

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 163 Session of 2017

INTRODUCED BY SACCONI, J. HARRIS, ROTHMAN, RAPP, DOWLING, V. BROWN, KORTZ, ZIMMERMAN, GAINNEY, HELM AND ROZZI, JANUARY 23, 2017

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 12, 2018

AN ACT

1 ~~Amending Title 75 (Vehicles) of the Pennsylvania Consolidated~~ <--
2 ~~Statutes, in licensing of drivers, further providing for~~
3 ~~suspension of operating privilege.~~

4 AMENDING TITLES 4 (AMUSEMENTS), 18 (CRIMES AND OFFENSES), 23 <--
5 (DOMESTIC RELATIONS) AND 75 (VEHICLES) OF THE PENNSYLVANIA
6 CONSOLIDATED STATUTES, FURTHER PROVIDING FOR SUSPENSION OF
7 OPERATING PRIVILEGES OF LICENSED DRIVERS.

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

10 ~~Section 1. Section 1532(c) of Title 75 of the Pennsylvania~~ <--
11 ~~Consolidated Statutes is amended to read:~~

12 ~~§ 1532. Suspension of operating privilege.~~

13 * * *

14 ~~{(c) Suspension. The department shall suspend the operating~~
15 ~~privilege of any person upon receiving a certified record of the~~
16 ~~person's conviction of any offense involving the possession,~~
17 ~~sale, delivery, offering for sale, holding for sale or giving~~
18 ~~away of any controlled substance under the laws of the United~~
19 ~~States, this Commonwealth or any other state, or any person 21~~

1 ~~years of age or younger upon receiving a certified record of the~~
2 ~~person's conviction or adjudication of delinquency under 18-~~
3 ~~Pa.C.S. § 2706 (relating to terroristic threats) committed on-~~
4 ~~any school property, including any public school grounds, during~~
5 ~~any school sponsored activity or on any conveyance providing~~
6 ~~transportation to a school entity or school sponsored activity.~~

7 ~~(1) The period of suspension shall be as follows:~~

8 ~~(i) For a first offense, a period of six months from~~
9 ~~the date of the suspension.~~

10 ~~(ii) For a second offense, a period of one year from~~
11 ~~the date of the suspension.~~

12 ~~(iii) For a third and any subsequent offense~~
13 ~~thereafter, a period of two years from the date of the~~
14 ~~suspension.~~

15 ~~(2) For the purposes of this subsection, the term~~
16 ~~"conviction" shall include any conviction or adjudication of~~
17 ~~delinquency for any of the offenses listed in paragraph (1),~~
18 ~~whether in this Commonwealth or any other Federal or state~~
19 ~~court.]~~

20 * * *

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

22 SECTION 1. SECTION 1518(B)(4) OF TITLE 4 OF THE PENNSYLVANIA <--
23 CONSOLIDATED STATUTES IS AMENDED TO READ:

24 § 1518. PROHIBITED ACTS; PENALTIES.

25 * * *

26 (B) CRIMINAL PENALTIES AND FINES.--

27 * * *

28 (4) AN INDIVIDUAL THAT COMMITS AN OFFENSE IN VIOLATION
29 OF SUBSECTION (A)(16) COMMITS A NONGAMBLING OFFENSE TO BE
30 GRADED IN ACCORDANCE WITH 18 PA.C.S. § 6308, AND [SHALL BE

1 SUBJECT TO THE SAME PENALTIES IMPOSED PURSUANT TO 18 PA.C.S.
2 § 6308 AND 6310.4 (RELATING TO RESTRICTION OF OPERATING
3 PRIVILEGES) EXCEPT THAT] THE FINE IMPOSED FOR A VIOLATION OF
4 SUBSECTION (A) (16) SHALL BE NOT LESS THAN \$350 NOR MORE THAN
5 \$1,000.

6 * * *

7 SECTION 2. SECTIONS 6305(B) (3), 6307(B), 6308(B) AND
8 6310.3(B) OF TITLE 18 ARE AMENDED TO READ:

9 § 6305. SALE OF TOBACCO.

