
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1036 Session of
2013

INTRODUCED BY RAFFERTY, VULAKOVICH, TEPLITZ, ERICKSON, MENSCH,
WAUGH AND SOLOBAY, JUNE 20, 2013

REFERRED TO TRANSPORTATION, JUNE 20, 2013

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, further providing for
3 occupational limited license, providing for ignition
4 interlock limited license and further providing for
5 probationary license; in driving after imbibing alcohol or
6 utilizing drugs, defining "ignition interlock limited
7 license," further providing for penalties, for ignition
8 interlock, for Accelerated Rehabilitative Disposition and for
9 the offense of illegally operating a motor vehicle not
10 equipped with ignition interlock.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 1553(a)(1), (d)(6), (7) and (8), (d.1),
14 (d.2) and (d.3) of Title 75 of the Pennsylvania Consolidated
15 Statutes are amended to read:

16 § 1553. Occupational limited license.

17 (a) Issuance.--

18 (1) The department shall issue an occupational limited
19 license under the provisions of this section to a driver
20 whose operating privileges have been suspended for a
21 violation of this title, except for an offense under section
22 3802 (relating to driving under influence of alcohol or

1 controlled substance) or under former section 3731 (relating
2 to driving under influence of alcohol or controlled
3 substance) or for a refusal to submit to chemical testing
4 under section 1547 (relating to chemical testing to determine
5 amount of alcohol or controlled substance), and is not
6 prohibited under any other provision in this section. If the
7 underlying reason for the suspension was caused by violations
8 committed while the driver was operating a commercial motor
9 vehicle, the driver shall not be issued an occupational
10 limited license for the purpose of operating a commercial
11 motor vehicle. The department shall prohibit the issuance of
12 an occupational limited license when disqualified from doing
13 so under the Commercial Motor Vehicle Safety Act of 1986
14 (Title XII of Public Law 99-570, 49 U.S.C. App. § 2701 et
15 seq.) or the Motor Carrier Safety Improvement Act of 1999
16 (Public Law 106-159, 113 Stat. 1748).

17 * * *

18 (d) Unauthorized issuance.--The department shall prohibit
19 issuance of an occupational limited license to:

20 * * *

21 [(6) Any person who has been adjudicated delinquent,
22 granted a consent decree or granted Accelerated
23 Rehabilitative Disposition for driving under the influence of
24 alcohol or controlled substance unless the suspension or
25 revocation imposed for that conviction has been fully served.

26 (7) Any person whose operating privilege has been
27 suspended for refusal to submit to chemical testing to
28 determine the amount of alcohol or controlled substance
29 unless that suspension has been fully served.

30 (8) Except as set forth in subsections (d.1) and (d.2),

1 any person who has been convicted of driving under the
2 influence of alcohol or controlled substance and whose
3 license has been suspended by the department unless the
4 suspension imposed has been fully served.]

5 * * *

6 [(d.1) Adjudication eligibility.--An individual who has been
7 convicted of an offense under section 3802 (relating to driving
8 under influence of alcohol or controlled substance) and does not
9 have a prior offense as defined in section 3806(a) (relating to
10 prior offenses) shall be eligible for an occupational limited
11 license only if the individual has served 60 days of the
12 suspension imposed for the offense.

13 (d.2) Suspension eligibility.--

14 (1) An individual whose license has been suspended for a
15 period of 18 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 12 months of the suspension imposed
22 for the offense;

23 (iii) has no more than one prior offense as defined
24 in section 3806(b);

25 (iv) only operates a motor vehicle equipped with an
26 ignition interlock system as defined in section 3801
27 (relating to definitions); and

28 (v) has certified to the department under paragraph
29 (3).

30 (2) A period of ignition interlock accepted under this

1 subsection shall not count towards the one-year mandatory
2 period of ignition interlock imposed under section 3805
3 (relating to ignition interlock).

4 (3) If an individual seeks an occupational limited
5 license under this subsection, the department shall require
6 that each motor vehicle owned or registered to the person has
7 been equipped with an ignition interlock system as defined in
8 section 3801 as a condition of issuing an occupational
9 limited license with an ignition interlock restriction.

