
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 505 Session of
2003

INTRODUCED BY HARHART, BEBKO-JONES, CAPPELLI, CASORIO, CRUZ,
DIGIROLAMO, FORCIER, GILLESPIE, HORSEY, KIRKLAND, LEWIS,
MARKOSEK, MARSICO, McILHATTAN, MELIO, PALLONE, PHILLIPS,
READSHAW, REED, RUBLEY, SCAVELLO, E. Z. TAYLOR, TRUE, WATSON
AND YOUNGBLOOD, FEBRUARY 26, 2003

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 26, 2003

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for driving while operating
3 privilege is suspended or revoked.

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

6 Section 1. Section 1543(b) of Title 75 of the Pennsylvania
7 Consolidated Statutes, amended October 4, 2002 (P.L.845,
8 No.123), is amended to read:

9 § 1543. Driving while operating privilege is suspended or
10 revoked.

11 (b) Certain offenses.--

12 (1) A person who drives a motor vehicle on a highway or
13 trafficway of this Commonwealth at a time when the person's
14 operating privilege is suspended or revoked as a condition of
15 acceptance of Accelerated Rehabilitative Disposition for a
16 violation of section 3731 (relating to driving under
17 influence of alcohol or controlled substance) or because of a

1 violation of section 1547(b)(1) (relating to suspension for
2 refusal) or 3731 or is suspended under section 1581 (relating
3 to Driver's License Compact) for an offense substantially
4 similar to a violation of section 3731 shall, upon
5 conviction, be guilty of a summary offense and shall be
6 sentenced to pay a fine of \$1,000 and to undergo imprisonment
7 for a period of not less than [90] 180 days.

8 (1.1) (i) A person who has an amount of alcohol by
9 weight in his blood that is equal to or greater than .02%
10 or is under the influence of a controlled substance as
11 defined in section 1603 (relating to definitions) and who
12 drives a motor vehicle on any highway or trafficway of
13 this Commonwealth at a time when the person's operating
14 privilege is suspended or revoked as a condition of
15 acceptance of Accelerated Rehabilitative Disposition for
16 a violation of section 3731 or because of a violation of
17 section 1547(b)(1) or 3731 or is suspended under section
18 1581 for an offense substantially similar to a violation
19 of section 3731 shall, upon a first conviction, be guilty
20 of a summary offense and shall be sentenced to pay a fine
21 of \$1,000 and to undergo imprisonment for a period of not
22 less than [90] 180 days.

23 (ii) A second violation of this paragraph shall
24 constitute a misdemeanor of the third degree, and upon
25 conviction thereof the person shall be sentenced to pay a
26 fine of \$2,500 and to undergo imprisonment for not less
27 than [six months] one year.

28 (iii) A third or subsequent violation of this
29 paragraph shall constitute a misdemeanor of the first
30 degree, and upon conviction thereof the person shall be

1 sentenced to pay a fine of \$5,000 and to undergo
2 imprisonment for not less than two years.

3 (2) This subsection shall apply to any person against
4 whom one of these suspensions has been imposed whether the
5 person is currently serving this suspension or whether the
6 effective date of suspension has been deferred under any of
7 the provisions of section 1544 (relating to additional period
8 of revocation or suspension). This provision shall also apply
9 until the person has had the operating privilege restored.
10 This subsection shall also apply to any revocation imposed
11 pursuant to section 1542 (relating to revocation of habitual
12 offender's license) if any of the enumerated offenses was for
13 a violation of section 3731 or for an out-of-State offense
14 that is substantially similar to a violation of section 3731
15 for which a revocation is imposed under section 1581.

16 * * *

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