

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1118 Session of 2024

INTRODUCED BY STEFANO, COSTA, FLYNN, COMITTA, CAPPELLETTI, DILLON, KEARNEY AND A. WILLIAMS, APRIL 2, 2024

SENATOR LANGERHOLC, TRANSPORTATION, AS AMENDED, JUNE 26, 2024

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 (E.1) ALTERNATIVE TO TITLE 75 SANCTIONS.--

<--

20 (1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A), A
21 PERSON WHOSE OPERATING PRIVILEGE HAS BEEN SUSPENDED UNDER 75
22 PA.C.S. § 1533(A) (RELATING TO SUSPENSION OF OPERATING
23 PRIVILEGE FOR FAILURE TO RESPOND TO CITATION), WHO HAS BEEN
24 CONVICTED OF VIOLATING 75 PA.C.S. § 1543.1(A) (RELATING TO
25 DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED FOR CERTAIN
26 OTHER OFFENSES) OR WHO IS ELIGIBLE FOR RELIEF UNDER 75
27 PA.C.S. § 1557 (RELATING TO RELIEF FROM ADMINISTRATIVE
28 SUSPENSION) MAY BE PLACED BY THE MAGISTERIAL DISTRICT JUDGE
29 IN AN APPROPRIATE PROGRAM UNDER SUBSECTION (B) IN ACCORDANCE
30 WITH 75 PA.C.S. § 1533(D)(1)(III), 1543.1(A)(2)(II) OR

1 1558(B)(2)(II) (RELATING TO RELIEF FROM ADMINISTRATIVE
2 SUSPENSION PARTICIPATION REQUIREMENTS).

3 (2) THE PLACEMENT OF A PERSON UNDER THIS SUBSECTION IN
4 AN APPROPRIATE PROGRAM UNDER SUBSECTION (B) AS AUTHORIZED BY
5 THE MAGISTERIAL DISTRICT JUDGE SHALL BE DONE IN ACCORDANCE
6 WITH SUBSECTION (C), EXCEPT THAT THE MAGISTERIAL DISTRICT
7 JUDGE MAY NOT:

8 (I) ALTER THE CONVICTION FOR A VIOLATION OF 75
9 PA.C.S. § 1543.1(A);

10 (II) RELIEVE THE PERSON OF THE OBLIGATION TO PAY A
11 FINE ASSOCIATED WITH THE CONVICTION UPON SUCCESSFUL
12 COMPLETION OF THE PROGRAM UNDER SUBSECTION (B); OR

13 (III) WAIVE OR REDUCE COSTS IMPOSED UNDER SECTION
14 1101 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111),
15 KNOWN AS THE CRIME VICTIMS ACT.

16 * * *

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

19 § 1501. Drivers required to be licensed.

20 * * *

21 (d) Penalty.--[Any] Except as provided under subsection (e),
22 any person violating subsection (a) is guilty of a summary
23 offense and shall, upon conviction, be sentenced to pay a fine
24 of \$200, except that, if the person charged furnishes
25 satisfactory proof of having held a driver's license valid on
26 the last day of the preceding driver's license period and no
27 more than one year has elapsed from the last date for renewal,
28 the fine shall be \$25. No person charged with violating
29 subsection (a) or (b) shall be convicted if the person produces
30 at the office of the issuing authority within 15 days of the

1 violation:

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

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

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

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

15 § 1532. Suspension of operating privilege.

16 * * *

17 (b) Suspension.--

18 * * *

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

1 program of community service as ordered by the issuing
2 authority or court and, if applicable, require the driver to
3 pay the fee specified under section 1960 (relating to
4 reinstatement of operating privilege or vehicle
5 registration).

6 * * *

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

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.], upon being
21 duly notified by an issuing authority or a court of competent
22 jurisdiction of this Commonwealth, has failed to take any of the
23 following actions:

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

27 (2) Pay any fine, costs or restitution imposed by the
28 issuing authority or court for a violation of this title,
29 other than parking.

