) SHALL NOT COMMENCE UNTIL THE DATE OF THE~~  
8 ~~PERSON'S RELEASE FROM PRISON.~~

9 \* \* \*

10 ~~(D) CONTINUED SUSPENSION OF OPERATING PRIVILEGE. A~~  
11 ~~DEFENDANT ORDERED BY THE COURT UNDER SECTION [1548] 3816~~  
12 ~~(RELATING TO REQUIREMENTS FOR DRIVING UNDER INFLUENCE~~  
13 ~~OFFENDERS), AS THE RESULT OF A CONVICTION OR ACCELERATED~~  
14 ~~REHABILITATIVE DISPOSITION OF A VIOLATION OF SECTION [3731~~  
15 ~~(RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED~~  
16 ~~SUBSTANCE)] 3802, TO ATTEND A TREATMENT PROGRAM FOR ALCOHOL OR~~  
17 ~~DRUG ADDICTION MUST SUCCESSFULLY COMPLETE ALL REQUIREMENTS OF~~  
18 ~~THE TREATMENT PROGRAM ORDERED BY THE COURT BEFORE THE~~  
19 ~~DEFENDANT'S OPERATING PRIVILEGE MAY BE RESTORED. SUCCESSFUL~~  
20 ~~COMPLETION OF A TREATMENT PROGRAM INCLUDES THE PAYMENT OF ALL~~  
21 ~~COURT IMPOSED FINES AND COSTS, AS WELL AS FEES TO BE PAID TO THE~~  
22 ~~TREATMENT PROGRAM BY THE DEFENDANT. IF A DEFENDANT FAILS TO~~  
23 ~~SUCCESSFULLY COMPLETE THE REQUIREMENTS OF A TREATMENT PROGRAM,~~  
24 ~~THE SUSPENSION SHALL REMAIN IN EFFECT UNTIL THE DEFENDANT~~  
25 ~~COMPLETES THE PROGRAM AND IS OTHERWISE ELIGIBLE FOR RESTORATION~~  
26 ~~OF HIS OPERATING PRIVILEGE. THE TREATMENT AGENCY SHALL~~  
27 ~~IMMEDIATELY NOTIFY THE COURT OF SUCCESSFUL COMPLETION OF THE~~  
28 ~~TREATMENT PROGRAM. THE FINAL DECISION AS TO WHETHER A DEFENDANT~~  
29 ~~HAS SUCCESSFULLY COMPLETED THE TREATMENT PROGRAM RESTS WITH THE~~  
30 ~~COURT.~~

1 ~~§ 1542. REVOCATION OF HABITUAL OFFENDER'S LICENSE.~~

2 \* \* \*

3 ~~(B) OFFENSES ENUMERATED. THREE CONVICTIONS ARISING FROM~~  
4 ~~SEPARATE ACTS OF ANY ONE OR MORE OF THE FOLLOWING OFFENSES~~  
5 ~~COMMITTED BY ANY PERSON SHALL RESULT IN SUCH PERSON BEING~~  
6 ~~DESIGNATED AS A HABITUAL OFFENDER:~~

7 ~~(1) ANY VIOLATION OF SUBCHAPTER B OF CHAPTER 37~~  
8 ~~(RELATING TO SERIOUS TRAFFIC OFFENSES).~~

9 ~~(1.1) ANY VIOLATION OF CHAPTER 38 (RELATING TO DRIVING~~  
10 ~~WHILE IMPAIRED).~~

11 ~~(2) ANY VIOLATION OF SECTION 3367 (RELATING TO RACING ON~~  
12 ~~HIGHWAYS).~~

13 ~~(3) ANY VIOLATION OF SECTION 3742 (RELATING TO ACCIDENTS~~  
14 ~~INVOLVING DEATH OR PERSONAL INJURY).~~

15 ~~(3.1) ANY VIOLATION OF SECTION 3742.1 (RELATING TO~~  
16 ~~ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY WHILE NOT~~  
17 ~~PROPERLY LICENSED).~~

18 ~~(4) ANY VIOLATION OF SECTION 3743 (RELATING TO ACCIDENTS~~  
19 ~~INVOLVING DAMAGE TO ATTENDED VEHICLE OR PROPERTY).~~

20 \* \* \*

21 ~~§ 1543. DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR~~  
22 ~~REVOKED.~~

23 \* \* \*

24 ~~(B) CERTAIN OFFENSES.~~

25 ~~(1) A PERSON WHO DRIVES A MOTOR VEHICLE ON A HIGHWAY OR~~  
26 ~~TRAFFICWAY OF THIS COMMONWEALTH AT A TIME WHEN THE PERSON'S~~  
27 ~~OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AS A CONDITION OF~~  
28 ~~ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION FOR A~~  
29 ~~VIOLATION OF SECTION [3731] 3802 (RELATING TO DRIVING UNDER~~  
30 ~~INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) OR BECAUSE OF A~~

1 ~~VIOLATION OF SECTION 1547(B)(1) (RELATING TO SUSPENSION FOR~~  
2 ~~REFUSAL) OR [3731] 3802 OR IS SUSPENDED UNDER SECTION 1581~~  
3 ~~(RELATING TO DRIVER'S LICENSE COMPACT) FOR AN OFFENSE~~  
4 ~~SUBSTANTIALLY SIMILAR TO A VIOLATION OF SECTION [3731] 3802~~  
5 ~~SHALL, UPON CONVICTION, BE GUILTY OF A SUMMARY OFFENSE AND~~  
6 ~~SHALL BE SENTENCED TO PAY A FINE OF [\$1,000] \$500 AND TO~~  
7 ~~UNDERGO IMPRISONMENT FOR A PERIOD OF NOT LESS THAN [90] 60~~  
8 ~~DAYS.~~

9 ~~(1.1) (I) A PERSON WHO HAS AN AMOUNT OF ALCOHOL BY~~  
10 ~~WEIGHT IN HIS BLOOD THAT IS EQUAL TO OR GREATER THAN .02%~~  
11 ~~OR [IS UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE AS~~  
12 ~~DEFINED IN SECTION 1603 (RELATING TO DEFINITIONS)] WHO~~  
13 ~~HAS ANY AMOUNT OF A SCHEDULE I, II OR III CONTROLLED~~  
14 ~~SUBSTANCE, AS DEFINED IN THE ACT OF APRIL 14, 1972~~  
15 ~~(P.L. 233, NO. 64), KNOWN AS THE CONTROLLED SUBSTANCE,~~  
16 ~~DRUG, DEVICE AND COSMETIC ACT, OR ITS METABOLITE, WHICH~~  
17 ~~HAS NOT BEEN MEDICALLY PRESCRIBED FOR THE INDIVIDUAL AND~~  
18 ~~WHO DRIVES A MOTOR VEHICLE ON ANY HIGHWAY OR TRAFFICWAY~~  
19 ~~OF THIS COMMONWEALTH AT A TIME WHEN THE PERSON'S~~  
20 ~~OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AS A~~  
21 ~~CONDITION OF ACCEPTANCE OF ACCELERATED REHABILITATIVE~~  
22 ~~DISPOSITION FOR A VIOLATION OF SECTION [3731] 3802 OR~~  
23 ~~BECAUSE OF A VIOLATION OF SECTION 1547(B)(1) OR [3731]~~  
24 ~~3802 OR IS SUSPENDED UNDER SECTION 1581 FOR AN OFFENSE~~  
25 ~~SUBSTANTIALLY SIMILAR TO A VIOLATION OF SECTION [3731]~~  
26 ~~3802 SHALL, UPON A FIRST CONVICTION, BE GUILTY OF A~~  
27 ~~SUMMARY OFFENSE AND SHALL BE SENTENCED TO PAY A FINE OF~~  
28 ~~\$1,000 AND TO UNDERGO IMPRISONMENT FOR A PERIOD OF NOT~~  
29 ~~LESS THAN 90 DAYS.~~

30 ~~(II) A SECOND VIOLATION OF THIS PARAGRAPH SHALL~~



1           ~~CONSTITUTE A MISDEMEANOR OF THE THIRD DEGREE, AND UPON~~  
2           ~~CONVICTION THEREOF THE PERSON SHALL BE SENTENCED TO PAY A~~  
3           ~~FINE OF \$2,500 AND TO UNDERGO IMPRISONMENT FOR NOT LESS~~  
4           ~~THAN SIX MONTHS.~~

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

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

24          ~~\* \* \*~~

25          ~~§ 1547. CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR~~  
26          ~~CONTROLLED SUBSTANCE.~~

27          ~~\* \* \*~~

28          ~~(B) SUSPENSION FOR REFUSAL.~~

29          ~~(1) IF ANY PERSON PLACED UNDER ARREST FOR A VIOLATION OF~~  
30          ~~SECTION [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF~~

1 ~~ALCOHOL OR CONTROLLED SUBSTANCE) IS REQUESTED TO SUBMIT TO~~  
2 ~~CHEMICAL TESTING AND REFUSES TO DO SO, THE TESTING SHALL NOT~~  
3 ~~BE CONDUCTED BUT UPON NOTICE BY THE POLICE OFFICER, THE~~  
4 ~~DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE OF THE~~  
5 ~~PERSON [FOR A PERIOD OF 12 MONTHS.] AS FOLLOWS:~~

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

8 ~~(II) FOR A PERIOD OF 24 MONTHS IF ANY OF THE~~  
9 ~~FOLLOWING APPLY:~~

10 ~~(A) THE PERSON'S OPERATING PRIVILEGES HAVE~~  
11 ~~PREVIOUSLY BEEN SUSPENDED UNDER THIS SUBSECTION.~~

12 ~~(B) THE PERSON HAS, PRIOR TO THE REFUSAL UNDER~~  
13 ~~THIS PARAGRAPH, BEEN SENTENCED FOR:~~

14 ~~(I) AN OFFENSE UNDER FORMER SECTION 3731;~~

15 ~~(II) AN OFFENSE UNDER SECTION 3802 (RELATING~~  
16 ~~TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
17 ~~CONTROLLED SUBSTANCE);~~

18 ~~(III) AN OFFENSE EQUIVALENT TO AN OFFENSE~~  
19 ~~UNDER SUBCLAUSE (I) OR (II); OR~~

20 ~~(IV) A COMBINATION OF THE OFFENSES SET FORTH~~  
21 ~~IN THIS CLAUSE.~~

22 \* \* \*

23 ~~(C) TEST RESULTS ADMISSIBLE IN EVIDENCE. IN ANY SUMMARY~~  
24 ~~PROCEEDING OR CRIMINAL PROCEEDING IN WHICH THE DEFENDANT IS~~  
25 ~~CHARGED WITH A VIOLATION OF SECTION [3731] 3802 OR ANY OTHER~~  
26 ~~VIOLATION OF THIS TITLE ARISING OUT OF THE SAME ACTION, THE~~  
27 ~~AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE IN THE DEFENDANT'S~~  
28 ~~BLOOD, AS SHOWN BY CHEMICAL TESTING OF THE PERSON'S BREATH,~~  
29 ~~BLOOD OR URINE, WHICH TESTS WERE CONDUCTED BY QUALIFIED PERSONS~~  
30 ~~USING APPROVED EQUIPMENT, SHALL BE ADMISSIBLE IN EVIDENCE.~~

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

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

26           ~~(3) CHEMICAL TESTS OF BLOOD OR URINE, IF CONDUCTED BY A~~  
27           ~~FACILITY LOCATED OUTSIDE THIS COMMONWEALTH, SHALL BE~~  
28           ~~PERFORMED:~~

29           ~~(1) BY A FACILITY LICENSED BY THE DEPARTMENT OF~~  
30           ~~HEALTH; OR~~

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

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

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

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

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

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

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

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

~~(E) REFUSAL ADMISSIBLE IN EVIDENCE. IN ANY SUMMARY~~

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

10 \* \* \*

11 ~~(I) REQUEST BY DRIVER FOR TEST. ANY PERSON INVOLVED IN AN~~  
12 ~~ACCIDENT OR PLACED UNDER ARREST FOR A VIOLATION OF SECTION~~  
13 ~~[3731] 3802 MAY REQUEST A CHEMICAL TEST OF HIS BREATH, BLOOD OR~~  
14 ~~URINE. SUCH REQUESTS SHALL BE HONORED WHEN IT IS REASONABLY~~  
15 ~~PRACTICABLE TO DO SO.~~

16 \* \* \*

17 ~~SECTION 12. SECTION 1548 OF TITLE 75 IS REPEALED.~~

18 ~~SECTION 13. SECTION 1552 OF TITLE 75 IS AMENDED TO READ:~~

19 ~~§ 1552. ACCELERATED REHABILITATIVE DISPOSITION.~~

20 ~~THE COURT OF COMMON PLEAS IN EACH JUDICIAL DISTRICT AND THE~~  
21 ~~MUNICIPAL COURT OF PHILADELPHIA SHALL ESTABLISH AND IMPLEMENT A~~  
22 ~~PROGRAM FOR ACCELERATED REHABILITATIVE DISPOSITION FOR PERSONS~~  
23 ~~CHARGED WITH A VIOLATION OF SECTION [3731] 3802 (RELATING TO~~  
24 ~~DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) IN~~  
25 ~~ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER AND RULES ADOPTED~~  
26 ~~BY THE SUPREME COURT.~~

27 ~~SECTION 14. SECTION 1553(D)(6), (8) AND (16), (E) AND (F)(1)~~  
28 ~~ARE AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO~~  
29 ~~READ:~~

30 ~~§ 1553. OCCUPATIONAL LIMITED LICENSE.~~

1       \* \* \*

2       ~~(D) UNAUTHORIZED ISSUANCE. THE DEPARTMENT SHALL PROHIBIT~~  
3 ~~ISSUANCE OF AN OCCUPATIONAL LIMITED LICENSE TO:~~

4       \* \* \*

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

10       \* \* \*

11       ~~(8) [ ANY ] EXCEPT AS SET FORTH IN SUBSECTIONS (D.1) AND~~  
12 ~~(D.2), ANY PERSON WHO HAS BEEN GRANTED A CONSENT DECREE OR~~  
13 ~~ACCELERATED REHABILITATIVE DISPOSITION FOR DRIVING UNDER THE~~  
14 ~~INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AND WHOSE~~  
15 ~~LICENSE HAS BEEN SUSPENDED BY THE DEPARTMENT UNLESS THE~~  
16 ~~SUSPENSION IMPOSED HAS BEEN FULLY SERVED.~~

17       \* \* \*

18       ~~(16) [ ANY ] EXCEPT AS SET FORTH IN SUBSECTION (D.3), ANY~~  
19 ~~PERSON WHOSE OPERATING PRIVILEGE HAS BEEN SUSPENDED UNDER AN~~  
20 ~~INTERJURISDICTIONAL AGREEMENT AS PROVIDED FOR IN SECTION 6146~~  
21 ~~AS THE RESULT OF A CONVICTION OR ADJUDICATION IF THE~~  
22 ~~CONVICTION OR ADJUDICATION FOR AN EQUIVALENT OFFENSE IN THIS~~  
23 ~~COMMONWEALTH WOULD HAVE PROHIBITED THE ISSUANCE OF AN~~  
24 ~~OCCUPATIONAL LIMITED LICENSE.~~

25       \* \* \*

26       ~~(D.1) ADJUDICATION ELIGIBILITY. AN INDIVIDUAL WHO HAS BEEN~~  
27 ~~ADJUDICATED DELINQUENT, CONVICTED, GRANTED A CONSENT DECREE OR~~  
28 ~~GRANTED ACCELERATED REHABILITATION DISPOSITION FOR DRIVING UNDER~~  
29 ~~THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AND DOES NOT~~  
30 ~~HAVE A PRIOR OFFENSE AS DEFINED IN SECTION 3806(A) (RELATING TO~~

1 ~~PRIOR OFFENSES) SHALL BE ELIGIBLE FOR AN OCCUPATIONAL LIMITED~~  
2 ~~LICENSE.~~

3 ~~(D.2) SUSPENSION ELIGIBILITY.~~

4 ~~(1) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED FOR A~~  
5 ~~PERIOD OF 24 MONTHS UNDER SECTION 1547(B)(1)(II) (RELATING TO~~  
6 ~~CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED~~  
7 ~~SUBSTANCE) OR 3804(E)(2)(II) (RELATING TO PENALTIES) SHALL~~  
8 ~~NOT BE PROHIBITED FROM OBTAINING AN OCCUPATIONAL LIMITED~~  
9 ~~LICENSE UNDER THIS SECTION IF THE INDIVIDUAL:~~

10 ~~(I) IS OTHERWISE ELIGIBLE FOR RESTORATION;~~

11 ~~(II) HAS SERVED AT LEAST 12 MONTHS OF THE LICENSE~~  
12 ~~SUSPENSION;~~

13 ~~(III) ONLY OPERATES A MOTOR VEHICLE EQUIPPED WITH AN~~  
14 ~~IGNITION INTERLOCK SYSTEM AS DEFINED IN SECTION 3801~~  
15 ~~(RELATING TO DEFINITIONS); AND~~

16 ~~(IV) HAS CERTIFIED TO THE DEPARTMENT UNDER PARAGRAPH~~  
17 ~~(3).~~

18 ~~(2) A PERIOD OF IGNITION INTERLOCK ACCEPTED UNDER THIS~~  
19 ~~SUBSECTION SHALL NOT COUNT TOWARDS THE ONE YEAR MANDATORY~~  
20 ~~PERIOD OF IGNITION INTERLOCK IMPOSED UNDER SECTION 3805~~  
21 ~~(RELATING TO IGNITION INTERLOCK).~~

22 ~~(3) IF AN INDIVIDUAL SEEKS AN OCCUPATIONAL LIMITED~~  
23 ~~LICENSE UNDER THIS SUBSECTION, THE DEPARTMENT SHALL REQUIRE~~  
24 ~~THAT EACH MOTOR VEHICLE OWNED OR REGISTERED TO THE PERSON HAS~~  
25 ~~BEEN EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM AS A~~  
26 ~~CONDITION OF ISSUING AN OCCUPATIONAL LIMITED LICENSE WITH AN~~  
27 ~~IGNITION INTERLOCK RESTRICTION.~~

28 ~~(D.3) INTERJURISDICTIONAL SUSPENSIONS. AN INDIVIDUAL WHOSE~~  
29 ~~OPERATING PRIVILEGE HAS BEEN SUSPENDED PURSUANT TO AN~~  
30 ~~INTERJURISDICTIONAL AGREEMENT UNDER SECTION 6146 AS THE RESULT~~

1 ~~OF AN ADJUDICATION OR CONVICTION FOR DRIVING UNDER THE INFLUENCE~~  
2 ~~OF ALCOHOL OR CONTROLLED SUBSTANCE AND DOES NOT HAVE A PRIOR~~  
3 ~~OFFENSE AS DEFINED IN SECTION 3806(A) SHALL BE ELIGIBLE FOR AN~~  
4 ~~OCCUPATIONAL LIMITED LICENSE.~~

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

15 ~~(F) RESTRICTIONS. A DRIVER WHO HAS BEEN ISSUED AN~~  
16 ~~OCCUPATIONAL LIMITED LICENSE SHALL OBSERVE THE FOLLOWING:~~

17 ~~(1) THE DRIVER SHALL OPERATE A DESIGNATED VEHICLE ONLY~~  
18 ~~{BETWEEN}:~~

19 ~~(I) BETWEEN THE DRIVER'S PLACE OF RESIDENCE AND~~  
20 ~~PLACE OF EMPLOYMENT OR STUDY AND AS NECESSARY IN THE~~  
21 ~~COURSE OF EMPLOYMENT OR CONDUCTING A BUSINESS OR PURSUING~~  
22 ~~A COURSE OF STUDY WHERE THE OPERATION OF A MOTOR VEHICLE~~  
23 ~~IS A REQUIREMENT OF EMPLOYMENT OR OF CONDUCTING A~~  
24 ~~BUSINESS OR OF PURSUING A COURSE OF STUDY.~~

25 ~~(II) TO AND FROM A PLACE FOR SCHEDULED OR EMERGENCY~~  
26 ~~MEDICAL EXAMINATION OR TREATMENT. THIS SUBPARAGRAPH~~  
27 ~~INCLUDES TREATMENT REQUIRED UNDER CHAPTER 38 (RELATING TO~~  
28 ~~DRIVING WHILE IMPAIRED).~~

29 \* \* \*

30 SECTION 15. SECTIONS 1554(F)(8), 1575(B), 1586, 1611(A)(1),



1 ~~3101(B), 3326(C), 3327(E) AND 3716(A) ARE AMENDED TO READ:~~

2 ~~§ 1554. PROBATIONARY LICENSE.~~

3 \* \* \*

4 ~~(F) UNAUTHORIZED ISSUANCE. THE DEPARTMENT SHALL NOT ISSUE A~~  
5 ~~PROBATIONARY LICENSE TO:~~

6 \* \* \*

7 ~~(8) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF~~  
8 ~~SECTION [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF~~  
9 ~~ALCOHOL OR CONTROLLED SUBSTANCE) WITHIN THE PRECEDING SEVEN~~  
10 ~~YEARS.~~

11 \* \* \*

12 ~~§ 1575. PERMITTING VIOLATION OF TITLE.~~

13 \* \* \*

14 ~~(B) PENALTY. ANY PERSON VIOLATING THE PROVISIONS OF~~  
15 ~~SUBSECTION (A) IS GUILTY OF A SUMMARY OFFENSE AND IS SUBJECT TO~~  
16 ~~THE SAME FINE AS THE DRIVER OF THE VEHICLE. IF THE DRIVER IS~~  
17 ~~CONVICTED UNDER SECTION [3731 (RELATING TO DRIVING UNDER~~  
18 ~~INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) OR] 3735 (RELATING~~  
19 ~~TO HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE) OR 3802~~  
20 ~~(RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED~~  
21 ~~SUBSTANCE), THE PERSON VIOLATING SUBSECTION (A) SHALL ALSO BE~~  
22 ~~SUBJECT TO SUSPENSION OR REVOCATION, AS APPLICABLE, UNDER~~  
23 ~~SECTIONS [1532 (RELATING TO REVOCATION OR SUSPENSION OF~~  
24 ~~OPERATING PRIVILEGE)] 3804(E) (RELATING TO PENALTIES) AND 1542~~  
25 ~~(RELATING TO REVOCATION OF HABITUAL OFFENDER'S LICENSE).~~

26 \* \* \*

27 ~~§ 1586. DUTIES OF DEPARTMENT.~~

28 ~~THE DEPARTMENT SHALL, FOR PURPOSES OF IMPOSING A SUSPENSION~~  
29 ~~OR REVOCATION UNDER ARTICLE IV OF THE COMPACT, TREAT REPORTS OF~~  
30 ~~CONVICTIONS RECEIVED FROM PARTY STATES THAT RELATE TO DRIVING,~~

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

14 § ~~1611~~. DISQUALIFICATION.

15 (A) DISQUALIFICATION FOR FIRST VIOLATION OF CERTAIN  
16 OFFENSES. UPON RECEIPT OF A CERTIFIED COPY OF CONVICTION, THE  
17 DEPARTMENT SHALL, IN ADDITION TO ANY OTHER PENALTIES IMPOSED  
18 UNDER THIS TITLE, DISQUALIFY ANY PERSON FROM DRIVING A  
19 COMMERCIAL MOTOR VEHICLE OR SCHOOL VEHICLE FOR A PERIOD OF ONE  
20 YEAR FOR THE FIRST VIOLATION OF:

21 (1) SECTION [3731] 3802 (RELATING TO DRIVING UNDER THE  
22 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE), WHERE THE  
23 VIOLATION OCCURRED WHILE THE PERSON WAS OPERATING A  
24 COMMERCIAL MOTOR VEHICLE OR SCHOOL VEHICLE;

25 \* \* \*

26 § ~~3101~~. APPLICATION OF PART.

