

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2362 Session of
2015

INTRODUCED BY WHEATLEY, CALTAGIRONE, KINSEY, BULLOCK, J. HARRIS,
W. KELLER, ROZZI, GERGELY AND YOUNGBLOOD, SEPTEMBER 22, 2016

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 22, 2016

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, establishing an amnesty program for traffic
3 violations.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Chapter 15 of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER E

9 AMNESTY PROGRAM FOR TRAFFIC VIOLATIONS

10 Sec.

11 1591. Definitions.

12 1592. Amnesty program.

13 1593. Program requirements.

14 1594. Duties of department.

15 1595. Regulations.

16 1596. Report.

17 1597. Use of revenue.

18 1598. Proceedings relating to amnesty violations barred.

1 § 1591. Definitions.

2 The following words and phrases when used in this subchapter
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Amnesty period." The time period that begins on the
6 effective date of this section and ends 12 months after the
7 effective date of this section.

8 "Amnesty program." The amnesty program established in
9 section 1592 (relating to amnesty program).

10 "Court." The court in which the original fine was imposed on
11 the individual who committed a violation of this title.

12 "Ineligible violation." Any of the following:

13 (1) A violation of any of the following:

14 (i) Chapter 38 (relating to driving after imbibing
15 alcohol or utilizing drugs) or former section 3731
16 (relating to driving under influence of alcohol or
17 controlled substance) if the violation was a second or
18 subsequent offense under Chapter 38 or former section
19 3731.

20 (ii) Section 3732 (relating to homicide by vehicle).

21 (iii) Section 3735 (relating to homicide by vehicle
22 while driving under influence).

23 (iv) Section 3735.1 (relating to aggravated assault
24 by vehicle while driving under the influence).

25 (v) Section 3742 (relating to accidents involving
26 death or personal injury).

27 (vi) Section 3742.1 (relating to accidents involving
28 death or personal injury while not properly licensed).

29 (2) A suspension imposed as a result of a violation of
30 this title that resulted in serious bodily harm or death to

1 another individual.

2 (3) A violation of this title for which the department
3 has imposed a disqualification under section 1611 (relating
4 to disqualification).

5 § 1592. Amnesty program.

6 (a) Establishment.--There is established an amnesty program
7 which shall be administered by the court in cooperation with the
8 department.

9 (b) Purposes.--The amnesty program shall:

10 (1) Provide individuals who have had their operating
11 privileges suspended based on certain violations of this
12 title with the opportunity to have their operating privileges
13 reinstated upon payment of any delinquent fines, fees and
14 penalties as provided in this subchapter.

15 (2) Require the department to reinstate the operating
16 privilege of an individual upon payment of any delinquent
17 fines, fees and penalties as provided in this subchapter.

18 (c) Amnesty period.--The amnesty period established for the
19 amnesty program shall be available to an individual who meets
20 all the following criteria:

21 (1) The individual was convicted of a violation of this
22 title, other than an ineligible violation, by the court prior
23 to the effective date of this subsection.

24 (2) The individual is delinquent in fines imposed by the
25 court based on the conviction.

26 (3) The operating privilege of the individual is
27 currently suspended by the department due to a violation of
28 this title for which the individual was convicted by the
29 court.

30 (d) Prohibitions.--The following shall apply:

1 (1) The court shall be prohibited from granting amnesty
2 for an ineligible violation.

3 (2) An individual shall be prohibited from filing an
4 amnesty request for convictions for violations committed
5 after the effective date of this subsection.

6 (3) Any payment regarding a fine, fee or penalty that
7 was made prior to the effective date of this subsection shall
8 be ineligible for a refund under this subchapter.

9 § 1593. Program requirements.

10 (a) Form.--An individual who seeks to participate in the
11 amnesty program shall file with the court an amnesty request in
12 the form and manner and containing information as the court
13 shall require.

