

AMENDMENTS TO SENATE BILL NO. 961

Sponsor: SENATOR RAFFERTY

Printer's No. 1390

1 Amend Bill, page 1, line 5, by striking out "TITLES 18

2 (CRIMES AND OFFENSES) AND" and inserting

3 Title

4 Amend Bill, page 1, lines 6 through 9, by striking out "IN

5 CULPABILITY," in line 6, all of lines 7 and 8 and "OFFENSE OF

6 MURDER;" in line 9 and inserting

7 in licensing of drivers, further providing for learner's

8 permits and for driving while operating privilege is

9 suspended or revoked;

10 Amend Bill, page 1, line 12, by striking out "AND" and

11 inserting a comma

12 Amend Bill, page 1, line 13, by inserting after "INFLUENCE"

13 and for accidents involving death or personal injury while not

14 properly licensed

15 Amend Bill, page 3, lines 29 and 30; page 4, lines 1 through

16 30; page 5, lines 1 through 4; by striking out all of said lines

17 on said pages

18 Amend Bill, page 5, line 5, by striking out "2" and inserting

19 1

20 Amend Bill, page 5, line 5, by inserting after "SECTIONS"

21 1505(b), 1543(b)(1),

22 Amend Bill, page 5, line 6, by inserting after "75"

23 of the Pennsylvania Consolidated Statutes

24 Amend Bill, page 5, by inserting between lines 6 and 7

1 § 1505. Learners' permits.

2 * * *

3 (b) Learner must be accompanied.--A learner's permit
4 entitles the person to whom it was issued to drive vehicles and
5 combinations of vehicles of the class or classes specified, but
6 only while the holder of the learner's permit is accompanied by
7 and under the immediate supervision of a person who:

8 (1) is at least 21 years of age or, if the spouse of the
9 learner's permit holder, is at least 18 years of age; or, if
10 a parent, guardian or person in loco parentis of the
11 learner's permit holder, is at least 18 years of age;

12 (2) is licensed to drive vehicles of the class then
13 being driven by the holder of the learner's permit; [and]

14 (3) is actually occupying a seat beside the holder of
15 the learner's permit unless the vehicle is a motorcycle[.];
16 and

17 (4) is not manifestly under the influence of alcohol or
18 a controlled substance, except a controlled substance taken
19 pursuant to a lawful order of a practitioner, to the degree
20 that the person may endanger themselves or others.

21 * * *

22 § 1543. Driving while operating privilege is suspended or
23 revoked.

24 * * *

25 (b) Certain offenses.--

26 (1) The following shall apply:

27 (i) A person who drives a motor vehicle on a highway
28 or trafficway of this Commonwealth at a time when the
29 person's operating privilege is suspended or revoked as a
30 condition of acceptance of Accelerated Rehabilitative
31 Disposition for a violation of section 3802 (relating to
32 driving under influence of alcohol or controlled
33 substance) or the former section 3731, because of a
34 violation of section 1547(b)(1) (relating to suspension
35 for refusal) or 3802 or former section 3731 or is
36 suspended under section 1581 (relating to Driver's
37 License Compact) for an offense substantially similar to
38 a violation of section 3802 or former section 3731 shall,
39 upon a first conviction, be guilty of a summary offense
40 and shall be sentenced to pay a fine of \$500 and to
41 undergo imprisonment for a period of not less than 60
42 days nor more than 90 days.

43 (ii) A second violation of this paragraph shall
44 constitute a summary offense and, upon conviction of this
45 paragraph, a person shall be sentenced to pay a fine of
46 \$1,000 and to undergo imprisonment for not less than 90
47 days.

