Pennsylvania

What is the pre-set breath alcohol concentration (BAC) level for an alcohol interlock device in Pennsylvania?
The pre-set BAC level for the interlock device is 0.025%.

What is the legal limit in Pennsylvania?
The legal limit is 0.08%.

Do rehabilitative measures or treatment programs exist in Pennsylvania and if so, what do they entail?
The interlock program in Pennsylvania does have a rehabilitative component. All convicted DUI offenders are required to complete a Court Reporting Network (CRN) pre-screening evaluation to determine if/what treatment is necessary. There is however, no treatment component in the actual interlock program – it is delivered separately. All screening is done by the courts to determine if the offender has an alcohol dependency issue. If they are determined to have this problem they will be ordered to attend treatment as a condition of their probation and will likely have to complete this prior to entering the interlock program.

Offenders are also required by the courts to attend the state’s DUI education program called ‘Alcohol Highway Safety School.’ The program involves 12 ½ hours of class time and addresses issues such as (i) the relationship of the use of alcohol or controlled substances, or both, to highway safety; (ii) the effects of the use of alcohol or controlled substances, or both, on social relationships and the family; (iii) the effects of the use of alcohol or controlled substances, or both, on economic functioning; and (iv) the availability of alcohol and substance abuse programs and counseling. The fees for the education program are determined by the individual counties and are to be paid by the offender. They would be required to complete the education program before being eligible to install an interlock device.

Are addicts eligible to participate in the alcohol interlock program in Pennsylvania? If so, is heightened attention paid to addicts?
Yes, addicts are eligible to be participants in Pennsylvania’s interlock program. While addicts may be required to attend treatment as ordered by the courts, they are not monitored more stringently while in the interlock program as the service provider is responsible for all of the monitoring.

When was the alcohol interlock program implemented in Pennsylvania?
The interlock program was implemented in Pennsylvania in 2000. The interlock laws were redone in 2004.
What type of alcohol interlock program exists in Pennsylvania?

Pennsylvania has an administrative-based interlock program for offenders that is run by the DUI Association.

Can the interlock be installed in commercial vehicles in Pennsylvania?

Pennsylvania law requires that all vehicles owned or operated by the offender must have an ignition interlock. This would include commercial vehicles if the offender owns or operates the vehicle. With approval from the Pennsylvania Department of Transportation, an offender with a commercial vehicle like a tractor trailer or other such vehicle can have a feature on the ignition interlock device activated. This feature will not call for running or rolling retests while the truck is idling.

Also, the participant may complete and carry an Employment Exemption form called a DL-3805. This form allows the individual who holds an ignition interlock license to drive an employer owned vehicle not equipped with an ignition interlock for work purposes only. The form cannot be used: (1) to drive a school bus, school vehicle, or a vehicle designed to transport more than 15 passengers; (2) if the employer-owned motor vehicle is owned by an entity which is wholly or partially owned by the person holding the ignition interlock license; (3) if the employer owned vehicle is made available to the employee for personal use.

Have any recidivism studies been conducted in Pennsylvania?

The Pennsylvania DUI Association Ignition Interlock Quality Assurance Program completed an evaluation in 2002. The study (conducted from October 2001 to September 2002) noted a 19.6% ignition interlock participation rate. A study that measures recidivism has yet to be done.

What are the consequences for failing to take a running retest?

If an offender fails to take a running retest when prompted to the device will enter into an early recall condition. When the early recall condition is initiated, the participant will have five days to return to the service centre to have the device reset. If the participant does not return within this time period, the device will enter into a five day grace period countdown, after which the device will enter into a permanent lockout condition. In a permanent lockout condition the participant cannot drive the vehicle and the vehicle would have to be towed to the service center. There is no penalty issued by the Pennsylvania Department of Transportation.

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Ignition interlock non-compliance for missing or failing a running retest is not reported to the courts or the Pennsylvania Department of Transportation. The only violations reported to the Pennsylvania Department of Transportation for action are: (1) A driver has failed to make their vehicle(s) available for maintenance; (2) A driver has purchased a vehicle and has failed to have an ignition interlock installed on the said vehicle; (3) A driver has requested an unauthorized removal of the ignition interlock prior to the eligibility date for return of regular driving privileges. Under any of these reported conditions, the Pennsylvania Department of Transportation recalls the participant’s ignition interlock license until the driver complies.

Is indigent funding available in Pennsylvania?
Indigent funding is not available in the state of Pennsylvania. However, there is an Economic hardship exemption. A person will be exempt from the requirement to install an ignition interlock system on each of the person’s motor vehicles if the person demonstrates that the requirement will result in undue financial hardship. Undue financial hardship shall be demonstrated only by one of the following: (1) evidence on the person’s most recently filed Federal Income Tax return showing an adjusted gross income below 200% of the poverty guidelines issued for that tax year by the United States Department of Health and Human Services for the person’s family size; or (2) documentation of participation in a governmental assistance program included on a list of applicable programs published by the Department in the Pennsylvania Bulletin. The person must submit to the ignition interlock provider the documents. The ignition interlock provider reviews the documentation to confirm that it meets the requirements. The ignition interlock provider shall then install an ignition interlock system on only one vehicle owned by the person or registered to the person.

Has Pennsylvania utilized any strategies to decrease the costs associated with running the alcohol interlock program?
No cost saving strategies are being utilized at this time.

Are there any future plans for changes in Pennsylvania’s interlock program?
Currently (2009), there are bills in consideration in the State Legislature to include mandatory ignition interlock for first time DUI offenders and mandatory compliance. Service providers would report individuals’ usage violations (i.e., failure to take a retest, failed retest, fails at start-up, etc.) to the Department of Transportation. These violations could extend the individual’s ignition interlock license requirement beyond the present one year restriction requirement.