

SUPREME COURT OF PENNSYLVANIA

Hoenisch v. Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing, 567 Pa. 89

785 A.2d 969 (2001) · Decided November 30, 2001

SUMMARY

The Supreme Court of Pennsylvania held that a North Carolina impaired-driving conviction based on a .08 percent blood-alcohol concentration was substantially similar to the offense described in the Driver's License Compact and therefore supported a reciprocal Pennsylvania driver's-license suspension. The court affirmed the Commonwealth Court, while three justices dissented on the ground that the North Carolina per se offense did not involve conduct substantially similar to Pennsylvania's punishable conduct.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Saylor, Justice; Flaherty, Chief Justice; Zappala, Justice; Cappy, Justice; Castille, Justice; Nigro, Justice; Newman, Justice
JURISDICTION	Pennsylvania
DECIDED	November 30, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a reciprocal one-year driver's-license suspension imposed by the Pennsylvania Department of Transportation based on Hoenisch's North Carolina impaired-driving conviction.
STANDARD OF REVIEW	The court reviewed whether the out-of-state conviction was legally substantially similar to the offense described in the Driver's License Compact; no separate standard-of-review formulation is stated.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Pennsylvania; majority opinion affirming the reciprocal suspension.
PARTIES	Roy Hoenisch v. Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing

TOPICS

judicial review of agency action

administrative law

statutory interpretation

appellate procedure

PRACTICE AREAS

Administrative law

Driver's license suspension

Statutory interpretation

Appellate procedure

QUESTIONS PRESENTED

1. Whether a North Carolina impaired-driving conviction based on a .08 percent blood-alcohol concentration is substantially similar to the offense described in Article IV(a)(2) of the Driver's License Compact.
2. Whether PennDOT could impose a reciprocal Pennsylvania driver's-license suspension based on that conviction even though Pennsylvania's per se DUI threshold was .10 percent.

HOLDINGS

1. A North Carolina impaired-driving conviction established under the .08 percent per se provision is substantially similar in nature to the Compact's offense of driving under the influence of intoxicating liquor to a degree rendering the driver incapable of safely driving.
2. PennDOT properly imposed the reciprocal one-year suspension because the North Carolina conviction qualified under the Driver's License Compact.

KEY QUOTATIONS

"Thus, under the Compact, the appropriate inquiry is 'whether each state's drunk driving provisions are of a substantially similar nature to Article IV(a)(2).'" (785 A.2d at 971)

"While Hoenisch's conviction was established pursuant to a per se method that accords evidentiary effect to a lower blood alcohol content threshold than that allowed by Pennsylvania's per se method, the Compact anticipates such variance by recognizing a general driving under the influence offense and permitting effect to be given to laws of a substantially similar nature." (785 A.2d at 974)

FACTUAL BACKGROUND

Hoenisch was stopped in North Carolina on March 21, 1997, after driving faster than the posted speed limit and was charged with impaired driving. A breath test showed a blood-alcohol concentration of .08 percent, and a North Carolina court convicted him under the state's per se impaired-driving provision. PennDOT treated that conviction as equivalent to Pennsylvania DUI under the Driver's License Compact and imposed a one-year suspension of his Pennsylvania operating privileges.

PROCEDURAL HISTORY

PennDOT treated Hoenisch's North Carolina conviction under the .08 percent blood-alcohol provision as equivalent to Pennsylvania's DUI offense and suspended his operating privileges for one year. The court of common pleas dismissed Hoenisch's statutory appeal, and the Commonwealth Court affirmed in a memorandum decision. The Supreme Court of Pennsylvania granted allowance of appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- Petrovick v. Commonwealth, 559 Pa. 614, 741 A.2d 1264 (1999)
- State v. Scott, 146 N.C. App. 288, 551 S.E.2d 916 (2001)
- Commonwealth v. Loeper, 541 Pa. 393, 663 A.2d 669 (1995)
- Commonwealth v. Mikulan, 504 Pa. 244, 470 A.2d 1339 (1983)
- Commonwealth v. McCurdy, 558 Pa. 65, 735 A.2d 681 (1999)
- State v. Harrington, 78 N.C. App. 39, 336 S.E.2d 852 (1985)
- State v. Shuping, 312 N.C. 421, 323 S.E.2d 350 (1984)
- State v. Phillips, 127 N.C. App. 391, 489 S.E.2d 890 (1997)
- Kline v. Commonwealth, Department of Transportation, Bureau of Driver Licensing, 725 A.2d 860 (Pa. Cmwlth. 1999)
- State v. Bratthauer, 354 N.W.2d 774 (Iowa 1984)
- State v. Kubik, 235 Neb. 612, 456 N.W.2d 487 (1990)
- State v. Franco, 96 Wash. 2d 816, 639 P.2d 1320 (1982)
- Layman v. State, 455 So. 2d 607 (Fla. Dist. Ct. App. 1984)
- Petrovick v. Commonwealth, 559 Pa. 614, 741 A.2d 1264 (1999)
- Commonwealth v. McMullen, 756 A.2d 58 (Pa. Super. Ct. 2000)