

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 553 Session of 2017

INTRODUCED BY RAFFERTY, MARCH 24, 2017

AS AMENDED ON SECOND CONSIDERATION, JUNE 13, 2017

AN ACT

1 ~~Amending Title 75 (Vehicles) of the Pennsylvania Consolidated~~ <--
2 ~~Statutes, in licensing of drivers, further providing for~~
3 ~~chemical testing to determine amount of alcohol or controlled~~
4 ~~substance; and, in driving after imbibing alcohol or~~
5 ~~utilizing drugs, further providing for penalties and for~~
6 ~~ignition interlock.~~

7 AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED <--
8 STATUTES, IN LICENSING OF DRIVERS, FURTHER PROVIDING FOR
9 SURRENDER OF LICENSE, FOR PERIOD OF DISQUALIFICATION,
10 REVOCATION OR SUSPENSION OF OPERATING PRIVILEGE, FOR DRIVING
11 WHILE OPERATING PRIVILEGE IS SUSPENDED OR REVOKED, FOR
12 CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED
13 SUBSTANCE AND FOR PROBATIONARY LICENSE; IN DRIVING AFTER
14 IMBIBING ALCOHOL OR UTILIZING DRUGS, FURTHER PROVIDING FOR
15 PENALTIES, FOR IGNITION INTERLOCK AND FOR ILLEGALLY OPERATING
16 A MOTOR VEHICLE NOT EQUIPPED WITH IGNITION INTERLOCK; AND, IN
17 PENALTIES AND DISPOSITIONS OF FINES, FURTHER PROVIDING FOR
18 HABITUAL OFFENDERS.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 ~~Section 1. Section 1547(a), (b) and (b.1) of Title 75 of the~~ <--
22 ~~Pennsylvania Consolidated Statutes, amended May 25, 2016~~
23 ~~(P.L.236, No.33), is amended and the section is amended by~~
24 ~~adding subsections to read:~~

25 SECTION 1. SECTIONS 1540 AND 1541(A) AND (E) OF TITLE 75 OF <--
26 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

1 § 1540. SURRENDER OF LICENSE.

2 (A) [CONVICTION OF OFFENSE.--UPON A CONVICTION BY A COURT OF  
3 COMPETENT JURISDICTION FOR ANY OFFENSE WHICH CALLS FOR MANDATORY  
4 SUSPENSION IN ACCORDANCE WITH SECTION 1532 (RELATING TO  
5 SUSPENSION OF OPERATING PRIVILEGE), THE COURT OR THE DISTRICT  
6 ATTORNEY SHALL REQUIRE THE SURRENDER OF ANY DRIVER'S LICENSE  
7 THEN HELD BY THE DEFENDANT AND SHALL FORWARD THE DRIVER'S  
8 LICENSE TOGETHER WITH A RECORD OF THE CONVICTION TO THE  
9 DEPARTMENT. THE SUSPENSION SHALL BE EFFECTIVE UPON A DATE  
10 DETERMINED BY THE COURT OR DISTRICT ATTORNEY OR UPON THE DATE OF  
11 SURRENDER OF THE LICENSE TO THE COURT OR DISTRICT ATTORNEY,  
12 WHICHEVER SHALL FIRST OCCUR.]

13 (B) SUSPENSION, REVOCATION OR DISQUALIFICATION OF OPERATING  
14 PRIVILEGE.--

15 (1) UPON THE SUSPENSION OR REVOCATION OF THE OPERATING  
16 PRIVILEGE OR THE DISQUALIFICATION OF THE COMMERCIAL OPERATING  
17 PRIVILEGE OF ANY PERSON BY THE DEPARTMENT, THE DEPARTMENT  
18 SHALL FORTHWITH NOTIFY THE PERSON IN WRITING AT THE ADDRESS  
19 OF RECORD TO SURRENDER HIS DRIVER'S LICENSE TO THE DEPARTMENT  
20 FOR THE TERM OF SUSPENSION, REVOCATION OR DISQUALIFICATION.  
21 LICENSES THAT ARE SURRENDERED TO THE DEPARTMENT MAY BE  
22 DESTROYED. UPON THE RESTORATION OF THE OPERATING PRIVILEGE,  
23 THE LICENSEE MAY APPLY FOR A REPLACEMENT LICENSE.

