

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 80 Session of 2019

INTRODUCED BY WHEATLEY, A. DAVIS, HARRIS, BURGOS, KINSEY, McCLINTON, DeLUCA, HOWARD, YOUNGBLOOD, HILL-EVANS, SANCHEZ, KOSIEROWSKI, SIMS, McNEILL AND McCARTER, JULY 16, 2019

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 15, 2020

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, providing for amnesty
3 program for traffic violations. RELIEF FROM ADMINISTRATIVE
4 SUSPENSION PROGRAM. <-- <--

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

7 Section 1. Chapter 15 of Title 75 is amended by adding a
8 subchapter to read:

SUBCHAPTER E <--

AMNESTY PROGRAM FOR TRAFFIC VIOLATIONS

11 Sec.

12 1591. Definitions.

13 1592. Amnesty program.

14 1593. Program requirements.

15 1594. Regulations.

16 1595. Use of revenue.

17 1596. Proceedings relating to amnesty violations barred.

18 § 1591. Definitions.

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

4 ~~"Court." The court in which the original fine was imposed on~~
5 ~~the individual who committed an eligible violation of this~~
6 ~~title.~~

7 ~~"Program." The amnesty program established under section~~
8 ~~1592 (relating to amnesty program).~~
9 ~~§ 1592. Amnesty program.~~

10 ~~(a) Establishment. The department, in consultation with the~~
11 ~~Administrative Office of Pennsylvania Courts, shall establish a~~
12 ~~driver's license amnesty program. The amnesty period shall begin~~
13 ~~on the effective date of this section and end 12 months after~~
14 ~~the effective date of this section.~~

15 ~~(b) Purposes. The program shall provide individuals the~~
16 ~~opportunity to have their operating privileges restored upon~~
17 ~~payment in full of any court ordered obligations and upon~~
18 ~~completing any suspension of operating privileges required for~~
19 ~~the underlying violations.~~

20 ~~(c) Duties. The department, in consultation with the~~
21 ~~Administrative Office of Pennsylvania Courts, shall:~~

22 ~~(1) Make a reasonable effort to determine if an~~
23 ~~individual owes court ordered obligations which resulted in a~~
24 ~~suspension of the individual's operating privileges under~~
25 ~~section 1553(a) and (d) (relating to occupational limited~~
26 ~~license).~~

27 ~~(2) Notify the individual of court ordered obligations.~~

28 ~~(3) Provide information as to which court the individual~~
29 ~~must make payment.~~

30 ~~(4) Require the department to restore the operating~~

~~privileges of an individual upon satisfactorily meeting the requirements of the program.~~

~~(d) Eligibility. An individual who participates in the program shall not be eligible to participate in a comparable amnesty program if one is subsequently established. The program shall be available to an individual who meets the following criteria:~~

~~(1) The individual's operating privileges have been indefinitely suspended under section 1553(a) or (d) prior to the effective date of this subsection.~~

~~(2) The individual's operating privileges have been suspended for a conviction of section 1543(a) (relating to driving while operating privilege is suspended or revoked) resulting from an indefinite suspension under section 1553(a) or (d) prior to the effective date of this section.~~

~~(3) The individual has served any operating privilege suspension required by the underlying offense which resulted in violation of section 1553(a) or (d).~~

~~(e) Prohibitions. The following shall apply:~~

~~(1) An individual shall be prohibited from receiving amnesty for convictions for violations committed after the effective date of this subsection.~~

~~(2) Any payment regarding a fine, fee or penalty that was made prior to the effective date of this subsection shall be ineligible for a refund under this subchapter.~~

~~(f) Reinstatement. The department shall not be required to reinstate the operating privilege of an individual under this subchapter if the department is authorized under this title to suspend the operating privilege of the individual for other violations of this title.~~

1 ~~(g) Compliance. The department shall not be required to~~
2 ~~restore the operating privilege of an individual under this~~
3 ~~subchapter until the individual has complied with section 1593-~~
4 ~~(relating to program requirements).~~

5 ~~§ 1593. Program requirements.~~

6 ~~(a) Form. An individual who seeks to participate in the~~
7 ~~program shall respond to the court pursuant to the instructions~~
8 ~~in a restoration letter which shall be provided by the~~
9 ~~department.~~

10 ~~(b) Satisfaction of payments owed. The individual is~~
11 ~~required to pay 100% of the original penalty and any other~~
12 ~~court ordered obligations imposed under the applicable laws of~~
13 ~~this Commonwealth.~~

