
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 248 Session of
2021

INTRODUCED BY D. MILLER, DAWKINS, SANCHEZ, GALLOWAY,
SCHLOSSBERG, LEE, HILL-EVANS, HOWARD, HOHENSTEIN AND
A. DAVIS, JANUARY 25, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 25, 2021

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 34 (Game), 42
2 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the
3 Pennsylvania Consolidated Statutes, in human trafficking,
4 further providing for restitution; in enforcement, further
5 providing for jurisdiction and penalties; in sentencing,
6 further providing for sentencing generally, for fine, for
7 collection of restitution, reparation, fees, costs, fines and
8 penalties, for payment of court costs, restitution and fines
9 and for collection of court costs, restitution and fines by
10 private collection agency, repealing provisions relating to
11 fine and further providing for failure to pay fine; in
12 licensing of drivers, repealing provisions relating to
13 suspension of operating privilege for failure to respond to
14 citation, providing for fee for restoration of operating
15 privilege and further providing for restoration of operating
16 privilege, for occupational limited license and for
17 probationary license; in financial responsibility, further
18 providing for definitions; and, in penalties and disposition
19 of fines, repealing provisions relating to inability to pay
20 fine and costs.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Section 3020(3) of Title 18 of the Pennsylvania
24 Consolidated Statutes is amended to read:

25 § 3020. Restitution.

26 In addition to the provisions of section 1106 (relating to

1 restitution for injuries to person or property), the following
2 shall apply:

3 * * *

4 (3) Collection and distribution of restitution payments
5 shall be governed by the provisions of 42 Pa.C.S. §§ 9728
6 (relating to collection of restitution, reparation, fees,
7 costs, fines and penalties), 9730 (relating to payment of
8 court [costs, restitution and] fines, costs and restitution)
9 and 9730.1 (relating to collection of court costs,
10 restitution and fines by private collection agency).

11 Section 2. Section 925(e) of Title 34 is amended to read:
12 § 925. Jurisdiction and penalties.

13 * * *

14 (e) Installment payment of fines.--Upon a plea and proof
15 that person is unable to pay any fine and costs imposed under
16 this title, a court may, in accordance with 42 Pa.C.S. § [9758
17 (relating to fine)] 9730 (relating to payment of court fines,
18 costs and restitution), permit installment payments it considers
19 appropriate to the circumstances of the person, in which case
20 its order shall specify when each installment payment is due.

21 * * *

22 Section 3. Section 9721(c.1) of Title 42 is amended to read:
23 § 9721. Sentencing generally.

24 * * *

25 (c.1) Mandatory payment of costs.--Notwithstanding the
26 provisions of section 9728 (relating to collection of
27 restitution, reparation, fees, costs, fines and penalties) or
28 any provision of law to the contrary, in addition to the
29 alternatives set forth in subsection (a), the court shall order
30 the defendant to pay costs. In the event the court fails to

1 issue an order for costs pursuant to section 9728, costs shall
2 be imposed upon the defendant under this section. No court order
3 shall be necessary for the defendant to incur liability for
4 costs under this section. The provisions of this subsection do
5 not alter the court's discretion under Pa.R.Crim.P. No. 706(C)
6 (relating to fines or costs) [.] or the requirements of section
7 9730 (relating to payment of court fines, costs and
8 restitution).

9 * * *

10 Section 4. Section 9726 of Title 42 is amended by adding a
11 subsection to read:

12 § 9726. Fine.

13 * * *

14 (e) Alternative sentence.--The sentence of the court may
15 include an alternative sentence in the event of nonpayment, but
16 the sentence shall only take effect in accordance with section
17 9772 (relating to failure to pay fine).

18 Section 5. Section 9728(g.1) of Title 42 is amended to read:

19 § 9728. Collection of restitution, reparation, fees, costs,
20 fines and penalties.

21 * * *

22 (g.1) Payment.--[No less than 50% of all moneys] Money
23 collected by the county probation department or other agent
24 designated by the county commissioners of the county with the
25 approval of the president judge of the county pursuant to
26 subsection (b) (1) and deducted pursuant to subsection (b) (5)
27 shall, until the satisfaction of the defendant's restitution
28 obligation, be used to pay restitution to victims. Any remaining
29 moneys shall be used to pay fees, costs, fines, penalties and
30 other court-ordered obligations.

