

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 163 Session of 2017

INTRODUCED BY SACCONI, J. HARRIS, ROTHMAN, RAPP, DOWLING, V. BROWN, KORTZ, ZIMMERMAN, GAINNEY, HELM, ROZZI, DAVIS AND BARBIN, JANUARY 23, 2017

SENATOR RAFFERTY, TRANSPORTATION, AS AMENDED, SEPTEMBER 24, 2018

AN ACT

1 Amending Titles 4 (Amusements), 18 (Crimes and Offenses), ~~23~~ <--
2 ~~(Domestic Relations)~~ and 75 (Vehicles) of the Pennsylvania
3 Consolidated Statutes, further providing for suspension of
4 operating privileges of licensed drivers.

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

7 Section 1. Section 1518(b)(4) of Title 4 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 1518. Prohibited acts; penalties.

10 * * *

11 (b) Criminal penalties and fines.--

12 * * *

13 (4) An individual that commits an offense in violation
14 of subsection (a)(16) commits a nongambling offense to be
15 graded in accordance with 18 Pa.C.S. § 6308, and [shall be
16 subject to the same penalties imposed pursuant to 18 Pa.C.S.
17 § 6308 and 6310.4 (relating to restriction of operating
18 privileges) except that] the fine imposed for a violation of

1 subsection (a) (16) shall be not less than \$350 nor more than
2 \$1,000.

3 * * *

4 Section 2. Sections 6305(b) (3), 6307(b), 6308(b) and
5 6310.3(b) of Title 18 are amended to read:

6 § 6305. Sale of tobacco.

7 * * *

8 (b) Penalty.--

9 * * *

10 (3) A minor who violates subsection (a.1) shall be
11 sentenced to any or all of the following:

12 (i) not more than 75 hours of community service;

13 (ii) complete a tobacco use prevention and cessation
14 program approved by the Department of Health; or

15 (iii) a fine not to exceed \$200[; or

16 (iv) a 30-day suspension of motor vehicle operating
17 privileges].

18 * * *

19 § 6307. Misrepresentation of age to secure liquor or malt or
20 brewed beverages.

21 * * *

22 (b) Minimum penalty.--[In addition to any other penalty
23 imposed pursuant to section 6310.4 (relating to restriction of
24 operating privileges) or this title or other statute, a] A
25 person who is convicted of violating subsection (a) may be
26 sentenced to pay a fine of not more than \$500 for subsequent
27 violations. No court shall have the authority to suspend any
28 sentence as defined in this section.

29 * * *

30 § 6308. Purchase, consumption, possession or transportation of

1 liquor or malt or brewed beverages.

2 * * *

3 (b) Penalty.--[In addition to the penalty imposed pursuant
4 to section 6310.4 (relating to restriction of operating
5 privileges), a] A person convicted of violating subsection (a)
6 may be sentenced to pay a fine of not more than \$500 for the
7 first violation and not more than \$1,000 for the second and each
8 subsequent violation.

9 * * *

10 § 6310.3. Carrying a false identification card.

11 * * *

12 (b) Minimum penalty.--[In addition to any other penalty
13 imposed pursuant to section 6310.4 (relating to restriction of
14 operating privileges) or any other statute, a] A person who is
15 convicted of violating subsection (a) shall be sentenced to pay
16 a fine of not more than \$500 for the second and subsequent
17 violations. No court shall have the authority to suspend any
18 sentence as defined in this section.

19 * * *

20 Section 3. Section 6310.4 of Title 18 is repealed:

21 [~~§ 6310.4. Restriction of operating privileges.~~

22 ~~(a) General rule.--Whenever a person is convicted or is~~
23 ~~adjudicated delinquent or is admitted to any preadjudication~~
24 ~~program for a violation of section 6307 (relating to~~
25 ~~misrepresentation of age to secure liquor or malt or brewed~~
26 ~~beverages), 6308 (relating to purchase, consumption, possession~~
27 ~~or transportation of liquor or malt or brewed beverages) or~~
28 ~~6310.3 (relating to carrying a false identification card), the~~
29 ~~court, including a court not of record if it is exercising~~
30 ~~jurisdiction pursuant to 42 Pa.C.S. § 1515(a) (relating to~~

1 jurisdiction and venue), shall order the operating privilege of
2 the person suspended. A copy of the order shall be transmitted
3 to the Department of Transportation.

