
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 190 Session of
2023

INTRODUCED BY D. MILLER, DAWKINS, MADDEN, HILL-EVANS, KINSEY,
SANCHEZ, KHAN, KINKEAD, N. NELSON, PARKER, OTTEN, GREEN AND
HOWARD, MARCH 8, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 2023

AN ACT

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

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 925(e) of Title 34 of the Pennsylvania
21 Consolidated Statutes is amended to read:

22 § 925. Jurisdiction and penalties.

23 * * *

24 (e) Installment payment of fines.--Upon a plea and proof
25 that person is unable to pay any fine and costs imposed under

1 this title, a court may, in accordance with 42 Pa.C.S. § [9758
2 (relating to fine)] 9730 (relating to payment of court costs,
3 restitution and fines), permit installment payments it considers
4 appropriate to the circumstances of the person, in which case
5 its order shall specify when each installment payment is due.

6 * * *

7 Section 2. Section 9721(c.1) of Title 42 is amended and the
8 section is amended by adding a subsection to read:

9 § 9721. Sentencing generally.

10 * * *

11 (c.1) Mandatory payment of costs.--Notwithstanding the
12 provisions of section 9728 (relating to collection of
13 restitution, reparation, fees, costs, fines and penalties) or
14 any provision of law to the contrary, in addition to the
15 alternatives set forth in subsection (a), the court shall order
16 the defendant to pay costs. In the event the court fails to
17 issue an order for costs pursuant to section 9728, costs shall
18 be imposed upon the defendant under this section. No court order
19 shall be necessary for the defendant to incur liability for
20 costs under this section. The provisions of this subsection do
21 not alter the court's discretion under Pa.R.Crim.P. No. 706(C)
22 (relating to fines or costs) [.] or the requirements of section
23 9730 (relating to payment of court costs, restitution and
24 fines).

25 (c.2) Imposition of fines, costs and restitution.--

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

1 (2) When imposing fines and costs, whether mandatory or
2 discretionary, the court or issuing authority 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 pretrial proceedings, diversionary programs,
11 sentencing or postsentencing proceedings.

12 (B) For any summary offense, misdemeanor, felony
13 or other offense.

14 (C) In accordance with this subsection,
15 subsection (c.1) and section 9726 (relating to fine).

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

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

22 (5) In any single case, or if more than one case is
23 consolidated or tried together, each court cost that is
24 authorized by law shall be assessed no more than once. A
25 defendant may not be charged any costs associated with
26 charges that are withdrawn or dismissed or otherwise do not
27 result in conviction.

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

1 * * *

2 Section 3. Section 9726 of Title 42 is amended by adding a
3 subsection to read:

4 § 9726. Fine.

5 * * *

6 (e) Alternative sentence.--The sentence of the court may
7 include an alternative sentence in the event of nonpayment, but
8 the sentence shall only take effect in accordance with section
9 9772 (relating to failure to pay fine).

10 Section 4. Section 9728(g.1) of Title 42 is amended to read:

11 § 9728. Collection of restitution, reparation, fees, costs,
12 fines and penalties.

13 * * *

14 (g.1) Payment.--[No less than 50% of all moneys] Money
15 collected by the county probation department or other agent
16 designated by the county commissioners of the county with the
17 approval of the president judge of the county pursuant to
18 subsection (b) (1) and deducted pursuant to subsection (b) (5)
19 shall, until the satisfaction of the defendant's restitution
20 obligation, be used to pay restitution to victims. Any remaining
21 moneys shall be used to pay fees, costs, fines, penalties and
22 other court-ordered obligations.

23 * * *

24 Section 5. Section 9730 of Title 42, amended November 3,
25 2022 (P.L.2175, No.163), is amended to read:

26 § 9730. Payment of court costs, restitution and fines.

27 (a) Method of payment.--The treasurer of each county shall
28 allow the use of credit cards, debit cards and bank cards in the
29 payment of court costs, restitution and fines and may provide
30 for automatic periodic deductions from a bank account, subject

1 to the agreement of the owner of the account[.], but any
2 deduction, garnishment or wage attachment shall not be in excess
3 of the defendant's payment plan amount. A defendant may not be
4 charged any administrative fee for the use of the credit cards
5 or bank cards.

