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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1521 Session of  
2023

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INTRODUCED BY McANDREW, MADDEN, McNEILL, MADSEN, PROBST, PIELLI,  
PISCIOTTANO, GIRAL, T. DAVIS, CEPEDA-FREYTIZ, STEELE,  
DONAHUE, SANCHEZ, WARREN AND HILL-EVANS, JUNE 26, 2023

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REFERRED TO COMMITTEE ON JUDICIARY, JUNE 26, 2023

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AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75  
2 (Vehicles) of the Pennsylvania Consolidated Statutes, in  
3 magisterial district judges, further providing for  
4 adjudication alternative program; in licensing of drivers,  
5 further providing for drivers required to be licensed, for  
6 suspension of operating privilege, for suspension of  
7 operating privilege for failure to respond to citation and  
8 for driving while operating privilege is suspended or  
9 revoked, providing for driving while operating privilege is  
10 suspended for certain other offenses, for relief from  
11 administrative suspension and for relief from administrative  
12 suspension participation requirements; in fees, further  
13 providing for reinstatement of operating privilege or vehicle  
14 registration; and, in penalties and disposition of fines,  
15 further providing for inability to pay fine and costs.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 Section 1. Section 1520 of Title 42 of the Pennsylvania  
19 Consolidated Statutes is amended by adding a subsection to read:

20 § 1520. Adjudication alternative program.

21 \* \* \*

22 (e.1) Alternative to Title 75 sanctions.--Notwithstanding  
23 the provisions of subsection (a), a person whose operating  
24 privilege has been suspended under 75 Pa.C.S. § 1533(a)

1 (relating to suspension of operating privilege for failure to  
2 respond to citation), who has been convicted of violating 75  
3 Pa.C.S. § 1543.1(a) (relating to driving while operating  
4 privilege is suspended for certain other offenses) or who is  
5 eligible for relief under 75 Pa.C.S. § 1557 (relating to relief  
6 from administrative suspension) may be placed by the  
7 magisterial district judge in an appropriate program under  
8 subsection (b) in accordance with 75 Pa.C.S. § 1533(d)(1)(iii),  
9 1543.1(a)(2)(ii) or 1558(b)(2)(ii) (relating to relief from  
10 administrative suspension participation requirements). The  
11 placement of a person under this subsection in an appropriate  
12 program under subsection (b) as authorized by the magisterial  
13 district judge shall be done in accordance with subsection (c),  
14 except that the magisterial district judge may not alter the  
15 conviction for a violation of 75 Pa.C.S. § 1543.1(a) or relieve  
16 the person of the obligation to pay a fine associated with the  
17 conviction upon successful completion of the program under  
18 subsection (b).

19 \* \* \*

20 Section 2. Section 1501(d) of Title 75 is amended and the  
21 section is amended by adding a subsection to read:

22 § 1501. Drivers required to be licensed.

23 \* \* \*

24 (d) Penalty.--[Any] Except as provided under subsection (e),  
25 any person violating subsection (a) is guilty of a summary  
26 offense and shall, upon conviction, be sentenced to pay a fine  
27 of \$200, except that, if the person charged furnishes  
28 satisfactory proof of having held a driver's license valid on  
29 the last day of the preceding driver's license period and no  
30 more than one year has elapsed from the last date for renewal,

1 the fine shall be \$25. No person charged with violating  
2 subsection (a) or (b) shall be convicted if the person produces  
3 at the office of the issuing authority within 15 days of the  
4 violation:

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

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

10 (e) Alternative penalty.--A person who violates this section  
11 may, upon conviction, be sentenced to pay the fine imposed under  
12 section 1543.1(a) (relating to driving while operating privilege  
13 is suspended for certain other offenses) and, if applicable,  
14 successfully complete a program of community service as  
15 specified under section 1543.1(a)(2)(ii).

16 Section 3. Section 1532(b)(2) of Title 75 is amended to  
17 read:

18 § 1532. Suspension of operating privilege.

19 \* \* \*

20 (b) Suspension.--

21 \* \* \*

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

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

9 \* \* \*

10 Section 4. Section 1533(a), (c) and (d) of Title 75 are  
11 amended and the section is amended by adding a subsection to  
12 read:

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

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

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

30 (2) Pay any fine, costs or restitution imposed by the

1 issuing authority or court for a violation of this title,  
2 other than parking.

