

Driver's License Suspensions for Nonpayment of Fines, Costs, and Restitution (including changes under Act 138 of 2024)

ACLU of Pennsylvania (Updated November 4, 2024)

This guide explains the circumstances under which individuals who owe fines, costs, and restitution in traffic cases can have their driver's licenses suspended for nonpayment, as well as their options to restore their licenses. Most recently, Act 138 of 2024 made significant and positive changes to reduce the chance that low-income Pennsylvanians will have their licenses suspended for nonpayment for cases ranging from speeding tickets to DUIs. **Because Act 138 of 2024 does not go into effect until May 1, 2026, not all of the information in this guide will be applicable until that date.**

In practical terms, these changes will significantly reduce the number of driver's license suspensions due to nonpayment. Only individuals who are found able to pay at a hearing will have their driver's licenses suspended, but they will likely then immediately pay what is necessary to avoid the suspension. Individuals who cannot pay can have their fines and costs waived, be placed on an affordable payment plan, or perform community service, all without ever having their driver's licenses suspended. If implemented properly by courts, almost no licenses should ever be suspended because of nonpayment.

Note that this guide only addresses license suspensions for nonpayment of vehicle code (Title 75) violations. Drivers also risk having their licenses suspended if they fail to respond to a new traffic citation or summons within 30 days.¹ And convictions for certain offenses, such as reckless driving or DUI carry their own separate suspension periods following a guilty plea or conviction. Those offense-specific license suspensions are not impacted by the law changes.

1. Driver's licenses can now only be suspended for nonpayment if a court first holds a hearing and determines that the defendant is able to pay.

One of the legislative goals of Act 138 of 2024 was to reduce the number of Pennsylvanians whose driver's licenses are suspended because they are struggling to afford to pay fines, costs, and restitution. Under that Act, driver's licenses cannot be suspended for nonpayment unless a court holds a hearing where the defendant is present and finds that the defendant is **able** to pay. Moreover, the Act streamlines all of these procedures by essentially eliminating the old Title 75 law about inability to pay fines and costs² and instead instructing courts to follow the well-defined procedures in 42 Pa.C.S. § 9730 that govern default.

As amended by the Act, Pennsylvania's laws set forth the following:

- Driver's license suspension for nonpayment is only an option for a conviction of vehicle offenses arising under Title 75 (the vehicle code).³

¹ 75 Pa.C.S. § 1533(a). Act 138 changed this from 15 days to 30 days, although Rule 470 of the Rules of Criminal Procedure has not yet been updated to reflect this change.

² 75 Pa.C.S. § 6504 has now essentially been repealed, with placeholder language directing that courts follow the procedures in 42 Pa.C.S. § 9730.

³ 75 Pa.C.S. § 1533(a).

- This includes offenses like speeding, invalid vehicle registration, DUI, etc.
- The only exception is for parking, since a parking violation cannot lead to a driver's license suspension for nonpayment.
- After a defendant has been convicted and ordered to pay fines, costs, or restitution, a court will typically set a due date for payment or place a defendant on a payment plan.
- If the defendant does not pay (either in full or misses installment payments), the court must give the defendant 30 days' notice that the defendant risks having the driver's license suspended.⁴
 - That notice must explain that the defendant can either pay in full, enter into a new installment payment plan, or perform community service in lieu of payment.⁵
- Before a court notifies PennDOT to suspend the driver's license, it must hold a hearing and find that the defendant is **able** to pay.⁶
 - This hearing must proceed under the normal procedures to determine whether nonpayment is because a person is refusing to pay or is unable to pay.⁷ For more information about this hearing, review the ACLU's Guide to Act 163 of 2022, available at www.aclupa.org/finesandcosts.
 - If the defendant fails to appear at that hearing, the court **cannot** ask PennDOT to suspend the person's license because the court would be unable to determine whether the defendant is able to pay.⁸ Instead, it has the options of: 1) doing nothing; 2) scheduling a new hearing and providing notice to the defendant; 3) issuing a bench warrant; or 4) sending the case to private debt collection until the defendant requests a new hearing.⁹
 - If the court determines at that hearing that the defendant is **able** to pay, the court must notify PennDOT to suspend the driver's license. The court can also impose additional sanctions, such as sending the case to private debt collections, using wage attachment, or imposing a sentence of imprisonment.¹⁰
 - If the court determines at that hearing that the defendant is **unable** to pay, the court **cannot** ask PennDOT to suspend the driver's license. Instead, the court can: 1) waive or reduce all of the fines and costs¹¹; 2) put the defendant on a new payment plan; or 3) allow the defendant to perform community service in lieu of payment.¹²

⁴ 75 Pa.C.S. § 1533(c).

⁵ 75 Pa.C.S. § 1533(c)(1) and (2).

⁶ 75 Pa.C.S. § 1533(a.1)(1) and (2).

⁷ 75 Pa.C.S. § 1533(a.1) (cross-referencing 42 Pa.C.S. § 9730).

⁸ 75 Pa.C.S. § 1533(a.1)(2).

⁹ 42 Pa.C.S. § 9730(b)(2.1). For more information, review the ACLU's Guide to Act 163 of 2022, available at www.aclupa.org/finesandcosts.

¹⁰ 42 Pa.C.S. § 9730(b)(2).

¹¹ The only exception is that Crime Victim Act costs cannot be waived, but those costs generally cannot be imposed in any traffic offenses except for certain enumerated misdemeanor or felony offenses listed under the definition of "crime" in 18 P.S. § 11.103. See *also* 18 P.S. § 11.1101 (setting forth that the Crime Victim Act cost is only imposed for "crimes").

