

James P. Irvin was driving with a suspended license when police say he caused a hit-and-run crash May 17 that injured 16 people in East Lampeter Township.

His license was suspended in 2004.

Court records show the 46-year-old Nottingham man, who had been living with his parents at their Lancaster Township home, has been cited five times with driving under a suspended license since his license was suspended 13 years ago. According to Pennsylvania law, it takes a sixth offense before someone would face a mandatory 30-day jail sentence for driving with a suspended license.

The crash police say Irvin caused injured 14 Lancaster Mennonite students and two adults.

Driver charged in hit-and-run crash involving Lancaster Mennonite school bus; license was suspended in 2004

A 6-year-old boy, who was pinned under the bus, suffered critical injuries, while a 16-year-old boy was seriously hurt.

On Wednesday, Lancaster County District Attorney Craig Stedman said the conditions of both boys had improved and they are expected to recover from their injuries.

State Rep. Keith Greiner, whose district includes the section of Route 30 where the crash occurred, is working on legislation to revamp the state's DUI laws. He said he plans to address punishments for driving with a suspended license as part of those bills.

"I'm shocked and I'm appalled he had that many citations and he was still driving," Greiner said Friday. "We need to try to try and get these people off the road."

In at least 44 other states, drivers can be imprisoned on the first or second offense for driving with a suspended license.

Pennsylvania is not among them.

Serious impact

People who drive with suspended licenses are many more times likely to be in an accident and about three times more likely to cause a fatal crash than those who are properly licensed, according to data collected by the Federal Highway Traffic Safety Administration.

In the past five years, at least seven people have been killed in Lancaster County by drivers who had suspended licenses and shouldn't have been on the road, newspaper records show.

"We need to make sure that driving under suspension, especially with repeat offenders, is not treated like a mere suggestion to the offender," Lancaster County District Attorney Craig Stedman said in a written statement.

Stedman estimated that 50 percent to 75 percent of drivers who have had their licenses taken away for reckless driving or DUIs in Pennsylvania continue to drive.

According to court records, in 2004 and after, Irvin was charged with 14 traffic citations in Chester, Lancaster and Montgomery counties.

In five of those incidents, he was cited for driving with a suspended license. The citations were issued in 2004, 2010, 2012, 2014 and Feb. 2, when he was cited by East Hempfield Township police.

"It is obvious that we need to do something different and have a real consequence for this," Stedman said.

Contributing circumstances

Chris Demko wants consequences for whomever is allowing drivers with suspended licenses to drive their cars.

His 18-year-old daughter, Meredith, was killed in July 2014 by a repeat DUI offender who was drunk, high on heroin and was driving on a suspended license when he struck her car head-on in West Lampeter Township.

Rescue personnel respond to the scene of the July 8, 2014, car crash that killed 18-year-old Meredith L. Demko. The car she was driving was struck head-on by a car driven by Thomas Gallagher Jr., who later pleaded guilty to third-degree murder, DUI and related counts. Two passengers in Gallagher's car were treated and released from a hospital.

Tom Amico

During Thomas Gallagher Jr.'s guilty plea and sentencing hearing in April 2015, Meredith Demko's family scolded Gallagher's mother for allowing him to drive her car the day of the crash.

"Both Alabama and Arizona and a bunch of other states have laws allowing cars to be impounded in these situations," Chris Demko said Friday. "There has to be some penalty for knowingly allowing a person who is not licensed to drive a car."

Alabama, Arizona, Delaware, Florida, Illinois, Maryland, Montana, Oregon and Wisconsin have laws that include possibly impounding the vehicles of people with multiple violations of driving with a suspended license, according to the National Conference of State Legislators.

The 2002 Chevy Malibu police say Irvin was driving when he caused the East Lampeter bus crash is registered to his parents, according to the arrest affidavit.

A woman at the home where the car was found declined to speak with a reporter who knocked on her door Thursday.

'Legal remedy'

Greiner agreed that there should be responsibility for someone who knowingly gives their car to an unlicensed driver.

"Those people should be on the hook, and there needs to be a penalty," he said.

Demko also suggested the latest technology could help spot unlicensed drivers.

The state has begun to use an Automated Plate Recognition System that can scan traffic on highways and identify vehicles with expired registrations.

"I think something like that could be used to identify drivers who have had their licenses suspended," Demko said.

Stedman suggested a full-time, 24/7 central booking court would also help.

"It works well in Berks, York and Dauphin counties and perhaps we should follow their models," Stedman said in a statement.

"That way, if law enforcement encounters or stops someone with summary traffic warrants during nonbusiness hours, they can take that person to a district judge at the central booking court and have the matter addressed right then and there," he said.

"The state has not created an effective system to address this problem of drivers who break the law repeatedly," Demko said.

"It could be that we look at other options such as forfeiture of a vehicle," Stedman said. "If you refuse to respect the law, then there needs to be a legal remedy which prompts compliance."