

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 556 Session of  
1989INTRODUCED BY CALTAGIRONE, MAYERNIK AND LaGROTTA,  
FEBRUARY 15, 1989AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 31, 1989

## AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled  
2 "An act relating to the manufacture, sale and possession of  
3 controlled substances, other drugs, devices and cosmetics;  
4 conferring powers on the courts and the secretary and  
5 Department of Health, and a newly created Pennsylvania Drug,  
6 Device and Cosmetic Board; establishing schedules of  
7 controlled substances; providing penalties; requiring  
8 registration of persons engaged in the drug trade and for the  
9 revocation or suspension of certain licenses and  
10 registrations; and repealing an act," providing for the  
11 restriction of motor vehicle operating privileges for  
12 violations of the act.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. The act of April 14, 1972 (P.L.233, No.64), known  
16 as The Controlled Substance, Drug, Device and Cosmetic Act, is  
17 amended by adding a section to read:

18 Section 23.1. Restriction of Operating Privileges.--(a)  
19 Whenever a person is convicted or adjudged delinquent or is  
20 admitted to any preadjudication or accelerated rehabilitation  
21 program for a violation of this act, the court shall, INCLUDING <—  
22 A COURT NOT OF RECORD IF IT IS EXERCISING JURISDICTION PURSUANT

1 TO 42 PA.C.S. § 1515 (RELATING TO JURISDICTION AND VENUE), MAY,  
2 IN THE EXERCISE OF ITS DISCRETION, order the operating  
3 privileges of the person suspended. A copy of the order shall be  
4 transmitted to the Department of Transportation.

5 (b) When the Department of Transportation suspends the  
6 operating privileges of a person under subsection (a), the  
7 duration of the suspension shall be as follows:

8 (1) For a first, nonfelony offense, a period of ninety (90)  
9 days from the date of suspension.

10 (2) For a second offense, each a nonfelony, a period of six  
11 (6) months from the date of suspension.

12 (3) For a third offense, each of which was a nonfelony, a  
13 period of one (1) year from the date of suspension.

14 (4) For any fourth offense, each of which was a nonfelony,  
15 and any offense thereafter, a period of two (2) years from the  
16 date of suspension.

17 (5) For each separate felony offense, a period of two (2)  
18 years from the date of suspension.

19 (c) Any multiple periods of suspension under this section or  
20 under 18 Pa.C.S. § 6310.4 (relating to restriction of operating  
21 privileges), or under the Vehicle Code shall be served  
22 consecutively.

23 (d) Reinstatement of operating privileges shall be governed  
24 by 75 Pa.C.S. § 1545 (relating to restoration of operating  
25 privilege).

26 (e) Any person whose record is received by the department  
27 under subsection (a) and who does not have a driver's license  
28 shall be ineligible to apply for a learner's permit under 75  
29 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507  
30 (relating to application for driver's license or learner's

1 permit by minor) for the time periods specified in subsection  
2 (b). If the person is under 16 years of age when he is convicted  
3 or adjudicated delinquent or admitted to a preadjudication  
4 program, his suspension of operating privileges shall commence  
5 upon his 16th birthday for the time periods specified in  
6 subsection (b).

7 (f) An insurer shall not increase premiums, impose any  
8 surcharge or rate penalty, or make any driver record point  
9 assignment for automobile insurance, nor shall an insurer cancel  
10 or refuse to renew an automobile insurance policy on account of  
11 a suspension under this section.

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