
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 539 Session of
2011

INTRODUCED BY RAFFERTY, ORIE, FONTANA, ERICKSON, KASUNIC,
BRUBAKER, BREWSTER, FARNESE AND WOZNIAK, FEBRUARY 14, 2011

REFERRED TO TRANSPORTATION, FEBRUARY 14, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in driving after imbibing alcohol or utilizing
3 drugs, further providing for grading and for penalties.

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

6 Section 1. Sections 3803(b) of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 3803. Grading.

9 * * *

10 (b) Other offenses.--

11 (1) An individual who violates section 3802(a)(1) where
12 there was an accident resulting in bodily injury, serious
13 bodily injury or death of any person or in damage to a
14 vehicle or other property, or who violates section 3802(b),
15 (e) or (f) and who has no more than one prior offense commits
16 a misdemeanor for which the individual may be sentenced to a
17 term of imprisonment of not more than six months and to pay a
18 fine under section 3804.

1 (2) An individual who violates section 3802(a)(1) where
2 the individual refused testing of blood or breath, or who
3 violates section 3802(c) or (d) and who has no prior offenses
4 commits a misdemeanor for which the individual may be
5 sentenced to a term of imprisonment of not more than six
6 months and to pay a fine under section 3804.

7 (3) An individual who violates section 3802(a)(1) where
8 there was an accident resulting in bodily injury, serious
9 bodily injury or death of any person or in damage to a
10 vehicle or other property, or who violates section 3802(b),
11 (e) or (f) and who has more than one prior offense commits a
12 misdemeanor of the first degree.

13 (4) An individual who violates section 3802(a)(1) where
14 the individual refused testing of blood or breath, or who
15 violates section 3802(c) or (d) and who has one or more prior
16 offenses commits a misdemeanor of the first degree.

17 (5) An individual who violates section 3802 where a
18 minor under 18 years of age was an occupant in the vehicle
19 when the violation occurred commits a misdemeanor of the
20 first degree.

21 Section 2. Section 3804(k) of Title 75 is amended and the
22 section is amended by adding a subsection to read:

23 § 3804. Penalties.

24 * * *

25 (c.1) Violation involving minor occupant.--An individual who
26 violates section 3803(b)(5) (relating to grading), in addition
27 to any penalty imposed in this chapter, shall be sentenced as
28 follows:

29 (1) For a first offense, to:

30 (i) pay a fine of not less than \$1,000; and

- 1 (ii) complete 100 hours of community service.
2 (2) For a second offense, to:
3 (i) pay a fine of not less than \$2,500; and
4 (ii) undergo imprisonment of not less than one month
5 nor more than six months.
6 (3) For a third or subsequent offense, undergo
7 imprisonment of not less than six months nor more than two
8 years.

9 * * *

10 (k) Nonapplicability.--Except for subsection (e), this
11 section shall not apply to dispositions resulting from
12 proceedings under 42 Pa.C.S. Ch. 63 [(relating to juvenile
13 matters)].

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