27 \* \* \*

28 (B) SERIOUS TRAFFIC OFFENSES. THE PROVISIONS OF SECTION  
29 ~~3345~~ (RELATING TO MEETING OR OVERTAKING SCHOOL BUS) [AND] 1  
30 SUBCHAPTER B OF CHAPTER ~~37~~ (RELATING TO SERIOUS TRAFFIC

1 ~~OFFENSES) AND CHAPTER 38 (RELATING TO DRIVING WHILE IMPAIRED)~~  
2 ~~SHALL APPLY UPON HIGHWAYS AND TRAFFICWAYS THROUGHOUT THIS~~  
3 ~~COMMONWEALTH.~~

4 ~~§ 3326. DUTY OF DRIVER IN CONSTRUCTION AND MAINTENANCE AREAS OR~~  
5 ~~ON HIGHWAY SAFETY CORRIDORS.~~

6 \* \* \*

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

13 ~~SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED~~  
14 ~~PERSONS DIRECTING TRAFFIC).~~

15 ~~SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC~~  
16 ~~CONTROL DEVICES).~~

17 ~~SECTION 3112 (RELATING TO TRAFFIC CONTROL SIGNALS).~~

18 ~~SECTION 3114 (RELATING TO FLASHING SIGNALS).~~

19 ~~SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING~~  
20 ~~IN OPPOSITE DIRECTION).~~

21 ~~SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE~~  
22 ~~LEFT).~~

23 ~~SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE~~  
24 ~~RIGHT).~~

25 ~~SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING~~  
26 ~~ON THE LEFT).~~

27 ~~SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON~~  
28 ~~LEFT SIDE OF ROADWAY).~~

29 ~~SECTION 3307 (RELATING TO NO PASSING ZONES).~~

30 ~~SECTION 3309 (RELATING TO DRIVING ON ROADWAYS LANED~~

1           ~~FOR TRAFFIC).~~

2           ~~SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY).~~

3           ~~SECTION 3323 (RELATING TO STOP SIGNS AND YIELD~~  
4 ~~SIGNS).~~

5           ~~SECTION 3326 (RELATING TO DUTY OF DRIVER IN~~  
6 ~~CONSTRUCTION AND MAINTENANCE AREAS).~~

7           ~~SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE~~  
8 ~~SPEED).~~

9           ~~SECTION 3362 (RELATING TO MAXIMUM SPEED LIMITS).~~

10          ~~SECTION 3702 (RELATING TO LIMITATIONS ON BACKING).~~

11          ~~SECTION 3714 (RELATING TO CARELESS DRIVING).~~

12          ~~SECTION 3715 (RELATING TO RESTRICTION ON ALCOHOLIC~~  
13 ~~BEVERAGES).~~

14          ~~{SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE OF~~  
15 ~~ALCOHOL OR CONTROLLED SUBSTANCE).}~~

16          ~~SECTION 3736 (RELATING TO RECKLESS DRIVING).~~

17          ~~SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF~~  
18 ~~ALCOHOL OR CONTROLLED SUBSTANCE).~~

19          ~~\* \* \*~~

20          ~~§ 3327. DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS.~~

21          ~~\* \* \*~~

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

27          ~~SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED PERSONS~~  
28 ~~DIRECTING TRAFFIC).~~

29          ~~SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC CONTROL~~  
30 ~~DEVICES).~~

1           ~~SECTION 3114 (RELATING TO FLASHING SIGNALS).~~

2           ~~SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING IN~~  
3 ~~OPPOSITE DIRECTION).~~

4           ~~SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE~~  
5 ~~LEFT).~~

6           ~~SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE~~  
7 ~~RIGHT).~~

8           ~~SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING ON~~  
9 ~~THE LEFT).~~

10          ~~SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON LEFT~~  
11 ~~SIDE OF ROADWAY).~~

12          ~~SECTION 3307 (RELATING TO NO PASSING ZONES).~~

13          ~~SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY).~~

14          ~~SECTION 3312 (RELATING TO LIMITED ACCESS HIGHWAY~~  
15 ~~ENTRANCES AND EXITS).~~

16          ~~SECTION 3323 (RELATING TO STOP SIGNS AND YIELD SIGNS).~~

17          ~~SECTION 3325 (RELATING TO DUTY OF DRIVER ON APPROACH OF~~  
18 ~~EMERGENCY VEHICLE).~~

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

20          ~~SECTION 3707 (RELATING TO DRIVING OR STOPPING CLOSE TO~~  
21 ~~FIRE APPARATUS).~~

22          ~~SECTION 3710 (RELATING TO STOPPING AT INTERSECTION OR~~  
23 ~~CROSSING TO PREVENT OBSTRUCTION).~~

24          ~~SECTION 3714 (RELATING TO CARELESS DRIVING).~~

25          ~~SECTION 3715.1 (RELATING TO RESTRICTION ON ALCOHOLIC~~  
26 ~~BEVERAGES).~~

27          ~~[SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE OF~~  
28 ~~ALCOHOL OR CONTROLLED SUBSTANCE).]~~

29          ~~SECTION 3736 (RELATING TO RECKLESS DRIVING).~~

30          ~~SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF~~

1 ~~ALCOHOL OR CONTROLLED SUBSTANCE).~~

2 \* \* \*

3 ~~§ 3716. ACCIDENTS INVOLVING OVERTURNED VEHICLES.~~

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

13 \* \* \*

14 ~~SECTION 16. SECTION 3731 OF TITLE 75 IS REPEALED.~~

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

17 ~~§ 3732. HOMICIDE BY VEHICLE.~~

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

26 \* \* \*

27 ~~§ 3735. HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE.~~

28 ~~(A) OFFENSE DEFINED. ANY PERSON WHO UNINTENTIONALLY CAUSES~~  
29 ~~THE DEATH OF ANOTHER PERSON AS THE RESULT OF A VIOLATION OF~~  
30 ~~SECTION [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF~~

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

9 \* \* \*

10 ~~§ 3735.1. AGGRAVATED ASSAULT BY VEHICLE WHILE DRIVING UNDER THE~~  
11 ~~INFLUENCE.~~

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

18 \* \* \*

19 ~~§ 3755. REPORTS BY EMERGENCY ROOM PERSONNEL.~~

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

1 ~~FOR THIS PURPOSE. THIS SECTION SHALL BE APPLICABLE TO ALL~~  
2 ~~INJURED OCCUPANTS WHO WERE CAPABLE OF MOTOR VEHICLE OPERATION IF~~  
3 ~~THE OPERATOR OR PERSON IN ACTUAL PHYSICAL CONTROL OF THE~~  
4 ~~MOVEMENT OF THE MOTOR VEHICLE CANNOT BE DETERMINED. TEST RESULTS~~  
5 ~~SHALL BE RELEASED UPON REQUEST OF THE PERSON TESTED, HIS~~  
6 ~~ATTORNEY, HIS PHYSICIAN OR GOVERNMENTAL OFFICIALS OR AGENCIES.~~

7 \* \* \*

8 SECTION 18. ~~TITLE 75 IS AMENDED BY ADDING A CHAPTER TO READ:~~

9 CHAPTER 38

10 DRIVING WHILE IMPAIRED

11 SEC.

12 3801. ~~DEFINITIONS.~~

13 3802. ~~DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED~~  
14 ~~SUBSTANCE.~~

15 3803. ~~GRADING.~~

16 3804. ~~PENALTIES.~~

17 3805. ~~IGNITION INTERLOCK.~~

18 3806. ~~PRIOR OFFENSES.~~

19 3807. ~~ACCELERATED REHABILITATIVE DISPOSITION.~~

20 3808. ~~ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH~~  
21 ~~IGNITION INTERLOCK.~~

22 3809. ~~RESTRICTION ON ALCOHOLIC BEVERAGES.~~

23 3810. ~~AUTHORIZED USE NOT A DEFENSE.~~

24 3811. ~~CERTAIN ARRESTS AUTHORIZED.~~

25 3812. ~~PRELIMINARY HEARING OR ARRAIGNMENT.~~

26 3813. ~~WORK RELEASE.~~

27 3814. ~~DRUG AND ALCOHOL ASSESSMENTS.~~

28 3815. ~~MANDATORY SENTENCING.~~

29 3816. ~~REQUIREMENTS FOR DRIVING UNDER INFLUENCE OFFENDERS.~~

30 3817. ~~REPORTING REQUIREMENTS FOR OFFENSES.~~



1 ~~§ 3801. DEFINITIONS.~~

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

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

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

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

12 ~~§ 3802. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED~~  
13 ~~SUBSTANCE.~~

14 ~~(A) GENERAL IMPAIRMENT.~~

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

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

27 ~~(B) HIGH RATE OF ALCOHOL. AN INDIVIDUAL MAY NOT DRIVE,~~  
28 ~~OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A~~  
29 ~~VEHICLE AFTER IMBIBING A SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT~~  
30 ~~THE ALCOHOL CONCENTRATION IN THE INDIVIDUAL'S BLOOD OR BREATH IS~~

1 ~~AT LEAST .10% BUT LESS THAN .16% WITHIN THREE HOURS AFTER THE~~  
2 ~~INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN ACTUAL PHYSICAL~~  
3 ~~CONTROL OF THE MOVEMENT OF THE VEHICLE.~~

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

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

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

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

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

22 ~~(III) METABOLITE OF A SUBSTANCE UNDER SUBPARAGRAPH~~  
23 ~~(I) OR (II).~~

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

28 ~~(3) THE INDIVIDUAL IS UNDER THE COMBINED INFLUENCE OF~~  
29 ~~ALCOHOL AND A DRUG OR COMBINATION OF DRUGS TO A DEGREE WHICH~~  
30 ~~IMPAIRS THE INDIVIDUAL'S ABILITY TO SAFELY DRIVE, OPERATE OR~~

1 ~~BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF THE VEHICLE.~~

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

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

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

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

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

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

27 ~~(2) AFTER THE INDIVIDUAL HAS IMBIBED A SUFFICIENT AMOUNT~~  
28 ~~OF ALCOHOL SUCH THAT THE INDIVIDUAL WAS INCAPABLE OF SAFELY~~  
29 ~~DRIVING, OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF THE~~  
30 ~~MOVEMENT OF A COMMERCIAL VEHICLE.~~

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

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

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

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

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

21           ~~§ 3803. GRADING.~~

22           ~~(A) BASIC OFFENSES.~~

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

29           ~~(2) AN INDIVIDUAL WHO VIOLATES SECTION 3802(A) AND HAS~~  
30           ~~MORE THAN ONE PRIOR OFFENSE COMMITS A MISDEMEANOR OF THE~~

1 ~~SECOND DEGREE.~~

2 ~~(B) OTHER OFFENSES.~~

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

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

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

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

19 ~~§ 3804. PENALTIES.~~

20 ~~(A) GENERAL IMPAIRMENT. AN INDIVIDUAL WHO VIOLATES SECTION~~  
21 ~~3802(A) (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
22 ~~CONTROLLED SUBSTANCE) SHALL BE SENTENCED AS FOLLOWS:~~

23 ~~(1) FOR A FIRST OFFENSE, TO:~~

24 ~~(I) UNDERGO A PERIOD OF PROBATION NOT TO EXCEED SIX~~  
25 ~~MONTHS;~~

26 ~~(II) PAY A FINE OF \$300;~~

27 ~~(III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL~~  
28 ~~APPROVED BY THE DEPARTMENT; AND~~

29 ~~(IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~

30 ~~REQUIREMENTS IMPOSED UNDER SECTION 3814 (RELATING TO DRUG~~

1 ~~AND ALCOHOL ASSESSMENTS) AND SECTION 3815 (RELATING TO~~  
2 ~~MANDATORY SENTENCING).~~

3 ~~(2) FOR A SECOND OFFENSE, TO:~~

4 ~~(I) UNDERGO IMPRISONMENT FOR NOT LESS THAN FIVE DAYS~~  
5 ~~NOR MORE THAN SIX MONTHS;~~

6 ~~(II) PAY A FINE OF NOT LESS THAN \$300 NOR MORE THAN~~  
7 ~~\$2,500;~~

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

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

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

13 ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN TEN DAYS~~  
14 ~~NOR MORE THAN TWO YEARS;~~

15 ~~(II) PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN~~  
16 ~~\$5,000; AND~~

17 ~~(III) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~  
18 ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~

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

26 ~~(1) FOR A FIRST OFFENSE, TO:~~

27 ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN 72~~  
28 ~~CONSECUTIVE HOURS NOR MORE THAN SIX MONTHS;~~

29 ~~(II) PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN~~  
30 ~~\$5,000;~~

1           ~~(III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL~~  
2           ~~APPROVED BY THE DEPARTMENT; AND~~  
3           ~~(IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~  
4           ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~  
5           ~~(2) FOR A SECOND OFFENSE, TO:~~  
6           ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN 30 DAYS~~  
7           ~~NOR MORE THAN SIX MONTHS;~~  
8           ~~(II) PAY A FINE OF NOT LESS THAN \$750 NOR MORE THAN~~  
9           ~~\$5,000;~~  
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 OFFENSE, TO:~~  
15           ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN 120 DAYS~~  
16           ~~NOR MORE THAN FIVE YEARS;~~  
17           ~~(II) PAY A FINE OF NOT LESS THAN \$1,500 NOR MORE~~  
18           ~~THAN \$10,000; AND~~  
19           ~~(III) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~  
20           ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~  
21           ~~(4) FOR A FOURTH 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 \$1,500 NOR MORE~~  
25           ~~THAN \$10,000; AND~~  
26           ~~(III) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~  
27           ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~  
28           ~~(C) INCAPACITY; HIGHEST BLOOD ALCOHOL; CONTROLLED~~  
29           ~~SUBSTANCES. AN INDIVIDUAL CONVICTED OF VIOLATING SECTION~~  
30           ~~3802(A)(1) AFTER HAVING REFUSED TESTING OF BLOOD OR BREATH OR OF~~

1 ~~VIOLATING SECTION 3802(C) OR (D) SHALL BE SENTENCED AS FOLLOWS:~~

2 ~~(1) FOR A FIRST OFFENSE, TO:~~

3 ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN FIVE~~  
4 ~~CONSECUTIVE DAYS NOR MORE THAN SIX MONTHS;~~

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

7 ~~(III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL~~  
8 ~~APPROVED BY THE DEPARTMENT; AND~~

9 ~~(IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~  
10 ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~

11 ~~(2) FOR A SECOND OFFENSE, TO:~~

12 ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN 90 DAYS~~  
13 ~~NOR MORE THAN FIVE YEARS;~~

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

15 ~~(III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL~~  
16 ~~APPROVED BY THE DEPARTMENT; AND~~

17 ~~(IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~  
18 ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~

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

20 ~~(I) UNDERGO IMPRISONMENT OF NOT LESS THAN ONE YEAR~~  
21 ~~NOR MORE THAN FIVE YEARS;~~

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

23 ~~(III) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT~~  
24 ~~REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.~~

25 ~~(D) EXTENDED SUPERVISION OF COURT. WHERE A PERSON IS~~  
26 ~~SENTENCED PURSUANT TO THIS CHAPTER AND FOLLOWING THE INITIAL~~  
27 ~~ASSESSMENT REQUIRED BY SECTION 3814(1), THE PERSON IS DETERMINED~~  
28 ~~TO BE IN NEED OF ADDITIONAL TREATMENT PURSUANT TO SECTION~~  
29 ~~3814(2), THE JUDGE SHALL IMPOSE A MINIMUM SENTENCE AS PROVIDED~~  
30 ~~BY LAW AND A MAXIMUM SENTENCE EQUAL TO THE STATUTORILY AVAILABLE~~



1 ~~MAXIMUM.~~

2 ~~(E) SUSPENSION OF OPERATING PRIVILEGES UPON CONVICTION.~~

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

7 ~~(I) AN OFFENSE UNDER SECTION 3802; OR~~

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

11 ~~(2) SUSPENSION UNDER PARAGRAPH (1)(I) SHALL BE IN~~  
12 ~~ACCORDANCE WITH THE FOLLOWING:~~

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

16 ~~(II) 24 MONTHS FOR A MISDEMEANOR OF THE FIRST DEGREE~~  
17 ~~UNDER THIS CHAPTER.~~

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

21 ~~(3) SUSPENSION IMPOSED UNDER PARAGRAPH (1)(II) SHALL BE~~  
22 ~~IN ACCORDANCE WITH THE FOLLOWING:~~

23 ~~(I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II), THE~~  
24 ~~PERIOD SHALL BE SIX MONTHS.~~

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

28 ~~(III) NOTWITHSTANDING ANY PROVISION OF LAW OR~~  
29 ~~ENFORCEMENT AGREEMENT TO THE CONTRARY, A SUSPENSION~~  
30 ~~IMPOSED PURSUANT TO PARAGRAPH (1)(II) SHALL DATE FROM AND~~

1           ~~RUN CONCURRENTLY TO ANY SUSPENSION IMPOSED BY THE~~  
2           ~~REPORTING PARTY STATE.~~

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

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

15          ~~(H) SENTENCING GUIDELINES. THE SENTENCING GUIDELINES~~  
16 ~~PROMULGATED BY THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL~~  
17 ~~NOT SUPERSEDE THE MANDATORY PENALTIES OF THIS SECTION.~~

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

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

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

9 ~~§ 3805. IGNITION INTERLOCK.~~

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

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

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

27 ~~(B) APPLICATION FOR A RESTRICTED LICENSE. A PERSON SUBJECT~~  
28 ~~TO THIS SECTION SHALL APPLY TO THE DEPARTMENT FOR AN IGNITION~~  
29 ~~INTERLOCK RESTRICTED LICENSE UNDER SECTION 1951 (RELATING TO~~  
30 ~~DRIVER'S LICENSE AND LEARNER'S PERMIT), WHICH SHALL BE CLEARLY~~

1 ~~MARKED TO RESTRICT THE PERSON TO OPERATING ONLY MOTOR VEHICLES~~  
2 ~~EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM. UPON~~  
3 ~~ISSUANCE OF AN IGNITION INTERLOCK RESTRICTED LICENSE TO ANY~~  
4 ~~PERSON, THE DEPARTMENT SHALL NOTIFY THE PERSON THAT UNTIL THE~~  
5 ~~PERSON OBTAINS AN UNRESTRICTED LICENSE THE PERSON MAY NOT OWN,~~  
6 ~~REGISTER OR OPERATE ANY VEHICLE WHICH IS NOT EQUIPPED WITH AN~~  
7 ~~APPROVED IGNITION INTERLOCK SYSTEM.~~

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

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

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

30 ~~(F) EMPLOYMENT EXEMPTION. IF A PERSON WITH A RESTRICTED~~

1 ~~LICENSE IS REQUIRED IN THE COURSE AND SCOPE OF EMPLOYMENT TO~~  
2 ~~OPERATE A MOTOR VEHICLE OWNED BY THE PERSON'S EMPLOYER, THE~~  
3 ~~FOLLOWING APPLY:~~

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

8 ~~(I) THE EMPLOYER HAS BEEN NOTIFIED THAT THE EMPLOYEE~~  
9 ~~IS RESTRICTED; AND~~

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

13 ~~(2) PARAGRAPH (1) DOES NOT APPLY IN ANY OF THE FOLLOWING~~  
14 ~~CIRCUMSTANCES:~~

15 ~~(I) TO THE EXTENT THAT AN EMPLOYER OWNED MOTOR~~  
16 ~~VEHICLE IS MADE AVAILABLE TO THE EMPLOYEE FOR PERSONAL~~  
17 ~~USE.~~

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

21 ~~§ 3806. PRIOR OFFENSES.~~

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

28 ~~(1) AN OFFENSE UNDER FORMER SECTION 3731 (RELATING TO~~  
29 ~~DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE);~~

30 ~~(2) AN OFFENSE UNDER SECTION 3802 (RELATING TO DRIVING~~

1 ~~UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE);~~

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

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

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

13 ~~(1) AN OFFENSE UNDER FORMER SECTION 3731;~~

14 ~~(2) AN OFFENSE UNDER SECTION 3802;~~

15 ~~(3) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER~~  
16 ~~PARAGRAPH (1) OR (2) IN ANOTHER JURISDICTION; OR~~

17 ~~(4) ANY COMBINATION OF THE OFFENSES SET FORTH IN~~  
18 ~~PARAGRAPH (1), (2) OR (3).~~

19 ~~§ 3807. ACCELERATED REHABILITATIVE DISPOSITION.~~

20 ~~(A) ELIGIBILITY. —~~

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

28 ~~(2) THE ATTORNEY FOR THE COMMONWEALTH SHALL NOT SUBMIT A~~  
29 ~~CHARGE BROUGHT UNDER THIS CHAPTER FOR ACCELERATED~~  
30 ~~REHABILITATIVE DISPOSITION IF ANY OF THE FOLLOWING APPLY:~~

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

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

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

13          ~~(B) EVALUATION AND TREATMENT.~~

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

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

26                 ~~(II) PRIOR TO RECEIVING ACCELERATED REHABILITATIVE~~  
27                 ~~DISPOSITION OR OTHER PRELIMINARY DISPOSITION, THE~~  
28                 ~~DEFENDANT MUST BE EVALUATED UNDER SECTION 3816(A)~~  
29                 ~~(RELATING TO REQUIREMENTS FOR DRIVING UNDER INFLUENCE~~  
30                 ~~OFFENDERS) TO DETERMINE THE EXTENT OF THE DEFENDANT'S~~

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

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

25           ~~(IV) THE DEFENDANT MUST REMAIN SUBJECT TO COURT~~  
26           ~~SUPERVISION FOR SIX MONTHS.~~

27           ~~(V) THE DEFENDANT MUST MAKE RESTITUTION TO ANY~~  
28           ~~PERSON THAT INCURRED DETERMINABLE FINANCIAL LOSS AS A~~  
29           ~~RESULT OF THE DEFENDANT'S ACTIONS WHICH RESULTED IN THE~~  
30           ~~OFFENSE. RESTITUTION MUST BE SUBJECT TO COURT~~



1 SUPERVISION.

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

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

16 ~~(VIII) THE DEFENDANT MUST PAY THE COSTS OF~~  
17 ~~COMPLIANCE WITH SUBPARAGRAPHS (I), (II) AND (III).~~

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

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

23 ~~(II) THE DEFENDANT'S BLOOD ALCOHOL CONTENT AT THE~~  
24 ~~TIME OF THE OFFENSE WAS AT LEAST .16%.~~

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

27 ~~(I) THE DEPARTMENT OF HEALTH OR ITS DESIGNEE.~~

28 ~~(II) THE COUNTY AGENCY WITH RESPONSIBILITY FOR~~  
29 ~~COUNTY DRUG AND ALCOHOL PROGRAMS OR ITS DESIGNEE.~~

30 ~~(III) THE CLINICAL PERSONNEL OF A FACILITY LICENSED~~

1 BY THE DEPARTMENT OF HEALTH FOR THE CONDUCT OF DRUG AND  
2 ALCOHOL ADDICTION TREATMENT PROGRAMS.

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

6 ~~(I) LENGTH OF STAY.~~

7 ~~(II) LEVELS OF CARE.~~

8 ~~(III) FOLLOW UP CARE AND MONITORING.~~

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

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

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

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

27 ~~(3) FOR 60 DAYS, IF:~~

28 ~~(I) THE DEFENDANT'S BLOOD ALCOHOL CONCENTRATION AT~~  
29 ~~THE TIME OF TESTING WAS .16% OR HIGHER;~~

30 ~~(II) THE DEFENDANT'S BLOOD ALCOHOL CONCENTRATION IS~~

1 NOT KNOWN; OR

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

6 (E) FAILURE TO COMPLY.

