

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1561 Session of
2008

INTRODUCED BY FONTANA, RAFFERTY, COSTA, ORIE, PUNT, WOZNIAK,
O'PAKE, ERICKSON, WAUGH, LOGAN, TARTAGLIONE, BAKER,
WASHINGTON, C. WILLIAMS, WONDERLING, STACK AND VANCE,
SEPTEMBER 12, 2008

REFERRED TO TRANSPORTATION, SEPTEMBER 12, 2008

AN ACT

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

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

6 Section 1. Section 1543(b)(1.1) of Title 75 of the
7 Pennsylvania Consolidated Statutes is amended and the subsection
8 is amended by adding a paragraph to read:

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

11 * * *

12 (b) Certain offenses.--

13 * * *

14 (1.1) Except as set forth in paragraph (1.2), the
15 following apply:

16 (i) A person who has an amount of alcohol by weight
17 in his blood that is equal to or greater than .02% at the

1 time of testing or who at the time of testing has in his
2 blood any amount of a Schedule I or nonprescribed
3 Schedule II or III controlled substance, as defined in
4 the act of April 14, 1972 (P.L.233, No.64), known as The
5 Controlled Substance, Drug, Device and Cosmetic Act, or
6 its metabolite and who drives a motor vehicle on any
7 highway or trafficway of this Commonwealth at a time when
8 the person's operating privilege is suspended or revoked
9 as a condition of acceptance of Accelerated
10 Rehabilitative Disposition for a violation of section
11 3802 or former section 3731 or because of a violation of
12 section 1547(b)(1) or 3802 or former section 3731 or is
13 suspended under section 1581 for an offense substantially
14 similar to a violation of section 3802 or former section
15 3731 shall, upon a first conviction, be guilty of a
16 summary offense and shall be sentenced to pay a fine of
17 \$1,000 and to undergo imprisonment for a period of not
18 less than 90 days.

19 (ii) A second violation of this paragraph shall
20 constitute a misdemeanor of the third degree, and upon
21 conviction thereof the person shall be sentenced to pay a
22 fine of \$2,500 and to undergo imprisonment for not less
23 than six months.

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

29 (1.2) Notwithstanding paragraph (1.1), the following

30 apply:

1 (i) A person who, at a time when the person's
2 operating privilege is suspended or revoked as a
3 condition of acceptance of Accelerated Rehabilitative
4 Disposition for a violation of section 3802 or former
5 section 3731 or because of a violation of section
6 1547(b)(1) or section 3802 or former section 3731 or is
7 suspended under section 1581 for an offense substantially
8 similar to a violation of section 3802 or former section
9 3731, drives a motor vehicle on any highway or trafficway
10 of this Commonwealth in violation of section 3802 or with
11 any amount of a Schedule I or nonprescribed Schedule II
12 or III controlled substance, as defined in The Controlled
13 Substance, Drug, Device and Cosmetic Act, or its
14 metabolite, in the person's blood shall, upon a first
15 conviction, be guilty of a summary offense and shall be
16 sentenced to pay a fine of \$1,000 and to undergo
17 imprisonment for a period of not less than 90 days.

18 (ii) A second violation of this paragraph shall
19 constitute a misdemeanor of the third degree, and upon
20 conviction thereof the person shall be sentenced to pay a
21 fine of \$2,500 and to undergo imprisonment for not less
22 than six months.

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

28 * * *

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