14 ~~(c) Requirements. In addition to the requirements under~~
15 ~~section 1960 (relating to reinstatement of operating privilege~~
16 ~~or vehicle registration), an individual applying for the program~~
17 ~~shall:~~

18 ~~(1) attach to the petition a certified copy of the~~
19 ~~drivers history; and~~

20 ~~(2) perform one of the following:~~

21 ~~(i) Pay all court ordered obligations immediately or~~
22 ~~in a single remittance.~~

23 ~~(ii) If an individual is unable to pay all~~
24 ~~obligations under subparagraph (i), the individual shall~~
25 ~~either:~~

26 ~~(A) pay in installments all court ordered~~
27 ~~obligations after a hearing conducted by the issuing~~
28 ~~authority to determine the individual's ability to~~
29 ~~pay and the issuance of an order providing for~~
30 ~~installment payments; or~~

1 ~~(B) notwithstanding 42 Pa.C.S. § 1520(a)~~
2 ~~(relating to adjudication alternative program),~~
3 ~~complete a court ordered public service or other~~
4 ~~adjudication alternative program under 42 Pa.C.S. §~~
5 ~~1520(b).~~

6 ~~(d) Proof of financial responsibility. Notwithstanding~~
7 ~~section 1783 (relating to proof of financial responsibility~~
8 ~~before restoring operating privilege or registration), before~~
9 ~~restoring operating privilege, the department shall require an~~
10 ~~individual participating in the program to provide the~~
11 ~~department with:~~

12 ~~(1) proof of financial responsibility; or~~

13 ~~(2) in the case of an individual who does not own a~~
14 ~~motor vehicle currently registered in this Commonwealth, a~~
15 ~~signed statement certifying that the individual does not own~~
16 ~~a motor vehicle currently registered in this Commonwealth.~~

17 ~~(e) Certification. The court shall certify to the~~
18 ~~department that an individual has satisfied the amounts owed~~
19 ~~under the program and is eligible to have the individual's~~
20 ~~operating privilege reinstated.~~

21 ~~§ 1594. Regulations.~~

22 ~~(a) Promulgation. The department, in consultation with the~~
23 ~~Administrative Office of Pennsylvania Courts, may promulgate~~
24 ~~regulations to implement the provisions of this subchapter.~~

25 ~~(b) Guidelines. The department shall develop written~~
26 ~~guidelines for the implementation of this subchapter. The~~
27 ~~guidelines shall be in effect until the department promulgates~~
28 ~~regulations for the implementation of the provisions of this~~
29 ~~subchapter.~~

30 ~~§ 1595. Use of revenue.~~

1 ~~All revenue received by the court pursuant to the program~~
2 ~~shall be distributed in accordance with law.~~

3 ~~§ 1596. Proceedings relating to amnesty violations barred.~~

4 ~~Participation in the program is conditioned upon the~~
5 ~~individual's agreement that the right to protest or pursue an~~
6 ~~administrative or judicial proceeding against the department~~
7 ~~with regard to violations listed on the amnesty request is~~
8 ~~barred.~~

9 ~~Section 2. This act shall take effect as follows:~~

10 ~~(1) The following shall take effect immediately:~~

11 ~~(i) The addition of 75 Pa.C.S. § 1594(b).~~

12 ~~(ii) This section.~~

13 ~~(2) The remainder of this act shall take effect in 180~~
14 ~~days.~~

15 SUBCHAPTER E <--

16 RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM

17 SEC.

18 1591. DEFINITIONS.

19 1592. RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM.

20 1593. PROGRAM REQUIREMENTS.

21 1594. USE OF REVENUE.

22 1595. PROCEEDINGS RELATING TO VIOLATIONS BARRED.

23 § 1591. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 "COURT." THE ISSUING AUTHORITY OR COURT OF COMPETENT
28 JURISDICTION WHICH NOTIFIED THE DEPARTMENT OF AN INDIVIDUAL'S
29 FAILURE TO RESPOND THAT RESULTED IN THE INDEFINITE SUSPENSION OF
30 THAT INDIVIDUAL'S OPERATING PRIVILEGE UNDER SECTION 1533

1 (RELATING TO SUSPENSION OF OPERATING PRIVILEGE FOR FAILURE TO
2 RESPOND TO CITATION).