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

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

16 (I) FAILS TO MEET ANY OF THE REQUIREMENTS OF THIS  
17 SECTION;

18 (II) IS CHARGED WITH OR COMMITS AN OFFENSE UNDER 18  
19 PA.C.S (RELATING TO CRIMES AND OFFENSES); OR

20 (III) VIOLATES ANY OTHER CONDITION IMPOSED BY THE  
21 COURT.

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

24 (A) OFFENSE DEFINED.

25 (1) AN INDIVIDUAL REQUIRED TO OPERATE ONLY A MOTOR  
26 VEHICLE EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM  
27 UNDER SECTION 1553(D.2) (RELATING TO OCCUPATIONAL LIMITED  
28 LICENSE) OR 3805 (RELATING TO IGNITION INTERLOCK) WHO  
29 OPERATES A MOTOR VEHICLE ON A HIGHWAY OF THIS COMMONWEALTH  
30 WITHOUT SUCH A SYSTEM COMMITS A SUMMARY OFFENSE AND SHALL,

1 ~~UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS THAN~~  
2 ~~\$300 AND NOT MORE THAN \$1,000 AND TO IMPRISONMENT FOR NOT~~  
3 ~~MORE THAN 90 DAYS.~~

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

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

27 ~~(1) MEANS OF USING ANOTHER INDIVIDUAL TO PROVIDE A~~  
28 ~~BREATH SAMPLE; OR~~

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

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

5 ~~§ 3809. RESTRICTION ON ALCOHOLIC BEVERAGES.~~

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

14       ~~(B) EXCEPTION. THIS SECTION DOES NOT PROHIBIT POSSESSION OR~~  
15 ~~CONSUMPTION BY ANY OF THE FOLLOWING:~~

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

20           ~~(2) AN INDIVIDUAL IN THE LIVING QUARTERS OF A HOUSE~~  
21 ~~COACH OR HOUSE TRAILER.~~

22       ~~(C) PENALTY. AN INDIVIDUAL WHO VIOLATES THIS SECTION~~  
23 ~~COMMITTS A SUMMARY OFFENSE.~~

24 ~~§ 3810. AUTHORIZED USE NOT A DEFENSE.~~

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

29 ~~§ 3811. CERTAIN ARRESTS AUTHORIZED.~~

30       ~~(A) WARRANT NOT REQUIRED. IN ADDITION TO ANY OTHER POWERS~~

1 ~~OF ARREST, A POLICE OFFICER IS AUTHORIZED TO ARREST AN~~  
2 ~~INDIVIDUAL WITHOUT A WARRANT IF THE OFFICER HAS PROBABLE CAUSE~~  
3 ~~TO BELIEVE THAT THE INDIVIDUAL HAS VIOLATED SECTION 3802~~  
4 ~~(RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED~~  
5 ~~SUBSTANCE), REGARDLESS OF WHETHER THE ALLEGED VIOLATION WAS~~  
6 ~~COMMITTED IN THE PRESENCE OF THE POLICE OFFICER.~~

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

15 ~~§ 3812. PRELIMINARY HEARING OR ARRAIGNMENT.~~

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

22 ~~§ 3813. WORK RELEASE.~~

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

1 ~~3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS).~~

2 ~~§ 3814. DRUG AND ALCOHOL ASSESSMENTS.~~

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

7 ~~(1) THE DEFENDANT SHALL BE EVALUATED UNDER SECTION~~  
8 ~~3816(A) (RELATING TO REQUIREMENTS FOR DRIVING UNDER INFLUENCE~~  
9 ~~OFFENDERS) AND ANY OTHER ADDITIONAL EVALUATION TECHNIQUES~~  
10 ~~DEEMED APPROPRIATE BY THE COURT TO DETERMINE THE EXTENT OF~~  
11 ~~THE DEFENDANT'S INVOLVEMENT WITH ALCOHOL OR OTHER DRUG AND TO~~  
12 ~~ASSIST THE COURT IN DETERMINING WHAT TYPE OF SENTENCE WOULD~~  
13 ~~BENEFIT THE DEFENDANT AND THE PUBLIC.~~

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

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

20 ~~(A) FORMER SECTION 3731 (RELATING TO DRIVING~~  
21 ~~UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE);~~

22 ~~(B) SECTION 3802; OR~~

23 ~~(C) AN EQUIVALENT OFFENSE IN ANOTHER~~  
24 ~~JURISDICTION.~~

25 ~~(II) EITHER:~~

26 ~~(A) THE EVALUATION UNDER PARAGRAPH (1) INDICATES~~  
27 ~~THERE IS A NEED FOR COUNSELING OR TREATMENT; OR~~

28 ~~(B) THE DEFENDANT'S BLOOD ALCOHOL CONTENT AT THE~~  
29 ~~TIME OF THE OFFENSE WAS AT LEAST .16%.~~

30 ~~(3) THE ASSESSMENT UNDER PARAGRAPH (2) SHALL BE~~

1       ~~CONDUCTED BY ONE OF THE FOLLOWING:~~

2               ~~(I) THE DEPARTMENT OF HEALTH OR ITS DESIGNEE.~~

3               ~~(II) THE COUNTY AGENCY WITH RESPONSIBILITY FOR~~  
4       ~~COUNTY DRUG AND ALCOHOL PROGRAMS OR ITS DESIGNEE.~~

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

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

11               ~~(I) LENGTH OF STAY.~~

12               ~~(II) LEVELS OF CARE.~~

13               ~~(III) FOLLOW UP CARE AND MONITORING.~~

14       ~~§ 3815. MANDATORY SENTENCING.~~

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

19               ~~(B) PAROLE. —~~

20               ~~(1) AN OFFENDER WHO IS DETERMINED PURSUANT TO SECTION~~  
21       ~~3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS) TO BE IN NEED~~  
22       ~~OF DRUG AND ALCOHOL TREATMENT SHALL BE ELIGIBLE FOR PAROLE IN~~  
23       ~~ACCORDANCE WITH THE TERMS AND CONDITIONS PRESCRIBED IN THIS~~  
24       ~~SECTION FOLLOWING THE EXPIRATION OF THE OFFENDER'S MANDATORY~~  
25       ~~MINIMUM TERM OF IMPRISONMENT.~~

26               ~~(2) THE FOLLOWING SHALL BE CONDITIONS OF PAROLE:~~

27               ~~(I) IF THE OFFENDER IS NOT DETERMINED UNDER THE~~  
28       ~~PROCEDURES SET FORTH IN SECTION 3814 TO BE ADDICTED TO~~  
29       ~~ALCOHOL OR ANOTHER SUBSTANCE, THE OFFENDER MUST REFRAIN~~  
30       ~~FROM:~~



1                   ~~(A) THE USE OF ILLEGAL CONTROLLED SUBSTANCES;~~  
2                   ~~AND~~

3                   ~~(B) THE ABUSE OF PRESCRIPTION DRUGS, OVER THE~~  
4                   ~~COUNTER DRUGS OR ANY OTHER SUBSTANCES.~~

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

9                   ~~(A) REFRAIN FROM:~~

10                   ~~(I) THE USE OF ALCOHOL OR ILLEGAL CONTROLLED~~  
11                   ~~SUBSTANCES; AND~~

12                   ~~(II) THE ABUSE OF PRESCRIPTION DRUGS, OVER~~  
13                   ~~THE COUNTER DRUGS OR ANY OTHER SUBSTANCES.~~

14                   ~~(B) PARTICIPATE IN AND COOPERATE WITH DRUG AND~~  
15                   ~~ALCOHOL ADDICTION TREATMENT UNDER SUBSECTION (C).~~

16                   ~~(C) TREATMENT.~~

17                   ~~(1) TREATMENT MUST CONFORM TO ASSESSMENT RECOMMENDATIONS~~  
18                   ~~MADE UNDER SECTION 3814.~~

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

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

26                   ~~(I) FAILS TO COMPLY WITH PROGRAM RULES AND TREATMENT~~  
27                   ~~EXPECTATIONS;~~

28                   ~~(II) REFUSES TO CONSTRUCTIVELY ENGAGE IN THE~~  
29                   ~~TREATMENT PROCESS; OR~~

30                   ~~(III) WITHOUT AUTHORIZATION TERMINATES PARTICIPATION~~

1           ~~IN THE TREATMENT PROGRAM.~~

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

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

17 ~~(D) ENFORCEMENT.~~

18           ~~(1) THIS SUBSECTION APPLIES TO AN OFFENDER ORDERED TO~~  
19 ~~PARTICIPATE IN A TREATMENT PROGRAM UNDER SUBSECTION~~

20 ~~(B)(2)(II) WHO:~~

21           ~~(I) FAILS TO COMPLY WITH PROGRAM RULES AND TREATMENT~~  
22 ~~EXPECTATIONS;~~

23           ~~(II) REFUSES TO CONSTRUCTIVELY ENGAGE IN THE~~  
24 ~~TREATMENT PROCESS; OR~~

25           ~~(III) TERMINATES PARTICIPATION IN THE TREATMENT~~  
26 ~~PROGRAM WITHOUT AUTHORIZATION.~~

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

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

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

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

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

20          ~~(F) FEES.~~

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

25                         ~~(I) CHEMICAL TESTING OF THE OFFENDER REQUIRED UNDER~~  
26                         ~~THIS SECTION.~~

27                         ~~(II) AN ASSESSMENT OF THE OFFENDER REQUIRED UNDER~~  
28                         ~~THIS SECTION.~~

29                         ~~(III) DRUG OR ALCOHOL TREATMENT PROVIDED IN~~  
30                         ~~ACCORDANCE WITH THE ASSESSMENT.~~

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

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

26          ~~§ 3816. REQUIREMENTS FOR DRIVING UNDER INFLUENCE OFFENDERS.~~

27          ~~(A) EVALUATION USING COURT REPORTING NETWORK. IN ADDITION~~  
28          ~~TO ANY OTHER REQUIREMENTS OF THE COURT, EVERY PERSON CONVICTED~~  
29          ~~OF A VIOLATION OF SECTION 3802 (RELATING TO DRIVING UNDER~~  
30          ~~INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND EVERY PERSON~~

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

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

30 ~~§ 3817. REPORTING REQUIREMENTS FOR OFFENSES.~~

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

6       ~~(B) CONTENTS. THE REPORT SHALL INCLUDE:~~

7           ~~(1) THE NUMBER OF OFFENDERS.~~

8           ~~(2) THE NUMBER OF OFFENDERS SUBJECT TO SECTION 3815~~  
9 ~~(RELATING TO MANDATORY SENTENCING).~~

10          ~~(3) THE NUMBER OF OFFENDERS SENT TO TREATMENT FOR~~  
11 ~~ALCOHOL AND DRUG PROBLEMS AND ADDICTION.~~

12          ~~(4) THE NAMES OF THE TREATMENT FACILITIES PROVIDING~~  
13 ~~TREATMENT AND THE LEVEL OF CARE AND LENGTH OF STAY IN~~  
14 ~~TREATMENT.~~

15          ~~(5) THE NUMBER OF OFFENDERS SUCCESSFULLY COMPLETING~~  
16 ~~TREATMENT.~~

17          ~~(6) THE NUMBER OF SUSPENDED LICENSES RETURNED AFTER~~  
18 ~~COMPLETION OF TREATMENT.~~

19          ~~(7) THE NUMBER OF FIRST, SECOND, THIRD AND SUBSEQUENT~~  
20 ~~OFFENDERS.~~

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

28       ~~SECTION 19. SECTIONS 6308(B) AND 6506(A)(7) OF TITLE 75 ARE~~  
29 ~~AMENDED TO READ:~~

30       ~~§ 6308. INVESTIGATION BY POLICE OFFICERS.~~

1       \* \* \*

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

13       \* \* \*

14       ~~§ 6506. SURCHARGE.~~

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

19       \* \* \*

20       ~~(7) UPON CONVICTION OF OFFENSES UNDER SECTION [3731]~~  
21 ~~3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR~~  
22 ~~CONTROLLED SUBSTANCE), OR UPON ADMISSION TO PROGRAMS FOR~~  
23 ~~ACCELERATED REHABILITATIVE DISPOSITION FOR OFFENSES~~  
24 ~~ENUMERATED IN SECTION [3731] 3802, A SURCHARGE, RESPECTIVELY,~~  
25 ~~OF:~~

26               ~~(I) \$50 FOR THE FIRST OFFENSE.~~

27               ~~(II) \$100 FOR THE SECOND OFFENSE.~~

28               ~~(III) \$200 FOR THE THIRD OFFENSE.~~

29               ~~(IV) \$300 FOR THE FOURTH AND SUBSEQUENT OFFENSES.~~

30       \* \* \*

1       ~~SECTION 20. THE ADDITION OF 75 PA.C.S. §§ 3814 AND 3815~~  
2 ~~SHALL APPLY AS FOLLOWS:~~

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

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

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

9       ~~SECTION 21. THE DEPARTMENT OF TRANSPORTATION HAS THE~~  
10 ~~FOLLOWING DUTIES:~~

11           ~~(1) IN ORDER TO IMPLEMENT THE ADDITION OF 75 PA.C.S. §~~  
12 ~~3805, THE FOLLOWING SHALL APPLY:~~

13           ~~(I) THE DEPARTMENT SHALL ADOPT AND USE GUIDELINES,~~  
14 ~~WHICH SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN.~~  
15 ~~THE GUIDELINES SHALL NOT BE SUBJECT TO REVIEW UNDER~~  
16 ~~SECTION 205 OF THE ACT OF JULY 31, 1968 (P.L.769,~~  
17 ~~NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW,~~  
18 ~~AND THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS~~  
19 ~~THE REGULATORY REVIEW ACT.~~

20           ~~(II) BY SEPTEMBER 30, 2004, THE DEPARTMENT SHALL, IN~~  
21 ~~ACCORDANCE WITH LAW, PROMULGATE REGULATIONS TO REPLACE~~  
22 ~~THE GUIDELINES UNDER SUBPARAGRAPH (I).~~

23           ~~(III) THE GUIDELINES UNDER SUBPARAGRAPH (I) SHALL:~~

24                   ~~(A) TAKE EFFECT SEPTEMBER 30, 2003, OR~~

25                   ~~IMMEDIATELY, WHICHEVER IS LATER; AND~~

26                   ~~(B) EXPIRE ON THE EARLIER OF:~~

27                           ~~(I) THE EFFECTIVE DATE OF REGULATIONS UNDER~~  
28 ~~SUBPARAGRAPH (II); OR~~

29                           ~~(II) SEPTEMBER 30, 2005.~~

30           ~~(2) BY OCTOBER 1, 2004, THE DEPARTMENT SHALL PROMULGATE~~



1       ~~REGULATIONS TO IMPLEMENT 75 PA.C.S. § 1549(B).~~  
2       ~~SECTION 22. THE ADDITION OF 75 PA.C.S CH. 38 IS A~~  
3       ~~CONTINUATION OF FORMER 75 PA.C.S. § 3731. THE REPEAL OF 75~~  
4       ~~PA.C.S. § 3731 SHALL NOT AFFECT OFFENSES COMMITTED NOR CIVIL AND~~  
5       ~~ADMINISTRATIVE PENALTIES IMPOSED PRIOR TO THE EFFECTIVE DATE OF~~  
6       ~~THIS SECTION.~~

7       ~~SECTION 23. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:~~

8             ~~(1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT~~  
9       ~~IMMEDIATELY:~~

10            ~~(I) SECTION 21 OF THIS ACT.~~

11            ~~(II) THIS SECTION.~~

12            ~~(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT~~  
13       ~~SEPTEMBER 30, 2003, OR IMMEDIATELY, WHICHEVER IS LATER.~~

14       SECTION 1. SECTIONS 6105(C)(3) AND 7508.1(B) AND (C) OF       ←  
15       TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED  
16       TO READ:

17       § 6105. PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL  
18             OR TRANSFER FIREARMS.

19       \* \* \*

20       (C) OTHER PERSONS.--IN ADDITION TO ANY PERSON WHO HAS BEEN  
21       CONVICTED OF ANY OFFENSE LISTED UNDER SUBSECTION (B), THE  
22       FOLLOWING PERSONS SHALL BE SUBJECT TO THE PROHIBITION OF  
23       SUBSECTION (A):

24       \* \* \*

25       (3) A PERSON WHO HAS BEEN CONVICTED OF DRIVING UNDER THE  
26       INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AS PROVIDED IN  
27       75 PA.C.S. § [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE  
28       OF ALCOHOL OR CONTROLLED SUBSTANCE) ON THREE OR MORE SEPARATE  
29       OCCASIONS WITHIN A FIVE-YEAR PERIOD. FOR THE PURPOSES OF THIS  
30       PARAGRAPH ONLY, THE PROHIBITION OF SUBSECTION (A) SHALL ONLY

1 APPLY TO TRANSFERS OR PURCHASES OF FIREARMS AFTER THE THIRD  
2 CONVICTION.

3 \* \* \*

4 § 7508.1. SUBSTANCE ABUSE EDUCATION AND DEMAND REDUCTION FUND.

5 \* \* \*

6 (B) IMPOSITION.--UNLESS THE COURT FINDS THAT UNDUE HARDSHIP  
7 WOULD RESULT, A MANDATORY COST OF \$100, WHICH SHALL BE IN  
8 ADDITION TO ANY OTHER COSTS IMPOSED PURSUANT TO STATUTORY  
9 AUTHORITY, SHALL AUTOMATICALLY BE ASSESSED ON ANY INDIVIDUAL  
10 CONVICTED, ADJUDICATED DELINQUENT OR GRANTED ACCELERATED  
11 REHABILITATIVE DISPOSITION OR ANY INDIVIDUAL WHO PLEADS GUILTY  
12 OR NOLO CONTENDERE FOR A VIOLATION OF THE ACT OF APRIL 14, 1972  
13 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,  
14 DEVICE AND COSMETIC ACT, OR A VIOLATION OF 75 PA.C.S. § [3731]  
15 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
16 CONTROLLED SUBSTANCE).

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

27 \* \* \*

28 SECTION 2. SECTION 7514 OF TITLE 18 IS REPEALED.

29 SECTION 3. SECTION 5502(A)(4) AND (A.1)(1) OF TITLE 30 ARE  
30 AMENDED TO READ:

1 § 5502. OPERATING WATERCRAFT UNDER INFLUENCE OF ALCOHOL OR  
2 CONTROLLED SUBSTANCE.

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

6 \* \* \*

7 (4) WHILE THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD  
8 OF:

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

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

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

12 (1) IT IS PRIMA FACIE EVIDENCE THAT:

13 (I) AN ADULT HAD [0.10%] 0.08% OR MORE BY WEIGHT OF  
14 ALCOHOL IN HIS OR HER BLOOD AT THE TIME OF OPERATING OR  
15 BEING IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A  
16 WATERCRAFT IF THE AMOUNT OF ALCOHOL BY WEIGHT IN THE  
17 BLOOD OF THE PERSON IS EQUAL TO OR GREATER THAN [0.10%]  
18 0.08% AT THE TIME A CHEMICAL TEST IS PERFORMED ON A  
19 SAMPLE OF THE PERSON'S BREATH, BLOOD OR URINE; AND

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

27 \* \* \*

28 SECTION 4. SECTIONS 2501(A)(4) AND (A.1)(1)(I) AND (B) AND  
29 2502(D)(2) AND (3) OF TITLE 34 ARE AMENDED TO READ:

30 § 2501. HUNTING OR FURTAKING PROHIBITED WHILE UNDER INFLUENCE

1 OF ALCOHOL OR CONTROLLED SUBSTANCE.

2 (A) GENERAL RULE.--IT IS UNLAWFUL TO HUNT OR TAKE GAME,  
3 FURBEARERS OR WILDLIFE OR AID, ABET, ASSIST OR CONSPIRE TO HUNT  
4 OR TAKE GAME, FURBEARERS OR WILDLIFE ANYWHERE IN THIS  
5 COMMONWEALTH WHILE IN POSSESSION OF A FIREARM OF ANY KIND OR A  
6 BOW AND ARROW IF:

7 \* \* \*

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

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

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

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

12 (1) IT IS PRIMA FACIE EVIDENCE THAT:

13 (I) AN ADULT HAD [0.10%] 0.08% OR MORE BY WEIGHT OF  
14 ALCOHOL IN HIS OR HER BLOOD AT THE TIME OF HUNTING OR  
15 TAKING OF GAME, FURBEARERS OR WILDLIFE OR THE AIDING,  
16 ABETTING, ASSISTING OR CONSPIRING TO HUNT OR TAKE GAME,  
17 FURBEARERS OR WILDLIFE IF THE AMOUNT OF ALCOHOL BY WEIGHT  
18 IN THE BLOOD OF THE PERSON IS EQUAL TO OR GREATER THAN  
19 [0.10%] 0.08% AT THE TIME A CHEMICAL TEST IS PERFORMED ON  
20 A SAMPLE OF THE PERSON'S BREATH, BLOOD OR URINE; OR

21 \* \* \*

22 (B) PENALTY.--

23 (1) A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL  
24 BE A SUMMARY OFFENSE IF THE AMOUNT OF ALCOHOL BY WEIGHT IN  
25 THE BLOOD OF THE INDIVIDUAL IS AT LEAST 0.08% BUT LESS THAN  
26 0.10%.

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

30 (3) IN ADDITION TO ANY PENALTY, THE VIOLATOR SHALL BE

1 DENIED THE RIGHT TO HUNT OR TRAP IN THIS COMMONWEALTH, WITH  
2 OR WITHOUT A LICENSE, FOR A PERIOD OF ONE YEAR.

3 \* \* \*

4 § 2502. CHEMICAL TEST TO DETERMINE AMOUNT OF ALCOHOL.

5 \* \* \*

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

8 \* \* \*

9 (2) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF  
10 THE PERSON TESTED IS IN EXCESS OF 0.05% BUT LESS THAN [0.10%]  
11 0.08%, THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION THAT  
12 THE PERSON TESTED WAS OR WAS NOT UNDER THE INFLUENCE OF  
13 ALCOHOL, BUT THIS FACT MAY BE CONSIDERED WITH OTHER COMPETENT  
14 EVIDENCE IN DETERMINING WHETHER THE PERSON WAS OR WAS NOT  
15 UNDER THE INFLUENCE OF ALCOHOL.

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

20 \* \* \*

21 SECTION 5. SECTIONS 933(A)(1)(II), 1515(A)(5), 1725.3(A),  
22 3571(B)(4) AND 3573(B)(3) OF TITLE 42 ARE AMENDED TO READ:

23 § 933. APPEALS FROM GOVERNMENT AGENCIES.

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

29 (1) APPEALS FROM COMMONWEALTH AGENCIES IN THE FOLLOWING  
30 CASES:

1 \* \* \*

2 (II) DETERMINATIONS OF THE DEPARTMENT OF  
3 TRANSPORTATION APPEALABLE UNDER THE FOLLOWING PROVISIONS  
4 OF TITLE 75 (RELATING TO VEHICLES):

5 SECTION 1377 (RELATING TO JUDICIAL REVIEW).

6 SECTION 1550 (RELATING TO JUDICIAL REVIEW).

7 SECTION 4724(B) (RELATING TO JUDICIAL REVIEW).

8 SECTION 7303(B) (RELATING TO JUDICIAL REVIEW).

9 SECTION 7503(B) (RELATING TO JUDICIAL REVIEW).

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

27 \* \* \*

28 § 1515. JURISDICTION AND VENUE.

