
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1049 Session of
2022

INTRODUCED BY STEFANO, COSTA, BARTOLOTTA, KEARNEY, COLLETT,
SCHWANK, TARTAGLIONE, YUDICHAK, KANE, COMMITTA AND
CAPPELLETTI, FEBRUARY 3, 2022

REFERRED TO TRANSPORTATION, FEBRUARY 3, 2022

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, further providing for
3 drivers required to be licensed, for suspension of operating
4 privilege, for suspension of operating privilege for failure
5 to respond to citation and for driving while operating
6 privilege is suspended or revoked, establishing the Relief
7 from Administrative Suspension Program and providing for
8 Relief from Administrative Suspension Program participation
9 requirements; in fees, further providing for reinstatement of
10 operating privilege or vehicle registration; and, in
11 penalties and disposition of fines, further providing for
12 inability to pay fine and costs.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 1501(d) of Title 75 of the Pennsylvania
16 Consolidated Statutes is amended and the section is amended by
17 adding a subsection to read:

18 § 1501. Drivers required to be licensed.

19 * * *

20 (d) Penalty.--[Any] Except as provided under subsection (e),
21 any person violating subsection (a) is guilty of a summary
22 offense and shall, upon conviction, be sentenced to pay a fine

1 of \$200, except that, if the person charged furnishes
2 satisfactory proof of having held a driver's license valid on
3 the last day of the preceding driver's license period and no
4 more than one year has elapsed from the last date for renewal,
5 the fine shall be \$25. No person charged with violating
6 subsection (a) or (b) shall be convicted if the person produces
7 at the office of the issuing authority within 15 days of the
8 violation:

9 (1) a driver's license valid in this Commonwealth at the
10 time of the violation; or

11 (2) if the driver's license is lost, stolen, destroyed
12 or illegible, evidence that the driver was licensed at the
13 time of the violation.

14 (e) Alternative penalty.--A person who violates this section
15 may, upon conviction, be sentenced to pay the fine imposed under
16 section 1543(b.1) (relating to driving while operating privilege
17 is suspended or revoked).

18 Section 2. Sections 1532(b)(2) and 1533(a), (c) and (d) of
19 Title 75 are amended to read:

20 § 1532. Suspension of operating privilege.

21 * * *

22 (b) Suspension.--

23 * * *

24 (2) The department shall suspend the operating privilege
25 of any driver for six months upon receiving a certified
26 record of the driver's conviction of a subsequent offense
27 under section 1501(a) (relating to drivers required to be
28 licensed) if the prior offense occurred within five years of
29 the violation date of the subsequent offense[.], unless, in
30 accordance with 42 Pa.C.S. § 1520 (relating to adjudication

1 alternative program), the driver enters a program of
2 community service as approved by the issuing authority or
3 court in lieu of the suspension under this paragraph. The
4 department shall impose the suspension of the operating
5 privilege of the driver if the driver fails to complete a
6 program of community service as ordered by the issuing
7 authority or court and, if applicable, order the driver to
8 pay the fee specified under section 1960 (relating to
9 reinstatement of operating privilege or vehicle
10 registration).

11 * * *

12 § 1533. Suspension of operating privilege for failure to
13 respond to citation.

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

26 (1) Respond to a citation or summons to appear before
27 the issuing authority or court for a violation of this title,
28 other than parking.

29 (2) Pay any fine, costs or restitution imposed by the
30 issuing authority or court for a violation of this title,

1 other than parking.

2 (3) Successfully complete a program of community service
3 as specified under subsection (d)(1)(iii).

4 * * *

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

12 (1) The ability to pay all fines, restitution and
13 penalties by installment payments.

14 (2) The ability to enter and complete a community
15 service requirement in lieu of payment of all fines,
16 restitution and penalties.

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

27 (1) Respond to the citation, summons or writing and
28 comply with any of the following requirements:

29 (i) Pay all fines, restitution and penalties imposed
30 by the issuing authority or court.

1 (ii) Enter into an agreement to make installment
2 payments for all fines, restitution and penalties imposed
3 by the issuing authority or court. The department may
4 reimpose the suspension if the defendant fails to make
5 regular installment payments.

6 (iii) In accordance with 42 Pa.C.S. § 1520 (relating
7 to adjudication alternative program), enter into a
8 program of community service approved by the issuing
9 authority or court in lieu of complying with the
10 requirements under subparagraph (i) or (ii). The
11 department may reimpose the suspension if the defendant
12 fails to complete a program of community service as
13 ordered by the issuing authority or court.