10 * * *

11 (B) PENALTY.--

12 * * *

13 (3) A MINOR WHO VIOLATES SUBSECTION (A.1) SHALL BE
14 SENTENCED TO ANY OR ALL OF THE FOLLOWING:

15 (I) NOT MORE THAN 75 HOURS OF COMMUNITY SERVICE;

16 (II) COMPLETE A TOBACCO USE PREVENTION AND CESSATION
17 PROGRAM APPROVED BY THE DEPARTMENT OF HEALTH; OR

18 (III) A FINE NOT TO EXCEED \$200[; OR

19 (IV) A 30-DAY SUSPENSION OF MOTOR VEHICLE OPERATING
20 PRIVILEGES].

21 * * *

22 § 6307. MISREPRESENTATION OF AGE TO SECURE LIQUOR OR MALT OR
23 BREWED BEVERAGES.

24 * * *

25 (B) MINIMUM PENALTY.--[IN ADDITION TO ANY OTHER PENALTY
26 IMPOSED PURSUANT TO SECTION 6310.4 (RELATING TO RESTRICTION OF
27 OPERATING PRIVILEGES) OR THIS TITLE OR OTHER STATUTE, A] A
28 PERSON WHO IS CONVICTED OF VIOLATING SUBSECTION (A) MAY BE
29 SENTENCED TO PAY A FINE OF NOT MORE THAN \$500 FOR SUBSEQUENT
30 VIOLATIONS. NO COURT SHALL HAVE THE AUTHORITY TO SUSPEND ANY

1 SENTENCE AS DEFINED IN THIS SECTION.

2 * * *

3 § 6308. PURCHASE, CONSUMPTION, POSSESSION OR TRANSPORTATION OF
4 LIQUOR OR MALT OR BREWED BEVERAGES.

5 * * *

6 (B) PENALTY.--[IN ADDITION TO THE PENALTY IMPOSED PURSUANT
7 TO SECTION 6310.4 (RELATING TO RESTRICTION OF OPERATING
8 PRIVILEGES), A] A PERSON CONVICTED OF VIOLATING SUBSECTION (A)
9 MAY BE SENTENCED TO PAY A FINE OF NOT MORE THAN \$500 FOR THE
10 FIRST VIOLATION AND NOT MORE THAN \$1,000 FOR THE SECOND AND EACH
11 SUBSEQUENT VIOLATION.

12 * * *

13 § 6310.3. CARRYING A FALSE IDENTIFICATION CARD.

14 * * *

15 (B) MINIMUM PENALTY.--[IN ADDITION TO ANY OTHER PENALTY
16 IMPOSED PURSUANT TO SECTION 6310.4 (RELATING TO RESTRICTION OF
17 OPERATING PRIVILEGES) OR ANY OTHER STATUTE, A] A PERSON WHO IS
18 CONVICTED OF VIOLATING SUBSECTION (A) SHALL BE SENTENCED TO PAY
19 A FINE OF NOT MORE THAN \$500 FOR THE SECOND AND SUBSEQUENT
20 VIOLATIONS. NO COURT SHALL HAVE THE AUTHORITY TO SUSPEND ANY
21 SENTENCE AS DEFINED IN THIS SECTION.

22 * * *

23 SECTION 3. SECTION 6310.4 OF TITLE 18 IS REPEALED:

24 [§ 6310.4. RESTRICTION OF OPERATING PRIVILEGES.

