
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 400 Session of
2013

INTRODUCED BY GILLESPIE, WHEATLEY, STEPHENS, D. COSTA,
HICKERNELL, C. HARRIS, MOUL, SWANGER, FLECK, TALLMAN, MILLER,
GINGRICH, V. BROWN, CLYMER, HESS, MILNE, WATSON AND GROVE,
JANUARY 29, 2013

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 29, 2013

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for grading of driving under
3 influence of alcohol or controlled substance offenses.

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

6 Section 1. Section 3803(b) of Title 75 of the Pennsylvania
7 Consolidated Statutes, amended May 8, 2012 (P.L.255, No.39), is
8 amended to read:

9 § 3803. Grading.

10 * * *

11 (b) Other offenses.--

12 (1) An individual who violates section 3802(a)(1) where
13 there was an accident resulting in bodily injury, serious
14 bodily injury or death of any person or in damage to a
15 vehicle or other property, or who violates section 3802(b),
16 (e) or (f) and who has no more than one prior offense commits
17 a misdemeanor for which the individual may be sentenced to a

1 term of imprisonment of not more than six months and to pay a
2 fine under section 3804.

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

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

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

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

23 (6) An individual who violates section 3802 and who has
24 been convicted of a prior offense under section 3735
25 (relating to homicide by vehicle while driving under
26 influence) commits a felony of the third degree.

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