
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1777 Session of
2017

INTRODUCED BY WHEATLEY, DEAN, BULLOCK, ROZZI, SIMS, CALTAGIRONE,
NEILSON, KIM, GAINNEY, KINSEY AND W. KELLER,
SEPTEMBER 12, 2017

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 12, 2017

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, establishing an amnesty
3 program for traffic violations.

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

6 Section 1. Chapter 15 of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER E

9 AMNESTY PROGRAM FOR TRAFFIC VIOLATIONS

10 Sec.

11 1591. Definitions.

12 1592. Amnesty program.

13 1593. Program requirements.

14 1594. Duties of department.

15 1595. Regulations.

16 1596. Report.

17 1597. Use of revenue.

18 1598. Proceedings relating to amnesty violations barred.

1 § 1591. Definitions.

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

5 "Amnesty period." The time period that begins on the
6 effective date of this section and ends 12 months after the
7 effective date of this section.

8 "Amnesty program." The amnesty program established in
9 section 1592 (relating to amnesty program).

10 "Court." The court in which the original fine was imposed on
11 the individual who committed an eligible violation of this
12 title.

13 "Ineligible violation." Any of the following:

14 (1) A violation of any of the following:

15 (i) Section 3732 (relating to homicide by vehicle).

16 (ii) Section 3735 (relating to homicide by vehicle
17 while driving under influence).

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

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

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

24 (vi) Chapter 38 (relating to driving after imbibing
25 alcohol or utilizing drugs) or former section 3731
26 (relating to driving under influence of alcohol or
27 controlled substance) if the violation was a second or
28 subsequent offense under Chapter 38 or former section
29 3731.

30 (2) A suspension imposed as a result of a violation of

1 this title that resulted in serious bodily harm or death to
2 another individual.

3 (3) A violation of this title for which the department
4 has imposed a disqualification under section 1611 (relating
5 to disqualification).

6 § 1592. Amnesty program.

7 (a) Establishment.--There is established an amnesty program
8 which shall be administered by the court in cooperation with the
9 department.

10 (b) Purposes.--The amnesty program shall:

11 (1) Provide individuals who have had their operating
12 privileges suspended based on certain violations of this
13 title with the opportunity to have their operating privileges
14 reinstated upon payment of any delinquent fines, fees and
15 penalties as provided in this subchapter.

16 (2) Require the department to reinstate the operating
17 privilege of an individual upon payment of any delinquent
18 fines, fees and penalties as provided in this subchapter.

19 (c) Amnesty period.--The amnesty period established for the
20 amnesty program shall be available to an individual who meets
21 all the following criteria:

22 (1) The individual was convicted of a violation of this
23 title, other than an ineligible violation, by the court prior
24 to the effective date of this subsection.

25 (2) The individual is delinquent in fines imposed by the
26 court based on the conviction.

27 (3) The operating privilege of the individual is
28 currently suspended by the department due to a violation of
29 this title for which the individual was convicted by the
30 court.

1 (d) Prohibitions.--The following shall apply:

2 (1) The court shall be prohibited from granting amnesty
3 for an ineligible violation.

4 (2) An individual shall be prohibited from filing an
5 amnesty request for convictions for violations committed
6 after the effective date of this subsection.

7 (3) Any payment regarding a fine, fee or penalty that
8 was made prior to the effective date of this subsection shall
9 be ineligible for a refund under this subchapter.

10 § 1593. Program requirements.

11 (a) Form.--An individual who seeks to participate in the
12 amnesty program shall file with the court an amnesty request in
13 the form and manner and containing information as the court
14 shall require.

15 (b) Satisfaction of payments owed.--

16 (1) The amnesty program shall accept, in full
17 satisfaction of the fines, fees and penalties owed by an
18 individual who committed a violation of this title, any of
19 the following:

20 (i) If the individual files an amnesty request
21 within three months of the effective date of this
22 subsection, 100% of the original fine, including any
23 surcharges imposed under the applicable laws of this
24 Commonwealth, excluding any late fines, fees and
25 penalties.

26 (ii) If the individual files an amnesty request
27 three months after the effective date of this subsection,
28 100% of the original fine, including any surcharges
29 imposed under the applicable laws of this Commonwealth
30 and no more than 50% of any late fines, fees and

1 penalties.

2 (iii) If the individual files an amnesty request
3 three months after the effective date of this subsection,
4 100% of the original fine, including any surcharges
5 imposed under the applicable laws of this Commonwealth
6 and no more than 25% of any late fines, fees and
7 penalties owed if the individual verifies under oath or
8 equivalent affirmation, subject to paragraph (2), that
9 the individual receives any of the following:

10 (A) Assistance provided under the medical
11 assistance program, the Children's Health Insurance
12 Program, the Homeless Assistance Program or the Low-
13 Income Home Energy Assistance Program.

14 (B) Supplemental Security income or Social
15 Security disability income.

16 (C) Assistance under Temporary Assistance to
17 Needy Families.

18 (D) Assistance under the Supplemental Nutrition
19 Assistance Program.

20 (E) Cash assistance or another benefit under a
21 program that is wholly or partially funded with funds
22 of the Commonwealth.

23 (2) The provisions of 18 Pa.C.S. § 4902 (relating to
24 perjury), 4903 (relating to false swearing) or 4904 (relating
25 to unsworn falsification to authorities) shall apply to the
26 individual providing the information or making the statement
27 under paragraph (1)(ii).

28 (c) Fee.--

29 (1) Notwithstanding section 1960 (relating to
30 reinstatement of operating privilege or vehicle

1 registration), an individual granted amnesty under the
2 amnesty program and whose operating privilege is reinstated
3 shall pay the amount required to restore the operating
4 privilege of the individual.