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

10 (b) Procedures regarding default.--

11 (1) If a defendant defaults in the payment of court
12 costs, restitution or fines after imposition of sentence, the
13 issuing authority or a senior judge or senior magisterial
14 district judge appointed by the president judge for the
15 purposes of this section may conduct a hearing to determine
16 whether the defendant is financially able to pay. The court
17 may not hold the defendant in contempt, alter the defendant's
18 payment plan without the defendant's consent or issue a
19 sanction without first holding a hearing. A bench warrant may
20 not be issued solely for a financial default. If the
21 defendant fails to appear at the hearing, the court may issue
22 a bench warrant or reschedule the hearing.

23 (1.1) With respect to notice of the hearing:

24 (i) Notice shall be provided via certified mail and
25 telephone, text or email when possible, but not as a
26 substitute for traditional service.

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

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

29 (B) The total amount owed in fines, costs and
30 restitution.

1 (C) The current installment payment schedule, if
2 any.

3 (D) Any measure that the defendant may take to
4 avoid a hearing.

5 (E) A reminder that the defendant may bring
6 documentation regarding the defendant's finances or a
7 list of documents that the court, issuing authority,
8 senior judge or senior magisterial district judge
9 requires the defendant to bring.

10 (F) If the court, issuing authority, senior
11 judge or senior magisterial district judge is
12 considering incarcerating the defendant, a statement
13 that the defendant has a right to counsel at the
14 hearing, with instructions on how to apply for a
15 public defender if the defendant cannot afford
16 counsel.

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

19 (1.2) With respect to a hearing on the ability of a
20 defendant to pay fines, costs or restitution, the court,
21 issuing authority, senior judge or senior magisterial
22 district judge shall affirmatively inquire into the reasons
23 for nonpayment and the defendant's present financial status
24 in accordance with the standards specified in subsection (c).

25 The following apply:

26 (i) The defendant has the right to offer evidence
27 and the right to representation if there is a likelihood
28 of incarceration.

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

1 (iii) The court, issuing authority, senior judge or
2 senior magisterial district judge shall make written
3 findings on the record.

4 (1.3) At any time deemed appropriate or upon motion, the
5 court may waive or reduce a defendant's fines or costs,
6 whether mandatory or discretionary, or any portion thereof,
7 as noncollectible due to the defendant's inability to pay.
8 Any amount of unpaid restitution may be reduced or waived
9 only if the court finds on the record that the victim has
10 given consent to the reduction or waiver.

11 (2) If the court, issuing authority, senior judge or
12 senior magisterial district judge determines that the
13 defendant is financially able to pay the costs, restitution
14 or fine and has willfully refused to pay, the court, issuing
15 authority, senior judge or senior magisterial district judge
16 may reinstate, alter or otherwise create an installment
17 payment schedule, enter an order for wage attachment, turn
18 the delinquent account over to a private collection agency or
19 impose imprisonment for nonpayment, as provided by law. The
20 following apply:

21 (i) No person shall be incarcerated for nonpayment
22 unless the court makes the necessary finding under this
23 subsection in writing.

24 (ii) The court may impose a purge condition,
25 compliance with which will allow the defendant to avoid
26 sanction, only if it finds beyond a reasonable doubt that
27 the defendant has the present ability to comply.

28 (2.1) (i) If the court, issuing authority, senior judge
29 or senior magisterial district judge schedules a
30 financial determination hearing for the defendant and

1 provides notice to the defendant of the hearing, but the
2 defendant fails to appear at the financial determination
3 hearing, the court, issuing authority, senior judge or
4 senior magisterial district judge may turn the delinquent
5 account over to a private collection agency or the
6 county's collection enforcement unit as set forth under
7 section 9728 (relating to collection of restitution,
8 reparation, fees, costs, fines and penalties), as
9 provided by law.

10 (ii) In each communication with the defendant, the
11 private collection agency or the county's collection
12 enforcement unit shall notify the defendant of the
13 defendant's right to request a new financial
14 determination hearing under paragraph (2.2).

15 (2.2) (i) If the defendant has a delinquent account
16 turned over to a private collection agency or the
17 county's collection enforcement unit under paragraph
18 (2.1), the defendant may request a new financial
19 determination hearing on the defendant's financial
20 ability to pay the court costs, restitution or fines.

21 (ii) Upon receipt of the request for a new financial
22 determination hearing under this paragraph, the court,
23 issuing authority, senior judge or senior magisterial
24 district judge shall schedule and conduct the hearing in
25 accordance with this subsection.

