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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1952 Session of  
2020

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INTRODUCED BY D. MILLER, DAWKINS, KINSEY, HOWARD, SCHLOSSBERG,  
McCLINTON, DONATUCCI, ROZZI, GAINNEY, HILL-EVANS, A. DAVIS,  
KIM AND WILLIAMS, MAY 13, 2020

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 13, 2020

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AN ACT

1 Amending Titles 18 (Crimes and Offenses), 34 (Game), 42  
2 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the  
3 Pennsylvania Consolidated Statutes, in human trafficking,  
4 further providing for restitution; in enforcement, further  
5 providing for jurisdiction and penalties; in sentencing,  
6 further providing for sentencing generally, for fine, for  
7 collection of restitution, reparation, fees, costs, fines and  
8 penalties, for payment of court costs, restitution and fines  
9 and for collection of court costs, restitution and fines by  
10 private collection agency, repealing provisions relating to  
11 fine and further providing for failure to pay fine; in  
12 licensing of drivers, repealing provisions relating to  
13 suspension of operating privilege for failure to respond to  
14 citation, providing for fee for restoration of operating  
15 privilege and further providing for restoration of operating  
16 privilege, for occupational limited license and for  
17 probationary license; in financial responsibility, further  
18 providing for definitions; and, in penalties and disposition  
19 of fines, repealing provisions relating to inability to pay  
20 fine and costs.

21 The General Assembly of the Commonwealth of Pennsylvania  
22 hereby enacts as follows:

23 Section 1. Section 3020(3) of Title 18 of the Pennsylvania  
24 Consolidated Statutes is amended to read:

25 § 3020. Restitution.

26 In addition to the provisions of section 1106 (relating to

1 restitution for injuries to person or property), the following  
2 shall apply:

3 \* \* \*

4 (3) Collection and distribution of restitution payments  
5 shall be governed by the provisions of 42 Pa.C.S. §§ 9728  
6 (relating to collection of restitution, reparation, fees,  
7 costs, fines and penalties), 9730 (relating to payment of  
8 court [costs, restitution and] fines, costs and restitution)  
9 and 9730.1 (relating to collection of court costs,  
10 restitution and fines by private collection agency).

11 Section 2. Section 925(e) of Title 34 is amended to read:  
12 § 925. Jurisdiction and penalties.

13 \* \* \*

14 (e) Installment payment of fines.--Upon a plea and proof  
15 that person is unable to pay any fine and costs imposed under  
16 this title, a court may, in accordance with 42 Pa.C.S. § [9758  
17 (relating to fine)] 9730 (relating to payment of court fines,  
18 costs and restitution), permit installment payments it considers  
19 appropriate to the circumstances of the person, in which case  
20 its order shall specify when each installment payment is due.

21 \* \* \*

22 Section 3. Section 9721(c.1) of Title 42 is amended to read:  
23 § 9721. Sentencing generally.

24 \* \* \*

25 (c.1) Mandatory payment of costs.--Notwithstanding the  
26 provisions of section 9728 (relating to collection of  
27 restitution, reparation, fees, costs, fines and penalties) or  
28 any provision of law to the contrary, in addition to the  
29 alternatives set forth in subsection (a), the court shall order  
30 the defendant to pay costs. In the event the court fails to

1 issue an order for costs pursuant to section 9728, costs shall  
2 be imposed upon the defendant under this section. No court order  
3 shall be necessary for the defendant to incur liability for  
4 costs under this section. The provisions of this subsection do  
5 not alter the court's discretion under Pa.R.Crim.P. No. 706(C)  
6 (relating to fines or costs) [.] or the requirements of section  
7 9730 (relating to payment of court fines, costs and  
8 restitution).

9 \* \* \*

10 Section 4. Section 9726 of Title 42 is amended by adding a  
11 subsection to read:

12 § 9726. Fine.

13 \* \* \*

14 (e) Alternative sentence.--The sentence of the court may  
15 include an alternative sentence in the event of nonpayment, but  
16 the sentence shall only take effect in accordance with section  
17 9772 (relating to failure to pay fine).

