

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 824 Session of 2009

INTRODUCED BY BAKER, PICKETT, SAYLOR, BELFANTI, CREIGHTON,
DONATUCCI, GOODMAN, HARRIS, HESS, HICKERNELL, O'NEILL, PAYNE,
PETRI, TRUE, VULAKOVICH, WATSON AND YOUNGBLOOD,
MARCH 10, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 10, 2009

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of
2 the Pennsylvania Consolidated Statutes, further providing for
3 selling or furnishing liquor or malt or brewed beverages to
4 minors, for restriction of operating privileges and for
5 suspension of operating privilege.

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

8 Section 1. Sections 6310.1 and 6310.4(a) of Title 18 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 6310.1. Selling or furnishing liquor or malt or brewed
11 beverages to minors.

12 (a) Offense defined.--Except as provided in subsection (b),
13 a person commits [a misdemeanor of the third degree if he
14 intentionally and knowingly sells or intentionally and knowingly
15 furnishes, or purchases with the intent to sell or furnish, any
16 liquor or malt or brewed beverages to a person who is less than
17 21 years of age.] the following:

18 (1) A misdemeanor punishable by up to six months

1 imprisonment if he intentionally and knowingly sells or
2 intentionally and knowingly furnishes, or purchases with the
3 intent to sell or furnish, any liquor or malt or brewed
4 beverages to a person who is under 21 years of age.

5 (2) A misdemeanor of the second degree if he
6 intentionally or knowingly sells or intentionally or
7 knowingly furnishes, or purchases with the intent to sell or
8 furnish, any liquor or malt or brewed beverage to a person
9 who is under 21 years of age under such circumstances that
10 include one of the following:

11 (i) The amount was sufficient for a high level of
12 intoxication.

13 (ii) The liquor or malt or brewed beverage was
14 furnished to a group of more than three persons who are
15 under 21 years of age.

16 (iii) The furnishing of the liquor or malt or brewed
17 beverage to a person under 21 years of age resulted in
18 bodily injury, serious bodily injury or death.

19 (iv) The offender had previously been convicted of
20 violating this section.

21 (b) Exceptions.--The provisions of this section shall not
22 apply to any religious service or ceremony which may be
23 conducted in a private home or a place of worship where the
24 amount of wine served does not exceed the amount reasonably,
25 customarily and traditionally required as an integral part of
26 the service or ceremony.

27 (c) Minimum penalty.--In addition to any other penalty
28 imposed pursuant to this title or other statute, a person who is
29 convicted of violating subsection [(a)] shall be sentenced to pay
30 a fine of not less than \$1,000 for the first violation and a

1 fine of \$2,500 for each subsequent violation] (a)(1) shall be
2 sentenced to pay a fine of not less than \$2,500. A person who is
3 convicted of violating subsection (a)(2) shall be sentenced to
4 pay a fine of not less than \$5,000. There shall be no authority
5 in any court to impose on an offender any lesser sentence than
6 the minimum sentence mandated by this subsection. No court shall
7 have the authority to suspend any sentence as defined in this
8 section. Nothing in this section shall prevent the sentencing
9 court from imposing a sentence greater than the minimum sentence
10 mandated in this subsection. In no case shall the sentence
11 exceed the maximum sentence prescribed by law.

12 § 6310.4. Restriction of operating privileges.

13 (a) General rule.--Whenever a person is convicted or is
14 adjudicated delinquent or is admitted to any preadjudication
15 program for a violation of section 6307 (relating to
16 misrepresentation of age to secure liquor or malt or brewed
17 beverages), 6308 (relating to purchase, consumption, possession
18 or transportation of liquor or malt or brewed beverages), 6310.1
19 (relating to selling or furnishing liquor or malt or brewed
20 beverages to minors) or 6310.3 (relating to carrying a false
21 identification card), the court, including a court not of record
22 if it is exercising jurisdiction pursuant to 42 Pa.C.S. §
23 1515(a) (relating to jurisdiction and venue), shall order the
24 operating privilege of the person suspended. A copy of the order
25 shall be transmitted to the Department of Transportation.

26 * * *

27 Section 2. Section 1532(d) of Title 75 is amended to read:
28 § 1532. Suspension of operating privilege.

29 * * *

30 (d) Additional suspension.--The department shall suspend the

1 operating privilege of any person upon receiving a certified
2 record of the driver's conviction, adjudication of delinquency
3 or admission into a preadjudication program for a violation
4 under 18 Pa.C.S. § 6307 (relating to misrepresentation of age to
5 secure liquor or malt or brewed beverages), 6308 (relating to
6 purchase, consumption, possession or transportation of liquor or
7 malt or brewed beverages), 6310.1 (relating to selling or
8 furnishing liquor or malt or brewed beverages to minors) or
9 6310.3 (relating to carrying a false identification card). The
10 duration of the suspension shall be as follows:

11 (1) For a first offense, the department shall impose a
12 suspension for a period of 90 days.

13 (2) For a second offense, the department shall impose a
14 suspension for a period of one year.

15 (3) For a third and subsequent offense, the department
16 shall impose a suspension for a period of two years. Any
17 multiple suspensions imposed shall be served consecutively.
18 Courts may certify the conviction, adjudication of delinquency
19 or admission into the preadjudication program on the same form
20 used to submit the order of suspension required under the
21 provisions of 18 Pa.C.S. § 6310.4 (relating to restriction of
22 operating privileges). Wherever practicable, the suspension
23 imposed under this section shall be made concurrent with the
24 suspension imposed under the provisions of 18 Pa.C.S. § 6310.4.
25 All offenses committed on or after May 23, 1988, shall be
26 included in considering whether an offense is a first, second,
27 third or subsequent offense.

28 Section 3. This act shall take effect in 60 days.