

CHAPTER 15

LICENSING OF DRIVERS

Subchapter

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Enactment. Chapter 15 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

Special Provisions in Appendix. See section 12 of Act 115 of 1994 in the appendix to this title for special provisions relating to contracts with private entities.

See section 25 of Act 115 of 1996 in the appendix to this title for special provisions relating to pilot programs for decentralized services for motor vehicle and driver license transactions.

Cross References. Chapter 15 is referred to in sections 1516, 1614, 1702 of this title; section 4521.1 of Title 42 (Judiciary and Judicial Procedure).

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

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§ 1501. Drivers required to be licensed.

(a) **General rule.**--No person, except those expressly exempted, shall drive any motor vehicle upon a highway or public property in this Commonwealth unless the person has a driver's

license valid under the provisions of this chapter. As used in this subsection, the term "public property" includes, but is not limited to, driveways and parking lots owned or leased by the Commonwealth, a political subdivision or an agency or instrumentality of either.

(b) Persons in towed vehicles.--No person, except those expressly exempted, shall steer or, while within the passenger compartment of the vehicle, exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway in this Commonwealth unless the person has a valid driver's license under the provisions of this chapter for the type or class of vehicle being towed.

(c) Limitation on number of licenses.--No person shall receive a driver's license unless and until the person surrenders to the department all valid licenses in the person's possession issued by this or any other state. The department shall either return surrendered licenses issued by another state to that state or submit a list of the surrendered licenses to the state, together with information that the person is licensed in this Commonwealth. No person shall be permitted to have more than one valid driver's license issued by this or any other state at any time. A nonresident who holds a nonresident commercial driver's license issued by the Commonwealth under Chapter 16 (relating to commercial drivers) shall be permitted to have a regular driver's license issued by the country of his residence.

(d) Penalty.--Any person violating subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200, except that, if the person charged furnishes satisfactory proof of having held a driver's license valid on the last day of the preceding driver's license period and no more than one year has elapsed from the last date for renewal, the fine shall be \$25. No person charged with violating subsection (a) or (b) shall be convicted if the person produces at the office of the issuing authority within 15 days of the violation:

(1) a driver's license valid in this Commonwealth at the time of the violation; or

(2) if the driver's license is lost, stolen, destroyed or illegible, evidence that the driver was licensed at the time of the violation.

(July 1, 1981, P.L.202, No.63, eff. imd.; May 30, 1990, P.L.173, No.42; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (c).

1992 Amendment. Act 174 amended subsec. (a).

1990 Amendment. Act 42 amended subsecs. (c) and (d), effective November 1, 1990, as to subsec. (c) and 60 days as to subsec. (d).

Special Provisions in Appendix. See section 4 of Act 143 of 1994 in the appendix to this title for special provisions relating to habitual offenders.

Cross References. Section 1501 is referred to in sections 1511, 1532, 6309.1, 6503 of this title.

§ 1502. Persons exempt from licensing.

The following persons are not required to obtain a driver's license under this chapter:

(1) Any employee of the Federal Government while operating a motor vehicle owned by or leased to the Federal Government and being operated on official business unless the employee is required by the Federal Government or any agency thereof to have a state driver's license. This exemption shall not apply to the operation of commercial motor vehicles, as defined in Chapter 16 (relating to commercial drivers).

(2) Any person in the service of the armed forces of the United States, including the reserve components, when furnished with a valid military driver's license and operating an official vehicle on official business.

(3) Any nonresident who is at least 16 years of age and who has in possession a valid driver's license issued in the person's home state or country except that a person who has been issued a valid driver's license in a country other than the United States or Canada shall be exempt only upon showing a satisfactory understanding of official traffic-control devices. A nonresident may only drive the class or classes of vehicles in this Commonwealth for which the person is licensed to drive in the person's home state or country subject to all restrictions contained on the license.

(4) Any person on active duty in the armed forces of the United States who has in their immediate possession a valid driver's license issued in a foreign country by the armed forces of the United States may operate a motor vehicle in this Commonwealth for a period of not more than 45 days from the date of the person's return to the United States.

(5) Any person 14 years of age or older operating an implement of husbandry. Persons 14 or 15 years of age are restricted to the operation of implements of husbandry on one and two lane highways which bisect or immediately adjoin the premises upon which such person resides.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990)

1990 Amendment. Act 42 amended par. (1).

§ 1503. Persons ineligible for licensing; license issuance to minors; junior driver's license.

(a) Persons ineligible for licensing.--The department shall not issue a driver's license to, or renew the driver's license of, any person:

(1) Whose operating privilege is suspended or revoked in this or any other state.

(2) (Deleted by amendment).

(3) Who is a user of alcohol or any controlled substance to a degree rendering the user incapable of safely driving a motor vehicle. This paragraph does not apply to any person who is enrolled or otherwise participating in a methadone or other controlled substance treatment program approved by the Department of Health provided that the person is certified to be competent to drive by a physician designated by the Department of Health.

(4) Who has been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law.

(5) Whose name has been submitted under the provisions of section 1518 (relating to reports on mental or physical disabilities or disorders).

(6) Who is required by the department to take an examination until the person has successfully passed the examination.

(7) Who is under 18 years of age except in accordance with subsections (b) and (c).

(8) Who has repeatedly violated any of the provisions of this chapter. The department shall provide an opportunity for a hearing upon invoking this paragraph.

(9) Who is not a resident of this Commonwealth. This paragraph shall not apply to an employee of the Federal or State Government or the employee's immediate family or a person in the service of the armed forces of the United States or the person's immediate family.

(b) License issuance to minors.--The department shall issue a driver's license to a person 17 years of age who:

(1) has successfully completed a driver's training course approved by the department; and

(2) for a period of 12 months after passing the examination under section 1505(e) (relating to learners' permits) and receiving a junior driver's license:

(i) has not been involved in an accident reportable under section 3746(a) (relating to immediate notice of accident to police department) for which they are partially or fully responsible in the opinion of the department; or

(ii) has not been convicted of any violation of this title.

(c) Junior driver's license.--The department may issue a junior driver's license to a person 16 or 17 years of age under rules and regulations adopted by the department and subject to the provisions of this section. A junior driver's license shall automatically become a regular driver's license when the junior driver attains 18 years of age.

(1) Except as provided in paragraph (2), no licensed junior driver shall drive a vehicle upon a public highway between 11 p.m. and 5 a.m. unless accompanied by a spouse 18 years of age or older, a parent or a person in loco parentis.

(2) A licensed junior driver conforming to the requirements of section 1507 (relating to application for driver's license or learner's permit by minor) may drive a vehicle upon a public highway between 11 p.m. and 5 a.m. between the junior driver's home and activity or employment or in the course of the junior driver's activity or employment if the junior driver is a member of a volunteer fire company authorized by the fire chief to engage in fighting fires, is engaged in public or charitable service or is employed and is carrying an affidavit or certificate of authorization signed by the junior driver's fire chief,

supervisor or employer indicating the probable schedule of the junior driver's activities. Upon termination of the junior driver's activity or employment, the junior driver shall surrender the affidavit or certificate to the fire chief, supervisor or employer. If the junior driver shall fail to surrender the affidavit or certificate, the employer, fire chief or supervisor shall immediately notify the Pennsylvania State Police.

(3) In addition to the other provisions of this title relating to the suspension or revocation of operating privileges, in the event that a licensed junior driver is involved in an accident reportable under section 3746(a) for which the junior driver is partially or fully responsible in the opinion of the department or is convicted of any violation of this title, the department may suspend the operating privileges of the junior driver until the junior driver attains 18 years of age or for a period of time not exceeding 90 days.

(4) Any junior driver or other person violating any provision of this subsection is guilty of a summary offense. (Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 25, 1999, P.L.164, No.23; Dec. 9, 2002, P.L.1278, No.152, eff. 120 days)

2002 Amendment. Act 152 added subsec. (a)(9).

1999 Amendment. Act 23 amended the entire section, effective in 60 days as to subsec. (c)(1) and (2) and 180 days as to the remainder of the section.

Cross References. Section 1503 is referred to in sections 1504, 1533, 1550 of this title.

§ 1504. Classes of licenses.

(a) Proper class of license required.--No person shall drive any motor vehicle upon a highway in this Commonwealth unless the person has a valid driver's license for the type or class of vehicle being driven.

(b) Notation of class on license.--The department upon issuing a driver's license shall indicate on the license the type or general class or classes of vehicle or vehicles the licensee may operate in accordance with the provisions of subsection (c).

(c) Qualifications of applicants.--The department shall establish by regulation the qualifications necessary for the safe operation of the various types, sizes or combinations of vehicles and the manner of examining applicants to determine their qualifications for the type or general class of license applied for.

(d) Number and description of classes.--Licenses issued by the department shall be classified in the following manner:

(1) Class A.--A Class A license shall be issued to those persons 18 years of age or older who have demonstrated their qualifications to operate any combination of vehicles with a gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds.

(i) The holder of a Class A license shall be deemed qualified to operate those vehicles for which a Class B

or Class C license is issued.

(ii) Where required under this title, appropriate endorsements must be obtained.

(2) Class B.--A Class B license shall be issued to those persons 18 years of age or older who have demonstrated their qualifications to operate any single vehicle with a gross vehicle weight rating of 26,001 pounds or more or any such vehicle towing a vehicle having a gross vehicle weight rating of not more than 10,000 pounds.

(i) The holder of a Class B license shall be deemed qualified to operate those vehicles for which a Class C license is issued.

(ii) Where required under this title, appropriate endorsements must be obtained.

(3) Class C.--A Class C license shall be issued to those persons 18 years of age or older, except as provided in section 1503 (relating to persons ineligible for licensing; license issuance to minors; junior driver's license), who have demonstrated their qualifications to operate any single vehicle, except those vehicles requiring a Class M qualification, with a gross vehicle weight rating of not more than 26,000 pounds or any combination of vehicles, except combination vehicles involving motorcycles, that does not meet the definition of either Class A or Class B of this section.

(i) Where required under this title, appropriate endorsements must be obtained.

(ii) Any firefighter who is the holder of a Class C license and who has a certificate of authorization from his fire chief shall be authorized to operate any fire or emergency vehicle registered to the fire department or municipality, regardless of the other requirements of this section as to the class of license required. No fire chief, fire department, including any volunteer fire company, or municipality shall be liable for any civil damages as a result of the issuance of a certificate authorized under this paragraph unless such act constituted a crime, actual fraud, actual malice or willful misconduct.

(iii) Any member of a rescue or emergency squad who is the holder of a Class C license and who has a certificate of authorization from the head of the rescue or emergency squad shall be authorized to operate any rescue or emergency vehicle equipped with audible and visual signals registered to the rescue or emergency squad or municipality, regardless of the other requirements of this section as to the class of license required. No head of a rescue or emergency squad, the rescue or emergency squad or municipality shall be liable for any civil damages as a result of the issuance of a certificate of authorization under this paragraph unless such issuance constituted a crime, actual fraud, actual malice or willful misconduct.

(iv) The holder of a Class C license shall also be authorized to drive a motor-driven cycle with an

automatic transmission and cylinder capacity not exceeding 50 cubic centimeters or a three-wheeled motorcycle equipped with an enclosed cab, but not a motorcycle unless the license is endorsed, as provided in this title.

(4) Class M.--A Class M license shall be issued to those persons who have demonstrated their qualifications to operate a motorcycle. A Class M license accompanied by an endorsement shall be issued to those persons who have demonstrated their qualifications to operate a motor-driven cycle. If a person is qualified to operate only a motorcycle or motor-driven cycle, he shall be issued only a Class M license or a Class M license with an endorsement, as applicable.

(e) Removal of class from license.--A person with a license endorsed for a class may, upon request, have the endorsement removed by the department without prejudice.

(Feb. 15, 1980, P.L.12, No.8, eff. imd.; July 8, 1986, P.L.432, No.90, eff. 60 days; May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Apr. 16, 1992, P.L.169, No.31, eff. 60 days; May 21, 1992, P.L.246, No.39, eff. imd.; June 25, 1999, P.L.164, No.23, eff. 180 days)

1999 Amendment. Act 23 amended subsec. (d)(3).

1992 Amendments. Act 31 amended subsec. (d)(3) and (4) and Act 39 amended subsec. (d)(3). Act 39 overlooked the amendment by Act 31, but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (d)(3).

1990 Amendment. Act 42 amended subsec. (d).

Cross References. Section 1504 is referred to in sections 1505, 1550 of this title.

§ 1505. Learners' permits.

(a) General rule.--A person who desires to obtain a driver's license or who desires to be licensed in a class for which the person is not already licensed shall apply to the department for the class or classes of license in which the person desires to be licensed. The department shall issue to each applicant a learner's permit which shall clearly identify the class of license applied for as provided in section 1504 (relating to classes of licenses).

(b) Learner must be accompanied.--A learner's permit entitles the person to whom it was issued to drive vehicles and combinations of vehicles of the class or classes specified, but only while the holder of the learner's permit is accompanied by and under the immediate supervision of a person who:

(1) is at least 21 years of age or, if the spouse of the learner's permit holder, is at least 18 years of age; or, if a parent, guardian or person in loco parentis of the learner's permit holder, is at least 18 years of age;

(2) is licensed to drive vehicles of the class then being driven by the holder of the learner's permit; and

(3) is actually occupying a seat beside the holder of the learner's permit unless the vehicle is a motorcycle.

(c) Operation of motorcycle.--A motorcycle learner's permit entitles the person to whom it is issued to operate a motorcycle

only between sunrise and sunset and, except for a driver licensed to drive another class of vehicle, only while under the instruction and immediate supervision of a licensed motorcycle operator. Motorcycle learners shall not carry any passenger other than an instructor properly licensed to operate a motorcycle.

(d) Duration of permit.--A learner's permit shall be valid for a period of one year after date of issue, or until the holder of the permit has failed the examination as authorized in section 1508 (relating to examination of applicant for driver's license) three times within the one-year period.

(e) Authorization to test for driver's license and junior driver's license.--A person with a learner's permit is authorized to take the examination for a regular or junior driver's license for the class of vehicle for which a permit is held. Before a person under the age of 18 years may take the examination for a junior driver's license, the minor must:

(1) Have held a learner's permit for that class of vehicle for a period of six months.

(2) Present to the department a certification form signed by the father, mother, guardian, person in loco parentis or spouse of a married minor stating that the minor applicant has completed 50 hours of practical driving experience accompanied as required under subsection (b). Submission of a certification shall not subject the parent, guardian, person in loco parentis or spouse of a married minor to any liability based upon the certification.

(3) Have the certification form completed when the minor is ready for the licensing examination. The certification form shall be developed by the department and will be provided by the department when the original application for a learner's permit is processed. The department will make this form readily available through the mail or electronic means.

(f) Filing a false certification.--Any person who knowingly files a false certification commits a summary offense under section 6502 (relating to summary offenses).

(May 21, 1992, P.L.245, No.38, eff. 60 days; June 25, 1999, P.L.164, No.23, eff. 180 days; July 15, 2004, P.L.694, No.75, eff. 60 days)

Cross References. Section 1505 is referred to in sections 1503, 1554, 1607 of this title; section 6310.4 of Title 18 (Crimes and Offenses).

§ 1506. Application for driver's license or learner's permit.

(a) Form and content.--Every application for a learner's permit or driver's license shall be made upon a form furnished by the department and shall contain such information as the department may require to determine the applicant's identity, competency and eligibility. The form may also provide for inclusion of personal medical information and other information of use in an emergency.

(a.1) Noncitizen application.--A person who is not a citizen of the United States may apply for a Pennsylvania driver's license upon establishing the person's lawful presence in the

United States and this Commonwealth. The department may issue a license if the person will lawfully be in the United States for a period of one year or more after the date of the application or for a shorter period of time if deemed appropriate by the department.

(b) Signature and certification.--The application shall be signed by the applicant who shall certify that the statements made are true and correct.

