

**Garden State CLE Presents:**

## **N.J. Driver – PA DWI**



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**Part I**  
**Six Pieces of Pennsylvania Post-Conviction Advice**  
**You Should Provide Your New Jersey Client**

- 1) The Pennsylvania conviction will count for sentence enhancement purposes on a subsequent New Jersey offense. State vs. Cromwell, 194 N.J.Super 519(App.Div.1984); State vs. Regan, 209 N.J.Super 596(App.Div.1986).
- 2) A Pennsylvania DWI conviction is entered under a statute that is substantially similar to the N.J. DWI statute in that our law penalizes driving while under the influence of alcohol, regardless of the BAC. N.J.S.A. 39:4-50(a)(3). See State vs. Zeikel, 423 N.J.Super 34(App.Div.2011) (NY DWAI); DMV vs. Lawrence, 194 N.J.Super 1(App.Div.1983). But see N.J. Division of Motor Vehicles vs. Ripley, 364 N.J.Super 343(App.Div.2003) (Utah statute not substantially similar).
- 3) In conformity with the Interstate Driver License Compact (the Compact), N.J.S.A. 39:5D-1, the New Jersey MVC will impose an administrative suspension pegged to the offense level as opposed to the suspension that was imposed in Pennsylvania. State vs. Egan, 103 N.J. 350, 355-56(1986). See also N.J.A.C. 13:19-11.1(a). In such circumstances, defendant's suspension is explicitly authorized by N.J.S.A. 39:5D-4(a)(2). In re Johnson, 226 N.J.Super 1(App.Div.1988); DMV vs. Pepe, 379 N.J.Super 411(App.Div.2005); Boyd vs. DMV, 307 N.J.Super 356(App.Div.1998);
- 4) The Pennsylvania conviction will trigger a \$3000 MVC surcharge against the New Jersey resident driver;
- 5) A conviction for driving while intoxicated (DWI) in Pennsylvania (or another state) qualifies as a predicate conviction that can support an in-state conviction for driving during a second license suspension for DWI. N.J.S.A. 2C:40-26(b);
- 6) There is an open question as to whether a successful diversion through the Pennsylvania ARD program constitutes a second, third or subsequent "violation" for purposes of sentence enhancement.

## **Part II**

### **Elements of the Pennsylvania DWI Offenses**

1) Driving Under the Influence of Alcohol: It is unlawful to operate a motor vehicle in the Commonwealth: (A) “after imbibing a sufficient amount of alcohol such that the individual is rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle;” 75 Pa.C.S. §3802(a)(1); or (B) “after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual’s blood or breath is at least [0.08% but less than 0.10%], [at least 0.10% but less than 0.16%, [0.16% higher] within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle;” 75 Pa.C.S. §3802(a)(2),(b), (c).

2) Driving Under the Influence of Controlled Substances: It is unlawful to operate a motor vehicle in the Commonwealth if there is in an individual’s blood: (A) any Schedule I controlled substance as defined in Pennsylvania’s “Controlled Substance, Drug, Device and Cosmetic Act,” 35 Pa.C.S. 780-101, et. seq.; (B) any Schedule II or Schedule III controlled substance as defined in Pennsylvania’s “Controlled Substance, Drug, Device and Cosmetic Act,” 35 Pa.C.S. 780-101, et. seq., “which has not been medically prescribed for the individual;” (C) “any metabolite of a substance” under Schedule I or under Schedules II or III; (D) “is under the influence of a drug or combination of drugs to a degree which impairs the individual’s ability to safely, drive, operate or be in actual physical control of the movement of the vehicle;” (E) “is under the combined influence of alcohol and a drug or combination of drugs to a degree which impairs the individual’s ability to safely drive, operate or be in actual physical control of the movement of the vehicle;” or (F) “is under the influence of a solvent or noxious substance.” 75 Pa.C.S. §3802(d).

3) Chemical Testing: (A) While the statute says “blood or breath” will be tested, blood testing is the method used. (B) Portable breathalyzers (PBTs) can be used to determine probable cause for an arrest but cannot be inadmissible as proof of intoxication. Commonwealth vs. Stanley, 427 Pa.Super 422(1993).

4) Minors: “An individual who is under 21 years of age.” 75 Pa.C.S. §3801. It is illegal for a minor to operate a motor vehicle with a blood alcohol concentration of

0.02% or greater. 75 Pa.C.S. §3802(e). Ninety (90) day license suspension for minor in A.R.D.

5) Crime: Driving Under the Influence is a crime. The grading of the crime depends upon the level of impairment and the number of previous offenses. 75 Pa.C.S. §3803. See Appendix.

6) Commencement of Action: D.U.I. charges can be placed on a summons or on a warrant depending upon a number of factors including, but not limited to, whether additional charges are filed, the number of previous offenses, the perceived risk of offender's danger to the community. Pa. R. Crim. P. No. 519(A). If charges are placed on a summons, offender will receive notice to attend a preliminary hearing at a later date. If the charges are placed on a warrant, offender must be taken into custody and brought before a Magisterial District Judge ("MDJ") forthwith who will set bail release conditions.

7) Bail/Pretrial Supervision: Because D.U.I. is an offense under the Pennsylvania Crimes Code, bail must be set by a Magisterial District Judge. For first offenders, bail is customarily set at R.O.R. or an unsecured cash amount. For second or subsequent offenders, bail is customarily set at a higher unsecured cash amount or a secured cash amount with a ten percent (10%) option. Pretrial release conditions with pretrial supervision by the County Adult Probation office can be imposed such as – refrain from consumption of alcohol or non-prescription controlled substances. Pa. R. Crim. P. Nos. 523-528. An offender's driving privileges cannot be suspended as a bail condition. There are no bail guidelines. MDJs are not necessarily attorneys. MDJs are elected to six (6) year terms in their districts. For these reasons, bail release conditions are not uniform. Offender can request a bail modification hearing in the Court of Common Pleas.

8) Preliminary Hearing: A preliminary hearing must take place at the MDJ level where the Commonwealth must present a prima facie case that an offense has likely occurred and the accused is the likely offender. Pa. R. Crim. P. No. 543. Defendants have full due process rights including right to counsel, cross-examination, stenographic recording, compulsory attendance of witnesses, etc. Pa. R. Crim. P. No. 542 & 545. If the MDJ finds a prima facie case has been established, the case is transferred to the Court of Common Pleas for prosecution by the District Attorney. The arresting officer will prosecute the preliminary

hearing in the absence of more serious accompanying charges such as homicide by vehicle.

9) Accelerated Rehabilitative Disposition (A.R.D.): First time offenders are eligible for A.R.D. unless: (a) prior offense within ten (10) years; (b) there is an accident resulting in death or serious bodily injury to anyone other than accused; and (c) there was a passenger under the age of 14 in accused's vehicle. 75 Pa.C.S. §3807(a).

10) Jury Trial: Because D.U.I. is a crime, an accused has a right to a jury trial except in the case of an ungraded misdemeanor because the maximum penalty is six months incarceration. Only first offenses – general impairment or blood alcohol concentration of .10% or less – are ungraded misdemeanors. Pa. Const. Art. 1, §6.

11) Expert Witness Testimony: Pennsylvania is a Frye vs. United States, 293 F. 1013(D.C.Cir.1923) jurisdiction. Cummins vs. Rosa, 846 A.2d 148(Pa.2004).

12) Miscellaneous Pre-Sentencing: (A) Prior to sentencing, offenders must undergo a drug and alcohol assessment and a Court Reporting Network (“CRN”) evaluation. 75 Pa.C.S. §3814 and §3816. (B) Offender not entitled to deferred sentencing, but usually Court will be grant if requested and always will grant if assessment and evaluation are not completed because Court is prohibited from sentencing in the absence of same. (C) Offender is not entitled to a Pre-Sentence Investigation, but Court will request if there is a need such as a criminal history. Pa. R. Crim. P. 702(A).

13) Ten Year Look Back: There is a ten (10) year look-back for sentencing enhancements. The prior offense must have occurred within ten (10) years of the date of the offense for which offender is being sentenced. 75 Pa.C.S. §3806.

14) Graduated Sentencing: See Appendix.

15) Miscellaneous Post-Sentencing: (A) Where there is a third offense, or a second offense with a .16% or greater bac or a second offense controlled substance conviction, the post-custody period of parole supervision will be five years. 75 Pa.C.S. §3804(d).

16) Loss of Driving Privileges: (A) Executed and enforced solely through PENNDOT. The Courts no longer take the physical driver's licenses at sentencing. Rather, the Courts notify PENNDOT which sends a suspension letter which is effective thirty (30) days after the date of the letter. If an offender believes the suspension is inappropriate, the offender can commence a civil proceeding to contest the validity of the suspension and bears the burden of proof. (B) See Appendix for lengths of suspensions.

17) Driving While Suspended D.U.I. Related: If offender operates a motor vehicle while suspended from an A.R.D. admission, a D.U.I. conviction or a substantially similar out-of-state conviction, the penalties include a mandatory sixty (60) day term of incarceration and one year suspension of driving privileges with graduated penalties for subsequent offenses. 75 Pa.C.S. §1543(b).

18) Ignition Interlock: Ignition Interlock is required for all post-D.U.I. conviction restorations for 12 or 18 months depending upon the level of impairment and the number of prior offenses. However, there is an opportunity to cut the Ignition Interlock length in half. 75 Pa.C.S. §3805.

19) Refusal to Submit to Chemical Testing: The implied consent law requires licensed drivers to submit to a chemical test of blood or breath to determine blood alcohol content or the presence of a controlled substance if the police officer "has reasonable grounds to believe the person to have been driving, operating or in actual physical control of the movement of a motor vehicle while under the influence." 75 Pa.C.S. §1547(a). Failure to consent will result in a one year license revocation for a first offense and eighteen months for a subsequent offense. 75 Pa.C.S. §1547(b). A police officer must provide "O'Connell" warnings which advises offender that he cannot refuse consent and if he fails to submit to a chemical test his license will be suspended. Commonwealth vs. O'Connell, 521 Pa. 242(1989). While confusion often occurs where a police officer provides "O'Connell" warnings and Miranda rights at the same time, the Pennsylvania Supreme Court has stated that is not grounds to prevail in a license suspension appeal. See e.g., DOT v. Scott, 546 Pa. 241 (1995). See also Mackey vs. Montrym, 443 U.S. 1(1979) (pre-conviction d/l suspension prior to conviction). See also Pennsylvania vs. Muniz, 496 U.S. 582(1990) (Admissions and non-testimonial evidence – Admissions made during breath-test refusal).

20) Driver's License Compact: Pennsylvania is a signatory to the Driver's License Compact. 75 Pa.C.S. §1581. Accordingly, the Commonwealth will report out-of-state drivers who have received A.R.D. dispositions or D.U.I. convictions to signatory states.

21) Expungements: Successful completion of A.R.D. will result in eligibility for expungement. The Court of Common Pleas is supposed to process expungements automatically, but that does not always occur. 18 Pa.C.S. §9122. After ten (10) years, offender may be eligible for "clean slate" or "limited access." 18 Pa.C.S. §9122.1.

22) Occupational Limited License: Pennsylvania has an "Occupational Limited License" or work license. Offender must petition PENNDOT. However, OLL is not available for D.U.I. convictions. 75 Pa.C.S. §1553.

# PENNSYLVANIA DUI LAW GRADING AND SENTENCING GUIDE

DUI Law Sections Violated	1st In 10 YEARS	2nd In 10 YEARS	3rd In 10 YEARS	4th In 10 YEARS
§3802 (a)(1) Incapable of Safe Driving 1. No BAC available 2. No Implied Consent Violation 3. No Injury or Damage (accident)  §3802 (a)(2) BAC .08% to less than .10% 1.No injury or Damage (accident)	Ungraded Misdemeanor Mandatory 6 months Probation Fine \$300 AHSS No License Suspension, no interlock Full D&A Assessment if indicated by CRN	Ungraded Misdemeanor Jail 5 days to 6 months Fine \$300 to \$2,500 AHSS License Suspension - 12 months Interlock Eligibility after 6 months Ignition Interlock - 1 year Full D&A Assessment	Misdemeanor 2 Jail 10 days to 2 years Fine \$500 to \$5,000 License Suspension - 12 months Interlock Eligibility after 6 months Ignition Interlock - 1 year Full D&A Assessment	Felony 3 Jail 10 days to 7 Years Fine \$500 to \$15,000 License Suspension - 18 months Interlock Eligibility after 9 months Ignition Interlock - 1 year Full D&A Assessment DNA Sampling
§3802 (b) BAC .10% to less than .16% §3802 (a)(1)/(a)(2) with damage or injury §3802 (e) Minors .02% or greater §3802 (f) Commercial .04% or greater §3802 (f) School Vehicles .02% or greater §3802 (f) Commercial/School Vehicles incapable of safe driving	Ungraded Misdemeanor Jail 48 hours to 6 months Fine \$500 to \$5,000 AHSS License Suspension - 12 months Interlock Eligibility - immediately Ignition Interlock - 1 year Full D&A Assessment if indicated by CRN	Ungraded Misdemeanor Jail 30 days to 6 months Fine \$750 to \$5,000 AHSS License Suspension - 12 months Interlock Eligibility after 6 months Ignition Interlock - 1 year Full D&A Assessment	Misdemeanor 1 Jail 90 days to 5 years Fine \$1,500 to \$10,000 License Suspension - 18 months Interlock Eligibility after 9 months Ignition Interlock - 1 year Full D&A Assessment	Felony 3 Jail 1 to 7 years Fine \$1,500 to 15,000 License Suspension - 18 months Interlock Eligibility after 9 months Ignition Interlock - 1 year Full D&A Assessment DNA Sampling
§3802 (c) BAC .16 or higher §3802 (a)(1) with an Implied Consent Violation * <small>*Breath test refusal or refusal to submit to a valid search warrant.</small> §3802 (d) Controlled Substances  <small>Unless graded as a Felony 3, all offenses involving a passenger under the age of 18 shall be a Misdemeanor 1.</small>  <small>All offenses shall be graded as a Felony 3 if there is a prior conviction for Homicide by Vehicle While DUI.</small>	Ungraded Misdemeanor Jail 72 hours to 6 months Fine \$1,000 to \$5,000 AHSS License Suspension - 12 months Interlock Eligibility - immediately Ignition Interlock - 1 year Full D&A Assessment	Misdemeanor 1 Jail 90 days to 5 years Fine \$1,500 to \$10,000 AHSS License Suspension - 18 months Interlock Eligibility after 9 months Ignition Interlock - 1 year Full D&A Assessment	Felony 3 Jail 1 to 7 years Fine \$2,500 to \$15,000 License Suspension - 18 months Interlock Eligibility after 9 months Ignition Interlock - 1 year Full D&A Assessment DNA Sampling	Felony 3 Jail 1 to 7 years Fine \$2,500 to \$15,000 License Suspension - 18 months Interlock Eligibility after 9 months Ignition Interlock - 1 year Full D&A Assessment DNA Sampling
<b>ARD - Accelerated Rehabilitative Disposition</b>  <b>A DUI offense is eligible for ARD under the following circumstances:</b> <ul style="list-style-type: none"> <li>• It is a first offense within ten years.</li> <li>• No person, other than the offender, was killed or seriously injured.</li> <li>• There was no passenger in the offender's vehicle under the age of 14 at the time of the offense.</li> </ul>	<b>Mandatory License Suspension for ARD is as follows:</b> <ul style="list-style-type: none"> <li>• No suspension if BAC is under .10% and offender is not a minor.</li> <li>• A suspension of 30 days if BAC .10% to &lt;.16%.</li> <li>• A suspension of 60 days if BAC .16% or greater, BAC unknown, DUI involving drugs or violations of Implied Consent.</li> <li>• A suspension of 90 days if the offender is a minor.</li> </ul> <ul style="list-style-type: none"> <li>• Eligible to petition for the Ignition Interlock Limited License</li> </ul>			<b>Mandatory Conditions of ARD for a DUI Offense:</b> <ul style="list-style-type: none"> <li>• AHSS</li> <li>• Probation supervision of a minimum of 6 months up to a maximum of 12 months.</li> <li>• Full D&amp;A Assessment, if BAC .16 or greater or if CRN Profile report indicates the need for further evaluation for D&amp;A counseling or treatment.</li> <li>• Mandatory license suspension as indicated.</li> <li>• Restitution to any person who suffered a financial loss.</li> <li>• Payment of any other fee, surcharge or cost required by law including fees for AHSS, evaluation and treatment.</li> <li>• Any other condition established by the Court.</li> </ul>
All penalties include up to 150 hours of community service and a Court Reporting Network (CRN) drug and alcohol evaluation.	When a Full Assessment is completed and the Assessment indicates a need for counseling or treatment, the Court is required to order treatment as indicated by the Assessment. When the Court orders treatment or counseling, the Court is required to order the statutory maximum as the top end of the Offender's sentence.			A Full Drug and Alcohol Assessment is required for a DUI offender prior to sentence if any one of the following applies: <ol style="list-style-type: none"> <li>1. The Offender has a prior DUI offense within 10 years.</li> <li>2. The Court Reporting Network Evaluation indicates a need for further evaluation for counseling or treatment.</li> <li>3. The offenders BAC was .16 or greater.</li> </ol>
<b>Act 33 Ignition Interlock Requirements</b> <b>Title 75 section §1547 (a) (b)</b>  Refusal to Submit to Chemical Testing for Violation of §3802  Ignition Interlock Violations of §3808  Refusal to Submit to Chemical Testing for Violations of §1543(b), §1543 (b) (1.1) or Ignition interlock violation of §3808 (a)(2) with alcohol or drugs	<b>1st Offense</b>  License suspension 12 months Interlock Eligibility after 6 months Ignition Interlock 1 year  (M) Fine \$300 up to \$1,000 and not more than 90 days jail No license suspension Ignition Interlock extended 1 year from conviction  (S) Fine \$1,000 and mandatory 90 days incarceration Ignition Interlock extended 1 year (if no suspension is imposed for §3802)			<b>Second or Subsequent Offense:</b>  License suspension 18 months Interlock Eligibility after 9 months Ignition Interlock 1 year  (M) Fine \$300 up to \$1,000 and not more than 90 days jail License suspension 12 months No early interlock eligibility Ignition Interlock 1 year  (M3) Fine \$2,500 and mandatory 6 months incarceration License suspension 1 year (if no suspension is imposed for §3802) No early interlock eligibility Ignition Interlock 1 year

### DUI OFFENSES

OFFENSE	NUMBER	Suspension Length	Eligible for Early Interlock	When Eligible	INTERLOCK PERIOD
Gen Imp	First	NONE	N/A	N/A	N/A
	Second	12 Months	Yes	After 6 Months	1 Year
	Third or Subsequent	12 Months	Yes	After 6 Months	
High Rate Minor School/CDL Vehicles	First	12 Months	Yes	Immediately	1 Year
	Second	12 Months	Yes	After 6 Months	1 Year
	Third	18 Months	Yes	After 9 Months	1 Year
	Fourth or Subsequent	18 Months	Yes	After 9 Months	1 Year
Highest Rate Gen Imp -Refusal Controlled Substances	First	12 Months	Yes	Immediately	1 Year
	Second	18 Months	Yes	After 9 Months	1 Year
	Third or Subsequent	18 Months	Yes	After 9 Months	1 Year
ARD Offenses	N/A	N/A	NO	N/A	N/A
OTHER SUSPENSION OFFENSES					
OFFENSE	NUMBER	SUSPENSION LENGTH	ELIGIBLE FOR Early INTERLOCK	WHEN ELIGIBLE	INTERLOCK PERIOD
Refusal to Submit to Chemical Testing for Violation of 3802	First	12 Months	Yes	After 6 months	1 Year
	Second (or prior conviction for DUI)	18 Months	Yes	After 9 Months	1 Year
Ignition Interlock Violations under 3808	First	N/A	N/A	N/A	1 Year (from conviction)
	Second or Subsequent	1 Year	No	N/A	1 Year
Refusal to Submit to Chemical Testing for Violation of 1543(b)(1.1) or Ignition Interlock Violation of 3808(a)(2)	First	6 Months (If no suspension for 3802 imposed)	No	6 Months	1 Year
	Second or Subsequent	6 Months (If no suspension for 3802 imposed)	No	6 Months	1 Year

**CHAPTER 38****DRIVING AFTER IMBIBING ALCOHOL OR UTILIZING DRUGS****Sec.**

- 3801. Definitions.
- 3802. Driving under influence of alcohol or controlled substance.
- 3803. Grading.
- 3804. Penalties.
- 3805. Ignition interlock.
- 3806. Prior offenses.
- 3807. Accelerated Rehabilitative Disposition.
- 3808. Illegally operating a motor vehicle not equipped with ignition interlock.
- 3809. Restriction on alcoholic beverages.
- 3810. Authorized use not a defense.
- 3811. Certain arrests authorized.
- 3812. Preliminary hearing or arraignment.
- 3813. Work release.
- 3814. Drug and alcohol assessments.
- 3815. Mandatory sentencing.
- 3816. Requirements for driving under influence offenders.
- 3817. Reporting requirements for offenses.

**Enactment.** Chapter 38 was added September 30, 2003, P.L.120, No.24, effective February 1, 2004.

**Special Provisions in Appendix.** See sections 19, 20 and 21 of Act 24 of 2003 in the appendix to this title for special provisions relating to initial contracts by department, duties of department and applicability.

**Cross References.** Chapter 38 is referred to in sections 1542, 1545, 1552, 1553, 3101 of this title; section 5329 of Title 23 (Domestic Relations); sections 67A01, 9763 of Title 42 (Judiciary and Judicial Procedure).

**§ 3801. Definitions.**

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

**"Adult."** An individual who is at least 21 years of age.

**"Ignition interlock system."** A system approved by the department which prevents a vehicle from being started or operated unless the operator first provides a breath sample indicating that the operator has an alcohol level less than 0.025%.

**"Minor."** An individual who is under 21 years of age.

**Cross References.** Section 3801 is referred to in section 1556 of this title.

**§ 3802. Driving under influence of alcohol or controlled substance.****(a) General impairment.--**

(1) An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the individual is rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle.

(2) An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.08% but less than 0.10% within two hours after the individual

has driven, operated or been in actual physical control of the movement of the vehicle.

**(b) High rate of alcohol.**--An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.10% but less than 0.16% within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.

**(c) Highest rate of alcohol.**--An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is 0.16% or higher within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.

**(d) Controlled substances.**--An individual may not drive, operate or be in actual physical control of the movement of a vehicle under any of the following circumstances:

(1) There is in the individual's blood any amount of a:

(i) Schedule I 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;

(ii) Schedule II or Schedule III controlled substance, as defined in The Controlled Substance, Drug, Device and Cosmetic Act, which has not been medically prescribed for the individual; or

(iii) metabolite of a substance under subparagraph (i) or (ii).

(2) The individual is under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.

(3) The individual is under the combined influence of alcohol and a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.

(4) The individual is under the influence of a solvent or noxious substance in violation of 18 Pa.C.S. § 7303 (relating to sale or illegal use of certain solvents and noxious substances).

**(e) Minors.**--A minor may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the minor's blood or breath is 0.02% or higher within two hours after the minor has driven, operated or been in actual physical control of the movement of the vehicle.

**(f) Commercial or school vehicles.**--An individual may not drive, operate or be in actual physical control of the movement of a commercial vehicle, school bus or school vehicle in any of the following circumstances:

(1) After the individual has imbibed a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is:

(i) 0.04% or greater within two hours after the individual has driven, operated or been in actual physical control of the movement of a commercial vehicle other than a school bus or a school vehicle.

(ii) 0.02% or greater within two hours after the individual has driven, operated or been in actual physical control of the movement of a school bus or a school vehicle.

(2) After the individual has imbibed a sufficient amount of alcohol such that the individual is rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle.

