
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1353 Session of
2015

INTRODUCED BY MOUL, MILLARD, KAUFFMAN, JAMES, A. HARRIS, DEASY,
READSHAW, TALLMAN, MENTZER, MURT AND WATSON, JUNE 25, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 25, 2015

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, further providing for
3 suspension of operating privilege; and, in miscellaneous
4 provisions, further providing for the offense of homicide by
5 vehicle while driving under influence.

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

8 Section 1. Section 1532(a.1)(2) of Title 75 of the
9 Pennsylvania Consolidated Statutes is amended and subsection (b)
10 is amended by adding a paragraph to read:

11 § 1532. Suspension of operating privilege.

12 * * *

13 (a.1) Three-year suspension.--The department shall suspend
14 the operating privilege of any driver for three years upon
15 receiving a certified record of the driver's conviction of or an
16 adjudication of delinquency based on a violation of any of the
17 following offenses:

18 * * *

19 (2) Any violation of section 3735(a)(1)(i) (relating to

1 homicide by vehicle while driving under influence).

2 (b) Suspension.--

3 * * *

4 (6) The department shall suspend the operating privilege
5 of any driver for life upon receiving a certified record of
6 the driver's conviction of or an adjudication of delinquency
7 based on section 3735(a)(1)(ii).

8 * * *

9 Section 2. Section 3735(a) of Title 75 is amended to read:

10 § 3735. Homicide by vehicle while driving under influence.

11 (a) Offense defined.--[Any person who unintentionally causes
12 the death of another person as the result of a violation of
13 section 3802 (relating to driving under influence of alcohol or
14 controlled substance) and who is convicted of violating section
15 3802 is guilty of a felony of the second degree when the
16 violation is the cause of death and the sentencing court shall
17 order the person to serve a minimum term of imprisonment of not
18 less than three years. A consecutive three-year term of
19 imprisonment shall be imposed for each victim whose death is the
20 result of the violation of section 3802.]

21 (1) Any person who unintentionally causes the death of
22 another person as the result of a violation of section 3802
23 (relating to driving under influence of alcohol or controlled
24 substance) and who is convicted of violating section 3802 if
25 the violation is the cause of death:

26 (i) is guilty of a felony of the second degree; or

27 (ii) is guilty of a felony of the first degree if,

28 before sentencing on the present violation, the person

29 has incurred a conviction, adjudication of delinquency,

30 juvenile consent decree, acceptance of accelerated

1 rehabilitative disposition or other form of preliminary
2 disposition for any of the following:

3 (A) An offense under section 3802(a), (b), (c),
4 (d) or (f).

5 (B) An offense under former section 3731(a)(1),
6 (2), (3) or (4)(i) (relating to driving under
7 influence of alcohol or controlled substance).

8 (C) An offense which constitutes a felony under
9 Ch. 37, Subch. B (relating to serious traffic
10 offenses).

11 (D) An offense substantially similar to an
12 offense under clause (A), (B) or (C) in another
13 jurisdiction.

14 (E) Any combination of the offenses under clause
15 (A), (B), (C) or (D).

16 (2) The sentencing court shall order a person convicted
17 under paragraph (1)(i) to serve a minimum term of
18 imprisonment of not less than three years. A consecutive
19 three-year term of imprisonment shall be imposed for each
20 victim whose death is the result of a violation of section
21 3802.

22 (3) The sentencing court shall order a person convicted
23 under paragraph (1)(ii) to serve a minimum term of
24 imprisonment of not less than five years. A consecutive five-
25 year term of imprisonment shall be imposed for each victim
26 whose death is the result of a violation of section 3802.

27 * * *

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