(Dec. 9, 2002, P.L.1278, No.152, eff. 270 days)

2002 Amendment. Act 152 added subsec. (a.1).

Cross References. Section 1506 is referred to in sections 1510, 1514 of this title.

§ 1507. Application for driver's license or learner's permit by minor.

(a) Signature of parent or guardian.--The application of any person under the age of 18 years for a learner's permit or driver's license shall also be signed by the father, mother, guardian or person in loco parentis which signature shall be verified before a person authorized to administer oaths or before an authorized department employee.

(b) Signature of spouse of married minor.--The application of any married person under the age of 18 years may be signed by the spouse, if the spouse is at least 18 years of age, and verified before a person authorized to administer oaths.

(c) Certification of person signing.--Any person signing the application shall certify that the statements made thereon are true and correct to the best of the applicant's knowledge, information and belief and that the person consents to the issuance of the driver's license or learner's permit.

(d) Withdrawal of consent.--Any person who has signed the application of a person under the age of 18 years for a driver's license or learner's permit may thereafter file with the department a verified written request that the driver's license or learner's permit of the person be cancelled and the department shall cancel the driver's license or learner's permit.

Cross References. Section 1507 is referred to in section 1503 of this title; section 6310.4 of Title 18 (Crimes and Offenses).

§ 1508. Examination of applicant for driver's license.

(a) General rule.--Every applicant for a driver's license shall be examined for the type or class of vehicles that the applicant desires to drive. The examination shall include a physical examination, a screening test of the applicant's eyesight and a test of the applicant's ability to read and understand official traffic-control devices, knowledge of safe driving practices and the traffic laws of this Commonwealth, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicles for which the applicant desires a license to drive. If the department finds it necessary to further determine an applicant's fitness to operate a motor vehicle safely upon the highways the department may require one

or more of the following types of examinations:

- (1) A vision examination by an optometrist or ophthalmologist.
- (2) A physical examination pursuant to section 1508.1 (relating to physical examinations).
- (3) A mental examination.

(b) Issuance of license to licensed nonresident.--A driver's license may be issued to a person who has not had a learner's permit but who at the time of application is of sufficient age and has either a valid driver's license issued by another state or a license issued by another state which has expired within six months of the date of application under a law of that state requiring the examination and licensing of drivers, providing that the applicant demonstrates visual fitness. Also, the department must be satisfied that the applicant's experience in driving vehicles which may be driven by holders of the classes of licenses sought by the applicant is sufficient to justify the issuance of the license without further behind-the-wheel training.

(c) Alcohol and drug use information.--The traffic laws examination shall contain at least one question relating to the driver's ability to understand the effects of alcohol and drug use on highway safety or the provisions of section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance). The driver's manual shall include a section relating to the effects of alcohol and drug use on highway safety, along with the related penalties.

(d) Police pursuit awareness.--The driver's manual shall include a section summarizing the risks involved in fleeing or attempting to elude a police officer. The section shall also summarize the related penalties for a violation of section 3733 (relating to fleeing or attempting to elude police officer). (July 9, 1986, P.L.544, No.96, eff. 60 days; Dec. 27, 1994, P.L.1337, No.154; Dec. 10, 1996, P.L.925, No.149, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (b).

1996 Amendment. Act 149 amended subsec. (a).

1994 Amendment. Act 154 added subsec. (d), effective on December 27, 1995, or on the date of publication in the Pennsylvania Bulletin of notice that the driver's manual has been reprinted, whichever is earlier.

1986 Amendment. Act 96 added subsec. (c).

Cross References. Section 1508 is referred to in sections 1505, 1514, 1538, 1554 of this title.

§ 1508.1. Physical examinations.

(a) Authorization to conduct examinations.--The department shall promulgate regulations to authorize specific classes of licensed practitioners of the healing arts, to include, but not be limited to, physicians, chiropractors, physician assistants and certified registered nurse practitioners, to conduct examinations required for the issuance of a driver's license and a school bus driver endorsement.

(b) Definition.--As used in this section, the term "chiropractor" means a chiropractor acting within the scope of

practice contained in the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act.
(Dec. 10, 1996, P.L.925, No.149, eff. 60 days; July 15, 2004, P.L.698, No.76, eff. 60 days)

2004 Amendment. Section 2 of Act 76 provided that any regulations of the Department of Transportation that are inconsistent with Act 76 are hereby abrogated to the extent of that inconsistency.

Cross References. Section 1508.1 is referred to in sections 1508, 1509 of this title.

§ 1509. Qualifications for school bus driver endorsement.

(a) School bus driver requirements.--No person shall be issued an endorsement to operate a school bus unless the person:

(1) has successfully completed a course of instruction as provided in subsection (c);

(2) has satisfactorily passed an annual physical examination to be given in accordance with rules and regulations promulgated and adopted by the department;

(3) is 18 years of age or older; and

(4) is qualified to operate school buses in accordance with this title and the rules and regulations promulgated and adopted by the department.

(b) Proof of annual physical and vision examination.--Every school bus driver shall carry a certificate issued by an examining physician or practitioner recognized by the department pursuant to section 1508.1 (relating to physical examinations), indicating that the person has passed the prescribed physical examination, including an examination of the eyes, within the preceding 12 months. The vision examination may be made by an optometrist or ophthalmologist.

(c) School bus driver training program.--The department shall establish standards for a basic course and a refresher course for school bus drivers. The courses shall be conducted by school districts or groups of school districts or any State or Federal transportation association of school bus operators designated by the school district on a continuing basis, with the costs and responsibility for completion of the training to be borne by the school district or private or parochial school for which the drivers operate.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Dec. 10, 1996, P.L.925, No.149, eff. 60 days)

Cross References. Section 1509 is referred to in section 1550 of this title.

§ 1510. Issuance and content of driver's license.

(a) General rule.--The department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or general class of vehicles the licensee is authorized to drive and any endorsements or restrictions, which license, except as provided in subsection (j), shall contain a distinguishing number assigned by the department to the licensee, the actual name, date of birth, residence address, a color photograph or photographic facsimile of the licensee, such other information as may be required by

the department, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality) may use a substitute address designated by the Office of Victim Advocate as their address. Personal medical data and other information for use in an emergency may be included as a part of the license. Information other than that required to identify the licensee, the distinguishing number and the class of license issued may be included in microdata form. Except as provided in subsection (f), an applicant shall include his Social Security number on his license application, but the Social Security number shall not be included on the license. No driver's license shall be valid until it has been signed by the licensee.

(b) Identification card.--The department shall, upon payment of the required fee, issue an identification card to any person ten years of age or older who has made application therefor in such manner as the department shall prescribe or whose driver's license has been surrendered to the department because of a suspension or revocation of an operating privilege under this or any other title. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 may use a substitute address designated by the Office of Victim Advocate as their address. Except as provided in subsection (j), the identification card shall have substantially the same content as a driver's license but shall clearly indicate that it is not a driver's license. Upon failure of any person to pass any examination required under section 1514 (relating to expiration and renewal of drivers' licenses), the department shall, where appropriate, issue a complimentary identification card as an expression of gratitude for years of safe driving. The card shall only be issued upon receipt of the person's driver's license.

(c) Anatomical donors.--Any person who is registered as an anatomical organ donor and who has in his possession a card issued by the recipient organization may attach the card to the reverse side of his driver's license or identification card in such a way as to permit the removal of this card should the person no longer desire to be designated as an anatomical donor. Any person may also attach to the reverse side of his driver's license or identification card a symbol provided by the Department of Health designating a person to be an anatomical donor. The department shall distribute such symbols at all photo license centers and shall make such symbols available in quantity to any political subdivision or organization on request. Information concerning registered donor status may be included as a part of the person's personal medical data.

(d) Medical history record.--Any person may attach to the reverse side of his driver's license or identification card information relating to his personal medical history.

(e) Use of identification cards.--If a person has an established policy of accepting a driver's license issued pursuant to subsection (a) for the purpose of identification for

the acceptance of a check given for payment of purchase or for the cashing of a check, the person shall also accept an identification card issued pursuant to subsection (b) for the same purpose. It shall be a defense to a prosecution under this subsection that the person was not presented with notice of the provisions of this subsection.

(f) Waiver.--Notwithstanding the provisions of subsection (a), the department shall issue a driver's license to an otherwise eligible person who has no Social Security number if the person submits a waiver obtained from the Federal Government permitting him not to have a Social Security number. The department may require other identifiers, including, but not limited to, a taxpayer identification number, before issuing the license.

(g) Completion of process.--

(1) For purposes of the National Voter Registration Act of 1993 (Public Law 103-31, 42 U.S.C. § 1973gg et seq.), this subsection applies to statutes requiring determination of completion of the licensing process.

(2) The process of issuing a driver's license is complete when a license bearing the licensee's photograph, photographic facsimile or image has been issued by the department.

(h) Sale of photographs prohibited.--Neither the department nor any person under contract with the department shall sell photographs of holders of a driver's license or identification card for any commercial purpose.

(i) Issuance to noncitizens.--A license issued in accordance with section 1506(a.1) (relating to application for driver's license or learner's permit) may contain an indication that the license was issued to the person who is not a citizen of the United States and who has credentials or documents issued by the Immigration and Naturalization Service or its successor.

(j) Undercover credential.--The department may issue an undercover credential to Federal, State or local law enforcement officials. The department may establish guidelines concerning the issuance of such undercover credentials and shall take all reasonable steps to ensure the confidentiality of these licenses and their issuance.

(June 23, 1982, P.L.605, No.171, eff. imd.; May 1, 1984, P.L.224, No.48, eff. 60 days; July 9, 1986, P.L.544, No.96, eff. 120 days; May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; June 11, 1992, P.L.266, No.47, eff. imd.; June 28, 1993, P.L.137, No.33, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; June 26, 2001, P.L.734, No.75, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 270 days; Nov. 30, 2004, P.L.1474, No.188, eff. 180 days; Nov. 29, 2006, P.L.1449, No.159, eff. 3 years; Nov. 28, 2008, P.L.1658, No.133, eff. 60 days)

2008 Amendment. Act 133 amended subsecs. (a) and (b) and added subsec. (j).

2002 Amendment. Act 152 added subsec. (i).

2001 Amendment. Act 75 added subsec. (h).

1994 Amendment. Act 115 amended subsec. (b) and added subsec. (g).

1992 Amendment. Act 47 added subsec. (f).

1986 Amendment. Act 96 added subsec. (e).

1984 Amendment. Act 48 amended subsec. (c).

Cross References. Section 1510 is referred to in sections 1554, 1951 of this title; section 1323 of Title 25 (Elections).

§ 1511. Carrying and exhibiting driver's license on demand.

(a) **General rule.**--Every licensee shall possess a driver's license issued to the licensee at all times when driving a motor vehicle and shall exhibit the license upon demand by a police officer, and when requested by the police officer the licensee shall write the licensee's name in the presence of the officer in order to provide identity.

(b) **Production to avoid penalty.**--No person shall be convicted of violating this section or section 1501(a) (relating to drivers required to be licensed) if the person:

(1) produces at the headquarters of the police officer who demanded to see the person's license, within 15 days of the demand, a driver's license valid in this Commonwealth at the time of the demand; or

(2) if a citation has been filed, produces at the office of the issuing authority, within 15 days of the filing of the citation, a driver's license valid in this Commonwealth on the date of the citation.

(May 30, 1990, P.L.173, No.42, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (b).

§ 1512. Restrictions on drivers' licenses.

(a) **General rule.**--The department upon issuing a driver's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) **Compliance with restrictions.**--No person shall operate a motor vehicle in any manner in violation of the restrictions imposed.

Cross References. Section 1512 is referred to in section 1535 of this title.

§ 1513. Duplicate and substitute drivers' licenses and learners' permits.

(a) **General rule.**--If a learner's permit or driver's license issued under the provisions of this chapter is mutilated, lost, stolen, destroyed or becomes illegible, the person to whom it was issued, upon furnishing proof satisfactory to the department that the license or permit has been mutilated, lost, stolen, destroyed, or has become illegible, shall obtain a duplicate or substitute license or permit upon payment of the required fee.

(b) **Return of original.**--If a duplicate or substitute learner's permit or driver's license has been issued, any person who finds or otherwise obtains possession of the original shall return the original to the department.

§ 1514. Expiration and renewal of drivers' licenses.

(a) General rule.--Every driver's license shall expire on the day after the licensee's birthdate at intervals of not more than four years as may be determined by the department. Every license shall be renewable on or before its expiration upon application, payment of the required fee, and satisfactory completion of any examination required or authorized by this chapter.

(b) Examination of applicants for renewal.--The department may require persons applying for renewal of a driver's license to take and successfully pass a physical examination or a vision examination by an optometrist or ophthalmologist, or both examinations, if the department has reason to believe, either based on knowledge of the person or on statistical inference, that the person may be a traffic safety hazard. The department may require the applicant to take and successfully pass such additional tests as the department may find reasonably necessary to determine the applicant's qualification according to the type or general class of license applied for and such examination may include any or all of the other tests required or authorized upon original application by section 1508 (relating to examination of applicant for driver's license). Upon refusal or neglect of the person to submit to the examination, the driver's license shall not be renewed until such time as the examination is successfully completed.

(c) Reexamination requested by court.--The department shall reexamine any person when requested to do so by a court. Upon the conclusion of such examination, the department may take any of the actions described in subsection (b) and shall report its findings and action to the court if such report is requested.

(d) Military personnel and dependents.--Notwithstanding subsection (a), a driver's license held by any person who enters or is on active service in the armed forces of the United States or the spouse or dependent child of the member of the armed forces who resides with such person shall continue in full force and effect so long as the active service continues and the person is absent from this Commonwealth, and for a further period of 45 days following the date of the person's discharge or separation from active service or return to this Commonwealth, unless the driver's license is sooner suspended, cancelled or revoked for cause according to law. A driver's license which otherwise would have expired under subsection (a) shall be valid only if the licensee has in immediate possession, together with the driver's license, papers indicating actual service outside this Commonwealth, or discharge or separation, as the case may be, or proof thereof if a spouse or child.

(e) Noncitizen license expiration and renewal.--

(1) Except as otherwise provided, a license issued on the basis of Immigration and Naturalization Service (INS) credentials or documents shall expire on the date appearing on the INS credentials or documents provided by the applicant under section 1506(a.1) (relating to application for driver's license or learner's permit).

(2) If the expiration date of the INS credentials or documents exceeds four years, the license shall expire one

day after the applicant's date of birth but not more than four years from the date of issuance of the license.

(3) Upon presenting INS credentials or documents indicating continued legal presence in the United States, the person may apply for a renewal of the license.

(4) If a person has been granted permanent legal status in the United States by the INS, the department may in its discretion require the person to present his INS credentials or documents for only the first license application or renewal.

(5) License renewals issued under this subsection shall be for the length of time as set forth in paragraph (1) or (2).

(Dec. 21, 1998, P.L.1126, No.151, eff. one year; Dec. 9, 2002, P.L.1278, No.152, eff. 270 days)

2002 Amendment. Act 152 added subsec. (e).

1998 Amendment. Act 151 amended subsec. (a).

Cross References. Section 1514 is referred to in sections 1510, 1550 of this title.

§ 1515. Notice of change of name or address.

(a) **Driver's license.**--Whenever any person after applying for or receiving a driver's license moves from the address named in the application or in the driver's license issued or when the name of a licensee is changed, such person shall, within 15 days thereafter, notify the department of the old and new addresses or of such former and new names and of the number of any license then held by the person. The department shall be notified of a change of name in writing.

(b) **Identification card.**--Whenever any person after applying for or receiving a department-issued identification card moves from the address named in the application or identification card issued or when the name of a cardholder is changed, such person shall, within 15 days thereafter, notify the department of the old and new addresses or of such former and new names and of the number of any identification card then held by the person. The department shall be notified of a change of name in writing.

