

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 889 Session of 2011

INTRODUCED BY FARNESE, KITCHEN, FONTANA, RAFFERTY, LEACH,
BREWSTER, BOSCOLA, STACK, WOZNIAK AND BROWNE, MARCH 28, 2011

REFERRED TO TRANSPORTATION, MARCH 28, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in accidents and accident reports, further
3 providing for the offense of accidents involving death or
4 personal injury.

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

7 Section 1. Section 3742(b) of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended and the section is amended by
9 adding a subsection to read:

10 § 3742. Accidents involving death or personal injury.

11 * * *

12 (b) Penalties.--

13 (1) Except as otherwise provided in this section, any
14 person violating this section commits a [misdemeanor] felony
15 of the [first] third degree and the sentencing court shall
16 order the person to pay a fine of not less than \$1,000.

17 (2) If the victim suffers serious bodily injury, any
18 person violating subsection (a) commits a felony of the third
19 degree, and the sentencing court shall order the person to

1 serve a minimum term of imprisonment of not less than 90 days
2 and a mandatory minimum fine of \$1,000, notwithstanding any
3 other provision of law. An additional fine and consecutive
4 minimum term of imprisonment under this subsection shall be
5 imposed for each victim.

6 (3) If the victim dies, any person violating subsection
7 (a) commits a felony of the [third] second degree, and the
8 sentencing court shall order the person to serve a minimum
9 term of imprisonment of not less than one year and a
10 mandatory minimum fine of \$2,500, notwithstanding any other
11 provision of law. An additional fine and consecutive minimum
12 term of imprisonment under this subsection shall be imposed
13 for each victim.

14 (b.1) Enhanced penalties.--

15 (1) Except as otherwise provided in this subsection, any
16 person who violates this section concurrently with a
17 violation of section 3802 (relating to driving under
18 influence of alcohol or controlled substance) and who is
19 convicted of violating section 3802 commits a felony of the
20 second degree.

21 (2) If the victim suffers serious bodily injury, any
22 person who violates subsection (a) concurrently with a
23 violation of section 3735.1 (relating to aggravated assault
24 by vehicle while driving under the influence) and who is
25 convicted of violating section 3735.1 commits a felony of the
26 second degree, and the sentencing court shall order the
27 person to serve a minimum term of imprisonment of not less
28 than one year and a mandatory fine of \$5,000, notwithstanding
29 any other provision of law. An additional fine and minimum
30 term of imprisonment under this subsection shall be imposed

1 for each victim.

2 (3) If the victim dies, any person who violates
3 subsection (a) concurrently with a violation of section 3735
4 (relating to homicide by vehicle while driving under
5 influence) and who is convicted of violating section 3735
6 commits a felony of the second degree, and the sentencing
7 court shall order the person to serve a minimum term of
8 imprisonment of not less than three years and a mandatory
9 fine of \$10,000, notwithstanding any other provision of law.
10 An additional fine and minimum term of imprisonment under
11 this subsection shall be imposed for each victim. The
12 mandatory imprisonment sentences under this subsection shall
13 run consecutively to any mandatory sentence imposed under
14 section 3735 and any mandatory sentence imposed under
15 subsection (b.1)(2) of this section.

16 * * *

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