

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1118

PRINTER NO. 1781

AMOUNT

See Fiscal Impact

FUND

Various Commonwealth Funds

DATE INTRODUCED

April 2, 2024

PRIME SPONSOR

Senator Stefano

DESCRIPTION

Senate Bill 1118 amends Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) to authorize a community service program alternative to restore an individual's driver operating privilege.

Title 42 amendment

Section 1520 (relating to adjudication alternative program) is amended by adding a subsection to allow magisterial district judges to place an individual in a community service program if the operating privilege was suspended, the individual was convicted of driving while the operating privilege was suspended or the individual is eligible for relief from administrative suspension.

Title 75 amendments

Section 1501 (relating to drivers required to be licensed) is amended to provide for an alternative penalty for operating a motor vehicle without a valid driver's license to include paying a fine and successfully completing a community service program, where applicable.

Section 1532 (relating to suspension of operating privilege) is amended to authorize an individual to enter into a community service program as approved by the issuing authority or court in lieu of the suspension imposed under this section. The Department of Transportation (department) shall suspend the operating privilege if the driver fails to complete a community service program as ordered by the issuing authority or court and shall order the driver to pay the fee under Section 1960 (relating to reinstatement of operating privilege or vehicle registration).

The following amendments are made to Section 1533 (relating to suspension of operating privilege for failure to respond to citation):

- Requires the department to suspend the operating privilege of any person who fails to take any of the following actions:
 - 1) Respond to a citation or summons to appear before the issuing authority or court for a violation of Title 75, other than parking;
 - 2) Pay any fine, costs or restitution imposed by the issuing authority or court for a violation of Title 75, other than parking; or

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

- 3) Successfully complete a community service program.
- Adds the following to a notice from an issuing authority to be issued at least 15 days before the department imposes a license suspension:
 - 1) The ability to pay all fines, restitution and penalties by installment payments; and
 - 2) The ability to enter and complete a community service requirement in lieu of payment of all fines, restitution and penalties.
- Stipulates that the license suspension shall continue until such person takes the following actions:
 - 1) Responds to the citation, summons or writing and pays all fines, restitution and penalties imposed; enters into an agreement to make installment payments; or enters into a community service program; and
 - 2) If applicable, pays the fee under Section 1960 (relating to reinstatement of operating privilege or vehicle registration).

Section 1543.1 (relating to driving while operating privilege is suspended for certain other offenses) is added to provide for the following:

- 1) Provides for a new fine of \$50 for a person who drives a motor vehicle on any highway at a time when the person's operating privilege is suspended due to violations under Section 1532 or Section 1533 and the underlying offense for the license suspension is a violation of Section 1501;
- 2) Provides for an additional penalty for a second or subsequent suspension of the person's operating privilege as follows if there is no other violation and before the operating privilege has been restored:
 - i. Pay a fine of \$200 or enter into an agreement to make installment payments; or
 - ii. Enter into a community service program.
- 3) Requires the police officer to verify the basis for the suspension with the department prior to issuing a citation for violating this section.

Section 1557 (relating to relief from administrative suspension) is added to provide for relief from administrative suspension to permit the department to restore the operating privileges of individuals under any of the following:

- 1) Section 1532 (b) (relating to suspension of operating privilege);
- 2) Section 1533 (a), (b) or (d) (relating to suspension of operating privilege for failure to respond to citation);
- 3) Section 1543 (relating to driving while operating privilege is suspended or revoked); or
- 4) Section 1544 (a) or (c) (relating to additional period of revocation or suspension).

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

The department shall have the following duties:

- 1) Notify each individual under a suspension who may be eligible for relief from administrative suspension;
- 2) Review the applications filed for relief from administrative suspension and make a determination as to the applicant's eligibility within 30 days of receipt of the application;
- 3) Determine if an applicant has satisfied all court-ordered obligations which resulted in the suspension;
- 4) Determine if an applicant's conviction under Section 1543 occurred only as the result of a suspension imposed under Sections 1532 (b)(2), 1533 or 6146 (relating to enforcement agreements) and if the applicant is currently serving or will serve a suspension of operating privilege for a conviction under Section 1543;
- 5) Determine whether the granting of relief from administrative suspension would result in immediate restoration of the applicant's operating privilege;
- 6) Prioritize the processing of applications for which the granting of relief will result in an immediate restoration of the applicant's operating privilege; and
- 7) Update the driver's record and restore the operating privilege.

Relief from administrative suspension shall be available to an individual who meets the following criteria:

- 1) The individual's operating privilege has been indefinitely suspended under Section 1533 (a), (b) or (d);
- 2) The department's records show that the individual's operating privilege will be or is suspended for a conviction under Section 1543 (a) or (c) only as a result of a license suspension under Sections 1532 (b)(2), 1533 or 6146;
- 3) The individual has served the operating privilege suspension required for the underlying offense which resulted in a violation of Section 1533 (a), (b) or (d); and
- 4) The individual has submitted a completed application for relief to the department on a form prescribed by the department.