18 Section 5. Section 9728(g.1) of Title 42 is amended to read:

19 § 9728. Collection of restitution, reparation, fees, costs,  
20 fines and penalties.

21 \* \* \*

22 (g.1) Payment.--[No less than 50% of all moneys] Money  
23 collected by the county probation department or other agent  
24 designated by the county commissioners of the county with the  
25 approval of the president judge of the county pursuant to  
26 subsection (b) (1) and deducted pursuant to subsection (b) (5)  
27 shall, until the satisfaction of the defendant's restitution  
28 obligation, be used to pay restitution to victims. Any remaining  
29 moneys shall be used to pay fees, costs, fines, penalties and  
30 other court-ordered obligations.

1 \* \* \*

2 Section 6. Section 9730 of Title 42, amended December 18,  
3 2019 (P.L.776, No.115), is amended to read:

4 § 9730. [Payment of court costs, restitution and fines.]

5 (a) Method of payment.--The treasurer of each county may  
6 allow the use of credit cards and bank cards in the payment of  
7 court costs, restitution and fines and may provide for automatic  
8 periodic deductions from a bank account, subject to the  
9 agreement of the owner of the account.

10 (a.1) Wage attachment.--A court may, at sentencing, assign  
11 an amount not greater than 25% of the defendant's gross salary,  
12 wages or other earnings to be used for the payment of court  
13 costs, restitution or fines.

14 (b) Procedures regarding default.--

15 (1) If a defendant defaults in the payment of court  
16 costs, restitution or fines after imposition of sentence, the  
17 issuing authority or a senior judge or senior magisterial  
18 district judge appointed by the president judge for the  
19 purposes of this section may conduct a hearing to determine  
20 whether the defendant is financially able to pay.

21 (2) If the issuing authority, senior judge or senior  
22 magisterial district judge determines that the defendant is  
23 financially able to pay the costs, restitution or fine, the  
24 issuing authority, senior judge or senior magisterial  
25 district judge may enter an order for wage attachment, turn  
26 the delinquent account over to a private collection agency or  
27 impose imprisonment for nonpayment, as provided by law.

28 (3) If the issuing authority, senior judge or senior  
29 magisterial district judge determines that the defendant is  
30 without the financial means to pay the costs, restitution or

1 fine immediately or in a single remittance, the issuing  
2 authority, senior judge or senior magisterial district judge  
3 may provide for payment in installments. In determining the  
4 appropriate installments, the issuing authority, senior judge  
5 or senior magisterial district judge shall consider the  
6 defendant's financial resources, the defendant's ability to  
7 make restitution and reparations and the nature of the burden  
8 the payment will impose on the defendant. If the defendant is  
9 in default of a payment or advises the issuing authority,  
10 senior judge or senior magisterial district judge that  
11 default is imminent, the issuing authority, senior judge or  
12 senior magisterial district judge may schedule a rehearing on  
13 the payment schedule. At the rehearing the defendant has the  
14 burden of proving changes of financial condition such that  
15 the defendant is without the means to meet the payment  
16 schedule. The issuing authority, senior judge or senior  
17 magisterial district judge may extend or accelerate the  
18 schedule, leave it unaltered or sentence the defendant to a  
19 period of community service as the issuing authority, senior  
20 judge or senior magisterial district judge finds to be just  
21 and practicable under the circumstances.

22 (4) A decision of the issuing authority, senior judge or  
23 senior magisterial district judge under paragraph (2) or (3)  
24 is subject to section 5105 (relating to right to appellate  
25 review).] Payment of court fines, costs and restitution.

26 (c) Imposition of fines, costs and restitution.--

27 (1) Restitution established by the evidence as owed to a  
28 victim shall be imposed in accordance with 18 Pa.C.S. § 1106  
29 (relating to restitution for injuries to person or property).  
30 Payment of restitution in full shall have priority over

1 payment of fines or costs.

