

## AMENDMENTS TO SENATE BILL NO. 290

Sponsor: SENATOR RAFFERTY

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1 Amend Bill, page 1, line 8, by inserting after "interlock"  
2 , for prior offenses

3 Amend Bill, page 8, lines 20 and 21, by striking out "each  
4 motor vehicle owned or to be operated by the individual" and  
5 inserting

6 one motor vehicle owned, leased or principally operated  
7 by the person, whichever the person most operates,

8 Amend Bill, page 8, line 30; page 9, line 1; by striking out  
9 "shall" in line 30 on page 8 and "count on a day-for-day basis  
10 toward" in line 1 on page 9 and inserting

11 may be counted toward satisfaction of

12 Amend Bill, page 11, lines 8 and 9, by striking out "who has  
13 been convicted" and inserting

14 whose driver's license has been suspended for a conviction

15 Amend Bill, page 11, line 11, by striking out "conviction"  
16 and inserting

17 receipt of notice of the suspension

18 Amend Bill, page 12, line 13, by striking out "shall count on  
19 a day-for-day basis toward the" and inserting

20 may be counted toward satisfaction of

21 Amend Bill, page 12, lines 18 and 19, by striking out "one or  
22 more motor vehicles owned or to be operated by the individual"  
23 and inserting

24 one motor vehicle owned, leased or principally operated by  
25 the person, whichever the person most operates,

1 Amend Bill, page 14, line 30, by inserting a bracket before  
2 "Each"

3 Amend Bill, page 14, line 30, by striking out "or to be  
4 operated"

5 Amend Bill, page 15, line 1, by striking out the bracket  
6 before "or"

7 Amend Bill, page 15, line 1, by inserting after "person]"  
8 One motor vehicle owned, leased or principally operated  
9 by the person, whichever the person most operates,

10 Amend Bill, page 16, by inserting between lines 24 and 25

11 Section 5. Section 3806 of Title 75 is amended to read:  
12 § 3806. Prior offenses.

13 (a) General rule.--Except as set forth in subsection (b),  
14 the term "prior offense" as used in this chapter shall mean [a]  
15 any conviction for which judgment of a sentence has been  
16 imposed, adjudication of delinquency, juvenile consent decree,  
17 acceptance of Accelerated Rehabilitative Disposition or other  
18 form of preliminary disposition before the sentencing on the  
19 present violation for any of the following:

20 (1) an offense under section 3802 (relating to driving  
21 under influence of alcohol or controlled substance);

22 (2) an offense under former section 3731;

23 (3) an offense substantially similar to an offense under  
24 paragraph (1) or (2) in another jurisdiction; or

25 (4) any combination of the offenses set forth in  
26 paragraph (1), (2) or (3).

27 (b) [Repeat offenses within ten years] Timing.--[The  
28 calculation of prior offenses for purposes of sections 1553(d.2)  
29 (relating to occupational limited license), 3803 (relating to  
30 grading) and 3804 (relating to penalties) shall include any  
31 conviction, whether or not judgment of sentence has been imposed  
32 for the violation, adjudication of delinquency, juvenile consent  
33 decree, acceptance of Accelerated Rehabilitative Disposition or  
34 other form of preliminary disposition within the ten years  
35 before the sentencing on the present violation for any of the  
36 following:

37 (1) an offense under section 3802;

38 (2) an offense under former section 3731;

39 (3) an offense substantially similar to an offense under  
40 paragraph (1) or (2) in another jurisdiction; or

41 (4) any combination of the offenses set forth in  
42 paragraph (1), (2) or (3).]

1           (1) For purposes of sections 1553(d.2) (relating to  
2 occupational limited license), 3803 (relating to grading) and  
3 3804 (relating to penalties), the prior offense must have  
4 occurred:

5           (i) within 10 years prior to the date of the offense  
6 for which the defendant is being sentenced; or

7           (ii) on or after the date of the offense for which  
8 the defendant is being sentenced.

9           (2) The court shall calculate the number of prior  
10 offenses, if any, at the time of sentencing.

11           (3) If the defendant is sentenced for two or more  
12 offenses in the same day, the offenses shall be considered  
13 prior offenses within the meaning of this subsection.

14 Amend Bill, page 16, line 25, by striking out "5" and  
15 inserting

16           6

17 Amend Bill, page 16, line 25, by striking out "3808(c)(1)"  
18 and inserting

19           3808(a) and (c)(1)

20 Amend Bill, page 16, line 25, by striking out "is" and  
21 inserting

22           are

23 Amend Bill, page 16, by inserting between lines 28 and 29

24           (a) Offense defined.--

25           (1) An individual required to only drive, operate or be  
26 in actual physical control of the movement of a motor vehicle  
27 equipped with an ignition interlock system under [section  
28 1553(d.2) (relating to occupational limited license)] section  
29 1556 (relating to ignition interlock limited license) or 3805  
30 (relating to ignition interlock) who drives, operates or is  
31 in actual physical control of the movement of a motor vehicle  
32 within this Commonwealth without such a system commits a  
33 misdemeanor and shall, upon conviction, be sentenced to pay a  
34 fine of not less than \$300 and not more than \$1,000 and to  
35 imprisonment for not more than 90 days.

36           (2) An individual required to only drive, operate or be  
37 in actual physical control of the movement of a motor vehicle  
38 equipped with an ignition interlock system under [section  
39 1553(d.2)] section 1556 or 3805 who drives, operates or is in  
40 actual physical control of the movement of a motor vehicle  
41 within this Commonwealth without such a system and who has an  
42 amount of alcohol by weight in his blood that is equal to or  
43 greater than 0.025% at the time of testing or who has in his  
44 blood any amount of a Schedule I or nonprescribed Schedule II

1 or III controlled substance, as defined in the act of April  
2 14, 1972 (P.L.233, No.64), known as The Controlled Substance,  
3 Drug, Device and Cosmetic Act, or its metabolite commits a  
4 misdemeanor of the third degree and shall, upon conviction,  
5 be sentenced to pay a fine of \$1,000 and to undergo  
6 imprisonment for a period of not less than 90 days.

7 Amend Bill, page 17, line 14, by striking out all of said  
8 line and inserting

9 Section 7. This act shall take effect as follows:

10 (1) The amendment of 75 Pa.C.S. § 1547(a), (c)  
11 introductory paragraph, (2) and (3), (g.1), (h), (i) and (j)  
12 shall take effect immediately.

13 (2) This section shall take effect immediately.

14 (3) The remainder of this act shall take effect in 15  
15 months.