(3) While the individual is under the influence of a controlled substance or combination of controlled substances, as defined in section 1603 (relating to definitions).

(4) While the individual is under the combined influence of alcohol and a controlled substance or combination of controlled substances, as defined in section 1603.

**(g) Exception to two-hour rule.**--Notwithstanding the provisions of subsection (a), (b), (c), (e) or (f), where alcohol or controlled substance concentration in an individual's blood or breath is an element of the offense, evidence of such alcohol or controlled substance concentration more than two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle is sufficient to establish that element of the offense under the following circumstances:

(1) where the Commonwealth shows good cause explaining why the chemical test sample could not be obtained within two hours; and

(2) where the Commonwealth establishes that the individual did not imbibe any alcohol or utilize a controlled substance between the time the individual was arrested and the time the sample was obtained.

(May 11, 2006, P.L.155, No.36, eff. imd.)

**2006 Amendment.** Act 36 amended subsec. (g)(1). See the preamble to Act 36 in the appendix to this title for special provisions relating to legislative intent.

**Cross References.** Section 3802 is referred to in sections 102, 1534, 1539, 1541, 1543, 1547, 1552, 1553, 1554, 1556, 1575, 1586, 1611, 3326, 3327, 3716, 3732, 3732.1, 3733, 3735, 3735.1, 3755, 3803, 3804, 3805, 3806, 3807, 3811, 3812, 3814, 3815, 3816, 3817, 6506 of this title; sections 6105, 7508.1 of Title 18 (Crimes and Offenses); section 5502 of Title 30 (Fish); section 8137 of Title 35 (Health and Safety); sections 933, 1515, 1725.3, 1725.5, 3571, 3573 of Title 42 (Judiciary and Judicial Procedure); section 1604 of Title 75 (Vehicles).

### **§ 3803. Grading.**

**(a) Basic offenses.**--Except as provided in subsection (b):

(1) An individual who violates section 3802(a) (relating to driving under influence of alcohol or controlled substance) and has no more than one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804 (relating to penalties).

(2) An individual who violates section 3802(a) and has two prior offenses commits a misdemeanor of the second degree.

(3) An individual who violates section 3802 and has three or more prior offenses or has previously been convicted of a violation of section 3735 (relating to homicide by vehicle while driving under influence) commits a felony of the third degree.

**(b) Other offenses.**--

(1) An individual who violates section 3802(a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any person or in damage to a vehicle or other property, or who violates section 3802(b), (e) or (f) and who has one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804.

(2) An individual who violates section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania, or who violates section 3802(c) or (d) and who has no prior offenses commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804.

(3) An individual who violates section 3802(a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any person or in damage to a vehicle or other property, or who violates section 3802(b), (e) or (f) and who has two prior offenses commits a misdemeanor of the first degree.

(4) An individual who violates section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania, or who violates section 3802(c) or (d) and who has one prior offense commits a misdemeanor of the first degree.

(4.1) An individual who violates section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania, or who violates section 3802(c) or (d), commits:

(i) A felony of the third degree if the individual has two prior offenses.

(ii) A felony of the second degree if the individual has three or more prior offenses.

(5) An individual who violates section 3802 where a minor under 18 years of age was an occupant in the vehicle when the violation occurred commits:

(i) A misdemeanor of the first degree if the individual has no more than one prior offense.

(ii) A felony of the third degree if the individual has two or more prior offenses.

(Nov. 29, 2004, P.L.1369, No.177, eff. imd.; May 8, 2012, P.L.255, No.39, eff. 60 days; Oct. 27, 2014, P.L.2905, No.189, eff. imd.; Oct. 24, 2018, P.L.925, No.153, eff. 60 days; July 11, 2022, P.L.717, No.59, eff. 120 days)

**2022 Amendment.** Act 59 amended subsec. (b)(4.1). The preamble of Act 59 provided that Act 59 may be referred to as Deana's Law.

**Cross References.** Section 3803 is referred to in sections 3804, 3806, 3815 of this title.

#### **§ 3804. Penalties.**

**(a) General impairment.**--Except as set forth in subsection (b) or (c), an individual who violates section 3802(a) (relating to driving under influence of alcohol or controlled substance) shall be sentenced as follows:

(1) For a first offense, to:

(i) undergo a mandatory minimum term of six months' probation;

(ii) pay a fine of \$300;

(iii) attend an alcohol highway safety school approved by the department; and

(iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 (relating to drug and alcohol assessments) and 3815 (relating to mandatory sentencing).

- (2) For a second offense, to:
  - (i) undergo imprisonment for not less than five days;
  - (ii) pay a fine of not less than \$300 nor more than \$2,500;
  - (iii) attend an alcohol highway safety school approved by the department; and
  - (iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.
- (3) For a third or subsequent offense, to:
  - (i) undergo imprisonment of not less than ten days;
  - (ii) pay a fine of not less than \$500 nor more than \$5,000; and
  - (iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

**(b) High rate of blood alcohol; minors; commercial vehicles and school buses and school vehicles; accidents.--**Except as set forth in subsection (c), an individual who violates section 3802(a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any person or damage to a vehicle or other property or who violates section 3802(b), (e) or (f) shall be sentenced as follows:

- (1) For a first offense, to:
  - (i) undergo imprisonment of not less than 48 consecutive hours;
  - (ii) pay a fine of not less than \$500 nor more than \$5,000;
  - (iii) attend an alcohol highway safety school approved by the department; and
  - (iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.
- (2) For a second offense, to:
  - (i) undergo imprisonment of not less than 30 days;
  - (ii) pay a fine of not less than \$750 nor more than \$5,000;
  - (iii) attend an alcohol highway safety school approved by the department; and
  - (iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.
- (3) For a third offense, to:
  - (i) undergo imprisonment of not less than 90 days;
  - (ii) pay a fine of not less than \$1,500 nor more than \$10,000; and
  - (iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.
- (4) For a fourth or subsequent offense, to:
  - (i) undergo imprisonment of not less than one year;
  - (ii) pay a fine of not less than \$1,500 nor more than \$10,000; and
  - (iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

**(c) Incapacity; highest blood alcohol; controlled substances.--**An individual who violates section 3802(a)(1) and refused testing of breath under section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) or testing of blood pursuant to a valid search warrant or an individual who violates section 3802(c) or (d) shall be sentenced as follows:

- (1) For a first offense, to:
  - (i) undergo imprisonment of not less than 72 consecutive hours;
  - (ii) pay a fine of not less than \$1,000 nor more than \$5,000;
  - (iii) attend an alcohol highway safety school approved by the department; and

- (iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.
- (2) For a second offense, to:
  - (i) undergo imprisonment of not less than 90 days;
  - (ii) pay a fine of not less than \$1,500;
  - (iii) attend an alcohol highway safety school approved by the department; and
  - (iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.
- (3) For a third or subsequent offense, to:
  - (i) undergo imprisonment of not less than one year;
  - (ii) pay a fine of not less than \$2,500; and
  - (iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

**(c.1) Violation involving minor occupant.**--An individual who violates section 3803(b)(5) (relating to grading), in addition to any penalty imposed in this chapter, shall be sentenced as follows:

- (1) For a first offense, to:
  - (i) pay a fine of not less than \$1,000; and
  - (ii) complete 100 hours of community service.
- (2) For a second offense, to:
  - (i) pay a fine of not less than \$2,500; and
  - (ii) undergo imprisonment of not less than one month nor more than six months.
- (3) For a third or subsequent offense, undergo imprisonment of not less than six months nor more than two years.

**(c.2) Consecutive sentence.**--A sentence imposed upon an individual under this section who has two or more prior offenses shall be served consecutively to any other sentence the individual is serving and to any other sentence being then imposed by the court, except for those with which the offense must merge as a matter of law.

**(c.3) Sentencing enhancement.**--The Pennsylvania Commission on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for a violation of section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania or for a violation of section 3802(c) or (d) and where the individual has four or more prior offenses.

**(d) Extended supervision of court.**--If a person is sentenced pursuant to this chapter and, after the initial assessment required by section 3814(1), the person is determined to be in need of additional treatment pursuant to section 3814(2), the judge shall impose a minimum sentence as provided by law and a maximum sentence equal to the statutorily available maximum. A sentence to the statutorily available maximum imposed pursuant to this subsection may, in the discretion of the sentencing court, be ordered to be served in a county prison, notwithstanding the provisions of 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of confinement).

**(e) Suspension of operating privileges upon conviction.**--

- (1) The department shall suspend the operating privilege of an individual under paragraph (2) upon receiving a certified record of the individual's conviction of or an adjudication of delinquency for:
  - (i) an offense under section 3802; or
  - (ii) an offense which is substantially similar to an offense enumerated in section 3802 reported to the

department under Article III of the compact in section 1581 (relating to Driver's License Compact).

(2) Suspension under paragraph (1) shall be in accordance with the following:

(i) Except as provided for in subparagraph (iii), 12 months for an ungraded misdemeanor or misdemeanor of the second degree under this chapter.

(ii) 18 months for a misdemeanor of the first degree or felony of the second or third degree under this chapter.

(iii) There shall be no suspension for an ungraded misdemeanor under section 3802(a) where the person is subject to the penalties provided in subsection (a) and the person has no prior offense.

(iv) For suspensions imposed under paragraph (1)(ii), notwithstanding any provision of law or enforcement agreement to the contrary, all of the following apply:

(A) Suspensions shall be in accordance with Subchapter D of Chapter 15 (relating to the Driver's License Compact).

(B) In calculating the term of a suspension for an offense that is substantially similar to an offense enumerated in section 3802, the department shall presume that if the conduct reported had occurred in this Commonwealth then the person would have been convicted under section 3802(a)(2).

(v) Notwithstanding any other provision of law or enforcement agreement to the contrary, the department shall suspend the operating privilege of a 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 3802.

**(f) Community service assignments.**--In addition to the penalties set forth in this section, the sentencing judge may impose up to 150 hours of community service. Where the individual has been ordered to drug and alcohol treatment pursuant to sections 3814 and 3815, the community service shall be certified by the drug and alcohol treatment program as consistent with any drug and alcohol treatment requirements imposed under sections 3814 and 3815.

**(f.1) Victim impact panels.**--

(1) In addition to any other penalty imposed under this section, the court may order a person who violates section 3802 to attend a victim impact panel program.

(2) A victim impact panel program shall provide a nonconfrontational forum for driving under the influence crash victims, their family members, their friends or other pertinent persons to speak to driving under the influence offenders about the impact of the crash on victims' lives and on the lives of families, friends and neighbors.

(3) A victim impact panel shall be administrated through the local office of probation and parole or other office as the court shall determine and shall be operated in consultation with the Mothers Against Drunk Driving - Pennsylvania State Organization.

(4) A victim impact panel program may assess a reasonable participation fee to achieve program self-sufficiency but may not operate for profit. The department shall establish an acceptable range of fees.

(5) The department shall develop standards and incentives to encourage counties to establish victim impact panel programs. In developing these standards, the department shall establish and chair a coordinating committee among pertinent agencies and organizations, including the Department of Health,

the Pennsylvania Commission on Crime and Delinquency, the Office of Victim Advocate, the Administrative Office of Pennsylvania Courts, county officials, the Mothers Against Drunk Driving - Pennsylvania State Organization and the Pennsylvania DUI Association. The standards shall address items including all of the following:

- (i) Prototype design and structure standards for victim impact panels.
- (ii) Training standards and curricula for presenters, facilitators and administrators.
- (iii) Operations policy and guidelines manual.
- (iv) Evaluation standards, design and structure allowing for the tracking and analysis of recidivism data.
- (v) Standards for counseling and debriefing activities for victim presenters.
- (vi) Standards for reimbursing reasonable costs to victims for participation in panels.
- (vii) Assistance to counties through coordinating potential Federal and State funding streams to carry out this subsection and to assist counties as may be needed.

**(g) Sentencing guidelines.**--The sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory penalties of this section.

**(h) Appeal.**--The Commonwealth has the right to appeal directly to the Superior Court any order of court which imposes a sentence for violation of this section which does not meet the requirements of this section. The Superior Court shall remand the case to the sentencing court for imposition of a sentence in accordance with the provisions of this section.

**(i) First class cities.**--Notwithstanding the provision for direct appeal to the Superior Court, if, in a city of the first class, a person appeals from a judgment of sentence under this section from the municipal court to the common pleas court for a trial de novo, the Commonwealth shall have the right to appeal directly to the Superior Court from the order of the common pleas court if the sentence imposed is in violation of this section. If, in a city of the first class, a person appeals to the court of common pleas after conviction of a violation of this section in the municipal court and thereafter withdraws his appeal to the common pleas court, thereby reinstating the judgment of sentence of the municipal court, the Commonwealth shall have 30 days from the date of the withdrawal to appeal to the Superior Court if the sentence is in violation of this section.

**(j) Additional conditions.**--In addition to any other penalty imposed under law, the court may sentence a person who violates section 3802 to any other requirement or condition consistent with the treatment needs of the person, the restoration of the victim to preoffense status or the protection of the public.

**(k) Nonapplicability.**--Except for subsection (e), this section shall not apply to dispositions resulting from proceedings under 42 Pa.C.S. Ch. 63.

(Nov. 29, 2004, P.L.1369, No.177, eff. imd.; May 11, 2006, P.L.155, No.36, eff. imd.; May 8, 2012, P.L.255, No.39, eff. 60 days; July 20, 2017, P.L.333, No.30, eff. imd.; Oct. 24, 2018, P.L.925, No.153, eff. 60 days; July 11, 2022, P.L.717, No.59, eff. 120 days)

**2022 Amendment.** Act 59 amended subsec. (e)(2)(ii) and added subsecs. (c.2) and (c.3). The preamble of Act 59 provided that Act 59 may be referred to as Deana's Law.

**2017 Amendment.** Act 30 amended subsec. (c).

**2012 Amendment.** Act 39 amended subsec. (k) and added subsec. (c.1).

**2006 Amendment.** Act 36 added subsec. (f.1). See the preamble to Act 36 in the appendix to this title for special provisions relating to legislative intent.

**2004 Amendment.** Act 177 amended subsecs. (a), (b) and (c) and added subsec. (k).

**Cross References.** Section 3804 is referred to in sections 1547, 1556, 1575, 3803, 3805, 3806, 3815, 3816 of this title; section 7508.1 of Title 18 (Crimes and Offenses); section 9763 of Title 42 (Judiciary and Judicial Procedure).

**§ 3805. Ignition interlock.**

**(a) General rule.**--Except as provided under subsection (a.1), if a person violates section 3802 (relating to driving under influence of alcohol or controlled substance) or has had their operating privileges suspended pursuant to section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) or 3808(c) (relating to illegally operating a motor vehicle not equipped with ignition interlock) and the person seeks a restoration of operating privileges, the department shall require as a condition of issuing a restricted license pursuant to this section that the following occur:

(1) Any motor vehicle to be operated by the individual has been equipped with an ignition interlock system and remains so for the duration of the restricted license period.

(2) If there are no motor vehicles owned or to be operated by the person or registered to the person that the person so certify to the department in accordance with the department's regulations.

**(a.1) Exception.**--Subsection (a) shall not apply to an individual who meets all of the following:

(1) Is subject to the penalties under section 3804(a) (1) (relating to penalties) or subject to mandatory suspension of operating privilege under section 3807(d) (relating to Accelerated Rehabilitative Disposition).

(2) Has not had a prior offense, as defined under section 3806 (relating to prior offenses).

**(b) Application for a restricted license.**--A person subject to this section shall apply to the department for an ignition interlock restricted license under section 1951 (relating to driver's license and learner's permit), which shall be clearly marked to restrict the person to only driving, operating or being in actual physical control of the movement of motor vehicles equipped with an ignition interlock system. Upon issuance of an ignition interlock restricted license to any person, the department shall notify the person that until the person obtains an unrestricted license the person may not drive, operate or be in actual physical control of the movement of any motor vehicle which is not equipped with an ignition interlock system.

**(c) Issuance of unrestricted license.**--One year from the date of issuance of an ignition interlock restricted license under this section, if otherwise eligible, a person may be issued a replacement license under section 1951(d) that does not contain the ignition interlock system restriction. The department shall not issue an unrestricted license until a person has presented all of the following:

(1) Proof that the person has completed the ignition interlock restricted license period under this section.

(2) Certification by the vendor that provided the ignition interlock device that the person has complied with subsection (h.2).

**(d) Prohibition.**--Except as set forth in subsections (e) and (f), until the person obtains an unrestricted license, the person may not own, register, drive, operate or be in actual physical control of the movement of any motor vehicle within this

Commonwealth unless the motor vehicle is equipped with an ignition interlock system.

**(e) Economic hardship exemption.**--A person subject to the requirements of subsection (a) may apply to the department for a hardship exemption to the requirement that an ignition interlock system must be installed in each of the person's motor vehicles. Where the department determines that the applicant establishes that such a requirement would result in undue financial hardship, the department may permit the applicant to install an ignition interlock system on only one of the applicant's motor vehicles. However, the applicant in accordance with section 3808 (relating to illegally operating a motor vehicle not equipped with ignition interlock) shall be prohibited from driving, operating or being in actual physical control of the movement of any motor vehicle, including any of the applicant's motor vehicles, which is not equipped with an ignition interlock system.

**(f) Employment exemption.**--If a person with a restricted license is required in the course and scope of employment to drive, operate or be in actual physical control of the movement of a motor vehicle owned by the person's employer, the following apply:

(1) Except as set forth in paragraph (2), the person may drive, operate or be in actual physical control of the movement of that motor vehicle in the course and scope of employment without installation of an ignition interlock system if:

(i) the employer has been notified that the employee is restricted; and

(ii) the employee has proof of the notification in the employee's possession while driving, operating or being in actual physical control of the movement of the employer's motor vehicle. Proof of the notification may be established only by the notarized signature of the employer acknowledging notification on a form which shall be provided by the department for this purpose and shall include a contact telephone number of the employer.

(2) Paragraph (1) does not apply in any of the following circumstances:

(i) To the extent that an employer-owned motor vehicle is made available to the employee for personal use.

(ii) If the employer-owned motor vehicle is owned by an entity which is wholly or partially owned or controlled by the person subject to this section.

(iii) If the employer-owned motor vehicle is a school bus; a school vehicle; or a vehicle designed to transport more than 15 passengers, including the driver.

**(g) Prohibition of authorization.**--This section shall not give the department authorization to impose an ignition interlock requirement on a person that has committed an offense under former section 3731 prior to October 1, 2003, without the issuance of a court order.

**(h) Department approval.**--An ignition interlock system required to be installed under this title must be a system which has been approved by the department. The department's approval of ignition interlock systems shall be published in the Pennsylvania Bulletin. Systems approved for use under former 42 Pa.C.S. § 7002(d) (relating to ignition interlock systems for driving under the influence) and any contracts for the installation, maintenance and inspection of the systems in effect as of the effective date of this section shall continue to be approved and in effect until the department again publishes approval of ignition interlock systems in the Pennsylvania Bulletin and enters into new contracts in support of the systems.

**(h.1) Mobile installation services.**--

(1) Approved service providers of department-certified manufacturers of ignition interlock systems shall be permitted to provide mobile installation of ignition interlock systems within this Commonwealth.

(2) Mobile installation of ignition interlock systems shall be held to the same security and procedural standards as provided in specifications of the department.

(3) Approved service providers of mobile installation of ignition interlock systems shall not permit the program participant or any unauthorized personnel to witness the installation of the ignition interlock system.

(4) Regular maintenance of ignition interlocks after mobile installation shall be performed according to the specifications established by the department.

**(h.2) Declaration of compliance.**--Restrictions imposed under section 1556 (relating to ignition interlock limited license) shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that the following incidents have not occurred in the two consecutive months prior to the date entered on the certificate, and for the purposes of a suspension imposed under section 3807(d)(2), the person's ignition interlock device vendor shall certify the following incidents have not occurred in the prior 30 days entered on the certificate:

(1) An attempt to start the vehicle with a breath alcohol concentration of 0.08% or more, not followed within 10 minutes by a subsequent attempt with a breath alcohol concentration lower than 0.08%.

(2) Failure to take or pass any required retest.

(3) Failure of the person to appear at the ignition interlock system vendor when required for maintenance, repair, calibration, monitoring, inspection or replacement of the device such that the ignition interlock system no longer functions as required under subsection (h).

**(i) Offenses committed during a period for which an ignition interlock restricted license has been issued.**--Except as provided in sections 1547(b.1) and 3808(c) (relating to illegally operating a motor vehicle not equipped with ignition interlock), any driver who has been issued an ignition interlock restricted license and as to whom the department receives a certified record of a conviction of an offense for which the penalty is a cancellation, disqualification, recall, suspension or revocation of operating privileges shall have the ignition interlock restricted license recalled, and the driver shall surrender the ignition interlock restricted license to the department. Following the completion of the cancellation, disqualification, recall, suspension or revocation which resulted in the recall of the ignition interlock restricted license, the department shall require that the person complete the balance of the ignition interlock restricted license period previously imposed prior to the issuance of a replacement license under section 1951(d) that does not contain an ignition interlock restriction.

(Nov. 30, 2004, P.L.1667, No.211, eff. June 30, 2007; May 11, 2006, P.L.159, No.37, eff. 60 days; May 25, 2016, P.L.236, No.33, eff. 15 months; July 20, 2017, P.L.333, No.30)

**2017 Amendment.** Act 30 amended subsecs. (a.1), (h.2) intro par. and (1) and (i), effective immediately as to subsecs. (a.1) and (h.2)(1) and 15 months as to (h.2) intro par. and (i).

**2016 Amendment.** Act 33 amended subsecs. (a), (b), (c) and (f)(2)(ii) and added subsecs. (a.1) and (h.2).

**2006 Amendment.** Act 37 added subsec. (h.1).

**Special Provisions in Appendix.** See section 20(1) of Act 24 of 2003 in the appendix to this title for special provisions relating to duties of department.

**Cross References.** Section 3805 is referred to in sections 1547, 1556, 3806, 3808 of this title.

**§ 3806. Prior offenses.**

**(a) General rule.--**Except as set forth in subsection (b), the term "prior offense" as used in this chapter shall mean any conviction for which judgment of sentence has been imposed, adjudication of delinquency, juvenile consent decree, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition before the sentencing on the present violation for any of the following:

- (1) an offense under section 3802 (relating to driving under influence of alcohol or controlled substance);
- (2) an offense under former section 3731;
- (3) an offense substantially similar to an offense under paragraph (1) or (2) in another jurisdiction; or
- (4) any combination of the offenses set forth in paragraph (1), (2) or (3).

**(b) Timing.--**

(1) For purposes of sections 1553(d.2) (relating to occupational limited license), 1556 (relating to ignition interlock limited license), 3803 (relating to grading), 3804 (relating to penalties) and 3805 (relating to ignition interlock), the prior offense must have occurred:

- (i) within 10 years prior to the date of the offense for which the defendant is being sentenced; or
- (ii) on or after the date of the offense for which the defendant is being sentenced.

(2) The court shall calculate the number of prior offenses, if any, at the time of sentencing.

(3) If the defendant is sentenced for two or more offenses in the same day, the offenses shall be considered prior offenses within the meaning of this subsection.

(Nov. 29, 2004, P.L.1369, No.177, eff. imd.; Oct. 27, 2014, P.L.2905, No.189, eff. 60 days; May 25, 2016, P.L.236, No.33, eff. imd.)

**2014 Amendment.** Section 2 of Act 189 provided that the amendment of subsec. (b) shall apply to persons sentenced on or after the effective date of section 2.

**Cross References.** Section 3806 is referred to in sections 1556, 3805 of this title.

**§ 3807. Accelerated Rehabilitative Disposition.**

**(a) Eligibility.--**

(1) Except as set forth in paragraph (2), a defendant charged with a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) may be considered by the attorney for the Commonwealth for participation in an Accelerated Rehabilitative Disposition program in a county if the program includes the minimum requirements contained in this section.