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

5 (a.1) Exception when unable to pay fines, costs or  
6 restitution.--Prior to suspending the operating privileges of  
7 any person under subsection (a)(2), a court of competent  
8 jurisdiction of this Commonwealth shall hold a hearing to  
9 determine whether the person is able to pay the fines, costs or  
10 restitution imposed by the issuing authority or court for a  
11 violation of this title, other than parking. A person shall not  
12 have the person's license suspended solely for violation of  
13 subsection (a)(2) if it is determined that the person is unable  
14 to pay the fine, costs or restitution imposed.

15 \* \* \*

16 (c) Time for responding to notice.--At least 15 days before  
17 an issuing authority or court notifies the department to impose  
18 a suspension pursuant to subsection (a), the issuing authority  
19 or court shall notify the person in writing of the requirement  
20 to respond to the citation and pay all fines, restitution and  
21 penalties imposed by the issuing authority or court. The notice  
22 shall include information regarding all of the following:

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

25 (2) The ability to enter and complete a community  
26 service requirement in lieu of payment of all fines,  
27 restitution and penalties.

28 (d) Period of suspension.--The suspension shall continue  
29 until such person shall [respond to the citation, summons or  
30 writ, as the case may be, and pay all fines, restitution and

1 penalties imposed or enter into an agreement to make installment  
2 payments for the fines, restitution and penalties imposed  
3 provided that the suspension may be reimposed by the department  
4 if the defendant fails to make regular installment payments and,  
5 if applicable, pay the fee prescribed in section 1960 (relating  
6 to reinstatement of operating privilege or vehicle  
7 registration).] take all of the following actions:

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

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

12 (ii) Enter into an agreement to make installment  
13 payments for all fines, restitution and penalties imposed  
14 by the issuing authority or court. The department may  
15 reimpose the suspension if the defendant fails to make  
16 regular installment payments.

17 (iii) In accordance with 42 Pa.C.S. § 1520 (relating  
18 to adjudication alternative program), enter into a  
19 program of community service approved by the issuing  
20 authority or court in lieu of complying with the  
21 requirements under subparagraph (i) or (ii). The  
22 department may reimpose the suspension if the defendant  
23 fails to complete a program of community service as  
24 ordered by the issuing authority or court.

25 (2) If applicable, pay the fee specified under section  
26 1960 (relating to reinstatement of operating privilege or  
27 vehicle registration).

28 \* \* \*

29 Section 5. Section 1543(c) of Title 75, amended November 2,  
30 2022 (P.L.1783, No.120), is amended to read:

1 § 1543. Driving while operating privilege is suspended or  
2 revoked.

3 \* \* \*

4 (c) Suspension or revocation of operating privilege.--[Upon]  
5 Except as provided under section 1543.1 (relating to driving  
6 while operating privilege is suspended for certain other  
7 offenses), upon receiving a certified record of the conviction  
8 or adjudication of delinquency of any person under this section,  
9 the department shall suspend or revoke the person's operating  
10 privilege as follows:

11 (1) Except as provided for under paragraph (1.1), if the  
12 department's records show that the person was under  
13 suspension, recall or cancellation on the date of violation,  
14 and had not been restored, the department shall suspend the  
15 person's operating privilege for an additional one-year  
16 period.

17 (1.1) If the department's records show that the person  
18 was under an indefinite suspension on the date of violation  
19 for not satisfactorily completing a driver improvement school  
20 as required under section 1538 (relating to school,  
21 examination or hearing on accumulation of points or excessive  
22 speeding), and had not been restored, the department shall  
23 suspend the person's operating privilege for an additional  
24 30-day period.

25 (2) If the department's records show that the person was  
26 under revocation on the date of violation, and had not been  
27 restored, the department shall revoke the person's operating  
28 privilege for an additional two-year period.

29 \* \* \*

30 Section 6. Title 75 is amended by adding sections to read:

1 § 1543.1. Driving while operating privilege is suspended for  
2 certain other offenses.

