

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2401 Session of
2004

INTRODUCED BY GANNON, BARD, BARRAR, BEBKO-JONES, CAPPELLI,
DALEY, DeLUCA, DeWEESE, EGOLF, J. EVANS, FRANKEL, GODSHALL,
GOOD, GRUCELA, HARRIS, HERSHEY, HORSEY, JAMES, LEACH,
LEDERER, MARSICO, MICOZZIE, MILLARD, MUSTIO, PAYNE, PICKETT,
REICHLEY, E. Z. TAYLOR, THOMAS, WEBER, YOUNGBLOOD AND BROWNE,
MARCH 8, 2004

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 2004

AN ACT

1 Amending Titles 23 (Domestic Relations) and 75 (Vehicles), of
2 the Pennsylvania Consolidated Statutes, providing for repeat
3 offender license suspension; and further providing for
4 suspension of operating privilege, for surrender of license
5 and for occupational limited license.

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

8 Section 1. Title 23 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 6114.2. Repeat offender license suspension.

11 (a) Notice.--Any court holding a defendant in indirect
12 criminal contempt under section 6114(a) (relating to contempt
13 for violation of order or agreement) shall notify the Department
14 of Transportation of its holding by sending a certified copy of
15 the order to the Department of Transportation.

16 (b) Suspension.--The Department of Transportation shall,
17 pursuant to 75 Pa.C.S. § 1532(e) (relating to suspension of

1 operating privilege), suspend the operating privilege of any
2 person who, while in this Commonwealth, is found to have
3 repeatedly violated a protection order issued under this
4 chapter, a foreign protection order or a court-approved consent
5 agreement.

6 Section 2. Section 1532 of Title 75 is amended by adding a
7 subsection to read:

8 § 1532. Suspension of operating privilege.

9 * * *

10 (e) Domestic violence suspension.--The department shall
11 suspend the operating privilege of any person pursuant to 23
12 Pa.C.S. § 6114.2 (relating to repeat offender license
13 suspension). Upon the receipt of a certified copy of an order
14 pursuant to 23 Pa.C.S. § 6114.2(a), the department shall impose
15 a period of suspension as follows:

16 (1) For a second violation of the same order or
17 agreement, the period of suspension shall be 90 days.

18 (2) For a third or subsequent violation of the same
19 order or agreement, the period of suspension shall be six
20 months.

21 Section 3. Sections 1540(a) and 1553(d)(5) and (10) of Title
22 75 are amended to read:

23 § 1540. Surrender of license.

24 (a) Conviction of offense.--Upon a conviction or a finding
25 of indirect criminal contempt by a court of competent
26 jurisdiction for any offense which calls for mandatory
27 suspension in accordance with section 1532 (relating to
28 suspension of operating privilege), the court or the district
29 attorney shall require the surrender of any driver's license
30 then held by the defendant and shall forward the driver's

1 license together with a record of the conviction to the
2 department. The suspension shall be effective upon a date
3 determined by the court or district attorney or upon the date of
4 surrender of the license to the court or district attorney,
5 whichever shall first occur.

6 * * *

7 § 1553. Occupational limited license.

8 * * *

9 (d) Unauthorized issuance.--The department shall prohibit
10 issuance of an occupational limited license to:

11 * * *

12 (5) Any person who, at the time he applies for an
13 occupational limited license, has previously been granted
14 such a privilege within the period of five years next
15 preceding such application. This paragraph shall not apply to
16 any person applying for an occupational limited license
17 during any period of suspension imposed pursuant to section
18 1532(e) (relating to suspension of operating privilege).

19 * * *

20 (10) Any person whose operating privilege has been
21 suspended pursuant to either section 13(m) of the act of
22 April 14, 1972 (P.L.233, No.64), known as The Controlled
23 Substance, Drug, Device and Cosmetic Act, or section 1532(c)
24 [(relating to suspension of operating privilege)] unless the
25 suspension imposed has been fully served.

26 * * *

27 Section 4. This act shall take effect in 60 days.