(2) The attorney for the Commonwealth shall not submit a charge brought under this chapter for Accelerated Rehabilitative Disposition if any of the following apply:

- (i) The defendant has been found guilty of or accepted Accelerated Rehabilitative Disposition of a charge brought under section 3802 within ten years of the date of the current offense unless the charge was for an ungraded misdemeanor under section 3802(a)(2) and was the defendant's first offense under section 3802.

(ii) An accident occurred in connection with the events surrounding the current offense and an individual other than the defendant was killed or suffered serious bodily injury as a result of the accident.

(iii) There was a passenger under 14 years of age in the motor vehicle the defendant was operating.

**(b) Evaluation and treatment.--**

(1) A defendant offered Accelerated Rehabilitative Disposition for a violation of section 3802 is, as a condition of participation in the program, subject to the following requirements in addition to any other conditions of participation imposed by the court:

(i) The defendant must attend and successfully complete an alcohol highway safety school established under section 1549 (relating to establishment of schools). A participating defendant shall be given both oral and written notice of the provisions of section 1543(b) (relating to driving while operating privilege is suspended or revoked).

(ii) Prior to receiving Accelerated Rehabilitative Disposition or other preliminary disposition, the defendant must be evaluated under section 3816(a) (relating to requirements for driving under influence offenders) to determine the extent of the defendant's involvement with alcohol or other drug and to assist the court in determining what conditions of Accelerated Rehabilitative Disposition would benefit the defendant and the public. If the evaluation indicates there is a need for counseling or treatment, the defendant shall be subject to a full assessment for alcohol and drug addiction in accordance with the provisions of section 3814(3) and (4) (relating to drug and alcohol assessments).

(iii) If the defendant is assessed under subparagraph (ii) to be in need of treatment, the defendant must participate and cooperate with a licensed alcohol or drug addiction treatment program. The level and duration of treatment shall be in accordance with the recommendations of the full assessment. Nothing in this subparagraph shall prevent a treatment program from refusing to accept a defendant if the program administrator deems the defendant to be inappropriate for admission to the program. A treatment program shall retain the right to immediately discharge into the custody of the probation officer an offender who fails to comply with program rules and treatment expectations or refuses to constructively engage in the treatment process.

(iv) The defendant must remain subject to court supervision for at least six months, but not more than 12 months.

(v) The defendant must make restitution to any person that incurred determinable financial loss as a result of the defendant's actions which resulted in the offense. Restitution must be subject to court supervision.

(vi) The defendant must pay the reasonable costs of a municipal corporation in connection with the offense. Fees imposed under this subparagraph shall be distributed to the affected municipal corporation.

(vii) The defendant must pay any other fee, surcharge or cost required by law. Except as set forth in subparagraph (vi), (viii) or (ix), a fee or financial condition imposed by a judge as a condition of Accelerated Rehabilitative Disposition or any other preliminary disposition of any charge under this chapter shall be

distributed as provided for in 42 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines, etc.) and 3573 (relating to municipal corporation portion of fines, etc.).

(viii) The defendant must pay the costs of compliance with subparagraphs (i), (ii) and (iii).

(ix) The defendant shall pay a cost of \$50 which shall be forwarded to the State Treasurer for deposit in the Emergency Medical Services Operating Fund.

(2) The defendant shall be subject to a full assessment for alcohol and drug addiction if any of the following apply:

(i) The evaluation under paragraph (1)(ii) indicates a likelihood that the defendant is addicted to alcohol or other drugs.

(ii) The defendant's blood alcohol content at the time of the offense was at least 0.16%.

(3) The assessment under paragraph (2) shall be conducted by one of the following:

(i) The Department of Health or its designee.

(ii) The county agency with responsibility for county drug and alcohol programs or its designee.

(iii) The clinical personnel of a facility licensed by the Department of Health for the conduct of drug and alcohol addiction treatment programs.

(4) The assessment under paragraph (2) shall consider issues of public safety and shall include recommendations for all of the following:

(i) Length of stay.

(ii) Levels of care.

(iii) Follow-up care and monitoring.

**(c) Insurance.--**

(1) This subsection shall only apply to a health insurance, health maintenance organization or other health plan required to provide benefits under section 602-A of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) If an individual who is insured by a health insurance, a health maintenance organization or other health plan, that is doing business in this Commonwealth, the individual may not be deprived of alcohol and other drug abuse and addiction treatment or coverage within the scope of that plan due to the identification of an alcohol or other drug problem which occurs as a result of an assessment under this section.

**(d) Mandatory suspension of operating privileges.--**As a condition of participation in an Accelerated Rehabilitative Disposition program, the court shall order the defendant's license suspended as follows:

(1) There shall be no license suspension if the defendant's blood alcohol concentration at the time of testing was less than 0.10%.

(2) For 30 days if the defendant's blood alcohol concentration at the time of testing was at least 0.10% but less than 0.16%.

(3) For 60 days if:

(i) the defendant's blood alcohol concentration at the time of testing was 0.16% or higher;

(ii) the defendant's blood alcohol concentration is not known;

(iii) an accident which resulted in bodily injury or in damage to a vehicle or other property occurred in connection with the events surrounding the current offense; or

(iv) the defendant was charged pursuant to section 3802(d).

(4) For 90 days if the defendant was a minor at the time of the offense.

**(e) Failure to comply.--**

(1) A defendant who fails to complete any of the conditions of participation contained in this section shall be deemed to have unsuccessfully participated in an Accelerated Rehabilitative Disposition program, and the criminal record underlying participation in the program shall not be expunged.

(2) The court shall direct the attorney for the Commonwealth to proceed on the charges as prescribed in the Rules of Criminal Procedure if the defendant:

(i) fails to meet any of the requirements of this section;

(ii) is charged with or commits an offense under 18 Pa.C.S. (relating to crimes and offenses); or

(iii) violates any other condition imposed by the court.

(Nov. 29, 2004, P.L.1369, No.177, eff. imd.; Aug. 18, 2009, P.L.308, No.37, eff. 180 days; Oct. 29, 2020, P.L.773, No.93, eff. 120 days)

**2020 Amendment.** Act 93 amended subsec. (b)(1)(ix).

**2009 Amendment.** Act 37 amended subsec. (b)(1)(vii) and added subsec. (b)(1)(ix).

**2004 Amendment.** Act 177 amended subsecs. (b)(1)(iv) and (d).

**Cross References.** Section 3807 is referred to in sections 1556, 3805, 3817 of this title; section 8153 of Title 35 (Health and Safety).

**§ 3808. Illegally operating a motor vehicle not equipped with ignition interlock.**

**(a) Offense defined.--**

(1) An individual required to only drive, operate or be in actual physical control of the movement of a motor vehicle equipped with an ignition interlock system under any of the following who drives, operates or is in actual physical control of the movement of a motor vehicle within this Commonwealth without such a system commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than \$300 and not more than \$1,000 and to imprisonment for not more than 90 days:

(i) Section 1556 (relating to ignition interlock limited license).

(ii) Section 3805 (relating to ignition interlock).

(iii) A requirement by another jurisdiction to operate only a vehicle with an ignition interlock system.

(2) An individual required to only drive, operate or be in actual physical control of the movement of a motor vehicle equipped with an ignition interlock system under any of the following who drives, operates or is in actual physical control of the movement of a motor vehicle within this Commonwealth without such a system and who has an amount of alcohol by weight in his blood that is equal to or greater than 0.025% at the time of testing or who 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 commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$1,000 and to undergo imprisonment for a period of not less than 90 days:

(i) Section 1556.

(ii) Section 3805.

(iii) A requirement by another jurisdiction to operate only a vehicle with an ignition interlock system.

**(b) Tampering with an ignition interlock system.--**A person that tampers with an ignition interlock system required by law commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than \$300 nor more than \$1,000 and to undergo imprisonment for not more than 90 days. An offense under this subsection shall be deemed to have been committed at either the location where tampering occurred or the place where the vehicle containing the ignition interlock system required by law is registered. The term "tampering," in addition to any physical act which is intended to alter or interfere with the proper functioning of an ignition interlock system required by law, shall include attempting to circumvent or bypass or circumventing or bypassing an ignition interlock system by:

- (1) means of using another individual to provide a breath sample; or
- (2) providing a breath sample for the purpose of bypassing an ignition interlock system required by law.

**(c) Suspension of operating privilege.--**Notwithstanding section 3805(c) and (i):

(1) If a person who is required to only drive, operate or be in actual physical control of the movement of a motor vehicle equipped with an ignition interlock system violates this section, upon receipt of a certified record of the conviction, the department shall not issue a replacement license to the person under section 1951(d) (relating to driver's license and learner's permit) that does not contain an ignition interlock restriction for a period of one year from the date of conviction until the person has complied with the requirements of section 3805.

(2) Upon receipt of a certified record of a second conviction of a violation of this section committed by a person who is required to only drive, operate or be in actual physical control of the movement of a motor vehicle equipped with an ignition interlock system which occurred during the same ignition interlock restricted license period, the department shall suspend the person's operating privileges for a period of one year and recall the ignition interlock restricted license, and the person shall surrender the ignition interlock restricted license to the department. Following completion of the suspension period, the department shall require that the person comply with the requirements of section 3805 prior to being eligible to receive a replacement license under section 1951(d) that does not contain an ignition interlock restriction.

**(d) Applicability.--**Notwithstanding section 3101 (relating to application of part), this section shall apply in all areas throughout this Commonwealth; however, it shall not apply to persons installing, maintaining or inspecting ignition interlock devices in the course and scope of their employment.

(Nov. 29, 2004, P.L.1369, No.177, eff. imd.; May 25, 2016, P.L.236, No.33, eff. 15 months; July 20, 2017, P.L.333, No.30, eff. 15 months)

**2017 Amendment.** Act 30 amended subsec. (c)(2).

**2016 Amendment.** Act 33 amended subsecs. (a), (b) and (c)(1).

**Cross References.** Section 3808 is referred to in sections 1541, 1542, 1547, 3805, 3811, 3812, 6506 of this title; section 8137 of Title 35 (Health and Safety); sections 1515, 1725.3 of Title 42 (Judiciary and Judicial Procedure).

**§ 3809. Restriction on alcoholic beverages.**

**(a) General rule.**--Except as set forth in subsection (b), an individual who is an operator or an occupant in a motor vehicle may not be in possession of an open alcoholic beverage container or consume a 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 an alcoholic beverage in a motor vehicle while the motor vehicle is located on a highway in this Commonwealth.

**(b) Exception.**--This section does not prohibit possession or consumption by any of the following:

(1) A passenger in the passenger area of a motor vehicle designed, maintained or used primarily for the lawful transportation of persons for compensation. This paragraph includes buses, taxis and limousines.

(2) An individual in the living quarters of a house coach or house trailer.

**(c). Penalty.**--An individual who violates this section commits a summary offense.

**Cross References.** Section 3809 is referred to in section 1542 of this title.

**§ 3810. Authorized use not a defense.**

The fact that a person charged with violating this chapter is or has been legally entitled to use alcohol or controlled substances is not a defense to a charge of violating this chapter.

**§ 3811. Certain arrests authorized.**

**(a) Warrant not required.**--In addition to any other powers of arrest, a police officer is authorized to arrest an individual without a warrant if the officer has probable cause to believe that the individual has violated 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), regardless of whether the alleged violation was committed in the presence of the police officer.

**(b) Territory.**--The authority under subsection (a) extends to any hospital or other medical treatment facility located beyond the territorial limits of the police officer's political subdivision at which an individual to be arrested is found or was taken or removed for purposes of emergency treatment, examination or evaluation as long as there is probable cause to believe that the violation of section 1543(b)(1.1), 3802 or 3808(a)(2) occurred within the police officer's political subdivision.

**§ 3812. Preliminary hearing or arraignment.**

The presiding judicial officer at the preliminary hearing or preliminary arraignment relating to a charge of a 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) shall not reduce or modify the original charges without the consent of the attorney for the Commonwealth.

**§ 3813. Work release.**

In any case in which an individual is sentenced to a period of imprisonment as a result of a conviction for violating a provision of this chapter, the judicial officer imposing the sentence shall consider assigning that individual to a daytime work release program. Any work release program permitted under this section shall be certified by the Drug and Alcohol Treatment program administration as being consistent with any drug and alcohol treatment requirements imposed under section 3814 (relating to drug and alcohol assessments).

**§ 3814. Drug and alcohol assessments.**

If a defendant is convicted or pleads guilty or no contest to a violation of section 3802 (relating to driving under influence of alcohol or controlled substance), the following apply prior to sentencing:

(1) The defendant shall be evaluated under section 3816(a) (relating to requirements for driving under influence offenders) and any other additional evaluation techniques deemed appropriate by the court to determine the extent of the defendant's involvement with alcohol or other drug and to assist the court in determining what type of sentence would benefit the defendant and the public.

(2) The defendant shall be subject to a full assessment for alcohol and drug addiction if any of the following subparagraphs apply:

(i) The defendant, within ten years prior to the offense for which sentence is being imposed, has been sentenced for an offense under:

- (A) section 3802;
- (B) former section 3731; or
- (C) an equivalent offense in another jurisdiction.

(ii) Either:

- (A) the evaluation under paragraph (1) indicates there is a need for counseling or treatment; or
- (B) the defendant's blood alcohol content at the time of the offense was at least 0.16%.

(3) The assessment under paragraph (2) shall be conducted by one of the following:

- (i) The Department of Health or its designee.
- (ii) The county agency with responsibility for county drug and alcohol programs or its designee.
- (iii) The clinical personnel of a facility licensed by the Department of Health for the conduct of drug and alcohol addiction treatment programs.

(4) The assessment under paragraph (2) shall consider issues of public safety and shall include recommendations for all of the following:

- (i) Length of stay.
- (ii) Levels of care.
- (iii) Follow-up care and monitoring.

**Special Provisions in Appendix.** See section 18 of Act 24 of 2003 in the appendix to this title for special provisions relating to applicability of sections 3814 and 3815.

**Cross References.** Section 3814 is referred to in sections 3804, 3807, 3813, 3815, 3816 of this title; section 9763 of Title 42 (Judiciary and Judicial Procedure).

**§ 3815. Mandatory sentencing.**

(a) **County supervision.**--Notwithstanding the length of any maximum term of imprisonment imposed pursuant to sections 3803 (relating to grading) and 3804 (relating to penalties), and notwithstanding the provisions of section 17 of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, the sentencing judge may grant parole under the supervision of the county parole system to any offender serving a sentence for a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) and, if applicable, serving any concurrent sentence of imprisonment for any misdemeanor offense arising from the same criminal episode as the violation of section 3802. The power of the sentencing judge to grant parole shall apply only to those offenders whose sentences are being served in a county prison pursuant to 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of

confinement) or section 3804(d). The sentencing judge shall declare his intention to retain parole authority and supervision at the time of sentencing in cases in which he would not otherwise have parole authority and supervision.

**(b) Parole.--**

(1) An offender who is determined pursuant to section 3814 (relating to drug and alcohol assessments) to be in need of drug and alcohol treatment shall be eligible for parole in accordance with the terms and conditions prescribed in this section following the expiration of the offender's mandatory minimum term of imprisonment.

(2) The following shall be conditions of parole:

(i) If the offender is not determined under the procedures set forth in section 3814 to be addicted to alcohol or another substance, the offender must refrain from:

- (A) the use of illegal controlled substances; and
- (B) the abuse of prescription drugs, over-the-counter drugs or any other substances.

(ii) If the offender is determined under the procedures set forth in section 3814 to be addicted to alcohol or another substance, the offender must do all of the following:

- (A) Refrain from:
  - (I) the use of alcohol or illegal controlled substances; and
  - (II) the abuse of prescription drugs, over-the-counter drugs or any other substances.
- (B) Participate in and cooperate with drug and alcohol addiction treatment under subsection (c).

**(c) Treatment.--**

(1) Treatment must conform to assessment recommendations made under section 3814.

(2) Treatment must be conducted by a drug and alcohol addiction treatment program licensed by the Department of Health.

(3) The treatment program shall report periodically to the assigned parole officer on the offender's progress in the treatment program. The treatment program shall promptly notify the parole officer if the offender:

- (i) fails to comply with program rules and treatment expectations;
- (ii) refuses to constructively engage in the treatment process; or
- (iii) without authorization terminates participation in the treatment program.

(4) Upon notification under paragraph (3), the parole officer shall report the offender's actions to the parole authority and to the department for compliance with section 1553(e) (relating to occupational limited license). The parole authority shall schedule a revocation hearing to consider recommendations of the parole officer and the treatment program.

(5) Nothing in this subsection shall prevent a treatment program from refusing to accept an offender if the program administrator deems the offender to be inappropriate for admission to the program. A treatment program shall retain the right to immediately discharge into the custody of the assigned parole officer an offender who fails to comply with program rules and treatment expectations or refuses to constructively engage in the treatment process.

**(d) Enforcement.--**

(1) This subsection applies to an offender ordered to participate in a treatment program under subsection (b)(2)(ii) who:

- (i) fails to comply with program rules and treatment expectations;
- (ii) refuses to constructively engage in the treatment process; or
- (iii) terminates participation in the treatment program without authorization.

(2) Notwithstanding any other provision of law, all of the following apply to an offender under paragraph (1):

- (i) The offender's parole, prerelease, work release or any other release status shall be revoked.
- (ii) The offender shall be ineligible for parole, prerelease, work release or any other release from the correctional facility prior to the expiration of the offender's maximum term unless the offender is permitted to be readmitted to a treatment program.

(3) Nothing in this subsection shall be construed to grant a legal right to parole to an offender previously ineligible for parole, on the grounds that the offender is currently prepared to participate in, comply with and constructively engage in the treatment process. Under such circumstances, parole or reparole of the offender shall be at the parole authority's discretion.

**(e) Follow-up.--**After an offender has completed the treatment program under subsection (c), the parole officer shall take reasonable steps to ensure that the offender does not abuse alcohol, use illegal controlled substances or abuse prescription drugs, over-the-counter drugs or any other such substances. These reasonable steps include requiring chemical testing and periodic reassessment of the offender by the treatment program.

**(f) Fees.--**

(1) Except as set forth in paragraph (2), the parole authority shall impose upon an offender subject to this section reasonable fees to cover the cost of any of the following:

- (i) Chemical testing of the offender required under this section.
- (ii) An assessment of the offender required under this section.
- (iii) Drug or alcohol treatment provided in accordance with the assessment.

(2) If the parole authority finds the offender to be unable to pay the full amount of the fees required by paragraph (1) and section 1541(d) (relating to period of disqualification, revocation or suspension of operating privilege), it shall require the offender to pay as much of the fee as is consistent with the offender's ability to pay and shall direct the assigned parole officer to establish a reasonable payment schedule for the offender to pay as much of the remaining fees as is consistent with the offender's ability to pay.

**(g) Insurance.--**

(1) This subsection shall only apply to a health insurance, health maintenance organization or other health plan required to provide benefits under section 602-A of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) If an individual who is insured by a health insurance, a health maintenance organization or other health plan, that is doing business in this Commonwealth, the individual may not be deprived of alcohol and other drug abuse and addiction treatment or coverage within the scope of that plan due to the

identification of an alcohol or other drug problem which occurs as a result of an assessment under this section.

**(h) Additional funding.**--In order to support and augment the diagnostic assessment and treatment services provided under this section, the Department of Health, the department and the Pennsylvania Commission on Crime and Delinquency shall seek all available Federal funding, including funds available through the United States National Highway Traffic Safety Administration and the Department of Health and Human Services.  
(Nov. 29, 2004, P.L.1369, No.177, eff. imd.)

**2004 Amendment.** Act 177 amended subsec. (a).

**Special Provisions in Appendix.** See section 18 of Act 24 of 2003 in the appendix to this title for special provisions relating to applicability of sections 3814 and 3815.

**References in Text.** Section 17 of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, referred to in subsec. (a), was repealed by the act of August 11, 2009 (P.L.494, No.49). The subject matter is now contained in Part IV of Title 61 (Prisons and Parole).

**Cross References.** Section 3815 is referred to in sections 1553, 1556, 3804, 3816, 3817 of this title; section 9763 of Title 42 (Judiciary and Judicial Procedure).

**§ 3816. Requirements for driving under influence offenders.**

**(a) Evaluation using Court Reporting Network.**--In addition to any other requirements of the court, every person convicted of a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) and every person offered Accelerated Rehabilitative Disposition as a result of a charge of a violation of section 3802 shall, prior to sentencing or receiving Accelerated Rehabilitative Disposition or other preliminary disposition, be evaluated using Court Reporting Network instruments issued by the department and any other additional evaluation techniques deemed appropriate by the court to determine the extent of the person's involvement with alcohol or controlled substances and to assist the court in determining what sentencing, probation or conditions of Accelerated Rehabilitative Disposition would benefit the person or the public.

**(b) Court-ordered intervention or treatment.**--A record shall be submitted to the department as to whether the court did or did not order a defendant to attend drug and alcohol treatment pursuant to the requirements of sections 3804 (relating to penalties), 3814 (relating to drug and alcohol assessments) and 3815 (relating to mandatory sentencing). 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.

**Cross References.** Section 3816 is referred to in sections 1541, 3807, 3814 of this title.

**§ 3817. Reporting requirements for offenses.**

**(a) Requirement.**--The department shall make an annual report on the administration of this chapter. The department, the Administrative Office of Pennsylvania Courts and the Pennsylvania

Sentencing Commission shall work together to exchange pertinent information necessary to complete this report.

**(b) Contents.**--The report shall include the following information by county:

(1) The number of offenders charged with a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) sorted by the subsection under which the offender was charged.

(2) The number of offenders convicted of violating section 3802 sorted by the subsection under which the offender was convicted.

(3) The number of offenders admitted to an Accelerated Rehabilitative Disposition program for violating section 3802 sorted by the subsection under which the offender was charged.

(4) The number of offenders completing an Accelerated Rehabilitative Disposition program for a violation of section 3802 sorted by the subsection under which the offender was charged.

(5) The number of persons refusing a chemical test sorted by the number of prior offenses.

(6) The number of offenders subject to treatment under section 3807 (relating to Accelerated Rehabilitative Disposition) sorted by the subsection of section 3802 under which the offender was charged.

(7) The number of offenders subject to section 3815 (relating to mandatory sentencing) sorted by the subsection of section 3802 under which the offender was convicted.

(8) The number of offenders sent to treatment for alcohol and drug problems and addiction.

(9) The names of the treatment facilities providing treatment and the level of care and length of stay in treatment.

(10) The number of offenders successfully completing treatment.

(11) The number of first, second, third and subsequent offenders sorted by the subsection of section 3802 under which the offender was charged.

(12) The number of first, second, third and subsequent offenders sorted by the subsection of section 3802 under which the offender was convicted.

(13) The number of offenders who violated section 3802 for whom costs for assessment and treatment were waived by the court.

(14) The number of offenders who violated section 3802 for whom fines and costs were waived by the court.

**(c) Recipients.**--The annual report shall be submitted to the Judiciary Committee, Public Health and Welfare Committee and Transportation Committee of the Senate; the Health and Human Services Committee, Judiciary Committee and Transportation Committee of the House of Representatives; and the Department of Health Bureau of Drug and Alcohol Programs, who shall utilize the data for program planning purposes. The Bureau of Drug and Alcohol Programs shall consider increases in county drug and alcohol program costs that result from the implementation of this chapter when proposing annual appropriations requests. The report shall be made available to the public.

**§ 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 or blood 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 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).

(1) (Deleted by amendment).

(2) (Deleted by amendment).

**(b) Civil penalties 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 the person will be subject to a restoration fee of up to \$2,000; and

(ii) if the person refuses to submit to chemical breath 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 civil penalties 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 and the person will be subject to a restoration fee of up to \$2,000.