(c) **Nonresident.**--

(1) After notification from another state that the driver is licensed in that state, the department shall invalidate the Pennsylvania driver's license.

(2) Upon notice of a change of address from a driver to an out-of-State address, the department shall not renew the driver's license of the person until the person reestablishes residency in this Commonwealth. This paragraph shall not apply to a person who is an employee of Federal or State Government whose workplace is located out-of-State or the employee's immediate family or to a person in the service of the armed forces of the United States or the person's immediate family.

(Dec. 9, 2002, P.L.1278, No.152, eff. 120 days)

§ 1516. Department records.

(a) **Applications, suspensions and revocations.**--The department shall file every application for a license received by it and shall maintain suitable records containing:

- (1) All applications denied and the reasons for denial.
- (2) All applications granted.
- (3) The name of every licensee whose license has been suspended or revoked by the department and the reasons for such action.

(b) Accidents and convictions.--The department shall file all accident reports and abstracts of court records of convictions received by it under the laws of this Commonwealth and maintain actual or facsimile records or make suitable notations in order that the records of each licensee showing convictions of the licensee, any departmental action initiated against the licensee regarding a reportable accident in which the licensee was involved, and the traffic accidents shall be available for official use. Unless the licensee was a commercial driver at the time of the violation, the department shall maintain records or make notations only for convictions that are relevant to the licensee's operating privilege. Where the licensee was a commercial driver at the time of the violation, the department shall maintain records or make notations for all convictions of any violation, in any motor vehicle, of a State or local traffic control law, except a parking violation, and also for any other convictions that are relevant to the licensee's operating privilege. Court abstracts and certifications of conviction and accident reports submitted to the department under the laws of this Commonwealth shall be considered as records of the department, and the department may store such documents in accordance with the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may enter into evidence copies of such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). Such copies shall be admissible into evidence to support the department's case in an appeal of a department action taken under Chapter 13 (relating to registration of vehicles), 15 (relating to licensing of drivers), 16 (relating to commercial drivers) or 17 (relating to financial responsibility) of this title, and the certification shall constitute prima facie proof of the facts and information contained in the court abstract or certification of conviction or accident report. These records shall also be made available to the courts for sentencing purposes.

(c) Dismissal of charges for violations.--If a charge for violation of any of the provisions of this title against any person is dismissed where there have been no prior convictions by any court of competent jurisdiction, no record of the charge and dismissal shall be included in the driving record of the person. If the person has been previously convicted of the charge and suspension was imposed by the department, which suspension was either partially or fully served, the department may keep a record of the offense for the purpose of showing the suspension was imposed against the person, but the offense shall not be used for the purpose of calculating the requisite number of offenses under section 1542 (relating to revocation of habitual offender's license). In addition, the department may keep records of charges that have been filed with the courts in order to determine a person's eligibility for a probationary

license under the provisions of section 1554(b)(3) (relating to probationary license). All records maintained pursuant to this subsection shall be maintained for administrative and law enforcement use only and shall not be released for any other purpose, except where the person was a commercial driver at the time of the violation and the charge was dismissed as part of the person's acceptance of Accelerated Rehabilitative Disposition.

(d) Updating driving record.--Drivers wishing to have their record reviewed by the department may make such a request in order that the record be brought up to date. In updating records, the department shall include recalculation of suspension or revocation segments and the assignment and crediting of any suspension or revocation time previously assigned or credited toward a suspension or revocation which resulted from a conviction which has been vacated, overturned, dismissed or withdrawn. Any fully or partially served suspension or revocation time may only be reassigned or credited toward a suspension or revocation segment processed on the driver's record as of the actual commencement date of the fully or partially served suspension or revocation time.

(Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; July 5, 2005, P.L.100, No.37)

2005 Amendment. Act 37 amended subsecs. (b) and (c). Section 10(2) of Act 37 provided that Act 37 shall take effect 90 days after publication of a notice in the Pennsylvania Bulletin. The notice was published July 16, 2005, at 35 Pa.B. 4029.

2003 Amendment. Act 24 amended subsecs. (c) and (d).

Cross References. Section 1516 is referred to in sections 1607, 1611 of this title; section 302 of Title 74 (Transportation).

§ 1517. Medical Advisory Board.

(a) Membership.--There shall be a Medical Advisory Board consisting of 13 members appointed by the secretary. The board shall be composed of an authorized representative from the Department of Transportation, Department of Justice, Governor's Council on Drug and Alcohol Abuse, Department of Health, Pennsylvania State Police and professionals as follows: One neurologist, one doctor of cardiovascular disease, one doctor of internal medicine, one general practitioner, one ophthalmologist, one psychiatrist, one orthopedic surgeon and one optometrist.

(b) Duties.--The board may advise the department and review regulations proposed by the department concerning physical and mental criteria including vision standards relating to the licensing of drivers under the provisions of this chapter. (Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

1998 Amendment. Act 151 amended subsec. (b).

Governor's Council on Drug and Alcohol Abuse. The Governor's Council on Drug and Alcohol Abuse is now known as the Pennsylvania Advisory Council on Drug and Alcohol Abuse and is designated as the advisory council to the Department of Health for drug and alcohol programs. See section 3 of the act of April

14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act.

Department of Justice. The act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, effective January 20, 1981, provided that the General Counsel shall serve as a member of the Medical Advisory Board and repealed section 1517(a) to the extent that the Attorney General was made a member of the Medical Advisory Board.

Cross References. Section 1517 is referred to in section 1519 of this title.

§ 1518. Reports on mental or physical disabilities or disorders.

(a) Definition of disorders and disabilities.--The Medical Advisory Board shall define disorders characterized by lapses of consciousness or other mental or physical disabilities affecting the ability of a person to drive safely for the purpose of the reports required by this section.

(b) Reports by health care personnel.--All physicians, podiatrists, chiropractors, physician assistants, certified registered nurse practitioners and other persons authorized to diagnose or treat disorders and disabilities defined by the Medical Advisory Board shall report to the department, in writing, the full name, date of birth and address of every person over 15 years of age diagnosed as having any specified disorder or disability within ten days.

(c) Responsibility of institution heads.--The person in charge of every mental hospital, institution or clinic, or any alcohol or drug treatment facility, shall be responsible to assure that reports are filed in accordance with subsection (b).

(d) Confidentiality of reports.--The reports required by this section shall be confidential and shall be used solely for the purpose of determining the qualifications of any person to drive a motor vehicle on the highways of this Commonwealth.

(e) Use of report as evidence.--No report forwarded under the provisions of this section shall be used as evidence in any civil or criminal trial except in any proceeding under section 1519(c) (relating to determination of incompetency).

(f) Immunity from civil and criminal liability.--No civil or criminal action may be brought against any person or agency for providing the information required under this system.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Chiropractor." A chiropractor acting within the scope of practice contained in the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act.

"Podiatrist." A podiatrist acting within the scope of practice contained in the act of March 2, 1956 (1955 P.L.1206, No.375), known as the Podiatry Practice Act.
(July 15, 2004, P.L.698, No.76, eff. 60 days)

2004 Amendment. Section 2 of Act 76 provided that any regulations of the Department of Transportation that are inconsistent with Act 76 are hereby abrogated to the extent of that inconsistency.

Cross References. Section 1518 is referred to in section 1503 of this title.

§ 1519. Determination of incompetency.

(a) General rule.--The department, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may require the applicant or driver to undergo one or more of the examinations authorized under this subchapter in order to determine the competency of the person to drive. The department may require the person to be examined by a physician, a certified registered nurse practitioner, a physician assistant or a licensed psychologist designated by the department or may require the person to undergo an examination by a physician, a certified registered nurse practitioner, a physician assistant or a licensed psychologist of the person's choice. If the department designates the physician, a certified registered nurse practitioner, a physician assistant or licensed psychologist, the licensed driver or applicant may, in addition, cause a written report to be forwarded to the department by a physician, a certified registered nurse practitioner, a physician assistant or a licensed psychologist of the driver's or applicant's choice. Vision qualifications may be determined by an optometrist or ophthalmologist. The department shall appoint one or more qualified persons who shall consider all medical reports and testimony in order to determine the competency of the driver or the applicant to drive.

(b) Confidentiality of reports and evidence.--Reports received by the department for the purpose of assisting the department in determining whether a person is qualified to be licensed and reports of examinations authorized under this subchapter are for the confidential use of the department and may not be divulged to any person or used as evidence in any trial except that the reports and statistics and evaluations used by the department in determining whether a person should be required to be examined under this subchapter shall be admitted in proceedings under section 1550 (relating to judicial review).

(c) Recall or suspension of operating privilege.--The department shall recall the operating privilege of any person whose incompetency has been established under the provisions of this chapter. The recall shall be for an indefinite period until satisfactory evidence is presented to the department in accordance with regulations to establish that such person is competent to drive a motor vehicle. The department shall suspend the operating privilege of any person who refuses or fails to comply with the requirements of this section until that person does comply and that person's competency to drive is established. Any person aggrieved by recall or suspension of the operating privilege may appeal in the manner provided in section 1550. The judicial review shall be limited to whether the person is competent to drive in accordance with the provisions of the regulations promulgated under section 1517 (relating to Medical Advisory Board).

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; Oct. 7, 1996, P.L.688, No.118, eff. 9 months; July 15, 2004, P.L.698, No.76, eff. 60 days)

2004 Amendment. Section 2 of Act 76 provided that any regulations of the Department of Transportation that are inconsistent with Act 76 are hereby abrogated to the extent of that inconsistency.

1996 Amendment. Section 2 of Act 118 provided that the Department of Transportation shall publish in the Pennsylvania Bulletin guidelines for determining cause to initiate any of the examinations under subsec. (a). The notice of guidelines for determining cause to initiate examinations was published September 6, 1997, at 27 Pa.B. 4559.

Cross References. Section 1519 is referred to in sections 1518, 1550 of this title.

§ 1520. Acknowledgment of littering provisions.

On every application for a learner's permit or driver's license, the following statement shall be printed immediately above or below the signature of the applicant:

I hereby acknowledge this day that I have received notice of the provisions of section 3709 of the Vehicle Code. Also printed on the card shall be the following:

Section 3709 provides for a fine of up to \$300 for dropping, throwing or depositing, upon any highway, or upon any other public or private property without the consent of the owner thereof or into or on the waters of this Commonwealth from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish or any dangerous or detrimental substance, or permitting any of the preceding without immediately removing such items or causing their removal.

For any violation of section 3709, I may be subject to a fine of up to \$300 upon conviction, including any violation resulting from the conduct of any other persons present within any vehicle of which I am the driver.

(Mar. 27, 1986, P.L.71, No.24, eff. July 1, 1986)

1986 Amendment. Act 24 added section 1520.

SUBCHAPTER B
COMPREHENSIVE SYSTEM FOR DRIVER
EDUCATION AND CONTROL

Sec.

- 1531. Administration of system by department.
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Special Provisions in Appendix. See section 2(a) through (e) of Act 81 of 1976 in the appendix to this title for special provisions relating to the disposition and status of suspensions and convictions under prior law and to the assignment of points under section 1535 for similar violations occurring under prior law.

§ 1531. Administration of system by department.

The department shall administer an integrated system limited to the authority granted to the department in this title for revocation and suspension of operating privileges and for driver education, testing and control and for this purpose shall maintain a record as to every driver of convictions of offenses set forth in this title and such other convictions and offenses as are punishable by suspension or revocation under this title.

§ 1532. Suspension of operating privilege.

(a) One-year suspension.--The department shall suspend the operating privilege of any driver for one year upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on any of the following offenses:

(1) Any felony in the commission of which a court determines that a vehicle was essentially involved.

(2) (Deleted by amendment).

(3) Any violation of the following provisions:

Section 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

Section 3742 (relating to accidents involving death or personal injury).

Section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

Section 7111 (relating to dealing in titles and plates for stolen vehicles).

Section 7121 (relating to false application for certificate of title or registration).

Section 7122 (relating to altered, forged or counterfeit documents and plates).

(a.1) Three-year suspension.--The department shall suspend the operating privilege of any driver for three years upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on a violation of any of the following offenses:

(1) Any violation of section 3732 (relating to homicide by vehicle).

(2) Any violation of section 3735 (relating to homicide by vehicle while driving under influence).

(b) Suspension.--

(1) The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on any offense under the following provisions:

Section 3367 (relating to racing on highways).

Section 3714(b) (relating to careless driving).

Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3736 (relating to reckless driving).

Section 3743 (relating to accidents involving damage to attended vehicle or property).

(2) The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of the driver's conviction of a subsequent offense under section 1501(a) (relating to drivers required to be licensed) if the prior offense occurred within five years of the violation date of the subsequent offense.

(3) The department shall suspend the operating privilege of any driver for 12 months upon receiving a certified record of the driver's conviction of section 3733 (relating to fleeing or attempting to elude police officer) or a substantially similar offense reported to the department under Article III of section 1581 (relating to Driver's License Compact), or an adjudication of delinquency based on section 3733. The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of a consent decree granted under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) based on section 3733.

(4) The department shall suspend the operating privilege of any driver for three months upon receiving a certified record of the driver's conviction of section 1371 (relating to operation following suspension of registration) or 3718 (relating to minor prohibited from operating with any alcohol in system) or an adjudication of delinquency based on section 1371.

(5) The department shall suspend the operating privilege of any driver for three months upon receiving a certified record of the driver's conviction of or an adjudication of delinquency based on section 3714(c).

(c) Suspension.--The department shall suspend the operating privilege of any person upon receiving a certified record of the person's conviction of any offense involving the possession,

sale, delivery, offering for sale, holding for sale or giving away of any controlled substance under the laws of the United States, this Commonwealth or any other state, or any person 21 years of age or younger upon receiving a certified record of the person's conviction or adjudication of delinquency under 18 Pa.C.S. § 2706 (relating to terroristic threats) committed on any school property, including any public school grounds, during any school-sponsored activity or on any conveyance providing transportation to a school entity or school-sponsored activity.

(1) The period of suspension shall be as follows:

(i) For a first offense, a period of six months from the date of the suspension.

(ii) For a second offense, a period of one year from the date of the suspension.

(iii) For a third and any subsequent offense thereafter, a period of two years from the date of the suspension.

(2) For the purposes of this subsection, the term "**conviction**" shall include any conviction or adjudication of delinquency for any of the offenses listed in paragraph (1), whether in this Commonwealth or any other Federal or state court.

(d) Additional suspension.--The department shall suspend the operating privilege of any person upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into a preadjudication program for a violation under 18 Pa.C.S. § 6307 (relating to misrepresentation of age to secure liquor or malt or brewed beverages), 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) or 6310.3 (relating to carrying a false identification card). The duration of the suspension shall be as follows:

(1) For a first offense, the department shall impose a suspension for a period of 90 days.

(2) For a second offense, the department shall impose a suspension for a period of one year.

(3) For a third and subsequent offense, the department shall impose a suspension for a period of two years. Any multiple suspensions imposed shall be served consecutively. Courts may certify the conviction, adjudication of delinquency or admission into the preadjudication program on the same form used to submit the order of suspension required under the provisions of 18 Pa.C.S. § 6310.4 (relating to restriction of operating privileges). Wherever practicable, the suspension imposed under this section shall be made concurrent with the suspension imposed under the provisions of 18 Pa.C.S. § 6310.4. All offenses committed on or after May 23, 1988, shall be included in considering whether an offense is a first, second, third or subsequent offense.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; May 30, 1990, P.L.173, No.42; July 10, 1990, P.L.356, No.83, eff. Nov. 1, 1990; June 28, 1993, P.L.137, No.33, eff. 60 days; July 2, 1993, P.L.408, No.58, eff. 60 days; Feb. 10, 1994, P.L.20, No.3, eff. 60 days; Dec. 12, 1994, P.L.1048, No.143, eff. 9 months; Dec. 27, 1994, P.L.1337, No.154, eff. 180 days; Dec. 21, 1998,

P.L.1126, No.151; June 25, 1999, P.L.164, No.23, eff. 180 days; Oct. 2, 2002, P.L.801, No.114, eff. imd.; Oct. 4, 2002, P.L.845, No.123; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Dec. 8, 2004, P.L.1791, No.237, eff. 150 days)

2004 Amendment. Act 237 amended subsec. (b).

2002 Amendments. Act 114 amended subsec. (a) and Act 123 amended subsecs. (a) and (b)(4) and added subsec. (a.1), effective immediately as to the deletion of the reference to sections 7102(b) and 7103(b) in subsec. (a)(3) and six months as to the remainder of the amendment. Act 123 overlooked the amendment by Act 114, but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (a). See section 2 of Act 114 and section 11 of Act 123 in the appendix to this title for special provisions relating to petition for removal of suspensions or revocations.

