
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1665 Session of
1999

INTRODUCED BY ORIE, MARKOSEK, THOMAS, BELARDI, KENNEY, DALEY,
STERN, HARHAI, SOLOBAY, BEBKO-JONES, TRUE, LAUGHLIN,
PISTELLA, MASLAND, E. Z. TAYLOR, FRANKEL, BELFANTI, FORCIER,
CHADWICK, WILLIAMS, WILT, GEIST, RAMOS, VAN HORNE, HORSEY,
KIRKLAND AND J. TAYLOR, JUNE 15, 1999

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 15, 1999

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for revocation of habitual
3 offenders' licenses and for penalties for driving under the
4 influence of alcohol or controlled substances.

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

7 Section 1. Sections 1542(a), (d) and (e) and 3731(e)(1) of
8 Title 75 of the Pennsylvania Consolidated Statutes are amended
9 to read:

10 § 1542. Revocation of habitual offender's license.

11 (a) General rule.--The department shall revoke the operating
12 privilege of any person found to be a habitual offender pursuant
13 to the provisions of this section. A "habitual offender" shall
14 be any person whose driving record, as maintained in the
15 department, shows that such person has accumulated the requisite
16 number of convictions for the separate and distinct offenses
17 described and enumerated in subsection (b) committed after the

effective date of this title and within any period of [five]
seven years thereafter.

* * *

(d) Period of revocation.--[The]

(1) Except as otherwise provided in paragraph (2), the
operating privilege of any person found to be a habitual
offender under the provisions of this section shall be
revoked by the department for a period of five years.

(2) If a person is found to be a habitual offender under
this section and the three convictions are for offenses under
section 3731 (relating to driving under influence of alcohol
or controlled substance) or one of the three convictions is
for an offense under section 3735 (relating to homicide by
vehicle while driving under influence) or 3735.1 (relating to
aggravated assault by vehicle while driving under the
influence), the operating privilege of the person shall be
revoked by the department for the life of the offender.

(e) Additional offenses.--Each additional offense committed
within a period of [five] seven years, as measured from the date
of any previous offense, shall result in a revocation for an
additional period of two years.

§ 3731. Driving under influence of alcohol or controlled
substance.

* * *

(e) Penalty.--

(1) Any person violating any of the provisions of this
section is guilty of a misdemeanor of the second degree,
except that a person convicted of a third [or subsequent]
offense is guilty of a [misdemeanor] felony of the [first
degree and the] third degree. Any person convicted of a

1 fourth or subsequent offense or any person who has previously
2 been convicted of an offense under section 3735 (relating to
3 homicide by vehicle while driving under influence) or 3735.1
4 (relating to aggravated assault by vehicle while driving
5 under the influence) regardless of the number of prior
6 convictions under this section within the previous seven
7 years is guilty of a felony of the first degree. The
8 sentencing court shall order the person to pay a fine of not
9 less than \$300 and serve a minimum term of imprisonment of:

10 (i) Not less than 48 consecutive hours.

11 (ii) Not less than [30] 90 days if the person has
12 previously accepted Accelerated Rehabilitative
13 Disposition or any other form of preliminary disposition,
14 been convicted of, adjudicated delinquent or granted a
15 consent decree under the Juvenile Act (42 Pa.C.S. § 6301
16 et seq.) based on an offense under this section or of an
17 equivalent offense in this or other jurisdictions within
18 the previous seven years.

19 (iii) Not less than [90 days] one year if the person
20 has twice previously been convicted of, adjudicated
21 delinquent or granted a consent decree under the Juvenile
22 Act based on an offense under this section or of an
23 equivalent offense in this or other jurisdictions within
24 the previous seven years.

25 (iv) Not less than [one year] three years if the
26 person has three times previously been convicted of,
27 adjudicated delinquent or granted a consent decree under
28 the Juvenile Act based on an offense under this section
29 or of an equivalent offense in this or other
30 jurisdictions or if the person has previously been

1 convicted of an offense under section 3735 or 3735.1
2 within the previous seven years.

3 * * *

4 Section 2. Section 3735(a) of Title 75, amended December 21,
5 1998 (P.L.1126, No.151), is amended to read:

6 § 3735. Homicide by vehicle while driving under influence.

7 (a) Offense defined.--

8 (1) Any person who unintentionally causes the death of
9 another person as the result of a violation of section 3731
10 (relating to driving under influence of alcohol or controlled
11 substance) and who is convicted of violating section 3731 is
12 guilty of a felony of the second degree when the violation is
13 the cause of death and the sentencing court shall order the
14 person to serve a minimum term of imprisonment of not less
15 than three years. A consecutive three-year term of
16 imprisonment shall be imposed for each victim whose death is
17 the result of the violation of section 3731.

18 (2) Any person who commits an offense under paragraph
19 (1) and who has been convicted of an offense under section
20 3731 two times within the previous seven years is guilty of a
21 felony of the first degree.

22 * * *

23 Section 3. Section 3735.1(a) of Title 75 is amended to read:

24 § 3735.1. Aggravated assault by vehicle while driving under the
25 influence.

26 (a) Offense defined.--

27 (1) Any person who negligently causes serious bodily
28 injury to another person as the result of a violation of
29 section 3731 (relating to driving under influence of alcohol
30 or controlled substance) and who is convicted of violating

1 section 3731 commits a felony of the second degree when the
2 violation is the cause of the injury.

3 (2) Any person who commits an offense under paragraph
4 (1) and who has been convicted of an offense under section
5 3731 two times within the previous seven years is guilty of a
6 felony of the first degree.

7 * * *

8 Section 4. This act shall take effect in 60 days.