24 (2) THE DEPARTMENT SHALL INCLUDE WITH THE WRITTEN NOTICE  
25 OF SUSPENSION, REVOCATION OR DISQUALIFICATION A FORM FOR  
26 ACKNOWLEDGING THE SUSPENSION, REVOCATION OR DISQUALIFICATION,  
27 WHICH FORM SHALL BE FILED WITH THE DEPARTMENT IF THE PERSON  
28 HAS NO LICENSE TO SURRENDER.

29 (3) THE SUSPENSION, REVOCATION OR DISQUALIFICATION SHALL  
30 BE EFFECTIVE UPON [THE EARLIER OF:

1 (I)] A DATE DETERMINED BY THE DEPARTMENT[; OR  
2 (II) THE DATE OF FILING OR MAILING OF THE LICENSE OR  
3 ACKNOWLEDGMENT TO THE DEPARTMENT, IF THAT DATE IS  
4 SUBSEQUENT TO THE DEPARTMENT'S NOTICE TO SURRENDER THE  
5 LICENSE.

6 (4) UPON SURRENDER OF THE LICENSE OR ACKNOWLEDGMENT, THE  
7 DEPARTMENT SHALL ISSUE A RECEIPT SHOWING THE DATE THAT IT  
8 RECEIVED THE LICENSE OR ACKNOWLEDGMENT].

9 (C) SEIZURE OF REVOKED, SUSPENDED, CANCELED OR DISQUALIFIED  
10 LICENSES.--

11 [(1) THE DEPARTMENT MAY DELEGATE AUTHORITY TO THE  
12 FOLLOWING PERSONS TO SEIZE THE DRIVER'S LICENSE OF ANY PERSON  
13 WHOSE DRIVER'S LICENSE HAS BEEN ORDERED TO BE SURRENDERED BY  
14 A COURT OR DISTRICT ATTORNEY OR BY THE DEPARTMENT:

- 15 (I) A DESIGNATED COMMONWEALTH EMPLOYEE.
- 16 (II) MEMBERS OF THE PENNSYLVANIA STATE POLICE.
- 17 (III) LOCAL POLICE OFFICERS.
- 18 (IV) SHERIFFS OR DEPUTY SHERIFFS.
- 19 (V) CONSTABLES OR DEPUTY CONSTABLES.

20 (2) THE DEPARTMENT SHALL, BY REGULATION, PRESCRIBE THE  
21 MANNER OF SELECTING THOSE PERSONS WHO ARE DELEGATED AUTHORITY  
22 UNDER THIS SUBSECTION TO SEIZE THE DRIVERS' LICENSES.]

23 ANY POLICE OFFICER OR DESIGNATED EMPLOYEE OF THE COMMONWEALTH  
24 SHALL BE AUTHORIZED TO CONFISCATE ANY LICENSE THAT HAS BEEN  
25 REVOKED, SUSPENDED, CANCELED OR DISQUALIFIED. THE CONFISCATED  
26 LICENSE SHALL BE RETURNED TO THE DEPARTMENT, UNLESS IT IS  
27 NECESSARY TO KEEP THE LICENSE AS EVIDENCE OF AN OFFENSE.

28 § 1541. PERIOD OF DISQUALIFICATION, REVOCATION OR SUSPENSION OF  
29 OPERATING PRIVILEGE.