(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 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.

**(b.2) Restoration fees.--**

(1) A person whose operating privilege has been suspended in accordance with subsection (b) or (b.1) shall:

(i) Except as provided in subparagraph (ii) or (iii), pay a restoration fee of \$500.

(ii) If the department has previously suspended the person's operating privilege under this section on one occasion, pay a restoration fee of \$1,000.

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

(2) All restoration fees imposed under this section must be paid prior to the reinstatement of an individual's unrestricted operating privilege or in accordance with section 1556(b)(3) (relating to ignition interlock limited license).

**(b.3) Limitation.--**Nothing in this section shall be construed as limiting the ability of law enforcement to obtain chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania.

**(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 or blood, 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, 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 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 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, 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, 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 or blood 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 or blood. 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 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; May 25, 2016, P.L.236, No.33, eff. imd.; July 20, 2017, P.L.333, No.30)

**2017 Amendment.** Act 30 amended subsecs. (a), (b) and (b.1) and added subsecs. (b.2) and (b.3), effective immediately as to subsec. (b)(2)(ii) and six months as to subsecs. (a), (b) heading, (1), (2)(i) and (3), (b.1), (b.2) and (b.3).

**2016 Amendment.** Act 33 amended subsecs. (a), (c) intro. par., (2) and (3), (g.1), (h), (i) and (j).

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

**2003 Amendment.** Act 24 amended subsecs. (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.** Act 24 repealed subsec. (d), effective February 1, 2004.

**1996 Amendments.** Act 93 amended subsec. (d) and added subsec. (1), effective in 30 days as to subsec. (d) and 60 days as to subsec. (1), and Act 115 amended subsec. (d) and added subsec. (1). 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 amendment to section 1547 shall be retroactive to January 14, 1983.

**Cross References.** Section 1547 is referred to in sections 102, 1508, 1543, 1553, 1554, 1556, 1613, 3804, 3805 of this title; section 5125 of Title 30 (Fish); section 933 of Title 42 (Judiciary and Judicial Procedure).



## IGNITION INTERLOCK LIMITED LICENSE ELIGIBILITY FACT SHEET

**FOR VIOLATIONS OCCURRING ON OR AFTER AUGUST 25, 2017**

### SUSPENSION – Ignition Interlock Requirement for a Conviction or Adjudication of Delinquency

OFFENSE	NUMBER OF OFFENSES	SUSPENSION TERM	IGNITION INTERLOCK REQUIRED AT TIME OF RESTORATION	INTERLOCK PERIOD	ELIGIBLE FOR IGNITION INTERLOCK LIMITED LICENSE	WHEN ELIGIBLE TO APPLY
<b>General Impairment</b> <i>Sections 3802(a)(1) &amp; 3802(a)(2)</i>	First	NONE	N/A	N/A	N/A	N/A
	Second *	12 months	Yes	1 year	Yes	After serving 6 months of suspension
	Third or Subsequent *	12 months	Yes	1 year	Yes	After serving 6 months of suspension
<b>High Rate</b> <i>Section 3802(b)</i> <b>Minor</b> <i>Section 3802(e)</i> <b>School/CDL Vehicles</b> <i>Section 3802(f)</i>	First	12 months	Yes	1 year	Yes	Immediately upon receiving notice of suspension
	Second *	12 months	Yes	1 year	Yes	After serving 6 months of suspension
	Third or Subsequent *	18 months	Yes	1 year	Yes	After serving 9 months of suspension
	Fourth or Subsequent *	18 months	Yes	1 year	Yes	After serving 9 months of suspension
<b>Highest Rate</b> <i>Section 3802(c)</i> <b>General Impairment – Refusal</b> <i>Sections 3802(a)(1) &amp; 3802(a)(2)</i> <b>Controlled Substances</b> <i>Section 3802(d)</i>	First	12 months	Yes	1 year	Yes	Immediately upon receiving notice of suspension
	Second *	18 months	Yes	1 year	Yes	After serving 9 months of suspension
	Third or Subsequent *	18 months	Yes	1 year	Yes	After serving 9 months of suspension

\* Please see 75 Pa.C.S. Section 3806 (relating to prior offenses) for information on prior offenses.

**FOR VIOLATIONS OCCURRING ON OR AFTER AUGUST 25, 2017**

**SUSPENSION – Ignition Interlock Requirement for other Offenses**

OFFENSE	NUMBER OF OFFENSES	SUSPENSION TERM	IGNITION INTERLOCK REQUIRED AT TIME OF RESTORATION	INTERLOCK PERIOD	ELIGIBLE FOR IGNITION INTERLOCK LIMITED LICENSE	WHEN ELIGIBLE TO APPLY
Refusal to submit to Chemical Testing for violation of section 3802	First	12 months	Yes	1 year	Yes	After serving 6 months of suspension
	Second (or prior conviction for DUI offense)	18 months	Yes	1 year	Yes	After serving 9 months of suspension
Ignition Interlock violation under section 3808	First	None	Extends current II period/restriction	1 year from conviction date	No	N/A
	Second or Subsequent	12 months	Yes	1 year	No	N/A
Refusal to submit to Chemical Testing for violation of 1543(b)(1.1) or Ignition Interlock violation of 3802(a)(2)	First	6 months (if no suspension for 3802 refusal imposed)	Yes	1 year	No	N/A
	Second or Subsequent	6 months (if no suspension for 3802 refusal imposed)	Yes	1 year	No	N/A

**FOR VIOLATIONS OCCURRING ON OR AFTER AUGUST 25, 2017**

<b>REVOCATION – Ignition Interlock Requirement for a Conviction or Accelerated Rehabilitative Disposition (ARD)</b>						
<b>OFFENSE</b>	<b>THIRD CONVICTION UNDER SECTION 1542 WAS FOR DUI (Includes ARD)</b>	<b>REVOCATION TERM</b>	<b>IGNITION INTERLOCK REQUIRED AT TIME OF RESTORATION</b>	<b>INTERLOCK PERIOD</b>	<b>ELIGIBLE FOR IGNITION INTERLOCK LIMITED LICENSE</b>	<b>WHEN ELIGIBLE TO APPLY</b>
<b>General Impairment</b> <i>Sections 3802(a)(1) &amp; 3802(a)(2)</i>	Yes	5 years	Yes	1 year	Yes	After receiving notice of revocation and serving first 4 years of revocation
	Additional offense within 5 years of last offense	2 years	Yes	1 year	Yes	After receiving notice of additional revocation and serving 1 year of additional revocation
<b>High Rate</b> <i>Section 3802(b)</i> <b>Minor</b> <i>Section 3802(e)</i> <b>School/CDL Vehicles</b> <i>Section 3802(f)</i>	Yes	5 years	Yes	1 year	Yes	After receiving notice of revocation and serving first 4 years of revocation
	Additional offense within 5 years of last offense	2 years	Yes	1 year	Yes	After receiving notice of additional revocation and serving 1 year of additional revocation
<b>Highest Rate</b> <i>Section 3802(c)</i> <b>General Impairment – Refusal</b> <i>Sections 3802(a)(1) &amp; 3802(a)(2)</i> <b>Controlled Substances</b> <i>Section 3802(d)</i>	Yes	5 years	Yes	1 year	Yes	After receiving notice of revocation and serving first 4 years of revocation
	Additional offense within 5 years of last offense	2 years	Yes	1 year	Yes	After receiving notice of additional revocation and serving 1 year of additional revocation

**FOR VIOLATIONS OCCURRING PRIOR TO AUGUST 25, 2017**

<b>SUSPENSION – Ignition Interlock Requirement for a Conviction or Adjudication of Delinquency</b>						
<b>OFFENSE</b>	<b>NUMBER OF OFFENSES</b>	<b>SUSPENSION TERM</b>	<b>IGNITION INTERLOCK REQUIRED AT TIME OF RESTORATION</b>	<b>INTERLOCK PERIOD</b>	<b>ELIGIBLE FOR IGNITION INTERLOCK LIMITED LICENSE</b>	<b>WHEN ELIGIBLE TO APPLY</b>
<b>General Impairment</b> <i>Sections 3802(a)(1) &amp; 3802(a)(2)</i>	First	NONE	N/A	N/A	N/A	N/A
	Second *	12 months	Yes	1 year	Yes	After serving 6 months of suspension
	Third or Subsequent *	12 months	Yes	1 year	Yes	After serving 6 months of suspension
<b>High Rate</b> <i>Section 3802(b)</i> <b>Minor</b> <i>Section 3802(e)</i> <b>School/CDL Vehicles</b> <i>Section 3802(f)</i>	First	12 months	No	N/A	Yes	Immediately upon receiving notice of suspension
	Second *	12 months	Yes	1 year	Yes	After serving 6 months of suspension
	Third or Subsequent *	18 months	Yes	1 year	Yes	After serving 9 months of suspension
	Fourth or Subsequent *	18 months	Yes	1 year	Yes	After serving 9 months of suspension
<b>Highest Rate</b> <i>Section 3802(c)</i> <b>General Impairment – Refusal</b> <i>Sections 3802(a)(1) &amp; 3802(a)(2)</i> <b>Controlled Substances</b> <i>Section 3802(d)</i>	First	12 months	No	N/A	Yes	Immediately upon receiving notice of suspension
	Second *	18 months	Yes	1 year	Yes	After serving 9 months of suspension
	Third or Subsequent *	18 months	Yes	1 year	Yes	After serving 9 months of suspension

\* Please see 75 Pa.C.S. Section 3806 (relating to prior offenses) for information on prior offenses.

**FOR VIOLATIONS OCCURRING PRIOR TO AUGUST 25, 2017**

**SUSPENSION – Ignition Interlock Limited License Eligibility for other Offenses**

OFFENSE	NUMBER OF OFFENSES	SUSPENSION TERM	IGNITION INTERLOCK REQUIRED AT TIME OF RESTORATION	INTERLOCK PERIOD	ELIGIBLE FOR IGNITION INTERLOCK LIMITED LICENSE	WHEN ELIGIBLE TO APPLY
Refusal to submit to Chemical Testing for violation of section 3802	First	12 months	No	N/A	Yes	After serving 6 months of suspension
	Second (or prior conviction for DUI offense)	18 months	No	N/A	Yes	After serving 9 months of suspension
Ignition Interlock violation under section 3808	First	None	Extends current II period/restriction	1 year from conviction date	No	N/A
	Second or Subsequent	12 months	Yes	1 year	No	N/A
Refusal to submit to Chemical Testing for violation of 1543(b)(1.1) or Ignition Interlock violation of 3802(a)(2)	First	6 months (if no suspension for 3802 refusal imposed)	Yes	1 year	No	N/A
	Second or Subsequent	6 months (if no suspension for 3802 refusal imposed)	Yes	1 year	No	N/A

**FOR VIOLATIONS OCCURRING PRIOR TO AUGUST 25, 2017**

**REVOCATION – Ignition Interlock Limited License Eligibility for a Conviction or Accelerated Rehabilitative Disposition (ARD)**

OFFENSE	THIRD CONVICTION UNDER SECTION 1542 WAS FOR DUI (Includes ARD)	REVOCATION TERM	IGNITION INTERLOCK REQUIRED AT TIME OF RESTORATION	INTERLOCK PERIOD	ELIGIBLE FOR IGNITION INTERLOCK LIMITED LICENSE	WHEN ELIGIBLE TO APPLY
<b>General Impairment</b> <i>Sections 3802(a)(1) &amp; 3802(a)(2)</i>	Yes	5 years	No	N/A	Yes	After receiving notice of revocation and serving first 4 years of revocation
	Additional offense within 5 years of last offense	2 years	No	1 year	Yes	After receiving notice of additional revocation and serving 1 year of additional revocation
<b>High Rate</b> <i>Section 3802(b)</i> <b>Minor</b> <i>Section 3802(e)</i> <b>School/CDL Vehicles</b> <i>Section 3802(f)</i>	Yes	5 years	No	N/A	Yes	After receiving notice of revocation and serving first 4 years of revocation
	Additional offense within 5 years of last offense	2 years	No	1 year	Yes	After receiving notice of additional revocation and serving 1 year of additional revocation
<b>Highest Rate</b> <i>Section 3802(c)</i> <b>General Impairment – Refusal</b> <i>Sections 3802(a)(1) &amp; 3802(a)(2)</i> <b>Controlled Substances</b> <i>Section 3802(d)</i>	Yes	5 years	No	N/A	Yes	After receiving notice of revocation and serving first 4 years of revocation
	Additional offense within 5 years of last offense	2 years	No	1 year	Yes	After receiving notice of additional revocation and serving 1 year of additional revocation

## IGNITION INTERLOCK LIMITED LICENSE ELIGIBILITY

SUSPENSION – Accelerated Rehabilitative Disposition (ARD) and Juvenile Consent Decree					
BLOOD ALCOHOL CONTENT (BAC)	SUSPENSION TERM	IGNITION INTERLOCK REQUIRED AT TIME OF RESTORATION (First offense) *	INTERLOCK PERIOD	ELIGIBLE FOR IGNITION INTERLOCK LIMITED LICENSE	WHEN ELIGIBLE TO APPLY
BAC less than 0.10%	NONE	N/A	N/A	N/A	N/A
BAC less than 0.16%	30 days	No	N/A	Yes	Immediately upon receiving notice of suspension
BAC 0.16% or higher, BAC not known, accident resulting in bodily injury or damage to vehicle or property in connection with current offense, or section 3802(d)	60 days	No	N/A	Yes	Immediately upon receiving notice of suspension
Minor at time of offense	90 days	No	N/A	Yes	Immediately upon receiving notice of suspension
Consent Decree	6 months	Yes	1 year	No	N/A

**\* Any person who has a prior DUI offense on record occurring within the past ten years will have a one-year Ignition Interlock requirement at the time of restoration.**

**For information on prior offense, please see 75 Pa.C.S. Section 3806 (relating to prior offenses).**



# APPLICATION FOR IGNITION INTERLOCK LICENSE/RETURN OF REGULAR DRIVER LICENSE

PLEASE READ IMPORTANT INFORMATION ON THE REVERSE SIDE.

**A APPLICANT INFORMATION**

DRIVER'S LICENSE NUMBER		LAST NAME		JR/ETC
FIRST NAME		MIDDLE NAME		
DATE OF BIRTH	TELEPHONE NUMBER (8:00 A.M.-4:30 P.M.)		E-MAIL ADDRESS (if applicable)	
Month	Day	Year		
EYE COLOR (Please check one): <input type="checkbox"/> BLUE <input type="checkbox"/> BROWN <input type="checkbox"/> GREEN <input type="checkbox"/> HAZEL <input type="checkbox"/> PINK <input type="checkbox"/> BLACK <input type="checkbox"/> GRAY <input type="checkbox"/> DICHROMATIC <input type="checkbox"/> OTHER _____				
<p>OUT-OF-STATE ADDRESS CHANGE. We may not issue driver license products to an out-of-state address, except in the case of an employee of federal or state government, armed forces personnel, or their families, whose workplace is located outside of Pennsylvania. If this exception applies to you, please check the appropriate box and include documentation of your status with this application.</p> <p>Attach a letter from your employer on their letterhead to document your status, or attach a copy of your current Photo ID issued by your employer. If you are the immediate family of a person meeting one of the allowable exceptions, attach the documentation of the person employed. Additionally, you must indicate your relationship to that person.</p> <p>I certify that my workplace is located out of state and I am employed by, or am the immediate family of a person employed by:</p> <p><input type="checkbox"/> US Armed Forces <input type="checkbox"/> Federal Government <input type="checkbox"/> Pennsylvania State Government</p> <p>Relationship to person meeting exemption (check one): <input type="checkbox"/> Spouse <input type="checkbox"/> Dependent Child</p>				
<p><b>ADDRESS CHANGE</b> - A Post Office Box number may be used in addition to the actual residence address, but cannot be used as the only address.</p> <p>NEW STREET ADDRESS _____</p> <p>CITY _____ STATE _____ ZIP CODE _____</p> <p>This application will also serve as a request to update your voter registration unless you check this box: <input type="checkbox"/></p> <p>If you are not registered to vote, you will receive an application to register. You <b>must</b> be a U.S. citizen to register to vote in Pennsylvania.</p> <p>Pennsylvania strongly supports organ and tissue donation because of its life-saving and life-enhancing opportunities.</p> <p><input type="checkbox"/> ADD (Parental consent required if under 18) <input type="checkbox"/> REMOVE</p>				

**B APPLICATION OPTIONS - MUST CHECK ONE**

- OPTION 1** ☐ I am applying for an ignition interlock license. **OR**
- OPTION 2** ☐ As a result of the disqualification of my commercial driving privilege, (in accordance with Section 1617 of the PA Vehicle Code) I am applying for a non-commercial class ignition interlock license. **OR**
- OPTION 3** ☐ My ignition interlock period has been served and I am applying for the return of my previous classification.
- NOTE:** If applying for the return of your previous CDL classification, after serving your disqualifications period, you must complete form DL-100CD.
- During your ignition interlock period were you given a ticket or cited for driving without an ignition interlock system and/or tampering with an ignition interlock device? ☐ YES ☐ NO
- If yes, give date when violation occurred \_\_\_\_\_ and check one of the following:
- ☐ 1. I was found not guilty. ☐ 2. I paid the ticket, plead guilty or was found guilty. ☐ 3. The case hasn't been decided yet.

**C REQUEST FOR EXEMPTION FROM PHOTO - ABSENTEE EXEMPTION**

During the next 60 days I will be absent from PA for the following reason: ☐ Military ☐ School ☐ Work ☐ Travel

Within 45 days of my return I will apply for a driver's license containing my photo.

**SIGN  
HERE**

APPLICANT'S SIGNATURE

**D AUTHORIZATION AND CERTIFICATION (Sign and Enter Fee)**

- ☐ For Veterans wishing to add the Veterans Designation to their Driver's License or ID Card: I certify under penalty of law that I am a qualified applicant and hereby request it be added to my product. I understand that misrepresentation will result in the cancellation of my driver's license.
- I acknowledge that receiving a Pennsylvania Permit, License or ID card will cancel or invalidate any Permit, License or ID card from another state. I certify under penalty of law that all information given on this application is true and correct. If using a Messenger Service, I hereby authorize the Department to furnish them with my driving record for the purpose of processing this form. I hereby acknowledge this day that I have received notice of the provisions of Section 3709 of the Vehicle Code. (See reverse for provisions.)
- ☐ I wish to contribute \$3.00 to the Organ Donation Awareness Trust Fund. (see reverse)
- ☐ I wish to contribute \$5.00 to the Veterans' Trust Fund. (see reverse)

**SIGN  
HERE**

APPLICANT'S SIGNATURE IN INK

DATE

WARNING: Misstatement of Fact is a misdemeanor of the third degree punishable by a fine of up to \$2,500 and/or imprisonment up to 1 year (18 Pa. C.S. Section 4904[b]).

PAID BY: ☐ Debit/Credit Card ☐ Check ☐ Money Order Payable to PennDOT (PennDOT Driver License Centers do not accept cash.)

TOTAL \$

MESSENGER NO.

The most current version of this form can be found at: [www.dmv.pa.gov](http://www.dmv.pa.gov)

## SECTION A-APPLICANT INFORMATION

- Complete applicant information.
- Complete address change if needed.
- Include the Driver Number if available. This assists PennDOT in the identification process
- The Department is required to obtain the Licensee's height and eye color under the provisions of Section 1510(a) of the Pennsylvania Vehicle Code. This information will be used as identifying information in an attempt to minimize driver license fraud.

## SECTION B-APPLICATION OPTIONS

- Check one block only. Indicate the type of license you are requesting.
- If you are choosing option 3, you **must** answer the question regarding Ignition Interlock violations. **Failure to answer this question will result in the delay of processing your application.**
- Return your completed and signed application with check or money order made payable to "PennDOT", to:

### FOR OPTION 1 AND OPTION 2

Department of Transportation  
Bureau of Driver Licensing  
P.O. Box 68693  
Harrisburg, PA 17106-8693

### FOR OPTION 3

Department of Transportation  
Bureau of Driver Licensing  
P.O. Box 68273  
Harrisburg, PA 17106-8273

## SECTION C-REQUEST FOR EXEMPTION FROM PHOTO

- Section C must be signed.

## SECTION D - AUTHORIZATION AND CERTIFICATION

- **Veterans Designation:** You have the opportunity to add the veterans designation to your driver's license, which clearly indicates you are a veteran of the United States Armed Forces. To qualify, you must have served in the United States Armed Forces, including a reserve component or the National Guard, and have been discharged or released from such service under conditions other than dishonorable. If you are requesting to add the veterans designation to your license, make sure you check the box at the top in Section D.
- Section D must be signed.
- Fill in the fee in the box provided. (*see fees below*)

FEES	
Driver's License without Class M .....	\$37.50
Driver's License with Class M .....	\$42.50
<i>or</i>	
<i>If your license expires within 6 months, you may choose to renew at this time by attaching a DL-143 / DL-143CD along with the <u>renewal fees ONLY.</u></i>	

<b>ORGAN DONATION AWARENESS TRUST FUND (ODTF)</b>	You have the opportunity to contribute \$3.00 to the Fund. The additional \$3.00 contribution must be added to your payment. You must also check the block provided to ensure proper handling of your contribution. The ODTF provides for the development and implementation of donor awareness programs and funds shall be appropriated subject to the approval of the Governor.
<b>VETERANS' TRUST FUND (VTF)</b>	You have the opportunity to make a tax deductible contribution to the VTF. Your contribution will help support programs and projects for Pennsylvania veterans and their families. Since this additional \$5.00 is not part of the fee, please add the donated amount to your payment. Also, please check the proper block on the form to ensure your contribution is handled properly.

## PROVISIONS OF SECTION 3709 OF THE VEHICLE CODE

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.

Change your address or renew your driver's license online at [www.dmv.pa.gov](http://www.dmv.pa.gov)



**pennsylvania**  
DEPARTMENT OF TRANSPORTATION

# IGNITION INTERLOCK EMPLOYMENT EXEMPTION AFFIDAVIT

**FOR LAW ENFORCEMENT OFFICIALS:** This Affidavit allows this person to drive an **employer-owned vehicle** not equipped with ignition interlock for employment purposes. It cannot be used to drive a school bus, school vehicle, a vehicle designed to transport more than 15 passengers or by certified inspection mechanics. **See Warnings on back.**

## DRIVER INFORMATION (Type or print information)

LAST NAME	JR. ETC.	FIRST NAME	MI	DRIVER LICENSE #
STREET ADDRESS				
CITY	STATE	ZIP CODE		

## EMPLOYER INFORMATION

NAME OF EMPLOYER				
ADDRESS				
CITY	STATE	ZIP CODE		
SUPERVISOR NAME AND TITLE			TELEPHONE NUMBER OF IMMEDIATE SUPERVISOR	

## VEHICLE INFORMATION

List information on each vehicle this driver will operate for employment purposes

Year	Make	Model	License Plate#	State

## WORK/DRIVING SCHEDULE

Explain how driver's position requires them to operate a company vehicle as part of their employment. Provide the territory or area in which they must drive, along with the days and hours they work.

DRIVER'S POSITION	
TERRITORY/AREA	WORK DAYS & HOURS

**NOTARIZATION**

SUBSCRIBED AND SWORN

TO BEFORE ME:      MONTH      DAY      YEAR

X

SIGNATURE OF PERSON ADMINISTERING OATH

S  
E  
A  
L

I hereby certify that the above named driver's job responsibilities require them to operate a company vehicle owned and registered to

I am aware that they are is currently restricted to drive vehicles equipped with an ignition interlock device. I further understand that the Ignition Interlock Exemption is only valid for operating a company vehicle for business purposes and not for personal use. I certify that I have notified the employee of these restrictions. I swear or affirm that the statements made herein are true and correct, and that any statement made on or pursuant to this form are subject to the penalties of 18 PA C.S. Section 4903(a)(2) (relating to false swearing), which shall include punishment of a fine not exceeding \$5,000, or to a term imprisonment of not more than two years, or both.

