

No. 2016-33

AN ACT

SB 290

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in licensing of drivers, further providing for chemical testing to determine amount of alcohol or controlled substance and for occupational limited license and providing for ignition interlock limited license; and, in driving after imbibing alcohol or utilizing drugs, further providing for ignition interlock, for prior offenses and for the offense of illegally operating a motor vehicle not equipped with ignition interlock.

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

Section 1. Section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\* \* \*

***"Ignition interlock limited license." A driver's license issued to an individual 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, requiring the individual to operate only motor vehicles equipped with a functioning ignition interlock system.***

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Section 2. Sections 1547(a), (c) introductory paragraph, (2) and (3), (g.1), (h), (i) and (j) and 1553(a)(1), (d)(6), (7) and (8), (d.1) and (d.2) of Title 75 are amended to read:

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

(a) General rule.—Any person who drives, operates or is in actual physical control of the movement of a vehicle in this Commonwealth shall be deemed to have given consent to one or more chemical tests of breath[, **blood or urine**] **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:

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

(2) which was involved in an accident in which the operator or passenger of any vehicle involved or a pedestrian required treatment at a medical facility or was killed.

\* \* \*

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

\* \* \*

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

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

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

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

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

\* \* \*

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

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

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

(h) Test by personal physician.—The person tested shall be permitted to have a physician of his own choosing administer an additional breath[, **blood or urine**] *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[, **blood or urine**] *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 [**or obtaining a urine sample**] and reporting test results to the police at the request of a police officer pursuant to this section. No physician, nurse or technician or hospital employing such physician, nurse or technician may administratively refuse to perform such tests and provide the results to the police officer except as may be reasonably expected from unusual circumstances that pertain at the time the request is made.

\* \* \*

§ 1553. Occupational limited license.

(a) Issuance.—

(1) The department shall issue an occupational limited license under the provisions of this section to a driver whose operating privileges have been suspended *for a violation of this title, except for an offense under section 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 for a refusal to submit to chemical testing under section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance)*, and is not prohibited under any other provision in this section. If the underlying reason for the suspension was caused by violations committed while the driver was operating a commercial motor vehicle, the driver shall not be issued an occupational limited license for the purpose of operating a commercial motor vehicle. The department shall prohibit the issuance of an occupational limited license when disqualified from doing so under the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570, 49 U.S.C. App. § 2701 et seq.) or the Motor Carrier Safety Improvement Act of 1999 (Public Law 106-159, 113 Stat. 1748).

\* \* \*

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

\* \* \*

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

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

**(8) Except as set forth in subsections (d.1) and (d.2), any person who has been convicted of driving under the influence of alcohol or controlled substance and whose license has been suspended by the department unless the suspension imposed has been fully served.]**

\* \* \*

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

**(d.2) Suspension eligibility.—**

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

- (i) is otherwise eligible for restoration;**
- (ii) has served 12 months of the suspension imposed for the offense;**
- (iii) has no more than one prior offense as defined in section 3806(b);**
- (iv) only operates a motor vehicle equipped with an ignition interlock system as defined in section 3801 (relating to definitions); and**
- (v) has certified to the department under paragraph (3).**

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

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

\* \* \*

Section 3. Title 75 is amended by adding a section to read:

**§ 1556. Ignition interlock limited license.**

**(a) Issuance.—**

*(1) The department shall issue an ignition interlock limited license under this section to an individual whose operating privileges have been suspended or revoked for:*

*(i) a violation under section 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 this paragraph in another jurisdiction; or*

*(ii) a refusal to submit to chemical testing under section 1547 (relating to chemical testing to determine amount of alcohol or controlled substance).*

*(2) The department shall issue an ignition interlock limited license under the provisions of this section only upon receiving proof that any motor vehicle to be operated by the individual has been equipped with an approved ignition interlock system as defined in section 3801 (relating to definitions) as a condition of issuing an ignition interlock limited license. Any vehicle to be operated by the individual, during any period in which the individual holds a valid ignition interlock limited license, must be equipped with an ignition interlock system.*

