

AMUSEMENTS (4 PA.C.S.), CRIMES CODE (18 PA.C.S.) AND VEHICLE
CODE (75 PA.C.S.) - SUSPENSION OF OPERATING PRIVILEGES OF
LICENSED DRIVERS

Act of Oct. 24, 2018, P.L. 659, No. 95

Cl. 04

Session of 2018
No. 2018-95

HB 163

AN ACT

Amending Titles 4 (Amusements), 18 (Crimes and Offenses) and
75 (Vehicles) of the Pennsylvania Consolidated Statutes,
further providing for suspension of operating privileges of
licensed drivers.

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

Section 1. Section 1518(b)(4) of Title 4 of the Pennsylvania
Consolidated Statutes is amended to read:

§ 1518. Prohibited acts; penalties.

* * *

(b) Criminal penalties and fines.--

* * *

(4) An individual that commits an offense in violation
of subsection (a)(16) commits a nongambling offense to be
graded in accordance with 18 Pa.C.S. § 6308, and [shall be
subject to the same penalties imposed pursuant to 18 Pa.C.S.
§ 6308 and 6310.4 (relating to restriction of operating
privileges) except that] the fine imposed for a violation
of subsection (a)(16) shall be not less than \$350 nor more
than \$1,000.

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Section 2. Sections 6305(b)(3), 6307(b), 6308(b) and
6310.3(b) of Title 18 are amended to read:

§ 6305. Sale of tobacco.

* * *

(b) Penalty.--

* * *

(3) A minor who violates subsection (a.1) shall be
sentenced to any or all of the following:

- (i) not more than 75 hours of community service;
- (ii) complete a tobacco use prevention and cessation
program approved by the Department of Health; **or**
- (iii) a fine not to exceed \$200[; or
- (iv) a 30-day suspension of motor vehicle operating
privileges].

* * *

§ 6307. Misrepresentation of age to secure liquor or malt or
brewed beverages.

* * *

(b) Minimum penalty.--[In addition to any other penalty
imposed pursuant to section 6310.4 (relating to restriction of
operating privileges) or this title or other statute, a] **A**
person who is convicted of violating subsection (a) may be
sentenced to pay a fine of not more than \$500 for subsequent
violations. No court shall have the authority to suspend any
sentence as defined in this section.

* * *

§ 6308. Purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

* * *

(b) Penalty.--[In addition to the penalty imposed pursuant to section 6310.4 (relating to restriction of operating privileges), a] **A** person convicted of violating subsection (a) may be sentenced to pay a fine of not more than \$500 for the first violation and not more than \$1,000 for the second and each subsequent violation.

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§ 6310.3. Carrying a false identification card.

* * *

(b) Minimum penalty.--[In addition to any other penalty imposed pursuant to section 6310.4 (relating to restriction of operating privileges) or any other statute, a] **A** person who is convicted of violating subsection (a) shall be sentenced to pay a fine of not more than \$500 for the second and subsequent violations. No court shall have the authority to suspend any sentence as defined in this section.

* * *

Section 3. Section 6310.4 of Title 18 is repealed:

[§ 6310.4. Restriction of operating privileges.

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

(b) Duration of suspension.--When the department suspends the operating privilege of a person under subsection (a), the duration of the suspension shall be as follows:

(1) For a first offense, a period of 90 days from the date of suspension.

(2) For a second offense, a period of one year from the date of suspension.

(3) For a third offense, and any offense thereafter, a period of two years from the date of suspension. Any multiple sentences imposed shall be served consecutively.

Reinstatement of operating privilege shall be governed by 75 Pa.C.S. § 1545 (relating to restoration of operating privilege).

(c) Nondrivers.--Any person whose record is received by the department under subsection (a) and who does not have a driver's license shall be ineligible to apply for a learner's permit under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time periods specified in subsection (b). If the person is under 16 years of age when he is convicted or adjudicated delinquent or admitted to a preadjudication program, his suspension of operating privileges shall commence upon his 16th birthday for the time periods specified in subsection (b).

(d) Insurance premiums.--An insurer shall not increase premiums, impose any surcharge or rate penalty, or make any driver record point assignment for automobile insurance, nor shall an insurer cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.]

Section 4. Section 1532(c) of Title 75 is amended to read:
§ 1532. Suspension of operating privilege.

* * *

(c) Suspension.--The department shall suspend the operating privilege of [any person upon receiving a certified record of the person's conviction of any offense involving the possession, sale, delivery, offering for sale, holding for sale or giving away of any controlled substance under the laws of the United States, this Commonwealth or any other state, or] any person 21 years of age or younger upon receiving a certified record of the person's conviction or adjudication of delinquency under 18 Pa.C.S. § 2706 (relating to terroristic threats) committed on **or against** any school property, including any public school grounds, during any school-sponsored activity or on any conveyance providing transportation to a school entity or school-sponsored activity[.] **in accordance with the following:**

(1) The period of suspension shall be as follows:

(i) For a first offense, a period of six months from the date of the suspension.

(ii) For a second offense, a period of one year from the date of the suspension.

(iii) For a third and any subsequent offense thereafter, a period of two years from the date of the suspension.

(2) For the purposes of this subsection, the term "conviction" shall include any conviction or adjudication of delinquency for any of the offenses listed in paragraph (1), whether in this Commonwealth or any other Federal or state court.

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Section 5. This act shall take effect in 180 days.

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF