

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 352 Session of 2009

INTRODUCED BY MUNDY, REED, BELFANTI, BRENNAN, CARROLL, CRUZ, FLECK, GEIST, GINGRICH, HORNAMAN, JOSEPHS, KIRKLAND, KORTZ, LEVDANSKY, MANN, MELIO, MILLARD, MILLER, MOUL, MURT, M. O'BRIEN, O'NEILL, PAYNE, PYLE, READSHAW, ROAE, SIPTROTH, K. SMITH, SOLOBAY, STABACK, STERN, SWANGER, THOMAS, TRUE, VULAKOVICH AND WALKO, FEBRUARY 10, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 10, 2009

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for accidents involving death or
3 personal injury.

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

6 Section 1. Section 3742 of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 3742. Accidents involving death or personal injury.

9 (a) General rule.--The driver of any vehicle involved in an
10 accident resulting in injury or death of any person shall
11 immediately stop the vehicle at the scene of the accident or as
12 close thereto as possible but shall then forthwith return to and
13 in every event shall remain at the scene of the accident until
14 he has fulfilled the requirements of section 3744 (relating to
15 duty to give information and render aid). Every stop shall be
16 made without obstructing traffic more than is necessary.

(b) Penalties.--

(1) Except as otherwise provided in this section, any person violating this section commits a misdemeanor of the first degree.

(2) If the victim suffers serious bodily injury, any person violating subsection (a) commits a felony of the [third] second degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than 90 days and a mandatory minimum fine of \$1,000, notwithstanding any other provision of law.

(3) If the victim dies, any person violating subsection (a) commits a felony of the [third] second degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than one year and a mandatory minimum fine of \$2,500, notwithstanding any other provision of law.

(c) Authority of sentencing court.--There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (b) (2) or (3) or to place such offender on probation or to suspend sentence. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Definitions.--As used in this section, the term "serious bodily injury" means any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

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