

PENNSYLVANIA LAW

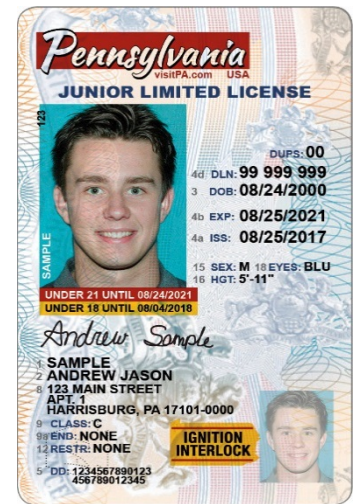
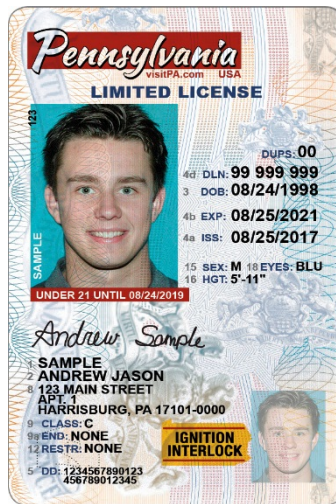
Act 33 of 2016 was signed into law on May 25, 2016. The act amended Pennsylvania’s Ignition Interlock law. The new Ignition Interlock law, which became effective on Friday, August 25, 2017, makes the Ignition Interlock requirement mandatory for first-time DUI offenders with high blood alcohol levels, 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.

UNDER 21

UNDER 18



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 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. 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