
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 278 Session of
2015

INTRODUCED BY GREINER, HEFFLEY, SAYLOR, A. HARRIS, HICKERNELL,
KAUFFMAN, COX, D. COSTA, WATSON, FEE, COHEN, ZIMMERMAN AND
MENTZER, FEBRUARY 2, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 2, 2015

AN ACT

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

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

11 Section 1. Section 102 of Title 75 of the Pennsylvania
12 Consolidated Statutes is amended by adding a definition to read:
13 § 102. Definitions.

14 Subject to additional definitions contained in subsequent
15 provisions of this title which are applicable to specific
16 provisions of this title, the following words and phrases when
17 used in this title shall have, unless the context clearly
18 indicates otherwise, the meanings given to them in this section:

19 * * *

20 "Ignition interlock limited license." A driver's license

1 issued to an individual whose operating privilege is suspended
2 or revoked for one or more violations of section 3802 (relating
3 to driving under influence of alcohol or controlled substance)
4 or 1547 (relating to chemical testing to determine amount of
5 alcohol or controlled substance) requiring the individual to
6 operate only motor vehicles equipped with a functioning ignition
7 interlock system.

8 * * *

9 Section 1.1. Section 1553(a)(1), (d)(6), (7) and (8), (d.1)
10 and (d.2) of Title 75 are amended to read:

11 § 1553. Occupational limited license.

12 (a) Issuance.--

13 (1) The department shall issue an occupational limited
14 license under the provisions of this section to a driver
15 whose operating privileges have been suspended for a
16 violation of this title, except for an offense under section
17 3802 (relating to driving under influence of alcohol or
18 controlled substance) or under former section 3731 (relating
19 to driving under influence of alcohol or controlled
20 substance) or for a refusal to submit to chemical testing
21 under section 1547 (relating to chemical testing to determine
22 amount of alcohol or controlled substance), and is not
23 prohibited under any other provision in this section. If the
24 underlying reason for the suspension was caused by violations
25 committed while the driver was operating a commercial motor
26 vehicle, the driver shall not be issued an occupational
27 limited license for the purpose of operating a commercial
28 motor vehicle. The department shall prohibit the issuance of
29 an occupational limited license when disqualified from doing
30 so under the Commercial Motor Vehicle Safety Act of 1986

1 (Title XII of Public Law 99-570, 49 U.S.C. App. § 2701 et
2 seq.) or the Motor Carrier Safety Improvement Act of 1999
3 (Public Law 106-159, 113 Stat. 1748).

4 * * *

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

7 * * *

8 [(6) Any person who has been adjudicated delinquent,
9 granted a consent decree or granted Accelerated
10 Rehabilitative Disposition for driving under the influence of
11 alcohol or controlled substance unless the suspension or
12 revocation imposed for that conviction has been fully served.

13 (7) Any person whose operating privilege has been
14 suspended for refusal to submit to chemical testing to
15 determine the amount of alcohol or controlled substance
16 unless that suspension has been fully served.

17 (8) Except as set forth in subsections (d.1) and (d.2),
18 any person who has been convicted of driving under the
19 influence of alcohol or controlled substance and whose
20 license has been suspended by the department unless the
21 suspension imposed has been fully served.]

22 * * *

23 [(d.1) Adjudication eligibility.--An individual who has been
24 convicted of an offense under section 3802 (relating to driving
25 under influence of alcohol or controlled substance) and does not
26 have a prior offense as defined in section 3806(a) (relating to
27 prior offenses) shall be eligible for an occupational limited
28 license only if the individual has served 60 days of the
29 suspension imposed for the offense.

30 (d.2) Suspension eligibility.--

1 (1) An individual whose license has been suspended for a
2 period of 18 months under section 1547(b)(1)(ii) (relating to
3 chemical testing to determine amount of alcohol or controlled
4 substance) or 3804(e)(2)(ii) (relating to penalties) shall
5 not be prohibited from obtaining an occupational limited
6 license under this section if the individual:

7 (i) is otherwise eligible for restoration;

8 (ii) has served 12 months of the suspension imposed
9 for the offense;

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

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

15 (v) has certified to the department under paragraph
16 (3).

17 (2) A period of ignition interlock accepted under this
18 subsection shall not count towards the one-year mandatory
19 period of ignition interlock imposed under section 3805
20 (relating to ignition interlock).

21 (3) If an individual seeks an occupational limited
22 license under this subsection, the department shall require
23 that each motor vehicle owned or registered to the person has
24 been equipped with an ignition interlock system as defined in
25 section 3801 as a condition of issuing an occupational
26 limited license with an ignition interlock restriction.]

27 * * *

28 Section 2. Title 75 is amended by adding a section to read:
29 § 1556. Ignition interlock limited license.

30 (a) Issuance.--

1 (1) The department shall issue an ignition interlock
2 limited license under this section to an individual whose
3 operating privileges have been suspended for:

4 (i) a violation under section 3802 (relating to
5 driving under influence of alcohol or controlled
6 substance) or under former section 3731 (relating to
7 driving under influence of alcohol or controlled
8 substance); or

9 (ii) a refusal to submit to chemical testing under
10 section 1547 (relating to chemical testing to determine
11 amount of alcohol or controlled substance).