2 (2) The court shall:

3 (i) Consider only the defendant's income in  
4 assessing fines and costs and ability to pay.

5 (ii) Have the discretion to waive or reduce fines  
6 and costs at any time.

7 (iii) Conduct an ability-to-pay analysis before  
8 imposing any fines or costs:

9 (A) At any stage in the proceeding, including,  
10 but not limited to, pretrial proceedings,  
11 diversionary programs, sentencing or postsentencing  
12 proceedings.

13 (B) In any summary offense, misdemeanor, felony  
14 or other offense.

15 (C) In accordance with this section and sections  
16 9721(c.1) (relating to sentencing generally) and  
17 9726 (relating to fine).

18 (3) A sentence of incarceration may not be imposed  
19 solely because a defendant is found unable to pay.

20 (4) If a felony or misdemeanor charge is reduced to a  
21 summary offense, the defendant shall be liable only for costs  
22 associated with a summary offense, pursuant to the standards  
23 specified in this section.

24 (5) In any case that arises from the same incident, each  
25 court cost that is authorized by law shall be assessed no  
26 more than once. A defendant may not be charged any costs  
27 associated with charges that are withdrawn or dismissed or  
28 otherwise do not result in conviction.

29 (6) The inability to pay shall not limit access to  
30 diversionary programs or serve as grounds for removal or

1 suspension from the programs.

2 (7) The assignment of parole fees, supervision fees or  
3 monitoring fees shall not supersede restitution priority.

4 (d) Ability to pay.--

5 (1) The defendant shall be considered unable to pay  
6 fines or costs if any of the following is established by a  
7 preponderance of the evidence and greater access to financial  
8 resources is not determined:

9 (i) The defendant's income is less than 125% of the  
10 Federal poverty guidelines or the defendant is an  
11 unemancipated juvenile.

12 (ii) The defendant proves that imposition of the  
13 fines or costs would render the defendant unable to meet  
14 basic life needs, including, but not limited to, food,  
15 rent or mortgage, utilities, medical expenses,  
16 transportation and dependent care, with consideration  
17 given to employment status, treatment needs and access to  
18 means-based public assistance.

19 (2) The court may request reasonable documentation in  
20 relation to the defendant's income and ability to pay, but no  
21 final order regarding fines and costs shall be issued without  
22 providing the defendant with a reasonable opportunity to  
23 produce financial documentation. The defendant shall be  
24 provided in writing the total amount of fines, costs or  
25 restitution imposed.

26 (3) The court shall allow a victim owed restitution to  
27 provide competent and relevant evidence regarding the  
28 defendant's finances and ability to pay, if so requested.

29 (4) The court may order a defendant to report any salary  
30 increase that improves the defendant's ability to pay and any

1 financial windfalls in excess of \$1,000. The court shall  
2 provide the defendant with written notice of this obligation.

3 (e) Installment payment schedule.--

4 (1) Upon a determination that a defendant has the  
5 ability to pay, the court shall seek immediate payment. If it  
6 is established that the payment cannot be paid in full, the  
7 court shall permit a victim owed restitution to offer  
8 competent and relevant evidence as to the defendant's  
9 finances, if so requested, before finalizing an installment  
10 payment schedule. Unless a greater payment is consented to by  
11 the defendant, the installment payment schedule shall be  
12 prescribed as below:

13 (i) A defendant whose income is less than or equal  
14 to 125% of the Federal poverty guidelines shall not be  
15 required to make monthly installment payments.

16 (ii) A defendant whose income is more than 125% but  
17 less than 150% of the Federal poverty guidelines shall  
18 not be required to make monthly installment payments that  
19 exceed two times the hourly minimum wage for the  
20 locality.

21 (iii) A defendant whose income is equal to or more  
22 than 150% but less than 185% of the Federal poverty  
23 guidelines shall not be required to make monthly  
24 installment payments that exceed three times the hourly  
25 minimum wage for the locality.