30 (A) COMMENCEMENT OF PERIOD.--THE PERIOD OF DISQUALIFICATION,

1 REVOCATION OR SUSPENSION OF THE OPERATING PRIVILEGE OR THE  
2 DISQUALIFICATION OF THE COMMERCIAL OPERATING PRIVILEGE SHALL  
3 COMMENCE AS PROVIDED FOR IN SECTION 1540 (RELATING TO SURRENDER  
4 OF LICENSE) [. NO CREDIT TOWARD THE REVOCATION, SUSPENSION OR  
5 DISQUALIFICATION SHALL BE EARNED UNTIL THE DRIVER'S LICENSE IS  
6 SURRENDERED TO THE DEPARTMENT, A COURT OR A DISTRICT ATTORNEY,  
7 AS THE CASE MAY BE. A NONRESIDENT LICENSED DRIVER OR AN  
8 UNLICENSED INDIVIDUAL, INCLUDING A DRIVER WHOSE LICENSE HAS  
9 EXPIRED, SHALL SUBMIT AN ACKNOWLEDGMENT OF SUSPENSION OR  
10 REVOCATION TO THE DEPARTMENT IN LIEU OF A DRIVER'S LICENSE],  
11 EXCEPT FOR THE SUSPENSION OF THE OPERATING PRIVILEGE OF AN  
12 UNLICENSED INDIVIDUAL UNDER 16 YEARS OF AGE, IN WHICH CASE THE  
13 SUSPENSION SHALL COMMENCE AUTOMATICALLY UPON THE INDIVIDUAL'S  
14 16TH BIRTHDAY FOR THE SPECIFIED PERIOD [IF AN ACKNOWLEDGMENT IS  
15 RECEIVED ANY TIME PRIOR TO THE INDIVIDUAL'S 16TH BIRTHDAY. IF A  
16 LICENSED DRIVER IS NOT IN POSSESSION OF HIS DRIVER'S LICENSE, NO  
17 CREDIT TOWARD THE DISQUALIFICATION, REVOCATION OR SUSPENSION  
18 SHALL BE EARNED UNTIL A SWORN AFFIDAVIT OR A FORM PRESCRIBED BY  
19 THE DEPARTMENT IS SURRENDERED TO THE DEPARTMENT SWEARING THAT  
20 THE DRIVER IS NOT IN POSSESSION OF HIS DRIVER'S LICENSE. SUCH  
21 CREDIT SHALL BE RESCINDED IF IT IS LATER DETERMINED THAT THE  
22 DRIVER WAS UNTRUTHFUL IN THE AFFIDAVIT. CREDIT SHALL ALSO BE  
23 REVOKED IF A PERSON SURRENDERS A DUPLICATE LICENSE AND IT IS  
24 LATER DETERMINED THAT THE PERSON WAS STILL IN POSSESSION OF AN  
25 EARLIER ISSUED, UNEXPIRED LICENSE]. THE DEPARTMENT MAY, UPON  
26 REQUEST OF THE PERSON WHOSE LICENSE IS SUSPENDED OR  
27 DISQUALIFIED, DELAY THE COMMENCEMENT OF THE PERIOD OF SUSPENSION  
28 OR DISQUALIFICATION FOR A PERIOD NOT EXCEEDING SIX MONTHS  
29 WHENEVER THE DEPARTMENT DETERMINES THAT FAILURE TO GRANT THE  
30 EXTENSION WILL RESULT IN HARDSHIP TO THE PERSON WHOSE LICENSE

1 HAS BEEN SUSPENDED OR DISQUALIFIED.

2 \* \* \*

3 (E) [REQUEST FOR HEARING.--A PERSON WHOSE OPERATING  
4 PRIVILEGE HAS BEEN SUSPENDED OR REVOKED MAY REQUEST AT ANY TIME  
5 DURING THE SUSPENSION OR REVOCATION, AND THE DEPARTMENT SHALL  
6 PROVIDE, A HEARING IF THE PERSON BELIEVES THAT CREDIT TOWARD THE  
7 PERSON'S SUSPENSION OR REVOCATION HAS NOT BEEN GIVEN BY THE  
8 DEPARTMENT UNDER SECTION 1540. THE DEPARTMENT SHALL ISSUE ITS  
9 FINAL RULING WITHIN 60 DAYS FOLLOWING THE HEARING OR THE  
10 SUBMISSION OF ANY POSTHEARING FILINGS.] (RESERVED).

11 SECTION 2. SECTIONS 1543(A) AND (C) AND 1547(A), (B) AND  
12 (B.1) OF TITLE 75 ARE AMENDED AND THE SECTIONS ARE AMENDED BY  
13 ADDING SUBSECTIONS TO READ:

14 § 1543. DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR  
15 REVOKED.

16 (A) OFFENSE DEFINED.--EXCEPT AS PROVIDED IN SUBSECTION (B),  
17 ANY PERSON WHO DRIVES A MOTOR VEHICLE ON ANY HIGHWAY OR  
18 TRAFFICWAY OF THIS COMMONWEALTH AFTER THE COMMENCEMENT OF A  
19 SUSPENSION, REVOCATION OR CANCELLATION OF THE OPERATING  
20 PRIVILEGE AND BEFORE THE OPERATING PRIVILEGE HAS BEEN RESTORED  
21 IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON CONVICTION OR  
22 ADJUDICATION OF DELINQUENCY, BE SENTENCED TO PAY A FINE OF \$200.

