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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1821 Session of  
2019

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INTRODUCED BY QUINN, HARKINS, STEPHENS, READSHAW, BARRAR, HELM,  
YOUNGBLOOD, STRUZZI, ROTHMAN, MILLARD, CIRESI, DEASY AND  
T. DAVIS, SEPTEMBER 17, 2019

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REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 17, 2019

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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 ignition interlock limited license; in driving after imbibing  
5 alcohol or utilizing drugs, further providing for driving  
6 under influence of alcohol or controlled substance, for  
7 grading, for penalties, for ignition interlock and for  
8 mandatory sentencing; and providing for a study of driving  
9 under the influence courts.

10 This act may be referred to as Deana's Law.

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:

21 \* \* \*

1 "Continuous alcohol monitoring device" or "CAM device." A  
2 monitoring device or instrument that:

3 (1) is attached to an individual;

4 (2) is designed to automatically test the alcohol  
5 content in the individual by contact with the skin of the  
6 individual at least once per one-half hour regardless of the  
7 location on the individual;

8 (3) detects the presence of alcohol; and

9 (4) detects an attempt to tamper with, obstruct or  
10 remove the device or instrument.

11 \* \* \*

12 Section 2. Section 1556(b)(2) of Title 75 is amended to  
13 read:

14 § 1556. Ignition interlock limited license.

15 \* \* \*

16 (b) Petition.--

17 \* \* \*

18 (2) The petition shall also include proof of financial  
19 responsibility covering each vehicle the applicant requests  
20 to be permitted to operate. The department shall promulgate  
21 regulations to require additional information as well as  
22 additional evidence to verify the information contained in  
23 the petition. Upon approval of the petition, the ignition  
24 interlock device must be installed in any motor vehicle to be  
25 operated by the individual, and proof of installation must be  
26 provided by the ignition interlock device vendor.

27 \* \* \*

28 Section 3. Section 3802 of Title 75 is amended by adding a  
29 subsection to read:

30 § 3802. Driving under influence of alcohol or controlled

1 substance.

2 \* \* \*

3 (h) Vehicle impoundment.--Whenever an individual has been  
4 arrested for a violation of this section and the individual was  
5 convicted of two or more prior offenses under this section, the  
6 arresting officer shall impound the vehicle that the individual  
7 was operating at the time of arrest in accordance with the  
8 following:

9 (1) A vehicle shall be impounded for a period of 12  
10 hours after the time of arrest or until the individual meets  
11 the conditions for release under paragraph (3).

12 (2) A vehicle may be released to an individual other  
13 than the individual under arrest prior to the end of the  
14 impoundment period only if:

15 (i) the vehicle is not owned or leased by the  
16 individual under arrest and the person who owns or leases  
17 the vehicle claims the vehicle and meets the conditions  
18 for release under paragraph (3); or

19 (ii) the vehicle is owned or leased by the  
20 individual under arrest, the individual under arrest  
21 gives permission to another individual to operate the  
22 vehicle and the conditions for release under paragraph  
23 (3) are met.

24 (3) A vehicle shall not be released unless the  
25 individual claiming the vehicle:

26 (i) presents a valid driver's license, proof of  
27 ownership or lawful authority to operate the motor  
28 vehicle and proof of valid motor vehicle insurance for  
29 that vehicle;

30 (ii) is able to operate the vehicle in a safe manner

1 and would not be in violation of this title; and  
2 (iii) meets any other conditions for release  
3 established by the law enforcement agency impounding the  
4 vehicle.

5 (4) A law enforcement agency impounding a vehicle is  
6 authorized to charge a reasonable fee for towing and storage  
7 of the vehicle and may retain custody of the vehicle until  
8 the fee is paid.

9 Section 4. Section 3803(b)(3) and (4.1) of Title 75 are  
10 amended and the subsection is amended by adding a paragraph to  
11 read:

12 § 3803. Grading.

13 \* \* \*

14 (b) Other offenses.--

15 \* \* \*

16 (3) An individual who violates section 3802(a)(1) where  
17 there was an accident resulting in bodily injury, serious  
18 bodily injury or death of any person or in damage to a  
19 vehicle or other property, or who violates section [3802(b),  
20 (e)] 3802(e) or (f) and who has two prior offenses commits a  
21 misdemeanor of the first degree.

22 (3.1) An individual who violates section 3802(b) and has  
23 two prior offenses commits a felony of the third degree.

24 \* \* \*

25 (4.1) An individual who violates section 3802(a)(1)  
26 where the individual refused testing of breath or chemical  
27 testing pursuant to a valid search warrant, court order or  
28 any other basis permissible by the Constitution of the United  
29 States and the Constitution of Pennsylvania, or who violates  
30 section 3802(c) or (d) [and who] commits:

1           (i) A felony of the third degree if the individual  
2           has two [or more] prior offenses [commits a felony of the  
3           third degree].

4           (ii) A felony of the second degree if the individual  
5           has three prior offenses.

6           (iii) A felony of the first degree if the individual  
7           has four or more prior offenses.

8           \* \* \*

9           Section 5. Section 3804 of Title 75 is amended by adding a  
10          subsection to read:

11         § 3804. Penalties.