26 (iv) A defendant whose income is greater than or  
27 equal to 185% but less than 200% of the Federal poverty  
28 guidelines shall not be required to make monthly  
29 installment payments that exceed four times the hourly  
30 minimum wage for the locality.

1           (v) If a defendant's income is equal to or more than  
2           200% of the Federal poverty guidelines, the court shall  
3           consider the evidence presented at a hearing on the  
4           defendant's financial ability to pay and set an  
5           installment payment schedule that would not prevent the  
6           defendant from meeting the basic life needs of the  
7           defendant and any of the defendant's dependents.

8           (2) The court may set review dates to review progress  
9           and related financial information. The review dates based  
10           solely on financial payments shall not be more frequent than  
11           once every six months absent default. The scheduling shall  
12           take into account the impact on the defendant's employment or  
13           dependent care.

14           (3) The court may delegate authority to the department  
15           of probation of the respective county or other agent  
16           designated by the county commissioners of the county with the  
17           approval of the president judge of the county in accordance  
18           with section 9728 (relating to collection of restitution,  
19           reparation, fees, costs, fines and penalties). The court may  
20           delegate authority to its clerks to enter into a mutually  
21           agreeable installment payment schedule with the defendant.  
22           However, if the defendant requests that the court hold a  
23           hearing to set or modify a payment plan, the court shall  
24           schedule and hold the hearing. An entity to which the  
25           authority is delegated shall inform the defendant in writing  
26           of the right to a hearing.

27           (4) Defendants shall be permitted to make payments with  
28           credit cards or bank cards. Defendants may not be charged any  
29           administrative fee for the use of the credit cards or bank  
30           cards. The court may, with the consent of the defendant,

1 automatically deduct payments each month, but any deduction,  
2 garnishment or wage attachment shall not be in excess of the  
3 defendant's payment plan amount.

4 (5) The court may send automated reminders to the  
5 defendant via text message or e-mail to remind the defendant  
6 to pay each month.

7 (f) Community service.--The court may, with the consent of  
8 the defendant, permit the defendant to perform community service  
9 in lieu of paying fines or costs or in lieu of restitution, if  
10 agreed to on the record by the victim to whom restitution is  
11 owed. The following shall apply:

12 (1) A defendant who performs community service shall  
13 receive credit at no less than two times the hourly minimum  
14 wage for the locality, although the court may in its  
15 discretion give credit at a higher rate. The failure to  
16 complete agreed-to community service may lead to  
17 reinstatement of outstanding financial obligations in  
18 accordance with this section.

19 (2) No community service may be used to enrich or  
20 otherwise benefit:

21 (i) the court or staff of the court, including any  
22 family members, colleagues or acquaintances; or

23 (ii) the victim or the victim's family members,  
24 colleagues or acquaintances.

25 (g) Procedures regarding default.--If a defendant defaults  
26 on an installment payment schedule or upon motion, the court may  
27 schedule a hearing to determine the defendant's financial  
28 ability to pay, but the court may not hold the defendant in  
29 contempt, alter the defendant's payment plan or issue a sanction  
30 without first holding a hearing. A bench warrant may not be

1 issued solely for a financial default. The following shall  
2 apply:

3 (1) With respect to notice of the hearing:

4 (i) Notice shall be provided via certified mail and  
5 via phone, text or e-mail when possible, but not as a  
6 substitute for traditional service.

7 (ii) At a minimum, notice shall include:

8 (A) The date, time and location of the hearing.

9 (B) The total amount owed in fines, costs and  
10 restitution.

11 (C) The current installment payment schedule, if  
12 any.

13 (D) Any measure that the defendant may take to  
14 avoid a hearing.

15 (E) A reminder that the defendant may bring  
16 documentation regarding the defendant's finances or a  
17 list of documents that the court requires the  
18 defendant to bring.

19 (F) If the court is considering incarcerating  
20 the defendant, a statement that the defendant has a  
21 right to counsel at the hearing, with instructions on  
22 how to apply for a public defender if the defendant  
23 cannot afford counsel.

