

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2106 Session of 2021

INTRODUCED BY SCHROEDER, MILLARD, ROZZI, TOPPER AND GILLEN, NOVEMBER 23, 2021

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 30, 2022

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes, in
3 sentencing, further providing for sentence of total
4 confinement; and, in licensing of drivers, further providing
5 for driving while operating privilege is suspended or
6 revoked.

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

9 Section 1. Section 9756 of Title 42 of the Pennsylvania
10 Consolidated Statutes is amended by adding a subsection to read:
11 § 9756. Sentence of total confinement.

12 * * *

13 (c.2) Determinate sentence.--The court may impose a
14 determinate sentence for a violation under 75 Pa.C.S. (relating
15 to vehicles) when a summary offense is charged and the maximum
16 sentence of total confinement imposed is 90 days or less.

17 NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE AN <--
18 OTHERWISE ELIGIBLE DEFENDANT FOR WORK RELEASE OR PREVENT A JUDGE
19 FROM SENTENCING A DEFENDANT TO COUNTY INTERMEDIATE PUNISHMENT.

1 * * *

2 Section 2. Section 1543(b)(1)(i) and (ii) and (1.1)(i) of
3 Title 75 are amended to read:

4 § 1543. Driving while operating privilege is suspended or
5 revoked.

6 * * *

7 (b) Certain offenses.--

8 (1) The following shall apply:

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

25 (ii) A second violation of this paragraph shall
26 constitute a summary offense and, upon conviction of this
27 paragraph, a person shall be sentenced to pay a fine of
28 \$1,000 and to undergo imprisonment for [not less than] 90
29 days.

30 * * *

1 (1.1) (i) A person who has an amount of alcohol by
2 weight in his blood that is equal to or greater than .02%
3 at the time of testing or who at the time of testing has
4 in his blood any amount of a Schedule I or nonprescribed
5 Schedule II or III controlled substance, as defined in
6 the act of April 14, 1972 (P.L.233, No.64), known as The
7 Controlled Substance, Drug, Device and Cosmetic Act, or
8 its metabolite or who refuses testing of blood or breath
9 and who drives a motor vehicle on any highway or
10 trafficway of this Commonwealth at a time when the
11 person's operating privilege is suspended or revoked as a
12 condition of acceptance of Accelerated Rehabilitative
13 Disposition for a violation of section 3802 or former
14 section 3731 or because of a violation of section 1547(b)
15 (1) or 3802 or former section 3731 or is suspended under
16 section 1581 for an offense substantially similar to a
17 violation of section 3802 or former section 3731 shall,
18 upon a first conviction, be guilty of a summary offense
19 and shall be sentenced to pay a fine of \$1,000 and to
20 undergo imprisonment for [a period of not less than] 90
21 days.

22 * * *

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