

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 255

Session of
1999

INTRODUCED BY CONTI AND TOMLINSON, JANUARY 25, 1999

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 13, 2000

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, ~~prohibiting income and employment~~ <—
3 ~~information computer access by Commonwealth officials and~~
4 ~~employees; and further providing for purchase, consumption,~~
5 ~~possession or transportation of liquor or malt or brewed~~
6 ~~beverages by minors.~~ PROVIDING FOR CERTAIN RESTRICTION ON <—
7 ALCOHOLIC BEVERAGES AND FOR OPERATING A MOTOR VEHICLE NOT
8 EQUIPPED WITH IGNITION INTERLOCK; AND MAKING A REPEAL.

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

11 ~~Section 1. Title 18 of the Pennsylvania Consolidated~~ <—
12 ~~Statutes is amended by adding a section to read:~~
13 ~~§ 4120. Income and employment information computer access.~~
14 ~~(a) Prohibition. No Commonwealth official or employee may~~
15 ~~provide computer access to income and employment information of~~
16 ~~any person to any mortgage company, other lender or to any~~
17 ~~person for any reason unless specifically authorized by law to~~
18 ~~do so.~~

19 ~~(b) Grading. Any Commonwealth official or employee who~~
20 ~~violates subsection (a) commits a misdemeanor of the second~~

1 ~~degree.~~

2 ~~Section 2. Section 6308(a) of Title 18 is amended to read:~~

3 ~~§ 6308. Purchase, consumption, possession or transportation of~~
4 ~~liquor or malt or brewed beverages.~~

5 ~~(a) Offense defined. A person commits a summary offense if~~
6 ~~he, being less than 21 years of age, attempts to purchase,~~
7 ~~purchases, consumes, possesses or knowingly and intentionally~~
8 ~~transports any liquor or malt or brewed beverages, as defined in~~
9 ~~section 6310.6 (relating to definitions). For the purposes of~~
10 ~~this section, it shall not be a defense that the liquor or malt~~
11 ~~or brewed beverages was consumed in a jurisdiction other than~~
12 ~~the jurisdiction where the citation for underage drinking was~~
13 ~~issued.~~

14 ~~* * *~~

15 ~~Section 3. This act shall take effect in 60 days.~~

16 SECTION 1. SECTION 910 OF TITLE 18 OF THE PENNSYLVANIA
17 CONSOLIDATED STATUTES IS AMENDED TO READ:

18 § 910. MANUFACTURE, DISTRIBUTION, USE OR POSSESSION OF DEVICES
19 FOR THEFT OF TELECOMMUNICATIONS SERVICES.

20 (A) OFFENSE DEFINED.--ANY PERSON COMMITS AN OFFENSE IF HE:

21 (1) MAKES, DISTRIBUTES, POSSESSES, USES OR ASSEMBLES AN
22 UNLAWFUL TELECOMMUNICATION DEVICE OR MODIFIES, ALTERS,
23 PROGRAMS OR REPROGRAMS A TELECOMMUNICATION DEVICE DESIGNED,
24 ADAPTED OR WHICH CAN BE USED:

25 (I) FOR COMMISSION OF A THEFT OF TELECOMMUNICATION
26 SERVICE OR TO DISRUPT, TRANSMIT, DECRYPT, ACQUIRE OR
27 FACILITATE THE DISRUPTION, TRANSMISSION, DECRYPTION OR
28 ACQUISITION OF ANY TELECOMMUNICATION SERVICE WITHOUT THE
29 CONSENT OF THE TELECOMMUNICATION SERVICE PROVIDER; OR

30 (II) TO CONCEAL OR TO ASSIST ANOTHER TO CONCEAL FROM

1 ANY TELECOMMUNICATION SERVICE PROVIDER OR FROM ANY LAWFUL
2 AUTHORITY THE EXISTENCE OR PLACE OF ORIGIN OR OF
3 DESTINATION OF ANY TELECOMMUNICATION; OR

4 (2) SELLS, POSSESSES, DISTRIBUTES, GIVES OR OTHERWISE
5 TRANSFERS TO ANOTHER OR OFFERS, PROMOTES OR ADVERTISES FOR
6 SALE ANY:

