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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1870 Session of  
2015

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INTRODUCED BY WHEATLEY, V. BROWN, KINSEY, KORTZ, J. HARRIS,  
SCHWEYER, O'BRIEN, LONGIETTI, COHEN, GAINNEY AND GERGELY,  
FEBRUARY 24, 2016

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REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 24, 2016

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in licensing of drivers, further providing for  
3 occupational limited license.

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

6 Section 1. Section 1553(d)(10) and (d.1) of Title 75 of the  
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 1553. Occupational limited license.

9 \* \* \*

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

12 \* \* \*

13 (10) (i) Except as provided under subparagraph (ii) or  
14 subsection (d.1) or (d.2), any person whose operating  
15 privilege has been suspended pursuant to [either former  
16 section 13(m) of the act of April 14, 1972 (P.L.233,  
17 No.64), known as The Controlled Substance, Drug, Device  
18 and Cosmetic Act, or] section 1532(c) (relating to

1 suspension of operating privilege) unless the suspension  
2 imposed has been fully served.

3 (ii) Subparagraph (i) shall not apply to a person  
4 whose:

5 (A) operating privilege has been suspended  
6 pursuant to [either:

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

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

15 (B) record of conviction, adjudication of  
16 delinquency or a granting of a consent decree was not  
17 sent to the department within the time period  
18 required under section 6323(1) (relating to reports  
19 by courts).

20 \* \* \*

21 (d.1) Adjudication eligibility.--[An individual who has been  
22 convicted of an offense under section 3802 (relating to driving  
23 under influence of alcohol or controlled substance) and does not  
24 have a prior offense as defined in section 3806(a) (relating to  
25 prior offenses)] The following individuals shall be eligible for  
26 an occupational limited license only if the individual has  
27 served 60 days of the suspension imposed for the offense[.]:

28 (1) An individual who has been convicted of an offense  
29 under section 3802 (relating to driving under influence of  
30 alcohol or controlled substance) and does not have a prior

1 offense as defined in section 3806(a) (relating to prior  
2 offenses).

3 (2) An individual whose operating privilege has been  
4 suspended under section 1532(c) for a conviction of an  
5 offense involving the possession, sale, delivery, offering  
6 for sale, holding for sale or giving away of any controlled  
7 substance under the laws of the United States, this  
8 Commonwealth or any other state and does not have a prior  
9 offense. For purposes of this paragraph, any conviction under  
10 any Federal or state law relating to any controlled substance  
11 or other drug shall constitute a prior offense if it related  
12 to the type of conduct against which a subsequent offense is  
13 directed.

14 \* \* \*

15 Section 2. This act shall take effect in 60 days.