26 (iii) Upon notice that the defendant has requested a
27 new financial determination hearing under this paragraph,
28 the private collection agency or the county's collection
29 enforcement unit shall cease all collections activities
30 pending the conclusion of the financial determination

1 hearing.

2 (iv) If the defendant fails to appear at the
3 financial determination hearing under this paragraph, the
4 private collection agency or county's collection
5 enforcement unit may resume collection activities.

6 (v) If the defendant requests a new financial
7 determination hearing after failing to appear at a
8 hearing previously requested under this paragraph, the
9 private collection agency or county collection
10 enforcement unit's collection activities may continue
11 unless stayed by court order.

12 (3) (i) If the court, issuing authority, senior judge
13 or senior magisterial district judge determines that the
14 defendant is without the financial means to pay the
15 costs, restitution or fines immediately or in a single
16 remittance, the court, issuing authority, senior judge or
17 senior magisterial district judge may provide for payment
18 in installments or, in the case of costs or fines, reduce
19 or waive the costs or fines, except costs imposed under
20 section 1101 of the act of November 24, 1998 (P.L.882,
21 No.111), known as the Crime Victims Act. In determining
22 the appropriate installments, reduction or waiver, the
23 court, issuing authority, senior judge or senior
24 magisterial district judge shall consider the defendant's
25 financial resources, the defendant's ability to make
26 restitution and reparations and the nature of the burden
27 the payment will impose on the defendant.

28 (ii) If the defendant is in default of a payment or
29 advises the court, issuing authority, senior judge or
30 senior magisterial district judge that default is

1 imminent, the court, issuing authority, senior judge or
2 senior magisterial district judge may schedule a
3 rehearing on the payment schedule. At the rehearing the
4 defendant has the burden of proving changes of financial
5 condition such that the defendant is without the means to
6 meet the payment schedule. The court, issuing authority,
7 senior judge or senior magisterial district judge may
8 extend or accelerate the schedule, leave it unaltered,
9 reduce or waive the costs or fines, except costs imposed
10 under section 1101 of the Crime Victims Act, or sentence
11 the defendant to a period of community service as the
12 court, issuing authority, senior judge or senior
13 magisterial district judge finds to be just and
14 practicable under the circumstances.

15 (iii) If the court, issuing authority, senior judge
16 or senior magisterial district judge determines that the
17 defendant is without the financial means to pay the
18 costs, restitution or fines under this paragraph, the
19 court, issuing authority, senior judge or senior
20 magisterial district judge shall waive an existing
21 collection fee under section 9730.1(b) (relating to
22 collection of court costs, restitution and fines by
23 private collection agency) that was not previously
24 collected from the defendant who is determined to be
25 without the financial means to pay the costs, restitution
26 or fines under this paragraph.

27 (iv) If the waiver or reduction results in
28 eliminating any outstanding balance of fines or costs,
29 the court, issuing authority, senior judge or senior
30 magisterial district judge shall specify in writing that

1 the case was closed for that reason. Any existing civil
2 judgment or lien entered in accordance with section 9728
3 shall be terminated.

4 (4) A decision of the court, issuing authority, senior
5 judge or senior magisterial district judge under paragraph
6 (2), (2.1) or (3) is subject to section 5105 (relating to
7 right to appellate review).

8 (c) Ability to pay.--

9 (1) The defendant shall be considered unable to pay
10 finances, costs or restitution if any of the following is
11 established by a preponderance of the evidence:

12 (i) The defendant's income is less than 125% of the
13 Federal poverty guidelines or the defendant is an
14 unemancipated juvenile.

15 (ii) The defendant proves that imposition of the
16 finances or costs would render the defendant unable to meet
17 basic life needs, including food, rent or mortgage,
18 utilities, medical expenses, transportation and dependent
19 care, with consideration given to employment status,
20 treatment needs and access to means-based public
21 assistance.

22 (2) The court, issuing authority, senior judge or senior
23 magisterial district judge may request reasonable
24 documentation in relation to the defendant's income and
25 ability to pay, but no final order regarding fines and costs
26 shall be issued without providing the defendant with a
27 reasonable opportunity to produce financial documentation.
28 The defendant shall be provided in writing the total amount
29 of fines, costs or restitution imposed.

