

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 556 Session of  
1989

INTRODUCED BY CALTAGIRONE, MAYERNIK AND LaGROTTA,  
FEBRUARY 15, 1989

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 15, 1989

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled  
2 "An act relating to the manufacture, sale and possession of  
3 controlled substances, other drugs, devices and cosmetics;  
4 conferring powers on the courts and the secretary and  
5 Department of Health, and a newly created Pennsylvania Drug,  
6 Device and Cosmetic Board; establishing schedules of  
7 controlled substances; providing penalties; requiring  
8 registration of persons engaged in the drug trade and for the  
9 revocation or suspension of certain licenses and  
10 registrations; and repealing an act," providing for the  
11 restriction of motor vehicle operating privileges for  
12 violations of the act.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. The act of April 14, 1972 (P.L.233, No.64), known  
16 as The Controlled Substance, Drug, Device and Cosmetic Act, is  
17 amended by adding a section to read:

18 Section 23.1. Restriction of Operating Privileges.--(a)  
19 Whenever a person is convicted or adjudged delinquent or is  
20 admitted to any preadjudication or accelerated rehabilitation  
21 program for a violation of this act, the court shall order the  
22 operating privileges of the person suspended. A copy of the

order shall be transmitted to the Department of Transportation.

(b) When the Department of Transportation suspends the operating privileges of a person under subsection (a), the duration of the suspension shall be as follows:

(1) For a first, nonfelony offense, a period of ninety (90) days from the date of suspension.

(2) For a second offense, each a nonfelony, a period of six (6) months from the date of suspension.

(3) For a third offense, each of which was a nonfelony, a period of one (1) year from the date of suspension.

(4) For any fourth offense, each of which was a nonfelony, and any offense thereafter, a period of two (2) years from the date of suspension.

(5) For each separate felony offense, a period of two (2) years from the date of suspension.

(c) Any multiple periods of suspension under this section or under 18 Pa.C.S. § 6310.4 (relating to restriction of operating privileges), or under the Vehicle Code shall be served consecutively.

(d) Reinstatement of operating privileges shall be governed by 75 Pa.C.S. § 1545 (relating to restoration of operating privilege).

(e) Any person whose record is received by the department under subsection (a) and who does not have a driver's license shall be ineligible to apply for a learner's permit under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time periods specified in subsection

(b). If the person is under 16 years of age when he is convicted or adjudicated delinquent or admitted to a preadjudication

1 program, his suspension of operating privileges shall commence  
2 upon his 16th birthday for the time periods specified in  
3 subsection (b).

4 (f) An insurer shall not increase premiums, impose any  
5 surcharge or rate penalty, or make any driver record point  
6 assignment for automobile insurance, nor shall an insurer cancel  
7 or refuse to renew an automobile insurance policy on account of  
8 a suspension under this section.

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