
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 42 Session of
2017

INTRODUCED BY SACCONI, ZIMMERMAN, DIAMOND, VITALI, WHEATLEY,
ORTITAY AND DOWLING, JANUARY 23, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 23, 2017

AN ACT

1 Amending Titles 4 (Amusements), 18 (Crimes and Offenses), 23
2 (Domestic Relations), 27 (Environmental Resources) and 75
3 (Vehicles) of the Pennsylvania Consolidated Statutes, further
4 providing for suspension of operating privileges of licensed
5 drivers.

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

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

10 § 1518. Prohibited acts; penalties.

11 * * *

12 (b) Criminal penalties and fines.--

13 * * *

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

1 subsection (a) (16) shall be not less than \$350 nor more than
2 \$1,000.

3 * * *

4 Section 2. Sections 3929(b) (1.1), 6305(b) (3), 6307(b),
5 6308(b) and 6310.3(b) of Title 18 are amended to read:

6 § 3929. Retail theft.

7 * * *

8 (b) Grading.--

9 * * *

10 (1.1) Any person who is convicted under subsection (a)
11 of retail theft of motor fuel may, in addition to any other
12 penalty imposed, be sentenced as follows:

13 (i) For a first offense, to pay a fine of not less
14 than \$100 nor more than \$250.

15 (ii) For a second offense, to pay a fine of not less
16 than \$250 nor more than \$500.

17 (iii) For a third or subsequent offense, to pay a
18 fine of not less than \$500[, or the court may order the
19 operating privilege of the person suspended for 30 days.
20 A copy of the order shall be transmitted to the
21 Department of Transportation].

22 * * *

23 § 6305. Sale of tobacco.

24 * * *

25 (b) Penalty.--

26 * * *

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

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

30 (ii) complete a tobacco use prevention and cessation

1 program approved by the Department of Health; or
2 (iii) a fine not to exceed \$200[; or
3 (iv) a 30-day suspension of motor vehicle operating
4 privileges].

5 * * *

6 § 6307. Misrepresentation of age to secure liquor or malt or
7 brewed beverages.

8 * * *

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

16 * * *

17 § 6308. Purchase, consumption, possession or transportation of
18 liquor or malt or brewed beverages.

19 * * *

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

26 * * *

27 § 6310.3. Carrying a false identification card.

28 * * *

29 (b) Minimum penalty.--[In addition to any other penalty
30 imposed pursuant to section 6310.4 (relating to restriction of

1 operating privileges) or any other statute, a] A person who is
2 convicted of violating subsection (a) shall be sentenced to pay
3 a fine of not more than \$500 for the second and subsequent
4 violations. No court shall have the authority to suspend any
5 sentence as defined in this section.

6 * * *

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

8 [§ 6310.4. Restriction of operating privileges.

9 (a) General rule.--Whenever a person is convicted or is
10 adjudicated delinquent or is admitted to any preadjudication
11 program for a violation of section 6307 (relating to
12 misrepresentation of age to secure liquor or malt or brewed
13 beverages), 6308 (relating to purchase, consumption, possession
14 or transportation of liquor or malt or brewed beverages) or
15 6310.3 (relating to carrying a false identification card), the
16 court, including a court not of record if it is exercising
17 jurisdiction pursuant to 42 Pa.C.S. § 1515(a) (relating to
18 jurisdiction and venue), shall order the operating privilege of
19 the person suspended. A copy of the order shall be transmitted
20 to the Department of Transportation.

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

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

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

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

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

3 (c) Nondrivers.--Any person whose record is received by the
4 department under subsection (a) and who does not have a driver's
5 license shall be ineligible to apply for a learner's permit
6 under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and
7 1507 (relating to application for driver's license or learner's
8 permit by minor) for the time periods specified in subsection
9 (b). If the person is under 16 years of age when he is convicted
10 or adjudicated delinquent or admitted to a preadjudication
11 program, his suspension of operating privileges shall commence
12 upon his 16th birthday for the time periods specified in
13 subsection (b).

14 (d) Insurance premiums.--An insurer shall not increase
15 premiums, impose any surcharge or rate penalty, or make any
16 driver record point assignment for automobile insurance, nor
17 shall an insurer cancel or refuse to renew an automobile
18 insurance policy on account of a suspension under this section.]

19 Section 4. Section 4355(a), (d.1), (d.6) and (e) of Title 23
20 are amended to read:

21 § 4355. Denial or suspension of licenses.

22 (a) General rule.--[Except as provided in subsection (d.1),
23 where] Where the domestic relations section or the department
24 has been unable to attach the income of an obligor and the
25 obligor owes support in an amount equal to or greater than three
26 months of the monthly support obligation or where an individual
27 has failed to comply with a visitation or partial custody order
28 pursuant to section 4346 (relating to contempt for noncompliance
29 with visitation or partial custody order) or an individual has
30 failed, after appropriate notice, to comply with subpoenas or

1 warrants relating to paternity or child support proceedings, the
2 court, the domestic relations section or the department shall
3 issue an order directing any licensing authority to:

4 (1) prohibit the issuance or renewal of a license of the
5 obligor or other individual; or

6 (2) require the suspension of the license of the obligor
7 or other individual.