7 (I) UNLAWFUL TELECOMMUNICATION DEVICE, OR PLANS OR
8 INSTRUCTIONS FOR MAKING OR ASSEMBLING THE SAME, UNDER
9 CIRCUMSTANCES EVIDENCING AN INTENT TO USE OR EMPLOY SUCH
10 UNLAWFUL TELECOMMUNICATION DEVICE, OR TO ALLOW THE SAME
11 TO BE USED OR EMPLOYED FOR A PURPOSE DESCRIBED IN
12 PARAGRAPH (1), OR KNOWING OR HAVING REASON TO BELIEVE
13 THAT THE SAME IS INTENDED TO BE SO USED, OR THAT THE
14 AFORESAID PLANS OR INSTRUCTIONS ARE INTENDED TO BE USED
15 FOR MAKING OR ASSEMBLING SUCH UNLAWFUL TELECOMMUNICATION
16 DEVICE; OR

17 (II) MATERIAL, INCLUDING HARDWARE, CABLES, TOOLS,
18 DATA, COMPUTER SOFTWARE OR OTHER INFORMATION OR
19 EQUIPMENT, KNOWING THAT THE PURCHASER OR A THIRD PERSON
20 INTENDS TO USE THE MATERIAL IN THE MANUFACTURE OF AN
21 UNLAWFUL TELECOMMUNICATION DEVICE.

22 (B) GRADING.--[AN OFFENSE UNDER THIS SECTION IS A FELONY OF
23 THE THIRD DEGREE IF THE PERSON CONVICTED OF SUCH OFFENSE HAS
24 BEEN PREVIOUSLY CONVICTED OF ANY SIMILAR CRIME IN THIS OR ANY
25 OTHER STATE OR FEDERAL JURISDICTION. OTHERWISE IT IS A
26 MISDEMEANOR OF THE FIRST DEGREE.]

27 (1) EXCEPT FOR VIOLATIONS OF THIS SECTION AS PROVIDED
28 FOR IN PARAGRAPH (2) OR (3), AN OFFENSE UNDER THIS SECTION IS
29 A MISDEMEANOR OF THE FIRST DEGREE.

30 (2) AN OFFENSE UNDER THIS SECTION IS A FELONY OF THE

1 THIRD DEGREE IF:

2 (I) THE DEFENDANT HAS BEEN CONVICTED PREVIOUSLY
3 UNDER THIS SECTION OR CONVICTED OF ANY SIMILAR CRIME IN
4 THIS OR ANY FEDERAL OR OTHER STATE JURISDICTION; OR

5 (II) THE VIOLATION OF THIS SECTION INVOLVES AT LEAST
6 TEN, BUT NOT MORE THAN 50, UNLAWFUL TELECOMMUNICATION
7 DEVICES.

8 (3) AN OFFENSE UNDER THIS SECTION IS A FELONY OF THE
9 SECOND DEGREE IF:

10 (I) THE DEFENDANT HAS BEEN CONVICTED PREVIOUSLY ON
11 TWO OR MORE OCCASIONS FOR OFFENSES UNDER THIS SECTION OR
12 FOR ANY SIMILAR CRIME IN THIS OR ANY FEDERAL OR OTHER
13 STATE JURISDICTION; OR

14 (II) THE VIOLATION OF THIS SECTION INVOLVES MORE
15 THAN 50 UNLAWFUL TELECOMMUNICATION DEVICES.

16 (4) FOR PURPOSES OF GRADING AN OFFENSE BASED UPON A
17 PRIOR CONVICTION UNDER THIS SECTION OR FOR ANY SIMILAR CRIME
18 PURSUANT TO PARAGRAPHS (2)(I) AND (3)(I), A PRIOR CONVICTION
19 SHALL CONSIST OF CONVICTIONS UPON SEPARATE INDICTMENTS OR
20 CRIMINAL COMPLAINTS FOR OFFENSES UNDER THIS SECTION OR ANY
21 SIMILAR CRIME IN THIS OR ANY FEDERAL OR OTHER STATE
22 JURISDICTION.

