
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 290 Session of
2015

INTRODUCED BY RAFFERTY, SMUCKER, SCARNATI, GREENLEAF,
VULAKOVICH, AUMENT, VANCE, STACK, TEPLITZ, SCHWANK, BLAKE,
DINNIMAN, PILEGGI AND ARGALL, JANUARY 16, 2015

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, MARCH 21, 2016

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 chemical testing to determine amount of alcohol or controlled
5 substance and for occupational limited license and providing
6 for ignition interlock limited license; and, in driving after
7 imbibing alcohol or utilizing drugs, further providing for
8 ignition interlock, for prior offenses and for the offense of
9 illegally operating a motor vehicle not equipped with
10 ignition interlock.

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

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

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

1 * * *

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

10 * * *

11 Section 2. Sections 1547(a), (c) introductory paragraph, (2)
12 and (3), (g.1), (h), (i) and (j) and 1553(a)(1), (d)(6), (7) and
13 (8), (d.1) and (d.2) of Title 75 are amended to read:

14 § 1547. Chemical testing to determine amount of alcohol or
15 controlled substance.

16 (a) General rule.--Any person who drives, operates or is in
17 actual physical control of the movement of a vehicle in this
18 Commonwealth shall be deemed to have given consent to one or
19 more chemical tests of breath[, blood or urine] or blood for the
20 purpose of determining the alcoholic content of blood or the
21 presence of a controlled substance if a police officer has
22 reasonable grounds to believe the person to have been driving,
23 operating or in actual physical control of the movement of a
24 vehicle:

25 (1) in violation of section 1543(b)(1.1) (relating to
26 driving while operating privilege is suspended or revoked),
27 3802 (relating to driving under influence of alcohol or
28 controlled substance) or 3808(a)(2) (relating to illegally
29 operating a motor vehicle not equipped with ignition
30 interlock); or

1 (2) which was involved in an accident in which the
2 operator or passenger of any vehicle involved or a pedestrian
3 required treatment at a medical facility or was killed.

4 * * *

5 (c) Test results admissible in evidence.--In any summary
6 proceeding or criminal proceeding in which the defendant is
7 charged with a violation of section 3802 or any other violation
8 of this title arising out of the same action, the amount of
9 alcohol or controlled substance in the defendant's blood, as
10 shown by chemical testing of the person's breath[, blood or
11 urine] or blood, which tests were conducted by qualified persons
12 using approved equipment, shall be admissible in evidence.

13 * * *

14 (2) (i) Chemical tests of blood [or urine], if
15 conducted by a facility located in this Commonwealth,
16 shall be performed by a clinical laboratory licensed and
17 approved by the Department of Health for this purpose
18 using procedures and equipment prescribed by the
19 Department of Health or by a Pennsylvania State Police
20 criminal laboratory. For purposes of blood [and urine]
21 testing, qualified person means an individual who is
22 authorized to perform those chemical tests under the act
23 of September 26, 1951 (P.L.1539, No.389), known as The
24 Clinical Laboratory Act.

25 (ii) For purposes of blood [and urine] testing to
26 determine blood alcohol or controlled substance content
27 levels, the procedures and equipment prescribed by the
28 Department of Health shall be reviewed within 120 days of
29 the effective date of this subparagraph and at least
30 every two years thereafter to ensure that consideration

1 is given to scientific and technological advances so that
2 testing conducted in accordance with the prescribed
3 procedures utilizing the prescribed equipment will be as
4 accurate and reliable as science and technology permit.

5 (3) Chemical tests of blood [or urine], if conducted by
6 a facility located outside this Commonwealth, shall be
7 performed:

8 (i) by a facility licensed and approved by the
9 Department of Health for this purpose; or

10 (ii) by a facility licensed to conduct the tests by
11 the state in which the facility is located and licensed
12 pursuant to the Clinical Laboratory Improvement
13 Amendments of 1988 (Public Law 100-578, 102 Stat. 2903).

14 * * *

15 (g.1) Cost of testing.--The cost of chemical testing,
16 including the drawing of blood [and urine], performed under this
17 section shall be paid as follows:

18 (1) By the individual tested, if the individual was
19 convicted of or placed into any preadjudication program or
20 adjudicated delinquent for a violation of section 3802.

21 (2) By the requesting authority, if the individual was
22 found not guilty under section 3802 or had the charges
23 dismissed or withdrawn.

24 (h) Test by personal physician.--The person tested shall be
25 permitted to have a physician of his own choosing administer an
26 additional breath[, blood or urine] or blood chemical test and
27 the results of the test shall also be admissible in evidence.
28 The chemical testing given at the direction of the police
29 officer shall not be delayed by a person's attempt to obtain an
30 additional test.

