
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 453 Session of
2023

INTRODUCED BY PHILLIPS-HILL, LANGERHOLC, BREWSTER, SCHWANK,
BARTOLOTTA AND STEFANO, FEBRUARY 27, 2023

REFERRED TO TRANSPORTATION, FEBRUARY 27, 2023

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.

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

11 Section 1. Section 9756 of Title 42 of the Pennsylvania
12 Consolidated Statutes is amended by adding a subsection to read:

13 § 9756. Sentence of total confinement.

14 * * *

15 (c.2) Determinate sentence.--A court may impose a
16 determinate sentence under 75 Pa.C.S. (relating to vehicles)
17 where the violation is graded as a summary offense and the
18 maximum sentence of total confinement is 90 days or less.
19 Nothing in this subsection shall be construed to preclude an
20 otherwise eligible defendant from work release or prevent a
21 judge from sentencing a defendant to county intermediate

1 punishment.

2 * * *

3 Section 2. Sections 1543(b)(1)(i) and (ii) and (1.1)(i) and
4 1556(b)(1) and (2) of Title 75 are amended to read:

5 § 1543. Driving while operating privilege is suspended or
6 revoked.

7 * * *

8 (b) Certain offenses.--

9 (1) The following shall apply:

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

26 (ii) A second violation of this paragraph shall
27 constitute a summary offense and, upon conviction of this
28 paragraph, a person shall be sentenced to pay a fine of
29 \$1,000 and to undergo imprisonment for [not less than] 90
30 days.

1 * * *

2 (1.1) (i) A person who has an amount of alcohol by
3 weight in his blood that is equal to or greater than .02%
4 at the time of testing or who at the time of testing has
5 in his blood any amount of a Schedule I or nonprescribed
6 Schedule II or III controlled substance, as defined in
7 the act of April 14, 1972 (P.L.233, No.64), known as The
8 Controlled Substance, Drug, Device and Cosmetic Act, or
9 its metabolite or [who refuses testing of blood or
10 breath] who refuses testing of breath under section 1547
11 or chemical testing of blood pursuant to a valid search
12 warrant, court order or any other basis permissible by
13 the Constitution of the United States and the
14 Constitution of Pennsylvania, and who drives a motor
15 vehicle on any highway or trafficway of this Commonwealth
16 at a time when the person's operating privilege is
17 suspended or revoked as a condition of acceptance of
18 Accelerated Rehabilitative Disposition for a violation of
19 section 3802 or former section 3731 or because of a
20 violation of section 1547(b)(1) or 3802 or former section
21 3731 or is suspended under section 1581 for an offense
22 substantially similar to a violation of section 3802 or
23 former section 3731 shall, upon a first conviction, be
24 guilty of a summary offense and shall be sentenced to pay
25 a fine of \$1,000 and to undergo imprisonment for a period
26 of [not less than] 90 days.

27 * * *

28 § 1556. Ignition interlock limited license.

29 * * *

30 (b) Petition.--

1 (1) An applicant for an ignition interlock limited
2 license shall file a petition with the department, by
3 certified mail, on a form prescribed by the department[, and
4 shall include proof that an approved ignition interlock
5 system, as defined in section 3801, has been installed in one
6 or more motor vehicles that the applicant seeks permission to
7 operate.

8 (2) The petition shall also include proof of financial
9 responsibility covering each vehicle the applicant requests
10 to be permitted to operate.]. The petition shall include
11 proof of financial responsibility covering each vehicle the
12 applicant requests to be permitted to operate. Upon approval
13 of the petition, the ignition interlock system shall be
14 installed in any motor vehicle to be operated by the
15 applicant, and proof of installation shall be provided by the
16 ignition interlock device vendor.

17 (2) The department shall promulgate regulations to
18 require additional information as well as additional evidence
19 to verify the information contained in the petition.

20 * * *

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

23 § 3805. Ignition interlock.

24 * * *

25 (h.3) Notice to department.--If a violation under subsection
26 (h.2) (1), (2) or (3) occurs in the two consecutive months prior
27 to the date entered on the certificate, the vendor shall notify
28 the department as to the violation on a form designated by the
29 department, and the department shall notify the person of the
30 violation and that ignition interlock device usage shall

1 continue until no violations have occurred within a 60-day
2 period.

3 * * *

4 Section 4. This act shall take effect as follows:

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

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

7 (2) The remainder of this act shall take effect

8 immediately.