

AMENDMENTS TO SENATE BILL NO. 773

Sponsor: REPRESENTATIVE CARROLL

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1 Amend Bill, page 1, line 13, by inserting after "FOR"
2 suspension of operating privilege and for

3 Amend Bill, page 10, lines 12 and 13, by striking out
4 "SECTION 1543(B)(1.1)(I) OF TITLE 75 IS AMENDED TO" in line 12
5 and all of line 13 and inserting

6 Section 1532(d) of Title 75 is amended and subsection (b) is
7 amended by adding a paragraph to read:
8 § 1532. Suspension of operating privilege.

9 * * *

10 (b) Suspension.--

11 * * *

12 (6) Beginning as soon as practicable, but no later than
13 10 months after the effective date of this paragraph, the
14 department shall update driver records as follows:

15 (i) If a driver record shows on the effective date
16 of this paragraph an active sanction imposed by the
17 department for a conviction of any offense under a
18 Federal, State or other state's controlled substance
19 laws, except for an offense under section 1532(a), the
20 driver record will be changed to indicate the active
21 departmental sanction has ended. The following shall
22 apply:

23 (A) If the ending of the active departmental
24 sanction means a driver's operating privilege is
25 eligible for restoration, no points will be placed on
26 the driver record as required by section 1545
27 (relating to restoration of operating privilege) and
28 no restoration fee shall be imposed as required by
29 section 1960 (relating to reinstatement of operating
30 privilege or vehicle registration).

31 (B) If a driver record shows a pending
32 departmental sanction after the active sanction
33 imposed by the department for a conviction of any
34 offense under a Federal, State or other state's
35 controlled substance laws, except for an offense
36 under section 1532(a), the effective dates of the

1 pending departmental sanction will be adjusted as if
2 the active sanction ended under this subsection had
3 been rescinded from the record.

4 (ii) If a driver record shows on the effective date
5 of this paragraph a pending sanction imposed by the
6 department for a conviction of any offense under a
7 Federal, State or other state's controlled substance
8 laws, except for an offense under section 1532(a), the
9 driver record will be changed to indicate that the
10 pending sanction will not be imposed. The effective dates
11 for a departmental sanction to be imposed after a
12 conviction of any offense under a Federal, State or other
13 state's controlled substance laws will be adjusted as if
14 the controlled substance-related departmental sanction
15 had been rescinded from the record.

16 (iii) If a driver record shows on the effective date
17 of this paragraph an active suspension imposed under
18 former subsection (d), the driver record will be changed
19 to indicate the suspension has ended. The following shall
20 apply:

21 (A) If the ending of the suspension means the
22 driver's operating privilege is eligible for
23 restoration, no restoration fee shall be imposed as
24 required by section 1960.

25 (B) If the driver record shows any pending
26 departmental sanction after the suspension imposed
27 under former subsection (d), the effective dates of
28 any such pending departmental sanction will be
29 adjusted as if the suspension ended under this
30 section had been rescinded from the record.

31 (iv) If the driver record shows on the effective
32 date of this paragraph a pending suspension imposed under
33 former subsection (d), the driver record will be changed
34 to indicate the suspension will not be imposed. The
35 effective dates for any departmental sanctions to be
36 imposed after the pending suspension under former
37 subsection (d) will be adjusted as if the pending
38 suspension had been rescinded from the record.

39 * * *

40 [(d) Additional suspension.--The department shall suspend
41 the operating privilege of any person upon receiving a certified
42 record of the driver's conviction, adjudication of delinquency
43 or admission into a preadjudication program for a violation
44 under 18 Pa.C.S. § 6307 (relating to misrepresentation of age to
45 secure liquor or malt or brewed beverages), 6308 (relating to
46 purchase, consumption, possession or transportation of liquor or
47 malt or brewed beverages) or 6310.3 (relating to carrying a
48 false identification card). The duration of the suspension shall
49 be as follows:

50 (1) For a first offense, the department shall impose a
51 suspension for a period of 90 days.

1 (2) For a second offense, the department shall impose a
2 suspension for a period of one year.

3 (3) For a third and subsequent offense, the department
4 shall impose a suspension for a period of two years. Any
5 multiple suspensions imposed shall be served consecutively.

6 Courts may certify the conviction, adjudication of
7 delinquency or admission into the preadjudication program on the
8 same form used to submit the order of suspension required under
9 the provisions of 18 Pa.C.S. § 6310.4 (relating to restriction
10 of operating privileges). Wherever practicable, the suspension
11 imposed under this section shall be made concurrent with the
12 suspension imposed under the provisions of 18 Pa.C.S. § 6310.4.
13 All offenses committed on or after May 23, 1988, shall be
14 included in considering whether an offense is a first, second,
15 third or subsequent offense.]

16 Section 2.1. Section 1543(b)(1.1)(i) of Title 75 is amended
17 to read:

18 Amend Bill, page 21, line 24, by striking out "IN 120 DAYS."
19 and inserting

20 as follows:

21 (1) This section shall take effect immediately.

22 (2) The amendment of 75 Pa.C.S. section 1532 shall take
23 effect in 60 days.

24 (3) The remainder of this act shall take effect in 120
25 days.