

# REPORT HIGHLIGHTS

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

Released: April 13, 2022

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 (EMSOF or the Fund) are being properly collected and deposited.

- ❖ EMSOF was originally established by Act 1985-45, which was repealed and replaced by Act 2009-37, the Emergency Medical Services System Act
- ❖ A \$20 cost is imposed on all traffic violations, excluding parking violations, and is to be forwarded to the State Treasurer for deposit 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, also to be deposited into the EMSOF.
- ❖ The traffic violation and ARD DUI costs that fund the EMSOF were increased by Act 2020-93. Costs were raised from \$10 to \$20 and from \$25 to \$50, respectively, effective February 26, 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.
- ❖ Overall, EMSOF collections have been declining. In FY 2016-17, \$11.3 million was deposited into the fund, whereas in FY 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 can 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 is moved from the magisterial district judge level to the Court of Common Pleas. In these cases, the cost is shifted, rather than left uncollected.
- ❖ EMSOF cost collections are not always collected in full. Individuals may enter payment arrangements to pay their fines and costs over time.
- ❖ We found the revenues reported by the DOR and the amounts deposited into the EMSOF as reported by Treasury, matched exactly in four of the five fiscal years reviewed. Due to a change in computer systems, the Treasury was unable to provide data for FY 2016-17.

### **Assessment and Collection of EMSOF Costs**

- ❖ In general, we found that EMSOF costs are being properly assessed on traffic violations, on average 98.8 percent of the time over the five fiscal years (FYs 2016 – 20) reviewed for this study.
- ❖ We found that EMSOF cost on traffic violations may not be assessed because a judge has the discretion to waive the cost.
- ❖ DUI ARDs are being assessed, on average, 89.2 percent of the time. In FY 2020-21, over half of Pennsylvania's counties assessed the EMSOF cost in fewer than 90 percent of ARD DUIs.
- ❖ We contacted the counties with lower ARD DUI assessment rates. They most frequently cited judicial discretion and clerical error as the reason for the lower rates.

### **Recommendation**

- ❖ 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 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.

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