30 (3) The court, issuing authority, senior judge or senior

1 magisterial district judge shall allow a victim owed
2 restitution to provide competent and relevant evidence
3 regarding the defendant's finances and ability to pay, if so
4 requested.

5 (4) The court, issuing authority, senior judge or senior
6 magisterial district judge may order a defendant to report
7 any salary increase that improves the defendant's ability to
8 pay and any financial windfalls in excess of \$1,000. The
9 court, issuing authority, senior judge or senior magisterial
10 district judge shall provide the defendant with written
11 notice of this obligation.

12 (d) Installment payment schedule.--

13 (1) Upon a determination that a defendant has the
14 ability to pay, the court, issuing authority, senior judge or
15 senior magisterial district judge shall seek immediate
16 payment. If it is established that the payment cannot be paid
17 in full, the court, issuing authority, senior judge or senior
18 magisterial district judge shall permit a victim owed
19 restitution to offer competent and relevant evidence as to
20 the defendant's finances, if so requested, before finalizing
21 an installment payment schedule. Unless a greater payment is
22 consented to by the defendant, the installment payment
23 schedule shall be prescribed as follows:

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

27 (ii) A defendant whose income is more than 125% but
28 less than 150% of the Federal poverty guidelines shall
29 not be required to make monthly installment payments that
30 exceed two times the hourly minimum wage for the

1 locality.

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

7 (iv) A defendant whose income is equal to or more
8 than 185% but less than 200% of the Federal poverty
9 guidelines shall not be required to make monthly
10 installment payments that exceed four times the hourly
11 minimum wage for the locality.

12 (v) If a defendant's income is equal to or more than
13 200% of the Federal poverty guidelines, the court,
14 issuing authority, senior judge or senior magisterial
15 district judge shall consider the evidence presented at a
16 hearing on the defendant's financial ability to pay and
17 set an installment payment schedule that would not
18 prevent the defendant from meeting the basic life needs
19 of the defendant and any of the defendant's dependents.

20 (2) The court, issuing authority, senior judge or senior
21 magisterial district judge may set review dates to review
22 progress and related financial information. The review dates
23 based solely on financial payments shall not be more frequent
24 than once every six months absent default. The scheduling
25 shall take into account the impact on the defendant's
26 employment or dependent care.

27 (3) The court, issuing authority, senior judge or senior
28 magisterial district judge may delegate authority to the
29 department of probation of the respective county or other
30 agent designated by the county commissioners of the county

1 with the approval of the president judge of the county in
2 accordance with section 9728. The court, issuing authority,
3 senior judge or senior magisterial district judge may
4 delegate authority to its clerks to enter into a mutually
5 agreeable installment payment schedule with the defendant.
6 However, if the defendant requests that the court, issuing
7 authority, senior judge or senior magisterial district judge
8 hold a hearing to set or modify a payment plan, the court,
9 issuing authority, senior judge or senior magisterial
10 district judge shall schedule and hold the hearing. An entity
11 to which the authority is delegated shall inform the
12 defendant in writing of the right to a hearing.

13 (4) The court, issuing authority, senior judge or senior
14 magisterial district judge may send automated reminders to
15 the defendant via text message or email to remind the
16 defendant to pay each month.

17 (e) Community service.--The court may, with the consent of
18 the defendant, permit the defendant to perform community service
19 in lieu of paying fines or costs or in lieu of restitution, if
20 agreed to on the record by the victim to whom restitution is
21 owed. The following apply:

22 (1) A defendant who performs community service shall
23 receive credit at no less than two times the hourly minimum
24 wage for the locality, although the court, issuing authority,
25 senior judge or senior magisterial district judge may in its
26 discretion give credit at a higher rate. The failure to
27 complete agreed-to community service may lead to
28 reinstatement of outstanding financial obligations in
29 accordance with this section.

30 (2) No community service may be used to enrich or

1 otherwise benefit:

2 (i) the court, issuing authority, senior judge or
3 senior magisterial district judge or staff thereof,
4 including any family members, colleagues or
5 acquaintances; or

6 (ii) the victim or the victim's family members,
7 colleagues or acquaintances.