30 (3) Successfully complete a program of community service

1 as specified under subsection (d) (1) (iii).

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

12 (A.1) EXCEPTION WHEN UNABLE TO PAY FINES, COSTS OR <--
13 RESTITUTION.--

14 (1) PRIOR TO SUSPENDING THE OPERATING PRIVILEGES OF ANY
15 PERSON UNDER SUBSECTION (A) (2), AN ISSUING AUTHORITY OR A
16 COURT OF COMPETENT JURISDICTION OF THIS COMMONWEALTH SHALL
17 HOLD A HEARING TO DETERMINE WHETHER THE PERSON IS ABLE TO PAY
18 THE FINES, COSTS OR RESTITUTION IMPOSED BY THE ISSUING
19 AUTHORITY OR COURT FOR A VIOLATION OF THIS TITLE, OTHER THAN
20 PARKING.

21 (2) A PERSON SHALL NOT HAVE THE PERSON'S OPERATING
22 PRIVILEGE SUSPENDED SOLELY FOR VIOLATION OF SUBSECTION (A) (2)
23 IF IT IS DETERMINED THAT THE PERSON IS UNABLE TO PAY THE
24 FINE, COSTS OR RESTITUTION IMPOSED.

25 (3) NEITHER THE ISSUING AUTHORITY NOR THE COURT MAY
26 WAIVE OR REDUCE UNDER THIS SUBSECTION COSTS IMPOSED UNDER
27 SECTION 1101 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882,
28 NO.111), KNOWN AS THE CRIME VICTIMS ACT.

29 * * *

30 (c) Time for responding to notice.--At least 15 days before

1 an issuing authority or court notifies the department to impose
2 a suspension pursuant to subsection (a), the issuing authority
3 or court shall notify the person in writing of the requirement
4 to respond to the citation and pay all fines, restitution and
5 penalties imposed by the issuing authority or court. The notice
6 shall include information regarding all of the following:

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

9 (2) The ability to enter and complete a community
10 service requirement in lieu of payment of all fines,
11 restitution and penalties.

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).] take all of the following actions:

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

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

26 (ii) Enter into an agreement to make installment
27 payments for all fines, restitution and penalties imposed
28 by the issuing authority or court. The department may
29 reimpose the suspension if the defendant fails to make
30 regular installment payments.

1 (iii) In accordance with 42 Pa.C.S. § 1520 (relating
2 to adjudication alternative program), enter into a
3 program of community service approved by the issuing
4 authority or court in lieu of complying with the
5 requirements under subparagraph (i) or (ii). The
6 department may reimpose the suspension if the defendant
7 fails to complete a program of community service as
8 ordered by the issuing authority or court.

9 (2) If applicable, pay the fee specified under section
10 1960 (relating to reinstatement of operating privilege or
11 vehicle registration).

12 * * *

13 Section 5. Section 1543(c) of Title 75 is amended to read:
14 § 1543. Driving while operating privilege is suspended or
15 revoked.

16 * * *

17 (c) Suspension or revocation of operating privilege.--[Upon]
18 Except as provided under section 1543.1 (relating to driving
19 while operating privilege is suspended for certain other
20 offenses), upon receiving a certified record of the conviction
21 or adjudication of delinquency of any person under this section,
22 the department shall suspend or revoke the person's operating
23 privilege as follows:

24 (1) Except as provided for under paragraph (1.1), if the
25 department's records show that the person was under
26 suspension, recall or cancellation on the date of violation,
27 and had not been restored, the department shall suspend the
28 person's operating privilege for an additional one-year
29 period.

30 (1.1) If the department's records show that the person

1 was under an indefinite suspension on the date of violation
2 for not satisfactorily completing a driver improvement school
3 as required under section 1538 (relating to school,
4 examination or hearing on accumulation of points or excessive
5 speeding), and had not been restored, the department shall
6 suspend the person's operating privilege for an additional
7 30-day period.

