

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2452 Session of
2010

INTRODUCED BY GERGELY, BELFANTI, BEYER, BRENNAN, BRIGGS, BROWN,
DALEY, DeLUCA, GALLOWAY, HOUGHTON, KORTZ, MAHONEY, McGEEHAN,
MILLER, MUNDY, MURT, M. O'BRIEN, PYLE, READSHAW, SIPTROTH,
WAGNER AND WHITE, APRIL 23, 2010

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 23, 2010

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in offenses in general, further providing for
3 leaving an unattended child in a motor vehicle; and, in
4 driving after imbibing alcohol or utilizing drugs, further
5 providing for penalties.

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

8 Section 1. Sections 3701.1 and 3804(b) and (e)(2) of Title
9 75 of the Pennsylvania Consolidated Statutes are amended to
10 read:

11 § 3701.1. Leaving an unattended child in a motor vehicle.

12 (a) General rule.--A person driving or in charge of a motor
13 vehicle may not permit a child under six years of age to remain
14 unattended in the vehicle when the motor vehicle is out of the
15 person's sight and under circumstances which endanger the
16 health, safety or welfare of the child.

17 [(a.1) Applicability.--This section shall apply to the
18 highways and trafficways of this Commonwealth and, for the

purposes of this section only, the term "trafficways" shall include, but not be limited to, parking lots.

(b) Penalty.--A person who violates this section commits a summary offense. It is a separate offense for each child left unattended.]

(c) School bus or school vehicle.--

(1) A driver of a school bus, school vehicle or any other motor vehicle who either is employed by a school district or transports pupils under a contract with the school district commits an offense if he intentionally, knowingly, recklessly or negligently leaves a pupil unattended in a school bus, school vehicle or other vehicle when the school bus, school vehicle or other vehicle is out of the driver's sight and under circumstances which endanger the health, safety or welfare of the pupil.

(2) Failure of the driver to strictly comply with all regulations promulgated by the State Board of Education governing the transportation of school pupils shall be prima facie evidence of a violation of this subsection.

(d) Suspension of operating privilege.--

(1) The department shall suspend the school bus driver endorsement of a driver held by the driver pursuant to section 1509 (relating to qualifications for school bus driver endorsement) upon receiving a certified record of the driver's conviction under subsection (c).

(2) The suspension shall be as follows:

(i) For a first offense, 30 days.

(ii) For a second offense, 60 days.

(e) Revocation of school bus driver endorsement.--The department shall permanently revoke any school bus driver

endorsement held by a driver pursuant to section 1509 upon
receiving a certified record of the driver's third conviction
under subsection (c).

(f) Applicability.--This section shall apply to the highways
and trafficways of this Commonwealth and, for the purposes of
this section only, the term "trafficways" shall include, but not
be limited to, parking lots.

(g) Penalties.--

(1) A person who violates subsection (a) commits a
summary offense. It is a separate offense for each child left
unattended.

(2) A person who violates subsection (c) commits a
summary offense and shall be subject to:

(i) A fine not to exceed \$300 for a first offense.

(ii) A fine of not less than \$300 nor more than
\$1,000 for a second offense.

(iii) A fine of not less than \$1,000 nor more than
\$1,500 for a third offense.

§ 3804. Penalties.

* * *

(b) High rate of blood alcohol; minors; commercial vehicles
and school buses and school vehicles; accidents.--Except as set
forth in subsection (c), an individual who violates section
3802(a)(1) where there was an accident resulting in bodily
injury, serious bodily injury or death of any person or damage
to a vehicle or other property or who violates section 3802(b),
(e) or (f) shall be sentenced as follows:

(1) For a first offense, to:

(i) undergo imprisonment of not less than 48
consecutive hours or not less than 30 days for a

1 violation of section 3802(f) involving a school bus or
2 school vehicle;

3 (ii) pay a fine of not less than \$500 nor more than
4 \$5,000 or not less than \$5,000 nor more than \$10,000 for
5 a violation of section 3802(f) involving a school bus or
6 school vehicle;

7 (iii) attend an alcohol highway safety school
8 approved by the department; and

9 (iv) comply with all drug and alcohol treatment
10 requirements imposed under sections 3814 and 3815.

11 (2) For a second offense, to:

12 (i) undergo imprisonment of not less than 30 days or
13 not less than 90 days for a violation of section 3802(f)
14 involving a school bus or school vehicle;

15 (ii) pay a fine of not less than \$750 nor more than
16 \$5,000 or not less than \$7,500 nor more than \$15,000 for
17 a violation of section 3802(f) involving a school bus or
18 school vehicle;

19 (iii) attend an alcohol highway safety school
20 approved by the department; and

21 (iv) comply with all drug and alcohol treatment
22 requirements imposed under sections 3814 and 3815.

23 (3) For a third offense, to:

24 (i) undergo imprisonment of not less than 90 days or
25 not less than one year for a violation of section 3802(f)
26 involving a school bus or school vehicle;

27 (ii) pay a fine of not less than \$1,500 nor more
28 than \$10,000 or not less than \$10,000 nor more than
29 \$20,000 for a violation of section 3802(f) involving a
30 school bus or school vehicle; and

(iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(4) For a fourth or subsequent offense, to:

(i) undergo imprisonment of not less than one year or not less than five years for a violation of section 3802(f) involving a school bus or school vehicle;

(ii) pay a fine of not less than \$1,500 nor more than \$10,000 or not less than \$15,000 nor more than \$25,000 for a violation of section 3802(f) involving a school bus or school vehicle; and

(iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

* * *

(e) Suspension of operating privileges upon conviction.--

* * *

(2) Suspension under paragraph (1) shall be in accordance with the following:

(i) Except as provided for in subparagraph (iii), 12 months for an ungraded misdemeanor or misdemeanor of the second degree under this chapter.

(ii) 18 months for a misdemeanor of the first degree under this chapter.

(ii.1) 24 months for violation of section 3802(f) involving a school bus or school vehicle.

(iii) There shall be no suspension for an ungraded misdemeanor under section 3802(a) where the person is subject to the penalties provided in subsection (a) and the person has no prior offense.

(iv) For suspensions imposed under paragraph (1) (ii), notwithstanding any provision of law or enforcement

1 agreement to the contrary, all of the following apply:

2 (A) Suspensions shall be in accordance with
3 Subchapter D of Chapter 15 (relating to the Driver's
4 License Compact).

5 (B) In calculating the term of a suspension for
6 an offense that is substantially similar to an
7 offense enumerated in section 3802, the department
8 shall presume that if the conduct reported had
9 occurred in this Commonwealth then the person would
10 have been convicted under section 3802(a)(2).

11 (v) Notwithstanding any other provision of law or
12 enforcement agreement to the contrary, the department
13 shall suspend the operating privilege of a driver for six
14 months upon receiving a certified record of a consent
15 decree granted under 42 Pa.C.S. Ch. 63 (relating to
16 juvenile matters) based on section 3802.

17 * * *

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