Signature of Employer

## WARNING

The Employment Exemption Affidavit allows an individual who holds an ignition interlock license to drive an **employer-owned vehicle** not equipped with ignition interlock for work purposes only. The Employment Exemption Affidavit **cannot** be used:

- to drive a school bus, school vehicle, or a vehicle designed to transport more than 15 passengers;
- if the employer-owned motor vehicle is owned by an entity which is wholly or partially owned or controlled by the person holding the ignition interlock license.
- if the employer-owned vehicle is made available to the employee for personal use.
- by certified inspection mechanics to test drive customer vehicles.

The Employment Exemption Affidavit must be completed **in its entirety** and be in the driver's possession while operating an employer-owned vehicle not equipped with ignition interlock. If driver does not have a completed Employment Exemption Affidavit in their possession they can be cited for driving without an ignition interlock.

## INSTRUCTIONS

This form must be completed by the employer.

### SECTION A - DRIVER INFORMATION

- Please type or print information as it appears on the employee's driver's license.

### SECTION B - EMPLOYER INFORMATION

- Provide name address of your business.
- Provide name and phone number of driver's immediate supervisor.

### SECTION C - VEHICLE INFORMATION

- Provide information on all employer-owned vehicles that the driver may operate during their normal course of business.

### SECTION D - WORK/DRIVING SCHEDULE

- Provide detailed information on how the driver's position with your company requires them to drive an employer-owned vehicle.
- Provide detailed information on where the driver is required to drive for employment purposes.
- Provide the driver's work days and work hours.

### SECTION E - NOTARIZATION

- Form must be signed by an officer of the company or immediate supervisor.
- Signature must be notarized.



**IGNITION INTERLOCK LIMITED LICENSE**  
**"THE LAW"**  
**Frequently Asked Questions**

**What is the Ignition Interlock Limited License Law?**

Act 33 of 2016 established an Ignition Interlock Limited License. An Ignition Interlock Limited License is a driver's license issued to an individual whose operating privilege is suspended or revoked for one or more violations of driving under the influence of alcohol or a controlled substance or refusal to submit to chemical testing. Under the law, an Ignition Interlock Limited License permits an individual, if certain requirements are met, to operate a motor vehicle(s) equipped with an Ignition Interlock system during the term, or part of the term, of their suspension or revocation.

**What types of violations are eligible for an Ignition Interlock Limited License?**

A violation of 75 Pa.C.S. Section 3802 (relating to driving under the influence of alcohol or controlled substance) and 75 Pa.C.S. Section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance). In addition, a violation substantially similar to a violation under 75 Pa.C.S. Section 3802 or former 75 Pa.C.S. Section 3731 in another jurisdiction, requiring the individual to operate only motor vehicles equipped with a functioning Ignition Interlock system, are also eligible.

**Is an individual eligible for an Ignition Interlock Limited License if they have never been licensed?**

No; PennDOT is prohibited from issuing an Ignition Interlock Limited License to an individual who is not licensed to drive by Pennsylvania or any other state.

**How does an individual determine if they are eligible for an Ignition Interlock Limited License?**

Eligibility can be determined by reviewing the following:

- 75 Pa.C.S Section 1556
- Ignition Interlock Limited License Fact Sheet
- Ignition Interlock Limited License Eligibility Charts
- Ignition Interlock Limited License Petition (Form DL-9108)
- A copy of your driver history

**NOTE:** If you have been cited for, or convicted of, a violation that has yet to be received by PennDOT, this may affect your eligibility.

**Is an individual eligible for an Ignition Interlock Limited License if they received an operating privilege suspension or revocation for an eligible violation prior to August 25, 2017?**

Yes, if all the following apply:

1. The suspension or revocation is the last sanction listed on their driver record.
2. More than 7 days remain until their restoration eligibility date.

**Is an individual eligible for an Ignition Interlock Limited License if their violation occurred prior to August 25, 2017, and they do not have an Ignition Interlock restoration requirement?**

Yes, if all criteria listed in the prior response is met.

**Is an individual who receives an operating privilege suspension as a result of Accelerated Rehabilitative Disposition acceptance for a violation of driving under the influence of alcohol or controlled substance eligible for an Ignition Interlock Limited License?**

Yes; a suspension imposed as a result of Accelerated Rehabilitative Disposition acceptance is eligible for an Ignition Interlock Limited License.

**Must court ordered DUI treatment be completed in order for an individual to be eligible for an Ignition Interlock Limited License?**

No. Court ordered DUI treatment does not need to be completed to be eligible for an Ignition Interlock Limited License; however, it will be required to be completed in order to restore from the suspension or revocation.

**Must PennDOT receive prison release information from the court in order for an individual to be eligible for an Ignition Interlock Limited License?**

Yes. In order for PennDOT to issue an Ignition Interlock Limited License, prison release information must be received from the court.

**Will the time period an individual holds an Ignition Interlock Limited License count toward the mandatory one-year Ignition Interlock period required as a condition of restoration?**

Yes; however, credit will only be given in cases where the Ignition Interlock requirement is a result of the violation which imposed the suspension or revocation.

**Can a commercial driver license holder who is suspended or revoked be issued an Ignition Interlock Limited License?**

Yes; however, an Ignition Interlock Limited License will only permit a CDL holder to operate a non-commercial motor vehicle. PennDOT is prohibited from issuing an Ignition Interlock Limited License for purposes of operating a commercial motor vehicle.

## **About the Ignition Interlock System**

**What is Ignition Interlock?**

An Ignition Interlock system is a device that is installed in a motor vehicle to prohibit an individual under the influence of alcohol from operating the vehicle. An individual is required to blow into the device before starting the vehicle. If the device detects alcohol, it will prevent the vehicle from starting. In addition, at periodic times during the operation of the vehicle, the individual will be prompted to blow into the device to ensure they are not under the influence.

**How much does the Ignition Interlock System cost?**

Cost may vary depending on the provider chosen. An Ignition Interlock system is leased from the Ignition Interlock vendor. Currently, the average costs associated with leasing an Ignition Interlock system is between \$900 to \$1,300 per year. The individual required to have the Ignition Interlock system is responsible for all costs.

**Who approves the Ignition Interlock systems?**

PennDOT is responsible for publishing a list of approved Ignition Interlock systems. The list of approved systems will be published in the Pennsylvania Bulletin.

## **Applying for an Ignition Interlock System/Limited License**

**How do I apply for an Ignition Interlock Limited License?**

To apply, an individual must complete an Ignition Interlock Limited License Petition, PennDOT form DL-9108, which includes a DL-9108SC form, and send it with the required fees and documentation to PennDOT by certified mail to the address listed on the petition.

**What are the initial steps for applying for an Ignition Interlock Limited License?**

An individual must surrender their driver's license, if not already surrendered. In all circumstances, the suspension or revocation is required to be acknowledged. If the driver's license has been lost or stolen, the applicant must apply for a duplicate license or license renewal (if driver's license has expired or will be expiring within six months). The restoration fee must be paid in full at the time of the petition. An Ignition Interlock system is required to be installed in each vehicle(s) the individual intends to operate prior to the petition being submitted.

**What is the fee for an Ignition Interlock Limited License, and are there any other fees required to be paid?**

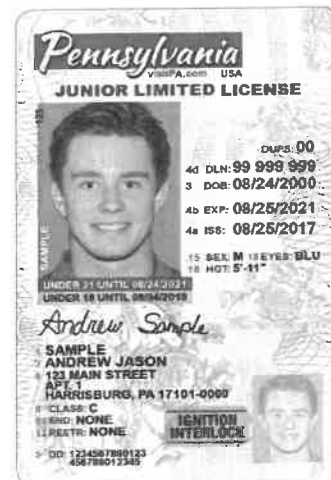
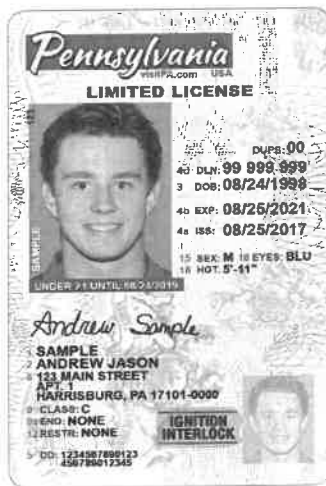
The application fee for an Ignition Interlock Limited License is \$70.00 and is non-refundable. In addition to the application fee, a restoration fee must be paid, if not already paid, and either a duplicate license or renewal license fee (if driver's license has expired or will be expiring within six months) is required.

**What does an Ignition Interlock Limited License look like?**

An Ignition Interlock Limited License displays a red banner behind the word "Pennsylvania", the words "LIMITED LICENSE" towards the top of the license, and the words "IGNITION INTERLOCK" in the yellow map of Pennsylvania. This license permits a person to only drive a vehicle equipped with an Ignition Interlock system. From the date the Ignition Interlock Limited License is issued to the time an unrestricted driver's license is issued, an individual may not drive, operate, or be in actual physical control of the movement of any motor vehicle which is not equipped with an Ignition Interlock system.

**UNDER 21**

**UNDER 18**



**When sending in my Ignition Interlock Limited License Petition, how do I determine whether I should apply for a duplicate license or license renewal?**

If your driver's license has expired, or will expire within the next 6 months, it is recommended that you complete and submit a renewal application at the time of petition in order to avoid paying another fee once the duplicate driver's license you are issued expires.

**Is an individual's driving privilege still under suspension or revocation if issued an Ignition Interlock Limited License?**

Yes. The operating privileges of an individual who has been issued an Ignition Interlock Limited License remain under suspension or revocation, except when operating a vehicle in accordance with the conditions of issuance and restrictions of the Ignition Interlock Limited License.

**Is an Ignition Interlock Limited License Petition allowed to be mailed using regular mail or walked/taken to a PennDOT Driver License Center or Photo Center?**

No. By law, an applicant for an Ignition Interlock Limited License is required to file the petition with PennDOT by certified mail (see 75 Pa.C.S. Section 1556(b)(1)).

**Where can an individual obtain more information on an Ignition Interlock Limited License and/or the petition?**

Information on an Ignition Interlock Limited License (IILL), as well as the IILL Petition, can be found on PennDOT's website at [www.dmv.pa.gov/Information-Centers/Suspensions](http://www.dmv.pa.gov/Information-Centers/Suspensions). If you do not have access to the internet, you can obtain this information by writing to the address listed below or calling the department's Customer Care Center at 717-412-5300. If sending written correspondence, please include your driver's license number and daytime telephone number on your correspondence.

Pennsylvania Department of Transportation  
Bureau of Driver Licensing  
Restorations Unit, Ignition Interlock Limited License  
P.O. Box 68273  
Harrisburg, PA 17106-8273

## **Installing Ignition Interlock System**

For a list of approved Ignition Interlock vendors, go to the Pennsylvania DUI Association webpage at [www.padui.org](http://www.padui.org) and select the Ignition Interlock Vendors link in the middle of the homepage. An Ignition Interlock system is leased from the Ignition Interlock vendor. Currently, the average costs associated with leasing an Ignition Interlock system is between \$900 to \$1,300 per year.

### **How will an Ignition Interlock vendor know if an individual is eligible for an Ignition Interlock Limited License?**

Ignition Interlock vendors are not responsible for determining an individual's eligibility for an Ignition Interlock Limited License.

### **What documentation must an individual present to an Ignition Interlock vendor in order to have an Ignition Interlock system installed in the vehicle(s) they will be operating?**

An individual who visits an Ignition Interlock vendor for purposes of obtaining an Ignition Interlock Limited License will be required to present the vendor with their official notice of suspension or revocation.

### **Will an Ignition Interlock vendor charge an individual to certify that an Ignition Interlock system was installed?**

An Ignition Interlock vendor can charge for this service. The fee charged is established by the vendor.

### **Who is responsible for verifying that all vehicles to be operated by an individual have had an approved Ignition Interlock system installed?**

An individual petitioning for an Ignition Interlock Limited License is required to complete a "Self-Certification of Vehicle(s) To Be Operated" form (DL-9108SC) and list all vehicles to be operated. The form must then be provided to an Ignition Interlock vendor. Once all the vehicles to be operated by the individual have had an Ignition Interlock system installed, the vendor will complete their section of the form and send it to PennDOT.

### **Can the Ignition Interlock system be installed on a friend's, family member's, or company vehicle?**

There is nothing in the law that prohibits a friend, family member or employer from installing an Ignition Interlock system in their vehicle for the Ignition Interlock Limited License holder's use. Any individual who uses the vehicle will be required to go through the breath test whenever prompted by the Ignition Interlock system.

### **How long must an Ignition Interlock system be installed in the vehicle?**

For purposes of completing the one-year Ignition Interlock requirement imposed under 75 Pa.C.S. Section 3805 (relating to ignition interlock), the Ignition Interlock system must remain in the vehicle for one year from the date the Ignition Interlock Limited License is issued. If an individual does not have an Ignition Interlock requirement, the Ignition Interlock system will be required to remain in the vehicle if they wish to drive up until their operating privilege can be restored.

## **Enforcement/Penalties**

### **How is an Ignition Interlock requirement enforced?**

All PennDOT "Ignition Interlock" limited license products are easily recognized by law enforcement. If an individual is stopped by law enforcement and presents an Ignition Interlock Limited License, the vehicle they are operating must be equipped with an Ignition Interlock system.

**What happens if an individual with an Ignition Interlock Limited license drives a vehicle without an Ignition Interlock system?**

An individual convicted of operating a motor vehicle not equipped with Ignition Interlock system is subject to the following penalties:

- Subject to fines and imprisonment.
- First offense: Ignition Interlock period extended 12 months from date of conviction.
- Second and subsequent offense: 12-month suspension and must comply with Ignition Interlock before operating privilege can be restored.

## **Getting Your Unrestricted License Back**

**How does an individual obtain an unrestricted driver's license after having completed the one-year Ignition Interlock requirement while holding an Ignition Interlock Limited License?**

If an Ignition Interlock requirement is imposed as a condition of restoration, thirty days prior to being eligible to receive an unrestricted driver's license, PennDOT will mail a notice to the individual that contains the date of their eligibility and an application to apply for an unrestricted driver's license. The notice will provide instructions on how to go about obtaining an unrestricted driver's license.

**How does an individual that does not have an Ignition Interlock requirement obtain an unrestricted driver's license after having served their suspension or revocation term while holding an Ignition Interlock Limited License?**

Thirty days prior to being eligible to receive an unrestricted driver's license, PennDOT will mail a notice to the individual that contains the date of their eligibility and an application to apply for an unrestricted driver's license. The notice will provide instructions on how to go about obtaining an unrestricted driver's license.

**What is a Declaration of Compliance?**

A Declaration of Compliance is a PennDOT-controlled form that Ignition Interlock vendors will utilize to certify that an individual has not had any incidents, as defined by law (see 75 Pa.C.S. Sections 3805(c)(2) (relating to issuance of unrestricted license) and 3805(h.2)(relating to declaration of compliance)), occur in the two consecutive months prior to the date entered on the certificate. For individuals who received an IILL as a result of a suspension for ARD, the compliance form must indicate that no incidents have occurred in the prior 30 days to the date entered on the certificate. Before PennDOT can issue an unrestricted driver's license, a Declaration of Compliance must be received from the Ignition Interlock vendor.

**Information regarding driver and vehicle services is available  
on the Driver and Vehicle Services website at**

**[www.dmv.pa.gov](http://www.dmv.pa.gov)**

**OR**

**through our CUSTOMER CALL CENTER  
24 hours if using a touchtone (pulse-tone) telephone.**

**Service Representatives are available between the hours of**

**8 a.m. and 5 p.m.**

**Monday through Friday**

**(Eastern Standard Time)**

**For direct assistance except on major holidays:**

**Please call 717-412-5300**

**TTY callers – please dial 711**

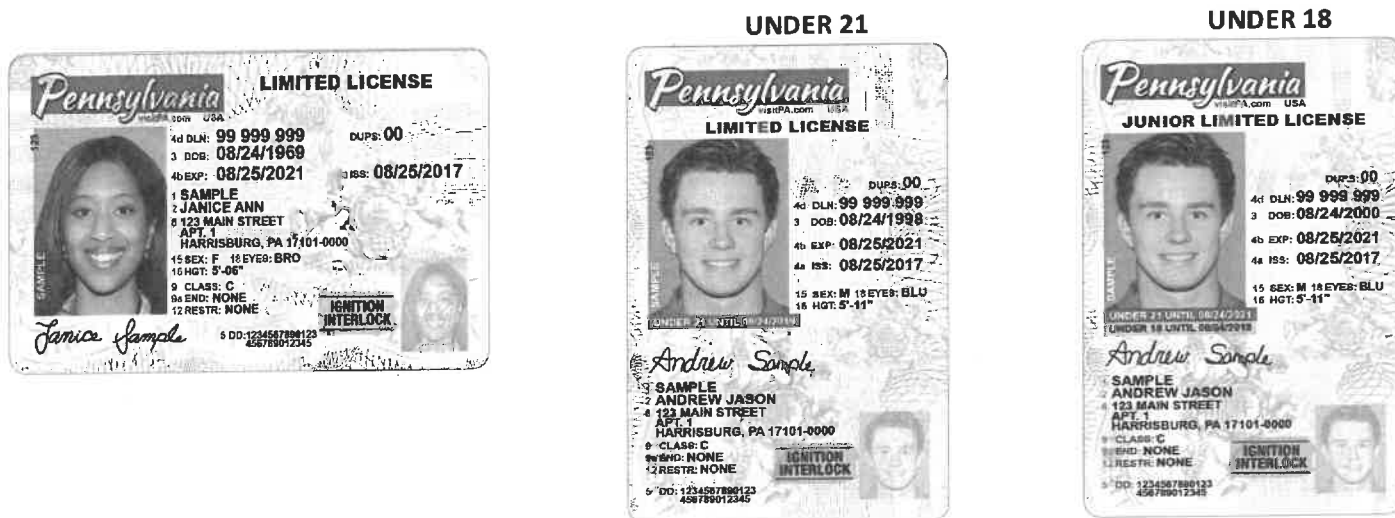
**This FAQ is solely for informational purposes and should only be used as a guide. Anyone viewing this FAQ to determine eligibility is advised to refer to 75 Pa.C.S. Section 1556 (relating to Ignition Interlock Limited License) and 75 Pa.C.S. Section 3805 (relating to ignition interlock).**

## PENNSYLVANIA LAW

Act 33 of 2016 was signed into law on May 25, 2016. The act amended Pennsylvania's Ignition Interlock law. The new Ignition Interlock law, which became effective on Friday, August 25, 2017, makes the Ignition Interlock requirement mandatory for first-time DUI offenders with high blood alcohol levels, repeat DUI offenders, and for individuals who refuse chemical testing. In addition, the law established an Ignition Interlock Limited License.

## IGNITION INTERLOCK LIMITED LICENSE

An Ignition Interlock Limited License is a driver's license issued to a driver whose operating privilege is suspended or revoked for one or more violations of driving under the influence of alcohol or a controlled substance or refusal to submit to chemical testing. An Ignition Interlock Limited License permits an individual to operate, if certain requirements are met, a motor vehicle equipped with a functioning Ignition Interlock system during the term, or part of the term, of their suspension or revocation. An Ignition Interlock Limited License displays a red banner behind the word "Pennsylvania", the words "LIMITED LICENSE" towards the top of the license, and the words "IGNITION INTERLOCK" in the yellow map of Pennsylvania.



## VIOLATIONS ELIGIBLE FOR AN IGNITION INTERLOCK LIMITED LICENSE

75 Pa.C.S. Section 3802, former 3731, and 1547	Pennsylvania Vehicle Code Description
3802 or former section 3731 (includes Accelerated Rehabilitative Disposition (ARD))	Driving under the influence of alcohol or controlled substance.
1547	Chemical testing to determine amount of alcohol or controlled substance.

A violation substantially similar to a violation under 75 Pa.C.S. Section 3802 or former 75 Pa.C.S. Section 3731 in another jurisdiction, requiring the individual to operate only motor vehicles equipped with a functioning Ignition Interlock system, is also eligible.

## APPLYING FOR AN IGNITION INTERLOCK LIMITED LICENSE

An individual must complete an Ignition Interlock Limited License Petition, PennDOT form DL-9108, which includes a DL-9108SC form, and send it with the required fees and documentation to PennDOT by certified mail to the address listed on the petition. If applying because of a chemical test refusal suspension, **one-half the amount of the chemical test refusal restoration fee must be submitted with the petition** (see "CHECKLIST" on second page of petition). A chemical test refusal restoration fee must be paid by **certified** check or money order. For information on duplicate license and renewal fees, please see PennDOT's Driver Licensing Fee Chart Fact Sheet. **If your driver's license expires within the next 6 months, it is**

**recommended that you complete and submit a renewal application at the time of petition in order to avoid paying another fee once the duplicate driver's license you are issued expires.**

### **IGNITION INTERLOCK SYSTEM**

An Ignition Interlock system is a device that is installed in a motor vehicle to prohibit an individual under the influence of alcohol from operating the vehicle. An individual is required to blow into the device before starting the vehicle. If the device detects alcohol, it will prevent the vehicle from starting. In addition, at periodic times during the operation of the vehicle, the individual will be prompted to blow into the device to ensure they are not under the influence. An Ignition Interlock system is leased from the Ignition Interlock vendor. Currently, the average costs associated with leasing an Ignition Interlock system is between \$900 to \$1,300 per year.

### **CONTACTING AN IGNITION INTERLOCK VENDOR**

For a list of approved Ignition Interlock vendors, go to the Pennsylvania DUI Association webpage at [www.padui.org](http://www.padui.org) and select the Ignition Interlock Vendors link in the middle of the homepage.

### **ENFORCEMENT PENALTIES**

If PennDOT receives a report of an offense for which the penalty is a cancellation, disqualification, recall, suspension or revocation of operating privileges or a report under 75 Pa.C.S. Section 3815(c)(4) (relating to mandatory sentencing) for an individual who has been issued an Ignition Interlock Limited License, PennDOT will recall the Ignition Interlock Limited License, and require that it be surrendered immediately to the department or its agents designated under the authority of 75 Pa.C.S. Section 1540 (relating to surrender of license). In addition, an individual convicted of driving a motor vehicle not equipped with an Ignition Interlock system or tampering with an Ignition Interlock system is subject to fines and imprisonment. For a first offense, an individual's Ignition Interlock period is extended for one-year from the date of conviction. Second and subsequent offenses will result in the recall of the Ignition Interlock Limited License and a one-year suspension. Upon restoration, the individual will be required to hold an Ignition Interlock license for one year.

### **OTHER PENALTIES**

After an Ignition Interlock system is installed, if an individual fails to make their vehicle available for maintenance to the Ignition Interlock vendor or requests the removal of the Ignition Interlock system prior to the completion of the suspension or revocation term, the Ignition Interlock vendor will notify PennDOT. Upon notification, PennDOT will recall the individual's Ignition Interlock Limited License immediately. The recall will remain in effect until such time that the individual is back in compliance with the Ignition Interlock Limited License requirements.

### **MANDATORY IGNITION INTERLOCK PERIOD**

Any period in which an individual holds a valid Ignition Interlock Limited License under 75 Pa.C.S. Section 1556 (relating to ignition interlock limited license) shall be counted toward satisfaction of any mandatory period of Ignition Interlock use imposed under section 75 Pa.C.S. Section 3805 (relating to ignition interlock) arising from the same incident.

