

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 453 Session of
2023

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 24, 2024

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes, in
3 sentencing, further providing for sentence of total
4 confinement; in licensing of drivers, further providing for
5 driving while operating privilege is suspended or revoked and
6 for ignition interlock limited license; and, in driving after
7 imbibing alcohol or utilizing drugs, further providing for
8 ignition interlock.

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

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

13 § 9756. Sentence of total confinement.

14 * * *

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

1 ~~judge COURT from sentencing a defendant to county intermediate~~ <--
2 ~~punishment. PROBATION, INCLUDING THE RESTRICTIVE CONDITIONS OF~~ <--
3 ~~PROBATION IMPOSED UNDER SECTION 9763(C).~~

4 * * *

5 Section 2. Sections 1543(b)(1)(i) and (ii) and (1.1)(i) and
6 1556(b)(1) and (2) of Title 75 are amended to read:

7 § 1543. Driving while operating privilege is suspended or
8 revoked.

9 * * *

10 (b) Certain offenses.--

11 (1) The following shall apply:

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

28 (ii) A second violation of this paragraph shall
29 constitute a summary offense and, upon conviction of this
30 paragraph, a person shall be sentenced to pay a fine of

1 \$1,000 and to undergo imprisonment for [not less than] 90
2 days.

3 * * *

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

1 AND HOLDS A VALID CERTIFICATE TO USE MEDICAL MARIJUANA,
2 WHO HAS NO AMOUNT OF ALCOHOL BY WEIGHT IN THE PERSON'S
3 BLOOD EQUAL TO OR GREATER THAN .02% AT THE TIME OF
4 TESTING AND WHO HAS NO AMOUNT OF A SCHEDULE I OR
5 NONPRESCRIBED SCHEDULE II OR III CONTROLLED SUBSTANCE, AS
6 DEFINED IN THE CONTROLLED SUBSTANCE, DRUG, DEVICE OR
7 COSMETIC ACT, OR ITS METABOLITE IN THE PERSON'S BLOOD AT
8 THE TIME OF TESTING.

9 * * *

10 § 1556. Ignition interlock limited license.

11 * * *

12 (b) Petition.--

13 (1) An applicant for an ignition interlock limited
14 license shall file a petition with the department, by
15 certified mail, on a form prescribed by the department[, and
16 shall include proof that an approved ignition interlock
17 system, as defined in section 3801, has been installed in one
18 or more motor vehicles that the applicant seeks permission to
19 operate.]

20 (2) The petition shall also include proof of financial
21 responsibility covering each vehicle the applicant requests
22 to be permitted to operate.]. The petition shall include
23 proof of financial responsibility covering each vehicle the
24 applicant requests to be permitted to operate. AS PART OF THE <--
25 PETITION, THE APPLICANT SHALL BE RESPONSIBLE FOR SELF-
26 CERTIFYING, ON A FORM PROVIDED BY THE DEPARTMENT, THE
27 VEHICLES THE APPLICANT OWNS, REGISTERS AND INTENDS TO
28 OPERATE. Upon approval of the petition, the ignition
29 interlock system shall be installed in any motor vehicle to
30 be operated by the applicant, and proof of installation shall

1 be provided by the ignition interlock device vendor.

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

5 * * *

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

8 § 3805. Ignition interlock.

9 * * *

10 (h.3) Notice to department.--If a violation under subsection
11 (h.2) (1), (2) or (3) occurs in the two consecutive months prior
12 to the date entered on the certificate, the vendor shall notify
13 the department as to the violation on a form designated by the
14 department, and the department shall notify the person of the
15 violation and that ignition interlock device usage shall
16 continue until no violations have occurred within a 60-day
17 period.

18 * * *

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

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

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

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

23 immediately.