29 (A) JURISDICTION.--EXCEPT AS OTHERWISE PRESCRIBED BY GENERAL  
30 RULE ADOPTED PURSUANT TO SECTION 503 (RELATING TO REASSIGNMENT

1 OF MATTERS), DISTRICT JUSTICES SHALL, UNDER PROCEDURES  
2 PRESCRIBED BY GENERAL RULE, HAVE JURISDICTION OF ALL OF THE  
3 FOLLOWING MATTERS:

4 \* \* \*

5 (5) OFFENSES UNDER 75 PA.C.S. § [3731] 3802 (RELATING TO  
6 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE),  
7 IF THE FOLLOWING CRITERIA ARE MET:

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

10 (II) NO PERSONAL INJURY (OTHER THAN TO THE DEFENDANT  
11 [OR THE IMMEDIATE FAMILY OF THE DEFENDANT]) RESULTED FROM  
12 THE OFFENSE.

13 (III) THE DEFENDANT PLEADS GUILTY.

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

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

18 (VI) THE ARRESTING AUTHORITY SHALL CAUSE TO BE  
19 TRANSMITTED A COPY OF THE CHARGE OF ANY VIOLATION OF 75  
20 PA.C.S. § [3731] 3802 TO THE OFFICE OF THE CLERK OF THE  
21 COURT OF COMMON PLEAS WITHIN FIVE DAYS AFTER THE  
22 PRELIMINARY ARRAIGNMENT.

23 IN DETERMINING THAT THE ABOVE CRITERIA ARE MET THE DISTRICT  
24 JUSTICE SHALL RELY ON THE CERTIFICATION OF THE ARRESTING  
25 AUTHORITY. CERTIFICATION THAT THE CRITERIA ARE MET NEED NOT  
26 BE IN WRITING. WITHIN TEN DAYS AFTER THE DISPOSITION, THE  
27 DISTRICT JUSTICE SHALL CERTIFY THE DISPOSITION TO THE OFFICE  
28 OF THE CLERK OF THE COURT OF COMMON PLEAS IN WRITING.

29 \* \* \*

30 § 1725.3. CRIMINAL LABORATORY USER FEE.

1 (A) IMPOSITION.--A PERSON WHO IS PLACED ON PROBATION WITHOUT  
2 VERDICT PURSUANT TO SECTION 17 OF THE ACT OF APRIL 14, 1972  
3 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,  
4 DEVICE AND COSMETIC ACT, OR WHO RECEIVES ACCELERATED  
5 REHABILITATIVE DISPOSITION OR WHO PLEADS GUILTY TO OR NOLO  
6 CONTENDERE TO OR WHO IS CONVICTED OF A CRIME AS DEFINED IN 18  
7 PA.C.S. § 106 (RELATING TO CLASSES OF OFFENSES) OR 75 PA.C.S. §  
8 [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
9 CONTROLLED SUBSTANCE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE  
10 WHILE DRIVING UNDER INFLUENCE) OR A VIOLATION OF THE CONTROLLED  
11 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT SHALL, IN ADDITION TO  
12 ANY FINES, PENALTIES OR COSTS, IN EVERY CASE WHERE LABORATORY  
13 SERVICES WERE REQUIRED TO PROSECUTE THE CRIME OR VIOLATION, BE  
14 SENTENCED TO PAY A CRIMINAL LABORATORY USER FEE WHICH SHALL  
15 INCLUDE, BUT NOT BE LIMITED TO, THE COST OF SENDING A LABORATORY  
16 TECHNICIAN TO COURT PROCEEDINGS.

17 \* \* \*

18 § 3571. COMMONWEALTH PORTION OF FINES, ETC.

19 \* \* \*

20 (B) VEHICLE OFFENSES.--

21 \* \* \*

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

29 (I) FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE  
30 ALLOCATED TO THE APPROPRIATE COUNTY AUTHORITY WHICH



1 IMPLEMENTS THE COUNTY DRUG AND ALCOHOL PROGRAM TO BE USED  
2 SOLELY FOR THE PURPOSES OF AIDING PROGRAMS PROMOTING DRUG  
3 ABUSE AND ALCOHOLISM PREVENTION, EDUCATION, TREATMENT AND  
4 RESEARCH. [PROGRAMS UNDER THIS SUBPARAGRAPH INCLUDE  
5 PROJECT DARE (DRUG AND ALCOHOL RESISTANCE EDUCATION).]

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

9 \* \* \*

10 § 3573. MUNICIPAL CORPORATION PORTION OF FINES, ETC.

11 \* \* \*

12 (B) VEHICLE OFFENSES.--

13 \* \* \*

14 (3) WHEN PROSECUTION UNDER 75 PA.C.S. § [3731] 3802  
15 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
16 SUBSTANCE) IS THE RESULT OF LOCAL POLICE ACTION, 50% OF ALL  
17 FINES, FORFEITED RECOGNIZANCES AND OTHER FORFEITURES IMPOSED,  
18 LOST OR FORFEITED SHALL BE PAYABLE TO THE MUNICIPAL  
19 CORPORATION UNDER WHICH THE LOCAL POLICE ARE ORGANIZED, AND  
20 50% SHALL BE PAYABLE TO THE COUNTY WHICH SHALL BE FURTHER  
21 DIVIDED AS FOLLOWS:

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

29 (II) FIFTY PERCENT OF THE MONEYS RECEIVED SHALL BE  
30 USED FOR EXPENDITURES INCURRED FOR COUNTY JAILS, PRISONS,

1 WORKHOUSES AND DETENTION CENTERS.

2 \* \* \*

3 SECTION 6. CHAPTER 70 OF TITLE 42 IS REPEALED.

4 SECTION 7. SECTION 9763(C) OF TITLE 42 IS AMENDED TO READ:

5 § 9763. SENTENCE OF INTERMEDIATE PUNISHMENT.

6 \* \* \*

7 (C) RESTRICTION.--

8 (1) A DEFENDANT [CONVICTED UNDER] SUBJECT TO 75 PA.C.S.  
9 § [3731(E) (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
10 CONTROLLED SUBSTANCE)] 3804 (RELATING TO PENALTIES) MAY ONLY  
11 BE SENTENCED TO INTERMEDIATE PUNISHMENT:

12 [(1) IN A RESIDENTIAL INPATIENT PROGRAM OR IN A  
13 RESIDENTIAL REHABILITATIVE CENTER; OR

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

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

18 (II) AFTER UNDERGOING AN ASSESSMENT UNDER 75 PA.C.S.  
19 § 3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS).

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

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

1           (I) BY HOUSE ARREST OR ELECTRONIC SURVEILLANCE;  
2           (II) PARTIAL CONFINEMENT PROGRAMS, SUCH AS WORK  
3           RELEASE, WORK CAMPS AND HALFWAY FACILITIES; OR  
4           (III) ANY COMBINATION OF THE PROGRAMS SET FORTH IN  
5           THIS SUBSECTION.

6           \* \* \*

7           SECTION 8. SECTION 9804(B)(3) OF TITLE 42 IS AMENDED AND THE  
8           SUBSECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:

9           § 9804. COUNTY INTERMEDIATE PUNISHMENT PROGRAMS.

10          \* \* \*

11          (B) ELIGIBILITY.--

12                 \* \* \*

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

18                         (I) A RESIDENTIAL INPATIENT PROGRAM OR A RESIDENTIAL  
19                         REHABILITATIVE CENTER;

20                         (II) HOUSE ARREST AND ELECTRONIC SURVEILLANCE  
21                         COMBINED WITH DRUG AND ALCOHOL TREATMENT; OR

22                         (III) PARTIAL CONFINEMENT PROGRAMS, SUCH AS WORK  
23                         RELEASE, WORK CAMPS AND HALFWAY FACILITIES, COMBINED WITH  
24                         DRUG AND ALCOHOL TREATMENT.]

25                 (4) (I) ANY PERSON RECEIVING A PENALTY IMPOSED PURSUANT  
26                 TO 75 PA.C.S. § 1543(B) (RELATING TO DRIVING WHILE  
27                 OPERATING PRIVILEGE IS SUSPENDED OR REVOKED) OR 3804  
28                 (RELATING TO PENALTIES) SHALL UNDERGO AN ASSESSMENT UNDER  
29                 75 PA.C.S. § 3814 (RELATING TO DRUG AND ALCOHOL  
30                 ASSESSMENTS).

1           (II) IF THE DEFENDANT IS DETERMINED TO BE IN NEED OF  
2           DRUG AND ALCOHOL TREATMENT, A SENTENCE TO INTERMEDIATE  
3           PUNISHMENT SHALL INCLUDE PARTICIPATION IN DRUG AND  
4           ALCOHOL TREATMENT UNDER 75 PA.C.S. § 3815(C) (RELATING TO  
5           MANDATORY SENTENCING). SUCH TREATMENT MAY BE COMBINED  
6           WITH HOUSE ARREST WITH ELECTRONIC SURVEILLANCE OR A  
7           PARTIAL CONFINEMENT PROGRAM, SUCH AS WORK RELEASE, A WORK  
8           CAMP OR A HALFWAY FACILITY.

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

12                   (A) HOUSE ARREST AND ELECTRONIC SURVEILLANCE;

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

15                   (C) ANY COMBINATION OF THE PROGRAMS SET FORTH IN  
16                   THIS PARAGRAPH.

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

21          SECTION 9. SECTIONS 1516(C) AND (D) AND 1532(B)(3) OF TITLE  
22          75 ARE AMENDED TO READ:

23          § 1516. DEPARTMENT RECORDS.

24                  \* \* \*

25          (C) DISMISSAL OF CHARGES FOR VIOLATIONS.--IF A CHARGE FOR  
26          VIOLATION OF ANY OF THE PROVISIONS OF THIS TITLE AGAINST ANY  
27          PERSON IS DISMISSED WHERE THERE HAVE BEEN NO PRIOR CONVICTIONS  
28          BY ANY COURT OF COMPETENT JURISDICTION, NO RECORD OF THE CHARGE  
29          AND DISMISSAL SHALL BE INCLUDED IN THE DRIVING RECORD OF THE  
30          PERSON. IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED OF THE

2 SUSPENSION WAS EITHER PARTIALLY OR FULLY SERVED, THE DEPARTMENT  
3 MAY KEEP A RECORD OF THE OFFENSE FOR THE PURPOSE OF SHOWING THE  
4 SUSPENSION WAS IMPOSED AGAINST THE PERSON[.], BUT THE OFFENSE  
5 SHALL NOT BE USED FOR THE PURPOSE OF CALCULATING THE REQUISITE  
6 NUMBER OF OFFENSES UNDER SECTION 1542 (RELATING TO REVOCATION OF  
7 HABITUAL OFFENDER'S LICENSE). IN ADDITION, THE DEPARTMENT MAY  
8 KEEP RECORDS OF CHARGES THAT HAVE BEEN FILED WITH THE COURTS IN  
9 ORDER TO DETERMINE A PERSON'S ELIGIBILITY FOR A PROBATIONARY  
10 LICENSE UNDER THE PROVISIONS OF SECTION 1554(B)(3) (RELATING TO  
11 PROBATIONARY LICENSE). ALL RECORDS MAINTAINED PURSUANT TO THIS  
12 SUBSECTION SHALL BE MAINTAINED FOR ADMINISTRATIVE AND LAW  
13 ENFORCEMENT USE ONLY AND SHALL NOT BE RELEASED FOR ANY OTHER  
14 PURPOSE.

15 (D) UPDATING DRIVING RECORD.--DRIVERS WISHING TO HAVE THEIR  
16 RECORD REVIEWED BY THE DEPARTMENT MAY MAKE SUCH A REQUEST IN  
17 ORDER THAT THE RECORD BE BROUGHT UP TO DATE. IN UPDATING  
18 RECORDS, THE DEPARTMENT SHALL INCLUDE RECALCULATION OF  
19 SUSPENSION OR REVOCATION SEGMENTS AND THE ASSIGNMENT AND  
20 CREDITING OF ANY SUSPENSION OR REVOCATION TIME PREVIOUSLY  
21 ASSIGNED OR CREDITED TOWARD A SUSPENSION OR REVOCATION WHICH  
22 RESULTED FROM A CONVICTION WHICH HAS BEEN VACATED, OVERTURNED,  
23 DISMISSED OR WITHDRAWN. ANY FULLY OR PARTIALLY SERVED SUSPENSION  
24 OR REVOCATION TIME MAY ONLY BE REASSIGNED OR CREDITED TOWARD A  
25 SUSPENSION OR REVOCATION SEGMENT PROCESSED ON THE DRIVER'S  
26 RECORD AS OF THE ACTUAL COMMENCEMENT DATE OF THE FULLY OR  
27 PARTIALLY SERVED SUSPENSION OR REVOCATION TIME.

28 § 1532. SUSPENSION OF OPERATING PRIVILEGE.

29 \* \* \*

30 (B) SUSPENSION.--

1 \* \* \*

2 (3) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE  
3 OF ANY DRIVER FOR 12 MONTHS UPON RECEIVING A CERTIFIED RECORD  
4 OF THE DRIVER'S CONVICTION OF SECTION [3731 (RELATING TO  
5 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE)  
6 OR] 3733 (RELATING TO FLEEING OR ATTEMPTING TO ELUDE POLICE  
7 OFFICER)[,] OR A SUBSTANTIALLY SIMILAR [OFFENSES] OFFENSE  
8 REPORTED TO THE DEPARTMENT UNDER ARTICLE III OF SECTION 1581  
9 (RELATING TO DRIVER'S LICENSE COMPACT), OR AN ADJUDICATION OF  
10 DELINQUENCY BASED ON SECTION [3731 OR] 3733. THE DEPARTMENT  
11 SHALL SUSPEND THE OPERATING PRIVILEGE OF ANY DRIVER FOR SIX  
12 MONTHS UPON RECEIVING A CERTIFIED RECORD OF A CONSENT DECREE  
13 GRANTED UNDER 42 PA.C.S. CH. 63 (RELATING TO JUVENILE  
14 MATTERS) BASED ON SECTION [3731 OR] 3733.

15 \* \* \*

16 SECTION 10. SECTION 1534(B) OF TITLE 75 IS AMENDED AND THE  
17 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

18 § 1534. NOTICE OF ACCEPTANCE OF ACCELERATED REHABILITATIVE  
19 DISPOSITION.

20 \* \* \*

21 (B) EXCEPTION.--IF A PERSON IS ARRESTED FOR ANY OFFENSE  
22 ENUMERATED IN SECTION [3731] 3802 (RELATING TO DRIVING UNDER  
23 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND IS OFFERED AND  
24 ACCEPTS ACCELERATED REHABILITATIVE DISPOSITION UNDER GENERAL  
25 RULES, THE COURT SHALL PROMPTLY NOTIFY THE DEPARTMENT. THE  
26 DEPARTMENT SHALL MAINTAIN A RECORD OF THE ACCEPTANCE OF  
27 ACCELERATED REHABILITATIVE DISPOSITION FOR A PERIOD OF [SEVEN]  
28 TEN YEARS FROM THE DATE OF NOTIFICATION. THIS RECORD SHALL NOT  
29 BE EXPUNGED BY ORDER OF COURT[.] OR PRIOR TO THE EXPIRATION OF  
30 THE TEN-YEAR PERIOD.

1        (C) EXPUNGEMENT.--IMMEDIATELY FOLLOWING THE EXPIRATION OF  
2 THE TEN-YEAR PERIOD, THE DEPARTMENT SHALL EXPUNGE THE RECORD OF  
3 THE ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION. THE  
4 DEPARTMENT SHALL NOT REQUIRE AN ORDER OF COURT TO EXPUNGE THE  
5 RECORD.

6        (D) EXCEPTIONS TO EXPUNGEMENT.--THE DEPARTMENT SHALL NOT BE  
7 REQUIRED TO EXPUNGE THE RECORD OF ACCEPTANCE OF ACCELERATED  
8 REHABILITATIVE DISPOSITION IF:

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

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

14        SECTION 11. SECTIONS 1541(A.1) AND (D), 1542(B), 1543(B),  
15 1545, 1547(B)(1) AND (2), (C), (D), (E) AND (I), 1548, 1549(B)  
16 AND 1552 OF TITLE 75 ARE AMENDED TO READ:

17 § 1541. PERIOD OF DISQUALIFICATION, REVOCATION OR SUSPENSION OF  
18 OPERATING PRIVILEGE.

19        \* \* \*

20        (A.1) CREDIT TOWARD SERVING PERIOD OF SUSPENSION FOR CERTAIN  
21 VIOLATIONS.--CREDIT TOWARD SERVING THE PERIOD OF SUSPENSION OR  
22 REVOCATION IMPOSED FOR SECTIONS [3731 (RELATING TO DRIVING UNDER  
23 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE),] 3732 (RELATING  
24 TO HOMICIDE BY VEHICLE), 3735 (RELATING TO HOMICIDE BY VEHICLE  
25 WHILE DRIVING UNDER THE INFLUENCE) [AND], 3735.1 (RELATING TO  
26 AGGRAVATED ASSAULT BY VEHICLE WHILE DRIVING UNDER THE INFLUENCE)  
27 AND 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
28 CONTROLLED SUBSTANCE) SHALL NOT COMMENCE UNTIL THE DATE OF THE  
29 PERSON'S RELEASE FROM PRISON.

30        \* \* \*

1 (D) CONTINUED SUSPENSION OF OPERATING PRIVILEGE.--A  
2 DEFENDANT ORDERED BY THE COURT UNDER SECTION [1548] 3816  
3 (RELATING TO REQUIREMENTS FOR DRIVING UNDER INFLUENCE  
4 OFFENDERS), AS THE RESULT OF A CONVICTION OR ACCELERATED  
5 REHABILITATIVE DISPOSITION OF A VIOLATION OF SECTION [3731  
6 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
7 SUBSTANCE)] 3802, TO ATTEND A TREATMENT PROGRAM FOR ALCOHOL OR  
8 DRUG ADDICTION MUST SUCCESSFULLY COMPLETE ALL REQUIREMENTS OF  
9 THE TREATMENT PROGRAM ORDERED BY THE COURT BEFORE THE  
10 DEFENDANT'S OPERATING PRIVILEGE MAY BE RESTORED. SUCCESSFUL  
11 COMPLETION OF A TREATMENT PROGRAM INCLUDES THE PAYMENT OF ALL  
12 COURT-IMPOSED FINES AND COSTS, AS WELL AS FEES TO BE PAID TO THE  
13 TREATMENT PROGRAM BY THE DEFENDANT. IF A DEFENDANT FAILS TO  
14 SUCCESSFULLY COMPLETE THE REQUIREMENTS OF A TREATMENT PROGRAM,  
15 THE SUSPENSION SHALL REMAIN IN EFFECT UNTIL THE DEFENDANT  
16 COMPLETES THE PROGRAM AND IS OTHERWISE ELIGIBLE FOR RESTORATION  
17 OF HIS OPERATING PRIVILEGE. THE TREATMENT AGENCY SHALL  
18 IMMEDIATELY NOTIFY THE COURT OF SUCCESSFUL COMPLETION OF THE  
19 TREATMENT PROGRAM. THE FINAL DECISION AS TO WHETHER A DEFENDANT  
20 HAS SUCCESSFULLY COMPLETED THE TREATMENT PROGRAM RESTS WITH THE  
21 COURT.

22 § 1542. REVOCATION OF HABITUAL OFFENDER'S LICENSE.

23 \* \* \*

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

28 (1) ANY VIOLATION OF SUBCHAPTER B OF CHAPTER 37

29 (RELATING TO SERIOUS TRAFFIC OFFENSES).

30 (1.1) ANY VIOLATION OF CHAPTER 38 (RELATING TO DRIVING



1 WHILE IMPAIRED) EXCEPT FOR SECTION 3809 (RELATING TO  
2 RESTRICTION ON ALCOHOLIC BEVERAGES).

3 (2) ANY VIOLATION OF SECTION 3367 (RELATING TO RACING ON  
4 HIGHWAYS).

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

7 (3.1) ANY VIOLATION OF SECTION 3742.1 (RELATING TO  
8 ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY WHILE NOT  
9 PROPERLY LICENSED).

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

12 \* \* \*

13 § 1543. DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR  
14 REVOKED.

15 \* \* \*

16 (B) CERTAIN OFFENSES.--

17 (1) A PERSON WHO DRIVES A MOTOR VEHICLE ON A HIGHWAY OR  
18 TRAFFICWAY OF THIS COMMONWEALTH AT A TIME WHEN THE PERSON'S  
19 OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AS A CONDITION OF  
20 ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION FOR A  
21 VIOLATION OF SECTION [3731] 3802 (RELATING TO DRIVING UNDER  
22 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) OR BECAUSE OF A  
23 VIOLATION OF SECTION 1547(B)(1) (RELATING TO SUSPENSION FOR  
24 REFUSAL) OR [3731] 3802 OR IS SUSPENDED UNDER SECTION 1581  
25 (RELATING TO DRIVER'S LICENSE COMPACT) FOR AN OFFENSE  
26 SUBSTANTIALLY SIMILAR TO A VIOLATION OF SECTION [3731] 3802  
27 SHALL, UPON CONVICTION, BE GUILTY OF A SUMMARY OFFENSE AND  
28 SHALL BE SENTENCED TO PAY A FINE OF [\$1,000] \$500 AND TO  
29 UNDERGO IMPRISONMENT FOR A PERIOD OF NOT LESS THAN [90] 60  
30 DAYS.

1 (1.1) (I) A PERSON WHO HAS AN AMOUNT OF ALCOHOL BY  
2 WEIGHT IN HIS BLOOD THAT IS EQUAL TO OR GREATER THAN .02%  
3 OR [IS UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE AS  
4 DEFINED IN SECTION 1603 (RELATING TO DEFINITIONS)] WHO  
5 HAS ANY AMOUNT OF A SCHEDULE I, II OR III CONTROLLED  
6 SUBSTANCE, AS DEFINED IN THE ACT OF APRIL 14, 1972  
7 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE,  
8 DRUG, DEVICE AND COSMETIC ACT, OR ITS METABOLITE, WHICH  
9 HAS NOT BEEN MEDICALLY PRESCRIBED FOR THE INDIVIDUAL AND  
10 WHO DRIVES A MOTOR VEHICLE ON ANY HIGHWAY OR TRAFFICWAY  
11 OF THIS COMMONWEALTH AT A TIME WHEN THE PERSON'S  
12 OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AS A  
13 CONDITION OF ACCEPTANCE OF ACCELERATED REHABILITATIVE  
14 DISPOSITION FOR A VIOLATION OF SECTION [3731] 3802 OR  
15 BECAUSE OF A VIOLATION OF SECTION 1547(B)(1) OR [3731]  
16 3802 OR IS SUSPENDED UNDER SECTION 1581 FOR AN OFFENSE  
17 SUBSTANTIALLY SIMILAR TO A VIOLATION OF SECTION [3731]  
18 3802 SHALL, UPON A FIRST CONVICTION, BE GUILTY OF A  
19 SUMMARY OFFENSE AND SHALL BE SENTENCED TO PAY A FINE OF  
20 \$1,000 AND TO UNDERGO IMPRISONMENT FOR A PERIOD OF NOT  
21 LESS THAN 90 DAYS.