14 (2) If applicable, pay the fee specified under section
15 1960 (relating to reinstatement of operating privilege or
16 vehicle registration).

17 * * *

18 Section 3. Section 1543(a) and (b) of Title 75 are amended
19 and the section is amended by adding a subsection to read:
20 § 1543. Driving while operating privilege is suspended or
21 revoked.

22 (a) Offense defined.--Except as provided in subsection (b)
23 or (b.1), any person who drives a motor vehicle on any highway
24 or trafficway of this Commonwealth after the commencement of a
25 suspension, revocation or cancellation of the operating
26 privilege and before the operating privilege has been restored
27 is guilty of a summary offense and shall, upon conviction or
28 adjudication of delinquency, be sentenced to pay a fine of \$200.

29 (b) Certain offenses.--

30 (1) The following shall apply:

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

17 (ii) A second violation of this paragraph shall
18 constitute a summary offense and, upon conviction of this
19 paragraph, a person shall be sentenced to pay a fine of
20 \$1,000 and to undergo imprisonment for not less than 90
21 days.

22 (iii) A third or subsequent violation of this
23 paragraph shall constitute a misdemeanor of the third
24 degree and, upon conviction of this paragraph, a person
25 shall be sentenced to pay a fine of \$2,500 and to undergo
26 imprisonment for not less than six months.

27 (1.1) (i) A person who has an amount of alcohol by
28 weight in his blood that is equal to or greater than .02%
29 at the time of testing or who at the time of testing has
30 in his blood any amount of a Schedule I or nonprescribed

1 Schedule II or III controlled substance, as defined in
2 the act of April 14, 1972 (P.L.233, No.64), known as The
3 Controlled Substance, Drug, Device and Cosmetic Act, or
4 its metabolite or who refuses testing of blood or breath
5 and who drives a motor vehicle on any highway or
6 trafficway of this Commonwealth at a time when the
7 person's operating privilege is suspended or revoked as a
8 condition of acceptance of Accelerated Rehabilitative
9 Disposition for a violation of section 3802 or former
10 section 3731 or because of a violation of section 1547(b)
11 (1) or 3802 or former section 3731 or is suspended under
12 section 1581 for an offense substantially similar to a
13 violation of section 3802 or former section 3731 shall,
14 upon a first conviction, be guilty of a summary offense
15 and shall be sentenced to pay a fine of \$1,000 and to
16 undergo imprisonment for a period of not less than 90
17 days.

18 (ii) A second violation of this paragraph shall
19 constitute a misdemeanor of the third degree, and upon
20 conviction thereof the person shall be sentenced to pay a
21 fine of \$2,500 and to undergo imprisonment for not less
22 than six months.

23 (iii) A third or subsequent violation of this
24 paragraph shall constitute a misdemeanor of the first
25 degree, and upon conviction thereof the person shall be
26 sentenced to pay a fine of \$5,000 and to undergo
27 imprisonment for not less than two years.

28 (1.2) Except as provided under subsection (a) or
29 paragraph (1) or (1.1), a person who drives a motor vehicle
30 on any highway or trafficway of this Commonwealth at a time

1 when the person's operating privilege is suspended or revoked
2 due to a violation under section 1532(b)(2) (relating to
3 suspension of operating privilege) or 1533 (relating to
4 suspension of operating privilege for failure to respond to
5 citation) and the underlying offense for the suspension is a
6 violation of section 1501(a) (relating to drivers required to
7 be licensed) shall, upon conviction, be sentenced to a pay a
8 fine of \$50. The court or issuing authority may not order or
9 assign an additional period of suspension or points for the
10 violation.

11 (2) This subsection shall apply to any person against
12 whom one of these suspensions has been imposed whether the
13 person is currently serving this suspension or whether the
14 effective date of suspension has been deferred under any of
15 the provisions of section 1544 (relating to additional period
16 of revocation or suspension). This provision shall also apply
17 until the person has had the operating privilege restored.
18 This subsection shall also apply to any revocation imposed
19 pursuant to section 1542 (relating to revocation of habitual
20 offender's license) if any of the enumerated offenses was for
21 a violation of section 3802 or former section 3731 or for an
22 out-of-State offense that is substantially similar to a
23 violation of section 3802 or former section 3731, for which a
24 revocation is imposed under section 1581.

25 (b.1) Other offenses.--A person who drives a motor vehicle
26 on any highway or trafficway of this Commonwealth after the
27 commencement of a suspension of the person's operating privilege
28 under section 1532(b)(2) and no other violation and before the
29 operating privilege has been restored is guilty of a summary
30 offense and shall, upon conviction or adjudication of

1 delinquency, be required to do any of the following:

2 (1) Pay a fine of \$200 or enter into an agreement to
3 make installment payments for the fine imposed by the issuing
4 authority or court.