*(3) An ignition interlock limited license issued under the provisions of this section permits an individual to operate motor vehicles equipped with a functioning ignition interlock system, as defined in section 3801.*

*(4) Any period in which an individual holds a valid ignition interlock limited license under this section shall be counted toward satisfaction of any mandatory period of ignition interlock use imposed under section 3805 (relating to ignition interlock) arising from the same incident.*

*(b) Petition.—*

*(1) An applicant for an ignition interlock limited license shall file a petition with the department, by certified mail, on a form prescribed by the department, and shall include proof that an approved ignition interlock system, as defined in section 3801, has been installed in one or more motor vehicles that the applicant seeks permission to operate.*

*(2) The petition shall also include proof of financial responsibility covering each vehicle the applicant requests to be permitted to operate. The department shall promulgate regulations to require additional information as well as additional evidence to verify the information contained in the petition.*

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

*(4) Consistent with the provisions of this section, if the applicant is qualified, the department shall issue an ignition interlock limited*

*license within 20 days of receipt of the petition and all other requirements for issuance.*

*(c) Fee.—The application fee for an ignition interlock limited license shall be \$65. This fee shall be nonrefundable.*

*(d) Unauthorized issuance.—The department shall prohibit issuance of an ignition interlock limited license to:*

*(1) Any individual who is not licensed to drive by the Commonwealth or any other state.*

*(2) Any individual who is required by this title to take an examination and who has failed to take and pass the examination.*

*(3) Any individual whose operating privilege has been recalled or canceled.*

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

*(5) Any individual applying for an ignition interlock limited license to operate a commercial motor vehicle.*

*(6) Any individual if the department is disqualified from issuing the ignition interlock limited license under the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570, 49 U.S.C. § 31302 et seq.) or the Motor Carrier Safety Improvement Act of 1999 (Public Law 106-159, 113 Stat. 1748).*

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

*(e) Adjudication eligibility.—An individual whose operating privilege has been suspended or revoked for a conviction of an offense under section 3802 or under former section 3731 or an offense substantially similar to an offense under section 3802 or former section 3731 in another jurisdiction shall be eligible to apply for and, if otherwise qualified, be issued an ignition interlock limited license upon receipt of notice of the suspension or revocation.*

*(f) Suspension eligibility.—The following shall apply:*

*(1) An individual whose license has been suspended under section 1547(b) shall be eligible to apply for and, if otherwise qualified, be issued an ignition interlock limited license under this section if the individual:*

*(i) has served six months of the suspension imposed under section 1547(b)(1)(i); or*

*(ii) has served nine months of the suspension imposed under section 1547(b)(1)(ii).*

(2) *An individual whose license has been suspended under section 3804(e) (relating to penalties) shall be eligible to apply for and, if otherwise qualified, be issued an ignition interlock limited license under this section if the individual:*

(i) *has not had a prior offense, as defined under section 3806 (relating to prior offenses). The individual shall be immediately eligible for a suspension imposed under section 3804(e)(2)(i);*

(ii) *has served six months of the suspension imposed under section 3804(e)(2)(i); or*

(iii) *has served nine months of the suspension imposed under section 3804(e)(2)(ii).*

(g) *Duration.—An individual may hold a valid ignition interlock limited license under this section for the duration of the mandatory period of ignition interlock usage imposed under section 3805 arising from the same incident.*

(h) *Required proof.—The department shall issue an ignition interlock limited license under the provisions of this section only upon receiving proof that any motor vehicle to be operated by the individual has been equipped with an approved ignition interlock system as defined in section 3801 as a condition of issuing an ignition interlock limited license. Any vehicle to be operated by the individual, during any period in which the individual holds a valid ignition interlock limited license, must be equipped with an ignition interlock system.*

(i) *Offenses reported during a period for which an ignition interlock limited license has been issued.—If the department 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 section 3815(c)(4) (relating to mandatory sentencing) for any individual who has been issued an ignition interlock limited license, the department, at its sole discretion, shall either:*