23 \* \* \*

24 (C) SUSPENSION OR REVOCATION OF OPERATING PRIVILEGE.--UPON  
25 RECEIVING A CERTIFIED RECORD OF THE CONVICTION OR ADJUDICATION  
26 OF DELINQUENCY OF ANY PERSON UNDER THIS SECTION, THE DEPARTMENT  
27 SHALL SUSPEND OR REVOKE THAT PERSON'S OPERATING PRIVILEGE AS  
28 FOLLOWS:

29 (1) IF THE DEPARTMENT'S RECORDS SHOW THAT THE PERSON WAS  
30 UNDER SUSPENSION, RECALL OR CANCELLATION ON THE DATE OF

1 VIOLATION, AND HAD NOT BEEN RESTORED, THE DEPARTMENT SHALL  
2 SUSPEND THE PERSON'S OPERATING PRIVILEGE FOR AN ADDITIONAL  
3 ONE-YEAR PERIOD.

4 (2) IF THE DEPARTMENT'S RECORDS SHOW THAT THE PERSON WAS  
5 UNDER REVOCATION ON THE DATE OF VIOLATION, AND HAD NOT BEEN  
6 RESTORED, THE DEPARTMENT SHALL REVOKE THE PERSON'S OPERATING  
7 PRIVILEGE FOR AN ADDITIONAL TWO-YEAR PERIOD.

8 \* \* \*

9 (E) PROHIBITION.--A PERSON CHARGED WITH AN OFFENSE UNDER  
10 THIS SECTION MAY NOT CLAIM A DEFENSE THAT THE PERSON DID NOT  
11 KNOW OF THE SUSPENSION, CANCELLATION OR REVOCATION.

12 § 1547. Chemical testing to determine amount of alcohol or  
13 controlled substance.

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

22 (1)] in violation of section 1543(b)(1.1) (relating to  
23 driving while operating privilege is suspended or revoked),  
24 3802 (relating to driving under influence of alcohol or  
25 controlled substance) or 3808(a)(2) (relating to illegally  
26 operating a motor vehicle not equipped with ignition  
27 interlock)[; or

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

1 (b) [Suspension] Civil penalties for refusal.--

2 (1) If any person placed under arrest for a violation of  
3 section 3802 is requested to submit to chemical testing and  
4 refuses to do so, the testing shall not be conducted but upon  
5 notice by the police officer, the department shall suspend  
6 the operating privilege of the person as follows:

7 (i) Except as set forth in subparagraph (ii), for a  
8 period of 12 months.

9 (ii) For a period of 18 months if any of the  
10 following apply:

11 (A) The person's operating privileges have  
12 previously been suspended under this subsection.

13 (B) The person has, prior to the refusal under  
14 this paragraph, been sentenced for:

15 (I) an offense under section 3802;

16 (II) an offense under former section 3731;

17 (III) an offense equivalent to an offense  
18 under subclause (I) or (II); or

19 (IV) a combination of the offenses set forth  
20 in this clause.

21 (2) It shall be the duty of the police officer to inform  
22 the person that:

23 (i) the person's operating privilege will be  
24 suspended upon refusal to submit to chemical testing and  
25 the person will be ~~fined~~ SUBJECT TO A RESTORATION FEE OF <--  
26 up to \$2,000; and

27 (ii) if the person refuses to submit to chemical  
28 breath testing, upon conviction or plea for violating  
29 section 3802(a)(1), the person will be subject to the  
30 penalties provided in section 3804(c) (relating to

1 penalties).

2 (3) Any person whose operating privilege is suspended  
3 under the provisions of this section shall have the same  
4 right of appeal as provided for in cases of suspension for  
5 other reasons.

6 (b.1) Other [suspension] civil penalties for refusal.--

7 (1) If any person placed under arrest for a violation of  
8 section 1543(b)(1.1) or 3808(a)(2) is requested to submit to  
9 chemical testing and refuses to do so, the testing shall not  
10 be conducted; but, upon notice by the police officer and  
11 provided no suspension is imposed pursuant to subsection (b),  
12 the department shall suspend the operating privilege of the  
13 person for a period of six months.