14 (b) Duties.--If amnesty is granted to an individual, the
15 court shall require the individual to undergo an examination as
16 provided under section 1508 (relating to examination of
17 applicant for driver's license). The department may not
18 reinstate the operating privilege of an individual until the
19 individual passes the examination.

20 (c) Satisfaction of payments owed.--

21 (1) The amnesty program shall accept, in full
22 satisfaction of the fines, fees and penalties owed by an
23 individual who committed a violation of this title, either of
24 the following:

25 (i) Fifty percent of those amounts owed if
26 subparagraph (ii) does not apply.

27 (ii) Twenty-five percent of those amounts owed if
28 the individual verifies under oath or equivalent
29 affirmation, subject to paragraph (2), that the
30 individual receives any of the following:

1 (A) Assistance provided under the medical
2 assistance program, the Children's Health Insurance
3 Program, the Homeless Assistance Program or the Low-
4 Income Home Energy Assistance Program.

5 (B) Supplemental Security income or Social
6 Security disability income.

7 (C) Assistance under Temporary Assistance to
8 Needy Families.

9 (D) Assistance under the Supplemental Nutrition
10 Assistance Program.

11 (E) Cash assistance or another benefit under a
12 program that is wholly or partially funded with funds
13 of the Commonwealth.

14 (2) The provisions of 18 Pa.C.S. § 4902 (relating to
15 perjury), 4903 (relating to false swearing) or 4904 (relating
16 to unsworn falsification to authorities) shall apply to the
17 individual providing the information or making the statement
18 under paragraph (1)(ii).

19 (d) Fee.--

20 (1) Notwithstanding section 1960 (relating to
21 reinstatement of operating privilege or vehicle
22 registration), an individual granted amnesty under the
23 amnesty program and whose operating privilege is reinstated
24 shall pay the amount required to restore the operating
25 privilege of the individual.

26 (2) The court may collect a fee that does not exceed 5%
27 of the amount accepted under subsection (c)(1) from an
28 individual who has been granted amnesty under the amnesty
29 program. This fee shall be collected along with the fines,
30 fees and penalties collected under subsection (c)(1).

1 (e) Proof of financial responsibility.--Notwithstanding
2 section 1783 (relating to proof of financial responsibility
3 before restoring operating privilege or registration), the
4 department shall require each individual participating in the
5 amnesty program to provide the department with proof of
6 financial responsibility within 30 days of the reinstatement of
7 the operating privilege of the individual. Failure to provide
8 this timely proof shall result in a resuspension of the
9 operating privilege of the individual.

10 (f) Eligibility.--An individual shall not be eligible to
11 participate in the amnesty program under this subchapter on more
12 than one occasion, nor shall an individual who participated in
13 the amnesty program be eligible to participate in a comparable
14 amnesty program that is subsequently established.

15 (g) Participation.--The amnesty program shall give first
16 priority for participation in the amnesty program to an
17 individual who, on the effective date of this section, is
18 enrolled in a payment plan for a violation of this title that is
19 not an ineligible violation under this subchapter.

20 (h) Payments.--

21 (1) A payment under the amnesty program may be made by
22 credit card, debit card, electronic funds transfer, certified
23 check or money order.

24 (2) Payment under the amnesty program may be made:

25 (i) by one payment to satisfy the total amounts
26 owed; or

27 (ii) by installment payments under a payment plan
28 developed by the court for the individual.

29 (3) If an individual has entered into a payment plan
30 under paragraph (2)(ii), the department shall reinstate the

1 operating privilege of the individual upon the first payment
2 made under the payment plan.

3 (4) If an individual is delinquent in paying a scheduled
4 amount owed under the payment plan established through the
5 amnesty program, notice shall be sent to the individual
6 advising the individual that if the individual does not
7 resume timely payments within 30 days of the notice, the
8 operating privilege of the individual shall be suspended.

9 § 1594. Duties of department.