3 (a) Certain other offenses.--

4 (1) A person who drives a motor vehicle on any highway  
5 or trafficway of this Commonwealth at a time when the  
6 person's operating privilege is suspended under section  
7 1532(b) (2) (relating to suspension of operating privilege) or  
8 1533 (relating to suspension of operating privilege for  
9 failure to respond to citation) and the underlying offense  
10 for the suspension is a violation of section 1501(a)  
11 (relating to drivers required to be licensed) shall, upon  
12 conviction or adjudication of delinquency, be sentenced to  
13 pay a fine of \$50.

14 (2) A person who drives a motor vehicle on any highway  
15 or trafficway of this Commonwealth after the commencement of  
16 a second or subsequent suspension of the person's operating  
17 privilege under section 1532(b) (2) and no other violation and  
18 before the operating privilege has been restored is guilty of  
19 a summary offense and shall, upon conviction or adjudication  
20 of delinquency, be required to do one or both of the  
21 following:

22 (i) Pay a fine of \$200 or enter into an agreement to  
23 make installment payments for the fine imposed by the  
24 issuing authority or court.

25 (ii) In accordance with 42 Pa.C.S. § 1520 (relating  
26 to adjudication alternative program), enter into a  
27 program of community service as approved by the issuing  
28 authority or court in lieu of satisfying the requirements  
29 under subparagraph (i). Upon receiving a report of a  
30 failure to complete the program, the department shall



1 suspend the operating privilege of the person in  
2 accordance with section 1543(c)(1) (relating to driving  
3 while operating privilege is suspended or revoked).

4 (b) Citation of appropriate provisions.--Prior to filing a  
5 citation for a violation of this section with the issuing  
6 authority named in the citation, the police officer shall verify  
7 the basis for the suspension with the department. Upon receiving  
8 the verification, the police officer shall cite the appropriate  
9 paragraph under subsection (a) on the citation.

10 § 1557. Relief from administrative suspension.

11 (a) Restoration.--The department may restore the operating  
12 privileges of individuals from operating privilege suspensions  
13 imposed under any of the following:

14 (1) Section 1532(b) (relating to suspension of operating  
15 privilege).

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

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

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

22 (b) Duties.--The department shall have all of the following  
23 duties:

24 (1) Notify each individual under a suspension of  
25 operating privilege who may be eligible for relief under the  
26 program based on the criteria specified under subsection (d).

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

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

5       (4) Determine if an applicant's conviction of a  
6 violation under section 1543 occurred only as the result of a  
7 suspension imposed under section 1532(b)(2), 1533 or 6146  
8 (relating to enforcement agreements) and if the applicant is  
9 currently under or will be under a suspension of operating  
10 privilege for a conviction under section 1543.

11       (5) Determine whether the granting of relief under the  
12 program would result in immediate restoration of the  
13 applicant's operating privilege.

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

17       (7) Update the driver's records and restore the  
18 operating privilege of an individual as authorized under this  
19 section.

20       (c) Eligibility.--The program shall be available to an  
21 individual who meets all of the following criteria:

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

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

30       (3) The individual has served the operating privilege

1 suspension required for the underlying offense which resulted  
2 in a violation of section 1533(a), (b) or (d).

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

7 (i) A restoration fee.

8 (ii) Proof of financial responsibility.

9 (iii) If the individual does not own a motor vehicle  
10 currently registered in this Commonwealth, a signed  
11 statement certifying that the individual does not own a  
12 motor vehicle currently registered in this Commonwealth.

13 (d) Reinstatement.--The department shall amend the driver's  
14 record of an eligible individual to show that the individual  
15 satisfied the court-ordered obligations that resulted in the  
16 suspension of the individual's operating privilege under section  
17 1533. The department shall amend the driver's records of an  
18 eligible individual to show that suspension imposed for a  
19 violation under section 1543(a) will end or will not be imposed.  
20 The department shall rescind an additional suspension imposed  
21 under section 1544(a) for a violation that occurred at the same  
22 time as a violation of section 1543(a) from the driver's record  
23 of an eligible individual. The department shall not be required  
24 to reinstate the operating privilege of an eligible individual  
25 under this section if the department is authorized under this  
26 title to suspend the operating privilege of the individual for  
27 other violations of this title. Upon restoration from suspension  
28 under the program, the driver's record of an eligible individual  
29 shall show five points.

