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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 2164 Session of  
2001

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INTRODUCED BY GEIST AND S. MILLER, NOVEMBER 19, 2001

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AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,  
JUNE 26, 2002

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, FURTHER PROVIDING FOR SUSPENSION OF OPERATING <—  
3 PRIVILEGE; imposing penalties on department employees or  
4 agents who issue a fraudulent driver's license; ~~and~~ further <—  
5 providing for motorcycle fees; AND PROVIDING FOR REMOVAL FROM <—  
6 THE RECORD OF CERTAIN SUSPENSIONS.

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

9 Section 1. Sections 1532(A), 1571 and 7904 of Title 75 of <—  
10 the Pennsylvania Consolidated Statutes are amended to read:

11 § 1532. SUSPENSION OF OPERATING PRIVILEGE. <—

12 (A) ONE-YEAR SUSPENSION.--THE DEPARTMENT SHALL SUSPEND THE  
13 OPERATING PRIVILEGE OF ANY DRIVER FOR ONE YEAR UPON RECEIVING A  
14 CERTIFIED RECORD OF THE DRIVER'S CONVICTION OF OR AN  
15 ADJUDICATION OF DELINQUENCY BASED ON ANY OF THE FOLLOWING  
16 OFFENSES:

17 (1) ANY FELONY IN THE COMMISSION OF WHICH A COURT  
18 DETERMINES THAT A VEHICLE WAS ESSENTIALLY INVOLVED.

1           [(2) ANY VIOLATION OF SECTION 3735 (RELATING TO HOMICIDE  
2 BY VEHICLE WHILE DRIVING UNDER INFLUENCE).]

3           (3) ANY VIOLATION OF THE FOLLOWING PROVISIONS:

4           [SECTION 3732 (RELATING TO HOMICIDE BY VEHICLE).]

5           SECTION 3735.1 (RELATING TO AGGRAVATED ASSAULT BY  
6 VEHICLE WHILE DRIVING UNDER THE INFLUENCE).

7           SECTION 3742 (RELATING TO ACCIDENTS INVOLVING DEATH  
8 OR PERSONAL INJURY).

9           SECTION 3742.1 (RELATING TO ACCIDENTS INVOLVING DEATH  
10 OR PERSONAL INJURY WHILE NOT PROPERLY LICENSED).

11           [SECTION 7102(B) (RELATING TO REMOVAL OR  
12 FALSIFICATION OF IDENTIFICATION NUMBER).

13           SECTION 7103(B) (RELATING TO DEALING IN VEHICLES WITH  
14 REMOVED OR FALSIFIED NUMBERS).]

15           SECTION 7111 (RELATING TO DEALING IN TITLES AND  
16 PLATES FOR STOLEN VEHICLES).

17           SECTION 7121 (RELATING TO FALSE APPLICATION FOR  
18 CERTIFICATE OF TITLE OR REGISTRATION).

19           SECTION 7122 (RELATING TO ALTERED, FORGED OR  
20 COUNTERFEIT DOCUMENTS AND PLATES).

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22 § 1571. Violations concerning licenses.

23       (a) Offenses defined.--It is unlawful for any person:

24           (1) To exhibit or cause or permit to be exhibited or  
25 have in possession any recalled, canceled, suspended,  
26 revoked[, ] or disqualified[, fictitious or fraudulently  
27 altered] driver's license.

28           (2) To lend a driver's license to any other person or  
29 permit the use thereof by another.

30           (3) To exhibit or represent as one's own any driver's

1 license not issued to the person.

2 (4) To fail or refuse to surrender to the department  
3 upon lawful demand a recalled, canceled, suspended, revoked,  
4 disqualified, fictitious or fraudulently altered driver's  
5 license.

6 (5) To exhibit or cause or permit to be exhibited or  
7 have in possession a fictitious or fraudulently altered  
8 driver's license.

