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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1290 Session of  
2023

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INTRODUCED BY MARSHALL, PISCIOTTANO, CEPEDA-FREYTIZ, GILLEN,  
GREEN, HANBIDGE, MALAGARI, MULLINS, NEILSON AND SHUSTERMAN,  
JUNE 29, 2023

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REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 29, 2023

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in licensing of drivers, further providing for  
3 ignition interlock limited license; and, in driving after  
4 imbibing alcohol or utilizing drugs, further providing for  
5 penalties, for ignition interlock and for Accelerated  
6 Rehabilitative Disposition.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 1556(f) and (g) of Title 75 of the  
10 Pennsylvania Consolidated Statutes are amended to read:

11 § 1556. Ignition interlock limited license.

12 \* \* \*

13 (f) Suspension eligibility.--The following shall apply:

14 (1) An individual whose license has been suspended under  
15 section 1547(b), 3804(e) (relating to penalties) or 3807(d)  
16 (relating to Accelerated Rehabilitative Disposition) shall be  
17 eligible to apply immediately for and, if otherwise  
18 qualified, be issued an ignition interlock limited license  
19 under this section if the individual[:]

1 (i) has served six months of the suspension imposed  
2 under section 1547(b)(1)(i); or  
3 (ii) has served nine months of the suspension  
4 imposed under section 1547(b)(1)(ii).

5 (2) An individual whose license has been suspended under  
6 section 3804(e) (relating to penalties) shall be eligible to  
7 apply for and, if otherwise qualified, be issued an ignition  
8 interlock limited license under this section if the  
9 individual:

10 (i) has not had a prior offense, as defined under  
11 section 3806 (relating to prior offenses). The individual  
12 shall be immediately eligible for a suspension imposed  
13 under section 3804(e)(2)(i);

14 (ii) has served six months of the suspension imposed  
15 under section 3804(e)(2)(i); or

16 (iii) has served nine months of the suspension  
17 imposed under section 3804(e)(2)(ii).

18 (3) An individual whose license has been suspended under  
19 section 3807(d) (relating to Accelerated Rehabilitative  
20 Disposition) shall be eligible, but not required, to apply  
21 for and, if otherwise qualified, be issued an ignition  
22 interlock limited license under this section for the duration  
23 of the suspension] has not had an ignition interlock limited  
24 license recalled under subsection (i)(2).

25 (g) Duration.--An individual may hold a valid ignition  
26 interlock limited license under this section for the duration of  
27 the individual's suspension period and mandatory period of  
28 ignition interlock usage imposed under section 3805 arising from  
29 the same incident.

30 \* \* \*

1 Section 2. Section 3804(e) (2) of Title 75, amended July 11,  
2 2022 (P.L.717, No.59), is amended to read:

3 § 3804. Penalties.

4 \* \* \*

5 (e) Suspension of operating privileges upon conviction.--

6 \* \* \*

7 (2) Suspension under paragraph (1) shall be in  
8 accordance with the following:

9 (i) Except as provided for in subparagraph (iii), 12  
10 months for an ungraded misdemeanor or misdemeanor of the  
11 second degree under this chapter.

12 (ii) [18] Eighteen months for a misdemeanor of the  
13 first degree or felony of the second or third degree  
14 under this chapter.

15 (iii) [There shall be no suspension] Six months for  
16 an ungraded misdemeanor under section 3802(a) where the  
17 person is subject to the penalties provided in subsection  
18 (a) and the person has no prior offense.

19 (iv) For suspensions imposed under paragraph (1)  
20 (ii), notwithstanding any provision of law or enforcement  
21 agreement to the contrary, all of the following apply:

22 (A) Suspensions shall be in accordance with  
23 Subchapter D of Chapter 15 (relating to the Driver's  
24 License Compact).

25 (B) In calculating the term of a suspension for  
26 an offense that is substantially similar to an  
27 offense enumerated in section 3802, the department  
28 shall presume that if the conduct reported had  
29 occurred in this Commonwealth then the person would  
30 have been convicted under section 3802(a) (2).

