

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1850 Session of
2007

INTRODUCED BY TURZAI, METCALFE, RAMALEY, VULAKOVICH, BIANCUCCI,
BRENNAN, CAPPELLI, CIVERA, CLYMER, CREIGHTON, DALLY, EVERETT,
FRANKEL, GEIST, GILLESPIE, GINGRICH, GRUCELA, HELM,
HENNESSEY, HESS, HORNAMAN, KAUFFMAN, KENNEY, KOTIK, KULA,
MAJOR, MANTZ, McILHATTAN, MENSCH, MICOZZIE, MILNE, MOYER,
O'NEILL, PETRONE, QUIGLEY, RAPP, READSHAW, REICHLEY, RUBLEY,
SIPTROTH, SOLOBAY, VEREB, WATSON, J. WHITE, BEAR AND PAYNE,
SEPTEMBER 25, 2007

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 25, 2007

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for schedule of convictions and
3 points, for general requirements for braking systems and for
4 safety requirements for towed vehicles.

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

7 Section 1. Section 1535(a) of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 1535. Schedule of convictions and points.

10 (a) General rule.--A point system for driver education and
11 control is hereby established which is related to other
12 provisions for use, suspension and revocation of the operating
13 privilege as specified under this title. Every driver licensed
14 in this Commonwealth who is convicted of any of the following
15 offenses shall be assessed points as of the date of violation in
16 accordance with the following schedule:

1	Section Number	Offense	Points
2	1512	Violation of restriction on	
3		driver's license.	2
4	1571	Violation concerning license.	3
5	3102	Failure to obey policeman or	
6		authorized person.	2
7	3112(a)(3)(i) or	Failure to stop for a red light.	3
8	(ii)		
9	3114(a)(1)	Failure to stop for a flashing	
10		red light.	3
11	3302	Failure to yield half of roadway	
12		to oncoming vehicle.	3
13	3303	Improper passing.	3
14	3304	Other improper passing.	3
15	3305	Other improper passing.	3
16	3306(a)(1)	Other improper passing.	4
17	3306(a)(2)	Other improper passing.	3
18	3306(a)(3)	Other improper passing.	3
19	3307	Other improper passing.	3
20	3310	Following too closely.	3
21	3321	Failure to yield to driver on the	
22		right at intersection.	3
23	3322	Failure to yield to oncoming	
24		driver when making left turn.	3
25	3323(b)	Failure to stop for stop sign.	3
26	3323(c)	Failure to yield at yield sign.	3
27	3324	Failure to yield when entering or	
28		crossing roadway between inter-	
29		sections.	3
30	3332	Improper turning around.	3

1	3341(a)	Failure to obey signal indicating	
2		approach of train.	2
3	3341(b)	Failure to comply with crossing	
4		gate or barrier.	4
5		(and 30 days' suspension)	
6	3342(b) or (e)	Failure to stop at railroad	
7		crossings.	4
8	3344	Failure to stop when entering from	
9		alley, driveway or building.	3
10	3345(a)	Failure to stop for school bus	
11		with flashing red lights.	5
12		(and 60 days' suspension)	
13	3361	Driving too fast for conditions.	2
14	3362	Exceeding maximum speed.--Over Limit:	
15		6-10	2
16		11-15	3
17		16-25	4
18		26-30	5
19		31-over	5
20		(and departmental hearing	
21		and sanctions provided	
22		under section 1538(d))	
23	3365(b)	Exceeding special speed limit	
24		in school zone.	3
25		(and 60 days' suspension	
26		for a second or	
27		subsequent offense)	
28	3365(c)	Exceeding special speed limit	
29		for trucks on downgrades.	3
30	3542(a)	Failure to yield to pedestrian in	

1		crosswalk.	2
2	3547	Failure to yield to pedestrian on	
3		sidewalk.	3
4	3549(a)	Failure to yield to blind	
5		pedestrian.	3
6	3702	Improper backing.	3
7	3714(a)	Careless driving.	3
8	3745	Leaving scene of accident	
9		involving property damage only.	4
10	<u>4502(c)</u>	<u>Requirements for braking</u>	
11		<u>systems.</u>	<u>4</u>
12	<u>4905(a) or (d)</u>	<u>Safety requirements for</u>	
13		<u>towed vehicles.</u>	<u>4</u>

14 * * *

15 Section 2. Sections 4502 and 4905 of Title 75 are amended by
 16 adding subsections to read:

17 § 4502. General requirements for braking systems.