24 (iii) Notice shall be provided to a victim to whom  
25 restitution is owed, when so requested.

26 (2) If the defendant fails to appear at the hearing, the  
27 court may issue a bench warrant or reschedule the hearing.

28 (3) With respect to a hearing on the ability of a  
29 defendant to pay fines, costs or restitution, the court shall  
30 affirmatively inquire into the reasons for nonpayment and the

1 defendant's present financial status in accordance with the  
2 standards specified in subsection (d). The following shall  
3 apply:

4 (i) The defendant has the right to offer evidence  
5 and to representation if there is a likelihood of  
6 incarceration.

7 (ii) A victim who is owed restitution is entitled to  
8 notice if so requested.

9 (iii) The court shall make written findings on the  
10 record and provide any of the following findings:

11 (A) A finding of the defendant's willful refusal  
12 to pay. If the Commonwealth establishes, by a  
13 preponderance of the evidence, that the defendant has  
14 the financial ability to pay and has willfully  
15 refused to pay, the court may, in accordance with  
16 subsection (c), take any of the following actions or  
17 combination of actions:

18 (I) Reinstate, alter or otherwise create an  
19 installment payment schedule.

20 (II) Impose a sentence of community service.

21 (III) Refer the case to a private debt  
22 collection agency in accordance with section  
23 9730.1 (relating to collection of court costs,  
24 restitution and fines by private collection  
25 agency).

26 (IV) Impose any sanction provided by law.

27 The following shall apply:

28 (a) No person shall be incarcerated for  
29 nonpayment unless the court makes the  
30 necessary finding under this subsection.

1                   (b) The court may impose a purge  
2                   condition, compliance with which will allow  
3                   the defendant to avoid sanction, only if it  
4                   finds beyond a reasonable doubt that the  
5                   defendant has the present ability to comply.

6                   (B) A finding of the defendant's inability to  
7                   pay. The court may, in accordance with subsection  
8                   (c), take any of the following actions or combination  
9                   of actions:

10                   (I) Reinstate, alter or otherwise create an  
11                   installment payment schedule that will allow  
12                   compliance.

13                   (II) Reduce or waive fines and costs owed.

14                   (III) With consent, allow for fines, costs  
15                   or restitution to be completed by community  
16                   service.

17                   (h) Reduction or waiver of fines, costs or restitution.--

18                   (1) At any time deemed appropriate or upon motion, the  
19                   court may waive or reduce a defendant's fines or costs, or  
20                   any portion thereof, as noncollectible due to the defendant's  
21                   inability to pay, or may waive or reduce the amounts for any  
22                   reason. If the waiver or reduction results in eliminating any  
23                   outstanding balance of fines or costs, the court shall  
24                   specify in writing that the case was closed for that reason.  
25                   Any existing civil judgment or lien entered in accordance  
26                   with section 9728 shall be terminated.

27                   (2) Any amount of unpaid restitution may be reduced or  
28                   waived only if the court finds on the record that the victim  
29                   has given consent to the reduction or waiver.

30                   (i) Termination of probation or parole.--

1       (1) If a defendant has completed all rehabilitative  
2 goals of probation or parole other than payment of fines and  
3 costs and there has no been no finding of willful refusal to  
4 pay, the court shall terminate supervision.

5       (2) If a defendant has completed all rehabilitative  
6 goals of probation or parole but restitution remains and  
7 there has been no finding of willful refusal to pay, the  
8 court may terminate supervision.

9       (3) If any financial obligation is still owed or  
10 assigned at the termination of supervision, the court shall  
11 provide the defendant with the amount in writing, place the  
12 defendant on an installment payment schedule in accordance  
13 with this section and inform the defendant that payment is  
14 still owed and that willful failure to comply may result in a  
15 finding of contempt and possible imprisonment. The inability  
16 to pay shall not constitute grounds to revoke or extend a  
17 period of probation or parole.

