

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2368

Session of
2006

INTRODUCED BY J. EVANS, BEBKO-JONES, BEYER, BOYD, CAPPELLI,
CAUSER, CREIGHTON, DeLUCA, GINGRICH, GOOD, GRUCELA, HARHART,
HARRIS, HERSHEY, HESS, KAUFFMAN, LEACH, MACKERETH, MANN,
O'NEILL, PAYNE, PETRI, PHILLIPS, RAPP, REED, REICHLEY,
SCHRODER, SIPTROTH, SONNEY, E. Z. TAYLOR, J. TAYLOR, THOMAS,
TRUE, TURZAI, WILT, YOUNGBLOOD AND GERGELY, JANUARY 23, 2006

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 1, 2006

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for driving under influence of alcohol or
3 controlled substance with a certain occupant; and further
4 providing for prior offenses ~~and~~, for accelerated <—
5 rehabilitative disposition AND FOR OPERATION OF ALL-TERRAIN <—
6 VEHICLES AND SNOWMOBILES BY PERSONS UNDER AGE SIXTEEN.

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

9 Section 1. Title 75 of the Pennsylvania Consolidated
10 Statutes is amended by adding a section to read:

11 § 3802.1. Driving under influence of alcohol or controlled
12 substance with a certain occupant.

13 (a) Offense.--An individual who violates section 3802
14 (relating to driving under influence of alcohol or controlled
15 substance) where a person under 18 years of age was an occupant
16 in the vehicle when the violation occurred commits a misdemeanor
17 of the first degree.

1 (b) Penalty.--A person who violates this section and has a
2 prior offense as defined in section 3806(b) (relating to prior
3 offenses), shall be sentenced to imprisonment of not less than
4 72 hours and to pay a fine of not less than \$1,000.

5 Section 2. Sections 3806(b) and 3807(a)(2)(iii) are amended
6 to read:

7 § 3806. Prior offenses.

8 * * *

9 (b) Repeat offenses within ten years.--The calculation of
10 prior offenses for purposes of sections 1553(d.2) (relating to
11 occupational limited license), 3802.1 (relating to driving under
12 influence of alcohol or controlled substance with a certain
13 occupant), 3803 (relating to grading) and 3804 (relating to
14 penalties) shall include any conviction, adjudication of
15 delinquency, juvenile consent decree, acceptance of Accelerated
16 Rehabilitative Disposition or other form of preliminary
17 disposition within the ten years before the present violation
18 occurred for any of the following:

19 (1) an offense under section 3802;

20 (2) an offense under former section 3731;

21 (3) an offense substantially similar to an offense under
22 paragraph (1) or (2) in another jurisdiction; or

23 (4) any combination of the offenses set forth in
24 paragraph (1), (2) or (3).

25 § 3807. Accelerated Rehabilitative Disposition.

26 (a) Eligibility.--

27 * * *

28 (2) The attorney for the Commonwealth shall not submit a
29 charge brought under this chapter for Accelerated
30 Rehabilitative Disposition if any of the following apply:

1 * * *

2 (iii) There was a passenger under [14] 18 years of
3 age in the motor vehicle the defendant was operating.

4 * * *

5 SECTION 3. SECTION 7725(B), (C) AND (E) OF TITLE 75 ARE
6 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
7 READ:

8 § 7725. OPERATION BY PERSONS UNDER AGE SIXTEEN.

9 * * *

10 (B) OPERATION OF AN ATV BY PERSONS UNDER EIGHT YEARS OF
11 AGE.--NO PERSON UNDER EIGHT YEARS OF AGE SHALL OPERATE [A
12 SNOWMOBILE OR] AN ATV UPON STATE-OWNED LAND.

13 * * *

14 (B.2) OPERATION OF A SNOWMOBILE BY PERSONS UNDER TEN YEARS
15 OF AGE.--NO PERSON UNDER TEN YEARS OF AGE SHALL OPERATE A
16 SNOWMOBILE UPON STATE-OWNED LAND.

17 (C) SNOWMOBILE AND ATV SAFETY CERTIFICATION.--NO PERSON 8 TO
18 15 YEARS OF AGE SHALL OPERATE [A SNOWMOBILE OR] AN ATV AND NO
19 PERSON UNDER TEN YEARS OF AGE SHALL OPERATE A SNOWMOBILE IN THIS
20 COMMONWEALTH UNLESS THE PERSON SATISFIES ONE OF THE FOLLOWING
21 CONDITIONS:

22 (1) IS UNDER THE DIRECT SUPERVISION OF A CERTIFIED
23 SNOWMOBILE OR ATV SAFETY INSTRUCTOR DURING A SAFETY TRAINING
24 COURSE.

25 (2) IS ON LAND OWNED OR LEASED BY A PARENT OR LEGAL
26 GUARDIAN.

27 (3) HAS RECEIVED SAFETY TRAINING AS PRESCRIBED BY THE
28 DEPARTMENT AND HAS RECEIVED THE APPROPRIATE SAFETY
29 CERTIFICATE ISSUED BY THE DEPARTMENT.

30 (4) HOLDS AN APPROPRIATE SAFETY CERTIFICATE ISSUED UNDER

1 THE AUTHORITY OF ANOTHER STATE OR PROVINCE OF CANADA AND
2 RECOGNIZED BY THE DEPARTMENT.

3 * * *

4 (E) PERMITTING UNAUTHORIZED OPERATION.--NO OWNER OF A
5 SNOWMOBILE OR AN ATV SHALL AUTHORIZE OR PERMIT THE OPERATION
6 THEREOF WITHIN THIS COMMONWEALTH BY ANY PERSON UNDER 16 YEARS OF
7 AGE UNLESS THE PERSON UNDER 16 YEARS OF AGE IS THE HOLDER OF A
8 VALID AND APPROPRIATE SAFETY CERTIFICATE, OR EXCEPT AS
9 AUTHORIZED IN SUBSECTIONS (B), (B.2) AND (C).

10 * * *

11 Section ~~3~~ 4. This act shall take effect in 60 days.

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