1 * * *

2 Section 6. Section 9730 of Title 42, amended December 18,
3 2019 (P.L.776, No.115), is amended to read:

4 § 9730. [Payment of court costs, restitution and fines.]

5 (a) Method of payment.--The treasurer of each county may
6 allow the use of credit cards and bank cards in the payment of
7 court costs, restitution and fines and may provide for automatic
8 periodic deductions from a bank account, subject to the
9 agreement of the owner of the account.

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

14 (b) Procedures regarding default.--

15 (1) If a defendant defaults in the payment of court
16 costs, restitution or fines after imposition of sentence, the
17 issuing authority or a senior judge or senior magisterial
18 district judge appointed by the president judge for the
19 purposes of this section may conduct a hearing to determine
20 whether the defendant is financially able to pay.

21 (2) If the issuing authority, senior judge or senior
22 magisterial district judge determines that the defendant is
23 financially able to pay the costs, restitution or fine, the
24 issuing authority, senior judge or senior magisterial
25 district judge may enter an order for wage attachment, turn
26 the delinquent account over to a private collection agency or
27 impose imprisonment for nonpayment, as provided by law.

28 (3) If the issuing authority, senior judge or senior
29 magisterial district judge determines that the defendant is
30 without the financial means to pay the costs, restitution or

1 fine immediately or in a single remittance, the issuing
2 authority, senior judge or senior magisterial district judge
3 may provide for payment in installments. In determining the
4 appropriate installments, the issuing authority, senior judge
5 or senior magisterial district judge shall consider the
6 defendant's financial resources, the defendant's ability to
7 make restitution and reparations and the nature of the burden
8 the payment will impose on the defendant. If the defendant is
9 in default of a payment or advises the issuing authority,
10 senior judge or senior magisterial district judge that
11 default is imminent, the issuing authority, senior judge or
12 senior magisterial district judge may schedule a rehearing on
13 the payment schedule. At the rehearing the defendant has the
14 burden of proving changes of financial condition such that
15 the defendant is without the means to meet the payment
16 schedule. The issuing authority, senior judge or senior
17 magisterial district judge may extend or accelerate the
18 schedule, leave it unaltered or sentence the defendant to a
19 period of community service as the issuing authority, senior
20 judge or senior magisterial district judge finds to be just
21 and practicable under the circumstances.

22 (4) A decision of the issuing authority, senior judge or
23 senior magisterial district judge under paragraph (2) or (3)
24 is subject to section 5105 (relating to right to appellate
25 review).] Payment of court fines, costs and restitution.

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

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

1 payment of fines or costs.

2 (2) The court 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 but not limited to, pretrial proceedings,
11 diversionary programs, sentencing or postsentencing
12 proceedings.

13 (B) In any summary offense, misdemeanor, felony
14 or other offense.

15 (C) In accordance with this section and sections
16 9721(c.1) (relating to sentencing generally) and
17 9726 (relating to fine).

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

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

24 (5) In any case that arises from the same incident, each
25 court cost that is authorized by law shall be assessed no
26 more than once. A defendant may not be charged any costs
27 associated with charges that are withdrawn or dismissed or
28 otherwise do not result in conviction.

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

1 suspension from the programs.

2 (7) The assignment of parole fees, supervision fees or
3 monitoring fees shall not supersede restitution priority.

4 (d) Ability to pay.--

5 (1) The defendant shall be considered unable to pay
6 finest or costs if any of the following is established by a
7 preponderance of the evidence and greater access to financial
8 resources is not determined:

9 (i) The defendant's income is less than 125% of the
10 Federal poverty guidelines or the defendant is an
11 unemancipated juvenile.

12 (ii) The defendant proves that imposition of the
13 finest or costs would render the defendant unable to meet
14 basic life needs, including, but not limited to, food,
15 rent or mortgage, utilities, medical expenses,
16 transportation and dependent care, with consideration
17 given to employment status, treatment needs and access to
18 means-based public assistance.