18 (j) Time limit on contempt proceedings.--

19       (1) A court may not hold a defendant in contempt or  
20 otherwise arrest or imprison a defendant for nonpayment of  
21 fines or costs beyond the maximum term of imprisonment to  
22 which the defendant could have been sentenced for the crimes  
23 of which the defendant was convicted or upon the termination  
24 of probation, if any.

25       (2) In summary offenses, the court may not hold a  
26 defendant in contempt or otherwise arrest or imprison a  
27 defendant for nonpayment of fines or costs once two years  
28 have passed since the date of conviction for the offense or  
29 upon the termination of probation, if any.

30       (3) Nothing in this subsection limits the ability of the

1 Commonwealth to enforce a civil judgment entered in  
2 accordance with sections 5529(a) (relating to twenty year  
3 limitation) and 9728.

4 (k) Appeal.--An order entered under this section is subject  
5 to an appeal under section 5105 (relating to right to appellate  
6 review). The filing of an appeal of an order of incarceration  
7 shall operate as an automatic supersedeas until the conclusion  
8 of the appeal, unless otherwise ordered by a court having  
9 jurisdiction over the appeal.

10 (l) Applicability.--This section shall apply notwithstanding  
11 any other provisions of law.

12 Section 7. Section 9730.1(a) and (d) of Title 42 are amended  
13 to read:

14 § 9730.1. Collection of court costs, restitution and fines by  
15 private collection agency.

16 (a) Generally.--In accordance with section [9730(b)(1) and  
17 (2) (relating to payment of court costs, restitution and fines)]

18 9730 (relating to payment of court fines, costs and  
19 restitution), an issuing authority may refer the collection of  
20 costs, fines and restitution of a defendant to a private  
21 collection agency whether or not the defendant's maximum  
22 sentence or probationary term has expired with or without  
23 holding a hearing pursuant to this section. Such collection  
24 agency shall adhere to accepted practices in accordance with  
25 applicable Federal and State law to collect such costs, fines  
26 and restitution.

27 \* \* \*

28 (d) Imprisonment.--Nothing in this subchapter limits the  
29 ability of a judge to imprison a person for nonpayment, as  
30 provided by law; however, imprisonment for nonpayment shall not

1 be imposed without a public hearing under section [9730 (b) (1)]  
2 9730.

3 \* \* \*

4 Section 8. Section 9758 of Title 42 is repealed:

5 [§ 9758. Fine.

6 (a) General rule.--In imposing a fine the court shall at the  
7 time of sentencing specify the amount of the fine up to the  
8 amount authorized by law and shall provide when it is to be  
9 paid, and in the absence of statutory direction provide whether  
10 it is to be paid to the county or to the Commonwealth.

11 (b) Installment payment.--Except for fines imposed under  
12 Title 34 (relating to game), the court may permit installment  
13 payments as it considers appropriate to the circumstances of the  
14 defendant, in which case its order shall specify when each  
15 installment payment is due. Installment payments for fines  
16 imposed for summary offenses under Title 34 shall not exceed one  
17 year for summary offenses and, except for 34 Pa.C.S. § 2522  
18 (relating to shooting at or causing injury to human beings),  
19 shall not exceed two years for misdemeanor offenses.

20 (c) Alternative sentence.--The sentence of the court may  
21 include an alternative sentence in the event of nonpayment.]

22 Section 9. Section 9772 of Title 42 is amended to read:

23 § 9772. Failure to pay fine.

24 [Unless there is proof that failure to pay a fine or that  
25 portion of the fine that is due is excusable, the] The court may  
26 after a hearing find the defendant guilty of contempt and  
27 sentence him to not more than six months imprisonment, if a term  
28 of confinement of that amount could have been imposed for the  
29 offense charged[.] and the defendant is not indigent and is  
30 willfully refusing to pay in accordance with section 9730

1 (relating to payment of court fines, costs and restitution). The  
2 court shall make findings on the record regarding the  
3 defendant's ability to pay. If an alternative sentence has been  
4 imposed under section [9758(c) (relating to alternative  
5 sentence)] 9726(e) (relating to fine), the alternative sentence  
6 may not take effect until there has been a preliminary finding  
7 of non-indigency, and a willful failure to pay the fine in  
8 accordance with section 9730.

