

Legislative Budget and Finance Committee

A Study in Response to Act 2020-93: A Review of the Emergency Medical Services Operating Fund

Report Presentation by Anne Witkonis, April 13, 2022, Meeting

Good morning. Act 2020-93 directed the Legislative Budget and Finance Committee to review court records to ensure that revenues for the Emergency Medical Services Operating Fund, or EMSOF, are being properly collected and deposited.

The EMSOF was originally established by Act 1985-45, which was repealed and replaced by Act 2009-37, the Emergency Medical Services System Act.

Under Title 75, the Vehicle Code, a \$20 cost is imposed on all traffic violations, excluding parking violations, and deposited into the EMSOF. Additionally, any defendant who is offered Accelerated Rehabilitative Disposition after being charged with driving under the influence (ARD DUI) is subject to pay a cost of \$50, which is also deposited into the EMSOF.

Act 2020-93 increased these costs from \$10 to \$20 and from \$25 to \$50, respectively, effective February 2021. Revenues that fund the EMSOF are considered costs and are collected at magisterial district judge and county court levels and then forwarded to the Department of Revenue (DOR) for deposit into the Treasury.

Other funds are also designated to the EMSOF, such as interest on investments from the fund and disciplinary fines on emergency medical personnel.

We obtained data from the Administrative Office of Pennsylvania Courts (AOPC), Philadelphia Municipal Court - Traffic Division, the Pennsylvania Treasury (Treasury), and

the Department of Revenue (DOR) to determine if the EMSOF funds were being properly collected and deposited.

AOPC provided data that shows the number of eligible offenses and the associated EMSOF assessments. We found that for Title 75 traffic violations, overall assessment rates are high, with overall fiscal year percentages ranging from 98.6 percent to 98.9 percent. For example, in fiscal year 2020-21 there were 972,570 traffic violations and of those, 959,058 were assessed with the EMSOF cost, representing 98.6 percent. In some cases, an EMSOF cost may not be assessed because a judge has discretion to waive the cost. For example, if a person commits more than one summary violation at one time, they may be charged with only one set of costs.

AOPC also provided data regarding the assessment rates on the ARD DUI EMSOF cost. Assessment rates for ARD DUI were not as high, with many counties assessing the cost under 90 percent of the time. Overall fiscal year percentages ranged from 88.2 percent to 89.5 percent. For example, in fiscal year 2020-21 there were 17,878 ARD DUIs and of those, 15,766 were assessed with the EMSOF cost, representing 88.2 percent. When we contacted counties with lower ARD DUI assessment rates, they most frequently cited two reasons for the lower rate – judicial discretion and clerical error.

Overall, EMSOF collections have been declining. In fiscal year 2016-17, \$11.3 million was deposited into the fund, whereas in fiscal year 2020-21, \$8.9 million was deposited. This may be due, in part, to the COVID-19 pandemic which resulted in fewer vehicles on the road and, therefore, fewer citations being issued.

EMSOF collections may be adjusted for a variety of reasons, including death of a defendant. Many adjustments are made because of a change in venue, for example, a case was moved from the magisterial district judge level to the Court of Common Pleas. In these cases, the cost is shifted, rather than uncollected.

Collections of the EMSOF cost are also not always collected in full. Individuals may enter payment arrangements to pay their fines and costs over time. This may happen after a payment determination hearing. After such a hearing, a judge may allow for non-monetary payments, which can include community service or credit for time served.

We reviewed the revenues reported by the Department of Revenue and the amounts deposited into the EMSOF into the Pennsylvania Treasury, and found the amounts matched exactly in four of the five fiscal years reviewed for this report. Due to a change in computer systems, the Treasury was unable to provide data for FY 2016-17.

We recommend that AOPC continue its efforts to ensure that judges and court staff are given training on the applicable costs and purposes of the costs associated with traffic violations and ARD DUIs that are directed to the EMSOF. This can be accomplished through AOPC's quarterly bulletins to counties and through its continued cooperation with the Pennsylvania State Association of Prothonotaries and Clerks of Courts.

In closing, I would like to thank the staff of the Administrative Office of Pennsylvania Courts, especially its IT staff, for its outstanding assistance with this report. I would also like to thank the Pennsylvania Department of Revenue and the Pennsylvania Treasury for their assistance.