10 (d.3) Suspension eligibility related to Title 18
11 violation.--An individual whose operating privilege has been
12 suspended for a violation of 18 Pa.C.S. § 6308 shall be eligible
13 for an occupational limited license unless the individual has
14 previously violated 18 Pa.C.S. § 6308.]

15 * * *

16 Section 2. Title 75 is amended by adding a section to read:
17 § 1556. Ignition interlock limited license.

18 (a) Issuance.--

19 (1) The department shall issue an ignition interlock
20 limited license under this section to an individual:

21 (i) whose operating privileges have been suspended
22 for:

23 (A) a violation under section 3802 (relating to
24 driving under influence of alcohol or controlled
25 substance) or under former section 3731 (relating to
26 driving under influence of alcohol or controlled
27 substance); or

28 (B) a refusal to submit to chemical testing
29 under section 1547 (relating to chemical testing to
30 determine amount of alcohol or controlled substance);

1 or
2 (ii) who:
3 (A) has been designated as a habitual offender
4 under section 1542 (relating to revocation of
5 habitual offender's license);

6 (B) has had operating privilege revoked for a
7 violation which includes a violation of section 3802;
8 and

9 (C) is not prohibited from holding an ignition
10 interlock limited license under any other provision
11 of this section.

12 (2) An individual may not be issued an ignition
13 interlock limited license for the purpose of operating a
14 commercial motor vehicle.

15 (3) The department shall prohibit the issuance of an
16 ignition interlock limited license if disqualified from doing
17 so under the Commercial Motor Vehicle Safety Act of 1986
18 (Title XII of Public Law 99-570, 49 U.S.C. app. § 2701 et
19 seq.) or the Motor Carrier Safety Improvement Act of 1999
20 (Public Law 106-159, 113 Stat. 1748).

21 (4) The department may not issue an ignition interlock
22 limited license to an individual whose operating privilege
23 has been recalled or canceled.

24 (5) The department shall issue an ignition interlock
25 limited license under the provisions of this section only
26 upon receiving proof that each motor vehicle owned or to be
27 operated by the individual has been equipped with an approved
28 ignition interlock system as defined in section 3801
29 (relating to definitions) as a condition of issuing an
30 ignition interlock limited license.

1 (6) An ignition interlock limited license issued under
2 provisions of this section permits an individual to operate
3 motor vehicles equipped with a functioning ignition interlock
4 system, as defined in section 3801.

5 (7) Any period in which an individual holds a valid
6 ignition interlock limited license under this section shall
7 count on a day-for-day basis toward any mandatory period of
8 ignition interlock use imposed under section 3805 (relating
9 to ignition interlock) arising from the same incident.

10 (b) Petition.--

11 (1) An applicant for an ignition interlock limited
12 license must file a petition with the department, by
13 certified mail, on a form prescribed by the department, and
14 shall include proof that an approved ignition interlock
15 system, as defined in section 3801, has been installed in one
16 or more motor vehicles that the applicant seeks permission to
17 operate.

18 (2) The petition shall also include proof of financial
19 responsibility covering each vehicle the applicant requests
20 to be permitted to operate. The department shall promulgate
21 regulations to require additional information as well as
22 additional evidence to verify the information contained in
23 the petition.

24 (3) The applicant shall surrender the applicant's
25 driver's license in accordance with section 1540 (relating to
26 surrender of license). If the applicant's driver's license
27 has been lost or stolen, the applicant shall submit an
28 application for a replacement license, along with the proper
29 fee. If the applicant is a nonresident licensed driver, the
30 applicant shall submit an acknowledgment of suspension in

1 lieu of a driver's license. If the applicant's license has
2 expired, the applicant shall submit an application for
3 renewal, along with the appropriate fee. All fines, costs and
4 restoration fees must be paid at the time of petition.

5 (4) Consistent with the provisions of this section, if
6 the applicant is qualified, the department shall issue an
7 ignition interlock limited license within 20 days of receipt
8 of the petition and all other requirements for issuance.