### **OBTAINING AN UNRESTRICTED DRIVER'S LICENSE**

If an Ignition Interlock requirement is imposed as a condition of restoration, thirty days prior to being eligible to receive an unrestricted driver's license, PennDOT will mail a notice to the individual that contains the date of their eligibility and an application to apply for an unrestricted driver's license. The notice will provide instructions on how to go about obtaining an unrestricted driver's license. An individual issued an Ignition Interlock Limited License for a chemical test refusal suspension **must pay the remaining balance of the chemical test refusal restoration fee to be eligible to receive an unrestricted driver's license.**

### **DECLARATION OF COMPLIANCE**

The Declaration of Compliance is a PennDOT-controlled form that Ignition Interlock vendors will utilize to certify that an individual has not had any incidents, as defined by law (see 75 Pa.C.S. Sections 3805(c)(2) (relating to issuance of unrestricted license) and 3805(h.2)(relating to declaration of compliance)), occur in the two consecutive months prior to the date entered on the certificate. For individuals who received an Ignition Interlock Limited License as a result of a suspension for Accelerated Rehabilitative Disposition (ARD), the compliance form must indicate that no incidents have occurred in the prior 30 days to the date entered on the certificate. Before PennDOT can issue an unrestricted driver's license, a Declaration of Compliance must be received from the Ignition Interlock vendor.

### INFORMATION ON AN IGNITION INTERLOCK LIMITED LICENSE

Information on an Ignition Interlock Limited License, can be found on PennDOT's website at [www.dmv.pa.gov/Information-Centers/Suspensions](http://www.dmv.pa.gov/Information-Centers/Suspensions). If an individual does not have access to the internet, this information can be obtained by writing to the address listed below or calling PennDOT's Customer Care Center at 717-412-5300. If sending written correspondence, please include a driver's license number and daytime telephone number on the correspondence.

Pennsylvania Department of Transportation  
Bureau of Driver Licensing  
Restorations Unit, Ignition Interlock Limited License  
P.O. Box 68273  
Harrisburg, PA 17106-8273

### FEES

The application fee for an Ignition Interlock Limited License is \$70.00 **and is non-refundable**. For information on duplicate license and renewal fees, please see PennDOT's Driver Licensing Fee Chart Fact Sheet.

Organ Donation Awareness Trust Fund (ODTF): You have the opportunity to contribute \$1 to the Fund. The additional \$1 contribution must be added to your payment. The ODTF provides for the development and implementation of donor awareness programs and funds shall be appropriated subject to the approval of the Governor.

Veterans' Trust Fund (VTF): You have the opportunity to make a tax-deductible contribution to the VTF. Your contribution will help support programs and projects for Pennsylvania veterans and their families. Since this additional \$3 is not part of the fee, please add the donated amount to your payment.

For more information visit PennDOT's Driver and Vehicle Services website at:  
[www.dmv.pa.gov](http://www.dmv.pa.gov)



**pennsylvania**  
DEPARTMENT OF TRANSPORTATION

# IGNITION INTERLOCK LIMITED LICENSE (IILL) PETITION

Bureau of Driver Licensing • P.O. Box 68273 • Harrisburg, PA 17106-8273

Please review the following pages for instructions on completing this petition

## DRIVER INFORMATION (Type or print information)

LAST NAME			JR., ETC.			FIRST NAME			MIDDLE NAME		
DATE OF BIRTH (must be listed)			LICENSE NUMBER			LICENSE EXPIRATION DATE			TELEPHONE NUMBER (BETWEEN 8:00 AM - 4:30 PM)		
MONTH	DAY	YEAR				MONTH	DAY	YEAR			

## THIS AREA IS FOR CHANGES OR CORRECTIONS ONLY - (Only fill in the information you want to change or correct)

### ADDRESS CHANGE

STREET ADDRESS: A P.O. Box number may be used in addition to the actual residence address, but cannot be used as the only address. See below if using an out-of-state address.

CITY	STATE	ZIP CODE
------	-------	----------

This application will also serve as a request to update your voter registration unless you check this box: ☐  
If you are not registered to vote, you will receive an application to register. You must be a U.S. citizen to register to vote in Pennsylvania.

### NAME CHANGE

LAST NAME			JR., ETC.			FIRST NAME			MIDDLE NAME		
REASON FOR NAME CHANGE (See Section B on Instructions page)											
<input type="checkbox"/> Marriage <input type="checkbox"/> Divorce <input type="checkbox"/> Other (see instructions) _____											

**OUT-OF-STATE ADDRESS CHANGE.** We may not issue driver license products to an out-of-state address, except in the case of an employee of federal or state government, armed forces personnel, or their families, whose workplace is located outside of Pennsylvania. If this exception applies to you, please check the appropriate box and include documentation of your status with this application.

I certify that my workplace is located out of state and I am employed by, or am the immediate family of a person employed by:

☐ US Armed Forces   
 ☐ Federal Government   
 ☐ PA State Employment   
 Relationship to person meeting exemption (check one):   
☐ Spouse   
☐ Dependent Child

## VEHICLE INFORMATION (Attach additional sheets, if needed)

Check the type of IILL you are requesting.

☐ Non-Commercial

☐ Non-Commercial with Motorcycle

	Year	Make	Model	License Plate Number	State
1.					
2.					
3.					
4.					
5.					

## VEHICLE INSURANCE INFORMATION (Attach additional sheets, if needed)

	Insurance Company Name	Policy Number	Effective Date	Expiration Date
1.				
2.				
3.				
4.				
5.				

**NOTE:** All vehicles to be operated must have a valid registration and motor vehicle insurance. Proof of insurance (copies only) must be sent for all vehicles listed above.

**ACKNOWLEDGMENT**

I certify under penalty of law that all information given on this petition is true and correct. I certify under penalty of law that I have paid all fines and costs, or am currently on a payment plan, related to my suspension or revocation. **I understand that the \$70.00 Petition fee is non-refundable.** I confirm that I have received notice of the provisions of Section 3709 of the Vehicle Code.

- ☐ I wish to contribute \$3.00 to the Veterans' Trust Fund (VTF) (See instructions)
- ☐ I wish to contribute \$3.00 to the Organ Donation Awareness Trust Fund (See instructions)
- ☐ **For Veterans wishing to add the Veterans Designation to their Driver's License:** I certify under penalty of law that I am a qualified applicant and hereby request it be added to my driver's license. I understand that misrepresentation will result in the cancellation of my driver's license.

**SIGN  
HERE**

\_\_\_\_\_  
APPLICANT'S SIGNATURE IN INK

\_\_\_\_\_  
DATE

**WARNING:** Misstatement of fact is a misdemeanor of the third degree punishable by a fine of up to \$2,500 and/or imprisonment up to one year (18 Pa C.S., Section 4904(b)).

**CHECKLIST**

**BY LAW, YOU MUST SURRENDER YOUR DRIVER'S LICENSE OR SUBMIT AN ACKNOWLEDGEMENT FORM AS PART OF THE PETITION PROCESS (75 Pa C.S., Section 1556(b)(3)).**

Did you remember to include the following fees on your check or money order?

1. ☐ Duplicate license fee and DL-80 application or renewal license fee and DL-143 application (contact the department for fee amount if your license is expired or will expire within 6 months). **(Required)**
  2. ☐ Restoration fee. For amount, call 717-412-5300 (amount is listed in restoration requirements letter). **(Required)**
  3. ☐ Chemical test refusal restoration fee - one-half of the amount. For amount, call 717-412-5300. Chemical test refusal restoration fee must be paid by certified check or money order. **(Required if suspension is due to a chemical test refusal violation)**
  4. ☐ \$70.00 ILL Petition fee **(non-refundable)**. **(Required)**
  5. ☐ \$3.00 contribution to the Veterans' Trust Fund. (Optional)
  6. ☐ \$3.00 contribution to the Organ Donation Awareness Trust Fund. (Optional)
- \$ \_\_\_\_\_ **TOTAL AMOUNT DUE WITH PETITION\***
- \*Checks or money orders should be made payable to the Pennsylvania Department of Transportation.

Did you remember to include the following documents?

1. ☐ Proof of insurance (copies only) for all vehicles listed in the petition. **(Required)**
2. ☐ Completed DL-9108SC Self-Certification Form. **(Required)**

**SEND BY CERTIFIED MAIL TO:**

**PA Department of Transportation  
Bureau of Driver Licensing  
Restorations Unit  
P.O. Box 68273  
Harrisburg, PA 17106-8273**

For questions, please write to the address listed above.

**Note:** The law requires the petition to be filed by certified mail (see 75 Pa.C.S. Section 1556(b)(1)). **The petition should not be taken to a Driver License Center or Photo Center.**

## IGNITION INTERLOCK LIMITED LICENSE

### What is an Ignition Interlock Limited License?

An Ignition Interlock Limited License (IILL) is a driver's license issued to a driver whose Pennsylvania driving privilege has been suspended or revoked for one or more violations of driving under the influence of alcohol or a controlled substance or refusal to submit to chemical testing. An IILL permits an individual to operate motor vehicles equipped with a functioning ignition interlock system.

For information regarding IILL eligibility, please visit the department's website at [www.dmv.pa.gov/Information-Centers/Suspensions](http://www.dmv.pa.gov/Information-Centers/Suspensions). Certain violations can make you ineligible for an IILL. Once you decide to apply, you must do so by completing the attached Ignition Interlock Limited License Petition (form DL-9108).

You must send your completed IILL Petition, all fees, and required documents listed in the checklist by certified mail to the PA Department of Transportation. Within 20 days of receiving your petition, the department will process it and inform you in writing whether you are eligible for an IILL. Please allow up to an additional 7 days to receive the letter. **Note:** Petitions must be sent by certified mail.

**Before an IILL can be issued, your current driver's license must be surrendered to the department. If your driver's license has expired or you are not in possession of your driver's license, you must submit an acknowledgement form (DL-16LC form).**

### INSTRUCTIONS FOR COMPLETING THE PETITION

Carefully read and follow the instructions below for completing the attached IILL Petition. The petition must be complete and accurate for your request to be considered.

- SECTION A** - Fill in all blocks. If you do not know your license number or expiration date, please leave those blocks blank. Provide a daytime telephone number (between 8:00 a.m. and 4:30 p.m. Monday through Friday) where PennDOT can reach you, if necessary, to get additional information to process your petition.
- SECTION B - Name Change** - If you desire to use your birth name, you must present a copy of your state issued birth certificate with a raised seal. If your name was changed by permission of court, you must present a Certified Copy of the Court Order. If you desire to use your spouse's surname, you must present your marriage certificate. If you desire to use another name, you must present your Social Security Card, together with two other sources issued in the desired name such as Tax Records, Selective Service Card, Voter Registration Card, Passport, any form of Photo I.D. issued by a governmental agency, or state issued Birth Certificate. All additional documents for this section must be notarized copies.
- SECTION C** - Check only one box to indicate the type of Ignition Interlock Limited License (IILL) you are applying for. Commercial drivers cannot obtain an IILL to drive a commercial vehicle. A commercial driver could be eligible for an IILL to drive a non-commercial vehicle. A school bus cannot be driven by someone with an IILL. List all vehicles to be operated. For each vehicle that you list, give the year/ make/model of the vehicle, the license plate number and state, the vehicle insurance company name, policy number, and the policy's effective and expiration dates. You must also send a copy (not the original) of one of the following documents, for each vehicle listed, as proof of financial responsibility/insurance along with the Petition:
  - (1) A financial responsibility/insurance identification card
  - (2) A copy of the declaration page from the insurance policy
  - (3) A copy of an application for insurance to the Pennsylvania Automobile Insurance Plan signed by a licensed insurance agent or broker
  - (4) A certificate of self-insurance issued by the Pennsylvania Department of Transportation
  - (5) A valid binder of insurance issued by an insurance agent or company licensed to sell motor vehicle liability insurance in Pennsylvania if you drive more than one company-owned vehicle, you only need to send one copy of the company's financial responsibility/insurance identification card.
- SECTION D** - Read this section before signing. Once you have read and understand the information, sign your name in ink on the line provided. Your Petition will be rejected if it does not include your signature.

**Veterans Designation:** You have the opportunity to add the veterans designation to your driver's license, which clearly indicates you are a veteran of the United States Armed Forces. To qualify, you must have served in the United States Armed Forces, including a reserve component or the National Guard, and have been discharged or released from such service under conditions other than dishonorable. If you are requesting to add the veterans designation to your license, make sure you check the box at the top in Section D.

**Veterans' Trust Fund (VTF):** You have the opportunity to make a tax deductible contribution to the VTF. Your contribution will help support programs and projects for Pennsylvania veterans and their families. Since this additional \$3.00 is not part of the fee, please add the donated amount to your payment. Also, please check the proper block on the form to ensure your contribution is handled properly.

**Organ Donation Awareness Trust Fund (ODTF):** You have the opportunity to contribute \$3.00 to the Fund. The additional \$3.00 contribution must be added to your payment. You must also check the block provided to ensure proper handling of your contribution. The ODTF provides for the development and implementation of donor awareness programs and funds shall be appropriated subject to the approval of the Governor.

**Checklist:** Once you have completed the petition in its entirety, please review the checklist at the bottom of the second page. In order to prevent any delays in processing your petition, it is very important that you send the correct fees, duplicate or renewal license application (if license is expired or will be expiring within 6 months), and required documentation. The restoration fees owed can be found on your restoration requirements letter. You can also obtain the amount by calling the department's Customer Care Center at 717-412-5300. The duplicate and renewal license fees will vary depending on the type of license and endorsements you hold. A list of the current duplicate and renewal license fees can be found on our website at [www.dmv.pa.gov](http://www.dmv.pa.gov). Once you have reviewed the checklist and calculated the fees, send the petition, fees, and required documentation by certified mail to the PA Department of Transportation, Bureau of Driver Licensing, Restorations Unit, P.O. Box 68273, Harrisburg, PA 17106-8273.

**DL-9108SC** - Instructions for completing this form can be found on the back of the form.

If you have any questions, please write to the PA Department of Transportation, Bureau of Driver Licensing, Restorations Unit, P.O. Box 68273, Harrisburg, PA 17106-8273. In order to provide an immediate response, please include your driver's license number and daytime telephone number on your correspondence.

### PROVISIONS OF SECTION 3709 OF THE VEHICLE CODE

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.



**pennsylvania**

DEPARTMENT OF TRANSPORTATION

# SELF-CERTIFICATION OF VEHICLE(S) TO BE OPERATED

PLEASE TYPE OR PRINT IN BLUE OR BLACK INK ALL INFORMATION

THIS FORM IS TO BE RETURNED TO THE CUSTOMER ONCE COMPLETED.  
SEE BACK OF THIS FORM FOR INSTRUCTIONS

## A DRIVER INFORMATION

Name		Driver License Number	
Address: A P.O. Box number may be used in addition to the actual residence address, but cannot be used as the only address.		City	State Zip Code

## B VEHICLE INFORMATION (List all vehicles to be operated)

Plate #	Title #	VIN #	Year/Make
Plate #	Title #	VIN #	Year/Make
Plate #	Title #	VIN #	Year/Make

## C STATEMENT OF VEHICLE(S) TO BE OPERATED (Complete statement)

I \_\_\_\_\_, hereby state that I will only operate the vehicle(s) listed in section B.  
PLEASE PRINT NAME

I certify that all information given on this statement is true and correct, and hereby acknowledge that I understand the ignition interlock vendor is not responsible for determining my eligibility for an Ignition Interlock Limited License.

SIGNATURE IN INK

DATE

**WARNING:** Misstatement of facts is a misdemeanor of the third degree punishable by fine of up to \$2,500.00 and/or imprisonment up to one year (18 Pa. C.S. Section 4904(b))

## D STATEMENT OF VENDOR (Complete statement)

Vendor Name		Phone Number	
Vendor Address		City	State Zip Code

I \_\_\_\_\_, hereby state that an ignition interlock system was installed on the vehicle(s) listed in Section B on \_\_\_\_\_ date installed  
PRINT NAME

I certify that all information given on this statement is true and correct.

SIGNATURE IN INK

DATE

**WARNING:** Misstatement of facts is a misdemeanor of the third degree punishable by fine of up to \$2,500.00 and/or imprisonment up to one year (18 Pa. C.S. Section 4904(b))

**NOTE:** SECTION D OF THIS FORM MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE IGNITION INTERLOCK VENDOR. A REPRESENTATIVE FROM THE SERVICE CENTER THAT INSTALLED THE IGNITION INTERLOCK DEVICE IS NOT PERMITTED TO SIGN THIS FORM.

## **CUSTOMER INSTRUCTIONS FOR COMPLETING THIS FORM**

This form is to be completed when you are petitioning for an Ignition Interlock Limited License. The completed form is required to be submitted with your petition. **DO NOT CONTACT AN IGNITION INTERLOCK VENDOR TO INSTALL AN IGNITION INTERLOCK (II) SYSTEM UNTIL YOU HAVE RECEIVED AN OFFICIAL NOTICE OF SUSPENSION OR REVOCATION FROM THE DEPARTMENT.** In order for a vendor to install an II system, you must present them with your notice of suspension or revocation. For a list of approved vendors, go to the Pennsylvania DUI Association webpage at [padui.org](http://padui.org), and click on the Ignition Interlock Vendors link in the middle of the homepage. If you do not have access to the internet, please call the Pennsylvania DUI Association at 1-800-627-2384 for vendor information. All II systems are leased from the Installation Service Centers. After an ignition interlock system is installed, the vendor will complete Section D, make a copy of the form, and provide you with the original form.

### **SECTION A - DRIVER INFORMATION**

List full name and driver number. You will find your driver number listed in your suspension or revocation notice and restoration requirements letter. You can also obtain your driver number by calling the department's Customer Care Center at 717-412-5300, or by visiting our website at [www.dmv.pa.gov](http://www.dmv.pa.gov) to obtain a restoration requirements letter.

### **SECTION B - VEHICLE INFORMATION**

List all vehicles to be operated. The title #, tag #, VIN #, and make of vehicle can be found on the registration card. You will be required to show a valid registration and proof of motor vehicle insurance. For additional vehicles, please attach a separate listing to this form.

### **SECTION C - STATEMENT OF VEHICLES TO BE OPERATED**

Complete this section by printing your name, signing your name, and dating. Misstatement of facts could result in fines and/or imprisonment.

## **VENDOR INSTRUCTIONS FOR COMPLETING THIS FORM**

**THIS FORM IS TO BE RETURNED TO THE CUSTOMER ONCE COMPLETED**

### **SECTION D - STATEMENT OF THE VENDOR**

This form should only be completed and an ignition interlock system installed if the customer presents their official notice of suspension or revocation from the department.

After the installation has been completed, complete Section D by listing the date the ignition interlock system was installed by the installation center, printing your name, signing your name, and dating. Once completed, the original form is to be returned to the customer. A copy of the completed form should be made and kept on file.

**NOTE:** Section D is to be completed by the vendor employees authorized by the department.



**pennsylvania**  
DEPARTMENT OF TRANSPORTATION

**ACKNOWLEDGMENT OF SUSPENSION/  
REVOCATION/DISQUALIFICATION/CANCELLATION  
AS REQUIRED UNDER SECTION 1541 OF THE VEHICLE CODE**

**PLEASE TYPE OR PRINT IN BLUE OR BLACK INK ALL INFORMATION**

Bureau of Driver Licensing • P.O. Box 68693 • Harrisburg, PA 17106-8693

If you have a valid License, Permit(s) and/or Camera Card in your possession, you **MUST** surrender the valid product to the Department. You may not retain your PA Driver's License for photo identification purposes. This form may **ONLY** be used under the circumstances listed in Section B. **ALL** information in Section A, B, & C **MUST** be completed with a Signature and Date.

<b>A</b> PA DRIVER'S LICENSE/PERMIT NUMBER			LAST NAME		JR., ETC.	FIRST NAME	MIDDLE NAME
DATE OF BIRTH (must be listed)			TELEPHONE NUMBER		E-MAIL ADDRESS (if applicable)		
Month	Day	Year					
<b>CHANGE OR CORRECTION ONLY</b>							
ADDRESS CHANGE: A POST OFFICE BOX NUMBER MAY BE USED IN ADDITION TO THE ACTUAL RESIDENCE ADDRESS, BUT CANNOT BE USED AS THE ONLY ADDRESS.							
NEW STREET ADDRESS							
CITY						STATE	ZIP CODE
This application will also serve as a request to update your voter registration unless you check this box: <input type="checkbox"/> If you are not registered to vote, you will receive an application to register. You <u>must be a U.S. citizen</u> to register to vote in Pennsylvania.							

**B You MUST mark the appropriate box(es) and provide the requested information.**

- ☐ Never licensed in Pennsylvania.
- License, Permit(s) and/or Camera Card issued by Pennsylvania is:
  - ☐ Expired
  - ☐ Lost
  - ☐ Stolen
  - ☐ Mutilated: When? \_\_\_\_\_
  - ☐ Surrendered to or confiscated by the Police. When: \_\_\_\_\_  
What Police Department? \_\_\_\_\_
- ☐ Other: You must indicate the reason that you are unable to surrender your valid License, Permit(s) and/or Camera Card if items 1 or 2 do not apply: (If you have a valid PA Driver's License you may not retain it for photo identification purposes): \_\_\_\_\_  
\_\_\_\_\_

**C ACKNOWLEDGMENT**

I, \_\_\_\_\_ hereby acknowledge that my driving privilege is Suspended/Revoked/Disqualified in Pennsylvania.  
PLEASE PRINT AND

I certify that all information given on this acknowledgment is true and correct. I understand that upon restoration, I will be required to apply for the issuance, renewal, or replacement of my Driver's License, Learner's Permit, or Camera Card, whichever is needed, in order to be licensed in Pennsylvania. If using a messenger service, I hereby authorize the Department to furnish them with my driving record for the purpose of processing this form.

X

SIGNATURE IN INK

DATE

**WARNING:** Misstatement of fact is a misdemeanor of the third degree punishable by a fine of up to \$2,500.00 and/or imprisonment up to one year (18 PA C.S. Section 4904(b)).