25 (A) GENERAL RULE.--WHENEVER A PERSON IS CONVICTED OR IS
26 ADJUDICATED DELINQUENT OR IS ADMITTED TO ANY PREADJUDICATION
27 PROGRAM FOR A VIOLATION OF SECTION 6307 (RELATING TO
28 MISREPRESENTATION OF AGE TO SECURE LIQUOR OR MALT OR BREWED
29 BEVERAGES), 6308 (RELATING TO PURCHASE, CONSUMPTION, POSSESSION
30 OR TRANSPORTATION OF LIQUOR OR MALT OR BREWED BEVERAGES) OR

1 6310.3 (RELATING TO CARRYING A FALSE IDENTIFICATION CARD), THE
2 COURT, INCLUDING A COURT NOT OF RECORD IF IT IS EXERCISING
3 JURISDICTION PURSUANT TO 42 PA.C.S. § 1515(A) (RELATING TO
4 JURISDICTION AND VENUE), SHALL ORDER THE OPERATING PRIVILEGE OF
5 THE PERSON SUSPENDED. A COPY OF THE ORDER SHALL BE TRANSMITTED
6 TO THE DEPARTMENT OF TRANSPORTATION.

7 (B) DURATION OF SUSPENSION.--WHEN THE DEPARTMENT SUSPENDS
8 THE OPERATING PRIVILEGE OF A PERSON UNDER SUBSECTION (A), THE
9 DURATION OF THE SUSPENSION SHALL BE AS FOLLOWS:

10 (1) FOR A FIRST OFFENSE, A PERIOD OF 90 DAYS FROM THE
11 DATE OF SUSPENSION.

12 (2) FOR A SECOND OFFENSE, A PERIOD OF ONE YEAR FROM THE
13 DATE OF SUSPENSION.

14 (3) FOR A THIRD OFFENSE, AND ANY OFFENSE THEREAFTER, A
15 PERIOD OF TWO YEARS FROM THE DATE OF SUSPENSION. ANY MULTIPLE
16 SENTENCES IMPOSED SHALL BE SERVED CONSECUTIVELY.

17 REINSTATEMENT OF OPERATING PRIVILEGE SHALL BE GOVERNED BY 75
18 PA.C.S. § 1545 (RELATING TO RESTORATION OF OPERATING PRIVILEGE).

19 (C) NONDRIVERS.--ANY PERSON WHOSE RECORD IS RECEIVED BY THE
20 DEPARTMENT UNDER SUBSECTION (A) AND WHO DOES NOT HAVE A DRIVER'S
21 LICENSE SHALL BE INELIGIBLE TO APPLY FOR A LEARNER'S PERMIT
22 UNDER 75 PA.C.S. §§ 1505 (RELATING TO LEARNERS' PERMITS) AND
23 1507 (RELATING TO APPLICATION FOR DRIVER'S LICENSE OR LEARNER'S
24 PERMIT BY MINOR) FOR THE TIME PERIODS SPECIFIED IN SUBSECTION
25 (B). IF THE PERSON IS UNDER 16 YEARS OF AGE WHEN HE IS CONVICTED
26 OR ADJUDICATED DELINQUENT OR ADMITTED TO A PREADJUDICATION
27 PROGRAM, HIS SUSPENSION OF OPERATING PRIVILEGES SHALL COMMENCE
28 UPON HIS 16TH BIRTHDAY FOR THE TIME PERIODS SPECIFIED IN
29 SUBSECTION (B).

30 (D) INSURANCE PREMIUMS.--AN INSURER SHALL NOT INCREASE

1 PREMIUMS, IMPOSE ANY SURCHARGE OR RATE PENALTY, OR MAKE ANY
2 DRIVER RECORD POINT ASSIGNMENT FOR AUTOMOBILE INSURANCE, NOR
3 SHALL AN INSURER CANCEL OR REFUSE TO RENEW AN AUTOMOBILE
4 INSURANCE POLICY ON ACCOUNT OF A SUSPENSION UNDER THIS SECTION.]

5 SECTION 4. SECTION 4355(A), (D.1), (D.6) AND (E) OF TITLE 23
6 ARE AMENDED TO READ:

7 § 4355. DENIAL OR SUSPENSION OF LICENSES.