The department shall amend the driver's record of an eligible individual to show the individual satisfied the court-ordered obligations, show a suspension imposed will end or will not be imposed and rescind an additional suspension imposed for a violation that occurred at the same time. The department shall not be required to reinstate the operating privilege for other violations of Title 75. Upon restoration from suspension under relief from administrative suspension, the driver's record of an eligible individual shall show five points.

Senate Bill 1118 conditions the department from restoring an individual's operating privilege until compliance is achieved with Section 1558 (relating to relief from administrative suspension participation requirements).

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

Section 1558 (relating to relief from administrative suspension participation requirements) of Title 75 is added to require an eligible individual who seeks to participate in relief from administrative suspension to respond to the court or issuing authority in conformance with the instructions in a restoration requirements letter furnished by the department. An eligible individual applying for relief from administrative suspension shall have the following duties:

- 1) Pay all court-ordered obligations immediately or in a single remittance; or
- 2) If the individual is unable to pay all court-ordered obligations after a hearing to determine the individual's ability to pay, the individual shall pay in installment payments or complete a court-ordered public service or other adjudication alternative program.

The court or issuing authority shall certify to the department that the individual has satisfied the amounts owed, entered into an agreement to pay in installments or completed a court-ordered public service program.

Section 1960 (relating to reinstatement of operating privilege or vehicle registration) is amended to require the department to waive a fee imposed under this section for a person who enters into an agreement for installment payments or a program of community service.

Section 6504 (relating to inability to pay fine and costs) is amended to allow a person to enter into a program of community service not to exceed 50 hours.

Finally, the legislation affirms that the amendments to 42 Pa.C.S. § 1520 and 75 Pa.C.S. §§ 1501, 1532, 1533, 1543, 1960 and 6504 shall apply to any person who is currently under operating privilege suspension.

This act shall take effect in 26 months.

FISCAL IMPACT:

Department of Transportation

According to the Department of Transportation (department), ending and rescinding suspensions and restoring the operating privilege of individuals suspended under § 1543(a) as a result of having had their operating privileges indefinitely suspended under § 1532 (b) or § 1533 (a), (b) or (d) will be required to be completed manually. Based on the number of individuals who currently meet the criteria and the continued imposing of the suspension under this legislation, the department estimates the following costs to the Motor License Fund totaling \$694,200 in the first year and \$97,600 annually thereafter:

- Computer System Updates: \$350,000;
- Three temporary Clerk 3 positions for first year of relief from administrative suspension for current eligible individuals: \$246,600;
- One permanent Clerk 3 position thereafter for processing of relief from administrative suspension applications: \$82,200; and

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

- Costs related to notifying individuals eligible for relief from administrative suspension: \$15,400.

Additionally, there will be a negative fiscal impact to the General Fund of approximately \$3.7 million annually for waiving restoration fees for individuals under § 1533 (a), (b) or (d) suspension.

Costs for updates to fact sheets, information modules and website revisions are minimal and can be accommodated within the department’s current workload and budget.

Administrative Office of Pennsylvania Courts (AOPC)

Data from AOPC indicates the average net assessments and disbursements generated from fines and costs for violations of Sections 1501 (relating to drivers required to be licensed) and 1543 (relating to driving while operating privilege is suspended or revoked) of Title 75 (Vehicles) for Fiscal Year 2018-19 through Fiscal Year 2021-22 were as follows:

Fiscal Year	Net Assessments	Total Disbursements	State	Municipalities	Counties
2018-19	\$20,045,515	\$13,958,741	\$8,995,580	\$4,933,033	\$30,128
2019-20	\$15,266,199	\$10,233,471	\$6,675,479	\$3,534,189	\$23,804
2020-21	\$16,526,646	\$10,211,400	\$6,727,816	\$3,467,785	\$15,445
2021-22	\$16,712,721	\$7,080,404	\$4,608,949	\$2,463,648	\$7,689
Total	\$68,551,082	\$41,484,016	\$27,007,823	\$14,398,655	\$77,066
Average	\$17,137,770	\$10,371,004	\$6,751,956	\$3,599,664	\$19,267

** Philadelphia does not use the statewide Magisterial District Judge System for its traffic court processing. Therefore, Philadelphia data is not included in the figures above.*

This legislation provides that a Magisterial District Judge may sentence an individual to an adjudication alternative program but does not mandate it. Assuming 20% of convictions result in a sentence of an adjudication alternative program, this would result in an average of \$2.1 million less in total annual disbursements. The average annual disbursement losses would be as follows:

- State (Judicial Computer System Augmentation Account) – \$1,350,391;
- Municipalities – \$719,933; and
- Counties – \$3,853.

Additionally, establishment of new fines within Section 1543.1 of the legislation will assist in offsetting these losses. The amount of additional revenue generated by the new fines will be dependent on the number of fines levied.