1999 Amendment. Act 23 amended subsec. (c).

1998 Amendment. Act 151 amended the section heading and subsecs. (a) intro. par. and (3) and (b)(3), effective immediately as to subsec. (b)(3) and 60 days as to the remainder of the section.

1994 Amendments. Act 3 added subsec. (c), Act 143 amended subsec. (b)(2) and (4) and added subsec. (d) and Act 154 amended subsec. (b)(1) and (3). The amendment by Act 3 is identical to the amendments by Acts 33 and 58 of 1993 and therefore the text has been merged. See section 8 of Act 3 of 1994 in the appendix to this title for special provisions relating to savings provision.

Cross References. Section 1532 is referred to in sections 1534, 1539, 1540, 1553, 1554, 1575, 1783, 6146 of this title.

§ 1533. Suspension of operating privilege for failure to respond to citation.

(a) Violations within Commonwealth.--The department shall suspend the operating privilege of any person who has failed to respond to a citation or summons to appear before an issuing authority or a court of competent jurisdiction of this Commonwealth for any violation of this title, other than parking, or who has failed to pay any fine or costs imposed by an issuing authority or such courts for violation of this title, other than parking, upon being duly notified by an issuing authority or a court of this Commonwealth.

(b) Violations outside Commonwealth.--The department shall suspend the operating privilege of any person who has failed to respond to a citation, summons or similar writ to appear before a court of competent jurisdiction of the United States or any state which has entered into an enforcement agreement with the department, as authorized under section 6146 (relating to enforcement agreements), for any violation of the motor vehicle laws of such state, other than parking, or who has failed to pay any fine or costs imposed by such court upon being duly notified in accordance with the laws of such jurisdiction in which the violation occurred. A person who provides proof, satisfactory to the department, that the full amount of the fine and costs has been forwarded to and received by the court shall not be regarded as having failed to respond for the purposes of this

subsection.

(c) Time for responding to notice.--At least 15 days before an issuing authority or court notifies the department to impose a suspension pursuant to subsection (a), the issuing authority or court shall notify the person in writing of the requirement to respond to the citation and pay all fines and penalties imposed by the issuing authority or court.

(d) Period of suspension.--The suspension shall continue until such person shall respond to the citation, summons or writ, as the case may be, and pay all fines and penalties imposed or enter into an agreement to make installment payments for the fines and penalties imposed provided that the suspension may be reimposed by the department if the defendant fails to make regular installment payments and, if applicable, pay the fee prescribed in section 1960 (relating to reinstatement of operating privilege or vehicle registration).

(e) Remedy cumulative.--A suspension under this section shall be in addition to the requirement of withholding renewal or reinstatement of a violator's driver's license as prescribed in section 1503(a) (relating to persons ineligible for licensing; license issuance to minors; junior driver's license).

(f) Admissibility of documents.--A copy of a document issued by a court or issuing authority of this Commonwealth or by an official of another state shall be admissible for the purpose of proving a violation of this section.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; Nov. 16, 1994, P.L.614, No.95, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 120 days; June 25, 1999, P.L.164, No.23, eff. 180 days)

1999 Amendment. Act 23 amended subsec. (e).

1994 Amendments. Act 115 overlooked the amendment by Act 95, but the amendments do not conflict in substance and have both been given effect in setting forth the text of section 1533.

Cross References. Section 1533 is referred to in sections 1545, 1553, 1554, 1702 of this title.

§ 1534. Notice of acceptance of Accelerated Rehabilitative Disposition.

(a) General rule.--Except as provided in subsection (b), if a person is arrested for any offense enumerated in section 1532 (relating to revocation or suspension of operating privilege) and is offered and accepts Accelerated Rehabilitative Disposition under general rules, the court shall promptly notify the department.

(b) Exception.--If a person is arrested for any offense enumerated in section 3802 (relating to driving under influence of alcohol or controlled substance) and is offered and accepts Accelerated Rehabilitative Disposition under general rules, the court shall promptly notify the department. The department shall maintain a record of the acceptance of Accelerated Rehabilitative Disposition for a period of ten years from the date of notification. This record shall not be expunged by order of court or prior to the expiration of the ten-year period.

(c) Expungement.--Immediately following the expiration of the ten-year period, the department shall expunge the record of the acceptance of Accelerated Rehabilitative Disposition. The

department shall not require an order of court to expunge the record.

(d) Exceptions to expungement.--The department shall not be required to expunge the record of acceptance of Accelerated Rehabilitative Disposition if:

(1) during the ten-year period, the department revokes the operating privileges of a person pursuant to section 1542 (relating to revocation of habitual offender's license); or

(2) the person was a commercial driver at the time of the violation causing the disposition.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (b) and added subsecs. (c) and (d).

§ 1535. Schedule of convictions and points.

(a) General rule.--A point system for driver education and control is hereby established which is related to other provisions for use, suspension and revocation of the operating privilege as specified under this title. Every driver licensed in this Commonwealth who is convicted of any of the following offenses shall be assessed points as of the date of violation in accordance with the following schedule:

Section Number	Offense	Points
1512	Violation of restriction on	
driver's license.	2	
1571	Violation concerning license.	3
3102	Failure to obey policeman or	
authorized person.	2	
3112(a) (3) (i) or	Failure to stop for a red light.	3
(ii)		
3114(a) (1)	Failure to stop for a flashing	
red light.	3	
3302	Failure to yield half of roadway	
to oncoming vehicle.	3	
3303	Improper passing.	
3		
3304	Other improper passing.	
3		
3305	Other improper passing.	
3		
3306(a) (1)	Other improper passing.	
4		
3306(a) (2)	Other improper passing.	
3		
3306(a) (3)	Other improper passing.	
3		
3307	Other improper passing.	
3		
3310	Following too closely.	
3		
3321	Failure to yield to driver on the	
right at intersection.	3	
3322	Failure to yield to oncoming	

driver when making left turn.	3
3323(b)	Failure to stop for stop sign.
3	
3323(c)	Failure to yield at yield sign.
3	
3324	Failure to yield when entering or crossing roadway between inter-sections.
3332	Improper turning around.
3341(a)	Failure to obey signal indicating approach of train.
3341(b)	Failure to comply with crossing gate or barrier.
(and 30 days' suspension)	
3342(b) or (e)	Failure to stop at railroad crossings.
3344	Failure to stop when entering from alley, driveway or building.
3345(a)	Failure to stop for school bus with flashing red lights.
(and 60 days' suspension)	
3361	Driving too fast for conditions.
3362	Exceeding maximum speed.--Over Limit:
6-10	2
11-15	3
16-25	4
26-30	5
31-over	5
(and departmental hearing and sanctions provided under section 1538(d))	
3365(b)	Exceeding special speed limit in school zone.
(and 60 days' suspension for a second or subsequent offense)	
3365(c)	Exceeding special speed limit for trucks on downgrades.
3542(a)	Failure to yield to pedestrian in crosswalk.
3547	Failure to yield to pedestrian on sidewalk.
3549(a)	Failure to yield to blind pedestrian.
3702	Improper backing.
3	
3714(a)	Careless driving.
3	
3745	Leaving scene of accident involving property damage only.

(b) Multiple offenses from same act.--If a driver is convicted of an offense under section 3361 (relating to driving vehicle at safe speed) or 3714 (relating to careless driving), in addition to being convicted of another offense committed at the same time and place, no points shall be assigned for

violation of section 3361 or 3714 if points are assigned for the other offense.

(c) No points after six months.--The department shall assign points to the record of any person within six months from the date of a conviction. Any points assigned after such six-month period shall be null and void.

(d) Exception.--This section does not apply to a person who was operating a pedalcycle or an animal drawn vehicle.

(e) Suspension of operating privilege.--In addition to other provisions of this title relating to the suspension or revocation of operating privileges, the department shall suspend for 15 days the operating privileges of any person who for a violation in an active work zone is convicted under:

(1) section 3361 where the department has received an accident report submitted pursuant to section 3751 (relating to reports by police); or

(2) section 3362 (relating to maximum speed limits) by exceeding the posted speed limit by 11 miles per hour or more.

A conviction report received by the department which indicates that the violation of section 3361 or 3362 occurred in an active work zone shall create a presumption that the violation occurred in an active work zone.

(June 23, 1982, P.L.605, No.171, eff. imd.; Mar. 29, 1984, P.L.155, No.30, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. July 1, 1999; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months; Dec. 8, 2004, P.L.1791, No.237, eff. 150 days)

2004 Amendment. Act 237 amended subsec. (a).

2002 Amendment. Act 229 added subsec. (e). See section 21 of Act 229 in the appendix to this title for special provisions relating to promulgation of guidelines to implement Act 229.

1994 Amendment. Act 115 amended subsec. (b).

1982 Amendment. Act 171 added subsec. (d).

Cross References. Section 1535 is referred to in sections 1538, 1539, 1554, 1793, 1799.2, 3116, 4581 of this title.

§ 1536. Notice of assignment of points.

Whenever points are assigned to a driver's record, the department shall send to that person at his last known address a letter of notice pointing out the fact and emphasizing the nature and effects of the point system. Failure to receive such letter shall not prevent the suspension of the operating privilege pursuant to this subchapter.

§ 1537. Removal of points.

(a) General rule.--Points recorded against any person shall be removed at the rate of three points for each 12 consecutive months in which such person is not under suspension or revocation or has not committed any violation which results in the assignment of points or in suspension or revocation under this chapter.

(b) Subsequent accumulation of points.--When a driver's record is reduced to zero points and is maintained at zero

points for 12 consecutive months, any accumulation of points thereafter shall be regarded as an initial accumulation of points.

(Dec. 21, 1998, P.L.1126, No.151, eff. July 1, 1999)

1998 Amendment. Act 151 amended subsec. (a).

§ 1538. School, examination or hearing on accumulation of points or excessive speeding.

(a) Initial accumulation of six points.--When any person's record for the first time shows as many as six points, the department shall require the person to attend an approved driver improvement school or undergo a special examination and shall so notify the person in writing. Upon satisfactory attendance and completion of the course or upon passing the special examination, two points shall be removed from the person's record. Failure to attend and satisfactorily complete the requirements of driver improvement school shall result in the suspension of such person's operating privilege for 60 days. Failure to pass the examination shall result in the suspension of the operating privilege until the examination has been satisfactorily completed.

(b) Second accumulation of six points.--

(1) When any person's record has been reduced below six points and for the second time shows as many as six points, the department shall require the person to attend a departmental hearing. The hearing examiner may recommend one or more of the following:

(i) That the person be required to attend a driver improvement school.

(ii) That the person undergo an examination as provided for in section 1508 (relating to examination of applicant for driver's license).

(iii) That the person's driver's license be suspended for a period not exceeding 15 days.

(2) The department may effect or modify the recommendations of the hearing examiner but may not impose any sanction not recommended by the hearing examiner.

(3) Upon completion of the sanction or sanctions imposed by the department, two points shall be removed from the person's record.

(4) Failure to attend the hearing or to attend and satisfactorily complete the requirements of a driver improvement school shall result in the suspension of such person's operating privilege for 60 days. Failure to pass an examination shall result in the suspension of such person's operating privilege until the examination has been satisfactorily completed.

(c) Subsequent accumulations of six points.--When any person's record has been reduced below six points and for the third or subsequent time shows as many as six points, the department shall require the driver to attend a departmental hearing to determine whether the person's operating privilege should be suspended for a period not to exceed 30 days. Failure to attend the hearing or to comply with the requirements of the findings of the department shall result in the suspension of the

operating privilege until the person has complied.

(d) Conviction for excessive speeding.--

(1) When any person is convicted of driving 31 miles per hour or more in excess of the speed limit, the department shall require the person to attend a departmental hearing. The hearing examiner may recommend one or more of the following:

(i) That the person be required to attend a driver improvement school.

(ii) That the person undergo an examination as provided for in section 1508.

(iii) That the person have his driver's license suspended for a period not exceeding 15 days.

(2) The department shall effect at least one of the sanctions but may not increase any suspension beyond 15 days.

(3) Failure to attend the hearing or to attend and satisfactorily complete the requirements of a driver improvement school shall result in the suspension of such person's operating privilege for 60 days. Failure to pass an examination shall result in the suspension of such person's operating privilege until the examination has been satisfactorily completed.

(e) Additional suspension of operating privilege.--

(1) In addition to any other provisions of law relating to the suspension or revocation of operating privileges, a person's operating privileges shall be suspended under any of the following circumstances:

(i) Prior to reaching age 18, the person violates section 3362 (relating to maximum speed limits) by traveling 26 miles per hour or more over the posted speed limit and the violation results in a conviction, guilty plea or plea of no contest before or after the person reaches age 18.

(ii) The person accumulates six or more points under the provisions of section 1535 (relating to schedule of convictions and points) and the violations resulting in points accumulation were committed before the person reached age 18.

(2) The first suspension under paragraph (1) shall be for a period of 90 days with every subsequent suspension under paragraph (1) to be for a period of 120 days. Suspensions under paragraph (1) shall be imposed consecutively to each other and to any other suspension. A suspension under paragraph (1) shall be considered a subsequent suspension even if it is imposed contemporaneously with a first suspension imposed under paragraph (1).

(June 25, 1999, P.L.164, No.23, eff. 180 days)

1999 Amendment. Act 23 added subsec. (e).

Cross References. Section 1538 is referred to in sections 1535, 1553, 1554 of this title.

§ 1539. Suspension of operating privilege on accumulation of points.

(a) General rule.--When any person's record shows an accumulation of 11 points or more, the department shall suspend

the operating privilege of the person as provided in subsection (b).

(b) Duration of suspension.--The first suspension shall be for a period of 5 days for each point, the second suspension shall be for a period of 10 days for each point, the third suspension shall be for a period of 15 days for each point and any subsequent suspension shall be for a period of one year.

(c) Determination of subsequent suspensions.--Every suspension and revocation under any provision of this subchapter shall be counted in determining whether a suspension is a second, third or subsequent suspension. Acceptance of Accelerative Rehabilitative Disposition for an offense enumerated in section 1532 (relating to revocation or suspension of operating privilege) or 3802 (relating to driving under influence of alcohol or controlled substance) shall be considered a suspension in making such determination.

(d) Section not exclusive.--Suspension under this section is in addition to any suspension mandated under section 1535 (relating to schedule of convictions and points).
(Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (c).

Suspensions and Convictions Under Prior Law. Section 2(d)(3) of Act 81 of 1976 provided that no suspensions and convictions under former sections 618(b)(2) and 619.1 of the Vehicle Code of 1959 shall constitute prior suspensions for the purpose of determining the length of suspensions under section 1539.

Cross References. Section 1539 is referred to in sections 1551, 1554 of this title.

§ 1540. Surrender of license.

(a) Conviction of offense.--Upon a conviction by a court of competent jurisdiction for any offense which calls for mandatory suspension in accordance with section 1532 (relating to suspension of operating privilege), the court or the district attorney shall require the surrender of any driver's license then held by the defendant and shall forward the driver's license together with a record of the conviction to the department. The suspension shall be effective upon a date determined by the court or district attorney or upon the date of surrender of the license to the court or district attorney, whichever shall first occur.