(1) *extend the term of the ignition interlock limited license for up to the original term for which the driver's license was suspended or revoked; or*

(2) *recall the ignition interlock limited license, and the individual shall surrender the limited license to the department or its agents designated under the authority of section 1540.*

(j) *Restrictions.—*

(1) *Pursuant to subsection (a)(2), an individual who has been issued an ignition interlock limited license shall operate only motor vehicles equipped with a functioning ignition interlock system, as defined in section 3801.*

(2) *The operating privileges of an individual who has been issued an ignition interlock limited license remain under suspension or revocation, except when operating a motor vehicle in accordance with the conditions of issuance and restrictions of the ignition interlock limited license.*

(k) *Employment exemption.—If a person with an ignition interlock limited 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.*

*(l) Appeal from denial or recall of ignition interlock limited license.—*

*(1) Any individual who is denied an ignition interlock limited license or whose ignition interlock limited license is extended or recalled under subsection (i) may file with the department a petition for a hearing. The hearing shall be conducted in accordance with 2 Pa.C.S. (relating to administrative law and procedure).*

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

*(3) The appeal shall not operate as an automatic supersedeas. If an administrative hearing officer orders a supersedeas in any appeal, the individual shall earn no credit toward serving the suspension for which the individual was granted an ignition interlock limited license.*

*(4) An appeal from a decision of an administrative hearing officer may be taken in the manner provided in 42 Pa.C.S. § 763(a) (relating to direct appeals from government agencies).*

*(5) Appeals under this subsection are exempt from the provisions of section 1550(b) (relating to judicial review) and from the provisions of 42 Pa.C.S. § 933 (relating to appeals from government agencies).*

Section 4. Section 3805(a), (b), (c) and (f)(2)(ii) of Title 75 are amended and the section is amended by adding subsections to read:

§ 3805. Ignition interlock.

(a) General rule.—**[If]** *Except as provided under subsection (a.1), if a person violates section 3802 (relating to driving under influence of alcohol or controlled substance) [and, within the past ten years, has a prior*



**offense as defined in section 3806(a) (relating to prior offenses)]** or has had their operating privileges suspended pursuant to section [1547(b.1)] 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) [Each motor vehicle owned by the person or registered to the person] *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 person so certifying shall be deemed to have satisfied the requirement that all motor vehicles owned by the person or registered to the person be equipped with an ignition interlock system as required by this subsection.]

*(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).*

*(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 [own, register,] 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).*

\* \* \*

(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:

\* \* \*

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

\* \* \*

(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.

\* \* \*

***(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:***

***(1) An attempt to start the vehicle with a breath alcohol concentration of 0.08% or more, not followed within five 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).***

\* \* \*

Section 5. Section 3806 of Title 75 is amended to read:

§ 3806. Prior offenses.

(a) General rule.—Except as set forth in subsection (b), the term "prior offense" as used in this chapter shall mean [a] ***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) [Repeat offenses within ten years] ***Timing.***—[The calculation of prior offenses for purposes of sections 1553(d.2) (relating to occupational limited license), 3803 (relating to grading) and 3804 (relating to penalties) shall include any conviction, whether or not judgment of sentence has been imposed for the violation, adjudication of delinquency, juvenile consent decree, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition

within the ten years before the sentencing on the present violation for any of the following:

- (1) an offense under section 3802;
- (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).]

*(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.*

Section 6. Section 3808(a), (b) and (c)(1) of Title 75 are amended to read:

§ 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 [section 1553(d.2) (relating to occupational limited license) or 3805 (relating to ignition interlock)] **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 [section 1553(d.2) or 3805] **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.*

\* \* \*

Section 7. This act shall take effect as follows:

(1) The amendment of 75 Pa.C.S. §§ 1547(a), (c) introductory paragraph, (2) and (3), (g.1), (h), (i) and (j) and 3806 shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 15 months.

APPROVED—The 25th day of May, A.D. 2016

TOM WOLF