1 (i) Request by driver for test.--Any person involved in an
2 accident or placed under arrest for a violation of section
3 1543(b)(1.1), 3802 or 3808(a)(2) may request a chemical test of
4 his breath[, blood or urine] or blood. Such requests shall be
5 honored when it is reasonably practicable to do so.

6 (j) Immunity from civil liability and reports.--No
7 physician, nurse or technician or hospital employing such
8 physician, nurse or technician, and no other employer of such
9 physician, nurse or technician shall be civilly liable for
10 withdrawing blood [or obtaining a urine sample] and reporting
11 test results to the police at the request of a police officer
12 pursuant to this section. No physician, nurse or technician or
13 hospital employing such physician, nurse or technician may
14 administratively refuse to perform such tests and provide the
15 results to the police officer except as may be reasonably
16 expected from unusual circumstances that pertain at the time the
17 request is made.

18 * * *

19 § 1553. Occupational limited license.

20 (a) Issuance.--

21 (1) The department shall issue an occupational limited
22 license under the provisions of this section to a driver
23 whose operating privileges have been suspended for a
24 violation of this title, except for an offense under section
25 3802 (relating to driving under influence of alcohol or
26 controlled substance) or under former section 3731 (relating
27 to driving under influence of alcohol or controlled
28 substance) or for a refusal to submit to chemical testing
29 under section 1547 (relating to chemical testing to determine
30 amount of alcohol or controlled substance), and is not

1 prohibited under any other provision in this section. If the
2 underlying reason for the suspension was caused by violations
3 committed while the driver was operating a commercial motor
4 vehicle, the driver shall not be issued an occupational
5 limited license for the purpose of operating a commercial
6 motor vehicle. The department shall prohibit the issuance of
7 an occupational limited license when disqualified from doing
8 so under the Commercial Motor Vehicle Safety Act of 1986
9 (Title XII of Public Law 99-570, 49 U.S.C. App. § 2701 et
10 seq.) or the Motor Carrier Safety Improvement Act of 1999
11 (Public Law 106-159, 113 Stat. 1748).

12 * * *

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

15 * * *

16 [(6) Any person who has been adjudicated delinquent,
17 granted a consent decree or granted Accelerated
18 Rehabilitative Disposition for driving under the influence of
19 alcohol or controlled substance unless the suspension or
20 revocation imposed for that conviction has been fully served.

21 (7) Any person whose operating privilege has been
22 suspended for refusal to submit to chemical testing to
23 determine the amount of alcohol or controlled substance
24 unless that suspension has been fully served.

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

30 * * *

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

8 (d.2) Suspension eligibility.--

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

15 (i) is otherwise eligible for restoration;

16 (ii) has served 12 months of the suspension imposed
17 for the offense;

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

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

23 (v) has certified to the department under paragraph
24 (3).

25 (2) A period of ignition interlock accepted under this
26 subsection shall not count towards the one-year mandatory
27 period of ignition interlock imposed under section 3805
28 (relating to ignition interlock).

29 (3) If an individual seeks an occupational limited
30 license under this subsection, the department shall require

1 that each motor vehicle owned or registered to the person has
2 been equipped with an ignition interlock system as defined in
3 section 3801 as a condition of issuing an occupational
4 limited license with an ignition interlock restriction.]

5 * * *

6 Section 3. Title 75 is amended by adding a section to read:

7 § 1556. Ignition interlock limited license.

8 (a) Issuance.--

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

12 (i) a violation under section 3802 (relating to
13 driving under influence of alcohol or controlled
14 substance) or under former section 3731 (relating to
15 driving under influence of alcohol or controlled
16 substance); or

17 (ii) a refusal to submit to chemical testing under
18 section 1547 (relating to chemical testing to determine
19 amount of alcohol or controlled substance).

20 (2) The department shall issue an ignition interlock
21 limited license under the provisions of this section only
22 upon receiving proof that one motor vehicle owned, leased or
23 principally operated by the person, whichever the person most
24 often operates, has been equipped with an approved ignition
25 interlock system as defined in section 3801 (relating to
26 definitions) as a condition of issuing an ignition interlock
27 limited license.

28 (3) An ignition interlock limited license issued under
29 the provisions of this section permits an individual to
30 operate motor vehicles equipped with a functioning ignition

1 interlock system, as defined in section 3801.

2 (4) Any period in which an individual holds a valid
3 ignition interlock limited license under this section shall
4 be counted toward satisfaction of any mandatory period of
5 ignition interlock use imposed under section 3805 (relating
6 to ignition interlock) arising from the same incident.

