

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2006 Session of
2001

INTRODUCED BY L. I. COHEN, BEBKO-JONES, CASORIO, CIVERA,
CREIGHTON, DIGIROLAMO, GEIST, GEORGE, HARHAI, HORSEY, MCGILL,
MELIO, R. MILLER, WATSON, YOUNGBLOOD AND CRUZ,
OCTOBER 23, 2001

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 23, 2001

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for driving under the influence
3 of alcohol or controlled substance and for surcharges.

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

6 Section 1. Sections 3731(e)(1)(iv), 3742(b) and
7 6506(a)(7)(iii) and (iv) of Title 75 of the Pennsylvania
8 Consolidated Statutes are amended to read:

9 § 3731. Driving under influence of alcohol or controlled
10 substance.

11 * * *

12 (e) Penalty.--

13 (1) Any person violating any of the provisions of this
14 section is guilty of a misdemeanor of the second degree,
15 except that a person convicted of a third or subsequent
16 offense is guilty of a misdemeanor of the first degree, and
17 the sentencing court shall order the person to pay a fine of

1 not less than [\$300] \$750 and serve a minimum term of
2 imprisonment of:

3 * * *

4 (iv) Not less than [one year] two years if the
5 person has three times previously been convicted of,
6 adjudicated delinquent or granted a consent decree under
7 the Juvenile Act based on an offense under this section
8 or of an equivalent offense in this or other
9 jurisdictions within the previous seven years.

10 * * *

11 § 3742. Accidents involving death or personal injury.

12 * * *

13 (b) Penalties.--

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

17 (2) If the victim suffers serious bodily injury, any
18 person violating subsection (a) commits a felony of the
19 [third] second degree, and the sentencing court shall order
20 the person to serve a minimum term of imprisonment of not
21 less than [90 days] one year and a mandatory minimum fine of
22 [\$1,000] \$2,500, notwithstanding any other provision of law.

23 (3) If the victim dies, any person violating subsection
24 (a) commits a felony of the [third] second degree, and the
25 sentencing court shall order the person to serve a minimum
26 term of imprisonment of not less than [one year] three years
27 and a mandatory minimum fine of [\$2,500] \$5,000,
28 notwithstanding any other provision of law.

29 * * *

30 § 6506. Surcharge.

1 (a) Levy and imposition.--In addition to any fines, fees or
2 penalties levied or imposed as provided by law, under this title
3 or any other statute, a surcharge shall be levied for
4 disposition in accordance with subsection (b) as follows:

5 * * *

6 (7) Upon conviction of offenses under section 3731
7 (relating to driving under influence of alcohol or controlled
8 substance), or upon admission to programs for Accelerated
9 Rehabilitative Disposition for offenses enumerated in section
10 3731, a surcharge, respectively, of:

11 * * *

12 (iii) [\$200] \$500 for the third offense.

13 (iv) [\$300] \$750 for the fourth and subsequent
14 offenses.

15 The provisions of this subsection shall not apply to any
16 violation committed by the operator of a motorcycle, motor-
17 driven cycle, pedalcycle, motorized pedalcycle or recreational
18 vehicle not intended for highway use.

19 * * *

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