(b) Suspension, revocation or disqualification of operating privilege.--

(1) Upon the suspension or revocation of the operating privilege or the disqualification of the commercial operating privilege of any person by the department, the department shall forthwith notify the person in writing at the address of record to surrender his driver's license to the department for the term of suspension, revocation or disqualification.

(2) The department shall include with the written notice of suspension, revocation or disqualification a form for

acknowledging the suspension, revocation or disqualification, which form shall be filed with the department if the person has no license to surrender.

(3) The suspension, revocation or disqualification shall be effective upon the earlier of:

- (i) a date determined by the department; or
- (ii) the date of filing or mailing of the license or acknowledgment to the department, if that date is subsequent to the department's notice to surrender the license.

(4) Upon surrender of the license or acknowledgment, the department shall issue a receipt showing the date that it received the license or acknowledgment.

(c) Seizure of revoked, suspended, canceled or disqualified licenses.--

(1) The department may delegate authority to the following persons to seize the driver's license of any person whose driver's license has been ordered to be surrendered by a court or district attorney or by the department:

- (i) A designated Commonwealth employee.
- (ii) Members of the Pennsylvania State Police.
- (iii) Local police officers.
- (iv) Sheriffs or deputy sheriffs.
- (v) Constables or deputy constables.

(2) The department shall, by regulation, prescribe the manner of selecting those persons who are delegated authority under this subsection to seize the drivers' licenses.

(June 19, 1985, P.L.49, No.20, eff. 60 days; Nov. 6, 1985, P.L.300, No.72, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Feb. 7, 1990, P.L.11, No.6, eff. 60 days; May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; July 6, 1995, P.L.246, No.30, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Oct. 9, 2009, P.L.494, No.49, eff. 60 days)

2009 Amendment. Act 49 amended subsec. (c)(1)(v).

1998 Amendment. Act 151 amended subsec. (a).

1995 Amendment. Act 30 amended subsec. (b).

1990 Amendments. Act 6 amended subsec. (c) and Act 42 amended subsecs. (b) and (c).

Cross References. Section 1540 is referred to in sections 1541, 1547, 1553, 1554, 1611, 3327, 3805, 3808 of this title; section 7165 of Title 44 (Law and Justice).

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

(a) Commencement of period.--The period of disqualification, revocation or suspension of the operating privilege or the disqualification of the commercial operating privilege shall commence as provided for in section 1540 (relating to surrender of license). No credit toward the revocation, suspension or disqualification shall be earned until the driver's license is surrendered to the department, a court or a district attorney,

as the case may be. A nonresident licensed driver or an unlicensed individual, including a driver whose license has expired, shall submit an acknowledgment of suspension or revocation to the department in lieu of a driver's license, except for the suspension of the operating privilege of an unlicensed individual under 16 years of age, in which case the suspension shall commence automatically upon the individual's 16th birthday for the specified period if an acknowledgment is received any time prior to the individual's 16th birthday. If a licensed driver is not in possession of his driver's license, no credit toward the disqualification, revocation or suspension shall be earned until a sworn affidavit or a form prescribed by the department is surrendered to the department swearing that the driver is not in possession of his driver's license. Such credit shall be rescinded if it is later determined that the driver was untruthful in the affidavit. Credit shall also be revoked if a person surrenders a duplicate license and it is later determined that the person was still in possession of an earlier issued, unexpired license. The department may, upon request of the person whose license is suspended or disqualified, delay the commencement of the period of suspension or disqualification for a period not exceeding six months whenever the department determines that failure to grant the extension will result in hardship to the person whose license has been suspended or disqualified.

(a.1) Credit toward serving period of suspension for certain violations.--Credit toward serving the period of suspension or revocation imposed for sections 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked), 3732 (relating to homicide by vehicle), 3735 (relating to homicide by vehicle while driving under influence), 3735.1 (relating to aggravated assault by vehicle while driving under the influence), 3742 (relating to accidents involving death or personal injury), 3802 (relating to driving under influence of alcohol or controlled substance) and 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock) shall not commence until the date of the person's release from prison.

(b) Eligibility for restoration of operating privilege.--Any person whose operating privilege has been revoked or suspended shall not be eligible for the restoration of the operating privilege until the expiration of the period of revocation or suspension.

(c) Restoration of revoked operating privilege.--Any person whose operating privilege has been revoked pursuant to section 1542 (relating to revocation of habitual offender's license) or 1543 is not entitled to automatic restoration of the operating privilege. Such person may apply for a learner's permit, if permitted under the provisions of this chapter, upon expiration of the revocation.

(d) Continued suspension of operating privilege.--A defendant ordered by the court under section 3816 (relating to requirements for driving under influence offenders), as the result of a conviction or Accelerated Rehabilitative Disposition of a violation of section 3802 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. For the purposes of restoring a suspended license, being current on a payment plan shall be considered as a part of a successfully completed program. 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.

(e) Request for hearing.--A person whose operating privilege has been suspended or revoked may request at any time during the suspension or revocation, and the department shall provide, a hearing if the person believes that credit toward the person's suspension or revocation has not been given by the department under section 1540. The department shall issue its final ruling within 60 days following the hearing or the submission of any posthearing filings.

(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; July 11, 1990, P.L.513, No.122, eff. Dec. 1, 1990; Dec. 7, 1994, P.L.820, No.115, eff. imd.; Dec. 12, 1994, P.L.1048, No.143, eff. 9 months; Dec. 21, 1998, P.L.1126, No.151, eff. 1 year; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; May 11, 2006, P.L.159, No.37, eff. 60 days; May 11, 2006, P.L.164, No.40, eff. 60 days; Oct. 27, 2006, P.L.1182, No.122, eff. 60 days)

2006 Amendments. Act 37 amended subsec. (d), Act 40 amended subsec. (a.1) and Act 122 added subsec. (e).

2003 Amendment. Act 24 amended subsecs. (a.1), (c) and (d).

2002 Amendment. Act 123 amended the section heading and subsec. (a).

Cross References. Section 1541 is referred to in section 3815 of this title.

§ 1542. Revocation of habitual offender's license.

(a) General rule.--The department shall revoke the operating privilege of any person found to be a habitual offender pursuant to the provisions of this section. A "habitual offender" shall be any person whose driving record, as maintained in the department, shows that such person has accumulated the requisite number of convictions for the separate and distinct offenses described and enumerated in subsection (b) committed after the effective date of this title and within any period of five years thereafter.

(b) Offenses enumerated.--Three convictions arising from separate acts of any one or more of the following offenses committed by any person shall result in such person being designated as a habitual offender:

(1) Any violation of Subchapter B of Chapter 37

(relating to serious traffic offenses).

(1.1) Any violation of Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs) except for sections 3808(a)(1) and (b) (relating to illegally operating a motor vehicle not equipped with ignition interlock) and 3809 (relating to restriction on alcoholic beverages).

(1.2) Any violation of section 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked).

(2) Any violation of section 3367 (relating to racing on highways).

(3) Any violation of section 3742 (relating to accidents involving death or personal injury).

(3.1) Any violation of section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

(4) Any violation of section 3743 (relating to accidents involving damage to attended vehicle or property).

(c) Accelerative Rehabilitative Disposition as an offense.--Acceptance of Accelerative Rehabilitative Disposition for any offense enumerated in subsection (b) shall be considered an offense for the purposes of this section.

(d) Period of revocation.--The operating privilege of any person found to be a habitual offender under the provisions of this section shall be revoked by the department for a period of five years.

(e) Additional offenses.--Each additional offense committed within a period of five years, as measured from the date of any previous offense, shall result in a revocation for an additional period of two years.

(Dec. 7, 1994, P.L.820, No.115, eff. imd.; Dec. 12, 1994, P.L.1048, No.143, eff. 9 months; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (b).

1994 Amendment. Act 143 amended subsecs. (b) and (e).

Cross References. Section 1542 is referred to in sections 1516, 1534, 1541, 1543, 1554, 1575, 1783, 6503.1 of this title; section 5502 of Title 30 (Fish).

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

(a) Offense defined.--Except as provided in subsection (b), any person who drives a motor vehicle on any highway or trafficway of this Commonwealth after the commencement of a suspension, revocation or cancellation of the operating privilege and before the operating privilege has been restored is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

(b) Certain offenses.--

(1) A person who drives a motor vehicle on a highway or trafficway of this Commonwealth at a time when the person's operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) or the former

section 3731, because of a violation of section 1547(b)(1) (relating to suspension for refusal) or 3802 or former section 3731 or is suspended under section 1581 (relating to Driver's License Compact) for an offense substantially similar to a violation of section 3802 or former section 3731 shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay a fine of \$500 and to undergo imprisonment for a period of not less than 60 days nor more than 90 days.

(1.1) (i) A person who has an amount of alcohol by weight in his blood that is equal to or greater than .02% at the time of testing or who at the time of testing has in his blood any amount of a Schedule I or nonprescribed Schedule II or III controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or its metabolite and who drives a motor vehicle on any highway or trafficway of this Commonwealth at a time when the person's operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3802 or former section 3731 or because of a violation of section 1547(b)(1) or 3802 or former section 3731 or is suspended under section 1581 for an offense substantially similar to a violation of section 3802 or former section 3731 shall, upon a first conviction, be guilty of a summary offense and shall be sentenced to pay a fine of \$1,000 and to undergo imprisonment for a period of not less than 90 days.

(ii) A second violation of this paragraph shall constitute a misdemeanor of the third degree, and upon conviction thereof the person shall be sentenced to pay a fine of \$2,500 and to undergo imprisonment for not less than six months.

(iii) A third or subsequent violation of this paragraph shall constitute a misdemeanor of the first degree, and upon conviction thereof the person shall be sentenced to pay a fine of \$5,000 and to undergo imprisonment for not less than two years.

(2) This subsection shall apply to any person against whom one of these suspensions has been imposed whether the person is currently serving this suspension or whether the effective date of suspension has been deferred under any of the provisions of section 1544 (relating to additional period of revocation or suspension). This provision shall also apply until the person has had the operating privilege restored. This subsection shall also apply to any revocation imposed pursuant to section 1542 (relating to revocation of habitual offender's license) if any of the enumerated offenses was for a violation of section 3802 or former section 3731 or for an out-of-State offense that is substantially similar to a violation of section 3802 or former section 3731, for which a revocation is imposed under section 1581.

(c) Suspension or revocation of operating privilege.--Upon receiving a certified record of the conviction of any person under this section, the department shall suspend or revoke that person's operating privilege as follows:

(1) If the department's records show that the person was under suspension, recall or cancellation on the date of violation, and had not been restored, the department shall suspend the person's operating privilege for an additional one-year period.

(2) If the department's records show that the person was under revocation on the date of violation, and had not been restored, the department shall revoke the person's operating privilege for an additional two-year period.

(d) Citation of appropriate subsection.--Prior to filing a citation for a violation of this section with the issuing authority named in the citation, the police officer shall verify the basis for the suspension with the department. Upon receiving the verification, the officer shall cite the appropriate subsection of this section on the citation.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Nov. 23, 1987, P.L.399, No.82, eff. 60 days; Dec. 12, 1994, P.L.1048, No.143, eff. 9 months; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (b).

1994 Amendment. Act 143 amended subsecs. (b) and (c). See section 4 of Act 143 in the appendix to this title for special provisions relating to habitual offenders.

1987 Amendment. Act 82 added subsec. (d).

Cross References. Section 1543 is referred to in sections 1541, 1542, 1547, 1549, 1553, 1554, 3807, 3811, 3812, 6309.1, 6503, 6506 of this title; sections 1522, 1725.3, 5553, 9763, 9804 of Title 42 (Judiciary and Judicial Procedure).

§ 1544. Additional period of revocation or suspension.

(a) Additional point accumulation.--When any person's record shows an accumulation of additional points during a period of suspension or revocation, the department shall extend the existing period of suspension or revocation at the rate of five days for each additional point and the person shall be so notified in writing.

(b) Additional suspension.--When any person's record shows an additional suspension of the operating privilege assessed during a period of suspension or revocation, the department shall extend the existing period of suspension or revocation for the appropriate period and the person shall be so notified in writing.

(c) Revocation during suspension.--When any person's record shows an additional conviction calling for revocation of the operating privilege during a period of suspension, the department shall add the appropriate revocation onto the period of suspension and the person shall be so notified in writing.

(d) Revocation during revocation.--When any person's record shows a conviction calling for revocation of the operating privilege during a period of revocation, the department shall extend the existing period of revocation for the appropriate period and the person shall be so notified in writing.

Cross References. Section 1544 is referred to in sections 1543, 1545 of this title.

§ 1545. Restoration of operating privilege.

Upon the restoration of any person's operating privilege which has been suspended or revoked pursuant to this subchapter or pursuant to Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs), such person's record shall show five points, except that any additional points assessed against the person since the date of the last violation resulting in the suspension or revocation shall be added to such five points unless the person has served an additional period of suspension or revocation pursuant to section 1544(a) (relating to additional period of revocation or suspension). This section shall not apply to section 1533 (relating to suspension of operating privilege for failure to respond to citation) or to 18 Pa.C.S. § 6310.4 (relating to restriction of operating privileges).

(June 23, 1982, P.L.605, No.171, eff. imd.; June 16, 1989, P.L.25, No.8, eff. imd.; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

Cross References. Section 1545 is referred to in section 3717 of this title; section 6310.4 of Title 18 (Crimes and Offenses).

§ 1546. Suspension or revocation of nonresident's operating privilege.

(a) **General rule.**--The privilege of driving a motor vehicle on the highways of this Commonwealth given to a nonresident shall be subject to suspension or revocation by the department in like manner and for like cause as a resident's operating privilege.

(b) **Transmitting department action to state of residence.**--When a nonresident's operating privilege is suspended or revoked, the department shall forward a certified copy of the record of such action to the motor vehicle administrator in the state wherein such person resides if there is a reciprocity agreement with the other state.

§ 1547. Chemical testing to determine amount of alcohol or controlled substance.

(a) **General rule.**--Any person who drives, operates or is in actual physical control of the movement of a vehicle in this Commonwealth shall be deemed to have given consent to one or more chemical tests of breath, blood or urine for the purpose of determining the alcoholic content of blood or the presence of a controlled substance if a police officer has reasonable grounds to believe the person to have been driving, operating or in actual physical control of the movement of a vehicle:

(1) in violation of section 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked), 3802 (relating to driving under influence of alcohol or controlled substance) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock); or

(2) which was involved in an accident in which the operator or passenger of any vehicle involved or a pedestrian

required treatment at a medical facility or was killed.

(b) Suspension for refusal.--

(1) If any person placed under arrest for a violation of section 3802 is requested to submit to chemical testing and refuses to do so, the testing shall not be conducted but upon notice by the police officer, the department shall suspend the operating privilege of the person as follows:

(i) Except as set forth in subparagraph (ii), for a period of 12 months.

(ii) For a period of 18 months if any of the following apply:

(A) The person's operating privileges have previously been suspended under this subsection.

(B) The person has, prior to the refusal under this paragraph, been sentenced for:

(I) an offense under section 3802;

(II) an offense under former section 3731;

(III) an offense equivalent to an offense under subclause (I) or (II); or

(IV) a combination of the offenses set forth in this clause.

(2) It shall be the duty of the police officer to inform the person that:

(i) the person's operating privilege will be suspended upon refusal to submit to chemical testing; and

(ii) if the person refuses to submit to chemical testing, upon conviction or plea for violating section 3802(a)(1), the person will be subject to the penalties provided in section 3804(c) (relating to penalties).

(3) Any person whose operating privilege is suspended under the provisions of this section shall have the same right of appeal as provided for in cases of suspension for other reasons.