22 (II) A SECOND VIOLATION OF THIS PARAGRAPH SHALL  
23 CONSTITUTE A MISDEMEANOR OF THE THIRD DEGREE, AND UPON  
24 CONVICTION THEREOF THE PERSON SHALL BE SENTENCED TO PAY A  
25 FINE OF \$2,500 AND TO UNDERGO IMPRISONMENT FOR NOT LESS  
26 THAN SIX MONTHS.

27 (III) A THIRD OR SUBSEQUENT VIOLATION OF THIS  
28 PARAGRAPH SHALL CONSTITUTE A MISDEMEANOR OF THE FIRST  
29 DEGREE, AND UPON CONVICTION THEREOF THE PERSON SHALL BE  
30 SENTENCED TO PAY A FINE OF \$5,000 AND TO UNDERGO

1 IMPRISONMENT FOR NOT LESS THAN TWO YEARS.

2 (2) THIS SUBSECTION SHALL APPLY TO ANY PERSON AGAINST  
3 WHOM ONE OF THESE SUSPENSIONS HAS BEEN IMPOSED WHETHER THE  
4 PERSON IS CURRENTLY SERVING THIS SUSPENSION OR WHETHER THE  
5 EFFECTIVE DATE OF SUSPENSION HAS BEEN DEFERRED UNDER ANY OF  
6 THE PROVISIONS OF SECTION 1544 (RELATING TO ADDITIONAL PERIOD  
7 OF REVOCATION OR SUSPENSION). THIS PROVISION SHALL ALSO APPLY  
8 UNTIL THE PERSON HAS HAD THE OPERATING PRIVILEGE RESTORED.  
9 THIS SUBSECTION SHALL ALSO APPLY TO ANY REVOCATION IMPOSED  
10 PURSUANT TO SECTION 1542 (RELATING TO REVOCATION OF HABITUAL  
11 OFFENDER'S LICENSE) IF ANY OF THE ENUMERATED OFFENSES WAS FOR  
12 A VIOLATION OF SECTION [3731] 3802 OR FOR AN OUT-OF-STATE  
13 OFFENSE THAT IS SUBSTANTIALLY SIMILAR TO A VIOLATION OF  
14 SECTION [3731] 3802 FOR WHICH A REVOCATION IS IMPOSED UNDER  
15 SECTION 1581.

16 \* \* \*

17 § 1545. RESTORATION OF OPERATING PRIVILEGE.

18 UPON THE RESTORATION OF ANY PERSON'S OPERATING PRIVILEGE  
19 WHICH HAS BEEN SUSPENDED OR REVOKED PURSUANT TO THIS SUBCHAPTER  
20 OR PURSUANT TO CHAPTER 38 (RELATING TO DRIVING WHILE IMPAIRED),  
21 SUCH PERSON'S RECORD SHALL SHOW FIVE POINTS, EXCEPT THAT ANY  
22 ADDITIONAL POINTS ASSESSED AGAINST THE PERSON SINCE THE DATE OF  
23 THE LAST VIOLATION RESULTING IN THE SUSPENSION OR REVOCATION  
24 SHALL BE ADDED TO SUCH FIVE POINTS UNLESS THE PERSON HAS SERVED  
25 AN ADDITIONAL PERIOD OF SUSPENSION OR REVOCATION PURSUANT TO  
26 SECTION 1544(A) (RELATING TO ADDITIONAL PERIOD OF REVOCATION OR  
27 SUSPENSION). THIS SECTION SHALL NOT APPLY TO SECTION 1533  
28 (RELATING TO SUSPENSION OF OPERATING PRIVILEGE FOR FAILURE TO  
29 RESPOND TO CITATION) OR TO 18 PA.C.S. § 6310.4 (RELATING TO  
30 RESTRICTION OF OPERATING PRIVILEGES).

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 (2) IT SHALL BE THE DUTY OF THE POLICE OFFICER TO INFORM  
29 THE PERSON THAT:

30 (I) THE PERSON'S OPERATING PRIVILEGE WILL BE

1 SUSPENDED UPON REFUSAL TO SUBMIT TO CHEMICAL TESTING[.];

2 AND

3 (II) UPON CONVICTION, PLEA OR ADJUDICATION OF  
4 DELINQUENCY FOR VIOLATING SECTION 3802(A), THE PERSON  
5 WILL BE SUBJECT TO THE PENALTIES PROVIDED IN SECTION  
6 3804(C) (RELATING TO PENALTIES).

7 \* \* \*

8 (C) TEST RESULTS ADMISSIBLE IN EVIDENCE.--IN ANY SUMMARY  
9 PROCEEDING OR CRIMINAL PROCEEDING IN WHICH THE DEFENDANT IS  
10 CHARGED WITH A VIOLATION OF SECTION [3731] 3802 OR ANY OTHER  
11 VIOLATION OF THIS TITLE ARISING OUT OF THE SAME ACTION, THE  
12 AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE IN THE DEFENDANT'S  
13 BLOOD, AS SHOWN BY CHEMICAL TESTING OF THE PERSON'S BREATH,  
14 BLOOD OR URINE, WHICH TESTS WERE CONDUCTED BY QUALIFIED PERSONS  
15 USING APPROVED EQUIPMENT, SHALL BE ADMISSIBLE IN EVIDENCE.

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

1 (2) CHEMICAL TESTS OF BLOOD OR URINE, IF CONDUCTED BY A  
2 FACILITY LOCATED IN THIS COMMONWEALTH, SHALL BE PERFORMED BY  
3 A CLINICAL LABORATORY LICENSED AND APPROVED BY THE DEPARTMENT  
4 OF HEALTH FOR THIS PURPOSE USING PROCEDURES AND EQUIPMENT  
5 PRESCRIBED BY THE DEPARTMENT OF HEALTH OR BY A PENNSYLVANIA  
6 STATE POLICE CRIMINAL LABORATORY. FOR PURPOSES OF BLOOD AND  
7 URINE TESTING, QUALIFIED PERSON MEANS AN INDIVIDUAL WHO IS  
8 AUTHORIZED TO PERFORM THOSE CHEMICAL TESTS UNDER THE ACT OF  
9 SEPTEMBER 26, 1951 (P.L.1539, NO.389), KNOWN AS THE CLINICAL  
10 LABORATORY ACT.

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

14 (I) BY A FACILITY LICENSED BY THE DEPARTMENT OF  
15 HEALTH; OR

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

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

22 (1) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF  
23 AN ADULT IS 0.05% OR LESS, IT SHALL BE PRESUMED THAT THE  
24 ADULT WAS NOT UNDER THE INFLUENCE OF ALCOHOL AND THE ADULT  
25 SHALL NOT BE CHARGED WITH ANY VIOLATION UNDER SECTION  
26 3731(A)(1), (4) OR (5) (RELATING TO DRIVING UNDER INFLUENCE  
27 OF ALCOHOL OR CONTROLLED SUBSTANCE), OR, IF THE ADULT WAS SO  
28 CHARGED PRIOR TO THE TEST, THE CHARGE SHALL BE VOID AB  
29 INITIO. THIS FACT SHALL NOT GIVE RISE TO ANY PRESUMPTION  
30 CONCERNING A VIOLATION OF SECTION 3731(A)(2) OR (3) OR (I).

1           (2) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD OF  
2 AN ADULT IS IN EXCESS OF 0.05% BUT LESS THAN 0.10%, THIS FACT  
3 SHALL NOT GIVE RISE TO ANY PRESUMPTION THAT THE ADULT WAS OR  
4 WAS NOT UNDER THE INFLUENCE OF ALCOHOL, BUT THIS FACT MAY BE  
5 CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING  
6 WHETHER THE ADULT WAS OR WAS NOT UNDER THE INFLUENCE OF  
7 ALCOHOL. THIS PROVISION SHALL NOT NEGATE THE PROVISIONS OF  
8 SECTION 3731(I).

9           (3) THAT THE AMOUNT OF ALCOHOL BY WEIGHT IN THE BLOOD  
10 OF:

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

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

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

15       (E) REFUSAL ADMISSIBLE IN EVIDENCE.--IN ANY SUMMARY  
16 PROCEEDING OR CRIMINAL PROCEEDING IN WHICH THE DEFENDANT IS  
17 CHARGED WITH A VIOLATION OF SECTION [3731] 3802 OR ANY OTHER  
18 VIOLATION OF THIS TITLE ARISING OUT OF THE SAME ACTION, THE FACT  
19 THAT THE DEFENDANT REFUSED TO SUBMIT TO CHEMICAL TESTING AS  
20 REQUIRED BY SUBSECTION (A) MAY BE INTRODUCED IN EVIDENCE ALONG  
21 WITH OTHER TESTIMONY CONCERNING THE CIRCUMSTANCES OF THE  
22 REFUSAL. NO PRESUMPTIONS SHALL ARISE FROM THIS EVIDENCE BUT IT  
23 MAY BE CONSIDERED ALONG WITH OTHER FACTORS CONCERNING THE  
24 CHARGE.

25       \* \* \*

26       (I) REQUEST BY DRIVER FOR TEST.--ANY PERSON INVOLVED IN AN  
27 ACCIDENT OR PLACED UNDER ARREST FOR A VIOLATION OF SECTION  
28 [3731] 3802 MAY REQUEST A CHEMICAL TEST OF HIS BREATH, BLOOD OR  
29 URINE. SUCH REQUESTS SHALL BE HONORED WHEN IT IS REASONABLY  
30 PRACTICABLE TO DO SO.

1 \* \* \*

2 § 1548. REQUIREMENTS FOR DRIVING UNDER INFLUENCE OFFENDERS.

3 [(A) EVALUATION USING COURT REPORTING NETWORK.--IN ADDITION  
4 TO ANY OTHER REQUIREMENTS OF THE COURT, EVERY PERSON CONVICTED  
5 OF A VIOLATION OF SECTION 3731 (RELATING TO DRIVING UNDER  
6 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND EVERY PERSON  
7 OFFERED ACCELERATED REHABILITATIVE DISPOSITION AS A RESULT OF A  
8 CHARGE OF A VIOLATION OF SECTION 3731 SHALL, PRIOR TO SENTENCING  
9 OR RECEIVING ACCELERATED REHABILITATIVE DISPOSITION OR OTHER  
10 PRELIMINARY DISPOSITION, BE EVALUATED USING COURT REPORTING  
11 NETWORK INSTRUMENTS ISSUED BY THE DEPARTMENT AND ANY OTHER  
12 ADDITIONAL EVALUATION TECHNIQUES DEEMED APPROPRIATE BY THE COURT  
13 TO DETERMINE THE EXTENT OF THE PERSON'S INVOLVEMENT WITH ALCOHOL  
14 OR CONTROLLED SUBSTANCES AND TO ASSIST THE COURT IN DETERMINING  
15 WHAT SENTENCING, PROBATION OR CONDITIONS OF ACCELERATED  
16 REHABILITATIVE DISPOSITION WOULD BENEFIT THE PERSON OR THE  
17 PUBLIC.

18 (B) ATTENDANCE AT ALCOHOL HIGHWAY SAFETY SCHOOL.--IN  
19 ADDITION TO ANY OTHER REQUIREMENTS OF THE COURT, EVERY PERSON  
20 CONVICTED OF A FIRST OFFENSE UNDER SECTION 3731 AND EVERY PERSON  
21 PLACED ON ACCELERATED REHABILITATIVE DISPOSITION OR OTHER  
22 PRELIMINARY DISPOSITION AS A RESULT OF A CHARGE OF A VIOLATION  
23 OF SECTION 3731 SHALL, AS A PART OF SENTENCING OR AS A CONDITION  
24 OF PAROLE, PROBATION OR ACCELERATED REHABILITATIVE DISPOSITION,  
25 BE REQUIRED TO ATTEND AND SUCCESSFULLY COMPLETE AN APPROVED  
26 ALCOHOL HIGHWAY SAFETY SCHOOL ESTABLISHED PURSUANT TO SECTION  
27 1549 (RELATING TO ESTABLISHMENT OF SCHOOLS). ALL PERSONS  
28 REQUIRED TO PARTICIPATE IN THIS PROGRAM SHALL BE GIVEN BOTH ORAL  
29 AND WRITTEN NOTICE OF THE PROVISIONS OF SECTION 1543(B)  
30 (RELATING TO DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR



1 REVOKED). PERSONS CONVICTED OF A SECOND OR SUBSEQUENT OFFENSE  
2 UNDER SECTION 3731 SHALL BE REQUIRED BY THE COURT TO BE TREATED  
3 FOR ALCOHOL OR DRUG ADDICTION PURSUANT TO SUBSECTION (D).]

4 (C) RESULTS OF EVALUATION.--

5 (1) THIS SUBSECTION SHALL APPLY AS FOLLOWS:

6 (I) TO OFFENDERS SENTENCED UNDER SECTION 3804(A)(3),  
7 (B)(2) AND (C)(1) (RELATING TO PENALTIES) AFTER SEPTEMBER  
8 29, 2003, AND BEFORE JULY 1, 2006.

9 (II) TO OFFENDERS SENTENCED UNDER SECTION 3804(A)(1)  
10 AND (2) AND (B)(1) AFTER SEPTEMBER 29, 2003, AND BEFORE  
11 JULY 1, 2009.

12 (2) BASED ON THE RESULTS OF EVALUATION AND ANY  
13 ADDITIONAL INFORMATION AND EVIDENCE, THE COURT MAY IN  
14 ADDITION TO ANY OTHER REQUIREMENTS OF THE COURT OR THIS TITLE  
15 DETERMINE AND REQUIRE, AS PART OF SENTENCING OR CONDITION OF  
16 PAROLE, PROBATION OR ACCELERATED REHABILITATIVE DISPOSITION  
17 OR OTHER PRELIMINARY DISPOSITION, THAT THE PERSON  
18 SUCCESSFULLY COMPLETE A PRESCRIBED PROGRAM OF INDIVIDUAL OR  
19 GROUP INTERVENTION OR SUPERVISED INPATIENT OR OUTPATIENT  
20 TREATMENT OR ANY COMBINATION OF THESE PROGRAMS OR TREATMENTS  
21 FOR A PERIOD OF UP TO TWO YEARS IN DURATION. ANY PROGRAM OF  
22 INDIVIDUAL OR GROUP INTERVENTION OR SUPERVISED INPATIENT OR  
23 OUTPATIENT TREATMENT SHALL BE OF A TYPE APPROVED BY THE  
24 DEPARTMENT OF HEALTH OR OPERATED BY A FACILITY OR HOSPITAL  
25 THAT IS UNDER THE AUTHORITY OF THE UNITED STATES ARMED FORCES  
26 OR THE DEPARTMENT OF VETERANS AFFAIRS. BASED ON PERIODIC  
27 REVIEWS OF THE PERSON'S PROGRESS, THE COURT MAY ALTER, MODIFY  
28 OR SHORTEN OR EXTEND THE DURATION OF THE REQUIREMENTS.

29 (3) THIS SUBSECTION SHALL EXPIRE JULY 1, 2009.

30 (D) ORDER FOR ALCOHOL OR DRUG COMMITMENT.--

1           (1) THIS SUBSECTION SHALL APPLY AS FOLLOWS:

2                   (I) TO OFFENDERS SENTENCED UNDER SECTION 3804(A)(3),  
3                   (B)(2) AND (C)(1) AFTER SEPTEMBER 29, 2003, AND BEFORE  
4                   JULY 1, 2006.

5                   (II) TO OFFENDERS SENTENCED UNDER SECTION 3804(A)(1)  
6                   AND (2) AND (B)(1) AFTER SEPTEMBER 29, 2003, AND BEFORE  
7                   JULY 1, 2009.

8           (2) IF AFTER EVALUATION AND FURTHER EXAMINATION AND  
9 HEARING IT IS DETERMINED THAT A DEFENDANT IS AN ALLEGED  
10 CHRONIC ABUSER OF ALCOHOL OR CONTROLLED SUBSTANCES OR THAT  
11 THE PERSON IS A SEVERELY DEBILITATED CONTROLLED SUBSTANCE OR  
12 ALCOHOL ABUSER WHO REPRESENTS A DEMONSTRATED AND SERIOUS  
13 THREAT, THE COURT MAY ORDER THE PERSON COMMITTED FOR  
14 TREATMENT AT A FACILITY OR INSTITUTION APPROVED BY THE  
15 DEPARTMENT OF HEALTH OR OPERATED BY A FACILITY OR HOSPITAL  
16 THAT IS UNDER THE AUTHORITY OF THE UNITED STATES ARMED FORCES  
17 OR THE DEPARTMENT OF VETERANS AFFAIRS. IF THE DEFENDANT HAS  
18 BEEN CONVICTED OF A PREVIOUS VIOLATION OF SECTION 3731, THE  
19 COURT SHALL ORDER THE PERSON COMMITTED TO A DRUG AND ALCOHOL  
20 TREATMENT PROGRAM LICENSED BY THE OFFICE OF DRUG AND ALCOHOL  
21 PROGRAMS OF THE DEPARTMENT OF HEALTH OR OPERATED BY A  
22 FACILITY OR HOSPITAL THAT IS UNDER THE AUTHORITY OF THE  
23 UNITED STATES ARMED FORCES OR THE DEPARTMENT OF VETERANS  
24 AFFAIRS:

25           [(1)] (I) ANY PERSON SUBJECT TO THIS SUBSECTION MAY BE  
26 EXAMINED BY AN APPROPRIATE PHYSICIAN OF THE PERSON'S CHOOSING  
27 AND THE RESULT OF THE EXAMINATION SHALL BE CONSIDERED BY THE  
28 COURT.

29           [(2)] (II) UPON MOTION DULY MADE BY THE COMMITTED  
30 PERSON, AN ATTORNEY OR AN ATTENDING PHYSICIAN, THE COURT AT

1 ANY TIME AFTER AN ORDER OF COMMITMENT MAY REVIEW THE ORDER.  
2 AFTER DETERMINING THE PROGRESS OF TREATMENT, THE COURT MAY  
3 ORDER ITS CONTINUATION, THE PERSON'S RELEASE OR SUPERVISED  
4 TREATMENT ON AN OUTPATIENT BASIS.

5 [(3)] (III) ANY PERSON ORDERED BY THE COURT TO RECEIVE  
6 TREATMENT AFTER A FIRST OFFENSE, AND ANY PERSON REQUIRED TO  
7 RECEIVE TREATMENT AFTER A SECOND OFFENSE UNDER SECTION 3731  
8 MUST DEMONSTRATE TO THE COURT THAT THE DEFENDANT HAS  
9 SUCCESSFULLY COMPLETED TREATMENT ACCORDING TO ALL GUIDELINES  
10 REQUIRED BY THE PROGRAM BEFORE THE PERSON'S OPERATING  
11 PRIVILEGE MAY BE RESTORED.

12 (3) THIS SUBSECTION SHALL EXPIRE JULY 1, 2009.

13 (E) COSTS.--COSTS OF ANY AND ALL REQUIREMENTS APPLIED UNDER  
14 THIS SECTION SHALL BE IN ADDITION TO ANY OTHER PENALTY REQUIRED  
15 OR ALLOWED BY LAW AND SHALL BE THE RESPONSIBILITY OF THE PERSON  
16 UPON WHOM THE REQUIREMENTS ARE PLACED. THIS SUBSECTION SHALL  
17 EXPIRE JULY 1, 2009.

18 (F) COURT-ORDERED INTERVENTION OR TREATMENT.--

19 (1) THIS SUBSECTION SHALL APPLY AS FOLLOWS:

20 (I) TO OFFENDERS SENTENCED UNDER SECTION 3804(A)(3),  
21 (B)(2) AND (C)(1) AFTER SEPTEMBER 29, 2003, AND BEFORE  
22 JULY 1, 2006.

23 (II) TO OFFENDERS SENTENCED UNDER SECTION 3804(A)(1)  
24 AND (2) AND (B)(1) AFTER SEPTEMBER 29, 2003, AND BEFORE  
25 JULY 1, 2009.

26 (2) A RECORD SHALL BE SUBMITTED TO THE DEPARTMENT AS TO  
27 WHETHER THE COURT DID OR DID NOT ORDER A DEFENDANT TO ATTEND  
28 A PROGRAM OF SUPERVISED INDIVIDUAL OR GROUP COUNSELING  
29 TREATMENT OR SUPERVISED INPATIENT OR OUTPATIENT TREATMENT. IF  
30 THE COURT ORDERS TREATMENT, A REPORT SHALL BE FORWARDED TO

1 THE DEPARTMENT AS TO WHETHER THE DEFENDANT SUCCESSFULLY  
2 COMPLETED THE PROGRAM. IF A DEFENDANT FAILS TO SUCCESSFULLY  
3 COMPLETE A PROGRAM OF TREATMENT AS ORDERED BY THE COURT, THE  
4 SUSPENSION SHALL REMAIN IN EFFECT UNTIL THE DEPARTMENT IS  
5 NOTIFIED BY THE COURT THAT THE DEFENDANT HAS SUCCESSFULLY  
6 COMPLETED TREATMENT AND THE DEFENDANT IS OTHERWISE ELIGIBLE  
7 FOR RESTORATION OF HIS OPERATING PRIVILEGE. IN ORDER TO  
8 IMPLEMENT THE RECORDKEEPING REQUIREMENTS OF THIS SECTION, THE  
9 DEPARTMENT AND THE COURT SHALL WORK TOGETHER TO EXCHANGE  
10 PERTINENT INFORMATION ABOUT A DEFENDANT'S CASE, INCLUDING  
11 ATTENDANCE AND COMPLETION OF TREATMENT OR FAILURE TO COMPLETE  
12 TREATMENT.

13 (3) THIS SUBSECTION SHALL EXPIRE JULY 1, 2009.

14 § 1549. ESTABLISHMENT OF SCHOOLS.

15 \* \* \*

16 (B) ALCOHOL HIGHWAY SAFETY SCHOOLS.--

17 (1) EACH COUNTY, MULTICOUNTY JUDICIAL DISTRICT OR GROUP  
18 OF COUNTIES COMBINED UNDER ONE PROGRAM SHALL, IN COMPLIANCE  
19 WITH REGULATIONS OF THE DEPARTMENT AND THE DEPARTMENT OF  
20 HEALTH, ESTABLISH AND MAINTAIN A COURSE OF INSTRUCTION ON THE  
21 PROBLEMS OF ALCOHOL AND DRIVING. THE TIME DURING WHICH THE  
22 COURSE IS OFFERED SHALL ACCOMMODATE PERSONS' WORK SCHEDULES,  
23 INCLUDING WEEKEND AND EVENING TIMES.

24 (2) THESE REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED  
25 TO, A UNIFORM CURRICULUM FOR THE COURSE OF INSTRUCTION,  
26 TRAINING AND CERTIFICATION REQUIREMENTS FOR INSTRUCTORS AND  
27 PROVISION FOR THE GIVING OF BOTH ORAL AND WRITTEN NOTICE OF  
28 THE PROVISIONS OF SECTION 1543(B) (RELATING TO DRIVING WHILE  
29 OPERATING PRIVILEGE IS SUSPENDED OR REVOKED) TO ALL PROGRAM  
30 PARTICIPANTS.

1 § 1552. ACCELERATED REHABILITATIVE DISPOSITION.

2 THE COURT OF COMMON PLEAS IN EACH JUDICIAL DISTRICT AND THE  
3 MUNICIPAL COURT OF PHILADELPHIA SHALL ESTABLISH AND IMPLEMENT A  
4 PROGRAM FOR ACCELERATED REHABILITATIVE DISPOSITION FOR PERSONS  
5 CHARGED WITH A VIOLATION OF SECTION [3731] 3802 (RELATING TO  
6 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) IN  
7 ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER AND RULES ADOPTED  
8 BY THE SUPREME COURT.