12 (2) The department shall issue an ignition interlock
13 limited license under the provisions of this section only
14 upon receiving proof that each motor vehicle owned or to be
15 operated by the individual has been equipped with an approved
16 ignition interlock system as defined in section 3801
17 (relating to definitions) as a condition of issuing an
18 ignition interlock limited license.

19 (3) An ignition interlock limited license issued under
20 the provisions of this section permits an individual to
21 operate motor vehicles equipped with a functioning ignition
22 interlock system, as defined in section 3801.

23 (4) Any period in which an individual holds a valid
24 ignition interlock limited license under this section shall
25 count on a day-for-day basis toward any mandatory period of
26 ignition interlock use imposed under section 3805 (relating
27 to ignition interlock) arising from the same incident.

28 (b) Petition.--

29 (1) An applicant for an ignition interlock limited
30 license shall file a petition with the department, by

1 certified mail, on a form prescribed by the department, and
2 shall include proof that an approved ignition interlock
3 system, as defined in section 3801, has been installed in one
4 or more motor vehicles that the applicant seeks permission to
5 operate.

6 (2) The petition shall also include proof of financial
7 responsibility covering each vehicle the applicant requests
8 to be permitted to operate. The department shall promulgate
9 regulations to require additional information as well as
10 additional evidence to verify the information contained in
11 the petition.

12 (3) The applicant shall surrender the applicant's
13 driver's license in accordance with section 1540 (relating to
14 surrender of license). If the applicant's driver's license
15 has been lost or stolen, the applicant shall submit an
16 application for a replacement license, along with the proper
17 fee. If the applicant is a nonresident licensed driver, the
18 applicant shall submit an acknowledgment of suspension in
19 lieu of a driver's license. If the applicant's license has
20 expired, the applicant shall submit an application for
21 renewal, along with the appropriate fee. All fines, costs and
22 restoration fees must be paid at the time of petition.

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

27 (c) Fee.--The application fee for an ignition interlock
28 limited license shall be \$50. This fee shall be nonrefundable.

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

1 (1) An individual who is not licensed to drive by the
2 Commonwealth or any other state.

3 (2) An individual who is required by this title to take
4 an examination and who has failed to take and pass the
5 examination.

6 (3) An individual whose operating privilege has been
7 recalled or canceled.

8 (4) An individual who has an unsatisfied judgment
9 against the individual as the result of a motor vehicle
10 operation, until the judgment has been satisfied under the
11 provisions of section 1774 (relating to payments sufficient
12 to satisfy judgments) or an installment agreement has been
13 entered into to satisfy the judgment, as permitted under
14 section 1772(b) (relating to suspension for nonpayment of
15 judgments) or 1775 (relating to installment payment of
16 judgments), and the financial responsibility of the person
17 has been established.

18 (5) An individual applying for an ignition interlock
19 limited license to operate a commercial motor vehicle.

20 (6) An individual if the department is disqualified from
21 issuing the ignition interlock limited license under the
22 Commercial Motor Vehicle Safety Act of 1986 (Title XII of
23 Public Law 99-570, 49 U.S.C. § 37302 et seq.) or the Motor
24 Carrier Safety Improvement Act of 1999 (Public Law 106-159,
25 113 Stat. 1748).

26 (7) An individual whose operating privilege has been
27 suspended under section 1532(a.1) (relating to suspension of
28 operating privilege) for conviction or adjudication of
29 delinquency based on a violation of section 3732 (relating to
30 homicide by vehicle) or 3735 (relating to homicide by vehicle

1 while driving under influence).

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

6 (f) Suspension eligibility.--The following shall apply:

7 (1) An individual whose license has been suspended under
8 section 1547(b) shall be eligible to apply for and, if
9 otherwise qualified, be issued an ignition interlock limited
10 license under this section if the individual:

11 (i) has served six months of the suspension imposed
12 under section 1547(b) (1) (i); or

13 (ii) has served nine months of the suspension
14 imposed under section 1547(b) (1) (ii).

15 (2) An individual whose license has been suspended under
16 section 3804(e) (relating to penalties) shall be eligible to
17 apply for and, if otherwise qualified, be issued an ignition
18 interlock limited license under this section if the
19 individual:

20 (i) has served three months of the suspension
21 imposed under section 3804(e) (2) (i), where the individual
22 has not had a prior offense, as defined under section
23 3806(a) (relating to prior offenses), within the past 10
24 years;

25 (ii) has served six months of the suspension imposed
26 under section 3804(e) (2) (i); or

27 (iii) has served nine months of the suspension
28 imposed under section 3804(e) (2) (ii).

29 (g) Credit against mandatory ignition interlock
30 requirement.--Any period during which an individual holds a

1 valid ignition interlock limited license under subsection (e) or
2 (f) shall count on a day-for-day basis toward the mandatory
3 period of ignition interlock usage imposed under section 3805
4 arising from the same incident.

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

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

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

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

27 (j) Restrictions.--

28 (1) Pursuant to subsection (a) (2), an individual who has
29 been issued an ignition interlock limited license shall
30 operate only motor vehicles equipped with a functioning

1 ignition interlock system, as defined in section 3801.