(b.1) Other suspension for refusal.--

(1) If any person placed under arrest for a violation of section 1543(b)(1.1) or 3808(a)(2) is requested to submit to chemical testing and refuses to do so, the testing shall not be conducted; but, upon notice by the police officer and provided no suspension is imposed pursuant to subsection (b), the department shall suspend the operating privilege of the person for a period of six months.

(2) It shall be the duty of the police officer to inform the person that the person's operating privileges will be suspended upon refusal to submit to chemical testing.

(3) Notwithstanding section 3805(c) (relating to ignition interlock), if any person receives a suspension pursuant to this subsection who at the time of the offense was required to comply with the provisions of section 3805 prior to obtaining a replacement license under section 1951(d) (relating to driver's license and learner's license) that does not contain an ignition interlock restriction, the suspension imposed pursuant to this subsection shall result in the recall of any ignition interlock restricted license previously issued and the driver shall surrender the ignition interlock restricted license to the department or its agents

designated under the authority of section 1540 (relating to surrender of licenses) and, prior to the issuance of a replacement license under section 1951(d) that does not contain an ignition interlock restriction, the department shall require that the person comply with the provisions of section 3805.

(c) Test results admissible in evidence.--In any summary proceeding or criminal proceeding in which the defendant is charged with a violation of section 3802 or any other violation of this title arising out of the same action, the amount of alcohol or controlled substance in the defendant's blood, as shown by chemical testing of the person's breath, blood or urine, which tests were conducted by qualified persons using approved equipment, shall be admissible in evidence.

(1) Chemical tests of breath shall be performed on devices approved by the Department of Health using procedures prescribed jointly by regulations of the Departments of Health and Transportation. Devices shall have been calibrated and tested for accuracy within a period of time and in a manner specified by regulations of the Departments of Health and Transportation. For purposes of breath testing, a qualified person means a person who has fulfilled the training requirement in the use of the equipment in a training program approved by the Departments of Health and Transportation. A certificate or log showing that a device was calibrated and tested for accuracy and that the device was accurate shall be presumptive evidence of those facts in every proceeding in which a violation of this title is charged.

(2) (i) Chemical tests of blood or urine, if conducted by a facility located in this Commonwealth, shall be performed by a clinical laboratory licensed and approved by the Department of Health for this purpose using procedures and equipment prescribed by the Department of Health or by a Pennsylvania State Police criminal laboratory. For purposes of blood and urine testing, qualified person means an individual who is authorized to perform those chemical tests under the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act.

(ii) For purposes of blood and urine testing to determine blood alcohol or controlled substance content levels, the procedures and equipment prescribed by the Department of Health shall be reviewed within 120 days of the effective date of this subparagraph and at least every two years thereafter to ensure that consideration is given to scientific and technological advances so that testing conducted in accordance with the prescribed procedures utilizing the prescribed equipment will be as accurate and reliable as science and technology permit.

(3) Chemical tests of blood or urine, if conducted by a facility located outside this Commonwealth, shall be performed:

(i) by a facility licensed and approved by the Department of Health for this purpose; or

(ii) by a facility licensed to conduct the tests by

the state in which the facility is located and licensed pursuant to the Clinical Laboratory Improvement Amendments of 1988 (Public Law 100-578, 102 Stat. 2903).

(4) For purposes of blood testing to determine the amount of a Schedule I or nonprescribed Schedule II or III controlled substance or a metabolite of such a substance, the Department of Health shall prescribe minimum levels of these substances which must be present in a person's blood in order for the test results to be admissible in a prosecution for a violation of section 1543(b)(1.1), 3802(d)(1), (2) or (3) or 3808(a)(2).

(d) Presumptions from amount of alcohol.--(Repealed).

(e) Refusal admissible in evidence.--In any summary proceeding or criminal proceeding in which the defendant is charged with a violation of section 3802 or any other violation of this title arising out of the same action, the fact that the defendant refused to submit to chemical testing as required by subsection (a) may be introduced in evidence along with other testimony concerning the circumstances of the refusal. No presumptions shall arise from this evidence but it may be considered along with other factors concerning the charge.

(f) Other evidence admissible.--Subsections (a) through (i) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of alcohol.

(g) Test results available to defendant.--Upon the request of the person tested, the results of any chemical test shall be made available to him or his attorney.

(g.1) Cost of testing.--The cost of chemical testing, including the drawing of blood and urine, performed under this section shall be paid as follows:

(1) By the individual tested, if the individual was convicted of or placed into any preadjudication program or adjudicated delinquent for a violation of section 3802.

(2) By the requesting authority, if the individual was found not guilty under section 3802 or had the charges dismissed or withdrawn.

(h) Test by personal physician.--The person tested shall be permitted to have a physician of his own choosing administer an additional breath, blood or urine chemical test and the results of the test shall also be admissible in evidence. The chemical testing given at the direction of the police officer shall not be delayed by a person's attempt to obtain an additional test.

(i) Request by driver for test.--Any person involved in an accident or placed under arrest for a violation of section 1543(b)(1.1), 3802 or 3808(a)(2) may request a chemical test of his breath, blood or urine. Such requests shall be honored when it is reasonably practicable to do so.

(j) Immunity from civil liability and reports.--No physician, nurse or technician or hospital employing such physician, nurse or technician, and no other employer of such physician, nurse or technician shall be civilly liable for withdrawing blood or obtaining a urine sample and reporting test results to the police at the request of a police officer pursuant to this section. No physician, nurse or technician or

hospital employing such physician, nurse or technician may administratively refuse to perform such tests and provide the results to the police officer except as may be reasonably expected from unusual circumstances that pertain at the time the request is made.

(k) Prearrest breath test authorized.--A police officer, having reasonable suspicion to believe a person is driving or in actual physical control of the movement of a motor vehicle while under the influence of alcohol, may require that person prior to arrest to submit to a preliminary breath test on a device approved by the Department of Health for this purpose. The sole purpose of this preliminary breath test is to assist the officer in determining whether or not the person should be placed under arrest. The preliminary breath test shall be in addition to any other requirements of this title. No person has any right to expect or demand a preliminary breath test. Refusal to submit to the test shall not be considered for purposes of subsections (b) and (e).

(l) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Adult." A person 21 years of age or older.

"Minor." A person under 21 years of age.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Feb. 12, 1984, P.L.53, No.12, eff. imd.; May 30, 1990, P.L.173, No.42, eff. Apr. 1, 1992; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; July 2, 1996, P.L.535, No.93; July 11, 1996, P.L.660, No.115, eff. 30 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Sept. 30, 2003, P.L.120, No.24; Nov. 29, 2004, P.L.1369, No.177, eff. imd.; May 11, 2006, P.L.164, No.40, eff. 60 days)

2006 Amendment. Act 40 added subsec. (g.1)

2004 Amendment. Act 177 amended subsec. (b)(2).

2003 Amendment. Act 24 amended subsections. (a), (b)(1) and (2), (c), (d), (e) and (i) and added subsec. (b.1), effective Sept. 30, 2003, as to subsec. (d) and February 1, 2004, as to the remainder of the section.

2003 Repeal Note. Act 24 repealed subsec. (d), effective February 1, 2004.

1996 Amendments. Act 93 amended subsec. (d) and added subsec. (l), effective in 30 days as to subsec. (d) and 60 days as to subsec. (l), and Act 115 amended subsec. (d) and added subsec. (l). Act 115 overlooked the amendment by Act 93 to subsec. (d), but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (d). The addition by Acts 93 and 115 of subsec. (l) are identical and therefore have been merged.

1984 Amendment. Act 12 amended subsec. (j). Section 12 of Act 12 provided that the amendments to section 1547 shall be retroactive to January 14, 1983.

Cross References. Section 1547 is referred to in sections 1508, 1543, 1553, 1554, 1613, 3805 of this title; section 5125 of Title 30 (Fish); section 933 of Title 42 (Judiciary and Judicial Procedure).

§ 1548. Requirements for driving under influence offenders.

(a) Evaluation using Court Reporting Network.--(Deleted by amendment).

(b) Attendance at alcohol highway safety school.--(Deleted by amendment).

(c) Results of evaluation.--

(1) This subsection shall apply as follows:

(i) To offenders sentenced under section 3804(a)(3), (b)(2) and (c)(1) (relating to penalties) after January 31, 2004, and before July 1, 2006.

(ii) To offenders sentenced under section 3804(a)(1) and (2) and (b)(1) after January 31, 2004, and before July 1, 2009.

(2) Based on the results of evaluation and any additional information and evidence, the court may in addition to any other requirements of the court or this title determine and require, as part of sentencing or condition of parole, probation or Accelerated Rehabilitative Disposition or other preliminary disposition, that the person successfully complete a prescribed program of individual or group intervention or supervised inpatient or outpatient treatment or any combination of these programs or treatments for a period of up to the statutorily available maximum. Any program of individual or group intervention or supervised inpatient or outpatient treatment shall be of a type approved by the Department of Health or operated by a facility or hospital that is under the authority of the United States Armed Forces or the Department of Veterans Affairs. Based on periodic reviews of the person's progress, the court may alter, modify or shorten or extend the duration of the requirements.

(3) This subsection shall expire July 1, 2009.

(d) Order for alcohol or drug commitment.--

(1) This subsection shall apply as follows:

(i) To offenders sentenced under section 3804(a)(3), (b)(2) and (c)(1) after January 31, 2004, and before July 1, 2006.

(ii) To offenders sentenced under section 3804(a)(1) and (2) and (b)(1) after January 31, 2004, and before July 1, 2009.

(2) If after evaluation and further examination and hearing it is determined that 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, the court may order the person committed for treatment at a facility or institution approved by the Department of Health or operated by a facility or hospital that is under the authority of the United States Armed Forces or the Department of Veterans Affairs. 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 or operated by a facility or hospital that is under the authority of the

United States Armed Forces or the Department of Veterans Affairs:

(i) 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.

(ii) 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.

(iii) 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.

(3) This subsection shall expire July 1, 2009.

(e) Costs.--Costs of any and all requirements applied under this section shall be in addition to any other penalty required or allowed by law and shall be the responsibility of the person upon whom the requirements are placed. This subsection shall expire July 1, 2009.

(f) Court-ordered intervention or treatment.--

(1) This subsection shall apply as follows:

(i) To offenders sentenced under section 3804(a)(3), (b)(2) and (c)(1) after January 31, 2004, and before July 1, 2006.

(ii) To offenders sentenced under section 3804(a)(1) and (2) and (b)(1) after January 31, 2004, and before July 1, 2009.

(2) 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.

(3) This subsection shall expire July 1, 2009.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Nov. 23, 1987, P.L.399, No.82, eff. 60 days; July 11, 1990, P.L.513, No.122, eff. Dec. 1, 1990; June 25, 1999, P.L.164, No.23, eff. 180 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

§ 1549. Establishment of schools.

(a) Driver improvement schools.--The department is authorized to establish and maintain driver improvement schools throughout this Commonwealth. The department may approve and conduct an annual review of the course material for the schools. The curriculum to be presented must be uniform throughout this Commonwealth. All instructors shall be properly certified by the department after the completion of a course of instruction approved by the department.

(b) Alcohol highway safety schools.--

(1) Each county, multicounty judicial district or group of counties combined under one program shall, in compliance with regulations of the department and the Department of Health, establish and maintain a course of instruction on the problems of alcohol and driving. The time during which the course is offered shall accommodate persons' work schedules, including weekend and evening times.

(2) These regulations shall include, but not be limited to, a uniform curriculum for the course of instruction, training and certification requirements for instructors and provision for the giving of both oral and written notice of the provisions of section 1543(b) (relating to driving while operating privilege is suspended or revoked) to all program participants.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Nov. 23, 1987, P.L.399, No.82, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (b). Section 20(2) of Act 24 provided that by October 1, 2004, the Department of Transportation shall promulgate regulations to implement subsec. (b).

Cross References. Section 1549 is referred to in section 3807 of this title.

§ 1550. Judicial review.

(a) General rule.--Any person who has been denied a driver's license, whose driver's license has been canceled or whose operating privilege has been recalled, suspended, revoked or disqualified by the department shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The appellant shall serve a copy of the petition for appeal, together with a copy of the notice of the action from which the appeal has been taken, upon the department's legal office.

(b) Supersedeas.--

(1) (i) Except as provided in subparagraphs (ii) and (iii), filing and service of a petition for appeal from a suspension or revocation shall operate as a supersedeas until final determination of the matter by the court vested with the jurisdiction of such appeals.

(ii) The filing and service of a petition for appeal from denial, recall, suspension or cancellation of a driver's license under section 1503 (relating to persons ineligible for licensing; license issuance to minors;

junior driver's license), 1504 (relating to classes of licenses), 1509 (relating to qualifications for school bus driver endorsement), 1514 (relating to expiration and renewal of drivers' licenses), 1519 (relating to determination of incompetency) or 1572 (relating to cancellation of driver's license) shall not act as a supersedeas unless ordered by the court after a hearing attended by the petitioner.

(iii) Further review by another court shall not operate as a supersedeas unless a court of competent jurisdiction determines otherwise.

(2) In the case of a disqualification of the commercial operating privilege, the driver may petition to the court of common pleas of his county of residence, which court may grant a supersedeas ex parte upon a showing of reasonable likelihood of successful prosecution of the appeal.

(c) Proceedings of court.--The court shall set the matter for hearing upon 60 days' written notice to the department and determine whether the petitioner's driver's license should be denied or canceled, the petitioner's operating privilege should be suspended, revoked or recalled or the petitioner's endorsement should be removed.

(d) Documentation.--

(1) In any proceeding under this section, documents received by the department from the courts or administrative bodies of other states or the Federal Government shall be admissible into evidence to support the department's case. In addition, the department may treat the received documents as documents of the department and use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). In addition, if the department receives information from courts or administrative bodies of other states or the Federal Government by means of electronic transmission, it may certify that it has received the information by means of electronic transmission and that certification shall be prima facie proof of the adjudication and facts contained in such an electronic transmission.

(2) In any proceeding under this section, documents received by the department from any other court or from an insurance company shall be admissible into evidence to support the department's case. In addition, if the department receives information from a court by means of electronic transmission or from an insurance company which is complying with its obligation under Subchapter H of Chapter 17 (relating to proof of financial responsibility) by means of electronic transmission, it may certify that it has received the information by means of electronic transmission, and that certification shall be prima facie proof of the adjudication and facts contained in such an electronic transmission.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; June 28, 1993, P.L.137, No.33, eff. July 1, 1993; July 2, 1993, P.L.408, No.58, eff. 60

days; Feb. 10, 1994, P.L.20, No.3, eff. 60 days; Oct. 7, 1996, P.L.688, No.118, eff. 60 days; June 25, 1999, P.L.164, No.23, eff. 180 days)

1999 Amendment. Act 23 amended subsec. (b)(1)(ii).

1996 Amendment. Act 118 amended subsecs. (a), (b) and (c).

1994 Amendment. Act 3 added subsec. (d). The amendment by Act 3 is identical to the amendments by Acts 33 and 58 of 1993 and therefore the text has been merged. See section 8 of Act 3 in the appendix to this title for special provisions relating to savings provision.

Cross References. Section 1550 is referred to in sections 102, 1519, 1551, 1553, 1554, 1786, 3753 of this title; section 4355 of Title 23 (Domestic Relations); section 933 of Title 42 (Judiciary and Judicial Procedure).

§ 1551. Notice of department action.

The department shall promptly mail a notice to each person whose license is suspended as a result of the accumulation of points under section 1539 (relating to suspension of operating privilege on accumulation of points). The notice shall be mailed to the address of record within six months following the conviction of a violation of this title that resulted in the addition of sufficient points to cause the suspension. Failure of the department to mail notice of suspension as required by this section shall prohibit the department from suspending the license of such person. This section shall not apply to any suspension which would have been imposed as the result of points which have been assigned to a person's record after the person has filed an appeal under section 1550 (relating to judicial review) until the appeal has been finally determined and for six months after the department is notified of the determination. This section shall not apply to a suspension imposed as the result of the determination of the appeal whether it be the reimposition of the suspension originally ordered or the imposition of a different suspension required because the department must recalculate the record due to a court order. (Apr. 28, 1978, P.L.202, No.53, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. July 1, 1999)

§ 1552. Accelerated Rehabilitative Disposition.

