

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 878 Session of
1993

INTRODUCED BY McCALL, DeWEESE, CESSAR, LINTON, MIHALICH, TRELLO,
COY, B. SMITH, DeLUCA, PISTELLA, DALEY, FAJT, PRESTON, STISH,
MELIO, ROONEY, BELFANTI, CORNELL, OLASZ, WOGAN, HARLEY,
SERAFINI, CLARK AND BELARDI, MARCH 24, 1993

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 24, 1993

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for suspensions for offenses involving
3 controlled substances, for certain out-of-State
4 documentations and for reports by courts; and making a
5 repeal.

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

8 Section 1. Sections 1532 and 1550 of Title 75 of the
9 Pennsylvania Consolidated Statutes are amended by adding
10 subsections to read:

11 § 1532. Revocation or suspension of operating privilege.

12 * * *

13 (c) Suspension.--The department shall suspend the operating
14 privilege of any person upon receiving a certified record of the
15 person's conviction of any offense involving the possession,
16 sale, delivery, offering for sale, holding for sale or giving
17 away of any controlled substance under the laws of the United
18 States, this Commonwealth or any other state.

1 (1) The period of suspension shall be as follows:

2 (i) For a first offense, a period of six months from
3 the date of the suspension.

4 (ii) For a second offense, a period of one year from
5 the date of the suspension.

6 (iii) For a third and any subsequent offense
7 thereafter, a period of two years from the date of the
8 suspension.

9 (2) For the purposes of this subsection, the term
10 "conviction" shall include any conviction or adjudication of
11 delinquency for any of the offenses listed in paragraph (1),
12 whether in this Commonwealth or any other Federal or state
13 court.

14 § 1550. Judicial review.

15 * * *

16 (d) Out-of-State documentation.--In any proceeding under
17 this section, documents received by the department from the
18 courts or administrative bodies of other states or the Federal
19 Government shall be admissible into evidence to support the
20 department's case. In addition, the department may treat the
21 received documents as documents of the department and use any of
22 the methods of storage permitted under the provisions of 42
23 Pa.C.S. § 6109 (relating to photographic copies of business and
24 public records), and may reproduce such documents in accordance
25 with the provisions of 42 Pa.C.S. § 6103 (relating to proof of
26 official records). In addition, if the department receives
27 information from courts or administrative bodies of other states
28 or the Federal Government by means of electronic transmission,
29 it may certify that it has received the information by means of
30 electronic transmission and that certification shall be prima

1 facie proof of the adjudication and facts contained in such an
2 electronic transmission.

3 Section 2. Section 6323(1) of Title 75 is amended to read:
4 § 6323. Reports by courts.

5 Subject to any inconsistent procedures and standards relating
6 to reports and transmission of funds prescribed pursuant to
7 Title 42 (relating to judiciary and judicial procedure):

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

17 * * *

18 Section 3. Section 13(m) of the act of April 14, 1972
19 (P.L.233, No.64), known as The Controlled Substance, Drug,
20 Device and Cosmetic Act, is repealed.

21 Section 4. The provisions of 75 Pa.C.S. §§ 1532(c) and
22 1550(d) and the repeal of the provisions of section 13(m) of the
23 act of April 14, 1972 (P.L.233, No.64), known as The Controlled
24 Substance, Drug, Device and Cosmetic Act, by the act shall not
25 affect any act done, liability incurred or right accrued or
26 vested, or affect any suit or prosecution pending or be
27 instituted to enforce any right or penalty, or to punish any
28 offense, under the authority of any statute repealed by this
29 act.

30 Section 5. This act shall take effect in 60 days.