

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 748 Session of 2009

INTRODUCED BY MARKOSEK, BAKER, BELFANTI, BENNINGHOFF, BOYD, BRENNAN, CARROLL, CIVERA, CLYMER, CREIGHTON, CUTLER, DALLY, DeLUCA, DePASQUALE, DONATUCCI, EVERETT, FLECK, FREEMAN, GEIST, GIBBONS, GOODMAN, GROVE, GRUCELA, HARHAI, HARKINS, HARPER, HESS, HICKERNELL, HORNAMAN, M. KELLER, KORTZ, LEVDANSKY, MAHONEY, MAJOR, MANN, McCALL, McILVAINE SMITH, MELIO, MILLARD, MILLER, MOUL, MUNDY, MURT, MUSTIO, M. O'BRIEN, O'NEILL, PASHINSKI, PAYNE, PYLE, READSHAW, REED, ROAE, ROCK, SANTONI, SCAVELLO, SIPTROTH, K. SMITH, STABACK, SWANGER, R. TAYLOR, TRUE, VULAKOVICH, WALKO, WANSACZ, WATSON AND YOUNGBLOOD, MARCH 5, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 5, 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(b) of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended and the section is amended by
8 adding a subsection to read:

9 § 3742. Accidents involving death or personal injury.

10 * * *

11 (b) Penalties.--

12 (1) Except as otherwise provided in this section, any
13 person violating this section commits a misdemeanor of the
14 first degree, and the sentencing court shall order the person

1 to pay a fine of not less than \$300.

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

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

19 (b.1) Enhanced penalties.--

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

25 (2) If the victim suffers serious bodily injury, any
26 person violating subsection (a) concurrently with a violation
27 of section 3802 and who is convicted of violating section
28 3802 commits a felony of the second degree, and the
29 sentencing court shall order the person to serve a minimum
30 term of imprisonment of not less than one year and a

1 mandatory fine of \$2,500, notwithstanding any other provision
2 of law. An additional fine and term of imprisonment under
3 this paragraph shall be imposed for each victim whose serious
4 bodily injury is the result of the violation of subsection
5 (a).

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

16 * * *

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