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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 163 Session of  
2017

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

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 16, 2018

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AN ACT

1 Amending Titles 4 (Amusements), 18 (Crimes and Offenses), ~~23~~ <--  
2 ~~(Domestic Relations)~~ and 75 (Vehicles) of the Pennsylvania  
3 Consolidated Statutes, further providing for suspension of  
4 operating privileges of licensed drivers.

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

7 Section 1. Section 1518(b)(4) of Title 4 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 1518. Prohibited acts; penalties.

10 \* \* \*

11 (b) Criminal penalties and fines.--

12 \* \* \*

13 (4) An individual that commits an offense in violation  
14 of subsection (a)(16) commits a nongambling offense to be  
15 graded in accordance with 18 Pa.C.S. § 6308, and [shall be  
16 subject to the same penalties imposed pursuant to 18 Pa.C.S.  
17 § 6308 and 6310.4 (relating to restriction of operating

1 privileges) except that] the fine imposed for a violation of  
2 subsection (a) (16) shall be not less than \$350 nor more than  
3 \$1,000.

4 \* \* \*

5 Section 2. Sections 6305(b) (3), 6307(b), 6308(b) and  
6 6310.3(b) of Title 18 are amended to read:

7 § 6305. Sale of tobacco.

8 \* \* \*

9 (b) Penalty.--

10 \* \* \*

11 (3) A minor who violates subsection (a.1) shall be  
12 sentenced to any or all of the following:

13 (i) not more than 75 hours of community service;

14 (ii) complete a tobacco use prevention and cessation  
15 program approved by the Department of Health; or

16 (iii) a fine not to exceed \$200[; or

17 (iv) a 30-day suspension of motor vehicle operating  
18 privileges].

19 \* \* \*

20 § 6307. Misrepresentation of age to secure liquor or malt or  
21 brewed beverages.

22 \* \* \*

23 (b) Minimum penalty.--[In addition to any other penalty  
24 imposed pursuant to section 6310.4 (relating to restriction of  
25 operating privileges) or this title or other statute, a] A  
26 person who is convicted of violating subsection (a) may be  
27 sentenced to pay a fine of not more than \$500 for subsequent  
28 violations. No court shall have the authority to suspend any  
29 sentence as defined in this section.

30 \* \* \*

1 § 6308. Purchase, consumption, possession or transportation of  
2 liquor or malt or brewed beverages.

3 \* \* \*

4 (b) Penalty.--[In addition to the penalty imposed pursuant  
5 to section 6310.4 (relating to restriction of operating  
6 privileges), a] A person convicted of violating subsection (a)  
7 may be sentenced to pay a fine of not more than \$500 for the  
8 first violation and not more than \$1,000 for the second and each  
9 subsequent violation.

10 \* \* \*

11 § 6310.3. Carrying a false identification card.

12 \* \* \*

13 (b) Minimum penalty.--[In addition to any other penalty  
14 imposed pursuant to section 6310.4 (relating to restriction of  
15 operating privileges) or any other statute, a] A person who is  
16 convicted of violating subsection (a) shall be sentenced to pay  
17 a fine of not more than \$500 for the second and subsequent  
18 violations. No court shall have the authority to suspend any  
19 sentence as defined in this section.

20 \* \* \*

21 Section 3. Section 6310.4 of Title 18 is repealed:

22 [~~§ 6310.4. Restriction of operating privileges.~~

23 [~~(a) General rule.--Whenever a person is convicted or is~~  
24 [~~adjudicated delinquent or is admitted to any preadjudication~~  
25 [~~program for a violation of section 6307 (relating to~~  
26 [~~misrepresentation of age to secure liquor or malt or brewed~~  
27 [~~beverages), 6308 (relating to purchase, consumption, possession~~  
28 [~~or transportation of liquor or malt or brewed beverages) or~~  
29 [~~6310.3 (relating to carrying a false identification card), the~~  
30 [~~court, including a court not of record if it is exercising~~

1 jurisdiction pursuant to 42 Pa.C.S. § 1515(a) (relating to  
2 jurisdiction and venue), shall order the operating privilege of  
3 the person suspended. A copy of the order shall be transmitted  
4 to the Department of Transportation.

5 (b) Duration of suspension.--When the department suspends  
6 the operating privilege of a person under subsection (a), the  
7 duration of the suspension shall be as follows:

8 (1) For a first offense, a period of 90 days from the  
9 date of suspension.