19 (2) The court may request reasonable documentation in
20 relation to the defendant's income and ability to pay, but no
21 final order regarding fines and costs shall be issued without
22 providing the defendant with a reasonable opportunity to
23 produce financial documentation. The defendant shall be
24 provided in writing the total amount of fines, costs or
25 restitution imposed.

26 (3) The court shall allow a victim owed restitution to
27 provide competent and relevant evidence regarding the
28 defendant's finances and ability to pay, if so requested.

29 (4) The court may order a defendant to report any salary
30 increase that improves the defendant's ability to pay and any

1 financial windfalls in excess of \$1,000. The court shall
2 provide the defendant with written notice of this obligation.

3 (e) Installment payment schedule.--

4 (1) Upon a determination that a defendant has the
5 ability to pay, the court shall seek immediate payment. If it
6 is established that the payment cannot be paid in full, the
7 court shall permit a victim owed restitution to offer
8 competent and relevant evidence as to the defendant's
9 finances, if so requested, before finalizing an installment
10 payment schedule. Unless a greater payment is consented to by
11 the defendant, the installment payment schedule shall be
12 prescribed as below:

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

16 (ii) A defendant whose income is more than 125% but
17 less than 150% of the Federal poverty guidelines shall
18 not be required to make monthly installment payments that
19 exceed two times the hourly minimum wage for the
20 locality.

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

26 (iv) A defendant whose income is greater than or
27 equal to 185% but less than 200% of the Federal poverty
28 guidelines shall not be required to make monthly
29 installment payments that exceed four times the hourly
30 minimum wage for the locality.

1 (v) If a defendant's income is equal to or more than
2 200% of the Federal poverty guidelines, the court shall
3 consider the evidence presented at a hearing on the
4 defendant's financial ability to pay and set an
5 installment payment schedule that would not prevent the
6 defendant from meeting the basic life needs of the
7 defendant and any of the defendant's dependents.

8 (2) The court may set review dates to review progress
9 and related financial information. The review dates based
10 solely on financial payments shall not be more frequent than
11 once every six months absent default. The scheduling shall
12 take into account the impact on the defendant's employment or
13 dependent care.

14 (3) The court may delegate authority to the department
15 of probation of the respective county or other agent
16 designated by the county commissioners of the county with the
17 approval of the president judge of the county in accordance
18 with section 9728 (relating to collection of restitution,
19 reparation, fees, costs, fines and penalties). The court may
20 delegate authority to its clerks to enter into a mutually
21 agreeable installment payment schedule with the defendant.
22 However, if the defendant requests that the court hold a
23 hearing to set or modify a payment plan, the court shall
24 schedule and hold the hearing. An entity to which the
25 authority is delegated shall inform the defendant in writing
26 of the right to a hearing.

27 (4) Defendants shall be permitted to make payments with
28 credit cards or bank cards. Defendants may not be charged any
29 administrative fee for the use of the credit cards or bank
30 cards. The court may, with the consent of the defendant,

1 automatically deduct payments each month, but any deduction,
2 garnishment or wage attachment shall not be in excess of the
3 defendant's payment plan amount.

4 (5) The court may send automated reminders to the
5 defendant via text message or e-mail to remind the defendant
6 to pay each month.

7 (f) Community service.--The court may, with the consent of
8 the defendant, permit the defendant to perform community service
9 in lieu of paying fines or costs or in lieu of restitution, if
10 agreed to on the record by the victim to whom restitution is
11 owed. The following shall apply:

12 (1) A defendant who performs community service shall
13 receive credit at no less than two times the hourly minimum
14 wage for the locality, although the court may in its
15 discretion give credit at a higher rate. The failure to
16 complete agreed-to community service may lead to
17 reinstatement of outstanding financial obligations in
18 accordance with this section.

19 (2) No community service may be used to enrich or
20 otherwise benefit:

21 (i) the court or staff of the court, including any
22 family members, colleagues or acquaintances; or

23 (ii) the victim or the victim's family members,
24 colleagues or acquaintances.