8 (A) GENERAL RULE.--[EXCEPT AS PROVIDED IN SUBSECTION (D.1),
9 WHERE] WHERE THE DOMESTIC RELATIONS SECTION OR THE DEPARTMENT
10 HAS BEEN UNABLE TO ATTACH THE INCOME OF AN OBLIGOR AND THE
11 OBLIGOR OWES SUPPORT IN AN AMOUNT EQUAL TO OR GREATER THAN THREE
12 MONTHS OF THE MONTHLY SUPPORT OBLIGATION OR WHERE AN INDIVIDUAL
13 HAS FAILED TO COMPLY WITH A VISITATION OR PARTIAL CUSTODY ORDER
14 PURSUANT TO SECTION 4346 (RELATING TO CONTEMPT FOR NONCOMPLIANCE
15 WITH VISITATION OR PARTIAL CUSTODY ORDER) OR AN INDIVIDUAL HAS
16 FAILED, AFTER APPROPRIATE NOTICE, TO COMPLY WITH SUBPOENAS OR
17 WARRANTS RELATING TO PATERNITY OR CHILD SUPPORT PROCEEDINGS, THE
18 COURT, THE DOMESTIC RELATIONS SECTION OR THE DEPARTMENT SHALL
19 ISSUE AN ORDER DIRECTING ANY LICENSING AUTHORITY TO:

20 (1) PROHIBIT THE ISSUANCE OR RENEWAL OF A LICENSE OF THE
21 OBLIGOR OR OTHER INDIVIDUAL; OR

22 (2) REQUIRE THE SUSPENSION OF THE LICENSE OF THE OBLIGOR
23 OR OTHER INDIVIDUAL.

24 * * *

25 [(D.1) SPECIAL PROCEDURES FOR OPERATING PRIVILEGE.--

26 (1) WHERE THE DOMESTIC RELATIONS SECTION OR THE
27 DEPARTMENT HAS BEEN UNABLE TO ATTACH THE INCOME OF AN OBLIGOR
28 AND THE OBLIGOR OWES SUPPORT IN AN AMOUNT EQUAL TO OR GREATER
29 THAN THREE MONTHS OF THE MONTHLY SUPPORT OBLIGATION OR WHERE
30 AN INDIVIDUAL HAS FAILED, AFTER APPROPRIATE NOTICE, TO COMPLY

1 WITH SUBPOENAS OR WARRANTS RELATING TO PATERNITY OR CHILD
2 SUPPORT PROCEEDINGS, THE COURT, THE DOMESTIC RELATIONS
3 SECTION OR THE DEPARTMENT MAY ISSUE AN ORDER DIRECTING THE
4 DEPARTMENT OF TRANSPORTATION TO:

5 (I) PROHIBIT THE ISSUANCE OR RENEWAL OF A LICENSE OF
6 THE OBLIGOR OR OTHER INDIVIDUAL; OR

7 (II) REQUIRE THE SUSPENSION OF THE LICENSE OF THE
8 OBLIGOR OR OTHER INDIVIDUAL.

9 (2) PRIOR TO THE ISSUANCE OF AN ORDER TO SUSPEND,
10 NONRENEW OR DENY A LICENSE, THE OBLIGOR OR OTHER INDIVIDUAL
11 SHALL BE GIVEN ADVANCE NOTICE. THE NOTICE SHALL SPECIFY:

12 (I) THE AMOUNT OF ARREARS OWED, IF APPLICABLE.

13 (II) HOW, WHEN AND WHERE THE NOTICE CAN BE
14 CONTESTED.

15 (III) THAT THE GROUNDS FOR CONTESTING THE NOTICE
16 SHALL BE LIMITED TO MISTAKES OF FACT. MISTAKES OF FACT
17 SHALL BE LIMITED TO ERRORS IN THE AMOUNT OF ARREARS OWED
18 OR MISTAKEN IDENTITY OF THE OBLIGOR.

19 (IV) THAT AN ORDER TO THE DEPARTMENT OF
20 TRANSPORTATION TO AUTOMATICALLY SUSPEND, NONRENEW OR DENY
21 THE LICENSE WILL OCCUR IN ALL CASES 30 DAYS AFTER
22 ISSUANCE OF THE NOTICE UNLESS THE ARREARAGE IS PAID, A
23 PERIODIC PAYMENT SCHEDULE IS APPROVED BY THE COURT OR THE
24 INDIVIDUAL IS EXCUSED FROM THE FAILURE TO COMPLY WITH THE
25 WARRANT OR SUBPOENA.