23 (5) AS PROVIDED FOR IN PARAGRAPHS (2)(I) AND (3)(I), IN
24 GRADING AN OFFENSE UNDER THIS SECTION BASED UPON A PRIOR
25 CONVICTION, THE TERM "ANY SIMILAR CRIME" SHALL INCLUDE, BUT
26 NOT BE LIMITED TO, OFFENSES INVOLVING THEFT OF SERVICE OR
27 FRAUD, INCLUDING VIOLATIONS OF THE CABLE COMMUNICATIONS
28 POLICY ACT OF 1984 (PUBLIC LAW 98-549, 98 STAT. 2779).

29 (B.1) SEPARATE OFFENSES.--FOR PURPOSES OF ALL CRIMINAL
30 PENALTIES OR FINES ESTABLISHED FOR VIOLATIONS OF THIS SECTION,

1 THE PROHIBITED ACTIVITY ESTABLISHED HEREIN AS IT APPLIES TO EACH
2 UNLAWFUL TELECOMMUNICATION DEVICE SHALL BE DEEMED A SEPARATE
3 OFFENSE.

4 (B.2) FINES.--FOR PURPOSES OF IMPOSING FINES UPON CONVICTION
5 OF A DEFENDANT FOR AN OFFENSE UNDER THIS SECTION, ALL FINES
6 SHALL BE IMPOSED IN ACCORDANCE WITH SECTION 1101 (RELATING TO
7 FINES).

8 (C) RESTITUTION.--THE COURT [MAY] SHALL, IN ADDITION TO ANY
9 OTHER SENTENCE AUTHORIZED BY LAW, SENTENCE A PERSON CONVICTED OF
10 VIOLATING THIS SECTION TO MAKE RESTITUTION UNDER SECTION 1106
11 (RELATING TO RESTITUTION FOR INJURIES TO PERSON OR PROPERTY) OR
12 42 PA.C.S. § 9721(C) (RELATING TO SENTENCING GENERALLY).

13 (C.1) FORFEITURE OF UNLAWFUL TELECOMMUNICATION DEVICES.--
14 UPON CONVICTION OF A DEFENDANT UNDER THIS SECTION, THE COURT
15 MAY, IN ADDITION TO ANY OTHER SENTENCE AUTHORIZED BY LAW, DIRECT
16 THAT THE DEFENDANT FORFEIT ANY UNLAWFUL TELECOMMUNICATION
17 DEVICES IN THE DEFENDANT'S POSSESSION OR CONTROL WHICH WERE
18 INVOLVED IN THE VIOLATION FOR WHICH THE DEFENDANT WAS CONVICTED.

19 (C.2) VENUE.--AN OFFENSE UNDER SUBSECTION (A) MAY BE DEEMED
20 TO HAVE BEEN COMMITTED AT EITHER PLACE WHERE THE DEFENDANT
21 MANUFACTURES OR ASSEMBLES AN UNLAWFUL TELECOMMUNICATION DEVICE
22 OR ASSISTS OTHERS IN DOING SO, OR THE PLACES WHERE THE UNLAWFUL
23 TELECOMMUNICATION DEVICE IS SOLD OR DELIVERED TO A PURCHASER, IN
24 ACCORDANCE WITH SECTION 102 (RELATING TO TERRITORIAL
25 APPLICABILITY). IT SHALL BE NO DEFENSE TO A VIOLATION OF
26 SUBSECTION (A) THAT SOME OF THE ACTS CONSTITUTING THE OFFENSE
27 OCCURRED OUTSIDE OF THIS COMMONWEALTH.

28 (D) CIVIL ACTION.--[A TELECOMMUNICATION SERVICE PROVIDER
29 AGGRIEVED BY A VIOLATION OF THIS SECTION MAY, IN A CIVIL ACTION
30 IN ANY COURT OF COMPETENT JURISDICTION, OBTAIN APPROPRIATE

1 RELIEF, INCLUDING PRELIMINARY AND OTHER EQUITABLE OR DECLARATORY
2 RELIEF, COMPENSATORY AND PUNITIVE DAMAGES, REASONABLE
3 INVESTIGATION EXPENSES, COSTS OF SUIT AND ATTORNEY FEES.]

