

No. 162

AN ACT

SB 208

Amending the act of April 29, 1959 (P.L.58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," further regulating revocation of motor vehicle operating privileges for unlawful sale or possession of controlled substances and changing the penalty for driving without lights to avoid identification or arrest.

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

Section 1. Clause (4) of subsection (a) of section 616, act of April 29, 1959 (P.L.58), known as "The Vehicle Code," is amended to read:

Section 616. Revocation of Operating Privilege.—

(a) Upon receiving a certified record, from the clerk of the court, of proceedings in which a person pleaded guilty, entered a plea of nolo contendere, or was found guilty by a judge or jury, of any of the crimes enumerated in this section, the secretary shall forthwith revoke, for a period of one (1) year from the date of revocation, the operating privilege of any such person: Provided, however, That if such person is serving or has served a period of suspension for the same offense under the provisions of clause (1) of subsection (b) of section 618 of this act, he shall be credited with the suspension time served against the one (1) year revocation, and where such person was convicted, or entered a plea of guilty or nolo contendere, of any one of the crimes enumerated in this section, such operating privilege shall not be restored, unless and until the fine and costs, imposed in such cases, have been fully paid. The clerk of the courts shall, when such fine and costs have been so paid in any such case, certify such fact to the Department of Revenue. Cases requiring such certification follow:

* * *

(4) [**Unlawful possession or sale of narcotics.**] *Operating or controlling the operation of a motor vehicle while in unlawful possession of any controlled substance as defined in "The Controlled Substance, Drug, Device and Cosmetic Act" or utilizing a motor vehicle in the unlawful transportation or the unlawful sale of any controlled substance as defined in "The Controlled Substance, Drug, Device and Cosmetic Act."*

* * *

Section 2. Section 1038 of the act, amended April 23, 1963 (P.L.24), is amended to read:

Section 1038. Driving Without Lights to Avoid Identification or Arrest.—It shall be unlawful for any person to drive without lights or to turn off any or all the lights on a motor vehicle or tractor for the purpose of avoiding identification or arrest.

Penalty.—Any person violating the provisions of this section, shall [be guilty of a misdemeanor, and shall, upon conviction thereof in a court of quarter sessions, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) and costs of prosecution, or undergo imprisonment for not more than three (3) years, or suffer both such fine and imprisonment.] *upon summary conviction thereof, be sentenced to pay a fine of not less than fifty dollars (\$50.00) and not more than three hundred dollars (\$300.00) and costs of prosecution, or undergo imprisonment for not more than three (3) months, or both.*

Section 3. This act shall take effect immediately.

APPROVED—The 30th day of June, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 162.

A handwritten signature in cursive script, reading "C. McLaughlin Tucker".

Secretary of the Commonwealth.