14 (2) It shall be the duty of the police officer to inform  
15 the person that the person's operating privileges will be  
16 suspended upon refusal to submit to chemical testing and the  
17 person will be fined SUBJECT TO A RESTORATION FEE OF up to <--  
18 \$2,000.

19 (3) Notwithstanding section 3805(c) (relating to  
20 ignition interlock), if any person receives a suspension  
21 pursuant to this subsection who at the time of the offense  
22 was required to comply with the provisions of section 3805  
23 prior to obtaining a replacement license under section  
24 1951(d) (relating to driver's license and learner's license)  
25 that does not contain an ignition interlock restriction, the  
26 suspension imposed pursuant to this subsection shall result  
27 in the recall of any ignition interlock restricted license  
28 previously issued and the driver shall surrender the ignition  
29 interlock restricted license to the department [or its agents <--  
30 designated under the authority of section 1540 (relating to



1 ~~surrender of licenses)]~~ and, prior to the issuance of a <--  
2 replacement license under section 1951(d) that does not  
3 contain an ignition interlock restriction, the department  
4 shall require that the person comply with the provisions of  
5 section 3805.

6 (b.2) ~~Fines~~ RESTORATION FEES.-- <--

7 (1) A person whose operating privilege has been  
8 suspended in accordance with subsection (b) or (b.1) shall:

9 (i) Except as provided in subparagraph (ii) ~~or~~ <--  
10 ~~(iii)~~, pay a ~~fine~~ RESTORATION FEE of \$500. <--

11 (ii) ~~If the department has previously suspended the~~ <--  
12 ~~person's operating privilege under this section on one~~  
13 ~~other occasion, pay a fine of \$1,000.~~

14 ~~(iii)~~—If the department has previously suspended the  
15 person's operating privilege under this section on two or  
16 more occasions, pay a ~~fine~~ RESTORATION FEE of \$2,000. <--

17 (2) All  ~~fines~~ RESTORATION FEES imposed under this <--  
18 section must be paid prior to the reinstatement of an  
19 individual's operating privilege.

20 (b.3) Limitation.--Nothing in this section shall be  
21 construed as limiting the ability of law enforcement to obtain  
22 chemical testing pursuant to a valid search warrant, court order  
23 or any other basis permissible by the Constitution of the United  
24 States and the Constitution of Pennsylvania.

25 \* \* \*

26 ~~Section 2. Section 3804(c) of Title 75 is amended to read:~~ <--

27 SECTION 3. SECTIONS 1554(B)(2), 3804(C), 3805(A.1), (H.2)(1) <--  
28 AND (I), 3808(C)(2) AND 6503.1 OF TITLE 75 ARE AMENDED TO READ:  
29 § 1554. PROBATIONARY LICENSE.

30 \* \* \*

1 (B) PETITION.--

2 \* \* \*

3 (2) BEFORE BEING ELIGIBLE TO PETITION FOR A PROBATIONARY  
4 LICENSE, A PERSON MUST HAVE SERVED [AND EARNED CREDIT TOWARD  
5 SERVING] THE FOLLOWING TERMS OF SUSPENSION OR REVOCATION FOR  
6 OFFENSES ENUMERATED IN SECTIONS 1532 (RELATING TO REVOCATION  
7 OR SUSPENSION OF OPERATING PRIVILEGE), 1539 (RELATING TO  
8 SUSPENSION OF OPERATING PRIVILEGE ON ACCUMULATION OF POINTS)  
9 AND 1543 (RELATING TO DRIVING WHILE OPERATING PRIVILEGE IS  
10 SUSPENDED OR REVOKED) :

11 (I) A PERSON WITH ONE TO SEVEN OFFENSES MUST HAVE  
12 [EARNED CREDIT FOR] SERVED AT LEAST A THREE-YEAR TERM OF  
13 SUSPENSION OR REVOCATION.

14 (II) A PERSON WITH 8 TO 14 OFFENSES MUST HAVE  
15 [EARNED CREDIT FOR] SERVED AT LEAST A FOUR-YEAR TERM OF  
16 SUSPENSION OR REVOCATION.

17 (III) A PERSON WITH 15 TO 21 OFFENSES MUST HAVE  
18 [EARNED CREDIT FOR] SERVED AT LEAST A FIVE-YEAR TERM OF  
19 SUSPENSION OR REVOCATION.

