

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 501 Session of
2007

INTRODUCED BY STACK, BOSCOLA, KITCHEN, COSTA, ORIE, FONTANA,
BROWNE AND LOGAN, MARCH 19, 2007

REFERRED TO TRANSPORTATION, MARCH 19, 2007

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for driving while operating
3 privilege is suspended.

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

6 Section 1. Section 1543 of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 1543. Driving while operating privilege is suspended or
9 revoked.

10 (a) Offense defined.--Except as provided in subsection (b),
11 any person who drives a motor vehicle on any highway or
12 trafficway of this Commonwealth after the commencement of a
13 suspension, revocation or cancellation of the operating
14 privilege and before the operating privilege has been restored
15 is guilty of a [summary offense] misdemeanor of the third degree
16 and shall, upon conviction, be sentenced to pay a fine of [\$200]
17 \$1,000.

18 (b) Certain offenses.--

1 (1) A person who drives a motor vehicle on a highway or
2 trafficway of this Commonwealth at a time when the person's
3 operating privilege is suspended or revoked as a condition of
4 acceptance of Accelerated Rehabilitative Disposition for a
5 violation of section 3802 (relating to driving under
6 influence of alcohol or controlled substance) or the former
7 section 3731, because of a violation of section 1547(b)(1)
8 (relating to [suspension for refusal] chemcial testing to
9 determine amount of alcohol or controlled substance) or 3802
10 or former section 3731 or is suspended under section 1581
11 (relating to Driver's License Compact) for an offense
12 substantially similar to a violation of section 3802 or
13 former section 3731 shall, upon conviction, be guilty of a
14 [summary offense] misdemeanor of the second degree and shall
15 be sentenced to pay a fine of [\$500] \$2,000 and to undergo
16 imprisonment for a period of not less than [60 days nor more
17 than] 90 days.

18 (1.1) (i) A person who has an amount of alcohol by
19 weight in his blood that is equal to or greater than .02%
20 at the time of testing or who at the time of testing has
21 in his blood any amount of a Schedule I or nonprescribed
22 Schedule II or III controlled substance, as defined in
23 the act of April 14, 1972 (P.L.233, No.64), known as The
24 Controlled Substance, Drug, Device and Cosmetic Act, or
25 its metabolite and who drives a motor vehicle on any
26 highway or trafficway of this Commonwealth at a time when
27 the person's operating privilege is suspended or revoked
28 as a condition of acceptance of Accelerated
29 Rehabilitative Disposition for a violation of section
30 3802 or former section 3731 or because of a violation of

1 section 1547(b)(1) or 3802 or former section 3731 or is
2 suspended under section 1581 for an offense substantially
3 similar to a violation of section 3802 or former section
4 3731 shall, upon a first conviction, be guilty of a
5 [summary offense] misdemeanor of the second degree and
6 shall be sentenced to pay a fine of [\$1,000] \$2,000 and
7 to undergo imprisonment for a period of not less than 90
8 days.

9 (ii) A second violation of this paragraph shall
10 constitute a misdemeanor of the [third] first degree, and
11 upon conviction thereof the person shall be sentenced to
12 pay a fine of \$2,500 and to undergo imprisonment for not
13 less than six months.

14 (iii) A third or subsequent violation of this
15 paragraph shall constitute a misdemeanor of the first
16 degree, and upon conviction thereof the person shall be
17 sentenced to pay a fine of \$5,000 and to undergo
18 imprisonment for not less than two years.

19 (2) This subsection shall apply to any person against
20 whom one of these suspensions has been imposed whether the
21 person is currently serving this suspension or whether the
22 effective date of suspension has been deferred under any of
23 the provisions of section 1544 (relating to additional period
24 of revocation or suspension). This provision shall also apply
25 until the person has had the operating privilege restored.
26 This subsection shall also apply to any revocation imposed
27 pursuant to section 1542 (relating to revocation of habitual
28 offender's license) if any of the enumerated offenses was for
29 a violation of section 3802 or former section 3731 or for an
30 out-of-State offense that is substantially similar to a

violation of section 3802 or former section 3731, for which a
revocation is imposed under section 1581.

(c) Suspension or revocation of operating privilege.--Upon
receiving a certified record of the conviction of any person
under this section, the department shall suspend or revoke that
person's operating privilege as follows:

(1) If the department's records show that the person was
under suspension, recall or cancellation on the date of
violation, and had not been restored, the department shall
suspend the person's operating privilege for an additional
one-year period.

(2) If the department's records show that the person was
under revocation on the date of violation, and had not been
restored, the department shall revoke the person's operating
privilege for an additional two-year period.

(d) Citation of appropriate subsection.--Prior to [filing a
citation] making an arrest for a violation of this section [with
the issuing authority named in the citation], the police officer
shall verify the basis for the suspension with the department.
Upon receiving the verification, the officer shall [cite] make
an arrest for violation of the appropriate subsection of this
section [on the citation].

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