4 (1) ANY PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION
5 MAY BRING A CIVIL ACTION IN ANY COURT OF COMPETENT
6 JURISDICTION.

7 (2) THE COURT MAY:

8 (I) GRANT PRELIMINARY AND FINAL INJUNCTIONS TO
9 PREVENT OR RESTRAIN VIOLATIONS OF THIS SECTION;

10 (II) AT ANY TIME WHILE AN ACTION IS PENDING, ORDER
11 THE IMPOUNDING, ON SUCH TERMS AS IT DEEMS REASONABLE, OF
12 ANY UNLAWFUL TELECOMMUNICATION DEVICE THAT IS IN THE
13 CUSTODY OR CONTROL OF THE VIOLATOR AND THAT THE COURT HAS
14 REASONABLE CAUSE TO BELIEVE WAS INVOLVED IN THE ALLEGED
15 VIOLATION OF THIS SECTION;

16 (III) AWARD DAMAGES AS DESCRIBED IN SUBSECTION
17 (D.1);

18 (IV) IN ITS DISCRETION, AWARD REASONABLE ATTORNEY
19 FEES AND COSTS, INCLUDING, BUT NOT LIMITED TO, COSTS FOR
20 INVESTIGATION, TESTING AND EXPERT WITNESS FEES, TO AN
21 AGGRIEVED PARTY WHO PREVAILS; OR

22 (V) AS PART OF A FINAL JUDGMENT OR DECREE FINDING A
23 VIOLATION OF THIS SECTION, ORDER THE REMEDIAL
24 MODIFICATION OR DESTRUCTION OF ANY UNLAWFUL
25 TELECOMMUNICATION DEVICE INVOLVED IN THE VIOLATION THAT
26 IS IN THE CUSTODY OR CONTROL OF THE VIOLATOR OR HAS BEEN
27 IMPOUNDED UNDER SUBPARAGRAPH (II).

28 (D.1) TYPES OF DAMAGES RECOVERABLE.--DAMAGES AWARDED BY A
29 COURT UNDER THIS SECTION SHALL BE COMPUTED AS EITHER OF THE
30 FOLLOWING:

1 (1) UPON HIS ELECTION OF SUCH DAMAGES AT ANY TIME BEFORE
2 FINAL JUDGMENT IS ENTERED, THE COMPLAINING PARTY MAY RECOVER
3 THE ACTUAL DAMAGES SUFFERED BY HIM AS A RESULT OF THE
4 VIOLATION OF THIS SECTION AND ANY PROFITS OF THE VIOLATOR
5 THAT ARE ATTRIBUTABLE TO THE VIOLATION AND ARE NOT TAKEN INTO
6 ACCOUNT IN COMPUTING THE ACTUAL DAMAGES. IN DETERMINING THE
7 VIOLATOR'S PROFITS, THE COMPLAINING PARTY SHALL BE REQUIRED
8 TO PROVE ONLY THE VIOLATOR'S GROSS REVENUE AND THE VIOLATOR
9 SHALL BE REQUIRED TO PROVE HIS DEDUCTIBLE EXPENSES AND THE
10 ELEMENTS OF PROFIT ATTRIBUTABLE TO FACTORS OTHER THAN THE
11 VIOLATION.