25 (g) Procedures regarding default.--If a defendant defaults
26 on an installment payment schedule or upon motion, the court may
27 schedule a hearing to determine the defendant's financial
28 ability to pay, but the court may not hold the defendant in
29 contempt, alter the defendant's payment plan or issue a sanction
30 without first holding a hearing. A bench warrant may not be

1 issued solely for a financial default. The following shall
2 apply:

3 (1) With respect to notice of the hearing:

4 (i) Notice shall be provided via certified mail and
5 via phone, text or e-mail when possible, but not as a
6 substitute for traditional service.

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

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

9 (B) The total amount owed in fines, costs and
10 restitution.

11 (C) The current installment payment schedule, if
12 any.

13 (D) Any measure that the defendant may take to
14 avoid a hearing.

15 (E) A reminder that the defendant may bring
16 documentation regarding the defendant's finances or a
17 list of documents that the court requires the
18 defendant to bring.

19 (F) If the court is considering incarcerating
20 the defendant, a statement that the defendant has a
21 right to counsel at the hearing, with instructions on
22 how to apply for a public defender if the defendant
23 cannot afford counsel.

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

26 (2) If the defendant fails to appear at the hearing, the
27 court may issue a bench warrant or reschedule the hearing.

28 (3) With respect to a hearing on the ability of a
29 defendant to pay fines, costs or restitution, the court shall
30 affirmatively inquire into the reasons for nonpayment and the

1 defendant's present financial status in accordance with the
2 standards specified in subsection (d). The following shall
3 apply:

4 (i) The defendant has the right to offer evidence
5 and to representation if there is a likelihood of
6 incarceration.

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

9 (iii) The court shall make written findings on the
10 record and provide any of the following findings:

11 (A) A finding of the defendant's willful refusal
12 to pay. If the Commonwealth establishes, by a
13 preponderance of the evidence, that the defendant has
14 the financial ability to pay and has willfully
15 refused to pay, the court may, in accordance with
16 subsection (c), take any of the following actions or
17 combination of actions:

18 (I) Reinstate, alter or otherwise create an
19 installment payment schedule.

20 (II) Impose a sentence of community service.

21 (III) Refer the case to a private debt
22 collection agency in accordance with section
23 9730.1 (relating to collection of court costs,
24 restitution and fines by private collection
25 agency).

26 (IV) Impose any sanction provided by law.

27 The following shall apply:

28 (a) No person shall be incarcerated for
29 nonpayment unless the court makes the
30 necessary finding under this subsection.

1 (b) The court may impose a purge
2 condition, compliance with which will allow
3 the defendant to avoid sanction, only if it
4 finds beyond a reasonable doubt that the
5 defendant has the present ability to comply.

6 (B) A finding of the defendant's inability to
7 pay. The court may, in accordance with subsection
8 (c), take any of the following actions or combination
9 of actions:

10 (I) Reinstate, alter or otherwise create an
11 installment payment schedule that will allow
12 compliance.

13 (II) Reduce or waive fines and costs owed.

14 (III) With consent, allow for fines, costs
15 or restitution to be completed by community
16 service.

17 (h) Reduction or waiver of fines, costs or restitution.--

18 (1) At any time deemed appropriate or upon motion, the
19 court may waive or reduce a defendant's fines or costs, or
20 any portion thereof, as noncollectible due to the defendant's
21 inability to pay, or may waive or reduce the amounts for any
22 reason. If the waiver or reduction results in eliminating any
23 outstanding balance of fines or costs, the court shall
24 specify in writing that the case was closed for that reason.
25 Any existing civil judgment or lien entered in accordance
26 with section 9728 shall be terminated.

27 (2) Any amount of unpaid restitution may be reduced or
28 waived only if the court finds on the record that the victim
29 has given consent to the reduction or waiver.

30 (i) Termination of probation or parole.--

1 (1) If a defendant has completed all rehabilitative
2 goals of probation or parole other than payment of fines and
3 costs and there has been no finding of willful refusal to
4 pay, the court shall terminate supervision.

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

9 (3) If any financial obligation is still owed or
10 assigned at the termination of supervision, the court shall
11 provide the defendant with the amount in writing, place the
12 defendant on an installment payment schedule in accordance
13 with this section and inform the defendant that payment is
14 still owed and that willful failure to comply may result in a
15 finding of contempt and possible imprisonment. The inability
16 to pay shall not constitute grounds to revoke or extend a
17 period of probation or parole.