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

12 (3) For a third offense, and any offense thereafter, a  
13 period of two years from the date of suspension. Any multiple  
14 sentences imposed shall be served consecutively.

15 Reinstatement of operating privilege shall be governed by 75  
16 Pa.C.S. § 1545 (relating to restoration of operating privilege).

17 (c) Nondrivers.--Any person whose record is received by the  
18 department under subsection (a) and who does not have a driver's  
19 license shall be ineligible to apply for a learner's permit  
20 under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and  
21 1507 (relating to application for driver's license or learner's  
22 permit by minor) for the time periods specified in subsection  
23 (b). If the person is under 16 years of age when he is convicted  
24 or adjudicated delinquent or admitted to a preadjudication  
25 program, his suspension of operating privileges shall commence  
26 upon his 16th birthday for the time periods specified in  
27 subsection (b).

28 (d) Insurance premiums.--An insurer shall not increase  
29 premiums, impose any surcharge or rate penalty, or make any  
30 driver record point assignment for automobile insurance, nor

1 shall an insurer cancel or refuse to renew an automobile  
2 insurance policy on account of a suspension under this section.]

3 Section 4. ~~Section 4355(a), (d.1), (d.6) and (e) of Title 23~~ <--  
4 are amended to read:

5 ~~§ 4355. Denial or suspension of licenses.~~

6 (a) ~~General rule. [Except as provided in subsection (d.1),~~  
7 ~~where] Where the domestic relations section or the department~~  
8 ~~has been unable to attach the income of an obligor and the~~  
9 ~~obligor owes support in an amount equal to or greater than three~~  
10 ~~months of the monthly support obligation or where an individual~~  
11 ~~has failed to comply with a visitation or partial custody order~~  
12 ~~pursuant to section 4346 (relating to contempt for noncompliance~~  
13 ~~with visitation or partial custody order) or an individual has~~  
14 ~~failed, after appropriate notice, to comply with subpoenas or~~  
15 ~~warrants relating to paternity or child support proceedings, the~~  
16 ~~court, the domestic relations section or the department shall~~  
17 ~~issue an order directing any licensing authority to:~~

18 (1) ~~prohibit the issuance or renewal of a license of the~~  
19 ~~obligor or other individual; or~~

20 (2) ~~require the suspension of the license of the obligor~~  
21 ~~or other individual.~~

22 \* \* \*

23 ~~{(d.1) Special procedures for operating privilege.~~

24 (1) ~~Where the domestic relations section or the~~  
25 ~~department has been unable to attach the income of an obligor~~  
26 ~~and the obligor owes support in an amount equal to or greater~~  
27 ~~than three months of the monthly support obligation or where~~  
28 ~~an individual has failed, after appropriate notice, to comply~~  
29 ~~with subpoenas or warrants relating to paternity or child~~  
30 ~~support proceedings, the court, the domestic relations~~

1 ~~section or the department may issue an order directing the~~  
2 ~~Department of Transportation to:~~

3 ~~(i) prohibit the issuance or renewal of a license of~~  
4 ~~the obligor or other individual; or~~

5 ~~(ii) require the suspension of the license of the~~  
6 ~~obligor or other individual.~~

7 ~~(2) Prior to the issuance of an order to suspend,~~  
8 ~~nonrenew or deny a license, the obligor or other individual~~  
9 ~~shall be given advance notice. The notice shall specify:~~

10 ~~(i) The amount of arrears owed, if applicable.~~

11 ~~(ii) How, when and where the notice can be~~  
12 ~~contested.~~

13 ~~(iii) That the grounds for contesting the notice~~  
14 ~~shall be limited to mistakes of fact. Mistakes of fact~~  
15 ~~shall be limited to errors in the amount of arrears owed~~  
16 ~~or mistaken identity of the obligor.~~

17 ~~(iv) That an order to the Department of~~  
18 ~~Transportation to automatically suspend, nonrenew or deny~~  
19 ~~the license will occur in all cases 30 days after~~  
20 ~~issuance of the notice unless the arrearage is paid, a~~  
21 ~~periodic payment schedule is approved by the court or the~~  
22 ~~individual is excused from the failure to comply with the~~  
23 ~~warrant or subpoena.~~

24 ~~(3) Any order issued to the Department of Transportation~~  
25 ~~pursuant to this section shall be issued as agreed upon by~~  
26 ~~the department and the Department of Transportation. The~~  
27 ~~order may be transmitted electronically or by other methods.~~