7 (b) Petition.--

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

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

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

1 restoration fees must be paid at the time of petition.

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

6 (c) Fee.--The application fee for an ignition interlock
7 limited license shall be \$65. This fee shall be nonrefundable.

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

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

12 (2) Any individual who is required by this title to take
13 an examination and who has failed to take and pass the
14 examination.

15 (3) Any individual whose operating privilege has been
16 recalled or canceled.

17 (4) Any individual who has an unsatisfied judgment
18 against the individual as the result of a motor vehicle
19 operation, until the judgment has been satisfied under the
20 provisions of section 1774 (relating to payments sufficient
21 to satisfy judgments) or an installment agreement has been
22 entered into to satisfy the judgment, as permitted under
23 section 1772(b) (relating to suspension for nonpayment of
24 judgments) or 1775 (relating to installment payment of
25 judgments), and the financial responsibility of the person
26 has been established.

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

29 (6) Any individual if the department is disqualified
30 from issuing the ignition interlock limited license under the

1 Commercial Motor Vehicle Safety Act of 1986 (Title XII of
2 Public Law 99-570, 49 U.S.C. § 31302 et seq.) or the Motor
3 Carrier Safety Improvement Act of 1999 (Public Law 106-159,
4 113 Stat. 1748).

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

11 (e) Adjudication eligibility.--An individual whose operating
12 privilege has been suspended for a conviction of an offense
13 under section 3802 shall be eligible to apply for and, if
14 otherwise qualified, be issued an ignition interlock limited
15 license upon receipt of notice of the suspension.

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

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

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

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

25 (2) An individual whose license has been suspended under
26 section 3804(e) (relating to penalties) shall be eligible to
27 apply for and, if otherwise qualified, be issued an ignition
28 interlock limited license under this section if the
29 individual:

30 (i) has not had a prior offense, as defined under

1 section ~~3806(a)~~ 3806 (relating to prior offenses), ~~within~~ <--
2 the past 10 years. The individual shall be immediately
3 eligible for a suspension imposed under section 3804(e)
4 (2)(i);

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

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

9 (g) Credit against mandatory ignition interlock
10 requirement.--Any period during which an individual holds a
11 valid ignition interlock limited license under subsection (e) or
12 (f) shall be counted toward satisfaction of mandatory period of
13 ignition interlock usage imposed under section 3805 arising from
14 the same incident.

15 (h) Certification to the department.--If an individual
16 applies for an ignition interlock limited license under this
17 section, the department shall require that one motor vehicle
18 owned, leased or principally operated by the person, whichever
19 the person most often operates, be equipped with a functioning
20 ignition interlock system, as defined in section 3801, as a
21 condition of issuing an ignition interlock limited license with
22 an ignition interlock restriction.

23 (i) Offenses committed during a period for which an ignition
24 interlock limited license has been issued.--If the department
25 receives a report of conviction of an offense for which the
26 penalty is a cancellation, disqualification, recall, suspension
27 or revocation of operating privileges or a report under section
28 3815(c)(4) (relating to mandatory sentencing) for any individual
29 who has been issued an ignition interlock limited license, the
30 department, at its sole discretion, shall either:

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

4 (2) recall the ignition interlock limited license, and
5 the individual shall surrender the limited license to the
6 department or its agents designated under the authority of
7 section 1540.

8 (j) Restrictions.--

9 (1) Pursuant to subsection (a)(2), an individual who has
10 been issued an ignition interlock limited license shall
11 operate only motor vehicles equipped with a functioning
12 ignition interlock system, as defined in section 3801.

13 (2) The operating privileges of an individual who has
14 been issued an ignition interlock limited license remain
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 (k) Appeal from denial or recall of ignition interlock
19 limited license.--

20 (1) Any individual who is denied an ignition interlock
21 limited license or whose ignition interlock limited license
22 is extended or recalled under subsection (i) may file with
23 the department a petition for a hearing. The hearing shall be
24 conducted in accordance with 2 Pa.C.S. (relating to
25 administrative law and procedure).

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

28 (3) The appeal shall not operate as an automatic
29 supersedeas. If an administrative hearing officer orders a
30 supersedeas in any appeal, the individual shall earn no

1 credit toward serving the suspension for which the individual
2 was granted an ignition interlock limited license.

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

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

11 Section 4. Section 3805(a), (b)~~and (c)~~, (C) AND (F)(2)(II) <--
12 of Title 75 are amended and the section is amended by adding a
13 subsection to read:

14 § 3805. Ignition interlock.