The court of common pleas in each judicial district and the Municipal Court of Philadelphia shall establish and implement a program for Accelerated Rehabilitative Disposition for persons charged with a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) in accordance with the provisions of this chapter, Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs) and rules adopted by the Supreme Court.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Nov. 29, 2004, P.L.1369, No.177, eff. imd.)

§ 1553. Occupational limited license.

(a) Issuance.--

(1) The department shall issue an occupational limited license under the provisions of this section to a driver whose operating privileges have been suspended and is not

prohibited under any other provision in this section. If the underlying reason for the suspension was caused by violations committed while the driver was operating a commercial motor vehicle, the driver shall not be issued an occupational limited license for the purpose of operating a commercial motor vehicle. The department shall prohibit the issuance of an occupational limited license when disqualified from doing so under the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570, 49 U.S.C. App. § 2701 et seq.) or the Motor Carrier Safety Improvement Act of 1999 (Public Law 106-159, 113 Stat. 1748).

(2) The department shall not issue an occupational limited license to drivers whose operating privileges have been recalled, canceled or revoked.

(b) Petition.--

(1) The applicant for an occupational limited license must file a petition with the department, by certified mail, setting forth in detail the need for operating a motor vehicle. The petition shall be on a form prescribed by the department and shall identify the specific motor vehicle or vehicles the petitioner seeks permission to operate. The petition shall include an explanation as to why the operation of a motor vehicle is essential to the petitioner's occupation, work, trade, treatment or study. The petition shall identify the petitioner's employer, educational institution or treatment facility, as appropriate, and shall include proof of financial responsibility covering all vehicles which the petitioner requests to be allowed to operate. The department shall promulgate regulations to require additional information as well as additional evidence to verify the information contained in the petition.

(2) The petitioner shall surrender his driver's license in accordance with section 1540 (relating to surrender of license). If the petitioner's driver's license has been lost or stolen, the petitioner shall submit an application for a replacement license, along with the proper fee. If the petitioner is a nonresident licensed driver, the petitioner shall submit an acknowledgment of suspension in lieu of a driver's license. If the petitioner's license has expired, the petitioner shall submit an application for renewal, along with the appropriate fee. All fines, costs and restoration fees must be paid at the time of petition.

(3) Consistent with the provisions of this section, the department shall issue an occupational limited license to the applicant within 20 days of receipt of the petition.

(4) (i) A person whose operating privilege has been suspended for a conviction of section 1543 (relating to driving while operating privilege is suspended or revoked) may not petition for an occupational limited license unless department records show that the suspension for a conviction of section 1543 occurred only as the result of:

(A) a suspension for failure to respond to a citation imposed under the authority of section 1533 (relating to suspension of operating privilege for failure to respond to citation) or 6146 (relating to

enforcement agreements);

(B) a suspension for failure to undergo a special examination imposed under the authority of section 1538(a) (relating to school, examination or hearing on accumulation of points or excessive speeding);

(C) a suspension for failure to attend a departmental hearing imposed under the authority of section 1538(b); or

(D) a suspension that occurred as a result of a violation of section 1772(b) (relating to suspension for nonpayment of judgments), 1774 (relating to payments sufficient to satisfy judgments) or 1775 (relating to installment payment of judgments).

(ii) The petition may not be filed until three months have been served for the suspension under section 1543(a).

(c) Fee.--The fee for applying for an occupational limited license shall be \$50. This fee shall be nonrefundable and no other fee shall be required.

(d) Unauthorized issuance.--The department shall prohibit issuance of an occupational limited license to:

(1) A driver who is not licensed to drive by this or any other state.

(2) Any person who is required by this title to take an examination and who has failed to take and pass such an examination.

(3) Any person who has an unsatisfied judgment against him as the result of a motor vehicle operation, until such judgment has been satisfied under the provisions of section 1774 (relating to payments sufficient to satisfy judgments) or an installment agreement has been entered into to satisfy the judgment as permitted under section 1772(b) (relating to suspension for nonpayment of judgments) or 1775 (relating to installment payment of judgments) and the financial responsibility of such person has been established.

(4) Any person applying for an occupational limited license to operate a commercial motor vehicle whose commercial driver's license privilege is disqualified under the provisions of section 1611 (relating to disqualification).

(5) Any person who, at the time he applies for an occupational limited license, has previously been granted such a privilege within the period of five years next preceding such application.

(6) Any person who has been adjudicated delinquent, granted a consent decree or granted Accelerated Rehabilitative Disposition for driving under the influence of alcohol or controlled substance unless the suspension or revocation imposed for that conviction has been fully served.

(7) Any person whose operating privilege has been suspended for refusal to submit to chemical testing to determine the amount of alcohol or controlled substance unless that suspension has been fully served.

(8) Except as set forth in subsections (d.1) and (d.2),

any person who has been convicted of driving under the influence of alcohol or controlled substance and whose license has been suspended by the department unless the suspension imposed has been fully served.

(9) Except as set forth in subsection (d.3), any person whose operating privilege has been suspended for a violation of 18 Pa.C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) unless the suspension imposed has been fully served.

(10) Any person whose operating privilege has been suspended pursuant to either section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or section 1532(c) (relating to suspension of operating privilege) unless the suspension imposed has been fully served.

(11) Any person whose operating privilege has been suspended or revoked as the result of a conviction of or as a result of a court order in conjunction with an adjudication of delinquency or the granting of a consent decree for any offense under the following provisions, unless the suspension or revocation has been fully served:

Section 3345(a) (relating to meeting or overtaking school bus).

Section 3367 (relating to racing on highways).

Any violation of Ch. 37 Subch. B (relating to serious traffic offenses) or C (relating to accidents and accident reports).

(12) Any person whose operating privilege is currently suspended for failure to respond to a citation pursuant to section 1533 or 6146.

(13) Any person whose operating privilege is currently suspended pursuant to section 1784 (relating to proof of financial responsibility following violation), 1785 (relating to proof of financial responsibility following accident) or 1786 (relating to required financial responsibility).

(14) Any person whose operating privilege is currently suspended for failure to attend and satisfactorily complete a driver improvement course or failure to attend a hearing required under section 1538.

(15) Any person whose operating privilege has been suspended for a conviction of section 1543 unless department records show that the suspension for a conviction of section 1543 occurred only as a result of:

(i) a suspension for failure to respond to a citation imposed under the authority of section 1533 or 6146;

(ii) a suspension for failure to undergo a special examination imposed under the authority of section 1538(a); or

(iii) a suspension for failure to attend a departmental hearing imposed under the authority of section 1538(b).

(16) Any person whose operating privilege has been suspended under an interjurisdictional agreement as provided for in section 6146 as the result of a conviction or

adjudication if the conviction or adjudication for an equivalent offense in this Commonwealth would have prohibited the issuance of an occupational limited license.

(17) Any person whose operating privilege has been suspended as the result of a conviction of a violation of section 7102(b) (relating to removal or falsification of identification number), 7103(b) (relating to dealing in vehicles with removed or falsified numbers), 7111 (relating to dealing in titles and plates for stolen vehicles), 7121 (relating to false application for certificate of title or registration) or 7122 (relating to altered, forged or counterfeit documents and plates) unless the suspension has been fully served.

(18) Any person whose operating privilege has been suspended under section 1532 (a.1) for conviction or adjudication of delinquency based on a violation of section 3732 (relating to homicide by vehicle) or 3735 (relating to homicide by vehicle while driving under influence).

(d.1) Adjudication eligibility.--An individual who has been convicted of an offense under section 3802 (relating to driving under influence of alcohol or controlled substance) and does not have a prior offense as defined in section 3806(a) (relating to prior offenses) shall be eligible for an occupational limited license only if the individual has served 60 days of the suspension imposed for the offense.

(d.2) Suspension eligibility.--

(1) An individual whose license has been suspended for a period of 18 months under section 1547(b)(1)(ii) (relating to chemical testing to determine amount of alcohol or controlled substance) or 3804(e)(2)(ii) (relating to penalties) shall not be prohibited from obtaining an occupational limited license under this section if the individual:

- (i) is otherwise eligible for restoration;
- (ii) has served 12 months of the suspension imposed for the offense;
- (iii) has no more than one prior offense as defined in section 3806(b);
- (iv) only operates a motor vehicle equipped with an ignition interlock system as defined in section 3801 (relating to definitions); and
- (v) has certified to the department under paragraph

(3).

(2) A period of ignition interlock accepted under this subsection shall not count towards the one-year mandatory period of ignition interlock imposed under section 3805 (relating to ignition interlock).

(3) If an individual seeks an occupational limited license under this subsection, the department shall require that each motor vehicle owned or registered to the person has been equipped with an ignition interlock system as defined in section 3801 as a condition of issuing an occupational limited license with an ignition interlock restriction.

(d.3) Suspension eligibility related to Title 18 violation.--An individual whose operating privilege has been suspended for a violation of 18 Pa.C.S. § 6308 shall be eligible

for an occupational limited license unless the individual has previously violated 18 Pa.C.S. § 6308.

(e) Offenses committed during a period for which an occupational limited license has been issued.--Any driver who has been issued an occupational limited license and as to whom the department receives a report of conviction of an offense for which the penalty is a cancellation, disqualification, recall, suspension or revocation of operating privileges or a report under section 3815(c)(4) (relating to mandatory sentencing) shall have the occupational limited license recalled, and the driver shall surrender the limited license to the department or its agents designated under the authority of section 1540.

(f) Restrictions.--A driver who has been issued an occupational limited license shall observe the following:

(1) The driver shall operate a designated vehicle only:

(i) Between the driver's place of residence and place of employment or study and as necessary in the course of employment or conducting a business or pursuing a course of study where the operation of a motor vehicle is a requirement of employment or of conducting a business or of pursuing a course of study.

(ii) To and from a place for scheduled or emergency medical examination or treatment. This subparagraph includes treatment required under Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs).

(2) A driver who has been issued an occupational limited license shall not operate a school bus.

(3) Any person who violates the conditions of issuance or restrictions of the occupational limited license commits a summary offense and shall, upon conviction, pay a fine of \$200 and, upon receipt of a certified record of conviction, the department shall recall the limited license.

(4) The operating privilege of a driver who has been issued an occupational limited license remains under suspension or revocation except when operating a motor vehicle in accordance with the conditions of issuance or restrictions of the occupational limited license.

(5) A driver who has been issued an occupational limited license shall possess a completed occupational limited license affidavit on a form prescribed by the department at all times when operating a motor vehicle. The driver shall exhibit the completed form upon demand by a police officer. The affidavit shall indicate that the driver is operating the motor vehicle at a time and between places in accordance with the restrictions of paragraph (1). An occupational limited license affidavit shall contain information required by regulations which shall be promulgated by the department. The driver is not required to possess a completed occupational limited license affidavit when operating a motor vehicle to a location for emergency medical treatment.

(g) Changes in condition.--A driver who is granted an occupational limited license shall immediately inform the department in writing of any change in the conditions under which that driver applied for the occupational limited license. Upon failure to give prompt notice of any changes or if the

conditions for the limited license no longer exist, the department shall recall the occupational limited license.

(h) Appeal from denial or recall of occupational limited license.--Any driver who is denied an occupational limited license or whose occupational limited license is recalled may file with the department a petition for a hearing. The hearing shall be conducted in accordance with Title 2 (relating to administrative law and procedure). The department may charge a reasonable fee based on the cost to the department for conducting such a hearing. The appeal shall not operate as an automatic supersedeas. If an administrative hearing officer orders a supersedeas in any appeal, the petitioner shall earn no credit toward serving the suspension for which the petitioner was granted an occupational limited license. An appeal from a decision of an administrative hearing officer may be taken in the manner provided in 42 Pa.C.S. § 763(a) (relating to direct appeals from government agencies). Appeals under this subchapter are exempt from the provisions of section 1550(b) (relating to judicial review) and from the provisions of 42 Pa.C.S. § 933 (relating to appeals from government agencies). (May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Dec. 7, 1994, P.L.820, No.115, eff. imd.; Dec. 12, 1994, P.L.1048, No.143, eff. 9 months; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsecs. (b)(1), (c), (d)(6), (8) and (9), (e) and (f) and added subsecs. (d.1), (d.2) and (d.3). See section 20(1) of Act 24 in the appendix to this title for special provisions relating to duties of Department of Transportation.

2002 Amendments. Act 123 amended subsecs. (b) and (d) and Act 229 amended subsecs. (a) and (d)(11). See section 21 of Act 229 in the appendix to this title for special provisions relating to promulgation of guidelines to implement Act 229.

1994 Amendment. Act 115 amended subsec. (d)(10) and Act 143 amended subsecs. (b), (d), (e) and (h). Act 143 overlooked the amendment by Act 115, but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (d)(10).

1990 Amendment. Act 42 added section 1553.

References in Text. Section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, referred to in subsec. (d)(10), was repealed by the act of February 10, 1994 (P.L.20, No.3).

Sections 7102 and 7103, referred to in subsec. (d)(17), are repealed.

Cross References. Section 1553 is referred to in sections 3806, 3808, 3815 of this title.

§ 1554. Probationary license.

(a) Issuance.--Unless otherwise prohibited under any other provision in this section, the department may issue a probationary license under this section to:

- (1) a person who has been designated as a habitual

offender under section 1542 (relating to revocation of habitual offender's license) and whose operating privilege has been revoked; or

(2) a person with an accumulation of suspensions or revocations wherein the cumulative term of suspension or revocation is five or more years.

The department may issue a probationary license for the operation of only a Class C noncommercial motor vehicle.

(b) Petition.--

(1) An applicant for a probationary license must file a petition with the department by certified mail setting forth in detail the need for operating a motor vehicle. The petition shall be on a form prescribed by the department and shall identify the specific motor vehicles the petitioner seeks permission to operate. The petition shall include the operator's name, address and operator number and proof of financial responsibility. The department may require additional information as well as verification of the information contained in the petition. All fines, costs and restoration fees must be paid at the time of the petition.

(2) Before being eligible to petition for a probationary license, a person must have served and earned credit toward serving the following terms of suspension or revocation for offenses enumerated in sections 1532 (relating to revocation or suspension of operating privilege), 1539 (relating to suspension of operating privilege on accumulation of points) and 1543 (relating to driving while operating privilege is suspended or revoked):

(i) A person with one to seven offenses must have earned credit for at least a three-year term of suspension or revocation.

(ii) A person with 8 to 14 offenses must have earned credit for at least a four-year term of suspension or revocation.

(iii) A person with 15 to 21 offenses must have earned credit for at least a five-year term of suspension or revocation.

(iv) A person with 22 or more offenses must have earned credit for at least a six-year term of suspension or revocation.

(3) The applicant must prove to the satisfaction of the department that the applicant has not driven a motor vehicle during the minimum period of suspension or revocation.

(c) Fee.--The fee for applying for a probationary license shall be \$25. The fee shall be nonrefundable. The annual fee for issuance of a probationary license shall be \$50, plus the cost of the photograph required in section 1510(a) (relating to issuance and content of driver's license), which shall be in addition to all other licensing fees.

(d) Initial issuance.--

(1) Prior to issuance of a probationary license, the petitioner must be interviewed at a departmental review session.

(2) The department may require the petitioner to satisfactorily complete one or more of the following:

(i) A driver improvement program, the cost of the program to be borne by the petitioner.

(ii) Any examination as provided for in section 1508 (relating to examination of applicant for driver's license).

