

No. 1990-122

AN ACT

SB 1193

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of revocation or suspension of operating privilege and for requirements for driving under influence offenders.

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

Section 1. Section 1541 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

§ 1541. Period of revocation or suspension of operating privilege.

* * *

(d) Continued suspension of operating privilege.—A defendant ordered by the court under section 1548 (relating to requirements for driving under influence offenders), as the result of a conviction or Accelerated Rehabilitative Disposition of a violation of section 3731 (relating to driving under influence of alcohol or controlled substance), to attend a treatment program for alcohol or drug addiction must successfully complete all requirements of the treatment program ordered by the court before the defendant's operating privilege may be restored. Successful completion of a treatment program includes the payment of all court-imposed fines and costs, as well as fees to be paid to the treatment program by the defendant. If a defendant fails to successfully complete the requirements of a treatment program, the suspension shall remain in effect until the defendant completes the program and is otherwise eligible for restoration of his operating privilege. The treatment agency shall immediately notify the court of successful completion of the treatment program. The final decision as to whether a defendant has successfully completed the treatment program rests with the court.

Section 2. Section 1548(b) and (d) of Title 75 are amended and the section is amended by adding a subsection to read:

§ 1548. Requirements for driving under influence offenders.

* * *

(b) Attendance at alcohol highway safety school.—In addition to any other requirements of the court, every person convicted of a [violation of] first offense under section 3731 and every person placed on Accelerated Rehabilitative Disposition or other preliminary disposition as a result of a charge of a violation of section 3731 shall, as a part of sentencing or as a condition of parole, probation or Accelerated Rehabilitative Disposition, be required to attend and successfully complete an approved alcohol highway safety school established pursuant to section 1549 (relating to establishment of schools). All persons required to participate in this program shall be given both oral and written notice of the provisions of section 1543(b) (relating to driving while operating privilege is suspended or revoked). Persons convicted

of a second or subsequent offense under section 3731 shall be required by the court to be treated for alcohol or drug addiction pursuant to subsection (d).

* * *

(d) Order for alcohol or drug commitment.—If after evaluation and further examination and hearing it is determined that [the] a defendant is an alleged chronic abuser of alcohol or controlled substances or that the person is a severely debilitated controlled substance or alcohol abuser who represents a demonstrated and serious threat [and that adequate treatment facilities are available], the court may order the person committed for treatment at a facility or institution approved by the Department of Health[:]. *If the defendant has been convicted of a previous violation of section 3731, the court shall order the person committed to a drug and alcohol treatment program licensed by the Office of Drug and Alcohol Programs of the Department of Health:*

(1) Any person subject to this subsection may be examined by an appropriate physician of the person's choosing and the result of the examination shall be considered by the court.

(2) Upon motion duly made by the committed person, an attorney or an attending physician, the court at any time after an order of commitment may review the order. After determining the progress of treatment, the court may order its continuation, the person's release or supervised treatment on an outpatient basis.

(3) *Any person ordered by the court to receive treatment after a first offense, and any person required to receive treatment after a second offense under section 3731 must demonstrate to the court that the defendant has successfully completed treatment according to all guidelines required by the program before the person's operating privilege may be restored.*

* * *

(f) *Court-ordered intervention or treatment.—A record shall be submitted to the department as to whether the court did or did not order a defendant to attend a program of supervised individual or group counseling treatment or supervised inpatient or outpatient treatment. If the court orders treatment, a report shall be forwarded to the department as to whether the defendant successfully completed the program. If a defendant fails to successfully complete a program of treatment as ordered by the court, the suspension shall remain in effect until the department is notified by the court that the defendant has successfully completed treatment and the defendant is otherwise eligible for restoration of his operating privilege. In order to implement the recordkeeping requirements of this section, the department and the court shall work together to exchange pertinent information about a defendant's case, including attendance and completion of treatment or failure to complete treatment.*

Section 3. This act shall take effect December 1, 1990.

APPROVED—The 11th day of July, A. D. 1990.

ROBERT P. CASEY