4 (b) Duration of suspension.--When the department suspends
5 the operating privilege of a person under subsection (a), the
6 duration of the suspension shall be as follows:

7 (1) For a first offense, a period of 90 days from the
8 date of suspension.

9 (2) For a second offense, a period of one year from the
10 date of suspension.

11 (3) For a third offense, and any offense thereafter, a
12 period of two years from the date of suspension. Any multiple
13 sentences imposed shall be served consecutively.

14 Reinstatement of operating privilege shall be governed by 75
15 Pa.C.S. § 1545 (relating to restoration of operating privilege).

16 (c) Nondrivers.--Any person whose record is received by the
17 department under subsection (a) and who does not have a driver's
18 license shall be ineligible to apply for a learner's permit
19 under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and
20 1507 (relating to application for driver's license or learner's
21 permit by minor) for the time periods specified in subsection
22 (b). If the person is under 16 years of age when he is convicted
23 or adjudicated delinquent or admitted to a preadjudication
24 program, his suspension of operating privileges shall commence
25 upon his 16th birthday for the time periods specified in
26 subsection (b).

27 (d) Insurance premiums.--An insurer shall not increase
28 premiums, impose any surcharge or rate penalty, or make any
29 driver record point assignment for automobile insurance, nor
30 shall an insurer cancel or refuse to renew an automobile

1 insurance policy on account of a suspension under this section.]

2 Section 4. ~~Section 4355(a), (d.1), (d.6) and (e) of Title 23~~ <--
3 are amended to read:

4 § 4355. ~~Denial or suspension of licenses.~~

5 (a) ~~General rule. [Except as provided in subsection (d.1),~~
6 ~~where] Where the domestic relations section or the department~~
7 ~~has been unable to attach the income of an obligor and the~~
8 ~~obligor owes support in an amount equal to or greater than three~~
9 ~~months of the monthly support obligation or where an individual~~
10 ~~has failed to comply with a visitation or partial custody order~~
11 ~~pursuant to section 4346 (relating to contempt for noncompliance~~
12 ~~with visitation or partial custody order) or an individual has~~
13 ~~failed, after appropriate notice, to comply with subpoenas or~~
14 ~~warrants relating to paternity or child support proceedings, the~~
15 ~~court, the domestic relations section or the department shall~~
16 ~~issue an order directing any licensing authority to:~~

17 (1) ~~prohibit the issuance or renewal of a license of the~~
18 ~~obligor or other individual; or~~

19 (2) ~~require the suspension of the license of the obligor~~
20 ~~or other individual.~~

21 * * *

22 ~~{(d.1) Special procedures for operating privilege.~~

23 (1) ~~Where the domestic relations section or the~~
24 ~~department has been unable to attach the income of an obligor~~
25 ~~and the obligor owes support in an amount equal to or greater~~
26 ~~than three months of the monthly support obligation or where~~
27 ~~an individual has failed, after appropriate notice, to comply~~
28 ~~with subpoenas or warrants relating to paternity or child~~
29 ~~support proceedings, the court, the domestic relations~~
30 ~~section or the department may issue an order directing the~~

1 ~~Department of Transportation to:~~

2 ~~(i) prohibit the issuance or renewal of a license of~~
3 ~~the obligor or other individual; or~~

4 ~~(ii) require the suspension of the license of the~~
5 ~~obligor or other individual.~~

6 ~~(2) Prior to the issuance of an order to suspend,~~
7 ~~nonrenew or deny a license, the obligor or other individual~~
8 ~~shall be given advance notice. The notice shall specify:~~

9 ~~(i) The amount of arrears owed, if applicable.~~

10 ~~(ii) How, when and where the notice can be~~
11 ~~contested.~~

12 ~~(iii) That the grounds for contesting the notice~~
13 ~~shall be limited to mistakes of fact. Mistakes of fact~~
14 ~~shall be limited to errors in the amount of arrears owed~~
15 ~~or mistaken identity of the obligor.~~

16 ~~(iv) That an order to the Department of~~
17 ~~Transportation to automatically suspend, nonrenew or deny~~
18 ~~the license will occur in all cases 30 days after~~
19 ~~issuance of the notice unless the arrearage is paid, a~~
20 ~~periodic payment schedule is approved by the court or the~~
21 ~~individual is excused from the failure to comply with the~~
22 ~~warrant or subpoena.~~

23 ~~(3) Any order issued to the Department of Transportation~~
24 ~~pursuant to this section shall be issued as agreed upon by~~
25 ~~the department and the Department of Transportation. The~~
26 ~~order may be transmitted electronically or by other methods.~~