20 (IV) A PERSON WITH 22 OR MORE OFFENSES MUST HAVE  
21 [EARNED CREDIT FOR] SERVED AT LEAST A SIX-YEAR TERM OF  
22 SUSPENSION OR REVOCATION.

23 \* \* \*

24 § 3804. Penalties.

25 \* \* \*

26 (c) Incapacity; highest blood alcohol; controlled  
27 substances.--An individual who violates section 3802(a)(1) and  
28 refused testing of [blood or] breath under section 1547  
29 (relating to chemical testing to determine amount of alcohol or  
30 controlled substance) or testing of blood pursuant to a valid

1 search warrant or an individual who violates section 3802(c) or  
2 (d) shall be sentenced as follows:

3 (1) For a first offense, to:

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

6 (ii) pay a fine of not less than \$1,000 nor more  
7 than \$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.

12 (2) For a second offense, to:

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

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

15 (iii) attend an alcohol highway safety school  
16 approved by the department; and

17 (iv) comply with all drug and alcohol treatment  
18 requirements imposed under sections 3814 and 3815.

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

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

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

22 (iii) comply with all drug and alcohol treatment  
23 requirements imposed under sections 3814 and 3815.

24 \* \* \*

25 ~~Section 3. Section 3805(a.1) of Title 75, added May 25, 2016 <--~~

26 ~~(P.L.236, No.33), is amended to read:~~

27 § 3805. Ignition interlock.

28 \* \* \*

29 (a.1) Exception.--Subsection (a) shall not apply to an  
30 individual who meets all of the following:

1 (1) Is subject to the penalties under section 3804(a)(1)  
2 (relating to penalties)[.] or subject to mandatory suspension  
3 of operating privilege under section 3807(d) (relating to  
4 Accelerated Rehabilitative Disposition).

5 (2) Has not had a prior offense, as defined under  
6 section 3806 (relating to prior offenses).

7 \* \* \*

8 (H.2) DECLARATION OF COMPLIANCE.--RESTRICTIONS IMPOSED UNDER <--  
9 SECTION 1556 (RELATING TO IGNITION INTERLOCK LIMITED LICENSE)  
10 SHALL REMAIN IN EFFECT UNTIL THE DEPARTMENT RECEIVES A  
11 DECLARATION FROM THE PERSON'S IGNITION INTERLOCK DEVICE VENDOR,  
12 IN A FORM PROVIDED OR APPROVED BY THE DEPARTMENT, CERTIFYING  
13 THAT THE FOLLOWING INCIDENTS HAVE NOT OCCURRED IN THE TWO  
14 CONSECUTIVE MONTHS PRIOR TO THE DATE ENTERED ON THE CERTIFICATE:

15 (1) AN ATTEMPT TO START THE VEHICLE WITH A BREATH  
16 ALCOHOL CONCENTRATION OF 0.08% OR MORE, NOT FOLLOWED WITHIN  
17 [FIVE] 10 MINUTES BY A SUBSEQUENT ATTEMPT WITH A BREATH  
18 ALCOHOL CONCENTRATION LOWER THAN 0.08%.

19 \* \* \*

20 (I) OFFENSES COMMITTED DURING A PERIOD FOR WHICH AN IGNITION  
21 INTERLOCK RESTRICTED LICENSE HAS BEEN ISSUED.--EXCEPT AS  
22 PROVIDED IN SECTIONS 1547(B.1) AND 3808(C) (RELATING TO  
23 ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH IGNITION  
24 INTERLOCK), ANY DRIVER WHO HAS BEEN ISSUED AN IGNITION INTERLOCK  
25 RESTRICTED LICENSE AND AS TO WHOM THE DEPARTMENT RECEIVES A  
26 CERTIFIED RECORD OF A CONVICTION OF AN OFFENSE FOR WHICH THE  
27 PENALTY IS A CANCELLATION, DISQUALIFICATION, RECALL, SUSPENSION  
28 OR REVOCATION OF OPERATING PRIVILEGES SHALL HAVE THE IGNITION  
29 INTERLOCK RESTRICTED LICENSE RECALLED, AND THE DRIVER SHALL  
30 SURRENDER THE IGNITION INTERLOCK RESTRICTED LICENSE TO THE