15 (a) General rule.--If a person violates section 3802
16 (relating to driving under influence of alcohol or controlled
17 substance) [and, within the past ten years, has a prior offense
18 as defined in section 3806(a) (relating to prior offenses)],
19 except if the individual is subject to the penalties under
20 section 3804(a) 3804(A)(1) (relating to penalties), has not had <--
21 a prior offense, as defined under section 3806(a) (relating to
22 prior offenses), within the past 10 years, or has had their
23 operating privileges suspended pursuant to section [1547(b.1)]
24 1547 (relating to chemical testing to determine amount of
25 alcohol or controlled substance) or 3808(c) (relating to
26 illegally operating a motor vehicle not equipped with ignition
27 interlock) and the person seeks a restoration of operating
28 privileges, the department shall require as a condition of
29 issuing a restricted license pursuant to this section that the
30 following occur:

1 (1) [Each motor vehicle owned by the person or
2 registered to the person] One motor vehicle owned, leased or
3 principally operated by the person, whichever the person most
4 often operates, has been equipped with an ignition interlock
5 system and remains so for the duration of the restricted
6 license period.

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

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

27 (c) Issuance of unrestricted license.--One year from the
28 date of issuance of an ignition interlock restricted license
29 under this section, if otherwise eligible, a person may be
30 issued a replacement license under section 1951(d) that does not

1 contain the ignition interlock system restriction. The
2 department shall not issue an unrestricted license until a
3 person has presented all of the following:

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

6 (2) Certification by the company that provided the
7 ignition interlock device that the person has complied with
8 subsection (h.2).

9 * * *

10 (F) EMPLOYMENT EXEMPTION.--IF A PERSON WITH A RESTRICTED <--
11 LICENSE IS REQUIRED IN THE COURSE AND SCOPE OF EMPLOYMENT TO
12 DRIVE, OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT
13 OF A MOTOR VEHICLE OWNED BY THE PERSON'S EMPLOYER, THE FOLLOWING
14 APPLY:

15 * * *

16 (2) PARAGRAPH (1) DOES NOT APPLY IN ANY OF THE FOLLOWING
17 CIRCUMSTANCES:

18 * * *

19 (II) IF THE EMPLOYER-OWNED MOTOR VEHICLE IS OWNED BY
20 AN ENTITY WHICH IS WHOLLY OR PARTIALLY OWNED OR
21 CONTROLLED BY THE PERSON SUBJECT TO THIS SECTION.

22 * * *

23 (h.2) Declaration of compliance.--Restrictions imposed under
24 section 1556 (relating to ignition interlock limited license)
25 shall remain in effect until the department receives a
26 declaration from the person's ignition interlock device vendor,
27 in a form provided or approved by the department, certifying
28 that the following incidents have not occurred in the two
29 consecutive months prior to the date entered on the certificate:

30 (1) An attempt to start the vehicle with a breath

1 alcohol concentration of 0.08% or more, not followed within
2 five minutes by a subsequent attempt with a breath alcohol
3 concentration lower than 0.08%.

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

5 (3) Failure of the person to appear at the ignition
6 interlock system vendor when required for maintenance,
7 repair, calibration, monitoring, inspection or replacement of
8 the device such that the ignition interlock system no longer
9 functions as required under subsection (h).

10 * * *

11 Section 5. Section 3806 of Title 75 is amended to read:

12 § 3806. Prior offenses.

13 (a) General rule.--Except as set forth in subsection (b),
14 the term "prior offense" as used in this chapter shall mean [a]
15 any conviction for which judgment of a sentence has been <--
16 imposed, adjudication of delinquency, juvenile consent decree,
17 acceptance of Accelerated Rehabilitative Disposition or other
18 form of preliminary disposition before the sentencing on the
19 present violation for any of the following:

20 (1) an offense under section 3802 (relating to driving
21 under influence of alcohol or controlled substance);

22 (2) an offense under former section 3731;

23 (3) an offense substantially similar to an offense under
24 paragraph (1) or (2) in another jurisdiction; or

25 (4) any combination of the offenses set forth in
26 paragraph (1), (2) or (3).

27 (b) [Repeat offenses within ten years] Timing.--[The
28 calculation of prior offenses for purposes of sections 1553(d.2)
29 (relating to occupational limited license), 3803 (relating to
30 grading) and 3804 (relating to penalties) shall include any

1 conviction, whether or not judgment of sentence has been imposed
2 for the violation, adjudication of delinquency, juvenile consent
3 decree, acceptance of Accelerated Rehabilitative Disposition or
4 other form of preliminary disposition within the ten years
5 before the sentencing on the present violation for any of the
6 following:

- 7 (1) an offense under section 3802;
- 8 (2) an offense under former section 3731;
- 9 (3) an offense substantially similar to an offense under
10 paragraph (1) or (2) in another jurisdiction; or
- 11 (4) any combination of the offenses set forth in
12 paragraph (1), (2) or (3).]