9 (a.1) Employees and agents.--It is unlawful for any  
10 department employee or any agent of the department to issue a  
11 fictitious or fraudulently altered driver's license when the  
12 employee or agent has knowledge that the application for the  
13 driver's license or the driver's license contains fictitious or  
14 fraudulent information.

15 (b) Penalty.--

16 (1) Any person violating [any of] the provisions of  
17 [this section is guilty of] subsection (a)(1) through (4)  
18 commits a summary offense and shall, upon conviction, be  
19 sentenced to pay a fine of \$100.

20 (2) Any person violating the provisions of subsection  
21 (a)(5) commits a misdemeanor of the first degree and shall be  
22 sentenced as provided in 18 Pa.C.S. §§ 1101(4) (relating to  
23 finer) and 1104(1) (relating to sentence of imprisonment for  
24 misdemeanors).

25 (3) Any person violating the provisions of subsection  
26 (a.1) commits a felony of the third degree and shall be  
27 sentenced as provided in 18 Pa.C.S. §§ 1101(3) (relating to  
28 finer) and 1103(3) (relating to sentence of imprisonment for  
29 felony). Each fictitious or fraudulently altered driver's  
30 license issued by a department employee or an agent of the

1     department shall constitute a separate offense.

2     § 7904.   Fees.

3     Fees relating to motorcycle licenses for motorcycle operators  
4     to be collected by the department under this chapter shall be in  
5     addition to any other fees imposed under the provisions of this  
6     title and are as follows:

7           (1)   An additional fee of [\$2] \$5 shall be assessed and  
8           collected for each original motorcycle operator's license.

9           (2)   An additional fee of [\$2] \$5 shall be assessed and  
10          collected for each annual renewal of a motorcycle operator's  
11          license.

12          (3)   An additional fee of [\$2] \$5 shall be assessed and  
13          collected for each motorcycle learner's permit.

14          (4)   An additional fee of [\$2] \$5 shall be assessed and  
15          collected for each replacement motorcycle operator's license.

16     SECTION 2.   DRIVERS WHOSE OPERATING PRIVILEGES WERE SUSPENDED   <—  
17     OR REVOKED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION MAY  
18     PETITION THE DEPARTMENT OF TRANSPORTATION TO REMOVE FROM THE  
19     RECORD THE SUSPENSIONS WHICH HAD PREVIOUSLY BEEN IMPOSED FOR  
20     VIOLATIONS OF 75 PA.C.S. §§ 7102(B) AND 7103(B). UPON RECEIPT OF  
21     THE PETITION, THE DEPARTMENT SHALL EXAMINE THE DRIVING RECORD OF  
22     THE PETITIONER AND SHALL REMOVE FROM THE RECORD SUSPENSIONS OR  
23     REVOCATIONS CAUSED BY CONVICTIONS OF VIOLATIONS OF 75 PA.C.S. §§  
24     7102(B) OR 7103(B). IF THERE ARE OTHER OFFENSES ON THE RECORD,  
25     IF THE DRIVER IS ENTITLED TO CREDIT, CREDIT SHALL BE GIVEN FOR  
26     THE OTHER OFFENSES FOR THE PERIODS OF TIMES WHERE THE DRIVER'S  
27     OPERATING PRIVILEGES WERE SUSPENDED OR REVOKED FOR VIOLATIONS OF  
28     75 PA.C.S. §§ 7102(B) AND 7103(B). IF THE DRIVER WAS PROPERLY  
29     SERVING THE SUSPENSION, THEN THE DRIVER IS ENTITLED TO CREDIT.  
30     IF, AFTER RECALCULATING THE RECORD, THE DRIVER IS ELIGIBLE FOR

1 RESTORATION OF PRIVILEGES, THE DEPARTMENT SHALL SO INFORM THE  
2 DRIVER AND PERMIT THE DRIVER'S OPERATING PRIVILEGES TO BE  
3 RESTORED SO LONG AS THE DRIVER MEETS ALL THE OTHER REQUIREMENTS  
4 FOR RESTORATION.

5 Section ~~2~~ 3. This act shall take effect immediately.

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