12 (2) UPON ELECTION BY THE COMPLAINING PARTY AT ANY TIME
13 BEFORE FINAL JUDGMENT IS ENTERED, THAT PARTY MAY RECOVER, IN
14 LIEU OF ACTUAL DAMAGES, AN AWARD OF STATUTORY DAMAGES OF
15 BETWEEN \$250 TO \$10,000 FOR EACH UNLAWFUL TELECOMMUNICATION
16 DEVICE INVOLVED IN THE ACTION, WITH THE AMOUNT OF STATUTORY
17 DAMAGES TO BE DETERMINED BY THE COURT, NOT THE JURY, AS THE
18 COURT CONSIDERS JUST. IN ANY CASE WHERE THE COURT FINDS THAT
19 ANY OF THE VIOLATIONS OF THIS SECTION WERE COMMITTED
20 WILLFULLY AND FOR PURPOSES OF COMMERCIAL ADVANTAGE OR PRIVATE
21 FINANCIAL GAIN, THE COURT IN ITS DISCRETION MAY INCREASE THE
22 AWARD OF STATUTORY DAMAGES BY AN AMOUNT OF NOT MORE THAN
23 \$50,000 FOR EACH UNLAWFUL TELECOMMUNICATION DEVICE INVOLVED
24 IN THE ACTION.

25 (3) FOR PURPOSES OF ALL CIVIL REMEDIES ESTABLISHED FOR
26 VIOLATIONS OF THIS SECTION, THE PROHIBITED ACTIVITY
27 ESTABLISHED IN THIS SECTION APPLIES TO EACH UNLAWFUL
28 TELECOMMUNICATION DEVICE AND SHALL BE DEEMED A SEPARATE
29 VIOLATION.

30 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING

1 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
2 SUBSECTION:

3 "MANUFACTURE OF AN UNLAWFUL TELECOMMUNICATION DEVICE." TO
4 PRODUCE OR ASSEMBLE AN UNLAWFUL TELECOMMUNICATION DEVICE OR TO
5 MODIFY, ALTER, PROGRAM OR REPROGRAM A TELECOMMUNICATION DEVICE
6 TO BE CAPABLE OF ACQUIRING, DISRUPTING, RECEIVING, TRANSMITTING,
7 DECRYPTING OR FACILITATING THE ACQUISITION, DISRUPTION, RECEIPT,
8 TRANSMISSION OR DECRYPTION OF A TELECOMMUNICATION SERVICE
9 WITHOUT THE CONSENT OF THE TELECOMMUNICATION SERVICE PROVIDER OR
10 TO KNOWINGLY ASSIST OTHERS IN THOSE ACTIVITIES.

11 "TELECOMMUNICATION DEVICE." ANY TYPE OF INSTRUMENT, DEVICE,
12 MACHINE OR EQUIPMENT WHICH IS CAPABLE OF TRANSMITTING,
13 ACQUIRING, DECRYPTING OR RECEIVING ANY TELEPHONIC, ELECTRONIC,
14 DATA, INTERNET ACCESS, AUDIO, VIDEO, MICROWAVE OR RADIO
15 TRANSMISSIONS, SIGNALS, COMMUNICATIONS OR [ANY PART OF SUCH
16 INSTRUMENT, DEVICE, MACHINE OR EQUIPMENT OR ANY COMPUTER
17 CIRCUIT, COMPUTER CHIP, ELECTRONIC MECHANISM OR OTHER COMPONENT
18 WHICH IS CAPABLE OF FACILITATING THE TRANSMISSION OR RECEPTION
19 OF TELEPHONIC, ELECTRONIC OR RADIO COMMUNICATIONS.] SERVICES,
20 INCLUDING THE RECEIPT, ACQUISITION, TRANSMISSION OR DECRYPTION
21 OF ALL SUCH COMMUNICATIONS, TRANSMISSIONS, SIGNALS OR SERVICES
22 OVER ANY CABLE TELEVISION, TELEPHONE, SATELLITE, MICROWAVE,
23 RADIO OR WIRELESS DISTRIBUTION SYSTEM OR FACILITY, OR ANY PART,
24 ACCESSORY OR COMPONENTS THEREOF, INCLUDING ANY COMPUTER CIRCUIT,
25 SECURITY MODULE, SMART CARD, SOFTWARE, COMPUTER CHIP, ELECTRONIC
26 MECHANISM OR OTHER COMPONENT, ACCESSORY OR PART WHICH IS CAPABLE
27 OF FACILITATING THE TRANSMISSION, DECRYPTION, ACQUISITION OR
28 RECEPTION OF ALL SUCH COMMUNICATIONS, TRANSMISSIONS, SIGNALS OR
29 SERVICES.