3 "PROGRAM." THE RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM
4 ESTABLISHED UNDER SECTION 1592 (RELATING TO RELIEF FROM
5 ADMINISTRATIVE SUSPENSION PROGRAM).

6 § 1592. RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM.

7 (A) ESTABLISHMENT.--THE DEPARTMENT, IN CONSULTATION WITH THE
8 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS, SHALL ESTABLISH
9 THE RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM THAT SHALL
10 BEGIN ON THE EFFECTIVE DATE OF THIS SECTION AND END 12 MONTHS
11 AFTER THE EFFECTIVE DATE OF THIS SECTION.

12 (B) PURPOSES.--THE PROGRAM SHALL PERMIT THE DEPARTMENT TO
13 RESTORE THE OPERATING PRIVILEGES OF ELIGIBLE INDIVIDUALS FROM
14 SUSPENSIONS IMPOSED UNDER SECTIONS 1533(A), (B) OR (D) (RELATING
15 TO SUSPENSION OF OPERATING PRIVILEGE FOR FAILURE TO RESPOND TO
16 CITATION), 1543(A) (RELATING TO DRIVING WHILE OPERATING
17 PRIVILEGE IS SUSPENDED OR REVOKED) AND 1544(A) (RELATING TO
18 ADDITIONAL PERIOD OF REVOCATION OR SUSPENSION).

19 (C) DUTIES.--THE DEPARTMENT, IN CONSULTATION WITH THE
20 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS, SHALL:

21 (1) REVIEW THE APPLICATIONS FILED FOR RELIEF UNDER THE
22 PROGRAM AND MAKE A DETERMINATION AS TO THE APPLICANT'S
23 ELIGIBILITY FOR RELIEF WITHIN 30 DAYS OF RECEIPT OF THE
24 APPLICATION AND ALL OTHER REQUIRED ITEMS.

25 (2) DETERMINE IF AN APPLICANT HAS SATISFIED ALL COURT-
26 ORDERED OBLIGATIONS WHICH RESULTED IN A SUSPENSION OF THE
27 APPLICANT'S OPERATING PRIVILEGE UNDER SECTION 1533(A), (B) OR
28 (D).

29 (3) DETERMINE IF AN APPLICANT WAS CONVICTED OF ONE OR
30 MORE VIOLATIONS UNDER SECTION 1543(A) THAT OCCURRED ONLY AS

1 THE RESULT OF A SUSPENSION IMPOSED UNDER THE AUTHORITY OF
2 SECTION 1533 OR 6146 (RELATING TO ENFORCEMENT AGREEMENTS) AND
3 IS CURRENTLY SERVING OR WILL SERVE AN OPERATING PRIVILEGE
4 SUSPENSION FOR A SECTION 1543(A) CONVICTION.

5 (4) DETERMINE WHETHER THE GRANTING OF RELIEF UNDER THE
6 PROGRAM WOULD RESULT IN IMMEDIATE RESTORATION OF THE
7 APPLICANT'S OPERATING PRIVILEGE.

8 (5) PRIORITIZE THE PROCESSING OF APPLICATIONS FOR WHICH
9 THE GRANTING OF RELIEF WILL RESULT IN AN IMMEDIATE
10 RESTORATION OF THE APPLICANT'S OPERATING PRIVILEGE.

11 (6) UPDATE ELIGIBLE APPLICANTS' DRIVER'S RECORDS AND
12 RESTORE THE OPERATING PRIVILEGE OF APPLICANTS AS PERMITTED
13 UNDER THIS TITLE.

14 (D) ELIGIBILITY.--THE PROGRAM SHALL BE AVAILABLE TO AN
15 INDIVIDUAL WHO MEETS THE FOLLOWING CRITERIA:

16 (1) THE INDIVIDUAL'S OPERATING PRIVILEGE HAS BEEN
17 INDEFINITELY SUSPENDED UNDER SECTION 1533(A), (B) OR (D)
18 PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION.

19 (2) THE DEPARTMENT'S RECORDS SHOW THAT THE INDIVIDUAL'S
20 OPERATING PRIVILEGE WILL BE OR IS SUSPENDED FOR A CONVICTION
21 UNDER SECTION 1543(A) ONLY AS A RESULT OF A SUSPENSION
22 IMPOSED UNDER THE AUTHORITY OF SECTION 1533 OR 6146 PRIOR TO
23 THE EFFECTIVE DATE OF THIS SECTION.

