

IN THE COURT OF COMMON PLEAS
FOR COUNTY NAME

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA)

v.)

JOHN DOE)

Case No. #####

MOTION TO CERTIFY TO PENNDOT THAT DEFENDANT HAS COMPLETED
COURT-MANDATED TREATMENT PROGRAMS

Defendant JOHN DOE, through counsel, hereby moves this Honorable Court pursuant to 75 Pa. Cons. Stat. § 1541(d) to certify to the Pennsylvania Department of Transportation (“PennDOT”) that he has completed his court-mandated treatment programs and is eligible to have his driver’s license reinstated. In support thereof, Mr. DOE avers as follows:

1. As a result of his criminal conviction in this matter, Mr. DOE [details about sentence and treatment]. Mr. Doe owes TOTAL #AMOUNT DUE# in fines and costs, and he is current on a payment plan of [payment plan information]. The only barrier preventing Mr. DOE from having his driver’s license restored is his inability to immediately pay the remaining balance of his fines and costs.

2. Because Mr. Doe has completed all of his court-ordered treatment, he is eligible to have his driver’s license reinstated. Pennsylvania law requires that a defendant complete “all requirements of the treatment program ordered by the court before the defendant’s operating privilege may be restored.” 75 Pa. Cons. Stat. § 1541(d). Although “[s]uccessful completion of a treatment program includes the payment of all court-imposed fines and costs,” § 1541(d) specifically provides that “being current on a payment plan *shall* be considered as a part of a

successfully completed program.” *Id.* (emphasis added). This language is mandatory. In other words, because Mr. DOE completed court-mandated treatment and is current on his payment obligations, he is eligible for license restoration even though he still owes money.

3. Prior to 2006, individuals *were* required to pay the full balance of their court fines and costs before they could restore their driving privileges. However, the Pennsylvania legislature added the payment-plan provision of Section 1541(d) 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.” 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 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.”).

4. The statutory mandate of Section 1541(d) ensures that indigent defendants are not deprived of their right to “fundamental fairness” guaranteed by the Fourteenth Amendment. *See Bearden v. Georgia*, 461 U.S. 660, 672–73 (1983) (revoking probation based solely on indigence “would be contrary to the fundamental fairness required by the Fourteenth Amendment”); *Commonwealth v. Melnyk*, 548 A.2d 266, 272 (Pa. Super. Ct. 1988) (prohibiting a defendant from participating in accelerated rehabilitation disposition because the defendant is too poor to pay restitution violates *Bearden*). *See also Commonwealth ex rel. Parrish v. Cliff*, 304 A.2d 158, 162 (1973) (“Recent decisions of the Supreme Court have unquestionably demonstrated that the

desire to eliminate inequities in the criminal process caused by indigency has if anything heightened rather than diminished.”).

5. The Court may be concerned that should Mr. **DOE** be able to obtain his driver’s license, he will no longer have any incentive to pay the fines and costs that he owes the Court. However, the Court will retain two powerful tools. First, once Mr. **DOE’s** driver’s license is restored, should he fail to make payments on his fines and costs, the Court can ask the Pennsylvania Department of Transportation to suspend his driver’s license pursuant to 75 Pa. Cons. Stat. § 1533(a), which permits such suspension for any person “who has failed to pay any fine, costs or restitution . . . for [a] violation of” Title 75. Such suspension remains in effect until the person becomes current on a payment plan. *See id.* at § 1533(d). Moreover, the Court will maintain its contempt authority over Mr. **DOE**. *See* 42 Pa. Cons. Stat. § 9772 (court may hold defendant in contempt for willful nonpayment of a fine). Thus, the Court will retain the tools necessary to ensure that Mr. **DOE** continues to pay his fines and costs.

6. Mr. **DOE** has successfully completed all court-ordered treatment programs, and the only legal obstacle currently preventing him from pursuing license restoration is that he has not yet been able to pay all of his fines and costs in this due to his indigence. For these reasons, Mr. **DOE** respectfully requests that this Court send a certification to PennDOT that he has completed his court-mandated treatment program.

Respectfully submitted,

Date: **#DATE#**

[signature block]

VERIFICATION

I, **JOHN DOE**, the Defendant in this matter, hereby verify that the statements set forth in the foregoing Motion are true and correct to the best of my knowledge, information, and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. Cons. Stat. § 4904, relating to unsworn falsification to authorities.

Date: **#DATE#**

JOHN DOE

IN THE COURT OF COMMON PLEAS
FOR **COUNTY NAME**

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA)

v.)

JOHN DOE)

Case No. #####

**ORDER GRANTING MOTION TO SUSPEND PAYMENTS OF COURT
FINES AND COSTS**

Upon consideration of the Defendant's Motion in the above-captioned case, and upon consideration of the record and exhibits filed thereof, it is on this ____ day of **MONTH, YEAR**,
ORDERED that:

1. The Defendant has successfully completed his court-mandated treatment programs in each of the above-captioned cases; and
2. Pursuant to 75 Pa. Cons. Stat. § 1541, notice shall be sent to the Pennsylvania Department of Transportation that the Defendant is eligible to reinstate his driving privileges.

BY THE COURT:

Judge, Court of Common Pleas