26 (3) ANY ORDER ISSUED TO THE DEPARTMENT OF TRANSPORTATION
27 PURSUANT TO THIS SECTION SHALL BE ISSUED AS AGREED UPON BY
28 THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION. THE
29 ORDER MAY BE TRANSMITTED ELECTRONICALLY OR BY OTHER METHODS.

30 (4) UPON RECEIPT OF AN ORDER OR DIRECTIVE FROM A COURT,

1 THE DOMESTIC RELATIONS SECTION OR THE DEPARTMENT AUTHORIZING
2 THE DEPARTMENT OF TRANSPORTATION TO SUSPEND THE OPERATING
3 PRIVILEGE OF AN OBLIGOR OR OTHER INDIVIDUAL, THE DEPARTMENT
4 OF TRANSPORTATION SHALL IMMEDIATELY SUSPEND THE OPERATING
5 PRIVILEGE OF THAT OBLIGOR OR OTHER INDIVIDUAL. UPON RECEIPT
6 OF AN ORDER FROM THE COURT OR THE DOMESTIC RELATIONS SECTION
7 OR A DIRECTIVE FROM THE DEPARTMENT AUTHORIZING THE DEPARTMENT
8 OF TRANSPORTATION TO RESTORE THE OPERATING PRIVILEGE OF AN
9 OBLIGOR OR OTHER INDIVIDUAL, THE DEPARTMENT OF TRANSPORTATION
10 SHALL IMMEDIATELY RESTORE THE OPERATING PRIVILEGE OF THAT
11 OBLIGOR OR OTHER INDIVIDUAL IF THE PERSON COMPLIES WITH THE
12 PROVISIONS OF 75 PA.C.S. § 1960 (RELATING TO REINSTATEMENT OF
13 OPERATING PRIVILEGE OR VEHICLE REGISTRATION).

14 (5) AN INSURER MAY NOT INCREASE PREMIUMS, IMPOSE A
15 SURCHARGE OR RATE PENALTY, MAKE A DRIVER RECORD POINT
16 ASSIGNMENT FOR AUTOMOBILE INSURANCE OR CANCEL OR REFUSE TO
17 RENEW AN AUTOMOBILE INSURANCE POLICY ON ACCOUNT OF A
18 SUSPENSION UNDER THIS SECTION.

19 (6) THERE SHALL BE NO RIGHT TO APPEAL FROM A SUSPENSION
20 UNDER THIS SECTION PURSUANT TO 75 PA.C.S. § 1550 (RELATING TO
21 JUDICIAL REVIEW). SUBJECT TO SECTION 4377(C) (RELATING TO
22 POWER TO EXPEDITE SUPPORT CASES), THE SOLE REMEDY SHALL BE TO
23 PETITION THE COURT WHICH ENTERED THE UNDERLYING SUPPORT ORDER
24 RESULTING IN THE SUSPENSION, REVOCATION OR REFUSAL TO ISSUE
25 OR RENEW THE LICENSE.]

26 * * *

27 (D.6) IMMUNITY.--THE COURT, THE DOMESTIC RELATIONS SECTION,
28 THE DEPARTMENT OF [PUBLIC WELFARE, THE DEPARTMENT OF
29 TRANSPORTATION] HUMAN SERVICES, THE PENNSYLVANIA GAME
30 COMMISSION, THE PENNSYLVANIA FISH AND BOAT COMMISSION OR ANY

1 EMPLOYEE OF ANY OF THESE ENTITIES OR ANY PERSON APPOINTED BY THE
2 PENNSYLVANIA GAME COMMISSION OR THE PENNSYLVANIA FISH AND BOAT
3 COMMISSION TO ISSUE LICENSES AND PERMITS PURSUANT TO THE
4 APPLICABLE PROVISIONS OF 30 PA.C.S. (RELATING TO FISH) AND 34
5 PA.C.S. (RELATING TO GAME) SHALL NOT BE SUBJECT TO CIVIL OR
6 CRIMINAL LIABILITY FOR CARRYING OUT THEIR DUTIES UNDER THIS
7 SECTION.