28 ~~(4) Upon receipt of an order or directive from a court,~~  
29 ~~the domestic relations section or the department authorizing~~  
30 ~~the Department of Transportation to suspend the operating~~

1 ~~privilege of an obligor or other individual, the Department~~  
2 ~~of Transportation shall immediately suspend the operating~~  
3 ~~privilege of that obligor or other individual. Upon receipt~~  
4 ~~of an order from the court or the domestic relations section~~  
5 ~~or a directive from the department authorizing the Department~~  
6 ~~of Transportation to restore the operating privilege of an~~  
7 ~~obligor or other individual, the Department of Transportation~~  
8 ~~shall immediately restore the operating privilege of that~~  
9 ~~obligor or other individual if the person complies with the~~  
10 ~~provisions of 75 Pa.C.S. § 1960 (relating to reinstatement of~~  
11 ~~operating privilege or vehicle registration).~~

12 ~~(5) An insurer may not increase premiums, impose a~~  
13 ~~surcharge or rate penalty, make a driver record point~~  
14 ~~assignment for automobile insurance or cancel or refuse to~~  
15 ~~renew an automobile insurance policy on account of a~~  
16 ~~suspension under this section.~~

17 ~~(6) There shall be no right to appeal from a suspension~~  
18 ~~under this section pursuant to 75 Pa.C.S. § 1550 (relating to~~  
19 ~~judicial review). Subject to section 4377(c) (relating to~~  
20 ~~power to expedite support cases), the sole remedy shall be to~~  
21 ~~petition the court which entered the underlying support order~~  
22 ~~resulting in the suspension, revocation or refusal to issue~~  
23 ~~or renew the license.]~~

24 \* \* \*

25 ~~(d.6) Immunity. The court, the domestic relations section,~~  
26 ~~the Department of [Public Welfare, the Department of~~  
27 ~~Transportation] Human Services, the Pennsylvania Game~~  
28 ~~Commission, the Pennsylvania Fish and Boat Commission or any~~  
29 ~~employee of any of these entities or any person appointed by the~~  
30 ~~Pennsylvania Game Commission or the Pennsylvania Fish and Boat~~

1 ~~Commission to issue licenses and permits pursuant to the~~  
2 ~~applicable provisions of 30 Pa.C.S. (relating to fish) and 34-~~  
3 ~~Pa.C.S. (relating to game) shall not be subject to civil or~~  
4 ~~criminal liability for carrying out their duties under this~~  
5 ~~section.~~

6 ~~(e) Definitions. As used in this section, the following~~  
7 ~~words and phrases shall have the meanings given to them in this~~  
8 ~~subsection:~~

9 ~~"License." A license, certificate, permit or other~~  
10 ~~authorization to[:~~

11 ~~(1)] engage in a profession, trade or business in this~~  
12 ~~Commonwealth or a political subdivision or agency thereof[;~~  
13 ~~or~~

14 ~~(2) operate a motor vehicle for personal or commercial~~  
15 ~~purposes].~~

16 ~~"Licensing authority." Any entity of the Commonwealth,~~  
17 ~~political subdivision or agency thereof which issues a license.~~

18 ~~["Operating privilege." The privilege to apply for and~~  
19 ~~obtain a license to use as well as the privilege to use a~~  
20 ~~vehicle on a highway as authorized under Title 75 (relating to~~  
21 ~~vehicles).]~~

22 ~~"Recreational license." A hunting or fishing license.~~

23 Section 5 4. Section 1532(c) of Title 75 is amended to read: <--

24 § 1532. Suspension of operating privilege.

25 \* \* \*

26 (c) Suspension.--The department shall suspend the operating  
27 privilege of [any person upon receiving a certified record of  
28 the person's conviction of any offense involving the possession,  
29 sale, delivery, offering for sale, holding for sale or giving  
30 away of any controlled substance under the laws of the United

1 States, this Commonwealth or any other state, or] any person 21  
2 years of age or younger upon receiving a certified record of the  
3 person's conviction or adjudication of delinquency under 18  
4 Pa.C.S. § 2706 (relating to terroristic threats) committed on OR <--  
5 AGAINST any school property, including any public school  
6 grounds, during any school-sponsored activity or on any  
7 conveyance providing transportation to a school entity or  
8 school-sponsored activity[.] in accordance with the following:

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

10 (i) For a first offense, a period of six months from  
11 the date of the suspension.

12 (ii) For a second offense, a period of one year from  
13 the date of the suspension.

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

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

22 \* \* \*

23 Section 6 5. This act shall take effect in 180 days. <--