

No. 1995-42

AN ACT

HB 575

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for powers and duties of the State Treasurer and for a special fund; providing for increased penalties for multiple convictions for driving under influence of alcohol or controlled substance; and further providing for accidents involving damage to an attended and an unattended vehicle or property.

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

Section 1. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 1905. Payments to special fund.

(a) Power and duty of State Treasurer.—In accordance with the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, the State Treasurer shall administer the designated funds of the department.

(b) Zoological Enhancement Fund.—Fifteen dollars of each fee received under section 1355 (relating to zoological plate) shall be credited to the Zoological Enhancement Fund, created as follows:

(1) There is hereby established a special account in the Treasury Department which shall be known as the Zoological Enhancement Fund. The purpose of the Zoological Enhancement Fund is to assist Commonwealth nonprofit zoological institutions accredited by the American Zoo and Aquarium Association and licensed by the United States Department of Agriculture to fulfill their conservation, education and recreation missions to the citizens of this Commonwealth.

(2) All moneys in the Zoological Enhancement Fund are hereby annually appropriated to the Department of Commerce and may be expended for the purposes authorized under this subsection.

(3) Estimates of amounts to be expended under this subsection shall be submitted to the Governor by the Department of Commerce for his approval.

(4) The State Treasurer shall not honor any requisition for expenditures by the Department of Commerce in excess of estimates approved by the Governor or in excess of the amount available for the purposes for which the requisition was made, whichever is the lesser amount.

Section 2. Sections 3731(e)(1), 3743(b) and 3745(b) of Title 75 are amended to read:

§ 3731. Driving under influence of alcohol or controlled substance.

* * *

(e) Penalty.—

(1) Any person violating any of the provisions of this section is guilty of a misdemeanor of the second degree, *except that a person convicted of a third or subsequent offense is guilty of a misdemeanor of the first degree*, and the sentencing court shall order the person to pay a fine of not less than \$300 and serve a minimum term of imprisonment of:

(i) Not less than 48 consecutive hours.

(ii) Not less than 30 days if the person has previously accepted Accelerated Rehabilitative Disposition or any other form of preliminary disposition, been convicted of, adjudicated delinquent or granted a consent decree under the Juvenile Act (42 Pa.C.S. § 6301 et seq.) based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

(iii) Not less than 90 days if the person has twice previously been convicted of, adjudicated delinquent or granted a consent decree under the Juvenile Act based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

(iv) Not less than one year if the person has three times previously been convicted of, adjudicated delinquent or granted a consent decree under the Juvenile Act based on an offense under this section or of an equivalent offense in this or other jurisdictions within the previous seven years.

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§ 3743. Accidents involving damage to attended vehicle or property.

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(b) **Penalty.**—Any person violating this section [is guilty of a summary offense, punishable by a fine of \$300 or imprisonment for not more than 90 days, or both.] *commits a misdemeanor of the third degree, punishable by a fine of \$2,500 or imprisonment for not more than one year, or both.*

§ 3745. Accidents involving damage to unattended vehicle or property.

* * *

(b) **Penalty.**—A violation of this section is a summary offense, punishable by a fine of [not less than \$50 nor more than] \$300 or imprisonment for not more than 90 days, or both.

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

APPROVED—The 6th day of July, A.D. 1995.

THOMAS J. RIDGE