9 (5) An individual whose operating privilege has been
10 suspended for a conviction of section 1543(b) (relating to
11 driving while operating privilege is suspended or revoked)
12 may petition for an ignition interlock limited license if the
13 cause of the underlying suspension or revocation was a
14 violation of section 3802 or section 1547(b).

15 (c) Fee.--The application fee for an ignition interlock
16 limited license shall be \$100. This fee shall be nonrefundable
17 and no other fee shall be required.

18 (d) Unauthorized issuance.--The department shall prohibit
19 issuance of an ignition interlock limited license to:

20 (1) Any individual who is not licensed to drive by the
21 Commonwealth or any other state.

22 (2) Any individual who is required by this title to take
23 an examination and who has failed to take and pass the
24 examination.

25 (3) Any individual who has an unsatisfied judgment
26 against the individual as the result of a motor vehicle
27 operation, until the judgment has been satisfied under the
28 provisions of section 1774 (relating to payments sufficient
29 to satisfy judgments) or an installment agreement has been
30 entered into to satisfy the judgment, as permitted under

1 section 1772(b) (relating to suspension for nonpayment of
2 judgments) or 1775 (relating to installment payment of
3 judgments), and the financial responsibility of the person
4 has been established.

5 (4) Any individual applying for an ignition interlock
6 limited license to operate a commercial motor vehicle.

7 (5) Any individual whose operating privilege has been
8 suspended under section 1532(a.1) (relating to suspension of
9 operating privilege) for conviction or adjudication of
10 delinquency based on a violation of section 3732 (relating to
11 homicide by vehicle) or 3735 (relating to homicide by vehicle
12 while driving under influence).

13 (e) Adjudication eligibility.--An individual who has been
14 convicted of an offense under section 3802 shall be eligible to
15 apply for and, if otherwise qualified, be issued an ignition
16 interlock limited license upon conviction.

17 (f) Suspension eligibility.--An individual whose license has
18 been suspended under section 1547(b) shall be eligible to apply
19 for and, if otherwise qualified, be issued an ignition interlock
20 limited license under this section if the individual:

21 (1) has served 90 days of the suspension imposed under
22 section 1547(b)(1)(i); or

23 (2) has served 180 days of the suspension imposed under
24 section 1547(b)(1)(ii).

25 (g) Habitual offender revocation eligibility.--

26 (1) An individual who has been designated as a habitual
27 offender under section 1542 and whose operating privilege has
28 been revoked for violations, including a violation of section
29 3802, shall be eligible to apply for and, if otherwise
30 qualified, be issued an ignition interlock limited license

1 under this section if the individual meets all of the
2 following requirements:

3 (i) Prior to issuance of an ignition interlock
4 limited license, the individual is interviewed at a
5 departmental review session.

6 (ii) The department recommends that the individual
7 be issued a license.

8 (2) The department may require the individual to
9 satisfactorily complete one or more of the following:

10 (i) A driver improvement program, the cost of the
11 program to be borne by the individual.

12 (ii) Any examination as provided for in section 1508
13 (relating to examination of applicant for driver's
14 license).

15 (iii) A special examination that addresses knowledge
16 of safe driving practices, departmental sanctions and
17 related safety issues.

18 (3) If the individual is not licensed to drive by the
19 Commonwealth or any other state, the individual shall not
20 immediately be issued an ignition interlock limited license
21 and shall follow the following process:

22 (i) The individual may apply for a Class C learner's
23 permit under the provisions of section 1505(a) (relating
24 to learners' permits).

25 (ii) Thirty days after the issuance of the learner's
26 permit, the individual shall be eligible to test for a
27 driver's license under the provisions of section 1508(a).

28 (iii) If the individual successfully passes all the
29 required examinations, the department may issue an
30 ignition interlock limited license to the individual.

1 (h) Credit against mandatory ignition interlock
2 requirement.--Any period during which an individual holds a
3 valid ignition interlock limited license under subsection (e) or
4 (f) shall count on a day-for-day basis toward the mandatory
5 period of ignition interlock usage imposed under the applicable
6 subparagraphs of section 3805(b)(2) arising from the same
7 incident.

