

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 490 Session of
2005

INTRODUCED BY PISTELLA, BARRAR, BEBKO-JONES, CALTAGIRONE,
CASORIO, CRUZ, DALEY, DeLUCA, GERGELY, GOODMAN, HERSHEY,
JAMES, W. KELLER, LEDERER, MARKOSEK, MELIO, MUNDY, NAILOR,
PRESTON, READSHAW, SOLOBAY, SURRA, TIGUE AND YOUNGBLOOD,
FEBRUARY 14, 2005

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 14, 2005

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, defining "central registry" and "habitual driving
3 under influence offender" or "habitual DUI offender"; and
4 providing for registration of habitual driving under
5 influence offenders.

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

8 Section 1. Section 102 of Title 75 of the Pennsylvania
9 Consolidated Statutes is amended by adding definitions to read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this title which are applicable to specific
13 provisions of this title, the following words and phrases when
14 used in this title shall have, unless the context clearly
15 indicates otherwise, the meanings given to them in this section:

16 * * *

17 "Central registry." A registry of habitual driving under
18 influence offenders maintained by the Department of

1 Transportation.

2 * * *

3 "Habitual driving under influence offender" or "habitual DUI
4 offender." An offender accumulating three convictions arising
5 from separate acts of any violation of Chapter 38 (relating to
6 driving after imbibing alcohol or utilizing drugs) except for
7 sections 3808(a)(1) and (b) (relating to illegally operating a
8 motor vehicle not equipped with ignition interlock) and 3809
9 (relating to restriction on alcoholic beverages).

10 * * *

11 Section 2. Title 75 is amended by adding a section to read:

12 § 1542.1. Registration of habitual driving under influence
13 offenders.

14 (a) Registration required; penalty.--

15 (1) A habitual driving under influence offender residing
16 in this Commonwealth shall register with the county sheriff
17 for the county in which the habitual DUI offender resides.
18 The offender shall register no later than ten days after the
19 offender's third or subsequent DUI conviction.

20 (2) When a habitual DUI offender registers with the
21 county sheriff, the offender shall provide the following
22 registration information:

23 (i) Legal name and any other names or aliases used
24 by the offender.

25 (ii) Date of birth.

26 (iii) Current address.

27 (iv) Place of employment.

28 (v) The dates and places of prior DUI convictions.

29 (vi) The make, model, color and registration
30 information on each vehicle that the offender owns or

1 drives or to which the offender has access. This
2 subparagraph includes all vehicles registered to the same
3 household as the offender.

4 (3) When a habitual DUI offender registers with the
5 county sheriff, the sheriff shall obtain a photograph of the
6 offender.

7 (4) When a registered habitual DUI offender changes
8 residence, the offender shall send written notice of the
9 change of address to the county sheriff of the new county no
10 later than ten days after establishing a new residence.

11 (5) A habitual DUI offender shall annually renew the
12 offender's registration with the county sheriff prior to
13 December 31 of each subsequent calendar year for a period of
14 ten years following the offender's most recent DUI
15 conviction.

16 (6) A habitual DUI offender who willfully fails to
17 comply with the registration requirements set forth in this
18 section commits a felony of the third degree.

19 (b) Registries.--

20 (1) A county sheriff shall maintain a local registry of
21 habitual DUI offenders who are under the sheriff's
22 jurisdiction and are required to register pursuant to
23 subsection (a).

24 (2) A county sheriff shall forward registration
25 information obtained from habitual DUI offenders to the
26 department. The initial registration information and any new
27 or subsequently obtained registration information shall be
28 forwarded by a county sheriff no later than ten working days
29 after the information is obtained from an offender. If the
30 department receives information regarding an offender from a

1 governmental entity other than a county sheriff, the
2 department shall send that information to the county sheriff
3 for the county in which the offender resides.

4 (3) The department shall maintain a central registry of
5 habitual DUI offenders who are required to register pursuant
6 to this section. All information obtained pursuant to this
7 section shall be available, upon request, to the general
8 public.

9 (4) The department shall retain registration information
10 regarding a habitual DUI offender for the entirety of the
11 offender's natural life.

12 (c) Notice to habitual DUI offenders of duty to register.--

13 (1) A court shall provide a habitual DUI offender
14 convicted in that court with written notice of the offender's
15 duty to register pursuant to this section. The written notice
16 shall be included in the judgment and sentence forms provided
17 to the offender. The written notice shall inform the offender
18 that the offender is required to:

19 (i) Register with the county sheriff for the county
20 in which the offender will reside pursuant to this
21 section.

22 (ii) Report subsequent changes of address pursuant
23 to this section.

24 (iii) Read and sign a form that indicates that the
25 offender has received the written notice and that a
26 responsible court official, designated by the president
27 judge for that judicial district, has explained the
28 written notice to the offender.

29 (2) The department may develop its habitual DUI offender
30 database in conjunction with the Administrative Office of

1 Pennsylvania Courts' database regarding DUI conviction
2 information. The Administrative Office of Pennsylvania Courts
3 shall cooperate with the department by making its database
4 and information available for this purpose and ensuring that
5 both databases can be integrated with other law enforcement
6 and criminal justice databases.

7 (d) Immunity.--Nothing in this section creates a cause of
8 action on behalf of a person against a public employer, public
9 employee or public agency responsible for enforcement of this
10 section, as long as the public employer, public employee or
11 public agency complies with this section.

12 (e) Definition.--As used in this section, the term "DUI
13 conviction" means a conviction for a violation under Chapter 38
14 (relating to driving after imbibing alcohol or utilizing drugs)
15 except for sections 3808(a)(1) and (b) (relating to illegally
16 operating a motor vehicle not equipped with ignition interlock)
17 and 3809 (relating to restriction on alcoholic beverages).

18 Section 3. This act shall take effect in 180 days.