

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 9, 2009

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for accidents involving death or
3 personal injury AND FOR SUBSEQUENT CONVICTIONS OF CERTAIN
4 OFFENSES. ←

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

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

9 SECTION 1. SECTIONS 3742 AND 6503(A) OF TITLE 75 OF THE ←
10 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

11 § 3742. Accidents involving death or personal injury.

12 (a) General rule.--The driver of any vehicle involved in an
13 accident resulting in injury or death of any person shall
14 immediately stop the vehicle at the scene of the accident or as
15 close thereto as possible but shall then forthwith return to and
16 in every event shall remain at the scene of the accident until

1 he has fulfilled the requirements of section 3744 (relating to
2 duty to give information and render aid). Every stop shall be
3 made without obstructing traffic more than is necessary.

4 (b) Penalties.--

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

8 (2) If the victim suffers serious bodily injury, any
9 person violating subsection (a) commits a felony of the third
10 degree, and the sentencing court shall order the person to
11 serve a minimum term of imprisonment of not less than 90 days
12 and a mandatory minimum fine of \$1,000, notwithstanding any
13 other provision of law. An additional fine and term of
14 imprisonment under this paragraph shall be imposed for each
15 victim.

16 (3) If the victim dies, any person violating subsection
17 (a) commits a felony of the [third] second degree, and the
18 sentencing court shall order the person to serve a minimum
19 term of imprisonment of not less than one year and a
20 mandatory minimum fine of \$2,500, notwithstanding any other
21 provision of law. An additional fine and term of imprisonment
22 under this paragraph shall be imposed for each victim.

23 (b.1) Enhanced penalties.--

24 (1) Except as otherwise provided in this subsection, any
25 person violating this section concurrently with a violation
26 of section 3802 (relating to driving under influence of
27 alcohol or controlled substance) and who is convicted of
28 violating section 3802 commits a felony of the third degree.

29 (2) If the victim suffers serious bodily injury, any
30 person violating subsection (a) concurrently with a violation

1 of section 3802 and who is convicted of violating section
2 3802 commits a felony of the second degree, and the
3 sentencing court shall order the person to serve a minimum
4 term of imprisonment of not less than one year and to pay a
5 mandatory fine of \$2,500, notwithstanding any other provision
6 of law. An additional fine and term of imprisonment under
7 this paragraph shall be imposed for each victim.

8 (3) If the victim dies, any person violating subsection
9 (a) concurrently with a violation of section 3802 and who is
10 convicted of violating section 3802 commits a felony of the
11 second degree, and the sentencing court shall order the
12 person to serve a minimum term of imprisonment of not less
13 than three years and to pay a mandatory fine of \$5,000,
14 notwithstanding any other provision of law. An additional
15 fine and term of imprisonment under this paragraph shall be
16 imposed for each victim.

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

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

30 § 6503. SUBSEQUENT CONVICTIONS OF CERTAIN OFFENSES.



1 (A) GENERAL OFFENSES.--EVERY PERSON CONVICTED OF A SECOND OR
2 SUBSEQUENT VIOLATION OF ANY OF THE FOLLOWING PROVISIONS SHALL BE
3 SENTENCED TO PAY A FINE OF NOT LESS THAN \$200 NOR MORE THAN
4 \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BOTH:

5 SECTION 1543(A) (RELATING TO DRIVING WHILE OPERATING
6 PRIVILEGE IS SUSPENDED OR REVOKED) EXCEPT AS SET FORTH IN
7 SUBSECTION (A.1).

8 SECTION 3367 (RELATING TO RACING ON HIGHWAYS).

9 [SECTION 3733 (RELATING TO FLEEING OR ATTEMPTING TO ELUDE
10 POLICE OFFICER).]

11 SECTION 3734 (RELATING TO DRIVING WITHOUT LIGHTS TO AVOID
12 IDENTIFICATION OR ARREST).

13 SECTION 3748 (RELATING TO FALSE REPORTS).

14 * * *

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