
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2482 Session of
1996

INTRODUCED BY GANNON, FLICK, MICOZZIE, ADOLPH, BUNT, MCGILL AND
CORNELL, MARCH 15, 1996

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 15, 1996

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for restriction of
3 operating privileges.

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

6 Section 1. Section 6310.4 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6310.4. Restriction of operating privileges.

9 (a) General rule.--Whenever a person is convicted or is
10 adjudicated delinquent or is admitted to any preadjudication
11 program for a violation of section 6307 (relating to
12 misrepresentation of age to secure liquor or malt or brewed
13 beverages), 6308 (relating to purchase, consumption, possession
14 or transportation of liquor or malt or brewed beverages) or
15 6310.3 (relating to carrying a false identification card), the
16 court, including a court not of record if it is exercising
17 jurisdiction pursuant to 42 Pa.C.S. § 1515(a) (relating to
18 jurisdiction and venue), shall order the operating privilege of

1 the person suspended. A copy of the order shall be transmitted
2 to the Department of Transportation.

3 (b) Duration of suspension.--When the department suspends
4 the operating privilege of a person under subsection (a), the
5 duration of the suspension shall be as follows:

6 (1) For a first offense, a period of not less than 30
7 days nor more than 90 days from the date of suspension.

8 (2) For a second offense, a period of one year from the
9 date of suspension.

10 (3) For a third offense, and any offense thereafter, a
11 period of two years from the date of suspension. Any multiple
12 sentences imposed shall be served consecutively.

13 Reinstatement of operating privilege shall be governed by 75
14 Pa.C.S. § 1545 (relating to restoration of operating privilege).

15 (c) Nondrivers.--Any person whose record is received by the
16 department under subsection (a) and who does not have a driver's
17 license shall be ineligible to apply for a learner's permit
18 under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and
19 1507 (relating to application for driver's license or learner's
20 permit by minor) for the time periods specified in subsection
21 (b). If the person is under 16 years of age when he is convicted
22 or adjudicated delinquent or admitted to a preadjudication
23 program, his suspension of operating privileges shall commence
24 upon his 16th birthday for the time periods specified in
25 subsection (b).

26 (d) Insurance premiums.--An insurer shall not increase
27 premiums, impose any surcharge or rate penalty, or make any
28 driver record point assignment for automobile insurance, nor
29 shall an insurer refuse to write, cancel or refuse to renew an
30 automobile insurance policy on account of a suspension under

1 this section.

2 (e) Expungement.--Any arrest record reflecting a suspension
3 of a defendant's operating privilege ordered pursuant to this
4 section shall be expunged upon the 21st birthday of the
5 defendant.

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