

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1049 Session of 2017

INTRODUCED BY HAHN, PEIFER, PHILLIPS-HILL, PICKETT, KNOWLES, MILLARD, READSHAW, RYAN, NEILSON, ZIMMERMAN, D. COSTA, WARD, WHEELAND, GILLEN, HICKERNELL, A. HARRIS, KORTZ, EVERETT, KAUFFMAN AND FARRY, APRIL 3, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 23, 2017

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, further providing for
3 driving while operating privilege is suspended or revoked; <--
4 AND, IN MISCELLANEOUS PROVISIONS, FURTHER PROVIDING FOR
5 HOMICIDE BY VEHICLE AND FOR HOMICIDE BY VEHICLE WHILE DRIVING
6 UNDER INFLUENCE.

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

9 ~~Section 1. Section 1543(b)(1) of Title 75 of the~~ <--
10 ~~Pennsylvania Consolidated Statutes is amended to read:~~

11 SECTION 1. SECTIONS 1543(B)(1), 3732(B)(1.1) AND (3) AND <--
12 3735 OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE
13 AMENDED TO READ:

14 § 1543. Driving while operating privilege is suspended or
15 revoked.

16 * * *

17 (b) Certain offenses.--

18 (1) (i) A person who drives a motor vehicle on a

1 highway or trafficway of this Commonwealth at a time when
2 the person's operating privilege is suspended or revoked
3 as a condition of acceptance of Accelerated
4 Rehabilitative Disposition for a violation of section
5 3802 (relating to driving under influence of alcohol or
6 controlled substance) or the former section 3731, because
7 of a violation of section 1547(b)(1) (relating to
8 suspension for refusal) or 3802 or former section 3731 or
9 is suspended under section 1581 (relating to Driver's
10 License Compact) for an offense substantially similar to
11 a violation of section 3802 or former section 3731 shall,
12 upon a first conviction, be guilty of a summary offense
13 and shall be sentenced to pay a fine of \$500 and to
14 undergo imprisonment for a period of not less than 60
15 days nor more than 90 days.

16 (ii) A second violation of this paragraph shall
17 constitute a summary offense, and upon conviction thereof
18 the person shall be sentenced to pay a fine of \$1,000 and
19 to undergo imprisonment for not less than 90 days.

20 (iii) A third violation of this paragraph shall
21 constitute a misdemeanor of the third degree, and upon
22 conviction thereof the person shall be sentenced to pay a
23 fine of \$2,500 and to undergo imprisonment for not less
24 than six months.

25 (iv) A fourth or subsequent violation of this
26 paragraph shall constitute a misdemeanor of the first
27 degree, and upon conviction thereof the person shall be
28 sentenced to pay a fine of \$5,000 and to undergo
29 imprisonment for not less than two years.

30 * * *

1 § 3732. HOMICIDE BY VEHICLE.

2 * * *

3 (B) SENTENCING.--

4 * * *

5 (1.1) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW,
6 A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) AS THE
7 RESULT OF A VIOLATION OF SECTION 1501 (RELATING TO DRIVERS
8 REQUIRED TO BE LICENSED), 1543 (RELATING TO DRIVING WHILE
9 OPERATING PRIVILEGE IS SUSPENDED OR REVOKED), 3316 (RELATING
10 TO PROHIBITING TEXT-BASED COMMUNICATIONS), 3325 (RELATING TO
11 DUTY OF DRIVER ON APPROACH OF EMERGENCY VEHICLE) OR 3327
12 (RELATING TO DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS) AND
13 WHO IS CONVICTED OF VIOLATING SECTION 1501, 1543, 3316, 3325
14 OR 3327 MAY BE SENTENCED TO AN ADDITIONAL TERM NOT TO EXCEED
15 FIVE YEARS' CONFINEMENT WHEN THE VIOLATION RESULTED IN DEATH.

16 * * *

17 (3) THE PENNSYLVANIA COMMISSION ON SENTENCING, PURSUANT
18 TO 42 PA.C.S. § 2154 (RELATING TO ADOPTION OF GUIDELINES FOR
19 SENTENCING), SHALL PROVIDE FOR A SENTENCING ENHANCEMENT FOR
20 AN OFFENSE UNDER THIS SECTION WHEN THE VIOLATION OCCURRED IN
21 AN ACTIVE WORK ZONE OR WAS THE RESULT OF A VIOLATION OF
22 SECTION 1501, 1543, 3316, 3325 OR 3327.

23 § 3735. HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE.

24 (A) OFFENSE DEFINED.--

25 (1) ANY PERSON WHO UNINTENTIONALLY CAUSES THE DEATH OF
26 ANOTHER PERSON AS THE RESULT OF A VIOLATION OF SECTION 3802
27 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
28 SUBSTANCE) AND WHO IS CONVICTED OF VIOLATING SECTION 3802 IS
29 GUILTY OF A FELONY OF THE SECOND DEGREE WHEN THE VIOLATION IS
30 THE CAUSE OF DEATH AND THE SENTENCING COURT SHALL ORDER THE

1 PERSON TO SERVE A MINIMUM TERM OF IMPRISONMENT OF NOT LESS
2 THAN THREE YEARS.

3 (2) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A
4 PERSON CONVICTED OF A VIOLATION OF PARAGRAPH (1) AS THE
5 RESULT OF A VIOLATION OF SECTION 1501 (RELATING TO DRIVERS
6 REQUIRED TO BE LICENSED) OR 1543 (RELATING TO DRIVING WHILE
7 OPERATING PRIVILEGE IS SUSPENDED OR REVOKED) AND WHO IS
8 CONVICTED OF VIOLATING SECTION 1501 OR 1543 MAY BE SENTENCED
9 TO AN ADDITIONAL TERM UNDER SUBSECTION (B) (2) NOT TO EXCEED
10 TWO YEARS' CONFINEMENT WHEN THE VIOLATION RESULTED IN DEATH.

11 (3) A CONSECUTIVE [THREE-YEAR] TERM OF IMPRISONMENT
12 UNDER THIS SUBSECTION SHALL BE IMPOSED FOR EACH VICTIM WHOSE
13 DEATH IS THE RESULT OF THE VIOLATION OF SECTION 3802.

14 (B) APPLICABILITY OF SENTENCING GUIDELINES.--[THE]

15 (1) SUBJECT TO PARAGRAPH (2), THE SENTENCING GUIDELINES
16 PROMULGATED BY THE PENNSYLVANIA COMMISSION ON SENTENCING
17 SHALL NOT SUPERSEDE THE MANDATORY PENALTY OF THIS SECTION.

18 (2) FOR A PENALTY UNDER SUBSECTION (A) (2), THE
19 SENTENCING GUIDELINES PROMULGATED BY THE COMMISSION SHALL
20 DETERMINE THE TERM OF A SENTENCING ENHANCEMENT IN ADDITION TO
21 THE EXISTING MANDATORY PENALTY OF THIS SECTION.

22 SECTION 2. THE AMENDMENT OF 75 PA.C.S. §§ 3732(B) (1.1) AND
23 (3) AND 3735 SHALL APPLY TO OFFENSES COMMITTED ON OR AFTER THE
24 EFFECTIVE DATE OF THIS SECTION.

25 Section ~~2~~ 3. This act shall take effect in 60 days.

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