30 (e) Compliance.--The department shall not be required to

1 restore the operating privilege of an eligible individual under  
2 this section until the individual has complied with section 1558  
3 (relating to relief from administrative suspension participation  
4 requirements).

5 (f) Definitions.--As used in this section, the following  
6 words and phrases shall have the meanings given to them in this  
7 subsection unless the context clearly indicates otherwise:

8 "Eligible individual." An individual who meets the criteria  
9 specified under subsection (d) for relief.

10 § 1558. Relief from administrative suspension participation  
11 requirements.

12 (a) Form.--An eligible individual who seeks to participate  
13 in the Relief from Administrative Suspension Program shall  
14 respond to the court or issuing authority in conformance with  
15 the instructions in a restoration requirements letter. The  
16 department shall provide a restoration requirements letter to  
17 the eligible individual.

18 (b) Requirements.--In addition to the requirements under  
19 section 1960 (relating to reinstatement of operating privilege  
20 or vehicle registration), an eligible individual applying for  
21 relief under the program as required under section 1557(d)  
22 (relating to relief from administrative suspension), shall have  
23 the following duties:

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

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

29 (i) pay in installments all court-ordered  
30 obligations after a hearing conducted by the court or

1 issuing authority to determine the individual's ability  
2 to pay and the issuance of an order providing for  
3 installment payments; or

4 (ii) notwithstanding 42 Pa.C.S. § 1520(a) (relating  
5 to adjudication alternative program), complete a court-  
6 ordered public service or other adjudication alternative  
7 program under 42 Pa.C.S. § 1520(b).

8 (c) Proof of financial responsibility.--Notwithstanding  
9 section 1783 (relating to proof of financial responsibility  
10 before restoring operating privilege or registration), before  
11 restoring an operating privilege, the department shall require  
12 an eligible individual to provide the department with any of the  
13 following:

14 (1) Proof of financial responsibility.

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

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

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

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

27 (3) The individual has completed or satisfied all court-  
28 ordered public service requirements or other alternative  
29 adjudication programs.

30 (e) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this  
2 subsection unless the context clearly indicates otherwise:

3 "Eligible individual." An individual who meets the criteria  
4 specified under section 1557(d) for relief.

5 Section 7. Sections 1960 and 6504(a) of Title 75 are amended  
6 to read:

7 § 1960. Reinstatement of operating privilege or vehicle  
8 registration.

9 The department shall charge a fee of \$70 or, if section 1379  
10 (relating to suspension of registration upon sixth unpaid  
11 parking violation in cities of the first class), 1380 (relating  
12 to suspension of registration upon unpaid tolls) or 1786(d)  
13 (relating to required financial responsibility) applies, a fee  
14 of \$88 to restore a person's operating privilege or the  
15 registration of a vehicle following a suspension or revocation.  
16 The department shall waive a fee imposed under this section for  
17 a person who enters into an agreement for installment payments  
18 or a program of community service under section 1533(d)(1)(ii)  
19 or (iii) (relating to suspension of operating privilege for  
20 failure to respond to citation).

21 § 6504. Inability to pay fine and costs.

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

26 (1) Payment of the fine and costs in installments [and].  
27 The court shall fix the amounts, times and manner of payment.

28 (2) Entry into a program of community service under  
29 section 1533(d)(1)(iii) (relating to suspension of operating  
30 privilege for failure to respond to citation), not to exceed

1       50 hours.

2       \* \* \*

3       Section 8. The following shall apply to any person who is  
4 currently under operating privilege suspension under 75 Pa.C.S.  
5 §§ 1533 and 1544, regardless of the date of the underlying  
6 offense:

7           (1) The addition of 42 Pa.C.S. § 1520(e.1).

8           (2) The amendment or addition of 75 Pa.C.S. §§ 1501(d),  
9 1532(b)(2), 1533(a), (a.1), (c) and (d), 1543(c), 1960 and  
10 6504(a).

11           (3) The addition of 75 Pa.C.S. §§ 1557 and 1558.

12       Section 9. This act shall take effect in one year.