18 (j) Time limit on contempt proceedings.--

19 (1) A court may not hold a defendant in contempt or
20 otherwise arrest or imprison a defendant for nonpayment of
21 fines or costs beyond the maximum term of imprisonment to
22 which the defendant could have been sentenced for the crimes
23 of which the defendant was convicted or upon the termination
24 of probation, if any.

25 (2) In summary offenses, the court may not hold a
26 defendant in contempt or otherwise arrest or imprison a
27 defendant for nonpayment of fines or costs once two years
28 have passed since the date of conviction for the offense or
29 upon the termination of probation, if any.

30 (3) Nothing in this subsection limits the ability of the

1 Commonwealth to enforce a civil judgment entered in
2 accordance with sections 5529(a) (relating to twenty year
3 limitation) and 9728.

4 (k) Appeal.--An order entered under this section is subject
5 to an appeal under section 5105 (relating to right to appellate
6 review). The filing of an appeal of an order of incarceration
7 shall operate as an automatic supersedeas until the conclusion
8 of the appeal, unless otherwise ordered by a court having
9 jurisdiction over the appeal.

10 (l) Applicability.--This section shall apply notwithstanding
11 any other provisions of law.

12 Section 7. Section 9730.1(a) and (d) of Title 42 are amended
13 to read:

14 § 9730.1. Collection of court costs, restitution and fines by
15 private collection agency.

16 (a) Generally.--In accordance with section [9730(b)(1) and
17 (2) (relating to payment of court costs, restitution and fines)]

18 9730 (relating to payment of court fines, costs and
19 restitution), an issuing authority may refer the collection of
20 costs, fines and restitution of a defendant to a private
21 collection agency whether or not the defendant's maximum
22 sentence or probationary term has expired with or without
23 holding a hearing pursuant to this section. Such collection
24 agency shall adhere to accepted practices in accordance with
25 applicable Federal and State law to collect such costs, fines
26 and restitution.

27 * * *

28 (d) Imprisonment.--Nothing in this subchapter limits the
29 ability of a judge to imprison a person for nonpayment, as
30 provided by law; however, imprisonment for nonpayment shall not

1 be imposed without a public hearing under section [9730 (b) (1)]
2 9730.

3 * * *

4 Section 8. Section 9758 of Title 42 is repealed:

5 [§ 9758. Fine.

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

11 (b) Installment payment.--Except for fines imposed under
12 Title 34 (relating to game), the court may permit installment
13 payments as it considers appropriate to the circumstances of the
14 defendant, in which case its order shall specify when each
15 installment payment is due. Installment payments for fines
16 imposed for summary offenses under Title 34 shall not exceed one
17 year for summary offenses and, except for 34 Pa.C.S. § 2522
18 (relating to shooting at or causing injury to human beings),
19 shall not exceed two years for misdemeanor offenses.

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

22 Section 9. Section 9772 of Title 42 is amended to read:

23 § 9772. Failure to pay fine.

24 [Unless there is proof that failure to pay a fine or that
25 portion of the fine that is due is excusable, the] The court may
26 after a hearing find the defendant guilty of contempt and
27 sentence him to not more than six months imprisonment, if a term
28 of confinement of that amount could have been imposed for the
29 offense charged[.] and the defendant is not indigent and is
30 willfully refusing to pay in accordance with section 9730

1 (relating to payment of court fines, costs and restitution). The
2 court shall make findings on the record regarding the
3 defendant's ability to pay. If an alternative sentence has been
4 imposed under section [9758(c) (relating to alternative
5 sentence)] 9726(e) (relating to fine), the alternative sentence
6 may not take effect until there has been a preliminary finding
7 of non-indigency, and a willful failure to pay the fine in
8 accordance with section 9730.

9 Section 10. Section 1533 of Title 75 is repealed:

10 [§ 1533. Suspension of operating privilege for failure to
11 respond to citation.