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

12 * * *

13 Section 6. Title 75 is amended by adding sections to read:
14 § 1543.1. Driving while operating privilege is suspended for
15 certain other offenses.

16 (a) Certain other offenses.--

17 (1) A person who drives a motor vehicle on any highway
18 or trafficway of this Commonwealth at a time when the
19 person's operating privilege is suspended under section
20 1532(b)(2) (relating to suspension of operating privilege) or
21 1533 (relating to suspension of operating privilege for
22 failure to respond to citation) and the underlying offense
23 for the suspension is a violation of section 1501(a)
24 (relating to drivers required to be licensed) shall, upon
25 conviction or adjudication of delinquency, be sentenced to
26 pay a fine of \$50.

27 (2) A person who drives a motor vehicle on any highway
28 or trafficway of this Commonwealth after the commencement of
29 a second or subsequent suspension of the person's operating
30 privilege under section 1532(b)(2) and no other violation and

1 before the operating privilege has been restored is guilty of
2 a summary offense and shall, upon conviction or adjudication
3 of delinquency, be required to do one or both of the
4 following:

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

8 (ii) In accordance with 42 Pa.C.S. § 1520 (relating
9 to adjudication alternative program), enter into a
10 program of community service as approved by the issuing
11 authority or court in lieu of satisfying the requirements
12 under subparagraph (i). Upon receiving a report of a
13 failure to complete the program, the department shall
14 suspend the operating privilege of the person in
15 accordance with section 1543(c)(1) (relating to driving
16 while operating privilege is suspended or revoked).

17 (b) Citation of appropriate provisions.--Prior to filing a
18 citation for a violation of this section with the issuing
19 authority named in the citation, the police officer shall verify
20 the basis for the suspension with the department. Upon receiving
21 the verification, the police officer shall cite the appropriate
22 paragraph under subsection (a) on the citation.

23 § 1557. Relief from administrative suspension.

24 (a) Restoration.--The department may restore the operating
25 privileges of individuals from operating privilege suspensions
26 imposed under any of the following:

27 (1) Section 1532(b) (relating to suspension of operating
28 privilege).

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

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

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

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

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

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

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

18 (4) Determine if an applicant's conviction of a
19 violation under section 1543 occurred only as the result of a
20 suspension imposed under section 1532(b) (2), 1533 or 6146
21 (relating to enforcement agreements) and if the applicant is
22 currently under or will be under a suspension of operating
23 privilege for a conviction under section 1543.

24 (5) Determine whether the granting of relief under the
25 program would result in immediate restoration of the
26 applicant's operating privilege.

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

30 (7) Update the driver's records and restore the

1 operating privilege of an individual as authorized under this
2 section.

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

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

8 (2) The department's records show that the individual's
9 operating privilege will be or is suspended for a conviction
10 under section 1543(a) ~~or (c)~~ only as a result of a suspension <--
11 imposed under section 1532(b) (2), 1533 or 6146 before the
12 effective date of this paragraph.

13 (3) The individual has served the operating privilege
14 suspension required for the underlying offense which resulted
15 in a violation of section 1533(a), (b) or (d).

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

20 (i) A restoration fee.

21 (ii) Proof of financial responsibility.

22 (iii) If the individual does not own a motor vehicle
23 currently registered in this Commonwealth, a signed
24 statement certifying that the individual does not own a
25 motor vehicle currently registered in this Commonwealth.

26 (d) Reinstatement.--The department shall amend the driver's
27 record of an eligible individual to show that the individual
28 satisfied the court-ordered obligations that resulted in the
29 suspension of the individual's operating privilege under section
30 1533. The department shall amend the driver's records of an

1 eligible individual to show that suspension imposed for a
2 violation under section 1543(a) will end or will not be imposed.
3 The department shall rescind an additional suspension imposed
4 under section 1544(a) for a violation that occurred at the same
5 time as a violation of section 1543(a) from the driver's record
6 of an eligible individual. The department shall not be required
7 to reinstate the operating privilege of an eligible individual
8 under this section if the department is authorized under this
9 title to suspend the operating privilege of the individual for
10 other violations of this title. Upon restoration from suspension
11 under the program, the driver's record of an eligible individual
12 shall show five points.