8 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
9 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
10 SUBSECTION:

11 "LICENSE." A LICENSE, CERTIFICATE, PERMIT OR OTHER
12 AUTHORIZATION TO[:

13 (1)] ENGAGE IN A PROFESSION, TRADE OR BUSINESS IN THIS
14 COMMONWEALTH OR A POLITICAL SUBDIVISION OR AGENCY THEREOF[;
15 OR

16 (2) OPERATE A MOTOR VEHICLE FOR PERSONAL OR COMMERCIAL
17 PURPOSES].

18 "LICENSING AUTHORITY." ANY ENTITY OF THE COMMONWEALTH,
19 POLITICAL SUBDIVISION OR AGENCY THEREOF WHICH ISSUES A LICENSE.

20 ["OPERATING PRIVILEGE." THE PRIVILEGE TO APPLY FOR AND
21 OBTAIN A LICENSE TO USE AS WELL AS THE PRIVILEGE TO USE A
22 VEHICLE ON A HIGHWAY AS AUTHORIZED UNDER TITLE 75 (RELATING TO
23 VEHICLES).]

24 "RECREATIONAL LICENSE." A HUNTING OR FISHING LICENSE.

25 SECTION 5. SECTION 1532(C) OF TITLE 75 IS AMENDED TO READ:

26 § 1532. SUSPENSION OF OPERATING PRIVILEGE.

27 * * *

28 (C) SUSPENSION.--THE DEPARTMENT SHALL SUSPEND THE OPERATING
29 PRIVILEGE OF [ANY PERSON UPON RECEIVING A CERTIFIED RECORD OF
30 THE PERSON'S CONVICTION OF ANY OFFENSE INVOLVING THE POSSESSION,

1 SALE, DELIVERY, OFFERING FOR SALE, HOLDING FOR SALE OR GIVING
2 AWAY OF ANY CONTROLLED SUBSTANCE UNDER THE LAWS OF THE UNITED
3 STATES, THIS COMMONWEALTH OR ANY OTHER STATE, OR] ANY PERSON 21
4 YEARS OF AGE OR YOUNGER UPON RECEIVING A CERTIFIED RECORD OF THE
5 PERSON'S CONVICTION OR ADJUDICATION OF DELINQUENCY UNDER 18
6 PA.C.S. § 2706 (RELATING TO TERRORISTIC THREATS) COMMITTED ON
7 ANY SCHOOL PROPERTY, INCLUDING ANY PUBLIC SCHOOL GROUNDS, DURING
8 ANY SCHOOL-SPONSORED ACTIVITY OR ON ANY CONVEYANCE PROVIDING
9 TRANSPORTATION TO A SCHOOL ENTITY OR SCHOOL-SPONSORED
10 ACTIVITY[.] IN ACCORDANCE WITH THE FOLLOWING:

11 (1) THE PERIOD OF SUSPENSION SHALL BE AS FOLLOWS:

12 (I) FOR A FIRST OFFENSE, A PERIOD OF SIX MONTHS FROM
13 THE DATE OF THE SUSPENSION.

14 (II) FOR A SECOND OFFENSE, A PERIOD OF ONE YEAR FROM
15 THE DATE OF THE SUSPENSION.

16 (III) FOR A THIRD AND ANY SUBSEQUENT OFFENSE
17 THEREAFTER, A PERIOD OF TWO YEARS FROM THE DATE OF THE
18 SUSPENSION.

19 (2) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM
20 "CONVICTION" SHALL INCLUDE ANY CONVICTION OR ADJUDICATION OF
21 DELINQUENCY FOR ANY OF THE OFFENSES LISTED IN PARAGRAPH (1),
22 WHETHER IN THIS COMMONWEALTH OR ANY OTHER FEDERAL OR STATE
23 COURT.

24 * * *

25 SECTION 6. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.