9 SECTION 12. SECTION 1553(D)(6), (8), (9) AND (16), (E) AND  
10 (F)(1) OF TITLE 75 ARE AMENDED AND THE SECTION IS AMENDED BY  
11 ADDING SUBSECTIONS TO READ:

12 § 1553. OCCUPATIONAL LIMITED LICENSE.

13 \* \* \*

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

16 \* \* \*

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

22 \* \* \*

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

29 (9) [ANY] EXCEPT AS SET FORTH IN SUBSECTION (D.4), ANY  
30 PERSON WHOSE OPERATING PRIVILEGE HAS BEEN SUSPENDED FOR A

1 VIOLATION OF 18 PA.C.S. § 6308 (RELATING TO PURCHASE,  
2 CONSUMPTION, POSSESSION OR TRANSPORTATION OF LIQUOR OR MALT  
3 OR BREWED BEVERAGES) UNLESS THE SUSPENSION IMPOSED HAS BEEN  
4 FULLY SERVED.

5 \* \* \*

6 (16) [ANY] EXCEPT AS SET FORTH IN SUBSECTION (D.3), ANY  
7 PERSON WHOSE OPERATING PRIVILEGE HAS BEEN SUSPENDED UNDER AN  
8 INTERJURISDICTIONAL AGREEMENT AS PROVIDED FOR IN SECTION 6146  
9 AS THE RESULT OF A CONVICTION OR ADJUDICATION IF THE  
10 CONVICTION OR ADJUDICATION FOR AN EQUIVALENT OFFENSE IN THIS  
11 COMMONWEALTH WOULD HAVE PROHIBITED THE ISSUANCE OF AN  
12 OCCUPATIONAL LIMITED LICENSE.

13 \* \* \*

14 (D.1) ADJUDICATION ELIGIBILITY.--AN INDIVIDUAL WHO HAS BEEN  
15 ADJUDICATED DELINQUENT, CONVICTED, GRANTED A CONSENT DECREE OR  
16 GRANTED ACCELERATED REHABILITATION DISPOSITION FOR DRIVING UNDER  
17 THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AND DOES NOT  
18 HAVE A PRIOR OFFENSE AS DEFINED IN SECTION 3806(A) (RELATING TO  
19 PRIOR OFFENSES) SHALL BE ELIGIBLE FOR AN OCCUPATIONAL LIMITED  
20 LICENSE.

21 (D.2) SUSPENSION ELIGIBILITY.--

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

28 (I) IS OTHERWISE ELIGIBLE FOR RESTORATION;

29 (II) HAS SERVED AT LEAST 12 MONTHS OF THE LICENSE  
30 SUSPENSION;

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

4           (IV) HAS CERTIFIED TO THE DEPARTMENT UNDER PARAGRAPH  
5           (3).

6           (2) A PERIOD OF IGNITION INTERLOCK ACCEPTED UNDER THIS  
7           SUBSECTION SHALL NOT COUNT TOWARDS THE ONE-YEAR MANDATORY  
8           PERIOD OF IGNITION INTERLOCK IMPOSED UNDER SECTION 3805  
9           (RELATING TO IGNITION INTERLOCK).

10          (3) IF AN INDIVIDUAL SEEKS AN OCCUPATIONAL LIMITED  
11          LICENSE UNDER THIS SUBSECTION, THE DEPARTMENT SHALL REQUIRE  
12          THAT EACH MOTOR VEHICLE OWNED OR REGISTERED TO THE PERSON HAS  
13          BEEN EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM AS A  
14          CONDITION OF ISSUING AN OCCUPATIONAL LIMITED LICENSE WITH AN  
15          IGNITION INTERLOCK RESTRICTION.

16          (D.3) INTERJURISDICTIONAL SUSPENSIONS.--AN INDIVIDUAL WHOSE  
17          OPERATING PRIVILEGE HAS BEEN SUSPENDED PURSUANT TO AN  
18          INTERJURISDICTIONAL AGREEMENT UNDER SECTION 6146 AS THE RESULT  
19          OF AN ADJUDICATION OR CONVICTION FOR DRIVING UNDER THE INFLUENCE  
20          OF ALCOHOL OR CONTROLLED SUBSTANCE AND DOES NOT HAVE A PRIOR  
21          OFFENSE AS DEFINED IN SECTION 3806(A) SHALL BE ELIGIBLE FOR AN  
22          OCCUPATIONAL LIMITED LICENSE.

23          (D.4) SUSPENSION ELIGIBILITY RELATED TO TITLE 18  
24          VIOLATION.--AN INDIVIDUAL WHOSE OPERATING PRIVILEGE HAS BEEN  
25          SUSPENDED FOR VIOLATION OF 18 PA.C.S. § 6308 SHALL BE ELIGIBLE  
26          FOR AN OCCUPATIONAL LIMITED LICENSE UNLESS THE INDIVIDUAL HAS  
27          PREVIOUSLY VIOLATED 18 PA.C.S. § 6308.

28          (E) OFFENSES COMMITTED DURING A PERIOD FOR WHICH AN  
29          OCCUPATIONAL LIMITED LICENSE HAS BEEN ISSUED.--ANY DRIVER WHO  
30          HAS BEEN ISSUED AN OCCUPATIONAL LIMITED LICENSE AND AS TO WHOM

1 THE DEPARTMENT RECEIVES A REPORT OF CONVICTION OF AN OFFENSE FOR  
2 WHICH THE PENALTY IS A CANCELLATION, DISQUALIFICATION, RECALL,  
3 SUSPENSION OR REVOCATION OF OPERATING PRIVILEGES OR A REPORT  
4 UNDER SECTION 3815(C)(4) (RELATING TO MANDATORY SENTENCING)  
5 SHALL HAVE THE OCCUPATIONAL LIMITED LICENSE RECALLED, AND THE  
6 DRIVER SHALL SURRENDER THE LIMITED LICENSE TO THE DEPARTMENT OR  
7 ITS AGENTS DESIGNATED UNDER THE AUTHORITY OF SECTION 1540.

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

10 (1) THE DRIVER SHALL OPERATE A DESIGNATED VEHICLE ONLY  
11 [BETWEEN]:

12 (I) BETWEEN THE DRIVER'S PLACE OF RESIDENCE AND  
13 PLACE OF EMPLOYMENT OR STUDY AND AS NECESSARY IN THE  
14 COURSE OF EMPLOYMENT OR CONDUCTING A BUSINESS OR PURSUING  
15 A COURSE OF STUDY WHERE THE OPERATION OF A MOTOR VEHICLE  
16 IS A REQUIREMENT OF EMPLOYMENT OR OF CONDUCTING A  
17 BUSINESS OR OF PURSUING A COURSE OF STUDY.

18 (II) TO AND FROM A PLACE FOR SCHEDULED OR EMERGENCY  
19 MEDICAL EXAMINATION OR TREATMENT. THIS SUBPARAGRAPH  
20 INCLUDES TREATMENT REQUIRED UNDER CHAPTER 38 (RELATING TO  
21 DRIVING WHILE IMPAIRED).

22 \* \* \*

23 SECTION 13. SECTIONS 1554(F)(8), 1575(B), 1586, 1611(A)(1),  
24 3101(B), 3326(C), 3327(E) AND 3716(A) OF TITLE 75 ARE AMENDED TO  
25 READ:

26 § 1554. PROBATIONARY LICENSE.

27 \* \* \*

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

30 \* \* \*



1 (8) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF  
2 SECTION [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF  
3 ALCOHOL OR CONTROLLED SUBSTANCE) WITHIN THE PRECEDING SEVEN  
4 YEARS.

5 \* \* \*

6 § 1575. PERMITTING VIOLATION OF TITLE.

7 \* \* \*

8 (B) PENALTY.--ANY PERSON VIOLATING THE PROVISIONS OF  
9 SUBSECTION (A) IS GUILTY OF A SUMMARY OFFENSE AND IS SUBJECT TO  
10 THE SAME FINE AS THE DRIVER OF THE VEHICLE. IF THE DRIVER IS  
11 CONVICTED UNDER SECTION [3731 (RELATING TO DRIVING UNDER  
12 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) OR] 3735 (RELATING  
13 TO HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE) OR 3802  
14 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
15 SUBSTANCE), THE PERSON VIOLATING SUBSECTION (A) SHALL ALSO BE  
16 SUBJECT TO SUSPENSION OR REVOCATION, AS APPLICABLE, UNDER  
17 SECTIONS 1532 (RELATING TO REVOCATION OR SUSPENSION OF OPERATING  
18 PRIVILEGE) [AND] 1542 (RELATING TO REVOCATION OF HABITUAL  
19 OFFENDER'S LICENSE) AND 3804(E) (RELATING TO PENALTIES).

20 \* \* \*

21 § 1586. DUTIES OF DEPARTMENT.

22 THE DEPARTMENT SHALL, FOR PURPOSES OF IMPOSING A SUSPENSION  
23 OR REVOCATION UNDER ARTICLE IV OF THE COMPACT, TREAT REPORTS OF  
24 CONVICTIONS RECEIVED FROM PARTY STATES THAT RELATE TO DRIVING,  
25 OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF A VEHICLE WHILE  
26 IMPAIRED BY OR UNDER THE INFLUENCE OF ALCOHOL, INTOXICATING  
27 LIQUOR, DRUGS, NARCOTICS, CONTROLLED SUBSTANCES OR OTHER  
28 IMPAIRING OR INTOXICATING SUBSTANCE AS BEING SUBSTANTIALLY  
29 SIMILAR TO SECTION [3731] 3802 (RELATING TO DRIVING UNDER THE  
30 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE). THE FACT THAT THE

1 OFFENSE REPORTED TO THE DEPARTMENT BY A PARTY STATE MAY REQUIRE  
2 A DIFFERENT DEGREE OF IMPAIRMENT OF A PERSON'S ABILITY TO  
3 OPERATE, DRIVE OR CONTROL A VEHICLE THAN THAT REQUIRED TO  
4 SUPPORT A CONVICTION FOR A VIOLATION OF SECTION [3731] 3802  
5 SHALL NOT BE A BASIS FOR DETERMINING THAT THE PARTY STATE'S  
6 OFFENSE IS NOT SUBSTANTIALLY SIMILAR TO SECTION [3731] 3802 FOR  
7 PURPOSES OF ARTICLE IV OF THE COMPACT.

8 § 1611. DISQUALIFICATION.

9 (A) DISQUALIFICATION FOR FIRST VIOLATION OF CERTAIN  
10 OFFENSES.--UPON RECEIPT OF A CERTIFIED COPY OF CONVICTION, THE  
11 DEPARTMENT SHALL, IN ADDITION TO ANY OTHER PENALTIES IMPOSED  
12 UNDER THIS TITLE, DISQUALIFY ANY PERSON FROM DRIVING A  
13 COMMERCIAL MOTOR VEHICLE OR SCHOOL VEHICLE FOR A PERIOD OF ONE  
14 YEAR FOR THE FIRST VIOLATION OF:

15 (1) SECTION [3731] 3802 (RELATING TO DRIVING UNDER THE  
16 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE), WHERE THE  
17 VIOLATION OCCURRED WHILE THE PERSON WAS OPERATING A  
18 COMMERCIAL MOTOR VEHICLE OR SCHOOL VEHICLE;

19 \* \* \*

20 § 3101. APPLICATION OF PART.

21 \* \* \*

22 (B) SERIOUS TRAFFIC OFFENSES.--THE PROVISIONS OF SECTION  
23 3345 (RELATING TO MEETING OR OVERTAKING SCHOOL BUS) [AND]   
24 SUBCHAPTER B OF CHAPTER 37 (RELATING TO SERIOUS TRAFFIC  
25 OFFENSES) AND CHAPTER 38 (RELATING TO DRIVING WHILE IMPAIRED)  
26 SHALL APPLY UPON HIGHWAYS AND TRAFFICWAYS THROUGHOUT THIS  
27 COMMONWEALTH.

28 § 3326. DUTY OF DRIVER IN CONSTRUCTION AND MAINTENANCE AREAS OR  
29 ON HIGHWAY SAFETY CORRIDORS.

30 \* \* \*

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

7 SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED  
8 PERSONS DIRECTING TRAFFIC).

9 SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC-  
10 CONTROL DEVICES).

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

12 SECTION 3114 (RELATING TO FLASHING SIGNALS).

13 SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING  
14 IN OPPOSITE DIRECTION).

15 SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE  
16 LEFT).

17 SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE  
18 RIGHT).

19 SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING  
20 ON THE LEFT).

21 SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON  
22 LEFT SIDE OF ROADWAY).

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

24 SECTION 3309 (RELATING TO DRIVING ON ROADWAYS LANED  
25 FOR TRAFFIC).

26 SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY).

27 SECTION 3323 (RELATING TO STOP SIGNS AND YIELD  
28 SIGNS).

29 SECTION 3326 (RELATING TO DUTY OF DRIVER IN  
30 CONSTRUCTION AND MAINTENANCE AREAS).

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

3 SECTION 3362 (RELATING TO MAXIMUM SPEED LIMITS).

4 SECTION 3702 (RELATING TO LIMITATIONS ON BACKING).

5 SECTION 3714 (RELATING TO CARELESS DRIVING).

6 SECTION 3715 (RELATING TO RESTRICTION ON ALCOHOLIC  
7 BEVERAGES).

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

10 SECTION 3736 (RELATING TO RECKLESS DRIVING).

11 SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF  
12 ALCOHOL OR CONTROLLED SUBSTANCE).

13 \* \* \*

14 § 3327. DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS.

15 \* \* \*

16 (E) FINES TO BE DOUBLED.--IN ADDITION TO ANY PENALTY AS  
17 PROVIDED IN SUBSECTION (B), THE FINE FOR ANY OF THE FOLLOWING  
18 VIOLATIONS WHEN COMMITTED IN AN EMERGENCY RESPONSE AREA MANNED  
19 BY EMERGENCY SERVICE RESPONDERS SHALL BE DOUBLE THE USUAL  
20 AMOUNT:

21 SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED PERSONS  
22 DIRECTING TRAFFIC).

23 SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC-CONTROL  
24 DEVICES).

25 SECTION 3114 (RELATING TO FLASHING SIGNALS).

26 SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING IN  
27 OPPOSITE DIRECTION).

28 SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE  
29 LEFT).

30 SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE

1 RIGHT).

2 SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING ON  
3 THE LEFT).

4 SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON LEFT  
5 SIDE OF ROADWAY).

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

7 SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY).

8 SECTION 3312 (RELATING TO LIMITED ACCESS HIGHWAY  
9 ENTRANCES AND EXITS).

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

11 SECTION 3325 (RELATING TO DUTY OF DRIVER ON APPROACH OF  
12 EMERGENCY VEHICLE).

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

14 SECTION 3707 (RELATING TO DRIVING OR STOPPING CLOSE TO  
15 FIRE APPARATUS).

16 SECTION 3710 (RELATING TO STOPPING AT INTERSECTION OR  
17 CROSSING TO PREVENT OBSTRUCTION).

18 SECTION 3714 (RELATING TO CARELESS DRIVING).

19 SECTION 3715.1 (RELATING TO RESTRICTION ON ALCOHOLIC  
20 BEVERAGES).

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

23 SECTION 3736 (RELATING TO RECKLESS DRIVING).

24 SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF  
25 ALCOHOL OR CONTROLLED SUBSTANCE).

26 \* \* \*

27 § 3716. ACCIDENTS INVOLVING OVERTURNED VEHICLES.

28 (A) SPEEDING, CARELESS DRIVING, ETC.--IF A COMMERCIAL MOTOR  
29 VEHICLE OVERTURNS IN AN ACCIDENT RESULTING FROM A VIOLATION OF  
30 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED), 3362

1 (RELATING TO MAXIMUM SPEED LIMITS), 3714 (RELATING TO CARELESS  
2 DRIVING) OR [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF  
3 ALCOHOL OR CONTROLLED SUBSTANCE), THE OPERATOR OF THE VEHICLE  
4 SHALL, UPON CONVICTION OF ANY OF THE AFOREMENTIONED OFFENSES, BE  
5 SENTENCED TO PAY A FINE OF \$2,000, IN ADDITION TO ANY OTHER  
6 PENALTY AUTHORIZED BY LAW.

7 \* \* \*

8 SECTION 14. SECTION 3731 OF TITLE 75 IS REPEALED.

9 SECTION 15. SECTIONS 3732(A), 3735(A), 3735.1(A) AND 3755(A)  
10 OF TITLE 75 ARE AMENDED TO READ:

11 § 3732. HOMICIDE BY VEHICLE.

12 (A) OFFENSE.--ANY PERSON WHO RECKLESSLY OR WITH GROSS  
13 NEGLIGENCE CAUSES THE DEATH OF ANOTHER PERSON WHILE ENGAGED IN  
14 THE VIOLATION OF ANY LAW OF THIS COMMONWEALTH OR MUNICIPAL  
15 ORDINANCE APPLYING TO THE OPERATION OR USE OF A VEHICLE OR TO  
16 THE REGULATION OF TRAFFIC EXCEPT SECTION [3731] 3802 (RELATING  
17 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE)  
18 IS GUILTY OF HOMICIDE BY VEHICLE, A FELONY OF THE THIRD DEGREE,  
19 WHEN THE VIOLATION IS THE CAUSE OF DEATH.

20 \* \* \*

21 § 3735. HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE.

22 (A) OFFENSE DEFINED.--ANY PERSON WHO UNINTENTIONALLY CAUSES  
23 THE DEATH OF ANOTHER PERSON AS THE RESULT OF A VIOLATION OF  
24 SECTION [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF  
25 ALCOHOL OR CONTROLLED SUBSTANCE) AND WHO IS CONVICTED OF  
26 VIOLATING SECTION [3731] 3802 IS GUILTY OF A FELONY OF THE  
27 SECOND DEGREE WHEN THE VIOLATION IS THE CAUSE OF DEATH AND THE  
28 SENTENCING COURT SHALL ORDER THE PERSON TO SERVE A MINIMUM TERM  
29 OF IMPRISONMENT OF NOT LESS THAN THREE YEARS. A CONSECUTIVE  
30 THREE-YEAR TERM OF IMPRISONMENT SHALL BE IMPOSED FOR EACH VICTIM

1 WHOSE DEATH IS THE RESULT OF THE VIOLATION OF SECTION [3731]  
2 3802.

3 \* \* \*

4 § 3735.1. AGGRAVATED ASSAULT BY VEHICLE WHILE DRIVING UNDER THE  
5 INFLUENCE.

6 (A) OFFENSE DEFINED.--ANY PERSON WHO NEGLIGENTLY CAUSES  
7 SERIOUS BODILY INJURY TO ANOTHER PERSON AS THE RESULT OF A  
8 VIOLATION OF SECTION [3731] 3802 (RELATING TO DRIVING UNDER  
9 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND WHO IS  
10 CONVICTED OF VIOLATING SECTION [3731] 3802 COMMITS A FELONY OF  
11 THE SECOND DEGREE WHEN THE VIOLATION IS THE CAUSE OF THE INJURY.

12 \* \* \*

13 § 3755. REPORTS BY EMERGENCY ROOM PERSONNEL.

14 (A) GENERAL RULE.--IF, AS A RESULT OF A MOTOR VEHICLE  
15 ACCIDENT, THE PERSON WHO DROVE, OPERATED OR WAS IN ACTUAL  
16 PHYSICAL CONTROL OF THE MOVEMENT OF ANY INVOLVED MOTOR VEHICLE  
17 REQUIRES MEDICAL TREATMENT IN AN EMERGENCY ROOM OF A HOSPITAL  
18 AND IF PROBABLE CAUSE EXISTS TO BELIEVE A VIOLATION OF SECTION  
19 [3731] 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
20 CONTROLLED SUBSTANCE) WAS INVOLVED, THE EMERGENCY ROOM PHYSICIAN  
21 OR HIS DESIGNEE SHALL PROMPTLY TAKE BLOOD SAMPLES FROM THOSE  
22 PERSONS AND TRANSMIT THEM WITHIN 24 HOURS FOR TESTING TO THE  
23 DEPARTMENT OF HEALTH OR A CLINICAL LABORATORY LICENSED AND  
24 APPROVED BY THE DEPARTMENT OF HEALTH AND SPECIFICALLY DESIGNATED  
25 FOR THIS PURPOSE. THIS SECTION SHALL BE APPLICABLE TO ALL  
26 INJURED OCCUPANTS WHO WERE CAPABLE OF MOTOR VEHICLE OPERATION IF  
27 THE OPERATOR OR PERSON IN ACTUAL PHYSICAL CONTROL OF THE  
28 MOVEMENT OF THE MOTOR VEHICLE CANNOT BE DETERMINED. TEST RESULTS  
29 SHALL BE RELEASED UPON REQUEST OF THE PERSON TESTED, HIS  
30 ATTORNEY, HIS PHYSICIAN OR GOVERNMENTAL OFFICIALS OR AGENCIES.

1 \* \* \*

2 SECTION 16. TITLE 75 IS AMENDED BY ADDING A CHAPTER TO READ:

3 CHAPTER 38

4 DRIVING WHILE IMPAIRED

5 SEC.

6 3801. DEFINITIONS.

7 3802. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
8 SUBSTANCE.

9 3803. GRADING.

10 3804. PENALTIES.

11 3805. IGNITION INTERLOCK. (RESERVED)

12 3806. PRIOR OFFENSES.

13 3807. ACCELERATED REHABILITATIVE DISPOSITION.

14 3808. ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH  
15 IGNITION INTERLOCK.

16 3809. RESTRICTION ON ALCOHOLIC BEVERAGES.

17 3810. AUTHORIZED USE NOT A DEFENSE.

18 3811. CERTAIN ARRESTS AUTHORIZED.

19 3812. PRELIMINARY HEARING OR ARRAIGNMENT.

20 3813. WORK RELEASE.

21 3814. DRUG AND ALCOHOL ASSESSMENTS.

22 3815. MANDATORY SENTENCING.

23 3816. REQUIREMENTS FOR DRIVING UNDER INFLUENCE OFFENDERS.

24 3817. REPORTING REQUIREMENTS FOR OFFENSES.

25 § 3801. DEFINITIONS.

26 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
27 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
28 CONTEXT CLEARLY INDICATES OTHERWISE:

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

30 "IGNITION INTERLOCK SYSTEM." A SYSTEM APPROVED BY THE



1 DEPARTMENT WHICH PREVENTS A VEHICLE FROM BEING STARTED OR  
2 OPERATED UNLESS THE OPERATOR FIRST PROVIDES A BREATH SAMPLE  
3 INDICATING THAT THE OPERATOR HAS AN ALCOHOL LEVEL LESS THAN  
4 .025%.

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

6 § 3802. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
7 SUBSTANCE.

8 (A) GENERAL IMPAIRMENT.--

9 (1) AN INDIVIDUAL MAY NOT DRIVE, OPERATE OR BE IN ACTUAL  
10 PHYSICAL CONTROL OF THE MOVEMENT OF A VEHICLE AFTER IMBIBING  
11 A SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT THE INDIVIDUAL WAS  
12 INCAPABLE OF SAFELY DRIVING, OPERATING OR BEING IN ACTUAL  
13 PHYSICAL CONTROL OF THE MOVEMENT OF THE VEHICLE.

