
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 588 Session of
2013

INTRODUCED BY SOLOBAY, WOZNIAK, ERICKSON, FONTANA, KASUNIC,
BREWSTER, VULAKOVICH, TARTAGLIONE, COSTA, FARNESE, HUGHES AND
SCHWANK, MARCH 1, 2013

REFERRED TO TRANSPORTATION, MARCH 1, 2013

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for revocation of habitual
3 offender's license, for driving while operating privilege is
4 suspended or revoked, for permitting violation of title, for
5 homicide by vehicle and for habitual offenders.

6 This act shall be referred to as Alex's Law.

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

9 Section 1. Section 1542 of Title 75 of the Pennsylvania
10 Consolidated Statutes is amended to read:

11 § 1542. Revocation of habitual offender's license.

12 (a) General rule.--The department shall revoke the operating
13 privilege of any person found to be a habitual offender pursuant
14 to the provisions of this section. A "habitual offender" shall
15 be any person whose driving record, as maintained in the
16 department, shows that such person has accumulated the requisite
17 number of convictions for the separate and distinct offenses
18 described and enumerated in subsection (b) committed after the
19 effective date of this title and within any period of five years

1 thereafter.

2 (b) Offenses enumerated.--Three convictions arising from
3 separate acts of any one or more of the following offenses
4 committed by any person shall result in such person being
5 designated as a habitual offender:

6 (1) Any violation of Subchapter B of Chapter 37
7 (relating to serious traffic offenses).

8 (1.1) Any violation of Chapter 38 (relating to driving
9 after imbibing alcohol or utilizing drugs) except for
10 sections 3808(a)(1) and (b) (relating to illegally operating
11 a motor vehicle not equipped with ignition interlock) and
12 3809 (relating to restriction on alcoholic beverages).

13 (1.2) Any violation of section [1543(b)(1.1)] 1543(b)
14 (relating to driving while operating privilege is suspended
15 or revoked).

16 (2) Any violation of section 3367 (relating to racing on
17 highways).

18 (3) Any violation of section 3742 (relating to accidents
19 involving death or personal injury).

20 (3.1) Any violation of section 3742.1 (relating to
21 accidents involving death or personal injury while not
22 properly licensed).

23 (4) Any violation of section 3743 (relating to accidents
24 involving damage to attended vehicle or property).

25 (c) Accelerative Rehabilitative Disposition as an offense.--
26 Acceptance of Accelerative Rehabilitative Disposition for any
27 offense enumerated in subsection (b) shall be considered an
28 offense for the purposes of this section.

29 (d) Period of revocation.--The operating privilege of any
30 person found to be a habitual offender under the provisions of

1 this section shall be revoked by the department for a period of
2 five years.

3 (e) Additional offenses.--Each additional offense committed
4 within a period of five years, as measured from the date of any
5 previous offense, shall result in a revocation for an additional
6 period of two years.

7 Section 2. Section 1543(b) of Title 75, amended July 5, 2012
8 (P.L.914, No.93), is amended to read:

9 § 1543. Driving while operating privilege is suspended or
10 revoked.

11 * * *

12 (b) Certain offenses.--

13 (1) A person who drives a motor vehicle on a highway or
14 trafficway of this Commonwealth at a time when the person's
15 operating privilege is suspended or revoked as a condition of
16 acceptance of Accelerated Rehabilitative Disposition for a
17 violation of section 3802 (relating to driving under
18 influence of alcohol or controlled substance) or the former
19 section 3731 (relating to driving under influence of alcohol
20 or controlled substance), because of a violation of section
21 1547(b) (1) (relating to [suspension for refusal] chemical
22 testing to determine amount of alcohol or controlled
23 substance) or 3802 or former section 3731 or is suspended
24 under section 1581 (relating to Driver's License Compact) for
25 an offense substantially similar to a violation of section
26 3802 or former section 3731 shall, upon conviction, be guilty
27 of a summary offense and shall be sentenced to pay a fine of
28 \$500 and to undergo imprisonment for a period of not less
29 than 60 days nor more than 90 days.

30 (1.1) (i) A person who has an amount of alcohol by

1 weight in his blood that is equal to or greater than .02%
2 at the time of testing or who at the time of testing has
3 in his blood any amount of a Schedule I or nonprescribed
4 Schedule II or III controlled substance, as defined in
5 the act of April 14, 1972 (P.L.233, No.64), known as The
6 Controlled Substance, Drug, Device and Cosmetic Act, or
7 its metabolite or who refuses testing of blood or breath
8 and who drives a motor vehicle on any highway or
9 trafficway of this Commonwealth at a time when the
10 person's operating privilege is suspended or revoked as a
11 condition of acceptance of Accelerated Rehabilitative
12 Disposition for a violation of section 3802 or former
13 section 3731 or because of a violation of section 1547(b)
14 (1) or 3802 or former section 3731 or is suspended under
15 section 1581 for an offense substantially similar to a
16 violation of section 3802 or former section 3731 shall,
17 upon a first conviction, be guilty of a summary offense
18 and shall be sentenced to pay a fine of \$1,000 and to
19 undergo imprisonment for a period of not less than 90
20 days.

21 (ii) A second violation of this paragraph shall
22 constitute a misdemeanor of the third degree, and upon
23 conviction thereof the person shall be sentenced to pay a
24 fine of \$2,500 and to undergo imprisonment for not less
25 than six months.

26 (iii) A third or subsequent violation of this
27 paragraph shall constitute a misdemeanor of the first
28 degree, and upon conviction thereof the person shall be
29 sentenced to pay a fine of \$5,000 and to undergo
30 imprisonment for not less than two years.

