
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 16 Session of
2019

INTRODUCED BY BLAKE, FONTANA, SANTARSIERO, COSTA, HUGHES,
K. WARD, HAYWOOD, SCHWANK, BREWSTER AND TARTAGLIONE,
APRIL 18, 2019

REFERRED TO TRANSPORTATION, APRIL 18, 2019

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, providing for automatic
3 suspension and additional penalties.

4 This act may be referred to as Shane's Law.

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

7 Section 1. Title 75 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 1547.1. Automatic suspension and additional penalties.

10 (a) General rule.--Any driver who operates or is in actual
11 physical control of the movement of a vehicle in this
12 Commonwealth shall be deemed to have given consent to an
13 automatic suspension of driving privileges if a criminal
14 complaint has been filed against the driver and a preliminary
15 arraignment has occurred for a violation of the following:

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

18 (2) Section 3735.1 (relating to aggravated assault by

1 vehicle while driving under the influence).

2 (b) Period of suspension.--The following apply:

3 (1) The department shall suspend the operating privilege
4 of a driver under subsection (a) as follows:

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

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

9 (A) The driver's operating privileges have
10 previously been suspended under this section.

11 (B) The driver has, prior to the filing of a
12 complaint and the completion of a preliminary
13 arraignment for an offense listed under subsection
14 (a), been sentenced for any of the following:

15 (I) an offense under section 3802 (relating
16 to driving under influence of alcohol or
17 controlled substance);

18 (II) an offense under former section 3731
19 (relating to driving under influence of alcohol
20 or controlled substance); or

21 (III) an equivalent to an offense under
22 subclause (I) or (II).

23 (2) A suspension imposed pursuant to this section shall
24 count as credit toward any suspension imposed for a
25 conviction under either of the following:

26 (i) Section 3735.

27 (ii) Section 3735.1.

28 (c) Notice and right to appeal.--The following apply:

29 (1) It shall be the duty of the issuing authority named
30 in the citation to inform the driver that the driver's

1 operating privilege will be suspended upon the filing of a
2 criminal complaint and completion of a preliminary
3 arraignment for an offense listed under subsection (a) and
4 that the driver will be subject to a restoration fee of up to
5 \$2,000.

6 (2) Any driver whose operating privilege is suspended
7 under the provisions of this section shall have the same
8 right of appeal as provided for under section 1550 (relating
9 to judicial review).

10 (d) Ignition interlock.--Notwithstanding section 3805(c)
11 (relating to ignition interlock), if a driver receives a
12 suspension pursuant to this section who, at the time of the
13 offense, was required to comply with the provisions of section
14 3805 prior to obtaining a replacement license under section
15 1951(d) (relating to driver's license and learner's permit) and
16 is driving a vehicle at the time of offense that does not
17 contain an ignition interlock restriction or ignition interlock
18 limitation, the suspension imposed under this section shall
19 result in the recall of any ignition interlock restricted
20 license previously issued and the driver shall surrender the
21 ignition interlock restricted license or ignition interlock
22 limited license to the department. Prior to the issuance of a
23 replacement license under section 1951(d) that does not contain
24 an ignition interlock restriction or ignition interlock
25 limitation, the department shall require that the driver comply
26 with the provisions of section 3805.

27 (e) Restoration fees.--

28 (1) A driver whose operating privilege has been
29 suspended in accordance with subsection (b) or (c) shall:

30 (i) Except as provided in subparagraph (ii) or

1 (iii), pay a restoration fee of \$500.

2 (ii) If the department has previously suspended the
3 driver's operating privilege under this section or
4 section 1547 (relating to chemical testing to determine
5 amount of alcohol or controlled substance) on one
6 occasion, pay a restoration fee of \$1,000.

7 (iii) If the department has previously suspended the
8 driver's operating privilege under this section or
9 section 1547 on two or more occasions, pay a restoration
10 fee of \$2,000.

11 (2) All restoration fees imposed under this section must
12 be paid prior to the reinstatement of an individual's
13 unrestricted operating privilege or in accordance with
14 section 1556(b)(3) (relating to ignition interlock limited
15 license) or before a restricted license is issued in
16 accordance with section 3805.

17 Section 2. This act shall take effect in 60 days.