24 (3) THE INDIVIDUAL HAS SERVED ANY OPERATING PRIVILEGE
25 SUSPENSION REQUIRED BY THE UNDERLYING OFFENSE WHICH RESULTED
26 IN VIOLATION OF SECTION 1533(A), (B) OR (D).

27 (4) THE INDIVIDUAL HAS SUBMITTED A COMPLETED APPLICATION
28 FOR RELIEF TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE
29 DEPARTMENT. THE FOLLOWING ITEMS MUST ALSO BE SUBMITTED WITH
30 THE APPLICATION:

1 (I) THE RESTORATION FEE; AND
2 (II) PROOF OF FINANCIAL RESPONSIBILITY; OR
3 (III) IN THE CASE OF AN INDIVIDUAL WHO DOES NOT OWN
4 A MOTOR VEHICLE CURRENTLY REGISTERED IN THIS
5 COMMONWEALTH, A SIGNED STATEMENT CERTIFYING THAT THE
6 INDIVIDUAL DOES NOT OWN A MOTOR VEHICLE CURRENTLY
7 REGISTERED IN THIS COMMONWEALTH.

8 (E) PROHIBITIONS.--AN INDIVIDUAL SHALL BE PROHIBITED FROM
9 RECEIVING RELIEF UNDER THE PROGRAM FOR CONVICTIONS OF VIOLATIONS
10 COMMITTED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION.

11 (F) REINSTATEMENT.--THE DEPARTMENT SHALL AMEND ELIGIBLE
12 INDIVIDUALS' DRIVER'S RECORDS TO SHOW THEY SATISFIED ALL COURT-
13 ORDERED OBLIGATIONS WHICH RESULTED IN A SUSPENSION OF THE
14 INDIVIDUAL'S OPERATING PRIVILEGE UNDER SECTION 1533. THE
15 DEPARTMENT SHALL AMEND ELIGIBLE INDIVIDUALS' DRIVER'S RECORDS TO
16 SHOW THAT SUSPENSIONS IMPOSED FOR RELEVANT CONVICTIONS UNDER
17 SECTION 1543(A) WILL END OR WILL NOT BE IMPOSED. ANY ADD-ON
18 SUSPENSIONS IMPOSED UNDER SECTION 1544(A) FOR VIOLATIONS THAT
19 OCCURRED AT THE SAME TIME AS A RELEVANT VIOLATION OF SECTION
20 1543(A) SHALL BE RESCINDED FROM ELIGIBLE INDIVIDUALS' DRIVER'S
21 RECORDS. THE DEPARTMENT SHALL NOT BE REQUIRED TO REINSTATE THE
22 OPERATING PRIVILEGE OF AN INDIVIDUAL UNDER THIS SUBCHAPTER IF
23 THE DEPARTMENT IS AUTHORIZED UNDER THIS TITLE TO SUSPEND THE
24 OPERATING PRIVILEGE OF THE INDIVIDUAL FOR OTHER VIOLATIONS OF
25 THIS TITLE. UPON RESTORATION FROM SUSPENSION UNDER THIS PROGRAM,
26 ELIGIBLE INDIVIDUALS' DRIVER'S RECORDS SHALL SHOW FIVE POINTS.

27 (G) COMPLIANCE.--THE DEPARTMENT MAY NOT BE REQUIRED TO
28 RESTORE THE OPERATING PRIVILEGE OF AN INDIVIDUAL UNDER THIS
29 SUBCHAPTER UNTIL THE INDIVIDUAL HAS COMPLIED WITH SECTION 1593
30 (RELATING TO PROGRAM REQUIREMENTS).

1 § 1593. PROGRAM REQUIREMENTS.

2 (A) FORM.--AN INDIVIDUAL WHO SEEKS TO PARTICIPATE IN THE
3 PROGRAM SHALL RESPOND TO THE COURT PURSUANT TO THE INSTRUCTIONS
4 IN A RESTORATION REQUIREMENTS LETTER WHICH SHALL BE PROVIDED BY
5 THE DEPARTMENT.

6 (B) SATISFACTION OF PAYMENTS OWED.--THE INDIVIDUAL IS
7 REQUIRED TO PAY 100% OF THE ORIGINAL PENALTY AND ANY OTHER
8 COURT-ORDERED OBLIGATIONS IMPOSED UNDER THE APPLICABLE LAWS OF
9 THIS COMMONWEALTH.