27 ~~(4) Upon receipt of an order or directive from a court,~~
28 ~~the domestic relations section or the department authorizing~~
29 ~~the Department of Transportation to suspend the operating~~
30 ~~privilege of an obligor or other individual, the Department~~

1 ~~of Transportation shall immediately suspend the operating~~
2 ~~privilege of that obligor or other individual. Upon receipt~~
3 ~~of an order from the court or the domestic relations section~~
4 ~~or a directive from the department authorizing the Department~~
5 ~~of Transportation to restore the operating privilege of an~~
6 ~~obligor or other individual, the Department of Transportation~~
7 ~~shall immediately restore the operating privilege of that~~
8 ~~obligor or other individual if the person complies with the~~
9 ~~provisions of 75 Pa.C.S. § 1960 (relating to reinstatement of~~
10 ~~operating privilege or vehicle registration).~~

11 ~~(5) An insurer may not increase premiums, impose a~~
12 ~~surcharge or rate penalty, make a driver record point~~
13 ~~assignment for automobile insurance or cancel or refuse to~~
14 ~~renew an automobile insurance policy on account of a~~
15 ~~suspension under this section.~~

16 ~~(6) There shall be no right to appeal from a suspension~~
17 ~~under this section pursuant to 75 Pa.C.S. § 1550 (relating to~~
18 ~~judicial review). Subject to section 4377(c) (relating to~~
19 ~~power to expedite support cases), the sole remedy shall be to~~
20 ~~petition the court which entered the underlying support order~~
21 ~~resulting in the suspension, revocation or refusal to issue~~
22 ~~or renew the license.]~~

23 * * *

24 ~~(d.6) Immunity. The court, the domestic relations section,~~
25 ~~the Department of [Public Welfare, the Department of~~
26 ~~Transportation] Human Services, the Pennsylvania Game~~
27 ~~Commission, the Pennsylvania Fish and Boat Commission or any~~
28 ~~employee of any of these entities or any person appointed by the~~
29 ~~Pennsylvania Game Commission or the Pennsylvania Fish and Boat~~
30 ~~Commission to issue licenses and permits pursuant to the~~

1 applicable provisions of 30 Pa.C.S. (relating to fish) and 34-
2 Pa.C.S. (relating to game) shall not be subject to civil or
3 criminal liability for carrying out their duties under this
4 section.

5 (e) Definitions. As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection:

8 "License." A license, certificate, permit or other
9 authorization to{:

10 (1)} engage in a profession, trade or business in this
11 Commonwealth or a political subdivision or agency thereof[;
12 or

13 (2) operate a motor vehicle for personal or commercial
14 purposes].

15 "Licensing authority." Any entity of the Commonwealth,
16 political subdivision or agency thereof which issues a license.

17 {"Operating privilege." The privilege to apply for and
18 obtain a license to use as well as the privilege to use a
19 vehicle on a highway as authorized under Title 75 (relating to
20 vehicles).}

21 "Recreational license." A hunting or fishing license.

22 Section 5 4. Section 1532(c) of Title 75 is amended to read: <--

23 § 1532. Suspension of operating privilege.

24 * * *

25 (c) Suspension.--The department shall suspend the operating
26 privilege of [any person upon receiving a certified record of
27 the person's conviction of any offense involving the possession,
28 sale, delivery, offering for sale, holding for sale or giving
29 away of any controlled substance under the laws of the United
30 States, this Commonwealth or any other state, or] any person 21

1 years of age or younger upon receiving a certified record of the
2 person's conviction or adjudication of delinquency under 18
3 Pa.C.S. § 2706 (relating to terroristic threats) committed on
4 any school property, including any public school grounds, during
5 any school-sponsored activity or on any conveyance providing
6 transportation to a school entity or school-sponsored
7 activity[.] in accordance with the following:

8 (1) The period of suspension shall be as follows:

9 (i) For a first offense, a period of six months from
10 the date of the suspension.

11 (ii) For a second offense, a period of one year from
12 the date of the suspension.

13 (iii) For a third and any subsequent offense
14 thereafter, a period of two years from the date of the
15 suspension.

16 (2) For the purposes of this subsection, the term
17 "conviction" shall include any conviction or adjudication of
18 delinquency for any of the offenses listed in paragraph (1),
19 whether in this Commonwealth or any other Federal or state
20 court.

21 * * *

22 Section 6 5. This act shall take effect in 180 days.

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