5 (2) In accordance with 42 Pa.C.S. § 1520 (relating to
6 adjudication alternative program), enter into a program of
7 community service as approved by the issuing authority or
8 court in lieu of satisfying the requirements under paragraph
9 (1).

10 * * *

11 Section 4. Title 75 is amended by adding sections to read:
12 § 1557. Relief from Administrative Suspension Program.

13 (a) Establishment.--The Relief from Administrative
14 Suspension Program is established within the department and
15 shall commence on the effective date of this section.

16 (b) Purposes of program.--The program shall permit the
17 department to restore the operating privileges of individuals
18 from operating privilege suspensions imposed under any of the
19 following:

20 (1) Section 1532(b) (relating to suspension of operating
21 privilege).

22 (2) Section 1533(a), (b) or (d) (relating to suspension
23 of operating privilege for failure to respond to citation).

24 (3) Section 1543 (relating to driving while operating
25 privilege is suspended or revoked).

26 (4) Section 1544(a) or (c) (relating to additional
27 period of revocation or suspension).

28 (c) Duties.--The department shall have all of the following
29 duties:

30 (1) Notify each individual under a suspension of

1 operating privilege who may be eligible for relief under the
2 program based on the criteria specified under subsection (d).

3 (2) Review the applications filed for relief under the
4 program and make a determination as to the applicant's
5 eligibility for relief within 30 days of receipt of the
6 application and all other required items.

7 (3) Determine if an applicant has satisfied all court-
8 ordered obligations which resulted in a suspension of the
9 applicant's operating privilege under section 1533(a), (b) or
10 (d).

11 (4) Determine if an applicant's conviction of a
12 violation under section 1543 occurred only as the result of a
13 suspension imposed under section 1532(b)(2), 1533 or 6146
14 (relating to enforcement agreements) and if the applicant is
15 currently serving or will serve a suspension of operating
16 privilege for a conviction under section 1543.

17 (5) Determine whether the granting of relief under the
18 program would result in immediate restoration of the
19 applicant's operating privilege.

20 (6) Prioritize the processing of applications for which
21 the granting of relief will result in an immediate
22 restoration of the applicant's operating privilege.

23 (7) Update the driver's records and restore the
24 operating privilege of an individual as authorized under this
25 section.

26 (d) Eligibility.--The program shall be available to an
27 individual who meets all of the following criteria:

28 (1) The individual's operating privilege has been
29 indefinitely suspended under section 1533(a), (b) or (d)
30 before the effective date of this section.

1 (2) The department's records show that the individual's
2 operating privilege will be or is suspended for a conviction
3 under section 1543(a) or (c) only as a result of a suspension
4 imposed under section 1532(b) (2), 1533 or 6146 before the
5 effective date of this section.

6 (3) The individual has served the operating privilege
7 suspension required for the underlying offense which resulted
8 in a violation of section 1533(a), (b) or (d).

9 (4) The individual has submitted a completed application
10 for relief to the department on a form specified by the
11 department. The individual must submit all of the following
12 items with the application:

13 (i) A restoration fee.

14 (ii) Proof of financial responsibility.

15 (iii) If the individual does not own a motor vehicle
16 currently registered in this Commonwealth, a signed
17 statement certifying that the individual does not own a
18 motor vehicle currently registered in this Commonwealth.

19 (e) Reinstatement.--The department shall amend the driver's
20 record of an eligible individual to show the individual
21 satisfied the court-ordered obligations which resulted in the
22 suspension of the individual's operating privilege under section
23 1533. The department shall amend the driver's records of an
24 eligible individual to show that suspension imposed for a
25 violation under section 1543(a) will end or will not be imposed.
26 The department shall rescind an additional suspension imposed
27 under section 1544(a) for a violation that occurred at the same
28 time as a violation of section 1543(a) from the driver's record
29 of an eligible individual. The department shall not be required
30 to reinstate the operating privilege of an eligible individual

1 under this section if the department is authorized under this
2 title to suspend the operating privilege of the individual for
3 other violations of this title. Upon restoration from suspension
4 under the program, the driver's record of an eligible individual
5 shall show five points.

6 (f) Compliance.--The department may not be required to
7 restore the operating privilege of an eligible individual under
8 this section until the individual has complied with section 1558
9 (relating to Relief from Administrative Suspension Program
10 participation requirements).

11 (g) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection unless the context clearly indicates otherwise:

14 "Eligible individual." An individual who meets the criteria
15 specified under subsection (d) for relief under the program.