2 (2) An individual who violates the conditions of
3 issuance or restrictions of the ignition interlock limited
4 license commits a summary offense and shall, upon conviction,
5 be sentenced to pay a fine of \$200. Upon receipt of a
6 certified record of conviction, the department shall recall
7 the limited license.

8 (3) The operating privileges of an individual who has
9 been issued an ignition interlock limited license remain
10 under suspension or revocation, except when operating a motor
11 vehicle in accordance with the conditions of issuance and
12 restrictions of the ignition interlock limited license.

13 (k) Appeal from denial or recall of ignition interlock
14 limited license.--

15 (1) An individual who is denied an ignition interlock
16 limited license or whose ignition interlock limited license
17 is extended or recalled under subsection (i) may file with
18 the department a petition for a hearing. The hearing shall be
19 conducted in accordance with 2 Pa.C.S. (relating to
20 administrative law and procedure).

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

23 (3) The appeal shall not operate as an automatic
24 supersedeas. If an administrative hearing officer orders a
25 supersedeas in any appeal, the individual shall earn no
26 credit toward serving the suspension for which the individual
27 was granted an ignition interlock limited license.

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

1 agencies).

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

6 Section 3. Section 3805(a), (b) and (c) of Title 75 are
7 amended and the section is amended by adding a subsection to
8 read:

9 § 3805. Ignition interlock.

10 (a) General rule.--If a person violates section 3802
11 (relating to driving under influence of alcohol or controlled
12 substance) [and, within the past ten years, has a prior offense
13 as defined in section 3806(a) (relating to prior offenses)],
14 except for a violation of section 3802(a) where the individual
15 has not had a prior offense, as defined under section 3806(a)
16 (relating to prior offenses), within the past 10 years, or has
17 had their operating privileges suspended pursuant to section
18 [1547(b.1)] 1547 (relating to chemical testing to determine
19 amount of alcohol or controlled substance) or 3808(c) (relating
20 to illegally operating a motor vehicle not equipped with
21 ignition interlock) and the person seeks a restoration of
22 operating privileges, the department shall require as a
23 condition of issuing a restricted license pursuant to this
24 section that the following occur:

25 (1) Each motor vehicle owned or to be operated by the
26 person [or registered to the person] has been equipped with
27 an ignition interlock system and remains so for the duration
28 of the restricted license period.

29 (2) If there are no motor vehicles owned or to be
30 operated by the person or registered to the person that the

1 person so certify to the department. [A person so certifying
2 shall be deemed to have satisfied the requirement that all
3 motor vehicles owned by the person or registered to the
4 person be equipped with an ignition interlock system as
5 required by this subsection.]

6 (b) Application for a restricted license.--A person subject
7 to this section shall apply to the department for an ignition
8 interlock restricted license under section 1951 (relating to
9 driver's license and learner's permit), which shall be clearly
10 marked to restrict the person to only driving, operating or
11 being in actual physical control of the movement of motor
12 vehicles equipped with an ignition interlock system. Upon
13 issuance of an ignition interlock restricted license to any
14 person, the department shall notify the person that until the
15 person obtains an unrestricted license the person may not [own,
16 register,] drive, operate or be in actual physical control of
17 the movement of any motor vehicle which is not equipped with an
18 ignition interlock system.

19 (c) Issuance of unrestricted license.--One year from the
20 date of issuance of an ignition interlock restricted license
21 under this section, if otherwise eligible, a person may be
22 issued a replacement license under section 1951(d) that does not
23 contain the ignition interlock system restriction. The
24 department shall not issue an unrestricted license until a
25 person has presented all of the following:

26 (1) Proof that the person has completed the ignition
27 interlock restricted license period under this section.

28 (2) Certification by the company that provided the
29 ignition interlock device that the person has complied with
30 subsection (h.2).

1 * * *

2 (h.2) Declaration of compliance.--Restrictions imposed under
3 section 1556 shall remain in effect until the department
4 receives a declaration from the person's ignition interlock
5 device vendor, in a form provided or approved by the department,
6 certifying that the following incidents have not occurred in the
7 two consecutive months prior to the date entered on the
8 certificate:

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

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

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

19 * * *

20 Section 4. Section 3808(c)(1) of Title 75 is amended to
21 read:

22 § 3808. Illegally operating a motor vehicle not equipped with
23 ignition interlock.

24 * * *

25 (c) Suspension of operating privilege.--Notwithstanding
26 section 3805(c) and (i):

27 (1) If a person who is required to only drive, operate
28 or be in actual physical control of the movement of a motor
29 vehicle equipped with an ignition interlock system violates
30 this section, upon receipt of a certified record of the

1 conviction, the department shall not issue a replacement
2 license to the person under section 1951(d) (relating to
3 driver's license and learner's permit) that does not contain
4 an ignition interlock restriction for a period of one year
5 from the date of conviction until the person has complied
6 with the requirements of section 3805 (relating to ignition
7 interlock).

8 * * *

9 Section 5. This act shall take effect in 15 months.