

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2008 Session of
2001

INTRODUCED BY C. WILLIAMS, FLICK, BEBKO-JONES, CAPPELLI,
CASORIO, CORRIGAN, CREIGHTON, DONATUCCI, EGOLF, GEIST,
HORSEY, KREBS, MELIO, RUBLEY, STERN, TANGRETTI, E. Z. TAYLOR
AND YOUNGBLOOD, OCTOBER 15, 2001

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 15, 2001

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further prohibiting driving under influence of
3 alcohol or controlled substance.

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

6 Section 1. Section 3731(a) and (e)(1) of Title 75 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 3731. Driving under influence of alcohol or controlled
9 substance.

10 (a) Offense defined.--A person shall not drive, operate or
11 be in actual physical control of the movement of a vehicle in
12 any of the following circumstances:

13 (1) While under the influence of alcohol to a degree
14 which renders the person incapable of safe driving.

15 (2) While under the influence of any controlled
16 substance, as defined in the act of April 14, 1972 (P.L.233,
17 No.64), known as The Controlled Substance, Drug, Device and

1 Cosmetic Act, to a degree which renders the person incapable
2 of safe driving.

3 (3) While under the combined influence of alcohol and
4 any controlled substance to a degree which renders the person
5 incapable of safe driving.

6 (4) While the amount of alcohol by weight in the blood
7 of:

8 (i) an adult is 0.10% or greater; [or]

9 (ii) a minor is 0.02% or greater[.]; or

10 (iii) an individual previously convicted under this
11 section is 0.05% or greater.

12 * * *

13 (e) Penalty.--

14 (1) Any person violating any of the provisions of this
15 section is guilty of a misdemeanor of the second degree,
16 [except that] a person convicted of a second offense is
17 guilty of a misdemeanor of the first degree, and a person
18 convicted of a third or subsequent offense is guilty of a
19 [misdemeanor] felony of the first degree, and the sentencing
20 court shall order the person to pay a fine of not less than
21 \$300 and serve a minimum term of imprisonment of:

22 (i) Not less than 48 consecutive hours.

23 (ii) Not less than 30 days if the person has
24 previously accepted Accelerated Rehabilitative
25 Disposition or any other form of preliminary disposition,
26 been convicted of, adjudicated delinquent or granted a
27 consent decree under the Juvenile Act (42 Pa.C.S. § 6301
28 et seq.) based on an offense under this section or of an
29 equivalent offense in this or other jurisdictions within
30 the previous seven years.

1 (iii) Not less than 90 days if the person has twice
2 previously been convicted of, adjudicated delinquent or
3 granted a consent decree under the Juvenile Act based on
4 an offense under this section or of an equivalent offense
5 in this or other jurisdictions within the previous seven
6 years.

7 (iv) Not less than one year if the person has three
8 times previously been convicted of, adjudicated
9 delinquent or granted a consent decree under the Juvenile
10 Act based on an offense under this section or of an
11 equivalent offense in this or other jurisdictions within
12 the previous seven years.

13 * * *

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