

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1265 Session of
2006

INTRODUCED BY A. WILLIAMS, COSTA, STACK, ERICKSON, RAFFERTY,
FONTANA, C. WILLIAMS, RHOADES AND TARTAGLIONE, JUNE 22, 2006

REFERRED TO TRANSPORTATION, JUNE 22, 2006

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for definitions and for ignition
3 interlock; providing for duties of the Secretary of
4 Transportation, for ignition interlock service providers and
5 for ignition interlock system violations; further providing
6 for illegally operating a motor vehicle not equipped with
7 ignition interlock; and providing for an ignition interlock
8 system fund.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The definition of "ignition interlock system" in
12 section 3801 of Title 75 of the Pennsylvania Consolidated
13 Statutes is amended and the section is amended by adding
14 definitions to read:

15 § 3801. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 * * *

20 "Department." The Department of Transportation of the
21 Commonwealth.

1 "Ignition interlock provider." Persons or entities offering
2 ignition interlock systems for sale who are approved by the
3 Department of Transportation in accordance with section 3805.1
4 (relating to ignition interlock service providers).

5 "Ignition interlock system." A system approved by the
6 department which prevents a vehicle from being started or
7 operated unless the operator first provides a breath sample
8 indicating that the operator has an alcohol level less than
9 0.025%. The system shall be capable of recording the date of all
10 of the breath samples performed on the system.

11 * * *

12 "Secretary." The Secretary of Transportation of the
13 Commonwealth.

14 Section 2. Section 3805(c) of Title 75 is amended and the
15 section is amended by adding subsections to read:

16 § 3805. Ignition interlock.

17 * * *

18 (a.1) Costs.--The restricted licensee shall be responsible
19 for all costs associated with the maintenance and installation
20 of the ignition interlock system. If the court deems the person
21 indigent, half of the costs shall be paid from the Ignition
22 Interlock System Fund established under this chapter.

23 (a.2) Requirements.--Persons driving with a restricted
24 license under this section shall be required to:

25 (1) Attend alcohol and substance abuse counseling.

26 (2) Meet with victim support groups for alcohol-related
27 accidents on a weekly basis.

28 (3) Meet with a probation officer on a weekly basis.

29 (a.3) Duties of secretary.--The secretary shall:

30 (1) Promulgate rules or regulations necessary for the

effective implementation of this chapter.

(2) Establish criteria that must be satisfied before a person may be issued an unrestricted license under subsection (c). The criteria shall include a minimum of 12 consecutive months where all ignition interlock breath samples indicate an alcohol level of less than 0.025% as well as approval by the restricted licensee's probation officer and substance abuse counselor.

(3) Establish fees for the installation, service and maintenance of ignition interlock systems. The fees shall be uniform throughout the State.

* * *

(c) Issuance of unrestricted license.--[One year] Two years from the date of issuance of an ignition interlock restricted license under this section, if otherwise eligible, a person may be issued a replacement license under section 1951(d) that does not contain the ignition interlock system restriction.

* * *

(d.1) Rolling tests.--Persons issued ignition interlock licenses under this section shall be subject to rolling tests after the vehicle has successfully been started using the ignition interlock system. The tests shall occur every 20 to 40 minutes depending on how the ignition interlock system is configured. The system shall record all data concerning the rolling tests.

* * *

Section 3. Title 75 is amended by adding sections to read:
§ 3805.1. Ignition interlock service providers.

(a) Criteria.--Any person who satisfies the following criteria may apply to the department to become an ignition

interlock service provider:

(1) have at least two years of experience in service and installation of ignition interlock systems; and

(2) have the ability, acceptable to the secretary, to establish sufficient service centers in the jurisdiction of operation.

(b) Hotline.--All ignition interlock service providers must provide a 24-hour toll-free telephone hotline.

(c) Maintenance.--An ignition interlock service provider must service all ignition interlock systems on a bimonthly basis.

(d) Requirements.--An ignition interlock service provider must:

(1) return all service calls within 45 minutes; and

(2) repair or replace all ignition interlock systems within 48 hours.

(e) Notice to department.--An ignition interlock service provider shall inform the department within 24 hours of notice of the following:

(1) any installation, repair, reset or removal of an ignition interlock system; and

(2) any tampering or attempted tampering of the ignition interlock system in violation of the provisions of this chapter.

(f) Reports.--An ignition interlock service provider shall report at least monthly to the department on all aspects of the service program.

(g) Duties.--An ignition interlock service provider shall be responsible for informing the restricted licensee of the proper use and maintenance of the ignition interlock device.

1 § 3805.2. Ignition interlock system violations.

2 (a) General rule.--For every violation of the ignition
3 interlock system, a point value shall be assigned according to
4 subsection (b). Appropriate sanctions shall be determined in
5 accordance with subsection (c) based upon the accumulated points
6 of the restricted licensee.

7 (b) Points assigned.--The following violations shall result
8 in the following number of points:

9 (1) One point each time a restricted licensee registers
10 a blood alcohol content equal to or greater than 0.08% by
11 weight.

12 (2) One point when a restricted licensee registers a
13 blood alcohol content equal to or greater than 0.025% by
14 weight on three consecutive tests.

15 (3) One point for missing a rolling test as required
16 pursuant to section 3805(d.1) (relating to ignition
17 interlock).

18 (4) Three points for tampering with an ignition
19 interlock device as provided in section 3808(b) (relating to
20 illegally operating a motor vehicle not equipped with
21 ignition interlock) or attempting to tamper with an ignition
22 interlock device as provided in section 3808(b.1).

23 (c) Penalties.--For every three points accumulated by the
24 restricted licensee, the licensee shall:

25 (1) Return his vehicle to an ignition interlock service
26 provider to have the device reset.

27 (2) Be responsible for the cost of the resetting fee
28 which shall be determined by the secretary.

29 (3) Be subject to not less than a six-month extension of
30 the duration of the scheduled restricted license.

1 (4) Pay a fine of \$500.

2 § 3805.3. Ignition Interlock System Fund.

3 There is hereby established in the joint custody of the State
4 Treasurer and the Secretary of Transportation a fund to be known
5 as the Ignition Interlock System Fund. The fund shall consist of
6 all moneys appropriated by the General Assembly and all fines
7 imposed upon violations of sections 3805 (relating to ignition
8 interlock), 3805.2 (relating to ignition interlock system
9 violations) and 3808 (relating to illegally operating a motor
10 vehicle not equipped with ignition interlock). The moneys of the
11 fund shall be used for any purpose designated by the secretary
12 that furthers the goals and purposes of this chapter, including
13 the production of educational materials that inform the public
14 of the hazards of driving under the influence of alcohol.

15 Section 4. Section 3808 of Title 75 is amended by adding a
16 subsection to read:

17 § 3808. Illegally operating a motor vehicle not equipped with
18 ignition interlock.

19 * * *

20 (b.1) Attempting to tamper with an ignition interlock
21 system.--A person is guilty of attempting to tamper with an
22 ignition interlock system by:

23 (1) Intending to circumvent the testing or data
24 recording of an ignition interlock system.

25 (2) Committing any act constituting a substantial step
26 toward circumventing an ignition interlock system.

27 Any person who attempts to tamper with an ignition interlock
28 device shall be subject to not more than six months imprisonment
29 and shall be fined not more than \$5,500.

30 * * *

1 Section 5. This act shall take effect in 60 days.