

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 804 Session of 2005

INTRODUCED BY MAITLAND, SAYLOR, HESS, CALTAGIRONE, CAPPELLI, CRAHALLA, GINGRICH, GODSHALL, GRUCELA, HARRIS, M. KELLER, KILLION, McILHATTAN, MILLARD, S. MILLER, NAILOR, NICKOL, PAYNE, PHILLIPS, READSHAW, SAINATO, SCAVELLO, SOLOBAY, STERN, E. Z. TAYLOR, WALKO, GILLESPIE AND BOYD, MARCH 14, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 5, 2005

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for UNATTENDED CHILDREN IN MOTOR <—
3 VEHICLES, FOR fleeing or attempting to elude police officer
4 AND FOR RESTRICTIONS ON HIGHWAY AND BRIDGE USE. <—

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

7 ~~Section 1. Section 3733(a) of Title 75 of the Pennsylvania <—
8 Consolidated Statutes is amended and the section is amended by
9 adding a subsection to read:~~

10 SECTION 1. SECTION 3701.1(B) OF TITLE 75 OF THE PENNSYLVANIA <—
11 CONSOLIDATED STATUTES IS AMENDED TO READ:

12 § 3701.1. LEAVING AN UNATTENDED CHILD IN A MOTOR VEHICLE.

13 * * *

14 (B) PENALTY.--A PERSON WHO VIOLATES THIS SECTION COMMITS A
15 SUMMARY OFFENSE. IT IS A SEPARATE OFFENSE FOR EACH CHILD LEFT
16 UNATTENDED.

17 SECTION 2. SECTION 3733(A) OF TITLE 75 IS AMENDED AND THE

1 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

2 § 3733. Fleeing or attempting to elude police officer.

3 (a) Offense defined.--Any driver of a motor vehicle who
4 willfully fails or refuses to bring his vehicle to a stop, or
5 who otherwise flees or attempts to elude a pursuing police
6 officer, when given visual or audible signal to bring the
7 vehicle to a stop, commits [a misdemeanor of the second degree.
8 Any driver upon conviction shall pay an additional fine of \$500.
9 This fine shall be in addition to and not in lieu of all other
10 fines, court expenses, jail sentences or penalties] an offense
11 as graded in subsection (a.2).

12 * * *

13 (a.2) Grading.--

14 (1) Except as provided in paragraph (2), an offense
15 under subsection (a) constitutes a misdemeanor of the second
16 degree. Any driver upon conviction shall pay an additional
17 fine of \$500. This fine shall be in addition to and not in
18 lieu of all other fines, court expenses, jail sentences or
19 penalties.

20 (2) An offense under subsection (a) constitutes a felony
21 of the third degree if the driver, simultaneously:

22 (i) commits a violation of section 3802 (relating to
23 driving under influence of alcohol or controlled
24 substance); or

25 (ii) crosses a State line.

26 * * *

27 SECTION 3. SECTION 4902(G)(2) OF TITLE 75 IS AMENDED TO

<—

28 READ:

29 § 4902. RESTRICTIONS ON USE OF HIGHWAYS AND BRIDGES.

30 * * *

1 (G) PENALTY.--

2 * * *

3 (2) ANY PERSON OPERATING A VEHICLE OR COMBINATION IN
4 VIOLATION OF A PROHIBITION OR RESTRICTION IMPOSED UNDER
5 SUBSECTION (B) IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON
6 CONVICTION, BE SENTENCED TO PAY A FINE OF [NOT LESS THAN \$25
7 AND] NOT MORE THAN [\$100] \$500.

8 Section ~~2~~ 4. This act shall take effect in 60 days.

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