(iii) A special examination that addresses knowledge of safe driving practices, departmental sanctions and related safety issues.

(3) The probationary license shall be issued only upon recommendation of the department.

(4) If the applicant recommended for a probationary license is not licensed to drive in this or any other state, the licensee shall not immediately be issued a probationary license. The applicant shall be permitted to apply for a Class C learner's permit under the provisions of section 1505(a) (relating to learners' permits). Thirty days after the issuance of the learner's permit, the applicant shall be eligible to test for a driver's license under the provisions of section 1508(a). If the applicant successfully passes all the required examinations, the department then may issue a probationary license to the applicant.

(e) Renewal.--The department may require a probationary license holder to attend a departmental review session and to satisfactorily complete a driver improvement program or special examination preceding renewal of the probationary license.

(f) Unauthorized issuance.--The department shall not issue a probationary license to:

(1) A person who has not fully served a minimum term of suspension or revocation under the provisions of subsection (b) (2).

(2) Except as provided in subsection (d) (4), a person who is not licensed to drive by this or any other state.

(3) A person whose operating privilege is currently suspended under section 1533 (relating to suspension of operating privilege for failure to respond to citation) or 6146 (relating to enforcement agreements).

(4) A person who has not satisfactorily completed a driver improvement course or special examination or who has not attended a hearing required under section 1538 (relating to school, examination or hearing on accumulation of points or excessive speeding).

(5) A person against whom there is an unsatisfied judgment resulting from the operation of a motor vehicle, until the judgment has been satisfied under the provisions of section 1774 (relating to payments sufficient to satisfy judgments) or an installment agreement has been entered into to satisfy the judgment as permitted under section 1772(b) (relating to suspension for nonpayment of judgments) or 1775 (relating to installment payment of judgments) and the financial responsibility of the person has been established.

(6) (Deleted by amendment).

(7) A person who has previously been issued a probationary license.

(8) A person who has been convicted of a violation of section 3802 (relating to driving under influence of alcohol

or controlled substance) or former section 3731, within the preceding seven years.

(9) A person who has been suspended for refusal to submit to chemical testing to determine the amount of alcohol or controlled substance within the preceding seven years.

(10) A person who has been granted Accelerated Rehabilitative Disposition for the offense of driving under the influence of alcohol or a controlled substance within the preceding seven years.

(11) A person who has ever been convicted of a violation of section 3732 (relating to homicide by vehicle) or 3735 (relating to homicide by vehicle while driving under influence).

(12) A person convicted of a violation of section 1543(b) within the preceding seven years.

(13) A person who has been convicted of a violation of section 3742.1 (relating to accidents involving death or personal injury while not properly licensed) within the preceding seven years.

(14) A person who has been convicted of a violation of section 3735.1 (relating to aggravated assault by vehicle while driving under the influence) within the preceding seven years.

(g) Offenses or violations committed during a period for which a probationary license has been issued.--

(1) If a person who has been issued a probationary license is convicted of any of the offenses enumerated in section 1535 (relating to schedule of convictions and points), the probationary license shall be recalled for 30 days for each point accumulated, and the person shall surrender the probationary license to the department or its agents designated under the authority of section 1540 (relating to surrender of license).

(2) If a person who has been issued a probationary license is convicted, adjudicated delinquent or admitted to any preadjudication program for an offense for which the penalty is suspension, cancellation, disqualification or revocation of the operating privilege or if the department receives a report that the person has refused to submit to chemical testing as required by section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) or a report that the driver has been granted a consent decree or Accelerated Rehabilitative Disposition, the probationary license shall be canceled, and the person shall surrender the probationary license to the department or its agents designated under the authority of section 1540.

(h) Restrictions on use of probationary license.--

(1) For the first three years after initial issuance of a probationary license, the person who has been issued the probationary license shall operate only the specific motor vehicles identified in the petition filed with the department and only between the hours of 6 a.m. and 7 p.m. or such later hour as may be agreed to by the department.

(2) Any person who violates the conditions of issuance or restrictions of a probationary license commits a summary

offense and shall, upon conviction, be sentenced to pay a fine of \$500, and the department shall recall the probationary license for a period of one year.

(i) Term of license.--A probationary license shall be valid for a period of one year from the date of issuance. If the driver has complied with the provisions of this section, the license may be renewed on an annual basis.

(j) Appeal from cancellation, denial or recall of probationary license.--

(1) A person who is denied a probationary license or whose probationary license is canceled or recalled may file with the department a petition for a hearing.

(2) The hearing shall be conducted in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

(3) The department may charge a reasonable fee based on the cost to the department for the hearing.

(4) The appeal shall not operate as an automatic supersedeas. If the administrative hearing officer orders a supersedeas, the petitioner shall earn no credit towards serving the suspension for which the petitioner was granted a probationary license.

(5) An appeal from a decision of an administrative hearing officer may be taken in the manner provided in 42 Pa.C.S. § 763(a) (relating to direct appeals from government agencies). Such appeals are exempt from the provisions of section 1550(b) (relating to judicial review) and from the provisions of 42 Pa.C.S. § 933 (relating to appeals from government agencies).

(k) Limitation.--A person to whom a probationary license is issued for six consecutive years shall be eligible to apply for a regular driver's license at the fee prescribed by section 1951(a) (relating to driver's license and learner's permit) upon satisfactory completion of the sixth year of the probationary license.

(Dec. 12, 1994, P.L.1048, No.143, eff. 9 months; Dec. 21, 1998, P.L.1126, No.151; Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (f)(8).

2002 Amendments. Act 123 amended subsecs. (d), (f)(2) and (g) and Act 229 added subsec. (f)(13) and (14). See section 21 of Act 229 in the appendix to this title for special provisions relating to promulgation of guidelines to implement Act 229.

1998 Amendment. Act 151 amended subsecs. (a) and (f)(4) and deleted subsec. (f)(6), effective in one year as to subsec. (a), July 1, 1999, as to subsec. (f)(4) and 60 days as to subsec. (f)(6).

1994 Amendment. Act 143 added section 1554.

Cross References. Section 1554 is referred to in section 1516 of this title.

§ 1555. Delay of suspension, revocation or disqualification.

(a) General rule.--Upon receiving certification that a person has filed a timely appeal from a criminal conviction that has caused the department to issue a notice of suspension,

revocation or disqualification, the department may delay commencement of the suspension, revocation or disqualification for a period of up to six months. It shall be the responsibility of the person to obtain from the court in which the appeal was filed a statement which certifies that the person filed a timely appeal from the conviction and to forward the certification to the department, accompanied by a request for the six-month delay from the department.

(b) Additional delay.--A person may obtain an additional six-month delay if the person obtains and forwards to the department an additional certification from the court that the appeal is still pending before the court.

(c) Period of delay.--An initial or additional six-month period of delay shall be measured from the date on which the court certifies that the appeal is pending before it.
(July 6, 1995, P.L.315, No.48, eff. 60 days)

1995 Amendment. Act 48 added section 1555.

SUBCHAPTER C

VIOLATIONS

Sec.

- 1571. Violations concerning licenses.
- 1572. Cancellation of driver's license.
- 1573. Displaying a foreign license during suspension or revocation.
- 1574. Permitting unauthorized person to drive.
- 1575. Permitting violation of title.
- 1576. Local authorities liable for negligence of their employees (Repealed).

§ 1571. Violations concerning licenses.

(a) Offenses defined.--It is unlawful for any person:

- (1) To exhibit or cause or permit to be exhibited or have in possession any recalled, canceled, suspended, revoked or disqualified driver's license.
- (2) To lend a driver's license to any other person or permit the use thereof by another.
- (3) To exhibit or represent as one's own any driver's license not issued to the person.
- (4) To fail or refuse to surrender to the department upon lawful demand a recalled, canceled, suspended, revoked, disqualified, fictitious or fraudulently altered driver's license.
- (5) To exhibit or cause or permit to be exhibited or have in possession a fictitious or fraudulently altered driver's license.

(a.1) Employees and agents.--It is unlawful for any department employee or any agent of the department to issue a fictitious or fraudulently altered driver's license when the employee or agent has knowledge that the application for the driver's license or the driver's license contains fictitious or fraudulent information.

(b) Penalty.--

(1) Any person violating the provisions of subsection (a)(1) through (4) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

(2) Any person violating the provisions of subsection (a)(5) commits a misdemeanor of the first degree and shall be sentenced as provided in 18 Pa.C.S. §§ 1101(4) (relating to fines) and 1104(1) (relating to sentence of imprisonment for misdemeanors).

(3) Any person violating the provisions of subsection (a.1) commits a felony of the third degree and shall be sentenced as provided in 18 Pa.C.S. §§ 1101(3) (relating to fines) and 1103(3) (relating to sentence of imprisonment for felony). Each fictitious or fraudulently altered driver's license issued by a department employee or an agent of the department shall constitute a separate offense.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Oct. 2, 2002, P.L.801, No.114, eff. 60 days)

Cross References. Section 1571 is referred to in section 1535 of this title.

§ 1572. Cancellation of driver's license.

(a) General rule.--

(1) The department may cancel any driver's license upon determining that one of the following applies:

(i) The licensee was not entitled to the issuance.

(ii) The person failed to give the required or correct information or committed fraud in making the application or in obtaining the license.

(iii) The license has been materially altered.

(iv) The fee has not been paid.

(v) The licensee voluntarily surrenders his driving privilege.

(2) Upon the cancellation, the licensee shall immediately surrender the canceled license to the department.

(b) Other states.--The department shall cancel a driver's license issued to an individual who has applied for a Pennsylvania driver's license after the commission of an offense in another state which later resulted in suspension, revocation or disqualification in the other state if the offense would have resulted in the suspension, revocation or disqualification under this title or where the offense was substantially similar to offenses which in this State would have caused a suspension, revocation or disqualification.

(July 10, 1990, P.L.356, No.83, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

1998 Amendment. Act 151 amended subsec. (b).

Cross References. Section 1572 is referred to in sections 1550, 1611 of this title.

§ 1573. Displaying a foreign license during suspension or revocation.

(a) Offense defined.--It is unlawful for any resident or nonresident whose operating privilege to drive a motor vehicle in this Commonwealth has been recalled, canceled, suspended, revoked or disqualified as provided in this title to display a

license or permit issued by any other jurisdiction or otherwise during the suspension or after the recall, cancellation, revocation or disqualification until the individual's operating privilege has been restored by the department.

(b) Display of regular license.--

(1) A resident of this Commonwealth who holds a commercial driver's license issued by this Commonwealth under Chapter 16 (relating to commercial drivers) shall be permitted to display a regular driver's license issued by the department in the event that the resident's commercial driver's license is disqualified.

(2) A nonresident who holds a commercial driver's license issued by a state other than this Commonwealth shall be permitted to display a regular driver's license issued by that person's state of residence in the event that the nonresident's commercial driver's license is disqualified.

(3) A nonresident who holds a nonresident commercial driver's license issued by this Commonwealth under Chapter 16 shall be permitted to display a regular driver's license issued by the nonresident's country in the event that the person's nonresident commercial driver's license is disqualified.

(c) Penalty.--Any person violating the provisions of this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200. This penalty shall be in addition to any other penalties imposed under this title.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990)

§ 1574. Permitting unauthorized person to drive.

(a) General rule.--No person shall authorize or permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under this chapter or who is not licensed for the type or class of vehicle to be driven.

(b) Penalty.--Any person violating the provisions of subsection (a) is guilty of a summary offense and shall be jointly and severally liable with the driver for any damages caused by the negligence of such driver in operating the vehicle.

§ 1575. Permitting violation of title.

(a) General rule.--No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven in violation of any of the provisions of this title.

(b) Penalty.--Any person violating the provisions of subsection (a) is guilty of a summary offense and is subject to the same fine as the driver of the vehicle. If the driver is convicted under section 3735 (relating to homicide by vehicle while driving under influence) or 3802 (relating to driving under influence of alcohol or controlled substance), the person violating subsection (a) shall also be subject to suspension or revocation, as applicable, under sections 1532 (relating to revocation or suspension of operating privilege), 1542 (relating to revocation of habitual offender's license) and 3804(e) (relating to penalties).

(c) Indemnification.--In cases where a driver of a motor vehicle is required to conduct a pretrip safety inspection

pursuant to department regulations and is subsequently convicted of one or more equipment violations under this title, the owner of the vehicle shall indemnify the driver for any fines and costs paid if the specific equipment violation was listed on the driver's pretrip inspection report and acknowledged in writing by the owner.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (b).

§ 1576. Local authorities liable for negligence of their employees (Repealed).

1978 Repeal Note. Section 1576 was repealed November 26, 1978, P.L.1399, No.330, effective in 60 days.

SUBCHAPTER D

DRIVER'S LICENSE COMPACT

Sec.

- 1581. Driver's License Compact.
- 1582. Definitions.
- 1583. Compensation of compact administrator.
- 1584. Furnishing of information to other states.
- 1585. Actions of courts and other agencies.
- 1586. Duties of department.

Enactment. Subchapter D was added December 10, 1996, P.L.925, No.149, effective immediately unless otherwise noted.

Cross References. Subchapter D is referred to in section 3804 of this title.

§ 1581. Driver's License Compact.

The Driver's License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article I

Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with State and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

Article II Definitions

As used in this compact:

(a) "**State**" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

(b) "**Home state**" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "**Conviction**" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense and which conviction or forfeiture is required to be reported to the licensing authority.

Article III Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted, describe the violation specifying the section of the statute, code or ordinance violated, identify the court in which action was taken, indicate whether a plea of guilty or not guilty was entered or the conviction was a result of the forfeiture of bail, bond or other security and shall include any special findings made in connection therewith.

Article IV Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state in the case of convictions for:

(1) manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) any felony in the commission of which a motor vehicle is used; or

(4) failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) of this article as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

Article V

Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

Article VI

Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

Article VII

Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or

documents reasonably necessary to facilitate the administration of this compact.

Article VIII

Entry into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

Article IX

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Effective Date. Section 10 of Act 149 of 1996 provided that, in recognition of the technical and administrative limitations under which the Department of Transportation is currently operating, the effective date of section 1581 Art. IV(b) shall be suspended until the repeal of section 10. Section 11(2) of Act 149 provided that the addition of section 1581 Art. IV(b) shall take effect on the date of the repeal of section 10 of Act 149.

Cross References. Section 1581 is referred to in sections 1532, 1543, 3804 of this title.

§ 1582. Definitions.

As used in this subchapter and in the compact with reference to this Commonwealth:

(1) **"Licensing authority"** means the Department of Transportation of the Commonwealth.

(2) **"Executive head"** means the Governor.

(3) **"Compact administrator"** means the Secretary of Transportation of the Commonwealth.

§ 1583. Compensation of compact administrator.

The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or

responsibilities of his office or employment.

§ 1584. Furnishing of information to other states.

The Department of Transportation of the Commonwealth shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact. The omission from any report received by the department from a party state of any information required by Article III of the compact shall not excuse or prevent the department from complying with its duties under Articles IV and V of the compact.

(Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

§ 1585. Actions of courts and other agencies.

Any court or other agency of this Commonwealth, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the Department of Transportation within the period specified in sections 6322 (relating to reports by issuing authorities) and 6323 (relating to reports by courts).

§ 1586. Duties of department.

The department shall, for purposes of imposing a suspension or revocation under Article IV of the compact, treat reports of convictions received from party states that relate to driving, operating or being in actual physical control of a vehicle while impaired by or under the influence of alcohol, intoxicating liquor, drugs, narcotics, controlled substances or other impairing or intoxicating substance as being substantially similar to section 3802 (relating to driving under influence of alcohol or controlled substance). The fact that the offense reported to the department by a party state may require a different degree of impairment of a person's ability to operate, drive or control a vehicle than that required to support a conviction for a violation of section 3802 shall not be a basis for determining that the party state's offense is not substantially similar to section 3802 for purposes of Article IV of the compact.

(Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)