

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1351 Session of
 1975

INTRODUCED BY POLITE, McCLATCHY, PRATT, MCGINNIS AND PYLES,
 JUNE 3, 1975

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 4, 1975

AN ACT

1 Amending the act of April 29, 1959 (P.L.58, No.32), entitled "An
 2 act consolidating and revising the Vehicle Code, the Tractor
 3 Code, the Motor Vehicle Financial Responsibility Act and
 4 other acts relating to the ownership, possession and use of
 5 vehicles and tractors," further providing for the
 6 certification of certain records and changing the penalty for
 7 a first offense of driving under the influence.

8 The General Assembly of the Commonwealth of Pennsylvania
 9 hereby enacts as follows:

10 Section 1. The introductory paragraph of subsection (a) of
 11 section 616, act of April 29, 1959 (P.L.58, No.32), known as
 12 "The Vehicle Code," amended December 17, 1969 (P.L.376, No.165),
 13 is amended to read:

14 Section 616. Revocation of Operating Privilege.--

15 (a) Upon receiving a certified record, [from the clerk of the
 16 court] of proceedings in which a person pleaded guilty, entered
 17 a plea of nolo contendere, or was found guilty by a judge or
 18 jury, of any of the crimes enumerated in this section, the
 19 secretary shall forthwith revoke, for a period of one (1) year
 20 or in the case of a first offense under section 1037 for a

1 period of ninety (90) days from the date of revocation, the
2 operating privilege of any such person: Provided, however, That
3 if such person is serving or has served a period of suspension
4 for the same offense under the provisions of clause (1) of
5 subsection (b) of section 618 of this act, he shall be credited
6 with the suspension time served against the one (1) year
7 revocation, and where such person was convicted, or entered a
8 plea of guilty or nolo contendere, of any one of the crimes
9 enumerated in this section, such operating privilege shall not
10 be restored, unless and until the fine and costs, imposed in
11 such cases, have been fully paid. The clerk of the courts or the
12 district justice, as the case may be, shall, when such fine and
13 costs have been so paid in any such case, certify such fact to
14 the Department of Revenue. [Bases] Cases requiring such
15 certification follow:

16 * * *

17 Section 2. Section 1037 of the act is amended to read:

18 Section 1037. Driving Under the Influence of Liquor or
19 Drugs.--It shall be unlawful for any person to operate a motor
20 vehicle, tractor, streetcar or trackless trolley omnibus, while
21 under the influence of intoxicating liquor or any narcotic drug
22 or habit producing drug, or permit any person who may be under
23 the influence of intoxicating liquor or narcotic or habit
24 producing drug, to operate any motor vehicle or tractor owned by
25 him or in his custody or control.

26 Penalty.--Any person violating the provisions of this
27 section, shall for a first offense, be guilty of a summary
28 offense and on conviction thereof, shall be sentenced to pay a
29 fine of not less than one hundred dollars (\$100.00), nor more
30 than three hundred dollars (\$300.00) or undergo imprisonment for

1 not more than ninety (90) days, or both and for a second or
2 subsequent offense, shall be guilty of a misdemeanor, and shall,
3 upon conviction thereof in a court of quarter sessions, be
4 sentenced to pay a fine of not less than one hundred dollars
5 (\$100.00) and not more than five hundred dollars (\$500.00) and
6 costs of prosecution, or undergo imprisonment for not more than
7 three (3) years, or suffer both such fine and imprisonment.