13 (e) Compliance.--The department shall not be required to
14 restore the operating privilege of an eligible individual under
15 this section until the individual has complied with section 1558
16 (relating to relief from administrative suspension participation
17 requirements).

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

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

23 § 1558. Relief from administrative suspension participation
24 requirements.

25 (a) Form.--An eligible individual who seeks to participate
26 in the Relief from Administrative Suspension Program shall
27 respond to the court or issuing authority in conformance with
28 the instructions in a restoration requirements letter. The
29 department shall provide a restoration requirements letter to
30 the eligible individual.

1 (b) Requirements.--In addition to the requirements under
2 section 1960 (relating to reinstatement of operating privilege
3 or vehicle registration), an eligible individual applying for
4 relief under the program as required under section 1557(d)
5 (relating to relief from administrative suspension), shall have
6 the following duties:

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

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

12 (i) pay in installments all court-ordered
13 obligations after a hearing conducted by the court or
14 issuing authority to determine the individual's ability
15 to pay and the issuance of an order providing for
16 installment payments; or

17 (ii) notwithstanding 42 Pa.C.S. § 1520(a) (relating
18 to adjudication alternative program), complete a court-
19 ordered public service or other adjudication alternative
20 program under 42 Pa.C.S. § 1520(b).

21 (c) Proof of financial responsibility.--Notwithstanding
22 section 1783 (relating to proof of financial responsibility
23 before restoring operating privilege or registration), before
24 restoring an operating privilege, the department shall require
25 an eligible individual to provide the department with any of the
26 following:

27 (1) Proof of financial responsibility.

28 (2) If the individual does not own a motor vehicle
29 currently registered in this Commonwealth, a signed statement
30 certifying that the individual does not own a motor vehicle

1 currently registered in this Commonwealth.

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

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

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

10 (3) The individual has completed or satisfied all court-
11 ordered public service requirements or other alternative
12 adjudication programs.

13 (e) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

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

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

20 § 1960. Reinstatement of operating privilege or vehicle
21 registration.

22 The department shall charge a fee of \$70 or, if section 1379
23 (relating to suspension of registration upon sixth unpaid
24 parking violation in cities of the first class), 1380 (relating
25 to suspension of registration upon unpaid tolls) or 1786(d)
26 (relating to required financial responsibility) applies, a fee
27 of \$88 to restore a person's operating privilege or the
28 registration of a vehicle following a suspension or revocation.
29 The department shall waive a fee imposed under this section for
30 a person who enters into an agreement for installment payments

1 or a program of community service under section 1533(d)(1)(ii)
2 or (iii) (relating to suspension of operating privilege for
3 failure to respond to citation).

4 § 6504. Inability to pay fine and costs.

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

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

11 (2) Entry into a program of community service under
12 section 1533(d)(1)(iii) (relating to suspension of operating
13 privilege for failure to respond to citation), not to exceed
14 50 hours.

15 * * *

16 Section 8. The following shall apply to any person who is
17 currently under operating privilege suspension under 75 Pa.C.S.
18 §§ 1533 and 1544, regardless of the date of the underlying
19 offense:

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

21 (2) The amendment or addition of 75 Pa.C.S. §§ 1501(d),
22 1532(b)(2), 1533(a), (a.1), (c) and (d), 1543(c), 1960 and
23 6504(a).

24 (3) The addition of 75 Pa.C.S. §§ 1543.1, 1557 and 1558. <--

25 Section 9. This act shall take effect in ~~one year~~ 26 MONTHS. <--