1 (v) Notwithstanding any other provision of law or  
2 enforcement agreement to the contrary, the department  
3 shall suspend the operating privilege of a driver for six  
4 months upon receiving a certified record of a consent  
5 decree granted under 42 Pa.C.S. Ch. 63 (relating to  
6 juvenile matters) based on section 3802.

7 \* \* \*

8 Section 3. Section 3805(a), (a.1) and (h.2) introductory  
9 paragraph of Title 75 are amended to read:

10 § 3805. Ignition interlock.

11 (a) General rule.--[Except as provided under subsection  
12 (a.1), if] If a person violates section 3802 (relating to  
13 driving under influence of alcohol or controlled substance) or  
14 has had their operating privileges suspended pursuant to section  
15 1547 (relating to chemical testing to determine amount of  
16 alcohol or controlled substance) or 3808(c) (relating to  
17 illegally operating a motor vehicle not equipped with ignition  
18 interlock) and the person seeks a restoration of operating  
19 privileges, the department shall require as a condition of  
20 issuing a restricted license pursuant to this section that the  
21 following occur:

22 (1) Any motor vehicle to be operated by the individual  
23 has been equipped with an ignition interlock system and  
24 remains so for the duration of the restricted license period.

25 (2) If there are no motor vehicles owned or to be  
26 operated by the person or registered to the person that the  
27 person so certify to the department in accordance with the  
28 department's regulations.

29 [(a.1) Exception.--Subsection (a) shall not apply to an  
30 individual who meets all of the following:

1 (1) Is subject to the penalties under section 3804(a)(1)  
2 (relating to penalties) or subject to mandatory suspension of  
3 operating privilege under section 3807(d) (relating to  
4 Accelerated Rehabilitative Disposition).

5 (2) Has not had a prior offense, as defined under  
6 section 3806 (relating to prior offenses).]

7 \* \* \*

8 (h.2) Declaration of compliance.--Restrictions imposed under  
9 section 1556 (relating to ignition interlock limited license)  
10 shall remain in effect until the department receives a  
11 declaration from the person's ignition interlock device vendor,  
12 in a form provided or approved by the department, certifying  
13 that the following incidents have not occurred in the two  
14 consecutive months prior to the date entered on the certificate,  
15 and for the purposes of a suspension imposed under section  
16 3807(d)(2) (relating to Accelerated Rehabilitative Disposition),  
17 the person's ignition interlock device vendor shall certify the  
18 following incidents have not occurred in the prior 30 days  
19 entered on the certificate:

20 \* \* \*

21 Section 4. Section 3807(d) of Title 75 is amended and the  
22 section is amended by adding a subsection to read:

23 § 3807. Accelerated Rehabilitative Disposition.

24 \* \* \*

25 (d) Mandatory suspension of operating privileges.--As a  
26 condition of participation in an Accelerated Rehabilitative  
27 Disposition program, the court shall order the defendant's  
28 license suspended [as follows:

29 (1) There shall be no license suspension if the  
30 defendant's blood alcohol concentration at the time of

1 testing was less than 0.10%.

2 (2) For 30 days if the defendant's blood alcohol  
3 concentration at the time of testing was at least 0.10% but  
4 less than 0.16%.

5 (3) For 60 days if:

6 (i) the defendant's blood alcohol concentration at  
7 the time of testing was 0.16% or higher;

8 (ii) the defendant's blood alcohol concentration is  
9 not known;

10 (iii) an accident which resulted in bodily injury or  
11 in damage to a vehicle or other property occurred in  
12 connection with the events surrounding the current  
13 offense; or

14 (iv) the defendant was charged pursuant to section  
15 3802(d).

16 (4) For 90 days if the defendant was a minor at the time  
17 of the offense.] for 12 months.

18 (d.1) Requirement for ignition interlock limited license.--  
19 As a condition of Accelerated Rehabilitative Disposition, the  
20 court shall order the defendant to apply for an ignition  
21 interlock limited license. If the department receives the  
22 defendant's application with a copy of the order and determines  
23 that the defendant is otherwise qualified, the department shall  
24 issue an ignition interlock limited license for the duration of  
25 the defendant's suspension.

26 \* \* \*

27 Section 5. This act shall take effect in 60 days.