10 (a) Posting information.--The department shall post on its
11 publicly accessible Internet website information regarding the
12 amnesty program and the requirements to participate in the
13 program.

14 (b) List.--No later than 90 days after the effective date of
15 this section, each court shall provide the department with a
16 list of all individuals who are delinquent in paying fines
17 imposed by the court for violations of this title. The
18 department shall identify all individuals on the list who have
19 had their operating privileges suspended by the department and
20 shall notify those individuals in writing of the existence of
21 the amnesty program. Written notice shall be sent to the last
22 known address of the individual. The sole purpose of the letter
23 sent by the department shall be notification of the existence of
24 the program.

25 (c) Removal.--Upon notice by the court that the court has
26 granted an individual amnesty under this subchapter, the
27 department shall immediately remove from the individual's
28 driving record all points imposed under section 1535 (relating
29 to schedule of convictions and points) based on the conviction
30 for which amnesty was granted. If the removal of points reduces

1 the number of points on the individual's driving record to a
2 number below the amount for which suspension is required under
3 section 1539 (relating to suspension of operating privilege on
4 accumulation of points), the department shall immediately
5 reinstate the operating privilege upon the individual's
6 compliance with section 1593 (relating to program requirements).

7 (d) Reinstatement.--The department shall not be required to
8 reinstate the operating privilege of an individual granted
9 amnesty under this subchapter if the department is authorized
10 under this title to suspend the operating privilege of the
11 individual for other violations of this title which occurred
12 outside the jurisdiction of the court or for which amnesty was
13 not granted.

14 (e) Compliance.--The department shall not be required to
15 reinstate the operating privilege of an individual granted
16 amnesty under this subchapter until the individual has complied
17 with section 1593.

18 (f) Procedure.--The department shall establish a procedure
19 to reinstate the operating privilege of an individual
20 immediately upon a grant of amnesty by the court and the
21 individual's compliance with this subchapter.

22 § 1595. Regulations.

23 (a) Promulgation.--The department, in consultation with the
24 court, shall promulgate regulations to implement the provisions
25 of this subchapter.

26 (b) Posting.--The promulgated regulations shall be posted on
27 the department's publicly accessible Internet website within 90
28 days of the effective date of this section.

29 (c) Contents.--The promulgated regulations shall contain the
30 following information:

1 (1) An explanation of the amnesty program and the
2 requirements for eligibility for the program.

3 (2) A list of offenses for which amnesty may be granted
4 by the court.

5 (3) The dates during which an amnesty application may be
6 filed and the manner for filing the application.

7 (4) A specimen copy of the amnesty application.

8 § 1596. Report.

9 The court and the department shall issue a joint report to
10 the General Assembly within six months after the end of the
11 amnesty period detailing the implementation of the program. The
12 report shall contain the following information:

13 (1) The number of amnesty requests filed with the court
14 and the number granted.

15 (2) A numeric summary of the violations for which
16 amnesty was granted.

17 (3) The total dollar amount of revenue collected through
18 the program and remitted to the Commonwealth.

19 (4) A detailed breakdown of the administrative costs to
20 the department and court in implementing the program.

21 § 1597. Use of revenue.

22 All revenue received by the court pursuant to the amnesty
23 program shall be distributed in accordance with law.

24 § 1598. Proceedings relating to amnesty violations barred.

25 Participation in the program is conditioned upon the
26 individual's agreement that the right to protest or pursue an
27 administrative or judicial proceeding against the department
28 with regard to violations listed on the amnesty request is
29 barred.

30 Section 2. This act shall take effect as follows:

1 (1) The following shall take effect immediately:
2 (i) This section.
3 (ii) The addition of the definition of "ineligible
4 violation" in 75 Pa.C.S. § 1591.
5 (iii) The addition of 75 Pa.C.S. §§ 1592(c), 1594
6 and 1595.
7 (2) The remainder of this act shall take effect in 90
8 days.