**D ADDITIONAL INFORMATION**

Unless this document is being submitted by a Court of Record following sentencing, this form must be mailed to:

**PennDOT • Bureau of Driver Licensing • P.O. Box 68693 • Harrisburg, PA 17106-8693**

Upon receipt, review and acceptance of this acknowledgment, PennDOT will send you a receipt. If you do not receive this receipt within 3 weeks of your mailing, please contact PennDOT at the telephone numbers listed below:

Visit us at [www.dmv.pa.gov](http://www.dmv.pa.gov) or call us at 717-412-5300. TTY callers - please dial 711 to reach us



**pennsylvania**  
DEPARTMENT OF TRANSPORTATION

# APPLICATION FOR CHANGE / CORRECTION / REPLACEMENT OF IGNITION INTERLOCK LIMITED LICENSE (ILL)

Bureau of Driver Licensing • P.O. Box 68273 • Harrisburg, PA 17106-8273

## CHECK APPLICABLE BOX

☐ **REPLACEMENT (DUPLICATE)** Complete Sections A, B, D, (C if applicable) ☐ **CHANGE OR CORRECTION** Complete Sections A, B, D (C if applicable)

<b>CURRENT IGNITION INTERLOCK LIMITED LICENSE (Type or print information)</b>														
<b>A</b>	LAST NAME				JR. ETC.		FIRST NAME		MIDDLE NAME					
	DATE OF BIRTH (must be listed)			LICENSE NUMBER			LICENSE EXPIRATION DATE		TELEPHONE NUMBER (between 8:00 a.m. - 4:30 p.m.)					
	Month	Day	Year				Month	Day	Year					
<b>APPLICATION FOR REPLACEMENT (Check one)</b> <input type="checkbox"/> * REGULAR CAMERA CARD <input type="checkbox"/> PHOTO LICENSE					<b>REASON FOR REPLACEMENT (Check one)</b> <input type="checkbox"/> LOST <input type="checkbox"/> MUTILATED / DAMAGED <input type="checkbox"/> *NEVER RECEIVED (No Fee - Must be Notarized) <input type="checkbox"/> STOLEN <input type="checkbox"/> CORRECTION / CHANGE									
<b>Pennsylvania strongly supports organ and tissue donation because of its life-saving and life-enhancing opportunities.</b> <b>ORGAN DONOR DESIGNATION:</b> <input type="checkbox"/> ADD (Parental consent required if under 18 - MUST BE NOTARIZED) <input type="checkbox"/> REMOVE														
<b>THIS AREA IS FOR CHANGES OR CORRECTIONS ONLY - (Only fill in the information you want to change or correct)</b> <b>ADDRESS CHANGE</b> STREET ADDRESS: A P.O. Box number may be used in addition to the actual residence address, but cannot be used as the only address. See below if using an out-of-state address.														
CITY						STATE (if not PA see below)		ZIP CODE						
This application will also serve as a request to update your voter registration unless you check this box: <input type="checkbox"/> <b>If you are not registered to vote, you will receive an application to register. You must be a U.S. citizen to register to vote in Pennsylvania.</b>														
<b>B</b>	<b>OUT-OF-STATE ADDRESS CHANGE.</b> Drivers license products cannot be issued to an out-of-state address, except in the case of an employee of federal or state government, armed forces personnel, or their families, whose workplace is located outside of Pennsylvania. If this exception applies to you, please check the appropriate box and include documentation of your status with this application.  Attach a letter from your employer on their letterhead to document your, status or attach a copy of your current Photo ID issued by your employer. If you are the immediate family of a person meeting one of the allowable exceptions, attach the documentation of the person employed. Additionally, you must indicate your relationship to that person.  I certify that my workplace is located out of state and I am employed by, or am the immediate family of a person employed by:													
	<input type="checkbox"/> US Armed Forces <input type="checkbox"/> Federal Government <input type="checkbox"/> PA State Employment						Relationship to person meeting exemption (check one): <input type="checkbox"/> Spouse <input type="checkbox"/> Dependent Child							
	<b>NAME CHANGE Reason for Change:</b> (Please note all name changes must be done in person with original documents) <input type="checkbox"/> Marriage <input type="checkbox"/> Divorce <input type="checkbox"/> Other (see reverse side)													
	LAST NAME				JR. ETC.		FIRST NAME		MIDDLE NAME					
<b>C</b>	<b>MUST BE COMPLETED IF APPLICANT IS UNDER THE AGE OF 18 APPLYING FOR ORGAN DONOR DESIGNATION</b>  I hereby certify that I am <input type="checkbox"/> Parent, <input type="checkbox"/> Guardian, <input type="checkbox"/> Person in Loco Parentis or <input type="checkbox"/> Spouse at least 18 years of age, of the applicant named herein, that the statements made herein are true and correct to the best of my knowledge and that this application is made with my full consent.													
	<b>ACKNOWLEDGEMENT</b> <input type="checkbox"/> For Veterans wishing to add the Veterans Designation to their Driver's License: I certify under penalty of law that I am a qualified applicant and hereby request it be added to my product. I understand that misrepresentation will result in the cancellation of my driver's license.  <b>I acknowledge that receiving a Pennsylvania Permit, License or ID card will cancel or invalidate any Permit, License or ID card from another state.</b> I certify under penalty of law that all information given on this Application is true and correct. I confirm that I have received notice of the provisions of Section 3709 of the Vehicle Code.													
	<input type="checkbox"/> I wish to voluntarily contribute \$3.00 to the Organ Donation Awareness Trust Fund. If checked here, include the \$3.00 in the total fees entered in the Fee block. <input type="checkbox"/> I wish to voluntarily contribute \$5.00 tax deductible contribution to the Veterans' Trust Fund. If checked here, include the \$5.00 in the total fees entered in the Fee block.													
<b>D</b>	<b>SIGN HERE</b> _____ APPLICANT'S SIGNATURE IN INK						_____ DATE							
	<b>WARNING:</b> Misstatement of fact is a misdemeanor of the third degree punishable by a fine of up to \$2,500 and/or imprisonment up to one year (18 PA C.S., Section 4904 [b]).													
	<b>PAID BY:</b> <input type="checkbox"/> Debit/Credit Card <input type="checkbox"/> Check <input type="checkbox"/> Money Order    Payable to PennDOT (PennDOT Driver License Centers do not accept cash.)						<b>Total \$</b>							
<b>*AFFIDAVIT:</b> This section must be notarized when applying for replacement of a Camera Card. You are entitled to a free replacement ONLY if this application is completed within 90 days of the original date of issuance and the original was never received due to loss in the mail.														
<b>SUBSCRIBED AND SWORN TO BEFORE ME:</b> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">MO.</td> <td style="width: 33%;">DAY</td> <td style="width: 33%;">YEAR</td> </tr> <tr> <td colspan="3" style="height: 40px; vertical-align: bottom;">           Signature of Person Administering Oath         </td> </tr> </table>									MO.	DAY	YEAR	Signature of Person Administering Oath		
MO.	DAY	YEAR												
Signature of Person Administering Oath														
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center; vertical-align: middle;"><b>S E A L</b></td> <td style="width: 70px; text-align: center; vertical-align: middle;"> <b>SIGN IN PRESENCE OF NOTARY</b> </td> </tr> </table>									<b>S E A L</b>	<b>SIGN IN PRESENCE OF NOTARY</b>				
<b>S E A L</b>	<b>SIGN IN PRESENCE OF NOTARY</b>													

REPLACEMENT DUE TO:	FEE	ITEM(S) SENT
Lost Camera Card	\$5.00 \$10.00 with Motorcycle	Camera Card
Lost License	\$31.50 \$36.50 with Motorcycle	Duplicate License
Mutilated/Damaged	\$31.50 \$36.50 with Motorcycle	Duplicate License
Correction/Change	\$31.50 \$36.50 with Motorcycle	Duplicate License
Never Received	Free if application is completed within 90 days of the original date of issuance	Replacement License

**Veterans Designation:** You have the opportunity to add the veterans designation to your driver's license, which clearly indicates you are a veteran of the United States Armed Forces. To qualify, you must have served in the United States Armed Forces, including a reserve component or the National Guard, and have been discharged or released from such service under conditions other than dishonorable. If you are requesting to add the veterans designation to your license, make sure you check the box at the top in Section D.

**Organ Donation Awareness Trust Fund (ODTF):** You have the opportunity to contribute \$3.00 to the Fund. The additional \$3.00 contribution must be added to your payment. You must also check the block provided to ensure proper handling of your contribution. The ODTF provides for the development and implementation of donor awareness programs and funds shall be appropriated subject to the approval of the Governor.

**Veterans' Trust Fund (VTF):** You have the opportunity to make a tax deductible contribution to the VTF. Your contribution will help support programs and projects for Pennsylvania veterans and their families. Since this additional \$5.00 is not part of the fee, please add the donated amount to your payment. Also, please check the proper block on the form to ensure your contribution is handled properly.

**NAME CHANGE** - If you desire to use your birth name, you must present a copy of your state issued birth certificate with a raised seal. If your name changed by permission of court, you must present a Certified Copy of the Court Order. If you desire to use your spouse's surname, you must present your marriage certificate. If you desire to use another name, you must present your Social Security Card, together with two other sources issued in the desired name such as: Tax Records, Selective Service Card, Voter Registration Card, Passport, any form of Photo I.D. issued by a governmental agency, banking records, or baptismal certificate.

**To report errors on your driver's license relating to name, date of birth or social security number, please contact PennDOT's Customer Care Center at 717-412-5300.**

**If you are required to present supporting documentation to correct your record, all documents must be originals and presented in person at a PennDOT Driver License Center.**

- For **NAME** corrections, you must present your state issued birth certificate with a raised seal, a Certified Copy of the Court Order or your marriage certificate.
- For **DATE OF BIRTH** corrections, you must present state issued birth certificate with raised seal.
- For **SOCIAL SECURITY NUMBER** corrections, you must present your Social Security Card.

**\*Note: All name changes must be made in person at a Driver License Center. All documents must be original.**

If you find your original license after you have submitted this application for a duplicate, return the original license with a letter of explanation to the address shown below. After a duplicate is issued, the original license is no longer valid.

Once you have completed the application, send a check or money order made payable to PennDOT for the exact amount you owe along with the application, and any other required documents to:

**PennDOT • Bureau of Driver Licensing • Restorations unit, Ignition Interlock Limited License • P.O. Box 68273 • Harrisburg, PA 17106-8273**

**Note:** The Department is required to obtain the Licensee's height and eye color under the provisions of the Pennsylvania Vehicle Code. This information will be used for identification purposes in an attempt to minimize driver license fraud.

#### PROVISIONS OF SECTIONS OF THE VEHICLE CODE

Section 3709 provides for a fine of up to \$300 for dropping, throwing or depositing, upon any highway, or 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.



**pennsylvania**  
DEPARTMENT OF TRANSPORTATION

# SELF-CERTIFICATION OF VEHICLE(S) TO BE OPERATED OR INOPERABLE

PLEASE TYPE OR PRINT IN BLUE OR BLACK INK ALL INFORMATION

Email Form To RA-PDIGNINTSELFCEERTS@pa.gov

<b>A DRIVER INFORMATION</b>				
Name			Driver License Number	
Address: A.P.O. Box number may be used in addition to the actual residence address, but cannot be used as the only address.		City	State	Zip Code
<b>B VEHICLE INFORMATION (List all vehicles to be operated or inoperable)</b>				
Plate #	Title #	VIN #	Year/Make	
Plate #	Title #	VIN #	Year/Make	
Plate #	Title #	VIN #	Year/Make	
<input type="checkbox"/> Violation occurred prior to 10/1/03				
<b>C STATEMENT OF VEHICLE(S) TO BE OPERATED/NON-OWNERSHIP/INOPERABLE (Check appropriate box and complete statement)</b>				
<input type="checkbox"/> I _____, hereby state that I will operate the vehicle(s) listed above. <div style="text-align: center;">PLEASE PRINT NAME</div>				
<input type="checkbox"/> I _____, hereby state that I do not own any vehicle(s). <div style="text-align: center;">PLEASE PRINT NAME</div>				
<input type="checkbox"/> I _____, hereby state that the vehicle(s) titled/registered in my name is/are inoperable. <div style="text-align: center;">PLEASE PRINT NAME</div>				
<p>I certify that all information given on this statement is true and correct. I hereby authorize the Department to furnish the Ignition Interlock Vendor with my vehicle record for the purpose of processing this form.</p>				
SIGNATURE IN INK			DATE	
<p><b>WARNING: Misstatement of facts is a misdemeanor of the third degree punishable by fine of up to \$2,500.00 and/or imprisonment up to one year (18 Pa. C.S. Section 4904(b))</b></p>				
<b>D STATEMENT OF VENDOR (Complete statement after verifying Section B and C)</b>				
Vendor Name			Phone Number	
Vendor Address		City	State	Zip Code
<input type="checkbox"/> I _____, hereby state that I verified with PennDOT records and an ignition interlock system was installed on the vehicle(s) listed in Section B on _____. <div style="text-align: center;">PRINT NAME</div> <div style="text-align: right;">date installed</div>				
<input type="checkbox"/> I _____, hereby state that I verified with PennDOT records, and the driver has no vehicles registered in their name. <div style="text-align: center;">PRINT NAME</div>				
<input type="checkbox"/> I _____, hereby state that I have received a notarized statement from the customer attesting that the vehicle(s) titled/registered in their name is/are inoperable. <div style="text-align: center;">PRINT NAME</div>				
<p>I certify that all information given on this statement is true and correct.</p>				
SIGNATURE IN INK			DATE	
<p><b>WARNING: Misstatement of facts is a misdemeanor of the third degree punishable by fine of up to \$2,500.00 and/or imprisonment up to one year (18 Pa. C.S. Section 4904(b))</b></p>				

SEE BACK OF THIS FORM FOR INSTRUCTIONS

## **CUSTOMER INSTRUCTIONS FOR COMPLETING THIS FORM**

This form is to be completed when you are notified that you are eligible for restoration. Your eligibility date can be found on the right corner of the front page of your restoration requirements letter. **DO NOT CONTACT A VENDOR TO INSTALL AN IGNITION INTERLOCK DEVICE IF AN ELIGIBILITY DATE IS NOT LISTED.** You may contact a Vendor and complete Sections A, B, and C only if an eligibility date is listed. For a list of approved vendors go to the Pennsylvania DUI Association webpage [padui.org](http://padui.org) and click on the Ignition Interlock link in the middle of the homepage. If you do not have access to the internet, please call the Pennsylvania DUI Association at 1-800-627-2384 for vendor information. All systems are leased from the Installation Service Centers which determines the cost. After your information is verified with the Vendor, the Vendor will complete Section D and will send the form to PennDOT.

### **SECTION A - DRIVER INFORMATION**

List full name and driver number. You will find your driver number listed in your restoration requirements letter. You can call (717) 412-5300. TTY callers - please dial 711 to reach us or visit our website at: [www.dmv.pa.gov](http://www.dmv.pa.gov) to obtain a Restorations Requirements letter.

### **SECTION B - VEHICLE INFORMATION**

List all vehicles to be operated or inoperable. The title #, tag #, VIN #, and make of vehicle can be found on the registration card. The vendor will verify the information that you supply. You will be required to show a valid registration and proof of motor vehicle insurance. For additional vehicles, please attach a separate listing to this form. If the violation occurred prior to 10/1/03 you do not have to list vehicle information. Just check the block indicating violation occurred prior to 10/1/03.

### **SECTION C - STATEMENT OF VEHICLE(S) TO BE OPERATED/NON-OWNERSHIP/INOPERABLE**

Complete this section by checking the appropriate box, printing your name, signing your name and dating. Misstatement of facts could result in fines and/or imprisonment.

If you have vehicle(s) that are not in working condition and you have no intention of making the necessary repairs or you have a junk certificate(s), check the appropriate box and attach a notarized statement listing the vehicle(s) and why the vehicle(s) are inoperable. Misstatement of facts could result in fines and/or imprisonment.

## **VENDOR INSTRUCTION FOR VERIFYING AND COMPLETING THIS FORM**

### **SECTION D - STATEMENT OF VENDOR**

Verify the information supplied in Section B and/or C. Only after the customer's information has been verified via PennDOT Records should the customer be scheduled to have the ignition interlock device(s) installed on the vehicle(s).

After the installation has been completed (if applicable) complete Section D by listing the date the Ignition Interlock System was installed by the installation center (if applicable), printing your name, signing your name and dating. Email Form To [RA-PDIGNINTSELF CERTS@pa.gov](mailto:RA-PDIGNINTSELF CERTS@pa.gov).

**NOTE:** Section D must be completed by the person authorized by PennDOT to perform the verification process.



**pennsylvania**

DEPARTMENT OF TRANSPORTATION

**SELF-CERTIFICATION OF VEHICLE(S) TO BE OPERATED  
REQUESTING REMOVAL OF IGNITION INTERLOCK  
SYSTEM(S) FROM VEHICLE(S) NOT OPERATED**

PLEASE TYPE OR PRINT IN BLUE OR BLACK INK ALL INFORMATION

EMAIL FORM TO: RA-PDIGNINTSELF CERTS@PA.GOV  
SEE BACK OF THIS FORM FOR INSTRUCTIONS

**A DRIVER INFORMATION**

Name		Driver License Number	
Address: A.P.O. Box number may be used in addition to the actual residence address, but cannot be used as the only address.		City	State Zip Code

**B VEHICLE INFORMATION (List all vehicles to be operated)**

Plate #	Title #	VIN #	Year/Make
Plate #	Title #	VIN #	Year/Make
Plate #	Title #	VIN #	Year/Make

**C STATEMENT OF VEHICLE(S) TO BE OPERATED (Complete statement)**

I \_\_\_\_\_, hereby state that I will only operate the vehicle(s) listed in section B.  
PLEASE PRINT NAME

I certify that all information given on this statement is true and correct.

\_\_\_\_\_  
SIGNATURE IN INK DATE  
WARNING: Misstatement of facts is a misdemeanor of the third degree punishable by fine of up to \$2,500.00 and/or imprisonment up to one year (18 Pa. C.S. Section 4904(b))

**D STATEMENT OF VENDOR (Complete statement)**

Vendor Name		Phone Number	
Vendor Address		City	State Zip Code

I \_\_\_\_\_, hereby state that an ignition interlock system was installed on the vehicle(s) listed in Section B on \_\_\_\_\_ date installed  
PRINT NAME

I certify that all information given on this statement is true and correct.

\_\_\_\_\_  
SIGNATURE IN INK DATE  
WARNING: Misstatement of facts is a misdemeanor of the third degree punishable by fine of up to \$2,500.00 and/or imprisonment up to one year (18 Pa. C.S. Section 4904(b))

## **CUSTOMER INSTRUCTIONS FOR COMPLETING THIS FORM**

This form is to be completed when you are requesting to have an Ignition Interlock system(s) removed from a vehicle(s) other than the vehicle(s) you have chosen to operate during your required one-year II period. In order for an II vendor to remove an II system(s) from a vehicle(s) other than the vehicle(s) you have chosen to operate, you must present them with this form. After the II system(s) is removed, the vendor will complete Section D and submit your form to PennDOT.

### **SECTION A - DRIVER INFORMATION**

List full name and driver number. You will find your driver number listed in your suspension or revocation notice and restoration requirements letter. You can also obtain your driver number by calling the department's Customer Care Center at 717-412-5300, or by visiting our website at [www.dmv.pa.gov](http://www.dmv.pa.gov) to obtain a restoration requirements letter.

### **SECTION B - VEHICLE INFORMATION**

List all vehicles to be operated. The title #, tag #, VIN #, and make of vehicle can be found on the registration card. You will be required to show a valid registration and proof of motor vehicle insurance. For additional vehicles, please attach a separate listing to this form.

### **SECTION C - STATEMENT OF VEHICLES TO BE OPERATED**

Complete this section by printing your name, signing your name, and dating. Misstatement of facts could result in fines and/or imprisonment.

## **VENDOR INSTRUCTIONS FOR COMPLETING THIS FORM**

**THIS FORM IS TO BE EMAILED (RA-PDIGNINTSELF CERTS@pa.gov) TO PENNDOT ONCE COMPLETED.**

### **SECTION D - STATEMENT OF THE VENDOR**

This form should only be completed when an individual is requesting to have an Ignition Interlock (II) system(s) removed from a vehicle(s) other than the vehicle(s) they have certified they will be operating during their one-year II period.

Complete Section D by listing the date the ignition interlock system was installed by the installation center, printing your name, signing your name, and dating. Once completed, the form should be emailed to PennDOT.

**NOTE:** Section D is to be completed by the vendor employees authorized by the department.



## OCCUPATIONAL LIMITED LICENSE (OLL) FACT SHEET

### Q: What is an Occupational Limited License?

**A:** An Occupational Limited License (OLL) is a limited driver's license issued to a driver whose Pennsylvania driving privilege has been suspended. If your driving privilege has been revoked, disqualified, cancelled or recalled, you are not eligible for an OLL. If you have never been licensed by this or any other state, and you are not a resident of PA, you are also ineligible to apply. An OLL authorizes driving a designated non-commercial motor vehicle, under certain conditions, only when it is necessary for the driver's occupation, work, trade, medical treatment or study.

**\*Note:** This petition must be sent by certified mail to the address listed on the DL-15 and will not be accepted or processed at any PennDOT Driver License Centers.

### Q: What types of violations are NOT eligible for an OLL?

**A:** Certain violations may make you ineligible depending on previous violations or a conviction date. In most cases, after the suspension time has been fully served for an ineligible violation or the violation has been released, it is no longer a disqualifying violation. If you have an eligible violation that is later followed by an ineligible violation, you would NOT be eligible for the OLL. Refer to the chart below to help determine eligibility.

**Note:** The Pennsylvania Consolidated Statutes Title 75 (Vehicles) prohibits the Department from issuing an Occupational limited license (OLL) to a driver whose operating privilege is suspended or revoked for one or more violations under section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) or 3802 (relating to driving under influence of alcohol or controlled substance) or under former section 3731 (relating to driving under influence of alcohol or controlled substance) or a violation substantially similar to a violation under section 3802 or former section 3731 in another jurisdiction. However, you may be eligible for an Ignition Interlock limited license (IILL). For more information about the IILL please visit [www.dmv.pa.gov](http://www.dmv.pa.gov) or contact our Information Center at 717-412-5300.

Vehicle Code	Vehicle Code Description	Eligibility	Additional Eligibility Information
<b>1532(c)</b>	Any offenses involving controlled substances	Yes	Only if the conviction report was sent between 01/01/2004 and 10/27/2014 and the conviction date is more than 10 days before PennDOT processed the conviction report.
<b>1371</b>	Operation following suspension of registration	Yes	N/A
<b>1501A</b>	Driver required to be licensed	Yes	N/A
<b>1533</b>	Failure to respond to a Citation	No	Ineligible until citation is satisfied/released
<b>1538(a)</b>	Failure to undergo a special	No	Ineligible until exam or hearing is held and a determination is made.
<b>1538(b)</b>	Failure to attend a departmental Hearing	No	Ineligible until hearing is held and a determination is made

<b>Vehicle Code</b>	<b>Vehicle Code Description</b>	<b>Eligibility</b>	<b>Additional Eligibility Information</b>
<b>1543(a)</b>	Driving while Suspended	Yes	Eligible once 3 months of the suspension is served and only if it is the result of a 1533, 6146, 1538(a), 1538(b), 1772(b), 1774, and/or 1775.
<b>1543(b)</b>	Driving while (DUI related) Suspended	No	Ineligible until suspension term is fully served
<b>1547</b>	Refusal to Submit to Chemical Testing	No	See question/answers below
<b>1772(b) /1774 /1775</b>	Unsatisfied Judgement as a result of a motor vehicle	No	Ineligible unless judgment is satisfied or an agreement is made
<b>1786(f)</b>	Failure to Maintain Financial Responsibility	No	Ineligible until suspension term is fully served
<b>3345</b>	Passing a School Bus	No	Ineligible until suspension term is fully served
<b>3367</b>	Racing on Highways	No	Ineligible until suspension term is fully served
<b>3732</b>	Homicide by Vehicle – Includes <b>3732.1</b>	No	Ineligible until suspension term is fully served
<b>3733</b>	Fleeing a Police Officer	No	Ineligible until suspension term is fully served
<b>3734</b>	Driving Without Lights	No	Ineligible until suspension term is fully served
<b>3735</b>	Aggravated Assault while DUI – Includes <b>3735.1</b>	No	Ineligible until suspension term is fully served
<b>3736</b>	Reckless Driving	No	Ineligible until suspension term is fully served
<b>3742</b>	Accidents Involving Death or Injury – Includes <b>3742.1</b>	No	Ineligible until suspension term is fully served
<b>3743</b>	Leaving Scene of an Accident	No	Ineligible until suspension term is fully served
<b>A3802</b>	ARD Driving Under the Influence	No	Ineligible until suspension term is fully served
<b>3802/ 3731</b>	Driving Under the Influence (DUI) - First Offense	No	See question/answers below
<b>3802</b>	Driving Under the Influence (DUI) - Second Offense	No	See question/answer below
<b>4355</b>	Support Obligations	No	Ineligible until suspension is satisfied/released
<b>6146</b>	Failure to Respond to Citation	No	Ineligible until citation is satisfied/released
<b>6308</b>	Underage Alcohol offense	Yes	Eligible only for the first offense
<b>7102(b)</b>	Removal of falsification of identification number	No	Ineligible until suspension term is fully served
<b>7103(b)</b>	Dealing in vehicles with removed or falsified numbers	No	Ineligible until suspension term is fully served
<b>7111</b>	Dealing in titles and plates for stolen Vehicles	No	Ineligible until suspension term is fully served
<b>7121</b>	False application for certificates of title registration	No	Ineligible until suspension term is fully served
<b>7122</b>	Altered, forged or counterfeit documents and plates	No	Ineligible until suspension term is fully served

**Q: Am I still eligible for an OLL if I have a DUI or chemical refusal offense?**

**A:** No, the Department will not issue an Occupational Limited License (OLL) to a driver whose operating privilege is suspended or revoked for one or more violations under section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) or under former section 3731 (relating to driving under the influence of alcohol or controlled substance) or violation substantially similar to a violation under section 3802 or former section 3731 in another jurisdiction.