8 (i) Certification to the department.--If an individual seeks
9 an ignition interlock limited license under this section, the
10 department shall require that one or more motor vehicles owned
11 or to be operated by the individual to be equipped with a
12 functioning ignition interlock system, as defined in section
13 3801, as a condition of issuing an ignition interlock limited
14 license with an ignition interlock restriction.

15 (j) Offenses committed during a period for which an ignition
16 interlock limited license has been issued.--If the department
17 receives a report of conviction of an offense for which the
18 penalty is a cancellation, disqualification, recall, suspension
19 or revocation of operating privileges or a report under section
20 3815(c)(4) (relating to mandatory sentencing) for any individual
21 who has been issued an ignition interlock limited license, the
22 department, at its sole discretion, shall either:

23 (1) extend the term of the ignition interlock limited
24 license for up to the original term for which the driver's
25 license was suspended or revoked; or

26 (2) recall the ignition interlock limited license and
27 the individual shall surrender the limited license to the
28 department or its agents designated under the authority of
29 section 1540.

30 (k) Restrictions.--

1 (1) An individual who has been issued an ignition
2 interlock limited license shall observe the following:

3 (i) The individual shall operate only motor vehicles
4 equipped with a functioning ignition interlock system, as
5 defined in section 3801.

6 (ii) The individual may not operate a school bus.

7 (2) Any individual who violates the conditions of
8 issuance or restrictions of the ignition interlock limited
9 license commits a summary offense and shall, upon conviction,
10 be sentenced to pay a fine of \$200 and, upon receipt of a
11 certified record of conviction, the department shall recall
12 the limited license.

13 (3) The operating privilege of an individual who has
14 been issued an ignition interlock limited license remains
15 under suspension or revocation, except when operating a motor
16 vehicle in accordance with the conditions of issuance and
17 restrictions of the ignition interlock limited license.

18 (1) Changes in condition.--An individual who is granted an
19 ignition interlock limited license shall immediately inform the
20 department in writing of any change in the conditions under
21 which the individual applied for the ignition interlock limited
22 license. Upon failure to give prompt notice of any changes or if
23 the conditions for the limited license no longer exist, the
24 department shall recall the ignition interlock limited license.

25 (m) Appeal from denial or recall of ignition interlock
26 limited license.--

27 (1) Any individual who is denied an ignition interlock
28 limited license or whose ignition interlock limited license
29 is extended or recalled under subsection (j) may file with
30 the department a petition for a hearing. The hearing shall be

1 conducted in accordance with 2 Pa.C.S. (relating to
2 administrative law and procedure).

3 (2) The department may charge a reasonable fee based on
4 the cost to the department for conducting the hearing.

5 (3) The appeal shall not operate as an automatic
6 supersedeas. If an administrative hearing officer orders a
7 supersedeas in any appeal, the individual shall earn no
8 credit toward serving the suspension for which the individual
9 was granted an ignition interlock limited license.

10 (4) An appeal from a decision of an administrative
11 hearing officer may be taken in the manner provided in 42
12 Pa.C.S. § 763(a) (relating to direct appeals from government
13 agencies).

14 (5) Appeals under this subsection are exempt from the
15 provisions of section 1550(b) (relating to judicial review)
16 and from the provisions of 42 Pa.C.S. § 933 (relating to
17 appeals from government agencies).

18 Section 3. Section 1554(a) and (f) (8), (9) and (10) of Title
19 75 are amended to read:

20 § 1554. Probationary license.

21 (a) Issuance.--Unless otherwise prohibited under any other
22 provision in this section, the department may issue a
23 probationary license under this section to:

24 (1) a person who has been designated as a habitual
25 offender under section 1542 (relating to revocation of
26 habitual offender's license) and whose operating privilege
27 has been revoked for violations other than violations under
28 section 3802 (relating to driving under influence of alcohol
29 or controlled substance); or

30 (2) a person with an accumulation of suspensions or

1 revocations wherein the cumulative term of suspension or
2 revocation is five or more years.

3 The department may issue a probationary license for the
4 operation of only a Class C noncommercial motor vehicle.

5 * * *

6 (f) Unauthorized issuance.--The department shall not issue a
7 probationary license to:

8 * * *

9 [(8) A person who has been convicted of a violation of
10 section 3802 (relating to driving under influence of alcohol
11 or controlled substance) or former section 3731, within the
12 preceding seven years.