12           \* \* \*

13         (c.2) Consecutive sentence.--A sentence imposed upon a  
14         person under this section for a third or subsequent offense  
15         shall be served consecutively to any other sentence the person  
16         is serving and to any other sentence being then imposed by the  
17         court.

18           \* \* \*

19         Section 6. Section 3805(c) and (h.2) of Title 75 are amended  
20         to read:

21         § 3805. Ignition interlock.

22           \* \* \*

23         (c) Issuance of unrestricted license.--One year from the  
24         date of issuance of an ignition interlock restricted license  
25         under this section, or two years from the date of issuance of an  
26         ignition interlock restricted license under this section in the  
27         case of a person convicted of a third or subsequent offense  
28         under section 3802, if otherwise eligible, a person may be  
29         issued a replacement license under section 1951(d) that does not  
30         contain the ignition interlock system restriction. The

1 department shall not issue an unrestricted license until a  
2 person has presented all of the following:

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

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

8 \* \* \*

9 (h.2) Declaration of compliance.--Restrictions imposed under  
10 section 1556 (relating to ignition interlock limited license)  
11 shall remain in effect until the department receives a  
12 declaration from the person's ignition interlock device vendor,  
13 in a form provided or approved by the department, certifying  
14 that the following incidents have not occurred in the two  
15 consecutive months prior to the date entered on the certificate,  
16 and for the purposes of a suspension imposed under section  
17 3807(d) (2), the person's ignition interlock device vendor shall  
18 certify the following incidents have not occurred in the prior  
19 30 days entered on the certificate:

20 (1) An attempt to start the vehicle with a breath  
21 alcohol concentration of 0.08% or more, not followed within  
22 10 minutes by a subsequent attempt with a breath alcohol  
23 concentration lower than 0.08%.

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

25 (3) Failure of the person to appear at the ignition  
26 interlock system vendor when required for maintenance,  
27 repair, calibration, monitoring, inspection or replacement of  
28 the device such that the ignition interlock system no longer  
29 functions as required under subsection (h).

30 If a violation under paragraph (1), (2) or (3) occurs, the

1 vendor shall notify the department as to the violation on a form  
2 designated by the department, and the department shall notify  
3 the person of the violation and that ignition interlock device  
4 usage shall continue until no violations have occurred within a  
5 60-day period.

6 \* \* \*

7 Section 7. Section 3815(b)(2) of Title 75 is amended and the  
8 section is amended by adding a subsection to read:

9 § 3815. Mandatory sentencing.

10 \* \* \*

11 (b) Parole.--

12 \* \* \*

13 (2) The following shall be conditions of parole:

14 (i) If the offender is not determined under the  
15 procedures set forth in section 3814 to be addicted to  
16 alcohol or another substance, the offender must refrain  
17 from:

18 (A) the use of illegal controlled substances;

19 and

20 (B) the abuse of prescription drugs, over-the-  
21 counter drugs or any other substances.

22 (ii) If the offender is determined under the  
23 procedures set forth in section 3814 to be addicted to  
24 alcohol or another substance, the offender must do all of  
25 the following:

26 (A) Refrain from:

27 (I) the use of alcohol or illegal controlled  
28 substances; and

29 (II) the abuse of prescription drugs, over-  
30 the-counter drugs or any other substances.

1 (B) Participate in and cooperate with drug and  
2 alcohol addiction treatment under subsection (c).

3 (iii) An offender serving a sentence for a violation  
4 of section 3802 who has two or more prior offenses shall  
5 be fitted with a continuous alcohol monitoring device for  
6 one year or for the duration of the period of parole,  
7 whichever is less. Tampering with or obstructing the CAM  
8 device shall constitute noncompliance with the conditions  
9 of parole. The payment of costs associated with the CAM  
10 device shall be determined in accordance with section  
11 1557(b) and (c) (relating to continuous alcohol  
12 monitoring device). If on more than two occasions the CAM  
13 device detects that an offender's alcohol concentration  
14 is greater than 0.08%, the court may order the offender  
15 to participate in and cooperate with drug and alcohol  
16 addiction treatment.

17 (b.1) Probation.--As a condition of a probation order, the  
18 court shall require an offender who has two or more prior  
19 offenses to be fitted with a continuous alcohol monitoring  
20 device for one year or for the duration of the period of  
21 probation, whichever is less. Tampering with or obstructing the  
22 CAM device shall constitute noncompliance with the conditions of  
23 probation. The payment of costs associated with the CAM device  
24 shall be determined in accordance with section 1557(b) and (c).  
25 If on more than two occasions the CAM device detects that an  
26 offender's alcohol concentration is greater than 0.08%, the  
27 court may order the offender to participate in and cooperate  
28 with drug and alcohol addiction treatment.

29 \* \* \*

30 Section 8. The Department of Transportation, in consultation



1 with the Pennsylvania State Police, shall evaluate the  
2 effectiveness of driving under the influence courts in this  
3 Commonwealth and submit a report with findings and  
4 recommendations to the Transportation Committee of the Senate  
5 and the Transportation Committee of the House of Representatives  
6 within six months of the effective date of this section.

7 Section 9. This act shall take effect in 120 days.