1 DEPARTMENT [OR ITS AGENTS DESIGNATED UNDER THE AUTHORITY OF  
2 SECTION 1540 (RELATING TO SURRENDER OF LICENSE)]. FOLLOWING THE  
3 COMPLETION OF THE CANCELLATION, DISQUALIFICATION, RECALL,  
4 SUSPENSION OR REVOCATION WHICH RESULTED IN THE RECALL OF THE  
5 IGNITION INTERLOCK RESTRICTED LICENSE, THE DEPARTMENT SHALL  
6 REQUIRE THAT THE PERSON COMPLETE THE BALANCE OF THE IGNITION  
7 INTERLOCK RESTRICTED LICENSE PERIOD PREVIOUSLY IMPOSED PRIOR TO  
8 THE ISSUANCE OF A REPLACEMENT LICENSE UNDER SECTION 1951(D) THAT  
9 DOES NOT CONTAIN AN IGNITION INTERLOCK RESTRICTION.

10 § 3808. ILLEGALLY OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH  
11 IGNITION INTERLOCK.

12 \* \* \*

13 (C) SUSPENSION OF OPERATING PRIVILEGE.--NOTWITHSTANDING  
14 SECTION 3805(C) AND (I):

15 \* \* \*

16 (2) UPON RECEIPT OF A CERTIFIED RECORD OF A SECOND  
17 CONVICTION OF A VIOLATION OF THIS SECTION COMMITTED BY A  
18 PERSON WHO IS REQUIRED TO ONLY DRIVE, OPERATE OR BE IN ACTUAL  
19 PHYSICAL CONTROL OF THE MOVEMENT OF A MOTOR VEHICLE EQUIPPED  
20 WITH AN IGNITION INTERLOCK SYSTEM WHICH OCCURRED DURING THE  
21 SAME IGNITION INTERLOCK RESTRICTED LICENSE PERIOD, THE  
22 DEPARTMENT SHALL SUSPEND THE PERSON'S OPERATING PRIVILEGES  
23 FOR A PERIOD OF ONE YEAR AND RECALL THE IGNITION INTERLOCK  
24 RESTRICTED LICENSE, AND THE PERSON SHALL SURRENDER THE  
25 IGNITION INTERLOCK RESTRICTED LICENSE TO THE DEPARTMENT [OR  
26 ITS AGENTS DESIGNATED UNDER THE AUTHORITY OF SECTION 1540  
27 (RELATING TO SURRENDER OF LICENSE)]. FOLLOWING COMPLETION OF  
28 THE SUSPENSION PERIOD, THE DEPARTMENT SHALL REQUIRE THAT THE  
29 PERSON COMPLY WITH THE REQUIREMENTS OF SECTION 3805 PRIOR TO  
30 BEING ELIGIBLE TO RECEIVE A REPLACEMENT LICENSE UNDER SECTION

1 1951(D) THAT DOES NOT CONTAIN AN IGNITION INTERLOCK  
2 RESTRICTION.

3 \* \* \*

4 § 6503.1. HABITUAL OFFENDERS.

5 A HABITUAL OFFENDER UNDER SECTION 1542 (RELATING TO  
6 REVOCATION OF HABITUAL OFFENDER'S LICENSE) WHO DRIVES A MOTOR  
7 VEHICLE ON ANY HIGHWAY OR TRAFFICWAY OF THIS COMMONWEALTH WHILE  
8 THE HABITUAL OFFENDER'S OPERATING PRIVILEGE IS SUSPENDED,  
9 REVOKED OR CANCELED COMMITS A MISDEMEANOR OF THE SECOND DEGREE.  
10 A PERSON CHARGED UNDER THIS SECTION MAY NOT CLAIM A DEFENSE THAT  
11 THE PERSON DID NOT KNOW OF THE SUSPENSION, REVOCATION OR  
12 CANCELLATION.

13 Section ~~2~~ 4. This act shall take effect ~~immediately~~. AS <--  
14 FOLLOWS:

15 (1) EXCEPT FOR 75 PA.C.S. § 1547(B)(2)(II), THE  
16 AMENDMENT OF 75 PA.C.S. § 1547 SHALL TAKE EFFECT IN SIX  
17 MONTHS.

18 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
19 IMMEDIATELY.