16 "Program." The Relief from Administrative Suspension Program
17 established under subsection (a).

18 § 1558. Relief from Administrative Suspension Program
19 participation requirements.

20 (a) Form.--An eligible individual who seeks to participate
21 in the Relief from Administrative Suspension Program shall
22 respond to the court or issuing authority in conformance with
23 the instructions in a restoration requirements letter. The
24 department shall provide a restoration requirements letter to
25 the eligible individual.

26 (b) Requirements.--In addition to the requirements under
27 section 1960 (relating to reinstatement of operating privilege
28 or vehicle registration), an eligible individual applying for
29 relief under the program as required under section 1557(d)
30 (relating to Relief from Administrative Suspension Program),

1 shall have the following duties:

2 (1) Except as provided under paragraph (2), the
3 individual shall pay all court-ordered obligations
4 immediately or in a single remittance.

5 (2) If the individual is unable to pay all court-ordered
6 obligations, the individual shall:

7 (i) pay in installments all court-ordered
8 obligations after a hearing conducted by the court or
9 issuing authority to determine the individual's ability
10 to pay and the issuance of an order providing for
11 installment payments; or

12 (ii) notwithstanding 42 Pa.C.S. § 1520(a) (relating
13 to adjudication alternative program), complete a court-
14 ordered public service or other adjudication alternative
15 program under 42 Pa.C.S. § 1520(b).

16 (c) Proof of financial responsibility.--Notwithstanding
17 section 1783 (relating to proof of financial responsibility
18 before restoring operating privilege or registration), before
19 restoring an operating privilege, the department shall require
20 an eligible individual to provide the department with any of the
21 following:

22 (1) Proof of financial responsibility.

23 (2) If the individual does not own a motor vehicle
24 currently registered in this Commonwealth, a signed statement
25 certifying that the individual does not own a motor vehicle
26 currently registered in this Commonwealth.

27 (d) Certification.--For the purpose of determining whether
28 an eligible individual may receive relief under the program, the
29 court or issuing authority shall certify any of the following to
30 the department:

1 (1) The individual has satisfied the amounts owed to the
2 court or issuing authority.

3 (2) The individual entered into an agreement to pay in
4 installments all court-ordered obligations.

5 (3) The individual has completed or satisfied all court-
6 ordered public service requirements or other alternative
7 adjudication programs.

8 (e) Definitions.--As used in this section, the following
9 words and phrases shall have the meanings given to them in this
10 subsection unless the context clearly indicates otherwise:

11 "Eligible individual." An individual who meets the criteria
12 specified under section 1557(d) for relief under the program.

13 "Program." The Relief from Administrative Suspension Program
14 established under section 1557(a).

15 Section 5. Sections 1960 and 6504(a) of Title 75 are amended
16 to read:

17 § 1960. Reinstatement of operating privilege or vehicle
18 registration.

19 The department shall charge a fee of \$70 or, if section 1379
20 (relating to suspension of registration upon sixth unpaid
21 parking violation in cities of the first class), 1380 (relating
22 to suspension of registration upon unpaid tolls) or 1786(d)

23 (relating to required financial responsibility) applies, a fee
24 of \$88 to restore a person's operating privilege or the
25 registration of a vehicle following a suspension or revocation.

26 The department shall waive a fee imposed under this section for
27 a person who enters into an agreement for installment payments
28 or a program of community service under section 1533(d)(1)(ii)
29 or (iii) (relating to suspension of operating privilege for
30 failure to respond to citation).

1 § 6504. Inability to pay fine and costs.

2 (a) Order for installment payments.--Upon plea and proof
3 that a person is unable to pay any fine and costs imposed under
4 this title, a court may, in accordance with 42 Pa.C.S. § 9758
5 (relating to fine), order [payment] any of the following:

6 (1) Payment of the fine and costs in installments and
7 shall fix the amounts, times and manner of payment.

8 (2) The person to enter into a program of community
9 service under section 1533(d)(1)(iii) (relating to suspension
10 of operating privilege for failure to respond to citation)
11 not to exceed 50 hours.

12 * * *

13 Section 6. The following shall apply to any person who is
14 currently under operating privilege suspension under 75 Pa.C.S.
15 §§ 1533 and 1544, regardless of the date of the underlying
16 offense:

17 (1) The amendment of 75 Pa.C.S. §§ 1533(a), (c) and (d),
18 1960 and 6504(a).

19 (2) The addition of 75 Pa.C.S. §§ 1557 and 1558.

20 Section 7. This act shall take effect in one year.