5 (2) The court may collect a fee that does not exceed 5%
6 of the amount accepted under subsection (c)(1) from an
7 individual who has been granted amnesty under the amnesty
8 program. This fee shall be collected along with the fines,
9 fees and penalties collected under subsection (c)(1).

10 (d) Proof of financial responsibility.--Notwithstanding
11 section 1783 (relating to proof of financial responsibility
12 before restoring operating privilege or registration), before
13 restoring operating privilege, the department shall require an
14 individual participating in the amnesty program to provide the
15 department with:

16 (1) proof of financial responsibility; or

17 (2) in the case of an individual who does not own a
18 motor vehicle currently registered in this Commonwealth, a
19 signed statement certifying that the individual does not own
20 a motor vehicle currently registered in this Commonwealth.

21 (e) Eligibility.--An individual shall not be eligible to
22 participate in the amnesty program under this subchapter on more
23 than one occasion, nor shall an individual who participated in
24 the amnesty program be eligible to participate in a comparable
25 amnesty program that is subsequently established.

26 (f) Participation.--The amnesty program shall give first
27 priority for participation in the amnesty program to the
28 following:

29 (1) An individual who, on the effective date of this
30 section, is enrolled in a payment plan for a violation of

1 this title that is not an ineligible violation.

2 (2) An individual who, on the effective date of this
3 section, has paid any delinquent fines, fees and penalties as
4 provided in this subchapter for a violation of this title
5 that is not an ineligible violation.

6 (g) Payments.--

7 (1) A payment under the amnesty program may be made by
8 credit card, debit card, electronic funds transfer, certified
9 check or money order.

10 (2) Payment under the amnesty program may be made:

11 (i) by one payment to satisfy the total amounts
12 owed; or

13 (ii) by installment payments under a payment plan
14 developed by the court for the individual.

15 (3) If an individual has entered into a payment plan
16 under paragraph (2)(ii), the department shall reinstate the
17 operating privilege of the individual upon the first payment
18 made under the payment plan.

19 (4) If an individual is delinquent in paying a scheduled
20 amount owed under the payment plan established through the
21 amnesty program, notice shall be sent to the individual
22 advising the individual that if the individual does not
23 resume timely payments within 30 days of the notice, the
24 operating privilege of the individual shall be suspended.

25 (5) The court shall certify to the department that an
26 individual has satisfied the amounts owed under the amnesty
27 program and is eligible to have the individual's operating
28 privilege reinstated.

29 § 1594. Duties of department.

30 (a) Posting information.--The department shall post on its

1 publicly accessible Internet website information regarding the
2 amnesty program, the requirements to participate in the program
3 and a list of ineligible violations.

4 (b) List.--No later than 90 days after the effective date of
5 this section, each court shall provide the department with a
6 list of all individuals who are delinquent in paying fines
7 imposed by the court for violations of this title. The
8 department shall identify all individuals on the list who have
9 had their operating privileges suspended by the department and
10 shall notify those individuals in writing of the existence of
11 the amnesty program. Written notice shall be sent to the last
12 known address of the individual. The sole purpose of the letter
13 sent by the department shall be notification of the existence of
14 the program.

15 (c) Removal.--Upon notice by the court that the court has
16 granted an individual amnesty under this subchapter, the
17 department shall immediately remove from the individual's
18 driving record all points imposed under section 1535 (relating
19 to schedule of convictions and points) based on the conviction
20 for which amnesty was granted. If the removal of points reduces
21 the number of points on the individual's driving record to a
22 number below the amount for which suspension is required under
23 section 1539 (relating to suspension of operating privilege on
24 accumulation of points), the department shall immediately
25 reinstate the operating privilege upon the individual's
26 compliance with section 1593 (relating to program requirements).

27 (d) Reinstatement.--The department shall not be required to
28 reinstate the operating privilege of an individual granted
29 amnesty under this subchapter if the department is authorized
30 under this title to suspend the operating privilege of the

1 individual for other violations of this title which occurred
2 outside the jurisdiction of the court or for which amnesty was
3 not granted.

4 (e) Compliance.--The department shall not be required to
5 reinstate the operating privilege of an individual granted
6 amnesty under this subchapter until the individual has complied
7 with section 1593.

8 (f) Procedure.--The department shall establish a procedure
9 to reinstate the operating privilege of an individual
10 immediately upon a grant of amnesty by the court and the
11 individual's compliance with this subchapter.

12 § 1595. Regulations.

13 The department shall promulgate regulations to implement the
14 provisions of this subchapter.

15 § 1596. Report.

16 The court and the department shall issue a joint report to
17 the General Assembly within six months after the end of the
18 amnesty period detailing the implementation of the program. The
19 report shall contain the following information:

20 (1) The number of amnesty requests filed with the court
21 and the number granted.

22 (2) A numeric summary of the violations for which
23 amnesty was granted.

24 (3) The total dollar amount of revenue collected through
25 the program and remitted to the Commonwealth.

26 (4) A detailed breakdown of the administrative costs to
27 the department and court in implementing the program.

28 § 1597. Use of revenue.

29 All revenue received by the court pursuant to the amnesty
30 program shall be distributed in accordance with law.

1 § 1598. Proceedings relating to amnesty violations barred.
2 Participation in the program is conditioned upon the
3 individual's agreement that the right to protest or pursue an
4 administrative or judicial proceeding against the department
5 with regard to violations listed on the amnesty request is
6 barred.

7 Section 2. This act shall take effect as follows:

8 (1) The following shall take effect immediately:

9 (i) This section.

10 (ii) The addition of the definition of "ineligible
11 violation" in 75 Pa.C.S. § 1591.

12 (iii) The addition of 75 Pa.C.S. §§ 1592(c), 1594
13 and 1595.

14 (2) The remainder of this act shall take effect in nine
15 months.