

No. 2012-93

AN ACT

HB 208

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving while operating privilege is suspended or revoked, for duties of drivers in accidents involving death or personal injury and for subsequent convictions of certain offenses.

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

Section 1. Sections 1543(b)(1.1)(i), 3742(b)(3) and 6503(a) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

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

* * *

(b) Certain offenses.—

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

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§ 3742. Accidents involving death or personal injury.

* * *

(b) Penalties.—

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(3) (i) If the victim dies, any person violating subsection (a) commits a felony of the **[third]** *second* degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than one year and a mandatory minimum fine of \$2,500, notwithstanding any other provision of law.

(ii) In addition to the minimum term of imprisonment provided for in subparagraph (i), the Pennsylvania Commission on Sentencing shall provide within its guidelines a sentencing enhancement if the victim dies as the result of a violation of

subsection (a). The provisions of this subparagraph shall not be an element of the crime, and notice of the provisions of this subparagraph shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this subparagraph shall be provided after conviction and before sentencing.

* * *

§ 6503. Subsequent convictions of certain offenses.

(a) General offenses.—Every person convicted of a second or subsequent violation of any of the following provisions shall be sentenced to pay a fine of not less than \$200 nor more than \$1,000 or to imprisonment for not more than six months, or both:

Section 1543(a) (relating to driving while operating privilege is suspended or revoked) except as set forth in subsection (a.1).

Section 3367 (relating to racing on highways).

[Section 3733 (relating to fleeing or attempting to elude police officer).]

Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3748 (relating to false reports).

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Section 2. This act shall take effect in 60 days.

APPROVED—The 5th day of July, A.D. 2012

TOM CORBETT