30 ["TELECOMMUNICATION SERVICE." THE MEANING GIVEN TO IT IN

1 SECTION 3926 (RELATING TO THEFT OF SERVICES).

2 "TELECOMMUNICATION SERVICE PROVIDER." THE MEANING GIVEN TO
3 IT IN SECTION 3926 (RELATING TO THEFT OF SERVICES).

4 "UNLAWFUL TELECOMMUNICATION DEVICE." THE MEANING GIVEN TO IT
5 IN SECTION 3926 (RELATING TO THEFT OF SERVICES).]

6 "TELECOMMUNICATION SERVICE." THE MEANING GIVEN TO IT IN
7 SECTION 3926 (RELATING TO THEFT OF SERVICES) AND ALSO ANY
8 SERVICE PROVIDED BY ANY RADIO, TELEPHONE, CABLE TELEVISION,
9 SATELLITE, MICROWAVE OR WIRELESS DISTRIBUTION SYSTEM OR
10 FACILITY, INCLUDING, BUT NOT LIMITED TO, ANY AND ALL ELECTRONIC,
11 DATA, VIDEO, AUDIO, INTERNET ACCESS, TELEPHONIC, MICROWAVE AND
12 RADIO COMMUNICATIONS, TRANSMISSIONS, SIGNALS AND SERVICES.

13 "TELECOMMUNICATION SERVICE PROVIDER." THE MEANING GIVEN TO
14 IT IN SECTION 3926 (RELATING TO THEFT OF SERVICES) AND INCLUDES
15 ANY PERSON OR ENTITY PROVIDING ANY TELECOMMUNICATION SERVICE,
16 INCLUDING, BUT NOT LIMITED TO, ANY PERSON OR ENTITY OWNING OR
17 OPERATING ANY CABLE TELEVISION, SATELLITE, TELEPHONE, WIRELESS,
18 MICROWAVE OR RADIO DISTRIBUTION SYSTEM OR FACILITY.

19 "UNLAWFUL TELECOMMUNICATION DEVICE." THE MEANING GIVEN TO IT
20 IN SECTION 3926 (RELATING TO THEFT OF SERVICES) AND INCLUDES ANY
21 TELECOMMUNICATION DEVICE WHICH IS CAPABLE OF, OR HAS BEEN
22 ALTERED, DESIGNED, MODIFIED, PROGRAMMED OR REPROGRAMMED, ALONE
23 OR IN CONJUNCTION WITH ANOTHER TELECOMMUNICATION DEVICE OR
24 DEVICES, SO AS TO BE CAPABLE OF FACILITATING THE DISRUPTION,
25 ACQUISITION, RECEIPT, TRANSMISSION OR DECRYPTION OF A
26 TELECOMMUNICATION SERVICE WITHOUT THE CONSENT OR KNOWLEDGE OF
27 THE TELECOMMUNICATION SERVICE PROVIDER. IN ADDITION TO THE
28 EXAMPLES LISTED IN SECTION 3926, THE TERM INCLUDES, BUT IS NOT
29 LIMITED TO, ANY DEVICE, TECHNOLOGY, PRODUCT, SERVICE, EQUIPMENT,
30 COMPUTER SOFTWARE, OR COMPONENT OR PART THEREOF, PRIMARILY

1 DISTRIBUTED, SOLD, DESIGNED, ASSEMBLED, MANUFACTURED, MODIFIED,
2 PROGRAMMED, REPROGRAMMED OR USED FOR THE PURPOSE OF PROVIDING
3 UNAUTHORIZED DISRUPTION OF, DECRYPTION OF, ACCESS TO, OR
4 ACQUISITION OF, ANY TELECOMMUNICATION SERVICE PROVIDED BY ANY
5 CABLE TELEVISION, SATELLITE, TELEPHONE, WIRELESS, MICROWAVE OR
6 RADIO DISTRIBUTION SYSTEM OR FACILITY.

7 SECTION 2. TITLE 18 IS AMENDED BY ADDING SECTIONS TO READ:

8 § 7513. RESTRICTION ON ALCOHOLIC BEVERAGES.

