

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 1033 Session of 2015

INTRODUCED BY D. MILLER, SACCONI, BARRAR, V. BROWN, SAYLOR, ROZZI, DeLISSIO, BULLOCK AND DIAMOND, SEPTEMBER 27, 2016

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 27, 2016

A CONCURRENT RESOLUTION

1 Declaring that the General Assembly of the Commonwealth of
 2 Pennsylvania is opposed to the enactment and enforcement of a
 3 State law, under a Federal mandate, that requires the
 4 suspension or revocation, or the delay of issuance or
 5 reinstatement, of the driver's license of an individual
 6 convicted of a violation of the Controlled Substances Act or
 7 another drug offense; urging the Governor to submit a written
 8 certification stating the Governor's opposition to the State
 9 law along with this resolution to the United States Secretary
 10 of Transportation; and accordingly preventing the United
 11 States Secretary of Transportation from withholding a
 12 specified percentage of Federal transportation apportionments
 13 under 23 U.S.C. § 159.

14 WHEREAS, Under 23 U.S.C. § 159(a) (3) (A), in the absence of
 15 compelling circumstances warranting an exception, for an
 16 individual who is convicted of a violation of the Controlled
 17 Substances Act (Public Law 91-513, 84 Stat. 1236) or a drug
 18 offense, a state generally must enact and enforce a law
 19 requiring:

20 (1) the revocation or suspension of the driver's license
 21 of the individual for at least six months; or

22 (2) a delay in the issuance or reinstatement of the
 23 driver's license of the individual for at least six months

1 after the individual applies for issuance or reinstatement if
2 the individual does not have a license or has a suspended
3 license at the time of conviction;

4 and

5 WHEREAS, The General Assembly of the Commonwealth of
6 Pennsylvania recognizes that although license suspensions may be
7 appropriate tools in addressing rehabilitation and public safety
8 goals, because the matter of driving privileges is and always
9 has been a prerogative of a state and not the Federal
10 Government, the Commonwealth wishes to be relieved of the
11 Federal license suspension mandates; and

12 WHEREAS, Under 23 U.S.C. § 159(a) (3) (B), the Governor of a
13 state may submit to the United States Secretary of
14 Transportation a written certification stating that:

15 (1) the Governor is opposed to the enactment or
16 enforcement of Federal license suspension mandates under 23
17 U.S.C. § 159(a) (3) (A); and

18 (2) the General Assembly has adopted a resolution
19 expressing its opposition to the enactment or enforcement of
20 Federal license suspension mandates under 23 U.S.C. § 159(a)
21 (3) (A);

22 and

23 WHEREAS, The United States Secretary of Transportation shall
24 withhold 8% of a state's highway-related funds unless a state
25 either enacts and enforces a law under 23 U.S.C. § 159(a) (3) (A)
26 or the Governor of that state submits the written certifications
27 under 23 U.S.C. § 159(a) (3) (B); and

28 WHEREAS, After considering the mandates under 23 U.S.C. §
29 159, the General Assembly of the Commonwealth of Pennsylvania
30 determines that the enactment and enforcement of a law under 23

1 U.S.C. § 159(a) (3) (A) may not be consistent with the
2 Commonwealth's goal of rehabilitation as balanced with public
3 safety concerns; and

4 WHEREAS, The Commonwealth has already enacted sufficient laws
5 to deter illegal drug activity and has the capability of
6 addressing further concerns; therefore be it

7 RESOLVED (the Senate concurring), That the General Assembly
8 of the Commonwealth of Pennsylvania declare its opposition to
9 the enactment and enforcement of a State law that requires the
10 suspension or revocation, or the delay in issuance or
11 reinstatement, of the driver's license of an individual
12 convicted of a violation of the Controlled Substances Act or
13 another drug offense due to a Federal mandate; and be it further

14 RESOLVED (the Senate concurring), That the General Assembly
15 of the Commonwealth of Pennsylvania urge the Governor to submit
16 a written certification stating the Governor's opposition to
17 such Federal mandate along with this resolution to the United
18 States Secretary of Transportation; and be it further

19 RESOLVED (the Senate concurring), That the General Assembly
20 of the Commonwealth of Pennsylvania accordingly prevent the
21 United States Secretary of Transportation from withholding a
22 specified percentage of Federal transportation apportionments
23 under 23 U.S.C. § 159; and be it further

24 RESOLVED, That certified copies of this resolution be
25 transmitted to the Governor, the presiding officers of each
26 house of Congress, the members of the Pennsylvania Congressional
27 Delegation and the United States Secretary of Transportation.