14 (2) AN INDIVIDUAL MAY NOT DRIVE, OPERATE OR BE IN ACTUAL  
15 PHYSICAL CONTROL OF THE MOVEMENT OF A VEHICLE AFTER IMBIBING  
16 A SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT THE ALCOHOL  
17 CONCENTRATION IN THE INDIVIDUAL'S BLOOD OR BREATH IS AT LEAST  
18 .08% BUT LESS THAN .10% WITHIN THREE HOURS AFTER THE  
19 INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN ACTUAL PHYSICAL  
20 CONTROL OF THE MOVEMENT OF THE VEHICLE.

21 (B) HIGH RATE OF ALCOHOL.--AN INDIVIDUAL MAY NOT DRIVE,  
22 OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A  
23 VEHICLE AFTER IMBIBING A SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT  
24 THE ALCOHOL CONCENTRATION IN THE INDIVIDUAL'S BLOOD OR BREATH IS  
25 AT LEAST .10% BUT LESS THAN .16% WITHIN THREE HOURS AFTER THE  
26 INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN ACTUAL PHYSICAL  
27 CONTROL OF THE MOVEMENT OF THE VEHICLE.

28 (C) HIGHEST RATE OF ALCOHOL.--AN INDIVIDUAL MAY NOT DRIVE,  
29 OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF A  
30 VEHICLE AFTER IMBIBING A SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT

1 THE ALCOHOL CONCENTRATION IN THE INDIVIDUAL'S BLOOD OR BREATH IS  
2 .16% OR HIGHER WITHIN THREE HOURS AFTER THE INDIVIDUAL HAS  
3 DRIVEN, OPERATED OR BEEN IN ACTUAL PHYSICAL CONTROL OF THE  
4 MOVEMENT OF THE VEHICLE.

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

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

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

12 (II) SCHEDULE II OR SCHEDULE III CONTROLLED  
13 SUBSTANCE, AS DEFINED IN THE CONTROLLED SUBSTANCE, DRUG,  
14 DEVICE AND COSMETIC ACT, WHICH HAS NOT BEEN MEDICALLY  
15 PRESCRIBED FOR THE INDIVIDUAL; OR

16 (III) METABOLITE OF A SUBSTANCE UNDER SUBPARAGRAPH  
17 (I) OR (II).

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

22 (3) THE INDIVIDUAL IS UNDER THE COMBINED INFLUENCE OF  
23 ALCOHOL AND A DRUG OR COMBINATION OF DRUGS TO A DEGREE WHICH  
24 IMPAIRS THE INDIVIDUAL'S ABILITY TO SAFELY DRIVE, OPERATE OR  
25 BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF THE VEHICLE.

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

30 (E) MINORS.--A MINOR MAY NOT DRIVE, OPERATE OR BE IN ACTUAL

1 PHYSICAL CONTROL OF THE MOVEMENT OF A VEHICLE AFTER IMBIBING A  
2 SUFFICIENT AMOUNT OF ALCOHOL SUCH THAT THE ALCOHOL CONCENTRATION  
3 IN THE MINOR'S BLOOD OR BREATH IS .02% OR HIGHER WITHIN THREE  
4 HOURS AFTER THE MINOR HAS DRIVEN, OPERATED OR BEEN IN ACTUAL  
5 PHYSICAL CONTROL OF THE MOVEMENT OF THE VEHICLE.

6 (F) COMMERCIAL SCHOOL VEHICLES.--AN INDIVIDUAL MAY NOT  
7 DRIVE, OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT  
8 OF A COMMERCIAL VEHICLE OR SCHOOL VEHICLE IN ANY OF THE  
9 FOLLOWING CIRCUMSTANCES:

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

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

17 (II) .02% OR GREATER WITHIN THREE HOURS AFTER THE  
18 INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN ACTUAL  
19 PHYSICAL CONTROL OF THE MOVEMENT OF A SCHOOL BUS OR A  
20 SCHOOL VEHICLE.

21 (2) AFTER THE INDIVIDUAL HAS IMBIBED A SUFFICIENT AMOUNT  
22 OF ALCOHOL SUCH THAT THE INDIVIDUAL WAS INCAPABLE OF SAFELY  
23 DRIVING, OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF THE  
24 MOVEMENT OF A COMMERCIAL VEHICLE.

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

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

1 (G) EXCEPTION TO THREE-HOUR RULE.--NOTWITHSTANDING THE  
2 PROVISIONS OF SUBSECTION (A), (B), (C), (E) OR (F), WHERE  
3 ALCOHOL CONCENTRATION IN AN INDIVIDUAL'S BLOOD OR BREATH IS AN  
4 ELEMENT OF THE OFFENSE, EVIDENCE OF SUCH ALCOHOL CONCENTRATION  
5 MORE THAN THREE HOURS AFTER THE INDIVIDUAL HAS DRIVEN, OPERATED  
6 OR BEEN IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF THE  
7 VEHICLE IS SUFFICIENT TO ESTABLISH THAT ELEMENT OF THE OFFENSE  
8 UNDER THE FOLLOWING CIRCUMSTANCES:

9 (1) WHERE THE COMMONWEALTH SHOWS GOOD CAUSE EXPLAINING  
10 WHY THE CHEMICAL TEST COULD NOT BE PERFORMED WITHIN THREE  
11 HOURS; AND

12 (2) WHERE THE COMMONWEALTH ESTABLISHES THAT THE  
13 INDIVIDUAL DID NOT IMBIBE ANY ALCOHOL BETWEEN THE TIME THE  
14 INDIVIDUAL WAS ARRESTED AND THE TIME THE TEST WAS PERFORMED.

15 § 3803. GRADING.

16 (A) BASIC OFFENSES.--

17 (1) AN INDIVIDUAL WHO VIOLATES SECTION 3802(A) (RELATING  
18 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
19 SUBSTANCE) AND HAS NO MORE THAN ONE PRIOR OFFENSE COMMITS A  
20 MISDEMEANOR FOR WHICH THE INDIVIDUAL MAY BE SENTENCED TO A  
21 TERM OF IMPRISONMENT OF NOT MORE THAN SIX MONTHS AND TO PAY A  
22 FINE UNDER SECTION 3804 (RELATING TO PENALTIES).

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

26 (B) OTHER OFFENSES.--

27 (1) AN INDIVIDUAL WHO VIOLATES SECTION 3802(B), (E) OR  
28 (F) AND WHO HAS NO MORE THAN ONE PRIOR OFFENSE COMMITS A  
29 MISDEMEANOR FOR WHICH THE INDIVIDUAL MAY BE SENTENCED TO A  
30 TERM OF IMPRISONMENT OF NOT MORE THAN SIX MONTHS AND TO PAY A

1 FINE UNDER SECTION 3804.

2 (2) AN INDIVIDUAL WHO VIOLATES SECTION 3802(C) OR (D)  
3 AND WHO HAS NO PRIOR OFFENSES COMMITS A MISDEMEANOR FOR WHICH  
4 THE INDIVIDUAL MAY BE SENTENCED TO A TERM OF IMPRISONMENT OF  
5 NOT MORE THAN SIX MONTHS AND TO PAY A FINE UNDER SECTION  
6 3804.

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

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

13 § 3804. PENALTIES.

14 (A) GENERAL IMPAIRMENT.--AN INDIVIDUAL WHO VIOLATES SECTION  
15 3802(A) (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
16 CONTROLLED SUBSTANCE) SHALL BE SENTENCED AS FOLLOWS:

17 (1) FOR A FIRST OFFENSE, TO:

18 (I) UNDERGO A PERIOD OF PROBATION NOT TO EXCEED SIX  
19 MONTHS;

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

21 (III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL  
22 APPROVED BY THE DEPARTMENT; AND

23 (IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT  
24 REQUIREMENTS IMPOSED UNDER SECTION 3814 (RELATING TO DRUG  
25 AND ALCOHOL ASSESSMENTS) AND SECTION 3815 (RELATING TO  
26 MANDATORY SENTENCING).

27 (2) FOR A SECOND OFFENSE, TO:

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

30 (II) PAY A FINE OF NOT LESS THAN \$300 NOR MORE THAN

1           \$2,500;

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

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

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

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

9           (II) PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN  
10 \$5,000; AND

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

13           (B) HIGH RATE OF BLOOD ALCOHOL; MINORS; COMMERCIAL VEHICLES  
14 AND SCHOOL BUSES AND SCHOOL VEHICLES; ACCIDENTS.--EXCEPT AS SET  
15 FORTH IN SUBSECTION (C), AN INDIVIDUAL WHO VIOLATES SECTION  
16 3802(A)(1) WHERE THERE WAS AN ACCIDENT RESULTING IN BODILY  
17 INJURY, SERIOUS BODILY INJURY OR DEATH OF ANY PERSON OR IN  
18 DAMAGE TO A VEHICLE OR OTHER PROPERTY OR WHO VIOLATES SECTION  
19 3802(B), (E) OR (F) SHALL BE SENTENCED AS FOLLOWS:

20           (1) FOR A FIRST OFFENSE, TO:

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

23           (II) PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN  
24 \$5,000;

25           (III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL  
26 APPROVED BY THE DEPARTMENT; AND

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

29           (2) FOR A SECOND OFFENSE, TO:

30           (I) UNDERGO IMPRISONMENT OF NOT LESS THAN 30 DAYS

1 NOR MORE THAN SIX MONTHS;  
2 (II) PAY A FINE OF NOT LESS THAN \$750 NOR MORE THAN  
3 \$5,000;  
4 (III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL  
5 APPROVED BY THE DEPARTMENT; AND  
6 (IV) COMPLY WITH ALL DRUG AND ALCOHOL TREATMENT  
7 REQUIREMENTS IMPOSED UNDER SECTIONS 3814 AND 3815.

8 (3) FOR A THIRD OFFENSE, TO:  
9 (I) UNDERGO IMPRISONMENT OF NOT LESS THAN 120 DAYS  
10 NOR MORE THAN FIVE YEARS;

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

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

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

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

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

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

22 (C) INCAPACITY; HIGHEST BLOOD ALCOHOL; CONTROLLED  
23 SUBSTANCES.--AN INDIVIDUAL WHO VIOLATES SECTION 3802(A)(1) AFTER  
24 HAVING REFUSED TESTING OF BLOOD OR BREATH OR WHO VIOLATES  
25 SECTION 3802(C) OR (D) SHALL BE SENTENCED AS FOLLOWS:

26 (1) FOR A FIRST OFFENSE, TO:

27 (I) UNDERGO IMPRISONMENT OF NOT LESS THAN FIVE  
28 CONSECUTIVE DAYS NOR MORE THAN SIX MONTHS;

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

1 (III) ATTEND AN ALCOHOL HIGHWAY SAFETY SCHOOL  
2 APPROVED BY THE DEPARTMENT; AND

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

5 (2) FOR A SECOND OFFENSE, TO:

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

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

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

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

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

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

19 (D) EXTENDED SUPERVISION OF COURT.--WHERE A PERSON IS  
20 SENTENCED PURSUANT TO THIS CHAPTER AND FOLLOWING THE INITIAL  
21 ASSESSMENT REQUIRED BY SECTION 3814(1), THE PERSON IS DETERMINED  
22 TO BE IN NEED OF ADDITIONAL TREATMENT PURSUANT TO SECTION  
23 3814(2), THE JUDGE SHALL IMPOSE A MINIMUM SENTENCE AS PROVIDED  
24 BY LAW AND A MAXIMUM SENTENCE EQUAL TO THE STATUTORILY AVAILABLE  
25 MAXIMUM.

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

27 (1) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE  
28 OF AN INDIVIDUAL UNDER PARAGRAPH (2) UPON RECEIVING A  
29 CERTIFIED RECORD OF THE INDIVIDUAL'S CONVICTION OF OR AN  
30 ADJUDICATION OF DELINQUENCY FOR:



1 (I) AN OFFENSE UNDER SECTION 3802; OR  
2 (II) A SUBSTANTIALLY SIMILAR OFFENSE REPORTED TO THE  
3 DEPARTMENT UNDER ARTICLE III OF THE COMPACT IN SECTION  
4 1581 (RELATING TO DRIVER'S LICENSE COMPACT).

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

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

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

12 (III) THERE SHALL BE NO SUSPENSION FOR AN UNGRADED  
13 MISDEMEANOR UNDER SECTION 3802(A) WHERE THE PERSON IS  
14 SUBJECT TO THE PENALTIES PROVIDED IN SUBSECTION (A) AND  
15 THE PERSON HAS NO PRIOR OFFENSE.

16 (3) NOTWITHSTANDING ANY PROVISION OF LAW OR ENFORCEMENT  
17 AGREEMENT TO THE CONTRARY, SUSPENSION IMPOSED UNDER PARAGRAPH  
18 (1)(II) SHALL BE IN ACCORDANCE WITH CHAPTER 15, SUBCHAPTER D  
19 (RELATING TO THE DRIVER'S LICENSE COMPACT). IN CALCULATING  
20 THE TERM OF A SUSPENSION FOR AN OFFENSE THAT IS SUBSTANTIALLY  
21 SIMILAR TO AN OFFENSE ENUMERATED IN SECTION 3802, THE  
22 DEPARTMENT SHALL PRESUME THAT IF THE CONDUCT REPORTED HAD  
23 OCCURRED IN THIS COMMONWEALTH THEN THE PERSON WOULD HAVE BEEN  
24 CONVICTED UNDER SECTION 3802(A)(2). THE DEPARTMENT SHALL  
25 SUSPEND THE OPERATING PRIVILEGE OF A DRIVER FOR SIX MONTHS  
26 UPON RECEIVING A CERTIFIED RECORD OF A CONSENT DECREE GRANTED  
27 UNDER 42 PA.C.S. CH. 63 (RELATING TO JUVENILE MATTERS) BASED  
28 ON SECTION 3802.

29 (F) COMMUNITY SERVICE ASSIGNMENTS.--IN ADDITION TO THE  
30 PENALTIES SET FORTH IN THIS SECTION, THE SENTENCING JUDGE MAY

1 IMPOSE UP TO 150 HOURS OF COMMUNITY SERVICE. WHERE THE  
2 INDIVIDUAL HAS BEEN ORDERED TO DRUG AND ALCOHOL TREATMENT  
3 PURSUANT TO SECTIONS 3814 AND 3815, THE COMMUNITY SERVICE SHALL  
4 BE CERTIFIED BY THE DRUG AND ALCOHOL TREATMENT PROGRAM AS  
5 CONSISTENT WITH ANY DRUG AND ALCOHOL TREATMENT REQUIREMENTS  
6 IMPOSED UNDER SECTIONS 3814 AND 3815.

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

11 (H) SENTENCING GUIDELINES.--THE SENTENCING GUIDELINES  
12 PROMULGATED BY THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL  
13 NOT SUPERSEDE THE MANDATORY PENALTIES OF THIS SECTION.

14 (I) APPEAL.--THE COMMONWEALTH HAS THE RIGHT TO APPEAL  
15 DIRECTLY TO THE SUPERIOR COURT ANY ORDER OF COURT WHICH IMPOSES  
16 A SENTENCE FOR VIOLATION OF THIS SECTION WHICH DOES NOT MEET THE  
17 REQUIREMENTS OF THIS SECTION. THE SUPERIOR COURT SHALL REMAND  
18 THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A SENTENCE IN  
19 ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

20 (J) FIRST CLASS CITIES.--NOTWITHSTANDING THE PROVISION FOR  
21 DIRECT APPEAL TO THE SUPERIOR COURT, IF, IN A CITY OF THE FIRST  
22 CLASS, A PERSON APPEALS FROM A JUDGMENT OF SENTENCE UNDER THIS  
23 SECTION FROM THE MUNICIPAL COURT TO THE COMMON PLEAS COURT FOR A  
24 TRIAL DE NOVO, THE COMMONWEALTH SHALL HAVE THE RIGHT TO APPEAL  
25 DIRECTLY TO THE SUPERIOR COURT FROM THE ORDER OF THE COMMON  
26 PLEAS COURT IF THE SENTENCE IMPOSED IS IN VIOLATION OF THIS  
27 SECTION. IF, IN A CITY OF THE FIRST CLASS, A PERSON APPEALS TO  
28 THE COURT OF COMMON PLEAS AFTER CONVICTION OF A VIOLATION OF  
29 THIS SECTION IN THE MUNICIPAL COURT AND THEREAFTER WITHDRAWS HIS  
30 APPEAL TO THE COMMON PLEAS COURT, THEREBY REINSTATING THE

1 JUDGMENT OF SENTENCE OF THE MUNICIPAL COURT, THE COMMONWEALTH  
2 SHALL HAVE 30 DAYS FROM THE DATE OF THE WITHDRAWAL TO APPEAL TO  
3 THE SUPERIOR COURT IF THE SENTENCE IS IN VIOLATION OF THIS  
4 SECTION.

5 (K) ADDITIONAL CONDITIONS.--IN ADDITION TO ANY OTHER PENALTY  
6 IMPOSED UNDER LAW, THE COURT MAY SENTENCE A PERSON WHO VIOLATES  
7 SECTION 3802 TO ANY OTHER REQUIREMENT OR CONDITION CONSISTENT  
8 WITH THE TREATMENT NEEDS OF THE PERSON, THE RESTORATION OF THE  
9 VICTIM TO PRE-OFFENSE STATUS OR THE PROTECTION OF THE PUBLIC.

10 § 3805. IGNITION INTERLOCK. (RESERVED)

11 § 3806. PRIOR OFFENSES.

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

18 (1) AN OFFENSE UNDER FORMER SECTION 3731 (RELATING TO  
19 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE);

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

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

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

26 (B) EXCEPTIONS.--FOR PURPOSES OF SECTION 3804 (RELATING TO  
27 PENALTIES), THE CALCULATION OF PRIOR AND SUBSEQUENT OFFENSES  
28 SHALL INCLUDE ANY CONVICTION, ADJUDICATION OF DELINQUENCY,  
29 JUVENILE CONSENT DECREE, ACCEPTANCE OF ACCELERATED  
30 REHABILITATIVE DISPOSITION OR OTHER FORM OF PRELIMINARY

1 DISPOSITION WITHIN THE TEN YEARS BEFORE THE PRESENT VIOLATION  
2 OCCURRED FOR ANY OF THE FOLLOWING:

- 3 (1) AN OFFENSE UNDER FORMER SECTION 3731;
- 4 (2) AN OFFENSE UNDER SECTION 3802;
- 5 (3) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER  
6 PARAGRAPH (1) OR (2) IN ANOTHER JURISDICTION; OR
- 7 (4) ANY COMBINATION OF THE OFFENSES SET FORTH IN  
8 PARAGRAPH (1), (2) OR (3).

9 § 3807. ACCELERATED REHABILITATIVE DISPOSITION.

10 (A) ELIGIBILITY.--

11 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), A DEFENDANT  
12 CHARGED WITH A VIOLATION OF SECTION 3802 (RELATING TO DRIVING  
13 UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) MAY BE  
14 CONSIDERED BY THE ATTORNEY FOR THE COMMONWEALTH FOR  
15 PARTICIPATION IN AN ACCELERATED REHABILITATIVE DISPOSITION  
16 PROGRAM IN A COUNTY IF THE PROGRAM INCLUDES THE MINIMUM  
17 REQUIREMENTS CONTAINED IN THIS SECTION.

18 (2) THE ATTORNEY FOR THE COMMONWEALTH SHALL NOT SUBMIT A  
19 CHARGE BROUGHT UNDER THIS CHAPTER FOR ACCELERATED  
20 REHABILITATIVE DISPOSITION IF ANY OF THE FOLLOWING APPLY:

21 (I) THE DEFENDANT HAS BEEN FOUND GUILTY OF OR  
22 ACCEPTED ACCELERATED REHABILITATIVE DISPOSITION OF A  
23 CHARGE BROUGHT UNDER SECTION 3802 WITHIN TEN YEARS OF THE  
24 DATE OF THE CURRENT OFFENSE UNLESS THE CHARGE WAS FOR AN  
25 UNGRADED MISDEMEANOR UNDER SECTION 3802(A)(2) AND WAS THE  
26 DEFENDANT'S FIRST OFFENSE UNDER SECTION 3802.

27 (II) AN ACCIDENT OCCURRED IN CONNECTION WITH THE  
28 EVENTS SURROUNDING THE CURRENT OFFENSE AND AN INDIVIDUAL  
29 OTHER THAN THE DEFENDANT WAS KILLED OR SUFFERED SERIOUS  
30 BODILY INJURY AS A RESULT OF THE ACCIDENT.

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

3 (B) EVALUATION AND TREATMENT.--

4 (1) A DEFENDANT OFFERED ACCELERATED REHABILITATIVE  
5 DISPOSITION FOR A VIOLATION OF SECTION 3802 IS, AS A  
6 CONDITION OF PARTICIPATION IN THE PROGRAM, SUBJECT TO THE  
7 FOLLOWING REQUIREMENTS IN ADDITION TO ANY OTHER CONDITIONS OF  
8 PARTICIPATION IMPOSED BY THE COURT:

9 (I) THE DEFENDANT MUST ATTEND AND SUCCESSFULLY  
10 COMPLETE AN ALCOHOL HIGHWAY SAFETY SCHOOL ESTABLISHED  
11 UNDER SECTION 1549 (RELATING TO ESTABLISHMENT OF  
12 SCHOOLS). A PARTICIPATING DEFENDANT SHALL BE GIVEN BOTH  
13 ORAL AND WRITTEN NOTICE OF THE PROVISIONS OF SECTION  
14 1543(B) (RELATING TO DRIVING WHILE OPERATING PRIVILEGE IS  
15 SUSPENDED OR REVOKED).

16 (II) PRIOR TO RECEIVING ACCELERATED REHABILITATIVE  
17 DISPOSITION OR OTHER PRELIMINARY DISPOSITION, THE  
18 DEFENDANT MUST BE EVALUATED UNDER SECTION 3816(A)  
19 (RELATING TO REQUIREMENTS FOR DRIVING UNDER INFLUENCE  
20 OFFENDERS) TO DETERMINE THE EXTENT OF THE DEFENDANT'S  
21 INVOLVEMENT WITH ALCOHOL OR OTHER DRUG AND TO ASSIST THE  
22 COURT IN DETERMINING WHAT CONDITIONS OF ACCELERATED  
23 REHABILITATIVE DISPOSITION WOULD BENEFIT THE DEFENDANT  
24 AND THE PUBLIC. IF THE EVALUATION INDICATES THERE IS A  
25 NEED FOR COUNSELING OR TREATMENT, THE DEFENDANT SHALL BE  
26 SUBJECT TO A FULL ASSESSMENT FOR ALCOHOL AND DRUG  
27 ADDICTION IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
28 3814(3) AND (4) (RELATING TO DRUG AND ALCOHOL  
29 ASSESSMENTS).

30 (III) IF THE DEFENDANT IS ASSESSED UNDER

1 SUBPARAGRAPH (II) TO BE IN NEED OF TREATMENT, THE  
2 DEFENDANT MUST PARTICIPATE AND COOPERATE WITH A LICENSED  
3 ALCOHOL OR DRUG ADDICTION TREATMENT PROGRAM. THE LEVEL  
4 AND DURATION OF TREATMENT SHALL BE IN ACCORDANCE WITH THE  
5 RECOMMENDATIONS WITH THE FULL ASSESSMENT. NOTHING IN THIS  
6 SUBPARAGRAPH SHALL PREVENT A TREATMENT PROGRAM FROM  
7 REFUSING TO ACCEPT A DEFENDANT IF THE PROGRAM  
8 ADMINISTRATOR DEEMS THE DEFENDANT TO BE INAPPROPRIATE FOR  
9 ADMISSION TO THE PROGRAM. A TREATMENT PROGRAM SHALL  
10 RETAIN THE RIGHT TO IMMEDIATELY DISCHARGE INTO THE  
11 CUSTODY OF THE PROBATION OFFICER AN OFFENDER WHO FAILS TO  
12 COMPLY WITH PROGRAM RULES AND TREATMENT EXPECTATIONS OR  
13 REFUSES TO CONSTRUCTIVELY ENGAGE IN THE TREATMENT  
14 PROCESS.

