

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2492 Session of 2014

INTRODUCED BY SAYLOR, ENGLISH, GILLESPIE, GROVE, R. MILLER, MILNE, REGAN, SCHREIBER, TALLMAN, SWANGER, MURT AND KORTZ, SEPTEMBER 18, 2014

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 23, 2014

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, further providing for
3 occupational limited license; and, in enforcement, further
4 providing for reports by courts and for failure to comply
5 with provisions of subchapter.

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

8 Section 1. Sections 1553(d)(10) and 6323(1) of Title 75 of
9 the Pennsylvania Consolidated Statutes are amended to read:

10 § 1553. Occupational limited license.

11 * * *

12 (d) Unauthorized issuance.--The department shall prohibit
13 issuance of an occupational limited license to:

14 * * *

15 (10) [Any] (i) Except as provided under subparagraph
16 (ii), any person whose operating privilege has been
17 suspended pursuant to either former section 13(m) of the
18 act of April 14, 1972 (P.L.233, No.64), known as The

1 Controlled Substance, Drug, Device and Cosmetic Act, or
2 section 1532(c) (relating to suspension of operating
3 privilege) unless the suspension imposed has been fully
4 served.

5 (ii) Subparagraph (i) shall not apply to a person
6 whose:

7 (A) operating privilege has been suspended
8 pursuant to either:

9 (I) former section 13(m) of The Controlled
10 Substance, Drug, Device and Cosmetic Act; or

11 (II) section 1532(c) for a conviction of any
12 offense involving the possession, sale, delivery,
13 offering for sale, holding for sale or giving
14 away of any controlled substance under the laws
15 of the United States, this Commonwealth or any
16 other state; and

17 (B) record of conviction, ~~acquittal or other~~ <--
18 ~~disposition~~ ADJUDICATION OF DELINQUENCY OR A GRANTING <--
19 OF A CONSENT DECREE was not sent to the department
20 within the time period required under section 6323(1)
21 (relating to reports by courts).

22 * * *

23 § 6323. Reports by courts.

24 Subject to any inconsistent procedures and standards relating
25 to reports and transmission of funds prescribed pursuant to
26 Title 42 (relating to judiciary and judicial procedure):

27 (1) The following shall apply:

28 (i) The clerk of any court of this Commonwealth,
29 within ten days after final judgment of conviction or
30 acquittal or other disposition of charges under any of

1 the provisions of this title or under section 13 of the
2 act of April 14, 1972 (P.L.233, No.64), known as The
3 Controlled Substance, Drug, Device and Cosmetic Act,
4 including an adjudication of delinquency or the granting
5 of a consent decree, shall send to the department a
6 record of the judgment of conviction, acquittal or other
7 disposition.

8 (ii) The following shall apply:

9 (A) The clerk of any court of this Commonwealth
10 shall, by January 1, 2016, send to the department
11 each record of the following, including an
12 adjudication of delinquency or the granting of a
13 consent decree, that was not sent within ten days
14 after final judgment of conviction or acquittal or
15 other disposition:

16 (I) A judgment of conviction, ~~acquittal or~~ <--
17 ~~other disposition of charges~~ ADJUDICATION OF <--
18 DELINQUENCY OR A GRANTING OF A CONSENT DECREE
19 under section 13 of The Controlled Substance,
20 Drug, Device and Cosmetic Act.

21 (II) A judgment of conviction, ~~acquittal or~~ <--
22 ~~other disposition of charges~~ ADJUDICATION OF <--
23 DELINQUENCY OR A GRANTING OF A CONSENT DECREE
24 under section 1532(c) (relating to suspension of
25 operating privilege) for a conviction of any
26 offense involving the possession, sale, delivery,
27 offering for sale, holding for sale or giving
28 away of any controlled substance under the laws
29 of the United States, this Commonwealth or any
30 other state.

1 (B) A filing made under this subparagraph shall
2 be valid for the purposes of this title.

3 * * *

4 Section 2. Section 6324 of Title 75 is amended by adding a
5 subsection to read:

6 § 6324. Failure to comply with provisions of subchapter.

7 * * *

8 (c) Validity.--Except as provided under section 6323(1)(i)
9 (relating to reports by courts), a record of the following,
10 including an adjudication of delinquency or the granting of a
11 consent decree, that was not sent within ten days after final
12 judgment of conviction or acquittal or other disposition, <--
13 ADJUDICATION OF DELINQUENCY OR A GRANTING OF A CONSENT DECREE
14 shall not be valid for the purposes of this title:

15 (1) A judgment of conviction, acquittal or other <--
16 disposition of charges ADJUDICATION OF DELINQUENCY OR A <--
17 GRANTING OF A CONSENT DECREE under section 13 of the act of
18 April 14, 1972 (P.L.233, No.64), known as The Controlled
19 Substance, Drug, Device and Cosmetic Act.

20 (2) A judgment of conviction, acquittal or other <--
21 disposition of charges ADJUDICATION OF DELINQUENCY OR A <--
22 GRANTING OF A CONSENT DECREE under section 1532(c) (relating
23 to suspension of operating privilege) for a conviction of any
24 offense involving the possession, sale, delivery, offering
25 for sale, holding for sale or giving away of any controlled
26 substance under the laws of the United States, this
27 Commonwealth or any other state.

28 Section 3. This act shall take effect immediately.