

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of
2 the Pennsylvania Consolidated Statutes, further providing for
3 selling or furnishing liquor or malt or brewed beverages to
4 minors, for restriction of operating privileges and for
5 suspension of operating privilege.

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

8 Section 1. Sections 6310.1 and 6310.4(a) of Title 18 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 6310.1. Selling or furnishing liquor or malt or brewed
11 beverages to minors.

12 (a) Offense defined.--Except as provided in subsection (b),
13 a person commits [a misdemeanor of the third degree if he
14 intentionally and knowingly sells or intentionally and knowingly
15 furnishes, or purchases with the intent to sell or furnish, any
16 liquor or malt or brewed beverages to a person who is less than
17 21 years of age.] the following:

18 (1) A misdemeanor punishable by imprisonment for up to
19 six months if he intentionally and knowingly sells or

1 intentionally and knowingly furnishes, or purchases with the
2 intent to sell or furnish, any liquor or malt or brewed
3 beverages to a person who is under 21 years of age.

4 (2) A misdemeanor of the second degree if he
5 intentionally or knowingly sells or intentionally or
6 knowingly furnishes, or purchases with the intent to sell or
7 furnish, any liquor or malt or brewed beverage to a person
8 who is under 21 years of age under such circumstances that
9 include one of the following:

10 (i) The amount was sufficient for a high level of
11 intoxication.

12 (ii) The liquor or malt or brewed beverage was
13 furnished to a group of more than three persons who are
14 under 21 years of age.

15 (iii) The furnishing of the liquor or malt or brewed
16 beverage to a person under 21 years of age resulted in
17 bodily injury, serious bodily injury or death.

18 (iv) The offender had previously been convicted of
19 violating this section.

20 (b) Exceptions.--The provisions of this section shall not
21 apply to any religious service or ceremony which may be
22 conducted in a private home or a place of worship where the
23 amount of wine served does not exceed the amount reasonably,
24 customarily and traditionally required as an integral part of
25 the service or ceremony.

26 (c) Minimum penalty.--In addition to any other penalty
27 imposed pursuant to this title or other statute, a person who is
28 convicted of violating subsection [(a) shall be sentenced to pay
29 a fine of not less than \$1,000 for the first violation and a
30 fine of \$2,500 for each subsequent violation] (a) (1) shall be

1 sentenced to pay a fine of not less than \$2,500. A person who is
2 convicted of violating subsection (a)(2) shall be sentenced to
3 pay a fine of not less than \$5,000. There shall be no authority
4 in any court to impose on an offender any lesser sentence than
5 the minimum sentence mandated by this subsection. No court shall
6 have the authority to suspend any sentence as defined in this
7 section. Nothing in this section shall prevent the sentencing
8 court from imposing a sentence greater than the minimum sentence
9 mandated in this subsection. In no case shall the sentence
10 exceed the maximum sentence prescribed by law.

11 § 6310.4. Restriction of operating privileges.

12 (a) General rule.--Whenever a person is convicted or is
13 adjudicated delinquent or is admitted to any preadjudication
14 program for a violation of section 6307 (relating to
15 misrepresentation of age to secure liquor or malt or brewed
16 beverages), 6308 (relating to purchase, consumption, possession
17 or transportation of liquor or malt or brewed beverages), 6310.1
18 (relating to selling or furnishing liquor or malt or brewed
19 beverages to minors) or 6310.3 (relating to carrying a false
20 identification card), the court, including a court not of record
21 if it is exercising jurisdiction pursuant to 42 Pa.C.S. §
22 1515(a) (relating to jurisdiction and venue), shall order the
23 operating privilege of the person suspended. A copy of the order
24 shall be transmitted to the Department of Transportation.

25 * * *

26 Section 2. Section 1532(d) of Title 75 is amended to read:
27 § 1532. Suspension of operating privilege.

28 * * *

29 (d) Additional suspension.--The department shall suspend the
30 operating privilege of any person upon receiving a certified

1 record of the driver's conviction, adjudication of delinquency
2 or admission into a preadjudication program for a violation
3 under 18 Pa.C.S. § 6307 (relating to misrepresentation of age to
4 secure liquor or malt or brewed beverages), 6308 (relating to
5 purchase, consumption, possession or transportation of liquor or
6 malt or brewed beverages), 6310.1 (relating to selling or
7 furnishing liquor or malt or brewed beverages to minors) or
8 6310.3 (relating to carrying a false identification card). The
9 duration of the suspension shall be as follows:

10 (1) For a first offense, the department shall impose a
11 suspension for a period of 90 days.

12 (2) For a second offense, the department shall impose a
13 suspension for a period of one year.

14 (3) For a third and subsequent offense, the department
15 shall impose a suspension for a period of two years. Any
16 multiple suspensions imposed shall be served consecutively.

17 Courts may certify the conviction, adjudication of delinquency
18 or admission into the preadjudication program on the same form
19 used to submit the order of suspension required under the
20 provisions of 18 Pa.C.S. § 6310.4 (relating to restriction of
21 operating privileges). Wherever practicable, the suspension
22 imposed under this section shall be made concurrent with the
23 suspension imposed under the provisions of 18 Pa.C.S. § 6310.4.
24 All offenses committed on or after May 23, 1988, shall be
25 included in considering whether an offense is a first, second,
26 third or subsequent offense.

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