15 (IV) THE DEFENDANT MUST REMAIN SUBJECT TO COURT  
16 SUPERVISION FOR SIX MONTHS.

17 (V) THE DEFENDANT MUST MAKE RESTITUTION TO ANY  
18 PERSON THAT INCURRED DETERMINABLE FINANCIAL LOSS AS A  
19 RESULT OF THE DEFENDANT'S ACTIONS WHICH RESULTED IN THE  
20 OFFENSE. RESTITUTION MUST BE SUBJECT TO COURT  
21 SUPERVISION.

22 (VI) THE DEFENDANT MUST PAY THE REASONABLE COSTS OF  
23 A MUNICIPAL CORPORATION IN CONNECTION WITH THE OFFENSE.  
24 FEES IMPOSED UNDER THIS SUBPARAGRAPH SHALL BE DISTRIBUTED  
25 TO THE AFFECTED MUNICIPAL CORPORATION.

26 (VII) THE DEFENDANT MUST PAY ANY OTHER FEE,  
27 SURCHARGE OR COST REQUIRED BY LAW. EXCEPT AS SET FORTH IN  
28 SUBPARAGRAPH (VI) OR (VIII), A FEE OR FINANCIAL CONDITION  
29 IMPOSED BY A JUDGE AS A CONDITION OF ACCELERATED  
30 REHABILITATIVE DISPOSITION OR ANY OTHER PRELIMINARY

1 DISPOSITION OF ANY CHARGE UNDER THIS CHAPTER SHALL BE  
2 DISTRIBUTED AS PROVIDED FOR IN 42 PA.C.S. §§ 3571  
3 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) AND  
4 3573 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES,  
5 ETC.).

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

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

10 (I) THE EVALUATION UNDER PARAGRAPH (1)(II) INDICATES  
11 A LIKELIHOOD THAT THE DEFENDANT IS ADDICTED TO ALCOHOL OR  
12 OTHER DRUGS.

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

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

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

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

20 (III) THE CLINICAL PERSONNEL OF A FACILITY LICENSED  
21 BY THE DEPARTMENT OF HEALTH FOR THE CONDUCT OF DRUG AND  
22 ALCOHOL ADDICTION TREATMENT PROGRAMS.

23 (4) THE ASSESSMENT UNDER PARAGRAPH (2) SHALL CONSIDER  
24 ISSUES OF PUBLIC SAFETY AND SHALL INCLUDE RECOMMENDATIONS FOR  
25 ALL OF THE FOLLOWING:

26 (I) LENGTH OF STAY.

27 (II) LEVELS OF CARE.

28 (III) FOLLOW-UP CARE AND MONITORING.

29 (C) INSURANCE.--

30 (1) THIS SUBSECTION SHALL ONLY APPLY TO A HEALTH

1 INSURANCE, HEALTH MAINTENANCE ORGANIZATION OR OTHER HEALTH  
2 PLAN REQUIRED TO PROVIDE BENEFITS UNDER SECTION 602-A OF THE  
3 ACT OF MAY 17, 1921 (P.L.682, NO.284), KNOWN AS THE INSURANCE  
4 COMPANY LAW OF 1921.

5 (2) IF AN INDIVIDUAL WHO IS A SUBSCRIBER TO A HEALTH  
6 INSURANCE, HEALTH MAINTENANCE ORGANIZATION OR OTHER HEALTH  
7 PLAN THAT IS DOING BUSINESS IN THIS COMMONWEALTH, THE  
8 INDIVIDUAL MAY NOT BE DEPRIVED OF ALCOHOL AND OTHER DRUG  
9 ABUSE AND ADDICTION TREATMENT OR COVERAGE WITHIN THE SCOPE OF  
10 THAT PLAN DUE TO THE IDENTIFICATION OF AN ALCOHOL OR OTHER  
11 DRUG PROBLEM WHICH OCCURS AS A RESULT OF AN ASSESSMENT UNDER  
12 THIS SECTION.

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

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

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

23 (3) FOR 60 DAYS, IF:

24 (I) THE DEFENDANT'S BLOOD ALCOHOL CONCENTRATION AT  
25 THE TIME OF TESTING WAS .16% OR HIGHER;

26 (II) THE DEFENDANT'S BLOOD ALCOHOL CONCENTRATION IS  
27 NOT KNOWN; OR

28 (III) AN ACCIDENT WHICH RESULTED IN BODILY INJURY OR  
29 IN DAMAGE TO A VEHICLE OR OTHER PROPERTY OCCURRED IN  
30 CONNECTION WITH THE EVENTS SURROUNDING THE CURRENT



1 OFFENSE.

2 (E) FAILURE TO COMPLY.--

3 (1) A DEFENDANT WHO FAILS TO COMPLETE ANY OF THE  
4 CONDITIONS OF PARTICIPATION CONTAINED IN THIS SECTION SHALL  
5 BE DEEMED TO HAVE UNSUCCESSFULLY PARTICIPATED IN AN  
6 ACCELERATED REHABILITATIVE DISPOSITION PROGRAM, AND THE  
7 CRIMINAL RECORD UNDERLYING PARTICIPATION IN THE PROGRAM SHALL  
8 NOT BE EXPUNGED.

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

12 (I) FAILS TO MEET ANY OF THE REQUIREMENTS OF THIS  
13 SECTION;

14 (II) IS CHARGED WITH OR COMMITS AN OFFENSE UNDER 18  
15 PA.C.S (RELATING TO CRIMES AND OFFENSES); OR

16 (III) VIOLATES ANY OTHER CONDITION IMPOSED BY THE  
17 COURT.

18 § 3808. ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH  
19 IGNITION INTERLOCK.

20 (A) OFFENSE DEFINED.--

21 (1) AN INDIVIDUAL REQUIRED TO OPERATE ONLY A MOTOR  
22 VEHICLE EQUIPPED WITH AN APPROVED IGNITION INTERLOCK SYSTEM  
23 UNDER SECTION 1553(D.2) (RELATING TO OCCUPATIONAL LIMITED  
24 LICENSE) OR 3805 (RELATING TO IGNITION INTERLOCK) WHO  
25 OPERATES A MOTOR VEHICLE ON A HIGHWAY OF THIS COMMONWEALTH  
26 WITHOUT SUCH A SYSTEM COMMITS A SUMMARY OFFENSE AND SHALL,  
27 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS THAN  
28 \$300 AND NOT MORE THAN \$1,000 AND TO IMPRISONMENT FOR NOT  
29 MORE THAN 90 DAYS.

30 (2) AN INDIVIDUAL REQUIRED TO OPERATE ONLY A MOTOR

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

13 (B) TAMPERING WITH AN INTERLOCK SYSTEM.--A PERSON THAT  
14 TAMPERS WITH AN IGNITION INTERLOCK SYSTEM REQUIRED BY LAW  
15 COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE  
16 SENTENCED TO PAY A FINE OF NOT LESS THAN \$300 NOR MORE THAN  
17 \$1,000 AND TO UNDERGO IMPRISONMENT FOR NOT MORE THAN 90 DAYS.  
18 THE TERM "TAMPERING" IN ADDITION TO ANY PHYSICAL ACT WHICH IS  
19 INTENDED TO ALTER OR INTERFERE WITH THE PROPER FUNCTIONING OF AN  
20 IGNITION INTERLOCK DEVICE REQUIRED BY LAW SHALL INCLUDE  
21 ATTEMPTING TO CIRCUMVENT OR BYPASS OR CIRCUMVENTING OR BYPASSING  
22 AN IGNITION INTERLOCK DEVICE BY:

23 (1) MEANS OF USING ANOTHER INDIVIDUAL TO PROVIDE A  
24 BREATH SAMPLE; OR

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

27 (C) REVOCATION OF OPERATING PRIVILEGE.--UPON RECEIVING A  
28 CERTIFIED RECORD OF THE CONVICTION OF AN INDIVIDUAL UNDER THIS  
29 SECTION, THE DEPARTMENT SHALL REVOKE THE INDIVIDUAL'S OPERATING  
30 PRIVILEGE FOR A PERIOD OF ONE YEAR.

1 § 3809. RESTRICTION ON ALCOHOLIC BEVERAGES.

2 (A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION (B), AN  
3 INDIVIDUAL WHO IS AN OPERATOR OR AN OCCUPANT IN A MOTOR VEHICLE  
4 MAY NOT BE IN POSSESSION OF AN OPEN ALCOHOLIC BEVERAGE CONTAINER  
5 OR CONSUME A CONTROLLED SUBSTANCE AS DEFINED IN THE ACT OF APRIL  
6 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE,  
7 DRUG, DEVICE AND COSMETIC ACT, OR AN ALCOHOLIC BEVERAGE IN A  
8 MOTOR VEHICLE WHILE THE MOTOR VEHICLE IS LOCATED ON A HIGHWAY IN  
9 THIS COMMONWEALTH.

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

12 (1) A PASSENGER IN THE PASSENGER AREA OF A MOTOR VEHICLE  
13 DESIGNED, MAINTAINED OR USED PRIMARILY FOR THE LAWFUL  
14 TRANSPORTATION OF PERSONS FOR COMPENSATION. THIS PARAGRAPH  
15 INCLUDES BUSES, TAXIS AND LIMOUSINES.

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

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

20 § 3810. AUTHORIZED USE NOT A DEFENSE.

21 THE FACT THAT A PERSON CHARGED WITH VIOLATING THIS CHAPTER IS  
22 OR HAS BEEN LEGALLY ENTITLED TO USE ALCOHOL OR CONTROLLED  
23 SUBSTANCES IS NOT A DEFENSE TO A CHARGE OF VIOLATING THIS  
24 CHAPTER.

25 § 3811. CERTAIN ARRESTS AUTHORIZED.

26 (A) WARRANT NOT REQUIRED.--IN ADDITION TO ANY OTHER POWERS  
27 OF ARREST, A POLICE OFFICER IS AUTHORIZED TO ARREST AN  
28 INDIVIDUAL WITHOUT A WARRANT IF THE OFFICER HAS PROBABLE CAUSE  
29 TO BELIEVE THAT THE INDIVIDUAL HAS VIOLATED SECTION 3802  
30 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED

1 SUBSTANCE), REGARDLESS OF WHETHER THE ALLEGED VIOLATION WAS  
2 COMMITTED IN THE PRESENCE OF THE POLICE OFFICER.

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

11 § 3812. PRELIMINARY HEARING OR ARRAIGNMENT.

12 THE PRESIDING JUDICIAL OFFICER AT THE PRELIMINARY HEARING OR  
13 PRELIMINARY ARRAIGNMENT RELATING TO A CHARGE OF A VIOLATION OF  
14 SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
15 CONTROLLED SUBSTANCE) SHALL NOT REDUCE OR MODIFY THE ORIGINAL  
16 CHARGES WITHOUT THE CONSENT OF THE ATTORNEY FOR THE  
17 COMMONWEALTH.

18 § 3813. WORK RELEASE.

19 IN ANY CASE IN WHICH AN INDIVIDUAL IS SENTENCED TO A PERIOD  
20 OF IMPRISONMENT AS A RESULT OF A CONVICTION FOR VIOLATING A  
21 PROVISION OF THIS CHAPTER, THE JUDICIAL OFFICER IMPOSING THE  
22 SENTENCE SHALL CONSIDER ASSIGNING THAT INDIVIDUAL TO A DAYTIME  
23 WORK RELEASE PROGRAM. ANY WORK RELEASE PROGRAM PERMITTED UNDER  
24 THIS SECTION SHALL BE CERTIFIED BY THE DRUG AND ALCOHOL  
25 TREATMENT PROGRAM ADMINISTRATION AS BEING CONSISTENT WITH ANY  
26 DRUG AND ALCOHOL TREATMENT REQUIREMENTS IMPOSED UNDER SECTION  
27 3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS).

28 § 3814. DRUG AND ALCOHOL ASSESSMENTS.

29 IF A DEFENDANT IS CONVICTED OR PLEADS GUILTY OR NO CONTEST TO  
30 A VIOLATION OF SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE

1 OF ALCOHOL OR CONTROLLED SUBSTANCE), THE FOLLOWING APPLY PRIOR  
2 TO SENTENCING:

3 (1) THE DEFENDANT SHALL BE EVALUATED UNDER SECTION  
4 3816(A) (RELATING TO REQUIREMENTS FOR DRIVING UNDER INFLUENCE  
5 OFFENDERS) AND ANY OTHER ADDITIONAL EVALUATION TECHNIQUES  
6 DEEMED APPROPRIATE BY THE COURT TO DETERMINE THE EXTENT OF  
7 THE DEFENDANT'S INVOLVEMENT WITH ALCOHOL OR OTHER DRUG AND TO  
8 ASSIST THE COURT IN DETERMINING WHAT TYPE OF SENTENCE WOULD  
9 BENEFIT THE DEFENDANT AND THE PUBLIC.

10 (2) THE DEFENDANT SHALL BE SUBJECT TO A FULL ASSESSMENT  
11 FOR ALCOHOL AND DRUG ADDICTION IF ANY OF THE FOLLOWING  
12 SUBPARAGRAPHS APPLY:

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

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

18 (B) SECTION 3802; OR

19 (C) AN EQUIVALENT OFFENSE IN ANOTHER  
20 JURISDICTION.

21 (II) EITHER:

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

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

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

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

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

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

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

7 (I) LENGTH OF STAY.

8 (II) LEVELS OF CARE.

9 (III) FOLLOW-UP CARE AND MONITORING.

10 § 3815. MANDATORY SENTENCING.

11 (A) COUNTY SUPERVISION.--NOTWITHSTANDING THE LENGTH OF ANY  
12 MAXIMUM TERM OF IMPRISONMENT REQUIRED BY SECTION 3804 (RELATING  
13 TO PENALTIES), THE SENTENCING JUDGE MAY SUBJECT THE OFFENDER TO  
14 THE SUPERVISION OF THE COUNTY PAROLE SYSTEM.

15 (B) PAROLE.--

16 (1) AN OFFENDER WHO IS DETERMINED PURSUANT TO SECTION  
17 3814 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS) TO BE IN NEED  
18 OF DRUG AND ALCOHOL TREATMENT SHALL BE ELIGIBLE FOR PAROLE IN  
19 ACCORDANCE WITH THE TERMS AND CONDITIONS PRESCRIBED IN THIS  
20 SECTION FOLLOWING THE EXPIRATION OF THE OFFENDER'S MANDATORY  
21 MINIMUM TERM OF IMPRISONMENT.

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

23 (I) IF THE OFFENDER IS NOT DETERMINED UNDER THE  
24 PROCEDURES SET FORTH IN SECTION 3814 TO BE ADDICTED TO  
25 ALCOHOL OR ANOTHER SUBSTANCE, THE OFFENDER MUST REFRAIN  
26 FROM:

27 (A) THE USE OF ILLEGAL CONTROLLED SUBSTANCES;

28 AND

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

1 (II) IF THE OFFENDER IS DETERMINED UNDER THE  
2 PROCEDURES SET FORTH IN SECTION 3814 TO BE ADDICTED TO  
3 ALCOHOL OR ANOTHER SUBSTANCE, THE OFFENDER MUST DO ALL OF  
4 THE FOLLOWING:

5 (A) REFRAIN FROM:

6 (I) THE USE OF ALCOHOL OR ILLEGAL CONTROLLED  
7 SUBSTANCES; AND

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

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

12 (C) TREATMENT.--

13 (1) TREATMENT MUST CONFORM TO ASSESSMENT RECOMMENDATIONS  
14 MADE UNDER SECTION 3814.

15 (2) TREATMENT MUST BE CONDUCTED BY A DRUG AND ALCOHOL  
16 ADDICTION TREATMENT PROGRAM LICENSED BY THE DEPARTMENT OF  
17 HEALTH.

18 (3) THE TREATMENT PROGRAM SHALL REPORT PERIODICALLY TO  
19 THE ASSIGNED PAROLE OFFICER ON THE OFFENDER'S PROGRESS IN THE  
20 TREATMENT PROGRAM. THE TREATMENT PROGRAM SHALL PROMPTLY  
21 NOTIFY THE PAROLE OFFICER IF THE OFFENDER:

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

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

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

28 (4) UPON NOTIFICATION UNDER PARAGRAPH (3), THE PAROLE  
29 OFFICER SHALL REPORT THE OFFENDER'S ACTIONS TO THE PAROLE  
30 AUTHORITY AND TO THE DEPARTMENT FOR COMPLIANCE WITH SECTION

1 1553(E) (RELATING TO OCCUPATIONAL LIMITED LICENSE). THE  
2 PAROLE AUTHORITY SHALL SCHEDULE A REVOCATION HEARING TO  
3 CONSIDER RECOMMENDATIONS OF THE PAROLE OFFICER AND THE  
4 TREATMENT PROGRAM.

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

13 (D) ENFORCEMENT.--

14 (1) THIS SUBSECTION APPLIES TO AN OFFENDER ORDERED TO  
15 PARTICIPATE IN A TREATMENT PROGRAM UNDER SUBSECTION  
16 (B)(2)(II) WHO:

17 (I) FAILS TO COMPLY WITH PROGRAM RULES AND TREATMENT  
18 EXPECTATIONS;

19 (II) REFUSES TO CONSTRUCTIVELY ENGAGE IN THE  
20 TREATMENT PROCESS; OR

21 (III) TERMINATES PARTICIPATION IN THE TREATMENT  
22 PROGRAM WITHOUT AUTHORIZATION.

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

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

27 (II) THE OFFENDER SHALL BE INELIGIBLE FOR PAROLE,  
28 PRERELEASE, WORK RELEASE OR ANY OTHER RELEASE FROM THE  
29 CORRECTIONAL FACILITY PRIOR TO THE EXPIRATION OF THE  
30 OFFENDER'S MAXIMUM TERM UNLESS THE OFFENDER IS PERMITTED



1 TO BE READMITTED TO A TREATMENT PROGRAM.

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

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

16 (F) FEES.--

17 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), THE PAROLE  
18 AUTHORITY SHALL IMPOSE UPON AN OFFENDER SUBJECT TO THIS  
19 SECTION REASONABLE FEES TO COVER THE COST OF ANY OF THE  
20 FOLLOWING:

21 (I) CHEMICAL TESTING OF THE OFFENDER REQUIRED UNDER  
22 THIS SECTION.

23 (II) AN ASSESSMENT OF THE OFFENDER REQUIRED UNDER  
24 THIS SECTION.

25 (III) DRUG OR ALCOHOL TREATMENT PROVIDED IN  
26 ACCORDANCE WITH THE ASSESSMENT.

27 (2) IF THE PAROLE AUTHORITY FINDS THE OFFENDER TO BE  
28 UNABLE TO PAY THE FULL AMOUNT OF THE FEES REQUIRED BY  
29 PARAGRAPH (1) AND SECTION 1541(D) (RELATING TO PERIOD OF  
30 DISQUALIFICATION, REVOCATION OR SUSPENSION OF OPERATING

1 PRIVILEGE), IT SHALL REQUIRE THE OFFENDER TO PAY AS MUCH OF  
2 THE FEE AS IS CONSISTENT WITH THE OFFENDER'S ABILITY TO PAY  
3 AND SHALL DIRECT THE ASSIGNED PAROLE OFFICER TO ESTABLISH A  
4 REASONABLE PAYMENT SCHEDULE FOR THE OFFENDER TO PAY AS MUCH  
5 OF THE REMAINING FEES AS IS CONSISTENT WITH THE OFFENDER'S  
6 ABILITY TO PAY.

7 (G) INSURANCE.--

8 (1) THIS SUBSECTION SHALL ONLY APPLY TO A HEALTH  
9 INSURANCE, HEALTH MAINTENANCE ORGANIZATION OR OTHER HEALTH  
10 PLAN REQUIRED TO PROVIDE BENEFITS UNDER SECTION 602-A OF THE  
11 ACT OF MAY 17, 1921 (P.L.682, NO.284), KNOWN AS THE INSURANCE  
12 COMPANY LAW OF 1921.

13 (2) IF AN INDIVIDUAL WHO IS A SUBSCRIBER TO A HEALTH  
14 INSURANCE, HEALTH MAINTENANCE ORGANIZATION OR OTHER HEALTH  
15 PLAN THAT IS DOING BUSINESS IN THIS COMMONWEALTH, THE  
16 INDIVIDUAL MAY NOT BE DEPRIVED OF ALCOHOL AND OTHER DRUG  
17 ABUSE AND ADDICTION TREATMENT OR COVERAGE WITHIN THE SCOPE OF  
18 THAT PLAN DUE TO THE IDENTIFICATION OF AN ALCOHOL OR OTHER  
19 DRUG PROBLEM WHICH OCCURS AS A RESULT OF AN ASSESSMENT UNDER  
20 THIS 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 17. SECTIONS 6308(B) AND 6506(A)(7) OF TITLE 75 ARE

1 AMENDED TO READ:

2 § 6308. INVESTIGATION BY POLICE OFFICERS.

3 \* \* \*

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

15 \* \* \*

16 § 6506. SURCHARGE.

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

21 \* \* \*

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 SECTION 18. THE ADDITION OF 75 PA.C.S. §§ 3814 AND 3815  
7 SHALL APPLY AS FOLLOWS:

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

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

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

14 SECTION 19. THE DEPARTMENT OF TRANSPORTATION HAS THE  
15 FOLLOWING DUTIES:

16 (1) IN ORDER TO IMPLEMENT THE ADDITION OF 75 PA.C.S. §  
17 3805, THE FOLLOWING SHALL APPLY:

18 (I) THE DEPARTMENT SHALL ADOPT AND USE GUIDELINES,  
19 WHICH SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN.  
20 THE GUIDELINES SHALL NOT BE SUBJECT TO REVIEW UNDER  
21 SECTION 205 OF THE ACT OF JULY 31, 1968 (P.L.769,  
22 NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW,  
23 AND THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS  
24 THE REGULATORY REVIEW ACT.

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

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

29 (A) TAKE EFFECT SEPTEMBER 30, 2003, OR  
30 IMMEDIATELY, WHICHEVER IS LATER; AND

1 (B) EXPIRE ON THE EARLIER OF:

2 (I) THE EFFECTIVE DATE OF REGULATIONS UNDER  
3 SUBPARAGRAPH (II); OR

4 (II) SEPTEMBER 30, 2005.

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

7 SECTION 20. THE ADDITION OF 75 PA.C.S CH. 38 IS A  
8 CONTINUATION OF FORMER 75 PA.C.S. § 3731. THE REPEAL OF 75  
9 PA.C.S. § 3731 SHALL NOT AFFECT OFFENSES COMMITTED PRIOR TO THE  
10 EFFECTIVE DATE OF THIS SECTION OR CIVIL AND ADMINISTRATIVE  
11 PENALTIES IMPOSED AS A RESULT OF THOSE OFFENSES.

12 SECTION 21. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

13 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
14 IMMEDIATELY:

15 (I) SECTION 19 OF THIS ACT.

16 (II) THIS SECTION.

17 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
18 SEPTEMBER 30, 2003, OR IMMEDIATELY, WHICHEVER IS LATER.