¹² 42 Pa.C.S. § 9730(b)(3).

2. To restore a suspended driver's license, an individual can pay in full, enter into an installment payment plan, or perform community service.

If a defendant's driver's license has previously been suspended because the defendant has been found able to pay, the defendant has three options to end the suspension: 1) pay the fines, costs, and restitution; 2) enter into an agreement with the court to make installment payments; or 3) agree to perform community service in lieu of payment.¹³ The defendant will likely also have to pay a reinstatement fee to PennDOT, which is currently \$70.¹⁴

3. There is an amnesty program for people who have a new driver's license suspension because of driving on a suspension caused by nonpayment or failure to respond to a citation.

One of the problems with driver's license suspensions for nonpayment (or for failing to respond to a citation on time) is that the suspension can cause a spiral of subsequent driver's license suspensions. For example, if a person needs to drive for work, for child care needs, or medical needs, that person may drive even with a suspended license. That in turn can lead to a new conviction for driving with a suspended license, which leads to not only a new conviction but an even longer driver's license suspension as a new punishment.

Act 138 of 2024 addresses this situation by creating the Relief from Administrative Suspension Program. This allows drivers to entirely end the driver's license suspensions from this cycle if the original reason for the suspension was because of either nonpayment or failing to respond to a citation on time:

- Individuals are eligible for relief if their licenses are suspended for *another* Title 75 vehicle offense¹⁵ *and* the underlying reason for the suspension is that they have a suspension for either: 1) nonpayment of fines, costs, or restitution; or 2) failure to respond to a citation on time.¹⁶
 - The defendant must have also finished whatever suspension may have been for the original offense. For example, if the defendant was convicted of careless driving and given a six-month suspension, which was later made an indefinite suspension for nonpayment, the defendant is not eligible for relief under this provision unless the original six-month suspension has completed.
- An eligible defendant will be able to complete an application with PennDOT to have the suspensions lifted. PennDOT will provide a form that sets forth the requirements.¹⁷
- Upon request, PennDOT will provide eligible individuals with a restoration requirements letter, which explains what an individual needs to do to have the driver's license restored.¹⁸

¹³ 75 Pa.C.S. § 1533(d)(2)-(4).

¹⁴ *Id.* at § 1533(d)(5); 75 Pa.C.S. § 1960.

¹⁵ The list of eligible offenses is set forth in 75 Pa.C.S. § 1557(a).

¹⁶ 75 Pa.C.S. § 1557(c)(1) (cross-referencing Section 1533(a), (b), and (d)).

¹⁷ 75 Pa.C.S. § 1557(c)(4).

¹⁸ 75 Pa.C.S. § 1558(a).

- Depending on the individual circumstances, the defendant may have to contact the original court and ask that it hold an ability to pay hearing under 42 Pa.C.S. § 9730, in order to address any unpaid fines, costs, or restitution.¹⁹
- The result should be a process to allow individuals to have their driver’s licenses restored by being able to address the outstanding court-ordered financial obligations that resulted in the suspension and without having to serve an additional period of suspension that they would otherwise face due solely to their initial nonpayment or failure to respond.

4. Individuals with DUIs who have completed treatment can have their driver’s licenses reinstated as long as they are current on a payment plan.²⁰

Individuals who are convicted of DUI have their licenses suspended as a consequence of that conviction, regardless of whether they owe fines, costs, and restitution. To have that license restored, the person must complete a course of treatment as set forth by the court.

There is sometimes confusion about whether completion of those treatment requirements includes having to pay all fines, costs, and restitution in full. The law, though, is clear: payment in full is not required, and as long as an individual is current on a payment plan, the license may be restored.²¹ This is governed by 75 Pa.C.S. § 1541(d):

- An individual convicted of a DUI must complete “all requirements of the treatment program ordered by the court before the defendant’s operating privilege may be restored.”²²
- Although “[s]uccessful completion of a treatment program includes the payment of all court-imposed fines and costs,” the provision specifically provides that “**being current on a payment plan shall be considered as a part of a successfully completed program.**”²³
- In other words, there is a mandatory requirement that courts consider a defendant’s present compliance with a payment plan as having fulfilled the payment requirement for license reinstatement.
- This provision was added in 2006, “to allow those who have been sentenced to a treatment program for DUI to have their licenses restored if they are current on a payment plan for court-imposed fines and costs.”²⁴

¹⁹ 75 Pa.C.S. § 1558(b).

²⁰ Act 138 of 2024 does not directly address this topic, but it is included for completeness as it relates to the issue of driver’s license suspensions and fines, costs, and restitution.

²¹ A template motion setting forth the relevant arguments is available at www.aclupa.org/finesandcosts.

²² 75 Pa.C.S. § 1541(d).

²³ 75 Pa.C.S. § 1541(d).

²⁴ H.R. Comm. on Appropriations, 2005–06 Reg. Sess.-H.B. 121 Fiscal Note, at 1 (Pa. 2005). See also Pennsylvania Governor’s Message, May 11, 2006 (explaining purpose of amendment was to “allow the person to have his license reinstated if he is on a payment plan for such costs”); H.R. Dem. Comm., 2005–06 Reg. Sess.-HB 121 Bill Analysis, at 1 (Pa. 2006) (“An amendment to Section 1541 was added to

If the person later defaults on payment, then the license could be suspended for nonpayment, as is set forth above pursuant to 75 Pa.C.S. § 1533(a).

permit persons to have their driver's license restored if they are maintaining a court ordered payment plan for fines as part of a treatment program.”).