8 (f) Time limit on contempt proceedings.--

9 (1) A court, issuing authority, senior judge or senior
10 magisterial district judge may not hold a defendant in
11 contempt or otherwise arrest or imprison a defendant for
12 nonpayment of fines or costs beyond the maximum term of
13 imprisonment to which the defendant could have been sentenced
14 for the crimes of which the defendant was convicted or upon
15 the termination of probation, if any.

16 (2) In summary offenses, the court, issuing authority,
17 senior judge or senior magisterial district judge may not
18 hold a defendant in contempt or otherwise arrest or imprison
19 a defendant for nonpayment of fines or costs once two years
20 have passed since the date of conviction for the offense or
21 upon the termination of probation, if any.

22 (3) Nothing in this subsection shall limit the ability
23 of the Commonwealth to enforce a civil judgment entered in
24 accordance with sections 5529(a) (relating to twenty year
25 limitation) and 9728.

26 (g) Termination of probation or parole with unpaid fines,
27 costs or restitution.--

28 (1) If a defendant has completed all rehabilitative
29 goals of probation or parole other than payment of fines and
30 costs and there has been no finding of willful refusal to pay

1 finer, the court shall terminate supervision.

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

6 (3) If any financial obligation is still owed or
7 assigned at the termination of supervision, the court shall
8 provide the defendant with the amount in writing, place the
9 defendant on an installment payment schedule in accordance
10 with this section and inform the defendant that payment is
11 still owed and that willful failure to comply may result in a
12 finding of contempt and possible imprisonment.

13 (4) Without a finding of willful nonpayment, nonpayment
14 of fines or restitution shall not constitute grounds to
15 revoke or extend a period of probation or parole. Nonpayment
16 of costs shall not constitute a probation violation.

17 Section 6. Section 9758 of Title 42 is repealed:

18 [§ 9758. Fine.

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

24 (b) Installment payment.--Except for fines imposed under
25 Title 34 (relating to game), the court may permit installment
26 payments as it considers appropriate to the circumstances of the
27 defendant, in which case its order shall specify when each
28 installment payment is due. Installment payments for fines
29 imposed for summary offenses under Title 34 shall not exceed one
30 year for summary offenses and, except for 34 Pa.C.S. § 2522

1 (relating to shooting at or causing injury to human beings),
2 shall not exceed two years for misdemeanor offenses.

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

5 Section 7. Section 9772 of Title 42 is amended to read:
6 § 9772. Failure to pay fine.

7 [Unless there is proof that failure to pay a fine or that
8 portion of the fine that is due is excusable, the] The court may
9 after a hearing find the defendant guilty of contempt and
10 sentence him to not more than six months imprisonment, if a term
11 of confinement of that amount could have been imposed for the
12 offense charged[.] and the defendant is not indigent and is
13 willfully refusing to pay in accordance with section 9730
14 (relating to payment of court costs, restitution and fines). The
15 court shall make findings on the record regarding the
16 defendant's ability to pay. If an alternative sentence has been
17 imposed under section [9758(c) (relating to alternative
18 sentence)] 9726(e) (relating to fine), the alternative sentence
19 may not take effect until there has been a preliminary finding
20 of non-indigency, and a willful failure to pay the fine in
21 accordance with section 9730.

22 Section 8. Section 1533 of Title 75 is repealed:
23 [§ 1533. Suspension of operating privilege for failure to
24 respond to citation.

25 (a) Violations within Commonwealth.--The department shall
26 suspend the operating privilege of any person who has failed to
27 respond to a citation or summons to appear before an issuing
28 authority or a court of competent jurisdiction of this
29 Commonwealth for any violation of this title, other than
30 parking, or who has failed to pay any fine, costs or restitution

1 imposed by an issuing authority or such courts for violation of
2 this title, other than parking, upon being duly notified by an
3 issuing authority or a court of this Commonwealth.

4 (b) Violations outside Commonwealth.--The department shall
5 suspend the operating privilege of any person who has failed to
6 respond to a citation, summons or similar writ to appear before
7 a court of competent jurisdiction of the United States or any
8 state which has entered into an enforcement agreement with the
9 department, as authorized under section 6146 (relating to
10 enforcement agreements), for any violation of the motor vehicle
11 laws of such state, other than parking, or who has failed to pay
12 any fine or costs imposed by such court upon being duly notified
13 in accordance with the laws of such jurisdiction in which the
14 violation occurred. A person who provides proof, satisfactory to
15 the department, that the full amount of the fine and costs has
16 been forwarded to and received by the court shall not be
17 regarded as having failed to respond for the purposes of this
18 subsection.

