

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1031 Session of 2022

INTRODUCED BY PHILLIPS-HILL, LANGERHOLC, SCHWANK, STEFANO AND BREWSTER, JANUARY 24, 2022

SENATOR LANGERHOLC, TRANSPORTATION, AS AMENDED, FEBRUARY 7, 2022

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes, in
3 sentencing, further providing for sentence of total
4 confinement; in licensing of drivers, further providing for
5 driving while operating privilege is suspended or revoked and
6 for ignition interlock limited license; and, in driving after
7 imbibing alcohol or utilizing drugs, further providing for
8 ignition interlock and for Accelerated Rehabilitative
9 Disposition. <--

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

12 Section 1. Section 9756 of Title 42 of the Pennsylvania
13 Consolidated Statutes is amended by adding a subsection to read:
14 § 9756. Sentence of total confinement.

15 * * *

16 (c.2) Determinate sentence.--A court may impose a
17 determinate sentence under 75 Pa.C.S. (relating to vehicles)
18 where the violation is graded as a summary offense and the
19 maximum sentence of total confinement is 90 days or less.

20 * * *

21 Section 2. Sections 1543(b)(1)(i) and (ii) and (1.1)(i) and

1 1556(b) (1) and (2) of Title 75 are amended to read:

2 § 1543. Driving while operating privilege is suspended or
3 revoked.

4 * * *

5 (b) Certain offenses.--

6 (1) The following shall apply:

7 (i) A person who drives a motor vehicle on a highway
8 or trafficway of this Commonwealth at a time when the
9 person's operating privilege is suspended or revoked as a
10 condition of acceptance of Accelerated Rehabilitative
11 Disposition for a violation of section 3802 (relating to
12 driving under influence of alcohol or controlled
13 substance) or the former section 3731, because of a
14 violation of section 1547(b) (1) (relating to suspension
15 for refusal) or 3802 or former section 3731 or is
16 suspended under section 1581 (relating to Driver's
17 License Compact) for an offense substantially similar to
18 a violation of section 3802 or former section 3731 shall,
19 upon a first conviction, be guilty of a summary offense
20 and shall be sentenced to pay a fine of \$500 and to
21 undergo imprisonment for a period of [not less than] 60
22 days [nor more than 90 days].

23 (ii) A second violation of this paragraph shall
24 constitute a summary offense and, upon conviction of this
25 paragraph, a person shall be sentenced to pay a fine of
26 \$1,000 and to undergo imprisonment for [not less than] 90
27 days.

28 * * *

29 (1.1) (i) A person who has an amount of alcohol by
30 weight in his blood that is equal to or greater than .02%

1 at the time of testing or who at the time of testing has
2 in his blood any amount of a Schedule I or nonprescribed
3 Schedule II or III controlled substance, as defined in
4 the act of April 14, 1972 (P.L.233, No.64), known as The
5 Controlled Substance, Drug, Device and Cosmetic Act, or
6 its metabolite or [who refuses testing of blood or
7 breath] who refuses testing of breath under section 1547
8 (relating to chemical testing to determine amount of
9 alcohol or controlled substance) or chemical testing of
10 blood pursuant to a valid search warrant, court order or
11 any other basis permissible by the Constitution of the
12 United States and the Constitution of Pennsylvania, and
13 who drives a motor vehicle on any highway or trafficway
14 of this Commonwealth at a time when the person's
15 operating privilege is suspended or revoked as a
16 condition of acceptance of Accelerated Rehabilitative
17 Disposition for a violation of section 3802 or former
18 section 3731 or because of a violation of section 1547(b)
19 (1) or 3802 or former section 3731 or is suspended under
20 section 1581 for an offense substantially similar to a
21 violation of section 3802 or former section 3731 shall,
22 upon a first conviction, be guilty of a summary offense
23 and shall be sentenced to pay a fine of \$1,000 and to
24 undergo imprisonment for a period of [not less than] 90
25 days.

26 * * *

27 § 1556. Ignition interlock limited license.

28 * * *

29 (b) Petition.--

30 (1) An applicant for an ignition interlock limited

1 license shall file a petition with the department, by
2 certified mail, on a form prescribed by the department. [, and
3 shall include proof that an approved ignition interlock
4 system, as defined in section 3801, has been installed in one
5 or more motor vehicles that the applicant seeks permission to
6 operate.] The petition shall include proof of financial
7 responsibility covering each vehicle the applicant requests
8 to be permitted to operate. Upon approval of the petition,
9 the ignition interlock system shall be installed in any motor
10 vehicle to be operated by the applicant, and proof of
11 installation shall be provided by the ignition interlock
12 device vendor.

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

19 * * *

20 Section 3. Section 3805 of Title 75 is amended by adding a
21 subsection to read:

22 § 3805. Ignition interlock.

23 * * *

24 (h.3) Notice to department.--If a violation under subsection
25 (h.2) (1), (2) or (3) occurs in the two consecutive months prior
26 to the date entered on the certificate, the vendor shall notify
27 the department as to the violation on a form designated by the
28 department, and the department shall notify the person of the
29 violation and that ignition interlock device usage shall
30 continue until no violations have occurred within a 60-day

1 period.

2 * * *

3 ~~Section 4. Section 3807(a) of Title 75 is amended by adding <--~~
4 ~~a paragraph to read:~~

5 ~~§ 3807. Accelerated Rehabilitative Disposition.~~

6 ~~(a) Eligibility.~~

7 * * *

8 ~~(2.1) Notwithstanding the procedures for Accelerated~~
9 ~~Rehabilitative Disposition for other crimes, the attorney for~~
10 ~~the Commonwealth may not submit a charge brought under this~~
11 ~~chapter for Accelerated Rehabilitative Disposition unless all~~
12 ~~of the following apply:~~

13 ~~(i) The defendant admits that the Commonwealth's~~
14 ~~evidence would prove the elements beyond a reasonable~~
15 ~~doubt under section 3802.~~

16 ~~(ii) The defendant agrees that the defendant's~~
17 ~~admission may be used as a prior conviction for the~~
18 ~~purpose of increasing the grading and penalty of any~~
19 ~~subsequent offense under this title.~~

20 ~~(iii) The defendant knowingly and voluntarily waives~~
21 ~~the defendant's right to challenge the use of the~~
22 ~~Accelerated Rehabilitative Disposition as a prior~~
23 ~~conviction for the purpose of enhancing the grading and~~
24 ~~sentencing of any subsequent offense under this title.~~

25 * * *

26 Section 5 4. This act shall take effect as follows: <--

27 (1) The amendment or addition of 75 Pa.C.S. §§ 1556(b)

28 (1) and (2) and 3805(h.3) shall take effect in 11 months.

29 (2) The remainder of this act shall take effect
30 immediately.