10 (C) REQUIREMENTS.--IN ADDITION TO THE REQUIREMENTS UNDER
11 SECTION 1960 (RELATING TO REINSTATEMENT OF OPERATING PRIVILEGE
12 OR VEHICLE REGISTRATION), AN INDIVIDUAL APPLYING FOR THE PROGRAM
13 SHALL PERFORM ONE OF THE FOLLOWING:

14 (1) PAY ALL COURT-ORDERED OBLIGATIONS IMMEDIATELY OR IN
15 A SINGLE REMITTANCE.

16 (2) IF AN INDIVIDUAL IS UNABLE TO PAY ALL OBLIGATIONS
17 UNDER SUBPARAGRAPH (I), THE INDIVIDUAL SHALL EITHER:

18 (I) PAY IN INSTALLMENTS ALL COURT-ORDERED
19 OBLIGATIONS AFTER A HEARING CONDUCTED BY THE ISSUING
20 AUTHORITY TO DETERMINE THE INDIVIDUAL'S ABILITY TO PAY
21 AND THE ISSUANCE OF AN ORDER PROVIDING FOR INSTALLMENT
22 PAYMENTS; OR

23 (II) NOTWITHSTANDING 42 PA.C.S. § 1520 (A) (RELATING
24 TO ADJUDICATION ALTERNATIVE PROGRAM), COMPLETE A COURT-
25 ORDERED PUBLIC SERVICE OR OTHER ADJUDICATION ALTERNATIVE
26 PROGRAM UNDER 42 PA.C.S. § 1520 (B).

27 (D) PROOF OF FINANCIAL RESPONSIBILITY.--NOTWITHSTANDING
28 SECTION 1783 (RELATING TO PROOF OF FINANCIAL RESPONSIBILITY
29 BEFORE RESTORING OPERATING PRIVILEGE OR REGISTRATION), BEFORE
30 RESTORING AN OPERATING PRIVILEGE, THE DEPARTMENT SHALL REQUIRE

1 AN INDIVIDUAL PARTICIPATING IN THE PROGRAM TO PROVIDE THE
2 DEPARTMENT WITH:

- 3 (1) PROOF OF FINANCIAL RESPONSIBILITY; OR
4 (2) IN THE CASE OF AN INDIVIDUAL WHO DOES NOT OWN A
5 MOTOR VEHICLE CURRENTLY REGISTERED IN THIS COMMONWEALTH, A
6 SIGNED STATEMENT CERTIFYING THAT THE INDIVIDUAL DOES NOT OWN
7 A MOTOR VEHICLE CURRENTLY REGISTERED IN THIS COMMONWEALTH.

8 (E) CERTIFICATION.--THE COURT SHALL CERTIFY TO THE
9 DEPARTMENT THAT AN INDIVIDUAL IS ELIGIBLE FOR RELIEF UNDER THE
10 PROGRAM BECAUSE:

11 (1) AN INDIVIDUAL HAS SATISFIED THE AMOUNTS OWED TO THE
12 COURT; OR

13 (2) AN INDIVIDUAL HAS COMPLETED OR SATISFIED ALL COURT-
14 ORDERED PUBLIC SERVICE REQUIREMENTS OR OTHER ALTERNATIVE
15 ADJUDICATION PROGRAMS.

16 § 1594. USE OF REVENUE.

17 ALL REVENUE RECEIVED BY THE COURT UNDER THE PROGRAM SHALL BE
18 DISTRIBUTED IN ACCORDANCE WITH LAW.

19 § 1595. PROCEEDINGS RELATING TO VIOLATIONS BARRED.

20 PARTICIPATION IN THE PROGRAM IS CONDITIONED UPON THE
21 INDIVIDUAL'S AGREEMENT NOT TO PROTEST OR PURSUE AN
22 ADMINISTRATIVE OR JUDICIAL PROCEEDING AGAINST THE DEPARTMENT FOR
23 THE SANCTIONS IT IMPOSED ON THE INDIVIDUAL'S OPERATING PRIVILEGE
24 UNDER SECTION 1533 (RELATING TO SUSPENSION OF OPERATING
25 PRIVILEGE FOR FAILURE TO RESPOND TO CITATION), 1543 (RELATING TO
26 DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR REVOKED), 1544
27 (RELATING TO ADDITIONAL PERIOD OF REVOCATION OR SUSPENSION) OR
28 6146 (RELATING TO ENFORCEMENT AGREEMENTS) AS ADDRESSED BY THE
29 PROGRAM.

30 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 10 MONTHS.