1 (2) This subsection shall apply to any person against
2 whom one of these suspensions has been imposed whether the
3 person is currently serving this suspension or whether the
4 effective date of suspension has been deferred under any of
5 the provisions of section 1544 (relating to additional period
6 of revocation or suspension). This provision shall also apply
7 until the person has had the operating privilege restored.
8 This subsection shall also apply to any revocation imposed
9 pursuant to section 1542 (relating to revocation of habitual
10 offender's license) if any of the enumerated offenses was for
11 a violation of section 3802 or former section 3731 or for an
12 out-of-State offense that is substantially similar to a
13 violation of section 3802 or former section 3731, for which a
14 revocation is imposed under section 1581.

15 (3) Notwithstanding any other provision of law to the
16 contrary, if the police suspect that a driver may be charged
17 under this subsection, chemical testing shall be administered
18 under section 1547.

19 * * *

20 Section 3. Sections 1575, 3732 and 6503.1 of Title 75 are
21 amended to read:

22 § 1575. Permitting violation of title.

23 (a) General rule.--No person shall authorize or knowingly
24 permit a motor vehicle owned by him or under his control to be
25 driven in violation of any of the provisions of this title.

26 (b) Penalty.--Any person violating the provisions of
27 subsection (a) is guilty of a summary offense and is subject to
28 the same fine as the driver of the vehicle. If the driver is
29 convicted under section 1543 (relating to driving while
30 operating privilege is suspended or revoked), section 3735

1 (relating to homicide by vehicle while driving under influence)
2 or 3802 (relating to driving under influence of alcohol or
3 controlled substance), the person violating subsection (a) shall
4 also be subject to suspension or revocation, as applicable,
5 under sections 1532 (relating to [revocation or] suspension of
6 operating privilege), 1542 (relating to revocation of habitual
7 offender's license) and 3804(e) (relating to penalties).

8 (c) Indemnification.--In cases where a driver of a motor
9 vehicle is required to conduct a pretrip safety inspection
10 pursuant to department regulations and is subsequently convicted
11 of one or more equipment violations under this title, the owner
12 of the vehicle shall indemnify the driver for any fines and
13 costs paid if the specific equipment violation was listed on the
14 driver's pretrip inspection report and acknowledged in writing
15 by the owner.

16 (d) Impound of vehicle.--A motor vehicle used in violation
17 of section 1543(b) may be impounded for a period of 90 days if
18 the Commonwealth proves that the registered owner knowingly
19 permitted an individual to operate the vehicle in violation of
20 section 1543.

21 § 3732. Homicide by vehicle.

22 (a) Offense.--Any person who recklessly or with gross
23 negligence causes the death of another person while engaged in
24 the violation of any law of this Commonwealth or municipal
25 ordinance applying to the operation or use of a vehicle or to
26 the regulation of traffic except section 3802 (relating to
27 driving under influence of alcohol or controlled substance) is
28 guilty of homicide by vehicle, a felony of the third degree,
29 when the violation is the cause of death.

30 (b) Sentencing.--

1 (1) In addition to any other penalty provided by law, a
2 person convicted of a violation of subsection (a) may be
3 sentenced to an additional term not to exceed five years'
4 confinement if at trial the prosecution proves beyond a
5 reasonable doubt that the offense occurred in an active work
6 zone.

7 (1.1) In addition to any other penalty provided by law,
8 a person convicted of a violation of subsection (a) as the
9 result of a violation of section 3325 (relating to duty of
10 driver on approach of emergency vehicle) or 3327 (relating to
11 duty of driver in emergency response areas) and who is
12 convicted of violating section 3325 or 3327 may be sentenced
13 to an additional term not to exceed five years' confinement
14 when the violation resulted in death.

15 (1.2) In addition to any other penalty provided by law,
16 a person convicted of a violation of subsection (a) may be
17 sentenced to an additional term not to exceed five years'
18 imprisonment if at trial the prosecution proves beyond a
19 reasonable doubt that the offense occurred while the driver's
20 operating privilege was suspended or revoked for a violation
21 of section 3802 or the former section 3731 (relating to
22 driving under influence of alcohol or controlled substance).

23 (2) The prosecution must indicate intent to proceed
24 under this section in the indictment or information which
25 commences the prosecution.

26 (3) The Pennsylvania Commission on Sentencing, pursuant
27 to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for
28 sentencing), shall provide for a sentencing enhancement for
29 an offense under this section when the violation occurred in
30 an active work zone or was the result of a violation of

1 section 3325 or 3327.

2 § 6503.1. Habitual offenders.

3 (a) General rule.--A habitual offender under section 1542
4 (relating to revocation of habitual offender's license) who
5 drives a motor vehicle on any highway or trafficway of this
6 Commonwealth while the habitual offender's operating privilege
7 is suspended, revoked or canceled commits a misdemeanor of the
8 second degree.

9 (b) Impound of vehicle.--When an officer has probable cause
10 to believe a person has violated subsection (a), the officer
11 shall not permit the suspected offender to drive the involved
12 vehicle. The officer may permit the registered owner to remove
13 the vehicle from the place of the traffic stop so long as the
14 registered owner is properly licensed to drive the vehicle and
15 the officer does not have probable cause to issue a citation to
16 the registered owner for a violation of section 1575 (relating
17 to permitting violation of title). Otherwise, the officer shall
18 impound the vehicle.

19 (c) Forfeiture of vehicle.--A motor vehicle used in
20 violation of this section shall be forfeited to the Commonwealth
21 if, upon hearing, the Commonwealth shows by a preponderance of
22 the evidence that the registered owner operated the vehicle in
23 violation of this section.

24 Section 4. This act shall take effect in 60 days.