13 (9) A person who has been suspended for refusal to
14 submit to chemical testing to determine the amount of alcohol
15 or controlled substance within the preceding seven years.

16 (10) A person who has been granted Accelerated
17 Rehabilitative Disposition for the offense of driving under
18 the influence of alcohol or a controlled substance within the
19 preceding seven years.]

20 * * *

21 Section 4. Section 3801 is amended by adding a definition to
22 read:

23 § 3801. Definitions.

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

27 * * *

28 "Ignition interlock limited license." A driver's license
29 issued to an individual whose driving privileges are suspended
30 or revoked for one or more violations of section 3802 (relating

1 to driving under influence of alcohol or controlled substance)
2 or 1547(b.1) (relating to chemical testing to determine amount
3 of alcohol or controlled substance) requiring the individual to
4 operate only motor vehicles equipped with a functioning ignition
5 interlock system.

6 * * *

7 Section 5. Section 3804(a), (b), (c) and (e)(2)(iii) of
8 Title 75 are amended to read:

9 § 3804. Penalties.

10 (a) General impairment.--Except as set forth in subsection
11 (b) or (c), an individual who violates section 3802(a) (relating
12 to driving under influence of alcohol or controlled substance)
13 shall be sentenced as follows:

14 (1) For a first offense, to:

15 (i) undergo a mandatory minimum term of six months'
16 probation;

17 (ii) pay a fine of \$300;

18 (iii) attend an alcohol highway safety school
19 approved by the department; [and]

20 (iv) comply with all drug and alcohol treatment
21 requirements imposed under sections 3814 (relating to
22 drug and alcohol assessments) and 3815 (relating to
23 mandatory sentencing) [.] and

24 (v) participate in and comply with the ignition
25 interlock program under section 3805 (relating to
26 ignition interlock).

27 (2) For a second offense, to:

28 (i) undergo imprisonment for not less than five
29 days;

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[.]; and

6 (v) participate in and comply with the ignition
7 interlock program under section 3805.

8 (3) For a third or subsequent offense, to:

9 (i) undergo imprisonment of not less than ten days;

10 (ii) pay a fine of not less than \$500 nor more than
11 \$5,000; [and]

12 (iii) comply with all drug and alcohol treatment
13 requirements imposed under sections 3814 and 3815[.]; and

14 (iv) participate in and comply with the ignition
15 interlock program under section 3805.

16 (b) High rate of blood alcohol; minors; commercial vehicles
17 and school buses and school vehicles; accidents.--Except as set
18 forth in subsection (c), an individual who violates section
19 3802(a) (1) where there was an accident resulting in bodily
20 injury, serious bodily injury or death of any person or damage
21 to a vehicle or other property or who violates section 3802(b),
22 (e) or (f) shall be sentenced as follows:

23 (1) For a first offense, to:

24 (i) undergo imprisonment of not less than 48
25 consecutive hours;

26 (ii) pay a fine of not less than \$500 nor more than
27 \$5,000;

28 (iii) attend an alcohol highway safety school
29 approved by the department; [and]

30 (iv) comply with all drug and alcohol treatment

1 requirements imposed under sections 3814 and 3815[.]; and
2 (v) participate in and comply with the ignition
3 interlock program under section 3805.

4 (2) For a second offense, to:

5 (i) undergo imprisonment of not less than 30 days;

6 (ii) pay a fine of not less than \$750 nor more than
7 \$5,000;

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[.]; and

12 (v) participate in and comply with the ignition
13 interlock program under section 3805.

14 (3) For a third offense, to:

15 (i) undergo imprisonment of not less than 90 days;

16 (ii) pay a fine of not less than \$1,500 nor more
17 than \$10,000; [and]

18 (iii) comply with all drug and alcohol treatment
19 requirements imposed under sections 3814 and 3815[.]; and

20 (iv) participate in and comply with the ignition
21 interlock program under section 3805.

22 (4) For a fourth or subsequent offense, to:

23 (i) undergo imprisonment of not less than one year;

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[.]; and

28 (iv) participate in and comply with the ignition
29 interlock program under section 3805.

