

AMENDMENTS TO SENATE BILL NO. 1239

Sponsor: REPRESENTATIVE SCHREIBER

Printer's No. 2295

1 Amend Bill, page 1, line 2, by inserting after "Statutes,"
2 in licensing of drivers, further providing for occupational
3 limited license;

4 Amend Bill, page 1, line 3, by inserting after "OFFENSES"
5 ; and, in enforcement, further providing for reports by courts

6 Amend Bill, page 1, lines 8 and 9, by striking out all of
7 said lines and inserting

8 Section 1. Sections 1553(d)(10), 3803(a), 3806(b) and
9 6323(1) of Title 75 of the Pennsylvania Consolidated Statutes
10 are amended to read:

11 § 1553. Occupational limited license.

12 * * *

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

15 * * *

16 (10) [Any] (i) Except as provided under subparagraph
17 (ii), any person whose operating privilege has been
18 suspended pursuant to either former section 13(m) of the
19 act of April 14, 1972 (P.L.233, No.64), known as The
20 Controlled Substance, Drug, Device and Cosmetic Act, or
21 section 1532(c) (relating to suspension of operating
22 privilege) unless the suspension imposed has been fully
23 served.

24 (ii) Subparagraph (i) shall not apply to a person
25 whose:

26 (A) operating privilege has been suspended
27 pursuant to either:

28 (I) former section 13(m) of The Controlled
29 Substance, Drug, Device and Cosmetic Act; or

30 (II) section 1532(c) for a conviction of any
31 offense involving the possession, sale, delivery,
32 offering for sale, holding for sale or giving
33 away of any controlled substance under the laws
34 of the United States, this Commonwealth or any
35 other state; and

1 (B) record of conviction, adjudication of
2 delinquency or a granting of a consent decree was not
3 sent to the department within the time period
4 required under section 6323(1) (relating to reports
5 by courts).
6 * * *

7 Amend Bill, page 2, by inserting between lines 23 and 24

8 § 6323. Reports by courts.

9 Subject to any inconsistent procedures and standards relating
10 to reports and transmission of funds prescribed pursuant to
11 Title 42 (relating to judiciary and judicial procedure):

12 (1) The following shall apply:

13 (i) The clerk of any court of this Commonwealth,
14 within ten days after final judgment of conviction or
15 acquittal or other disposition of charges under any of
16 the provisions of this title or under section 13 of the
17 act of April 14, 1972 (P.L.233, No.64), known as The
18 Controlled Substance, Drug, Device and Cosmetic Act,
19 including an adjudication of delinquency or the granting
20 of a consent decree, shall send to the department a
21 record of the judgment of conviction, acquittal or other
22 disposition.

23 (ii) The following shall apply:

24 (A) The clerk of any court of this Commonwealth
25 shall, by January 1, 2016, send to the department
26 each record of the following, including an
27 adjudication of delinquency or the granting of a
28 consent decree, that was not sent within ten days
29 after final judgment of conviction or acquittal or
30 other disposition:

31 (I) A judgment of conviction, adjudication
32 of delinquency or a granting of a consent decree
33 under section 13 of The Controlled Substance,
34 Drug, Device and Cosmetic Act.

35 (II) A judgment of conviction, adjudication
36 of delinquency or a granting of a consent decree
37 under section 1532(c) (relating to suspension of
38 operating privilege) for a conviction of any
39 offense involving the possession, sale, delivery,
40 offering for sale, holding for sale or giving
41 away of any controlled substance under the laws
42 of the United States, this Commonwealth or any
43 other state.

44 (B) A filing made under this subparagraph shall
45 be valid for the purposes of this title.

46 * * *

47 Amend Bill, page 2, by inserting between lines 26 and 27

48 Section 3. The amendment of 75 Pa.C.S. § 1553(d) (10) (ii)

1 shall be applied retroactively to January 1, 2004, in cases
2 where the record of a judgment of conviction, adjudication of
3 delinquency or a granting of a consent decree was sent to the
4 Department of Transportation prior to the effective date of this
5 section, but not within the time period required under 75
6 Pa.C.S. § 6323(1).

7 Amend Bill, page 2, line 27, by striking out "3" and
8 inserting

9 4

10 Amend Bill, page 3, line 1, by inserting after "SECTION"
11 and section 3 of this act

12 Amend Bill, page 3, line 2, by striking out "\$ 3803(A)" and
13 inserting

14 §§ 1553(d)(10), 3803(a) and 6323(1)