9 Section 10. Section 1533 of Title 75 is repealed:

10 [§ 1533. Suspension of operating privilege for failure to  
11 respond to citation.

12 (a) Violations within Commonwealth.--The department shall  
13 suspend the operating privilege of any person who has failed to  
14 respond to a citation or summons to appear before an issuing  
15 authority or a court of competent jurisdiction of this  
16 Commonwealth for any violation of this title, other than  
17 parking, or who has failed to pay any fine, costs or restitution  
18 imposed by an issuing authority or such courts for violation of  
19 this title, other than parking, upon being duly notified by an  
20 issuing authority or a court of this Commonwealth.

21 (b) Violations outside Commonwealth.--The department shall  
22 suspend the operating privilege of any person who has failed to  
23 respond to a citation, summons or similar writ to appear before  
24 a court of competent jurisdiction of the United States or any  
25 state which has entered into an enforcement agreement with the  
26 department, as authorized under section 6146 (relating to  
27 enforcement agreements), for any violation of the motor vehicle  
28 laws of such state, other than parking, or who has failed to pay  
29 any fine or costs imposed by such court upon being duly notified  
30 in accordance with the laws of such jurisdiction in which the

1 violation occurred. A person who provides proof, satisfactory to  
2 the department, that the full amount of the fine and costs has  
3 been forwarded to and received by the court shall not be  
4 regarded as having failed to respond for the purposes of this  
5 subsection.

6 (c) Time for responding to notice.--At least 15 days before  
7 an issuing authority or court notifies the department to impose  
8 a suspension pursuant to subsection (a), the issuing authority  
9 or court shall notify the person in writing of the requirement  
10 to respond to the citation and pay all fines, restitution and  
11 penalties imposed by the issuing authority or court.

12 (d) Period of suspension.--The suspension shall continue  
13 until such person shall respond to the citation, summons or  
14 writ, as the case may be, and pay all fines, restitution and  
15 penalties imposed or enter into an agreement to make installment  
16 payments for the fines, restitution and penalties imposed  
17 provided that the suspension may be reimposed by the department  
18 if the defendant fails to make regular installment payments and,  
19 if applicable, pay the fee prescribed in section 1960 (relating  
20 to reinstatement of operating privilege or vehicle  
21 registration).

22 (e) Remedy cumulative.--A suspension under this section  
23 shall be in addition to the requirement of withholding renewal  
24 or reinstatement of a violator's driver's license as prescribed  
25 in section 1503(a) (relating to persons ineligible for  
26 licensing; license issuance to minors; junior driver's license).

27 (f) Admissibility of documents.--A copy of a document issued  
28 by a court or issuing authority of this Commonwealth or by an  
29 official of another state shall be admissible for the purpose of  
30 proving a violation of this section.]

1 Section 11. Title 75 is amended by adding a section to read:

2 § 1533.1. Fee for restoration of operating privilege.

3 A person whose operating privilege was suspended under former  
4 section 1533 (relating to suspension of operating privilege for  
5 failure to respond to citation) before the effective date of  
6 this section shall have the operating privilege promptly  
7 restored by the department without the requirement to pay any  
8 fee prescribed in section 1960 (relating to reinstatement of  
9 operating privilege or vehicle registration).

10 Section 12. Sections 1545, 1553(b)(4)(i)(A), (d)(12) and  
11 (15)(i) and 1554(f)(3) of Title 75 are amended to read:

12 § 1545. Restoration of operating privilege.

