

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 208 Session of 2011

INTRODUCED BY REED, BOYD, B. BOYLE, CAUSER, CLYMER, D. COSTA, CUTLER, EVANKOVICH, EVERETT, GEIST, GILLESPIE, HAHN, HARRIS, HICKERNELL, HORNAMAN, KAUFFMAN, M.K. KELLER, KNOWLES, KORTZ, KOTIK, MAJOR, MANN, MARSHALL, MICOZZIE, MILLARD, MILLER, MILNE, MOUL, MUSTIO, OBERLANDER, O'NEILL, PASHINSKI, PAYNE, PICKETT, PYLE, RAPP, REESE, ROAE, SACCONI, SANTARSIERO, SCAVELLO, K. SMITH, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, TAYLOR, VULAKOVICH, WATSON, DAVIS, GINGRICH, SCHRODER, FLECK, PEIFER, ROCK, GABLER, HESS, MURT, KAVULICH, K. BOYLE, DENLINGER, BAKER, TOEPEL, BRENNAN, BENNINGHOFF, DePASQUALE, BRIGGS, HARKINS, REICHLEY, BROOKS, QUIGLEY, AUMENT, RAVENSTAHL, HARHART AND PETRI, JANUARY 25, 2011

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED, MAY 8, 2012

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for DRIVING WHILE OPERATING
3 PRIVILEGE IS SUSPENDED OR REVOKED, FOR duties of drivers in
4 accidents involving death or personal injury and for
5 subsequent convictions of certain offenses.



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

8 Section 1. Sections ~~3742(b)(3)~~ 1543(B)(1.1)(I), 3742(B)(3)
9 and 6503(a) of Title 75 of the Pennsylvania Consolidated
10 Statutes are amended to read:



11 § 1543. DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR
12 REVOKED.



13 \* \* \*

14 (B) CERTAIN OFFENSES.--

1 \* \* \*  
2 (1.1) (I) A PERSON WHO HAS AN AMOUNT OF ALCOHOL BY  
3 WEIGHT IN HIS BLOOD THAT IS EQUAL TO OR GREATER THAN .02%  
4 AT THE TIME OF TESTING OR WHO AT THE TIME OF TESTING HAS  
5 IN HIS BLOOD ANY AMOUNT OF A SCHEDULE I OR NONPRESCRIBED  
6 SCHEDULE II OR III CONTROLLED SUBSTANCE, AS DEFINED IN  
7 THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE  
8 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR  
9 ITS METABOLITE OR WHO REFUSES TESTING OF BLOOD OR BREATH  
10 AND WHO DRIVES A MOTOR VEHICLE ON ANY HIGHWAY OR  
11 TRAFFICWAY OF THIS COMMONWEALTH AT A TIME WHEN THE  
12 PERSON'S OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AS A  
13 CONDITION OF ACCEPTANCE OF ACCELERATED REHABILITATIVE  
14 DISPOSITION FOR A VIOLATION OF SECTION 3802 OR FORMER  
15 SECTION 3731 OR BECAUSE OF A VIOLATION OF SECTION 1547(B)  
16 (1) OR 3802 OR FORMER SECTION 3731 OR IS SUSPENDED UNDER  
17 SECTION 1581 FOR AN OFFENSE SUBSTANTIALLY SIMILAR TO A  
18 VIOLATION OF SECTION 3802 OR FORMER SECTION 3731 SHALL,  
19 UPON A FIRST CONVICTION, BE GUILTY OF A SUMMARY OFFENSE  
20 AND SHALL BE SENTENCED TO PAY A FINE OF \$1,000 AND TO  
21 UNDERGO IMPRISONMENT FOR A PERIOD OF NOT LESS THAN 90  
22 DAYS.

23 \* \* \*

24 § 3742. Accidents involving death or personal injury.

25 \* \* \*

26 (b) Penalties.--

27 \* \* \*

28 ~~(3) If the victim dies, any person violating subsection~~ ←

29 (3) (I) IF THE VICTIM DIES, ANY PERSON VIOLATING ←

30 SUBSECTION (a) commits a felony of the [third] SECOND ←

1 degree, and the sentencing court shall order the person  
2 to serve a minimum term of imprisonment of not less than  
3 ~~one year~~ ~~three years~~ and a mandatory minimum fine of ←  
4 \$2,500, notwithstanding any other provision of law.

5 (II) IN ADDITION TO THE MINIMUM TERM OF IMPRISONMENT ←  
6 PROVIDED FOR IN SUBPARAGRAPH (I), THE PENNSYLVANIA  
7 COMMISSION ON SENTENCING SHALL PROVIDE WITHIN ITS  
8 GUIDELINES A SENTENCING ENHANCEMENT IF THE VICTIM DIES AS  
9 THE RESULT OF A VIOLATION OF SUBSECTION (A). THE  
10 PROVISIONS OF THIS SUBPARAGRAPH SHALL NOT BE AN ELEMENT  
11 OF THE CRIME AND NOTICE OF THE PROVISIONS OF THIS  
12 SUBPARAGRAPH SHALL NOT BE REQUIRED PRIOR TO CONVICTION,  
13 BUT REASONABLE NOTICE OF THE COMMONWEALTH'S INTENTION TO  
14 PROCEED UNDER THIS SUBPARAGRAPH SHALL BE PROVIDED AFTER  
15 CONVICTION AND BEFORE SENTENCING.

16 \* \* \*

17 § 6503. Subsequent convictions of certain offenses.

18 (a) General offenses.--Every person convicted of a second or  
19 subsequent violation of any of the following provisions shall be  
20 sentenced to pay a fine of not less than \$200 nor more than  
21 \$1,000 or to imprisonment for not more than six months, or both:

22 Section 1543(a) (relating to driving while operating  
23 privilege is suspended or revoked) except as set forth in  
24 subsection (a.1).

25 Section 3367 (relating to racing on highways).

26 [Section 3733 (relating to fleeing or attempting to elude  
27 police officer).]

28 Section 3734 (relating to driving without lights to avoid  
29 identification or arrest).

30 Section 3748 (relating to false reports).

1 \* \* \*

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