

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
 :
 vs. : NO. 01-11,825
 :
 TAMMY COLLINS, :
 :
 Defendant : 1925(a) OPINION

Date: December 10, 2002

OPINION IN SUPPORT OF THE ORDER OF SEPTEMBER 12, 2002 IN COMPLIANCE WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE

Defendant, Tammy Collins, has appealed this Court's Order of September 12, 2002, which sentenced her for the charge of driving under the influence of alcohol following a jury verdict of guilty. As part of that sentence, the Defendant was subject to the mandates of 42 Pa.C.S.A. §7002-7003 regarding the ignition interlock device. On October 4, 2002, the Defendant filed a Statement of Matters Complained of on Appeal. It was in response to the Pa. R.A.P. 1925(b) Order issued by this Court on September 23, 2002. In the Statement of Matters Complained of on Appeal, the Defendant challenges the mandatory interlock device requirement as unconstitutional.¹

This Court believes that the mandatory interlock device requirement is constitutional based on the Superior Court's decision in *Commonwealth v. Etheridge*, 794 A.2d 391 (Pa. Super. 2002). The Superior Court applied the rational basis standard and held that the requirement did not violate the Equal Protection Clause of either the federal or state constitutions. *Id.* at 397. The requirement seeks to promote the legitimate state interest of

protecting the citizens of this and other states from the “dangers posed by Pennsylvania-licensed intoxicated drivers.” *Ibid.* The ignition interlock device requirement is also “undoubtedly reasonably related to accomplishing the objective here, which is to promote public safety by keeping intoxicated drivers off of the roads.” *Ibid.* The ignition interlock device requirement meet the rational basis test. Therefore, the requirement does not violate the Equal Protection Clause of either the federal or state constitutions. *See also, Turner v. D.O.T., Bureau of Licensing*, 805 A.2d 671 (Pa. Cmwlth. 2002).

Accordingly, this Court believes the Appeal should be dismissed and the Court’s Order of September 12, 2002 affirmed.

BY THE COURT,

William S. Kieser, Judge

cc: Honorable Nancy L. Butts
District Attorney
George E. Lepley, Jr., Esquire
Judges
Christian J. Kalas, Esquire
Gary L. Weber, Esquire (Lycoming Reporter)

¹ In the Statement of Matters Complained of on Appeal, the Defendant also challenges the Honorable Nancy L. Butts’ denial of the Defendant’s Motion to Dismiss filed on April 22, 2002. Judge Butts will address this contention in a separate opinion.