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

25 (d) Period of suspension.--The suspension shall continue
26 until such person shall respond to the citation, summons or
27 writ, as the case may be, and pay all fines, restitution and
28 penalties imposed or enter into an agreement to make installment
29 payments for the fines, restitution and penalties imposed
30 provided that the suspension may be reimposed by the department

1 if the defendant fails to make regular installment payments and,
2 if applicable, pay the fee prescribed in section 1960 (relating
3 to reinstatement of operating privilege or vehicle
4 registration).

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

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

14 Section 9. Title 75 is amended by adding a section to read:
15 § 1533.1. Fee for restoration of operating privilege.

16 A person whose operating privilege was suspended under former
17 section 1533 (relating to suspension of operating privilege for
18 failure to respond to citation) before the effective date of
19 this section shall have the operating privilege promptly
20 restored by the department without the requirement to pay any
21 fee prescribed in section 1960 (relating to reinstatement of
22 operating privilege or vehicle registration).

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

25 § 1545. Restoration of operating privilege.

26 Upon the restoration of any person's operating privilege
27 which has been suspended or revoked pursuant to this subchapter
28 or pursuant to Chapter 38 (relating to driving after imbibing
29 alcohol or utilizing drugs), such person's record shall show
30 five points, except that any additional points assessed against

1 the person since the date of the last violation resulting in the
2 suspension or revocation shall be added to such five points
3 unless the person has served an additional period of suspension
4 or revocation pursuant to section 1544(a) (relating to
5 additional period of revocation or suspension). This section
6 shall not apply to former section 1533 (relating to suspension
7 of operating privilege for failure to respond to citation) or to
8 18 Pa.C.S. § 6310.4 (relating to restriction of operating
9 privileges).

10 § 1553. Occupational limited license.

11 * * *

12 (b) Petition.--

13 * * *

14 (4) (i) A person whose operating privilege has been
15 suspended for a conviction of section 1543 (relating to
16 driving while operating privilege is suspended or
17 revoked) may not petition for an occupational limited
18 license unless department records show that the
19 suspension for a conviction of section 1543 occurred only
20 as the result of:

21 (A) a suspension for failure to respond to a
22 citation imposed under the authority of former
23 section 1533 (relating to suspension of operating
24 privilege for failure to respond to citation) or
25 section 6146 (relating to enforcement agreements);

26 * * *

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

29 * * *

30 (12) Any person whose operating privilege is currently

1 suspended for failure to respond to a citation pursuant to
2 section [1533 or] 6146.

3 * * *

4 (15) Any person whose operating privilege has been
5 suspended for a conviction of section 1543 unless department
6 records show that the suspension for a conviction of section
7 1543 occurred only as a result of:

8 (i) a suspension for failure to respond to a
9 citation imposed under the authority of former section
10 1533 or section 6146;

11 * * *

12 § 1554. Probationary license.

13 * * *

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

16 * * *

17 (3) A person whose operating privilege is currently
18 suspended under section [1533 (relating to suspension of
19 operating privilege for failure to respond to citation) or]
20 6146 (relating to enforcement agreements).

21 * * *

22 Section 11. The definition of "clean risk" in section 1702
23 of Title 75 is amended to read:

24 § 1702. Definitions.

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

28 * * *

29 "Clean risk." An insured or an applicant for insurance who,
30 for the 36-month period immediately preceding the date of

1 application or renewal date of the policy:

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

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

11 (3) whose operator's license has not been suspended or
12 revoked except under former section 1533 (relating to
13 suspension of operating privilege for failure to respond to
14 citation) and the insured is able to produce proof that he or
15 she has responded to all citations and paid all fines and
16 penalties imposed under that section and provided further
17 that the named insured has been a licensed operator in
18 Pennsylvania or another state for the immediately preceding
19 three years.

20 * * *

21 Section 12. Section 6504 of Title 75 is repealed:

22 [§ 6504. Inability to pay fine and costs.

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

29 (b) Imprisonment for nonpayment.--Any person who does not
30 comply with an order entered under this section may be

1 imprisoned for a number of days equal to one day for each \$40 of
2 the unpaid balance of the fine and costs.]

3 Section 13. This act shall take effect in 60 days.