

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1049 Session of
2009

INTRODUCED BY D. WHITE, RAFFERTY, LOGAN, HUGHES, O'PAKE, ORIE,
FOLMER, TARTAGLIONE, CORMAN, WARD AND WOZNIAK, JULY 23, 2009

REFERRED TO TRANSPORTATION, JULY 23, 2009

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for accidents involving death or
3 personal injury and for subsequent convictions of certain
4 offenses.

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

7 Section 1. Sections 3742 and 6503(a) of Title 75 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 3742. Accidents involving death or personal injury.

10 (a) General rule.--The driver of any vehicle involved in an
11 accident resulting in injury or death of any person shall
12 immediately stop the vehicle at the scene of the accident or as
13 close thereto as possible but shall then forthwith return to and
14 in every event shall remain at the scene of the accident until
15 he has fulfilled the requirements of section 3744 (relating to
16 duty to give information and render aid). Every stop shall be
17 made without obstructing traffic more than is necessary.

18 (b) Penalties.--

19 (1) Except as otherwise provided in this section, any

1 person violating this section commits a misdemeanor of the
2 first degree.

3 (2) If the victim suffers serious bodily injury, any
4 person violating subsection (a) commits a felony of the third
5 degree, and the sentencing court shall order the person to
6 serve a minimum term of imprisonment of not less than 90 days
7 and a mandatory minimum fine of \$1,000, notwithstanding any
8 other provision of law. An additional fine and term of
9 imprisonment under this paragraph shall be imposed for each
10 victim.

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

18 (b.1) Enhanced penalties.--

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

24 (2) If the victim suffers serious bodily injury, any
25 person violating subsection (a) concurrently with a violation
26 of section 3802 and who is convicted of violating section
27 3802 commits a felony of the second degree, and the
28 sentencing court shall order the person to serve a minimum
29 term of imprisonment of not less than one year and to pay a
30 mandatory fine of \$2,500, notwithstanding any other provision

1 of law. An additional fine and term of imprisonment under
2 this paragraph shall be imposed for each victim.

3 (3) If the victim dies, any person violating subsection
4 (a) concurrently with a violation of section 3802 and who is
5 convicted of violating section 3802 commits a felony of the
6 second degree, and the sentencing court shall order the
7 person to serve a minimum term of imprisonment of not less
8 than three years and to pay a mandatory fine of \$5,000,
9 notwithstanding any other provision of law. An additional
10 fine and term of imprisonment under this paragraph shall be
11 imposed for each victim.

12 (c) Authority of sentencing court.--There shall be no
13 authority in any court to impose on an offender to which this
14 section is applicable any lesser sentence than provided for in
15 subsection (b) (2) or (3) or (b.1) (2) or (3) or to place such
16 offender on probation or to suspend sentence. Sentencing
17 guidelines promulgated by the Pennsylvania Commission on
18 Sentencing shall not supersede the mandatory sentences provided
19 in this section.

20 (d) Definitions.--As used in this section, the term "serious
21 bodily injury" means any bodily injury which creates a
22 substantial risk of death or which causes serious, permanent
23 disfigurement or protracted loss or impairment of the function
24 of any bodily member or organ.

25 § 6503. Subsequent convictions of certain offenses.

26 (a) General offenses.--Every person convicted of a second or
27 subsequent violation of any of the following provisions shall be
28 sentenced to pay a fine of not less than \$200 nor more than
29 \$1,000 or to imprisonment for not more than six months, or both:

30 Section 1543(a) (relating to driving while operating

1 privilege is suspended or revoked) except as set forth in
2 subsection (a.1).

3 Section 3367 (relating to racing on highways).

4 [Section 3733 (relating to fleeing or attempting to elude
5 police officer).]

6 Section 3734 (relating to driving without lights to avoid
7 identification or arrest).

8 Section 3748 (relating to false reports).

9 * * *

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