13 (1) For purposes of sections 1553(d.2) (relating to <--
14 occupational limited license) 1556 (RELATING TO IGNITION <--
15 INTERLOCK LIMITED LICENSE), 3803 (relating to grading) and, <--
16 3804 (relating to penalties) AND 3805 (RELATING TO IGNITION <--
17 INTERLOCK), the prior offense must have occurred:

- 18 (i) within 10 years prior to the date of the offense
19 for which the defendant is being sentenced; or
- 20 (ii) on or after the date of the offense for which
21 the defendant is being sentenced.

22 (2) The court shall calculate the number of prior
23 offenses, if any, at the time of sentencing.

24 (3) If the defendant is sentenced for two or more
25 offenses in the same day, the offenses shall be considered
26 prior offenses within the meaning of this subsection.

27 Section 6. Section 3808(a) and (c)(1) of Title 75 are
28 amended to read:

29 § 3808. Illegally operating a motor vehicle not equipped with
30 ignition interlock.

1 (a) Offense defined.--

2 (1) An individual required to only drive, operate or be
3 in actual physical control of the movement of a motor vehicle
4 equipped with an ignition interlock system under [section
5 1553(d.2) (relating to occupational limited license)] ~~section~~ <--
6 ~~1556 (relating to ignition interlock limited license)~~ or 3805
7 (relating to ignition interlock)] ANY OF THE FOLLOWING who <--
8 drives, operates or is in actual physical control of the
9 movement of a motor vehicle within this Commonwealth without
10 such a system commits a misdemeanor and shall, upon
11 conviction, be sentenced to pay a fine of not less than \$300
12 and not more than \$1,000 and to imprisonment for not more
13 than 90 days[.]: <--

14 (I) SECTION 1556 (RELATING TO IGNITION INTERLOCK
15 LIMITED LICENSE).

16 (II) SECTION 3805 (RELATING TO IGNITION INTERLOCK).

17 (III) A REQUIREMENT BY ANOTHER JURISDICTION TO
18 OPERATE ONLY A VEHICLE WITH AN IGNITION INTERLOCK SYSTEM.

19 (2) An individual required to only drive, operate or be
20 in actual physical control of the movement of a motor vehicle
21 equipped with an ignition interlock system under [section
22 1553(d.2)] ~~section 1556~~ or 3805] ANY OF THE FOLLOWING who <--
23 drives, operates or is in actual physical control of the
24 movement of a motor vehicle within this Commonwealth without
25 such a system and who has an amount of alcohol by weight in
26 his blood that is equal to or greater than 0.025% at the time
27 of testing or who has in his blood any amount of a Schedule I
28 or nonprescribed Schedule II or III controlled substance, as
29 defined in the act of April 14, 1972 (P.L.233, No.64), known
30 as The Controlled Substance, Drug, Device and Cosmetic Act,

1 or its metabolite commits a misdemeanor of the third degree
2 and shall, upon conviction, be sentenced to pay a fine of
3 \$1,000 and to undergo imprisonment for a period of not less
4 than 90 days[.]:

<--

5 (I) SECTION 1556.

6 (II) SECTION 3805.

7 (III) A REQUIREMENT BY ANOTHER JURISDICTION TO
8 OPERATE ONLY A VEHICLE WITH AN IGNITION INTERLOCK SYSTEM.

9 * * *

10 (c) Suspension of operating privilege.--Notwithstanding
11 section 3805(c) and (i):

12 (1) If a person who is required to only drive, operate
13 or be in actual physical control of the movement of a motor
14 vehicle equipped with an ignition interlock system violates
15 this section, upon receipt of a certified record of the
16 conviction, the department shall not issue a replacement
17 license to the person under section 1951(d) (relating to
18 driver's license and learner's permit) that does not contain
19 an ignition interlock restriction for a period of one year
20 from the date of conviction until the person has complied
21 with the requirements of section 3805 (relating to ignition
22 interlock).

23 * * *

24 Section 7. This act shall take effect as follows:

25 (1) The amendment of 75 Pa.C.S. §§ 1547(a), (c)
26 introductory paragraph, (2) and (3), (g.1), (h), (i) and (j)
27 and 3806 shall take effect immediately.

28 (2) This section shall take effect immediately.

29 (3) The remainder of this act shall take effect in 15
30 months.