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

21 (b) Violations outside Commonwealth.--The department shall
22 suspend the operating privilege of any person who has failed to
23 respond to a citation, summons or similar writ to appear before
24 a court of competent jurisdiction of the United States or any
25 state which has entered into an enforcement agreement with the
26 department, as authorized under section 6146 (relating to
27 enforcement agreements), for any violation of the motor vehicle
28 laws of such state, other than parking, or who has failed to pay
29 any fine or costs imposed by such court upon being duly notified
30 in accordance with the laws of such jurisdiction in which the

1 violation occurred. A person who provides proof, satisfactory to
2 the department, that the full amount of the fine and costs has
3 been forwarded to and received by the court shall not be
4 regarded as having failed to respond for the purposes of this
5 subsection.

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

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

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

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

1 Section 11. Title 75 is amended by adding a section to read:

2 § 1533.1. Fee for restoration of operating privilege.

3 A person whose operating privilege was suspended under former
4 section 1533 (relating to suspension of operating privilege for
5 failure to respond to citation) before the effective date of
6 this section shall have the operating privilege promptly
7 restored by the department without the requirement to pay any
8 fee prescribed in section 1960 (relating to reinstatement of
9 operating privilege or vehicle registration).

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

12 § 1545. Restoration of operating privilege.

13 Upon the restoration of any person's operating privilege
14 which has been suspended or revoked pursuant to this subchapter
15 or pursuant to Chapter 38 (relating to driving after imbibing
16 alcohol or utilizing drugs), such person's record shall show
17 five points, except that any additional points assessed against
18 the person since the date of the last violation resulting in the
19 suspension or revocation shall be added to such five points
20 unless the person has served an additional period of suspension
21 or revocation pursuant to section 1544(a) (relating to
22 additional period of revocation or suspension). This section
23 shall not apply to former section 1533 (relating to suspension
24 of operating privilege for failure to respond to citation) or to
25 18 Pa.C.S. § 6310.4 (relating to restriction of operating
26 privileges).

27 § 1553. Occupational limited license.

28 * * *

29 (b) Petition.--

30 * * *

1 (4) (i) A person whose operating privilege has been
2 suspended for a conviction of section 1543 (relating to
3 driving while operating privilege is suspended or
4 revoked) may not petition for an occupational limited
5 license unless department records show that the
6 suspension for a conviction of section 1543 occurred only
7 as the result of:

8 (A) a suspension for failure to respond to a
9 citation imposed under the authority of former
10 section 1533 (relating to suspension of operating
11 privilege for failure to respond to citation) or
12 section 6146 (relating to enforcement agreements);

13 * * *

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

16 * * *

17 (12) Any person whose operating privilege is currently
18 suspended for failure to respond to a citation pursuant to
19 section [1533 or] 6146.

20 * * *

21 (15) Any person whose operating privilege has been
22 suspended for a conviction of section 1543 unless department
23 records show that the suspension for a conviction of section
24 1543 occurred only as a result of:

25 (i) a suspension for failure to respond to a
26 citation imposed under the authority of former section
27 1533 or section 6146;

28 * * *

29 § 1554. Probationary license.

30 * * *

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

3 * * *

4 (3) A person whose operating privilege is currently
5 suspended under section [1533 (relating to suspension of
6 operating privilege for failure to respond to citation) or]
7 6146 (relating to enforcement agreements).

8 * * *

9 Section 13. The definition of "clean risk" in section 1702
10 of Title 75 is amended to read:

11 § 1702. Definitions.

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

15 * * *

16 "Clean risk." An insured or an applicant for insurance who,
17 for the 36-month period immediately preceding the date of
18 application or renewal date of the policy:

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

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

28 (3) whose operator's license has not been suspended or
29 revoked except under former section 1533 (relating to
30 suspension of operating privilege for failure to respond to

1 citation) and the insured is able to produce proof that he or
2 she has responded to all citations and paid all fines and
3 penalties imposed under that section and provided further
4 that the named insured has been a licensed operator in
5 Pennsylvania or another state for the immediately preceding
6 three years.

7 * * *

8 Section 14. Section 6504 of Title 75 is repealed:

9 [§ 6504. Inability to pay fine and costs.

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

16 (b) Imprisonment for nonpayment.--Any person who does not
17 comply with an order entered under this section may be
18 imprisoned for a number of days equal to one day for each \$40 of
19 the unpaid balance of the fine and costs.]

20 Section 15. This act shall take effect in 60 days.