30 (c) Incapacity; highest blood alcohol; controlled

1 substances.--An individual who violates section 3802(a)(1) and
2 refused testing of blood or breath or an individual who violates
3 section 3802(c) or (d) shall be sentenced as follows:

4 (1) For a first offense, to:

5 (i) undergo imprisonment of not less than 72
6 consecutive hours;

7 (ii) pay a fine of not less than \$1,000 nor more
8 than \$5,000;

9 (iii) attend an alcohol highway safety school
10 approved by the department; [and]

11 (iv) comply with all drug and alcohol treatment
12 requirements imposed under sections 3814 and 3815[.]; and

13 (v) participate in and comply with the ignition
14 interlock program under section 3805.

15 (2) For a second offense, to:

16 (i) undergo imprisonment of not less than 90 days;

17 (ii) pay a fine of not less than \$1,500;

18 (iii) attend an alcohol highway safety school
19 approved by the department; [and]

20 (iv) comply with all drug and alcohol treatment
21 requirements imposed under sections 3814 and 3815[.]; and

22 (v) participate in and comply with the ignition
23 interlock program under section 3805.

24 (3) For a third or subsequent offense, to:

25 (i) undergo imprisonment of not less than one year;

26 (ii) pay a fine of not less than \$2,500; [and]

27 (iii) comply with all drug and alcohol treatment
28 requirements imposed under sections 3814 and 3815[.]; and

29 (iv) participate in and comply with the ignition
30 interlock program under section 3805.

1 * * *

2 (e) Suspension of operating privileges upon conviction.--

3 * * *

4 (2) Suspension under paragraph (1) shall be in
5 accordance with the following:

6 * * *

7 (iii) There shall be [no] a six-month suspension for
8 an ungraded misdemeanor under section 3802(a) where the
9 person is subject to the penalties provided in subsection
10 (a) and the person has no prior offense.

11 * * *

12 Section 6. Section 3805(a), (b) and (c) of Title 75 are
13 amended and the section is amended by adding subsections to
14 read:

15 § 3805. Ignition interlock.

16 (a) General rule.--If a person violates section 3802
17 (relating to driving under influence of alcohol or controlled
18 substance) [and, within the past ten years, has a prior offense
19 as defined in section 3806(a) (relating to prior offenses)] or
20 has had their operating privileges suspended pursuant to section
21 1547(b.1) (relating to chemical testing to determine amount of
22 alcohol or controlled substance) or 3808(c) (relating to
23 illegally operating a motor vehicle not equipped with ignition
24 interlock) and the person seeks a restoration of operating
25 privileges, the department shall require as a condition of
26 issuing [a restricted] an ignition interlock limited license
27 pursuant to this section that the following occur:

28 (1) Each motor vehicle owned or to be operated by the
29 person [or registered to the person] has been equipped with
30 an ignition interlock system and remains so for the duration

1 of the restricted license period.

2 (2) If there are no motor vehicles owned or to be
3 operated by the person or registered to the person that the
4 person so certify to the department. [A person so certifying
5 shall be deemed to have satisfied the requirement that all
6 motor vehicles owned by the person or registered to the
7 person be equipped with an ignition interlock system as
8 required by this subsection.]

9 (a.1) No license issued.--If the department receives the
10 certification under subsection (a) (2) from a person, no license
11 under this subsection shall be issued to the person.

12 (b) Application for [a restricted] an ignition interlock
13 limited license.--A person subject to this section shall apply
14 to the department for an ignition interlock [restricted] limited
15 license under section [1951 (relating to driver's license and
16 learner's permit)] 1556 (relating to ignition interlock limited
17 license), which shall be clearly marked to restrict the person
18 to only driving, operating or being in actual physical control
19 of the movement of motor vehicles equipped with an ignition
20 interlock system. The department shall:

21 (1) Upon issuance of an ignition interlock [restricted]
22 limited license to any person, [the department shall] notify
23 the person that until the person obtains an unrestricted
24 license the person may not [own, register,] drive, operate or
25 be in actual physical control of the movement of any motor
26 vehicle which is not equipped with an ignition interlock
27 system.