18 * * *

19 (e) Penalty for violation of subsection (c).--

20 (1) A person who operates a motor vehicle in violation
 21 of subsection (c) commits a summary offense and shall, upon
 22 conviction, be sentenced to pay a fine of \$300 for each
 23 violation.

24 (2) A person who operates a motor vehicle in violation
 25 of subsection (c) and causes the death of another person as a
 26 result of the violation commits a misdemeanor of the first
 27 degree and shall, upon conviction, be sentenced to a minimum
 28 term of imprisonment of not less than one year and not more
 29 than five years and to pay a mandatory minimum fine of
 30 \$2,000, or such larger amount not to exceed \$10,000,

1 notwithstanding any other provision of law.

2 (3) A person who operates a motor vehicle in violation
3 of subsection (c) and causes the serious bodily injury of
4 another person as a result of the violation commits a
5 misdemeanor of the second degree and shall, upon conviction,
6 be sentenced to imprisonment of not more than two years and
7 to pay a mandatory minimum fine of \$1,000.

8 (f) Definition.--As used in this section, the term "serious
9 bodily injury" means any bodily injury which creates a
10 substantial risk of death or which causes serious, permanent
11 disfigurement or protracted loss or impairment of the function
12 of any bodily member or organ.

13 (g) Authority of sentencing court.--There shall be no
14 authority in any court to impose on an offender to which this
15 section is applicable any lesser sentence than provided for in
16 subsection (e) or to place the offender on probation or to
17 suspend sentence. Sentencing guidelines promulgated by the
18 Pennsylvania Commission on Sentencing shall not supersede the
19 mandatory sentences provided in this section.

20 § 4905. Safety requirements for towed vehicles.

21 * * *

22 (g) Penalty for violation of subsection (a) or (d).--

23 (1) A person who operates a motor vehicle in violation
24 of subsection (a) or (d) commits a summary offense and shall,
25 upon conviction, be sentenced to pay a fine of \$300 for each
26 violation.

27 (2) A person who operates a motor vehicle in violation
28 of subsection (a) or (d) and causes the death of another
29 person as a result of the violation commits a misdemeanor of
30 the first degree and shall, upon conviction, be sentenced to

1 a minimum term of imprisonment of not less than one year and
2 not more than five years and to pay a mandatory minimum fine
3 of \$2,000, or such larger amount not to exceed \$10,000,
4 notwithstanding any other provision of law.

5 (3) A person who operates a motor vehicle in violation
6 of subsection (a) or (d) and causes the serious bodily injury
7 of another person as a result of the violation commits a
8 misdemeanor of the second degree and shall, upon conviction,
9 be sentenced to imprisonment of not more than two years and
10 to pay a mandatory minimum fine of \$1,000.

11 (h) Definition.--As used in this section, the term "serious
12 bodily injury" means any bodily injury which creates a
13 substantial risk of death or which causes serious, permanent
14 disfigurement or protracted loss or impairment of the function
15 of any bodily member or organ.

16 (i) Authority of sentencing court.--There shall be no
17 authority in any court to impose on an offender to which this
18 section is applicable any lesser sentence than provided for in
19 subsection (g) or to place the offender on probation or to
20 suspend sentence. Sentencing guidelines promulgated by the
21 Pennsylvania Commission on Sentencing shall not supersede the
22 mandatory sentences provided in this section.

23 Section 3. This act shall take effect in 60 days.