9 (A) GENERAL RULE.--IT IS UNLAWFUL FOR ANY PERSON WHO IS AN
10 OPERATOR OR AN OCCUPANT IN ANY MOTOR VEHICLE TO BE IN POSSESSION
11 OF AN OPEN ALCOHOLIC BEVERAGE CONTAINER, OR TO CONSUME ANY
12 ALCOHOLIC BEVERAGE OR CONTROLLED SUBSTANCE, AS DEFINED IN THE
13 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
14 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, IN A MOTOR VEHICLE
15 WHILE THE MOTOR VEHICLE IS LOCATED ON ANY HIGHWAY IN THIS
16 COMMONWEALTH.

17 (B) EXCEPTION.--THIS SECTION DOES NOT PROHIBIT POSSESSION OR
18 CONSUMPTION BY PASSENGERS IN THE PASSENGER AREAS OF A MOTOR
19 VEHICLE DESIGNED, MAINTAINED OR USED PRIMARILY FOR THE LAWFUL
20 TRANSPORTATION OF PERSONS FOR COMPENSATION, INCLUDING BUSES,
21 TAXIS AND LIMOUSINES, OR PERSONS IN THE LIVING QUARTERS OF A
22 HOUSE COACH OR HOUSE TRAILER.

23 (C) PENALTY.--ANY PERSON WHO VIOLATES THIS SECTION COMMITS A
24 SUMMARY OFFENSE.

25 § 7514. OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH IGNITION
26 INTERLOCK.

27 (A) OFFENSE DEFINED.--A PERSON REQUIRED TO OPERATE ONLY
28 MOTOR VEHICLES EQUIPPED WITH AN APPROVED IGNITION INTERLOCK
29 SYSTEM PURSUANT TO 42 PA.C.S. CH. 70 (RELATING TO IGNITION
30 INTERLOCK DEVICES) WHO OPERATES A MOTOR VEHICLE ON THE HIGHWAYS

1 OF THIS COMMONWEALTH WITHOUT SUCH A SYSTEM COMMITS A SUMMARY
2 OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE
3 OF NOT LESS THAN \$200 AND NOT MORE THAN \$1,000 AND TO
4 IMPRISONMENT FOR NOT MORE THAN 30 DAYS.

5 (B) TAMPERING WITH AN INTERLOCK SYSTEM.--A PERSON WHO
6 TAMPERS WITH AN INTERLOCK SYSTEM REQUIRED BY LAW COMMITS A
7 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
8 A FINE OF NOT LESS THAN \$100.

9 (C) REVOCATION OF OPERATING PRIVILEGE.--UPON RECEIVING A
10 CERTIFIED RECORD OF THE CONVICTION OF ANY PERSON UNDER THIS
11 SECTION, THE DEPARTMENT SHALL REVOKE THE PERSON'S OPERATING
12 PRIVILEGE FOR A PERIOD OF ONE YEAR.

13 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
14 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
15 SUBSECTION, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

16 "DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE
17 COMMONWEALTH.

18 "IGNITION INTERLOCK SYSTEM." A SYSTEM APPROVED BY THE
19 DEPARTMENT OF TRANSPORTATION THAT PREVENTS A VEHICLE FROM BEING
20 STARTED OR OPERATED UNLESS THE OPERATOR FIRST PROVIDES A BREATH
21 SAMPLE INDICATING THAT THE OPERATOR HAS AN ALCOHOL LEVEL LESS
22 THAN .025%.

23 SECTION 3. THE PROVISIONS OF 75 PA.C.S. § 3715 ARE REPEALED.

24 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

25 (1) THE ADDITION OF 18 PA.C.S. § 7513 SHALL TAKE EFFECT
26 SEPTEMBER 1, 2000.

27 (2) THE ADDITION OF 18 PA.C.S. § 7514 SHALL TAKE EFFECT
28 SEPTEMBER 30, 2000.

29 (3) THE REPEAL OF 75 PA.C.S. § 3715 SHALL TAKE EFFECT
30 SEPTEMBER 1, 2000.

1 (4) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

2 (5) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
3 DAYS.