13 Upon the restoration of any person's operating privilege  
14 which has been suspended or revoked pursuant to this subchapter  
15 or pursuant to Chapter 38 (relating to driving after imbibing  
16 alcohol or utilizing drugs), such person's record shall show  
17 five points, except that any additional points assessed against  
18 the person since the date of the last violation resulting in the  
19 suspension or revocation shall be added to such five points  
20 unless the person has served an additional period of suspension  
21 or revocation pursuant to section 1544(a) (relating to  
22 additional period of revocation or suspension). This section  
23 shall not apply to former section 1533 (relating to suspension  
24 of operating privilege for failure to respond to citation) or to  
25 former 18 Pa.C.S. § 6310.4 (relating to restriction of operating  
26 privileges).

27 § 1553. Occupational limited license.

28 \* \* \*

29 (b) Petition.--

30 \* \* \*

1 (4) (i) A person whose operating privilege has been  
2 suspended for a conviction of section 1543 (relating to  
3 driving while operating privilege is suspended or  
4 revoked) may not petition for an occupational limited  
5 license unless department records show that the  
6 suspension for a conviction of section 1543 occurred only  
7 as the result of:

8 (A) a suspension for failure to respond to a  
9 citation imposed under the authority of former  
10 section 1533 (relating to suspension of operating  
11 privilege for failure to respond to citation) or  
12 section 6146 (relating to enforcement agreements);

13 \* \* \*

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

16 \* \* \*

17 (12) Any person whose operating privilege is currently  
18 suspended for failure to respond to a citation pursuant to  
19 section [1533 or] 6146.

20 \* \* \*

21 (15) Any person whose operating privilege has been  
22 suspended for a conviction of section 1543 unless department  
23 records show that the suspension for a conviction of section  
24 1543 occurred only as a result of:

25 (i) a suspension for failure to respond to a  
26 citation imposed under the authority of former section  
27 1533 or section 6146;

28 \* \* \*

29 § 1554. Probationary license.

30 \* \* \*

1 (f) Unauthorized issuance.--The department shall not issue a  
2 probationary license to:

3 \* \* \*

4 (3) A person whose operating privilege is currently  
5 suspended under section [1533 (relating to suspension of  
6 operating privilege for failure to respond to citation) or]  
7 6146 (relating to enforcement agreements).

8 \* \* \*

9 Section 13. The definition of "clean risk" in section 1702  
10 of Title 75 is amended to read:

11 § 1702. Definitions.

12 The following words and phrases when used in this chapter  
13 shall have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 \* \* \*

16 "Clean risk." An insured or an applicant for insurance who,  
17 for the 36-month period immediately preceding the date of  
18 application or renewal date of the policy:

19 (1) has not been involved in an accident as a driver,  
20 provided that, for purposes of this paragraph, an "accident"  
21 shall not include accidents described in section 3 of the  
22 Automobile Insurance Policy Act or section 1799.3 (relating  
23 to limit on cancellations, refusals to renew, refusals to  
24 write, surcharges, rate penalties and point assignments);

25 (2) has not received more than three points for  
26 violations as set forth in Chapter 15 (relating to licensing  
27 of drivers); and

28 (3) whose operator's license has not been suspended or  
29 revoked except under former section 1533 (relating to  
30 suspension of operating privilege for failure to respond to

1 citation) and the insured is able to produce proof that he or  
2 she has responded to all citations and paid all fines and  
3 penalties imposed under that section and provided further  
4 that the named insured has been a licensed operator in  
5 Pennsylvania or another state for the immediately preceding  
6 three years.

7 \* \* \*

8 Section 14. Section 6504 of Title 75 is repealed:

9 [§ 6504. Inability to pay fine and costs.

10 (a) Order for installment payments.--Upon plea and proof  
11 that a person is unable to pay any fine and costs imposed under  
12 this title, a court may, in accordance with 42 Pa.C.S. § 9758  
13 (relating to fine), order payment of the fine and costs in  
14 installments and shall fix the amounts, times and manner of  
15 payment.

16 (b) Imprisonment for nonpayment.--Any person who does not  
17 comply with an order entered under this section may be  
18 imprisoned for a number of days equal to one day for each \$40 of  
19 the unpaid balance of the fine and costs.]

20 Section 15. This act shall take effect in 60 days.