

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 986

Session of
1987

INTRODUCED BY DONATUCCI, JOHNSON, MAIALE, HOWLETT, KOSINSKI,
TIGUE, BELFANTI, TRELLO, PISTELLA, STEVENS, ACOSTA, BOOK,
NAHILL, STABACK, FISCHER, NOYE, FOX, J. TAYLOR, E. Z. TAYLOR,
SALOOM, PETRONE, DeLUCA, GODSHALL, BATTISTO, BUNT, RYBAK AND
CIVERA, APRIL 6, 1987

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 6, 1987

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, defining offenses relating to unlawful
3 use of alcohol or drugs by public transportation workers.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding sections to read:

8 § 6911. Unlawful use of alcohol or drugs by public
9 transportation worker.

10 (a) Offense defined.--It shall be unlawful for any person
11 employed by a public transportation company and engaged in the
12 operation of transportation facilities to use, consume or
13 otherwise be under the influence of alcohol, or a controlled
14 substance as defined in the act of April 14, 1972 (P.L.233,
15 No.64), known as The Controlled Substance, Drug, Device and
16 Cosmetic Act.

17 (b) Prima facie evidence.--It shall be prima facie evidence

1 of a violation of this section if, following an accident
2 involving transportation facilities, a person tests as follows:

3 (1) the amount of alcohol, by weight, in the blood of
4 the person tested is 0.10% or more; or

5 (2) the person tests positive for the presence of a
6 controlled substance in the blood.

7 (c) Grading.--A violation of this section is a felony of the
8 third degree.

9 (d) Definition.--As used in this section the term "public
10 transportation company" means any private company or public
11 agency or authority which operates a bus line, passenger
12 railroad line, trolly line or airline for the general public.

13 § 6912. Homicide on public transportation.

14 (a) Offense defined.--Any person who unintentionally causes
15 the death of another person as the direct result of a violation
16 of section 6911 (relating to unlawful use of alcohol or drugs by
17 public transportation worker) and who is convicted of violating
18 section 6911 is guilty of a felony of the second degree when the
19 violation is the cause of death, and the sentencing court shall
20 order the person to serve a minimum term of imprisonment of not
21 less than three years.

22 (b) Applicability of sentencing guidelines.--The sentencing
23 guidelines promulgated by the Pennsylvania Commission on
24 Sentencing shall not supersede the mandatory penalty of this
25 section.

26 Section 2. This act shall take effect in 60 days.