28 (2) Require that a person subject to the provisions of
29 subsection (h.2) maintain an ignition interlock restricted
30 license for the following periods:

1 (i) Six months, if the person was sentenced under
2 section 3804(a)(1) and (b)(1) (relating to penalties).

3 (ii) Twelve months, if the person was sentenced
4 under section 3804(a)(2) or (b)(2).

5 (iii) Eighteen months, if the person was sentenced
6 under section 3804(c)(1).

7 (iv) Thirty-six months, if the person was sentenced
8 under section 3804(c)(3).

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

14 (1) The department shall not issue an unrestricted
15 license until a person has presented all of the following:

16 (i) Proof that the person has completed the ignition
17 interlock restricted license period under this section.

18 (ii) Certification by the company that provided the
19 ignition interlock device that the person has complied
20 with subsection (h.2).

21 (2) Upon completion of the ignition interlock
22 requirements under this section, a person who is otherwise
23 eligible may be issued a replacement license under section
24 1951(d) (relating to driver's license and learner's permit)
25 that does not contain the ignition interlock system
26 restriction.

27 * * *

28 (h.2) Declaration of compliance.--Restrictions imposed under
29 section 1556 (relating to ignition interlock limited license) or
30 3807 (relating to Accelerated Rehabilitative Disposition) shall

1 remain in effect until the department receives a declaration
2 from the person's ignition interlock device vendor, in a form
3 provided or approved by the department, certifying that the
4 following incidents have not occurred in the two consecutive
5 months prior to the date entered on the certificate:

6 (1) An attempt to start the vehicle with a breath
7 alcohol concentration of 0.08 or more, not followed within
8 five minutes by a subsequent attempt with a breath alcohol
9 concentration lower than 0.08.

10 (2) Failure to take or pass any required retest.

11 (3) Failure of the person to appear at the ignition
12 interlock system vendor when required for maintenance,
13 repair, calibration, monitoring, inspection or replacement of
14 the device such that the ignition interlock system no longer
15 functions as required under subsection (h).

16 * * *

17 Section 7. Sections 3807(d)(1), (2) and (3) and 3808(c)(1)
18 of Title 75 are amended to read:

19 § 3807. Accelerated Rehabilitative Disposition.

20 * * *

21 (d) Mandatory suspension of operating privileges and
22 ignition interlock requirement.--As a condition of participation
23 in an Accelerated Rehabilitative Disposition program, the court
24 shall order the defendant's license suspended [as follows] and
25 the defendant shall participate in and comply with the ignition
26 interlock program under section 3805 (relating to ignition
27 interlock) for the following applicable period of time:

28 (1) [There shall be no license suspension if the
29 defendant's blood alcohol concentration at the time of
30 testing was less than 0.10%.

1 (2) For 30 days] Six months, if the defendant's blood
2 alcohol concentration at the time of testing was at least
3 [0.10%] 0.08% but less than 0.16%.

4 [(3) For 60 days] (2) For a minimum period of one year,
5 if:

6 (i) the defendant's blood alcohol concentration at
7 the time of testing was 0.16% or higher;

8 (ii) the defendant's blood alcohol concentration is
9 not known;

10 (iii) an accident which resulted in bodily injury or
11 in damage to a vehicle or other property occurred in
12 connection with the events surrounding the current
13 offense; or

14 (iv) the defendant was charged pursuant to section
15 3802(d).

16 * * *

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

19 * * *

20 (c) Suspension of operating privilege.--Notwithstanding
21 section 3805(c) and (i):

22 (1) If a person who is required to only drive, operate
23 or be in actual physical control of the movement of a motor
24 vehicle equipped with an ignition interlock system violates
25 this section, upon receipt of a certified record of the
26 conviction, the department shall not issue a replacement
27 license to the person under section 1951(d) (relating to
28 driver's license and learner's permit) that does not contain
29 an ignition interlock restriction for a period of one year
30 from the date of conviction until the person has complied

1 with the requirements of section 3805 (relating to ignition
2 interlock).

3 * * *

4 Section 8. This act shall take effect in 90 days.