48 (iii) A third or subsequent violation of this
49 paragraph shall constitute a misdemeanor of the third
50 degree and, upon conviction of this paragraph, a person
51 shall be sentenced to pay a fine of \$2,500 and to undergo

1 imprisonment for not less than six months.
2 * * *

3 Amend Bill, page 8, lines 23 through 26, by striking out
4 "INCURRED ONE OR" in line 23, all of lines 24 and 25 and
5 "REHABILITATIVE DISPOSITION OR OTHER FORMS" in line 26 and
6 inserting

7 one prior conviction, adjudication of delinquency,
8 juvenile consent decree, acceptance of accelerated
9 rehabilitative disposition or other form

10 Amend Bill, page 9, line 4, by striking out "THREE" and
11 inserting

12 two prior

13 Amend Bill, page 9, line 13, by striking out "3" and
14 inserting

15 2

16 Amend Bill, page 9, line 25, by striking out all of said line
17 and inserting

18 Section 3. Sections 3742.1 and 3803 of Title 75 are amended
19 to read:

20 § 3742.1. Accidents involving death or personal injury while
21 not properly licensed.

22 (a) Offense defined.--A person whose operating privilege was
23 disqualified, canceled, recalled, revoked or suspended and not
24 restored or who does not hold a valid driver's license and
25 applicable endorsements for the type and class of vehicle being
26 operated commits an offense under this section if the person was
27 the driver of any vehicle and [caused an accident resulting in
28 injury or death of any person.]:

29 (1) caused an accident resulting in injury or death of a
30 person; or

31 (2) was involved in an accident resulting in injury or
32 death of a person.

33 (b) Penalties.--

34 (1) Except as otherwise provided in this section, any
35 person violating subsection [(a)] (a)(1) commits a
36 misdemeanor of the second degree.

37 (2) If the victim suffers serious bodily injury or death, any
38 person violating subsection [(a)] (a)(1) commits a felony of the
39 third degree.

40 (2.1) A person violating subsection (a)(2) resulting in
41 the serious bodily injury of a person commits a misdemeanor
42 of the third degree.

1 (2.2) A person violating subsection (a)(2) resulting in
2 the death of a person commits a misdemeanor of the second
3 degree.

4 (3) Any motor vehicle, as defined in section 102
5 (relating to definitions), used in the commission of an
6 offense under this section may be deemed contraband and
7 forfeited in accordance with the provisions set forth in 18
8 Pa.C.S. § 6501(d) (relating to scattering rubbish).

9 Amend Bill, page 9, line 30, by inserting a bracket before

10 "NO"

11 Amend Bill, page 9, line 30, by inserting a bracket after

12 "THAN"

13 Amend Bill, page 10, line 5, by inserting a bracket before

14 "MORE"

15 Amend Bill, page 10, line 5, by inserting after "OFFENSE"

16] two prior offenses

17 Amend Bill, page 10, line 6, by striking out the bracket

18 before the period after "DEGREE"

19 Amend Bill, page 10, line 6, by striking out "], UNLESS

20 PARAGRAPH (3) APPLIES."

21 Amend Bill, page 10, lines 7 and 8, by striking out "MORE

22 THAN TWO PRIOR OFFENSES WITHIN A 10-YEAR PERIOD" and inserting

23 three or more prior offenses or has previously been
24 convicted of a violation of section 3735 (relating to
25 homicide by vehicle while driving under influence)

26 Amend Bill, page 10, line 15, by inserting a bracket before

27 "NO"

28 Amend Bill, page 10, line 15, by inserting a bracket after

29 "THAN"

30 Amend Bill, page 11, line 2, by inserting a bracket before

31 "MORE"

1 Amend Bill, page 11, line 2, by inserting after "OFFENSE"
2] two prior offenses
3 Amend Bill, page 11, line 10, by inserting a bracket before
4 "OFFENSES"
5 Amend Bill, page 11, line 10, by inserting after "OFFENSES"
6] offense
7 Amend Bill, page 11, lines 16 and 17, by striking out "MORE
8 THAN ONE PRIOR OFFENSE" and inserting
9 two or more prior offenses
10 Amend Bill, page 11, line 22, by striking out "5" and
11 inserting
12 4