

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 352 Session of
2009

INTRODUCED BY MUNDY, REED, BELFANTI, BRENNAN, CARROLL, CRUZ,
FLECK, GEIST, GINGRICH, HORNAMAN, JOSEPHS, KIRKLAND, KORTZ,
LEVANSKY, MANN, MELIO, MILLARD, MILLER, MOUL, MURT,
M. O'BRIEN, O'NEILL, PAYNE, PYLE, READSHAW, ROAE, SIPTROTH,
K. SMITH, SOLOBAY, STABACK, STERN, SWANGER, THOMAS, TRUE,
VULAKOVICH, WALKO, FREEMAN AND FARRY, FEBRUARY 10, 2009

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 2, 2009

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

(b) Penalties.--

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

(2) If the victim suffers serious bodily injury, any person violating subsection (a) commits a felony of the ~~third~~second degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than 90 days and a mandatory minimum fine of \$1,000, notwithstanding any other provision of law. AN ADDITIONAL FINE AND TERM OF IMPRISONMENT UNDER THIS PARAGRAPH SHALL BE IMPOSED FOR EACH VICTIM.

(3) If the victim dies, any person violating subsection (a) commits a felony of the ~~third~~second degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than one year and a mandatory minimum fine of \$2,500, notwithstanding any other provision of law. AN ADDITIONAL FINE AND TERM OF IMPRISONMENT UNDER THIS PARAGRAPH SHALL BE IMPOSED FOR EACH VICTIM.

(B.1) ENHANCED PENALTIES.--

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, ANY PERSON VIOLATING THIS SECTION CONCURRENTLY WITH A VIOLATION OF SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND WHO IS CONVICTED OF VIOLATING SECTION 3802 COMMITS A FELONY OF THE THIRD DEGREE.

(2) IF THE VICTIM SUFFERS SERIOUS BODILY INJURY, ANY PERSON VIOLATING SUBSECTION (A) CONCURRENTLY WITH A VIOLATION OF SECTION 3802 AND WHO IS CONVICTED OF VIOLATING SECTION 3802 COMMITS A FELONY OF THE SECOND DEGREE, AND THE SENTENCING COURT SHALL ORDER THE PERSON TO SERVE A MINIMUM

1 TERM OF IMPRISONMENT OF NOT LESS THAN ONE YEAR AND TO PAY A
2 MANDATORY FINE OF \$2,500, NOTWITHSTANDING ANY OTHER PROVISION
3 OF LAW. AN ADDITIONAL FINE AND TERM OF IMPRISONMENT UNDER
4 THIS PARAGRAPH SHALL BE IMPOSED FOR EACH VICTIM.

5 (3) IF THE VICTIM DIES, ANY PERSON VIOLATING SUBSECTION
6 (A) CONCURRENTLY WITH A VIOLATION OF SECTION 3802 AND WHO IS
7 CONVICTED OF VIOLATING SECTION 3802 COMMITS A FELONY OF THE
8 SECOND DEGREE, AND THE SENTENCING COURT SHALL ORDER THE
9 PERSON TO SERVE A MINIMUM TERM OF IMPRISONMENT OF NOT LESS
10 THAN THREE YEARS AND TO PAY A MANDATORY FINE OF \$5,000,
11 NOTWITHSTANDING ANY OTHER PROVISION OF LAW. AN ADDITIONAL
12 FINE AND TERM OF IMPRISONMENT UNDER THIS PARAGRAPH SHALL BE
13 IMPOSED FOR EACH VICTIM.

14 (c) Authority of sentencing court.--There shall be no
15 authority in any court to impose on an offender to which this
16 section is applicable any lesser sentence than provided for in
17 subsection (b) (2) or (3) OR (B.1) (2) OR (3) or to place such
18 offender on probation or to suspend sentence. Sentencing
19 guidelines promulgated by the Pennsylvania Commission on
20 Sentencing shall not supersede the mandatory sentences provided
21 in this section.

22 (d) Definitions.--As used in this section, the term "serious
23 bodily injury" means any bodily injury which creates a
24 substantial risk of death or which causes serious, permanent
25 disfigurement or protracted loss or impairment of the function
26 of any bodily member or organ.

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

