
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 145 Session of
2017

INTRODUCED BY MOUL, BAKER, KAUFFMAN, KNOWLES, MACKENZIE, WATSON,
MILLARD, GILLESPIE, WARD, D. COSTA AND MILNE,
JANUARY 23, 2017

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 23, 2017

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; and, in miscellaneous
4 provisions, further providing for the offense of homicide by
5 vehicle while driving under influence.

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

8 Section 1. Section 1532(a.1)(2) of Title 75 of the
9 Pennsylvania Consolidated Statutes is amended and subsection (b)
10 is amended by adding a paragraph to read:

11 § 1532. Suspension of operating privilege.

12 * * *

13 (a.1) Three-year suspension.--The department shall suspend
14 the operating privilege of any driver for three years upon
15 receiving a certified record of the driver's conviction of or an
16 adjudication of delinquency based on a violation of any of the
17 following offenses:

18 * * *

19 (2) Any violation of section [3735] 3735(a)(1)(i)

1 (relating to homicide by vehicle while driving under
2 influence).

3 (b) Suspension.--

4 * * *

5 (6) The department shall suspend the operating privilege
6 of any driver for life upon receiving a certified record of
7 the driver's conviction of or an adjudication of delinquency
8 under section 3735(a)(1)(ii).

9 * * *

10 Section 2. Section 3735(a) of Title 75 is amended to read:

11 § 3735. Homicide by vehicle while driving under influence.

12 (a) Offense defined.--[Any person who unintentionally causes
13 the death of another person as the result of a violation of
14 section 3802 (relating to driving under influence of alcohol or
15 controlled substance) and who is convicted of violating section
16 3802 is guilty of a felony of the second degree when the
17 violation is the cause of death and the sentencing court shall
18 order the person to serve a minimum term of imprisonment of not
19 less than three years. A consecutive three-year term of
20 imprisonment shall be imposed for each victim whose death is the
21 result of the violation of section 3802.]

22 (1) A person who unintentionally causes the death of
23 another person as the result of a violation of section 3802
24 (relating to driving under influence of alcohol or controlled
25 substance) and who is convicted of violating section 3802 if
26 the violation is the cause of death:

27 (i) is guilty of a felony of the second degree; or

28 (ii) is guilty of a felony of the first degree if,

29 before sentencing on the present violation, the person

30 has incurred a conviction, adjudication of delinquency,

1 juvenile consent decree, acceptance of accelerated
2 rehabilitative disposition or other form of preliminary
3 disposition for any of the following:

4 (A) An offense under section 3802(a), (b), (c),
5 (d) or (f).

6 (B) An offense under former section 3731(a)(1),
7 (2), (3) or (4)(i) (relating to driving under
8 influence of alcohol or controlled substance).

9 (C) An offense which constitutes a felony under
10 Subchapter B of Chapter 37 (relating to serious
11 traffic offenses).

12 (D) An offense substantially similar to an
13 offense under clause (A), (B) or (C) in another
14 jurisdiction.

15 (E) Any combination of the offenses under clause
16 (A), (B), (C) or (D).

17 (2) The sentencing court shall order a person convicted
18 under paragraph (1)(i) to serve a minimum term of
19 imprisonment of not less than three years. A consecutive
20 three-year term of imprisonment shall be imposed for each
21 victim whose death is the result of a violation of section
22 3802.

23 (3) The sentencing court shall order a person convicted
24 under paragraph (1)(ii) to serve a minimum term of
25 imprisonment of not less than five years. A consecutive five-
26 year term of imprisonment shall be imposed for each victim
27 whose death is the result of a violation of section 3802.

28 * * *

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