

No. 2000-63

AN ACT

SB 849

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the use of ignition interlock systems and for restitution for identity theft.

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 70
IGNITION INTERLOCK DEVICES

Sec.

7001. Definitions.

7002. Ignition interlock systems for driving under the influence.

7003. Additional driver's license restoration requirements.

§ 7001. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of Transportation of the Commonwealth.

“Ignition interlock system.” A system approved by the department that prevents a vehicle from being started or operated unless the operator first provides a breath sample indicating that the operator has an alcohol level of less than .025%.

§ 7002. Ignition interlock systems for driving under the influence.

(a) First offense.—In addition to any other requirements imposed by the court, where a person has been convicted for a first offense under 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance), the court may order the installation of an approved ignition interlock system on each motor vehicle owned by the person to be effective upon the restoration of operating privileges by the department. A record shall be submitted to the department when the court has ordered the installation of an approved interlock ignition device. Before the department may restore such person's operating privilege, the department must receive a certification from the court that the ignition interlock system has been installed.

(b) Second or subsequent offense.—In addition to any other requirements imposed by the court, where a person has been convicted of a second or subsequent violation of 75 Pa.C.S. § 3731, the court shall order

the installation of an approved ignition interlock device on each motor vehicle owned by the person to be effective upon the restoration of operating privileges by the department. A record shall be submitted to the department when the court has ordered the installation of an approved interlock ignition device. Before the department may restore such person's operating privilege, the department must receive a certification from the court that the ignition interlock system has been installed.

(c) Alternative disposition.—For the purpose of this section, acceptance of Accelerated Rehabilitative Disposition, an adjudication of delinquency or a consent decree under Chapter 63 (relating to juvenile matters) or any other form of preliminary disposition of any charge brought under 75 Pa.C.S. § 3731 shall be considered a first conviction.

(d) Department approval.—An ignition interlock system required to be installed under this section must be a system which has been approved by the department. The department's approval of ignition interlock systems shall be published in the Pennsylvania Bulletin.

§ 7003. Additional driver's license restoration requirements.

In addition to any other requirements established for the restoration of a person's operating privileges under 75 Pa.C.S. § 1548 (relating to requirements for driving under influence offenders):

(1) Where a person's operating privileges are suspended for a second or subsequent violation of 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance), or a similar out-of-State offense, and the person seeks a restoration of operating privileges, the court shall certify to the department that each motor vehicle owned by the person has been equipped with an approved ignition interlock system.

(2) A person seeking restoration of operating privileges shall apply to the department for an ignition interlock restricted license under 75 Pa.C.S. § 1951(d) (relating to driver's license and learner's permit) which will be clearly marked to restrict the person to operating only motor vehicles equipped with an approved interlock ignition system.

(3) During the year immediately following restoration of the person's operating privilege and thereafter until the person obtains an unrestricted license, the person shall not operate any motor vehicle on a highway within this Commonwealth unless the motor vehicle is equipped with an approved ignition interlock system.

(4) One year from the date of issuance of an ignition interlock restricted license under this section, if otherwise eligible, a person may apply for an additional replacement license under 75 Pa.C.S. § 1951(d) that does not contain the ignition interlock system restriction.

(5) A person whose operating privilege is suspended for a second or subsequent violation of 75 Pa.C.S. § 3731 or a similar out-of-State offense who does not apply for an ignition interlock restricted license shall not be eligible to apply for the restoration of operating privileges

for an additional year after otherwise being eligible for restoration under paragraph (1).

Section 2. Title 42 is amended by adding a section to read:

§ 9720.1. Restitution for identity theft.

(a) General rule.—*The court may, in addition to any other restitution sentence or order authorized by law, sentence a person convicted of a violation of 18 Pa.C.S. § 4120 (relating to identity theft) to make restitution for all reasonable expenses incurred by the victim or on the victim's behalf:*

(1) to investigate theft of the victim's identity;

(2) to bring or defend civil or criminal actions related to theft of the victim's identity; or

(3) to take other efforts to correct the victim's credit record or negative credit reports related to theft of the victim's identity.

(b) Types of expenses.—*The types of expenses that may be recoverable under this section include, but are not limited to:*

(1) attorney fees;

(2) fees and costs imposed by credit bureaus, associated with efforts to correct the victim's credit record or incurred in private investigations; and

(3) court costs and filing fees.

Section 3. The provisions of 42 Pa.C.S. Ch. 70 shall apply to all persons convicted of a second or subsequent violation of 75 Pa.C.S. § 3731 on or after the effective date of this section. Nothing in this act shall prohibit a court from imposing its own ignition interlock requirements for first offenders prior to September 30, 2001.

Section 4. This act shall take effect as follows:

(1) The provisions of 42 Pa.C.S. § 9720.1 shall take effect July 21, 2000.

(2) The provisions of 42 Pa.C.S. § 7002(a) shall take effect September 30, 2001.

(3) This section shall take effect immediately.

(4) The remainder of this act shall take effect September 30, 2000, or immediately, whichever is later.

APPROVED—The 22nd day of June, A.D. 2000.

THOMAS J. RIDGE