

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 828 Session of
2007

INTRODUCED BY KENNEY, REED, ADOLPH, PERZEL, GRUCELA, STABACK,
GEIST, CREIGHTON, RAYMOND, YOUNGBLOOD, NAILOR, ROAE,
BIANCUCCI, MANN, HERSHEY, KIRKLAND, R. MILLER, CAPPELLI,
PYLE, JAMES, COX, TRUE, MILLARD, PAYNE, WATSON, KOTIK,
J. TAYLOR, McILHATTAN, RUBLEY, PHILLIPS, THOMAS, O'NEILL,
FRANKEL, MENSCH, SCAVELLO, HESS, GINGRICH, REICHLEY, HARRIS,
SOLOBAY, SONNEY, KILLION, DONATUCCI, VULAKOVICH AND BASTIAN,
MARCH 19, 2007

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 19, 2007

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for accidents involving death or
3 personal injury.

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

6 Section 1. Section 3742 of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 3742. Accidents involving death or personal injury.

9 (a) [~~General rule.--~~]Injury.--The driver of any vehicle
10 involved in an accident resulting in injury [or death] of any
11 person shall immediately stop the vehicle at the scene of the
12 accident or as close thereto as possible but shall then
13 forthwith return to and in every event shall remain at the scene
14 of the accident until he has fulfilled the requirements of
15 section 3744 (relating to duty to give information and render

1 aid). Every stop shall be made without obstructing traffic more
2 than is necessary.

3 (a.1) Serious bodily injury.--The driver of any vehicle
4 involved in an accident resulting in serious bodily injury of
5 any person shall immediately stop the vehicle at the scene of
6 the accident or as close thereto as possible but shall then
7 return to and in every event shall remain at the scene of the
8 accident until he has fulfilled the requirements of section
9 3744. Every stop shall be made without obstructing traffic more
10 than is necessary.

11 (a.2) Death.--The driver of any vehicle involved in an
12 accident resulting in death of any person shall immediately stop
13 the vehicle at the scene of the accident or as close thereto as
14 possible but shall then return to and in every event shall
15 remain at the scene of the accident until he has fulfilled the
16 requirements of section 3744. Every stop shall be made without
17 obstructing traffic more than is necessary.

18 (b) Penalties.--

19 [(1) Except as otherwise provided in this section, any
20 person violating this section commits a misdemeanor of the
21 first degree.

22 (2) If the victim suffers serious bodily injury, any
23 person violating subsection (a) commits a felony of the third
24 degree, and the sentencing court shall order the person to
25 serve a minimum term of imprisonment of not less than 90 days
26 and a mandatory minimum fine of \$1,000, notwithstanding any
27 other provision of law.

28 (3) If the victim dies, any person violating subsection
29 (a) commits a felony of the third degree, and the sentencing
30 court shall order the person to serve a minimum term of

1 imprisonment of not less than one year and a mandatory
2 minimum fine of \$2,500, notwithstanding any other provision
3 of law.]

4 (1.1) A person who violates subsection (a) commits a
5 misdemeanor of the first degree and shall, upon conviction,
6 be sentenced to pay a fine of not less than \$300 and to a
7 minimum term of imprisonment of not less than 48 hours.

8 (2.1) A person who violates subsection (a.1) commits a
9 felony of the third degree and shall, upon conviction, be
10 sentenced to pay a mandatory minimum fine of \$1,000 and to a
11 minimum term of imprisonment of not less than 90 days.

12 (3.1) A person who violates subsection (a.2) commits a
13 felony of the second degree and shall, upon conviction, be
14 sentenced to pay a mandatory minimum fine of \$5,000 and to a
15 minimum term of imprisonment of not less than three years. An
16 additional fine and term of imprisonment under this paragraph
17 shall be imposed for each victim whose death is the result of
18 the violation of subsection (a.2).

19 (c) Authority of sentencing court.--There shall be no
20 authority in any court to impose on an offender to which this
21 section is applicable any lesser sentence than provided for in
22 subsection [(b)(2) or (3)] (b) or to place such offender on
23 probation or to suspend sentence. Sentencing guidelines
24 promulgated by the Pennsylvania Commission on Sentencing shall
25 not supersede the mandatory sentences provided in this section.

26 (c.1) Appellate review.--If a sentencing court refuses to
27 apply this section where applicable, the Commonwealth shall have
28 the right to appellate review of the action of the sentencing
29 court. The appellate court shall vacate the sentence and remand
30 the case to the sentencing court for imposition of a sentence in

1 accordance with this section if it finds that the sentence was
2 imposed in violation of this section.

3 (d) Definitions.--As used in this section, the term "serious
4 bodily injury" means any bodily injury which creates a
5 substantial risk of death or which causes serious, permanent
6 disfigurement or protracted loss or impairment of the function
7 of any bodily member or organ.

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