**Q: Can a suspended CDL driver get an OLL?**

**A:** Yes, provided all requirements are met, you would be eligible for a **non-commercial** OLL only.

**Q: What are the first things I must do in order to qualify?**

**A:** If your suspension is in effect, you must surrender your driver's license if you have not done so already. If your driver's license has expired, you must submit an application for renewal, along with the appropriate fee. All fines, costs and restoration fees must be paid at the time of petition. Follow the instructions in the petition for further instructions.

**Q: How do I apply?**

**A:** In order to apply, you must complete an Occupational Limited License Petition (*form DL-15*). Then send the form by certified mail, along with a check or money order, proof of insurance (*copies only*) and the required Restoration Fee (if not previously paid) by mail to the Department (**address listed below.**)

**Q: Will I have enough time to apply and receive the OLL prior to my suspension date?**

**A:** If the DL-15 form is received and approved prior to the effective date of your suspension, one of two things will happen:

- 1) If the effective date of suspension is less than 15 days from the process date, the Department will delay the start of your suspension for up to 15 days and issue an interim license;
- 2) If the effective date is greater than 15 days from the process date, the Department will not delay the suspension. Your actual OLL will be sent to you. You can continue to use your regular license until the OLL arrives.

**Note:** Your suspension will begin upon the new effective date if an interim is issued.

**Q: What is the cost?**

**A:** A fee for applying for an OLL is listed on the petition and is non-refundable.

**Q: After I apply, what happens next?**

**A:** Within 20 days of receiving your petition, the Department will inform you in writing whether or not you qualify for an OLL. If you qualify, you will receive an OLL camera card to obtain a photo OLL. You are to carry your photo OLL and DL-15A together at all times.

**Q: When does my OLL expire?**

**A:** The OLL is valid for the length of your suspension term. After your driving privilege has been restored, the Department will return your valid regular driver's license.

**Q: Can the OLL be extended?**

**A:** Only if you are given a suspension due to the result of a Departmental Hearing or if you were convicted of a point related violation which resulted in an "add on" suspension. The Department will notify you and send you the application to extend your OLL. (DL-800P)

**Q: I have bought/sold/changed vehicles, do I need to notify anyone?**

**A:** The Department does not need to be notified of any vehicle changes for the purposes of maintaining a valid OLL but your DL-15A should be updated and kept with your OLL.

**Q: What happens if I commit a violation while driving on an OLL or if a violation is placed on your record after receiving the OLL?**

**A:** If you are convicted of an offense for which the penalty is a cancellation, disqualification, recall, suspension, or revocation of your driving privilege, the Department will recall your OLL and you must surrender the OLL to the Department.

**Q: Can I get another OLL if I am suspended again?**

**A:** You may be issued only one (1) OLL every five (5) years.

**Q: Can I take any action in the event that my OLL is recalled or my request is denied?**

**A:** Yes. You may file with the Department a petition for an Administrative Hearing accompanied by a non-refundable processing fee of \$100.00. Additional information regarding this filing process will be provided upon request. "Hardship or extraordinary medical circumstances DO NOT qualify you to receive an OLL."

**Q: Where do I write to get further information about an OLL or get a petition (Form DL-15)?**

**A:** You may write to: PA Department of Transportation, Bureau of Driver Licensing, OLL/PL Unit, P.O. Box 68689, Harrisburg, PA 17106-8689 or visit the Driver Vehicle Services website at [www.dmv.pa.gov](http://www.dmv.pa.gov)

**Note:** You may submit one check or money order for all required fees made payable to: PennDOT

**This Fact Sheet is for information purposes only and not a complete resource, all users of this Fact Sheet are advised to consult the Vehicle Code at Section 1553, 75 Pa. C.S. 1553, relating to Occupational Limited License which can be found online at:**

<http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=75&div=0&chpt=15>



**pennsylvania**  
DEPARTMENT OF TRANSPORTATION

# OCCUPATIONAL LIMITED LICENSE (OLL) PETITION

Bureau of Driver Licensing • P.O. Box 68689 • Harrisburg, PA 17106-8689

Please review the following pages for instructions on completing this petition

<b>A</b>	<b>DRIVER INFORMATION (Type or print information)</b>									
	LAST NAME				JR., ETC.		FIRST NAME			MIDDLE NAME
	DATE OF BIRTH (must be listed)			LICENSE NUMBER			LICENSE EXPIRATION DATE		TELEPHONE NUMBER (BETWEEN 8:00 AM - 4:30 PM)	
	MONTH	DAY	YEAR				MONTH	DAY	YEAR	
<b>B</b>	<b>THIS AREA IS FOR CHANGES OR CORRECTIONS ONLY - (Only fill in the information you want to change or correct)</b>									
	<b>ADDRESS CHANGE</b>									
	STREET ADDRESS: A P.O. Box number may be used in addition to the actual residence address, but cannot be used as the only address. See below if using an out-of-state address.									
	CITY							STATE		ZIP CODE
	This application will also serve as a request to update your voter registration unless you check this box: <input type="checkbox"/>									
	If you are not registered to vote, you will receive an application to register. You <u>must be a U.S. citizen</u> to register to vote in Pennsylvania.									
	<b>HAVE YOU CHANGED YOUR NAME?</b>									
	List the name(s) you have used in the past.									
	LAST NAME				JR., ETC.		FIRST NAME			MIDDLE NAME
	REASON FOR NAME CHANGE (See FEES Section on instructions page)									
	<input type="checkbox"/> Marriage			<input type="checkbox"/> Divorce			<input type="checkbox"/> Other (see instructions)			
<b>C</b>	<b>VEHICLE INFORMATION (Attach additional sheets, if needed)</b>									
	Check the type of OLL you are requesting. <input type="checkbox"/> Non-Commercial <input type="checkbox"/> Non-Commercial with Motorcycle									
		Year	Make	Model	License Plate Number			State		
	1.									
	2.									
3.										
4.										
5.										
<b>C</b>	<b>VEHICLE INSURANCE INFORMATION (Attach additional sheets, if needed)</b>									
		Insurance Company Name			Policy Number			Effective Date		Expiration Date
	1.									
	2.									
	3.									
	4.									
5.										
<b>NOTE:</b> All vehicles you will drive must have a valid registration and insurance. Proof of Insurance must be sent for all vehicles listed above.										

**\*NOTE:** This petition must be mailed to the address listed on the DL-15 and will not be accepted or processed at any PennDOT Driver License Centers.

EMPLOYER INFORMATION (W1)	SCHOOL INFORMATION (S1)	MEDICAL TREATMENT INFORMATION (T)
(Attach additional sheets if you have more than one job.) Company Name _____ Address _____ City _____ State _____ Zip _____ Telephone Number of your immediate Supervisor: _____  Self Employed: <input type="checkbox"/> Yes <input type="checkbox"/> No (Submit proof of self-employment with OLL Petition by sending a copy of your 1099 form)	School Name _____ Address _____ City _____ State _____ Zip _____ Dean's Name _____ Telephone Number of your Dean: _____ _____	Provider Name _____ Address _____ City _____ State _____ Zip _____ Contact Name _____ Telephone Number: _____ _____

**EXPLANATION**

**Explain your need for an OLL in detail, including why an OLL is essential to your occupation, work, trade, treatment, or study. Be sure to outline the hours and days of the week you need to drive. Attach additional sheets of paper if needed. \*Note: This petition must be mailed to the address listed on the DL-15 and will not be accepted or processed at any PennDOT Driver License Centers.**

The driver shall only operate a designated vehicle as defined in 75 Pa.C.S. § 1553(f)

**ACKNOWLEDGMENT**

- ☐ **For Veterans wishing to add the Veterans Designation to their Driver's License or ID Card:** I certify under penalty of law that I am a qualified applicant and hereby request it be added to my product. I understand that misrepresentation will result in the cancellation of my driver's license.
- ☐ I used a Messenger Service to assist me in completing this form. I authorize the Department to give this Messenger Service my driving record information.
- ☐ I wish to contribute \$3.00 to the Organ Donation Awareness Trust Fund (See instructions)
- ☐ I wish to contribute \$5.00 to the Veterans' Trust Fund (VTF) (See instructions)

**I acknowledge that receiving a Pennsylvania Permit, License or ID card will cancel or invalidate any Permit, License or ID card from another state.** I certify under penalty of law that all information given on this Petition is true and correct. **I understand that the \$73.00 Petition fee is non-refundable.** I confirm that I have received notice of the provisions of Section 3709 of the Vehicle Code.

***SIGN  
HERE***

\_\_\_\_\_  
APPLICANT'S SIGNATURE IN INK

\_\_\_\_\_  
DATE

**WARNING:** Misstatement of fact is a misdemeanor of the third degree punishable by a fine of up to \$2,500 and/or imprisonment up to one year (18 Pa C.S., Section 4904[b]).

**CHECKLIST**

Did you remember to include the following fees on your check or money order?

- ☐ Proof of Insurance for all vehicles listed in the Petition. **(Required)**
- ☐ Renewal Fee and DL-143 Application (contact Department for fees if your license is expired or will expire during your term of suspension) **(Required)**
- ☐ Restoration Fee **(Required)** For amount, call 717-412-5300 (amount is in restoration letter.)
- ☐ \$73.00 OLL Petition Fee (non-refundable) **(Required)**
- ☐ \$5.00 contribution to the Veterans' Trust Fund (Optional)
- ☐ \$3.00 contribution to the Organ Donation Awareness Trust Fund (Optional)
- ☐ \$ \_\_\_\_\_ **TOTAL AMOUNT DUE WITH PETITION**

**SEND BY CERTIFIED MAIL TO:**

**PA Department of Transportation  
Bureau of Driver Licensing  
OLL/PL Unit  
P.O. Box 68689  
Harrisburg, PA 17106-8689**

(THIS FORM MUST BE MAILED TO THE ADDRESS ABOVE, PLEASE DO NOT BRING TO DRIVER LICENSE CENTER)

# OCCUPATIONAL LIMITED LICENSE INSTRUCTIONS AND PETITION

## What is an Occupational Limited License?

An Occupational Limited License (OLL) is a driver's license issued to a driver whose Pennsylvania driving privilege has been, or will be, suspended. An OLL authorizes driving a designated motor vehicle, under certain conditions, when it is necessary for the driver's occupation, work, trade, medical treatment or study. Based on your driving record and violations, the PA Department of Transportation will evaluate whether or not you are eligible for an OLL based on section 1553 of the Pennsylvania Vehicle Code which can be found at <http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=75&div=0&chpt=15>.

To assist potential applicants an Occupational Limited License Fact Sheet can be used and you may obtain a copy from our website (<http://www.dot.state.pa.us/Public/DVSPubsForms/BDL/BDL%20Fact%20Sheets/fs-oll.pdf>). Certain violations and offenses make you ineligible for an OLL that are outlined on the OLL Fact Sheet. Once you decide to apply you must do so by completing the attached Occupational Limited License Petition (form DL-15).

To have continuous driving privileges, you must send your completed OLL Petition, check or money order, and Proof of Insurance(s) by **certified mail** to the PA Department of Transportation at least 20 days before your suspension begins. Within 20 days of receiving your Petition, the Department will inform you in writing whether or not you qualify for an OLL. This correspondence may take an additional 7 days to arrive through the mail to you. Your current license must be surrendered to the Department during this time. Petitions must be sent by certified mail.

If your Petition is received and approved less than 15 days but the OLL has not been issued before your suspension begins, the Department will delay the start of your suspension for up to 15 days. You will be issued an interim (temporary) license that is valid until the new suspension start date. Your suspension will begin upon the new effective date. You need to send your current driver's license, by **certified mail**, to the address shown on the bottom of the Petition.

If you are already under suspension and do not have a valid license, complete and send the attached Petition with a check or money order made payable to PA Department of Transportation, and Proof of Insurance(s) by **certified mail** to the address shown at the bottom of the Petition. Within 20 days of receiving your Petition, the Department will inform you in writing whether or not you are eligible for an OLL. This correspondence may take an additional 7 days to arrive through the mail to you.

## INSTRUCTIONS FOR COMPLETING THE PETITION

Carefully read and follow the instructions below for completing the attached OLL Petition. The Petition must be complete and accurate for your request to be considered. Attach additional sheets of paper if needed.

- SECTION A** - Fill in all blocks. If you do not know your license number or expiration date, please leave those blocks blank. Provide a daytime telephone number (**between 8:00 a.m. and 4:30 p.m. Monday through Friday**) where the Department can reach you, if necessary, to get additional information to process your Petition.
- SECTION B - Name Change** - If you desire to use your birth name, you must present a copy of your state issued birth certificate with a raised seal. If your name was changed by permission of court, you must present a Certified Copy of the Court Order. If you desire to use your spouse's surname, you must present your marriage certificate. If you desire to use another name, you must present your Social Security Card, together with two other sources issued in the desired name such as Tax Records, Selective Service Card, Voter Registration Card, Passport, any form of Photo I.D. issued by a governmental agency, or state issued Birth Certificate. All additional documents for this section must be notarized copies.

To report errors on your driver's license relating to name, date of birth or social security number, please contact PennDOT's Customer Care Center at 717-412-5300.

**If you are required to present supporting documentation to correct your record, all documents must be originals and presented in person at a PennDOT Driver License Center.**

- **For NAME corrections, you must present your state issued birth certificate with a raised seal, a Certified Copy of the Court Order or your marriage certificate.**
- **For DATE OF BIRTH corrections, you must present state issued birth certificate with raised seal.**
- **For SOCIAL SECURITY NUMBER corrections, you must present your Social Security Card.**

**\*Note: All name changes must be made in person at a Driver License Center. All documents must be original.**

- SECTION C** - Check only one box to indicate the type of Occupational Limited License you are applying for. Commercial drivers cannot get an OLL to drive a commercial vehicle. A commercial driver could be eligible for an OLL to drive a non-commercial vehicle to and from work or during work. A school bus cannot be driven by someone with an OLL. List all vehicles (including rental vehicles) that you will drive between your home and work, school, or treatment facility and during work or school. For each vehicle that you list, give the year/ make/model of the vehicle, the license plate number and state, the vehicle insurance company name, policy number, and the policy's effective and expiration dates. You must also send a copy (not the original) of one of the following documents, for each vehicle listed, as proof of financial responsibility/insurance along with the Petition:
  - (1) A financial responsibility/insurance identification card
  - (2) A copy of the declaration page from the insurance policy
  - (3) A copy of an application for insurance to the Pennsylvania Automobile Insurance Plan signed by a licensed insurance agent or broker
  - (4) A certificate of self-insurance issued by the Pennsylvania Department of Transportation
  - (5) A valid binder of insurance issued by an insurance agent or company licensed to sell motor vehicle liability insurance in Pennsylvania if you drive more than one company-owned vehicle, you only need to send one copy of the company's financial responsibility/insurance identification card.
- SECTION D** - Provide the requested information for your employer, school, or treatment center, or any combination depending on where you need to drive. If you have more than one job, or attend more than one school, attach a piece of paper that lists the same information asked in this section for each additional job or school.

5. **SECTION E** - Read this section before signing. Once you have read and understand the information, sign your name in ink on the line provided. Your Petition will be rejected if it does not include your signature. If you used a Messenger Service, such as an automobile club or notary public, to help you complete the Petition, place a check in the box provided.

**Veterans Designation:** You have the opportunity to add the veterans designation to your driver's license, which clearly indicates you are a veteran of the United States Armed Forces. To qualify, you must have served in the United States Armed Forces, including a reserve component or the National Guard, and have been discharged or released from such service under conditions other than dishonorable. If you are requesting to add the veterans designation to your license, make sure you check the box at the top in Section F.

**Veterans' Trust Fund (VTF):** You have the opportunity to make a tax deductible contribution to the VTF. Your contribution will help support programs and projects for Pennsylvania veterans and their families. Since this additional \$5.00 is not part of the fee, please add the donated amount to your payment. Also, please check the proper block on the form to ensure your contribution is handled properly.

**Organ Donation Awareness Trust Fund (ODTF):** You have the opportunity to contribute \$3.00 to the Fund. The additional \$3.00 contribution must be added to your payment. You must also check the block provided to ensure proper handling of your contribution. The ODTF provides for the development and implementation of donor awareness programs and funds shall be appropriated subject to the approval of the Governor.

6. Once you have completed the petition, to calculate the fee payable to PennDOT, by reviewing the checklist at the bottom of the DL-15 form. You will need to pay the \$73 non-refundable application fee, a restoration fee, and, if your current license expires during the term of your suspension, the license renewal fee. To determine the restoration fee you owe, you will need to call 717-412-5300 and ask for the fee amount from your restoration letter. The license renewal fee will vary depending on the type of license you hold. If you hold a Class C non-commercial license, the renewal fee is \$30.50. Please note, to qualify for an Occupational Limited License, you must have paid all fines and court costs to the judicial system. These payments should **not** be sent to PennDOT. Once you have reviewed the check list and calculated what you owe to PennDOT, send a check or money order in that exact amount made payable to the PA Department of Transportation along with the DL-15 petition form and proof of insurance by certified mail to the PA Department of Transportation, Bureau of Driver Licensing, OLL/PL Unit, P.O. Box 68689, Harrisburg, PA 17106-8689.
7. Complete the Limited License Affidavit (DL-15A) forms. You are required by law to complete a Limited License Affidavit and carry it with your Photo Limited License at all times. An Affidavit Form is attached to this petition. You may start the process of completing it while awaiting to receive your limited license camera card.

For Sections C, D, and/or E indicate each destination, time of day, and the days of the week that the schedule applies. Examples have been given for you to follow. If needed, attach additional sheets of paper explaining your driving schedule. If you do not have a routine driving schedule due to your job duties (such as self-employed, salespersons, delivery or truck drivers), include an explanation of the territory, or area, that you drive from and to along with your detailed explanation for an OLL. Be as specific as possible. You must list days and hours you work.

If you have any questions, please write to the PA Department of Transportation and send to: PA Department of Transportation, Bureau of Driver Licensing, OLL/PL Unit .O. Box 68689, Harrisburg, PA 17106-8689. In order to provide an immediate response, please include your daytime telephone number.

#### PROVISIONS OF SECTION 3709 OF THE VEHICLE CODE

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.



**pennsylvania**  
DEPARTMENT OF TRANSPORTATION

## LIMITED LICENSE AFFIDAVIT

**FOR LAW ENFORCEMENT OFFICIALS:** This Affidavit allows this person to drive the vehicle(s) listed during the stated times for work, school, or medical treatment, in conjunction with an Occupational Limited License and under section 1553 of the PA Vehicle Code.

**CARRY THIS AFFIDAVIT WITH YOUR LIMITED LICENSE AT ALL TIMES.**

### DRIVER INFORMATION (Type or print information)

LAST NAME			JR., ETC.	FIRST NAME			MIDDLE NAME		
DATE OF BIRTH (must be listed)			LICENSE NUMBER				LICENSE EXPIRATION DATE		
MONTH	DAY	YEAR					MONTH	DAY	YEAR
CURRENT STREET ADDRESS A Post Office Box number may be used in addition to the actual residence address, but cannot be used as the only address.						CITY	STATE	ZIP CODE	

### VEHICLE INFORMATION

	Year	Make	Model	License Plate Number	State
1.					
2.					
3.					
4.					
5.					

### VEHICLE INSURANCE INFORMATION

	Insurance Company Name	Policy Number	Effective Date	Expiration Date
1.				
2.				
3.				
4.				
5.				

### DRIVING SCHEDULE INSTRUCTIONS

List your daily driving schedule. If you have a routine driving schedule, complete the chart(s) using the Destination Codes listed to the left of the chart. If you do not have a routine driving schedule due to your job duties (such as salespersons, delivery and truck drivers), explain the territory or area you drive, along with the days and hours you work. For both routine and non-routine schedules, include a detailed explanation of your need for an OLL on the lines marked Detailed Explanation.

### WORK DRIVING SCHEDULE

#### EMPLOYER INFORMATION (W1)

(Complete additional affidavits if you have more than one job.)

Company Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Supervisor's Name \_\_\_\_\_

Telephone Number of your immediate Supervisor: \_\_\_\_\_

Self Employed: ☐ Yes ☐ No

Leave	Time	AM	PM	Arrive	Time	AM	PM	Mo	Tu	We	Th	Fr	Sa	Su
H	7:30	✓		W1	8:00	✓		✓	✓	✓	✓			
W1	5:00		✓	H	5:30		✓	✓	✓	✓	✓			

**Destination Codes**  
W1 = Primary Job  
W2 = Second Job  
W3 = Third Job  
H = Home

Detailed Explanation \_\_\_\_\_

### EMPLOYER ACKNOWLEDGMENT

I certify under penalty of law that all information given on this Affidavit is true and correct.

Employer Signature in Ink \_\_\_\_\_

Date \_\_\_\_\_

WARNING: Misstatement of fact is a misdemeanor of the third degree punishable by a fine of up to \$2,500 and/or imprisonment up to one year (18 Pa C.S., Section 4904[b]).

**SCHOOL DRIVING SCHEDULE****SCHOOL INFORMATION (S1)**

(Complete additional affidavits if you attend more than one school)

School Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Dean's Name \_\_\_\_\_

Telephone Number of your Dean: \_\_\_\_\_

**EXAMPLE****Destination Codes**

S1 = School

S2 = School other  
than S1

H = Home

**Detailed Explanation**

Leave	Time	AM	PM	Arrive	Time	AM	PM	Mo	Tu	We	Th	Fr	Sa	Su
H	7:30	✓		S1	8:00	✓		✓	✓	✓	✓			
S1	5:00		✓	H	5:30		✓	✓	✓	✓				

**SCHOOL ACKNOWLEDGMENT****I certify under penalty of law that all information given on this Affidavit is true and correct.**

School Administrator Signature In Ink \_\_\_\_\_

Date \_\_\_\_\_

WARNING: Misstatement of fact is a misdemeanor of the third degree punishable by a fine of up to \$2,500 and/or imprisonment up to one year (18 Pa C.S., Section 4904(b)).

**TREATMENT DRIVING SCHEDULE****MEDICAL TREATMENT INFORMATION**

Provider Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Contact Name \_\_\_\_\_

Telephone Number of Facility: \_\_\_\_\_

**EXAMPLE****Destination Codes**

T1 = Treatment

H = Home

**Detailed Explanation**

Leave	Time	AM	PM	Arrive	Time	AM	PM	Mo	Tu	We	Th	Fr	Sa	Su
H	7:30	✓		T1	8:00	✓		✓	✓	✓	✓			
T1	5:00		✓	H	5:30		✓	✓	✓	✓				

**MEDICAL PROVIDER ACKNOWLEDGMENT****I certify under penalty of law that all information given on this Affidavit is true and correct.**

Provider Signature In Ink \_\_\_\_\_

Date \_\_\_\_\_

WARNING: Misstatement of fact is a misdemeanor of the third degree punishable by a fine of up to \$2,500 and/or imprisonment up to one year (18 Pa C.S., Section 4904(b)).

**ADDITIONAL EXPLANATIONS****ACKNOWLEDGMENT****I certify under penalty of law that all information given on this Affidavit is true and correct.****SIGN  
HERE**

Applicant's Signature In Ink \_\_\_\_\_

Date \_\_\_\_\_

WARNING: Misstatement of fact is a misdemeanor of the third degree punishable by a fine of up to \$2,500 and/or imprisonment up to one year (18 Pa C.S., Section 4904(b)).