8 * * *

9 [(d.1) Special procedures for operating privilege.--

10 (1) Where the domestic relations section or the
11 department has been unable to attach the income of an obligor
12 and the obligor owes support in an amount equal to or greater
13 than three months of the monthly support obligation or where
14 an individual has failed, after appropriate notice, to comply
15 with subpoenas or warrants relating to paternity or child
16 support proceedings, the court, the domestic relations
17 section or the department may issue an order directing the
18 Department of Transportation to:

19 (i) prohibit the issuance or renewal of a license of
20 the obligor or other individual; or

21 (ii) require the suspension of the license of the
22 obligor or other individual.

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

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

27 (ii) How, when and where the notice can be
28 contested.

29 (iii) That the grounds for contesting the notice
30 shall be limited to mistakes of fact. Mistakes of fact

1 shall be limited to errors in the amount of arrears owed
2 or mistaken identity of the obligor.

3 (iv) That an order to the Department of
4 Transportation to automatically suspend, nonrenew or deny
5 the license will occur in all cases 30 days after
6 issuance of the notice unless the arrearage is paid, a
7 periodic payment schedule is approved by the court or the
8 individual is excused from the failure to comply with the
9 warrant or subpoena.

10 (3) Any order issued to the Department of Transportation
11 pursuant to this section shall be issued as agreed upon by
12 the department and the Department of Transportation. The
13 order may be transmitted electronically or by other methods.

14 (4) Upon receipt of an order or directive from a court,
15 the domestic relations section or the department authorizing
16 the Department of Transportation to suspend the operating
17 privilege of an obligor or other individual, the Department
18 of Transportation shall immediately suspend the operating
19 privilege of that obligor or other individual. Upon receipt
20 of an order from the court or the domestic relations section
21 or a directive from the department authorizing the Department
22 of Transportation to restore the operating privilege of an
23 obligor or other individual, the Department of Transportation
24 shall immediately restore the operating privilege of that
25 obligor or other individual if the person complies with the
26 provisions of 75 Pa.C.S. § 1960 (relating to reinstatement of
27 operating privilege or vehicle registration).

28 (5) An insurer may not increase premiums, impose a
29 surcharge or rate penalty, make a driver record point
30 assignment for automobile insurance or cancel or refuse to

1 renew an automobile insurance policy on account of a
2 suspension under this section.

3 (6) There shall be no right to appeal from a suspension
4 under this section pursuant to 75 Pa.C.S. § 1550 (relating to
5 judicial review). Subject to section 4377(c) (relating to
6 power to expedite support cases), the sole remedy shall be to
7 petition the court which entered the underlying support order
8 resulting in the suspension, revocation or refusal to issue
9 or renew the license.]

10 * * *

11 (d.6) Immunity.--The court, the domestic relations section,
12 the Department of [Public Welfare, the Department of
13 Transportation] Human Services, the Pennsylvania Game
14 Commission, the Pennsylvania Fish and Boat Commission or any
15 employee of any of these entities or any person appointed by the
16 Pennsylvania Game Commission or the Pennsylvania Fish and Boat
17 Commission to issue licenses and permits pursuant to the
18 applicable provisions of 30 Pa.C.S. (relating to fish) and 34
19 Pa.C.S. (relating to game) shall not be subject to civil or
20 criminal liability for carrying out their duties under this
21 section.

22 (e) Definitions.--As used in this section, the following
23 words and phrases shall have the meanings given to them in this
24 subsection:

25 "License." A license, certificate, permit or other
26 authorization to[:

27 (1)] engage in a profession, trade or business in this
28 Commonwealth or a political subdivision or agency thereof[;
29 or

30 (2) operate a motor vehicle for personal or commercial

1 purposes].

2 "Licensing authority." Any entity of the Commonwealth,
3 political subdivision or agency thereof which issues a license.

4 ["Operating privilege." The privilege to apply for and
5 obtain a license to use as well as the privilege to use a
6 vehicle on a highway as authorized under Title 75 (relating to
7 vehicles).]

8 "Recreational license." A hunting or fishing license.

9 Section 5. Section 6208(a) of Title 27 is amended to read:

10 § 6208. Penalties.

11 (a) Criminal penalties.--A transporter who violates the
12 provisions of this chapter commits a misdemeanor of the third
13 degree and, upon conviction for the first offense, shall pay a
14 penalty of not less than \$5,000 nor more than \$10,000. Upon the
15 second or subsequent conviction of an offense under this
16 chapter, a transporter commits a misdemeanor of the second
17 degree and shall pay a penalty of not less than \$10,000 nor more
18 than \$25,000[, and the court may order the operating privilege
19 of the transporter to be suspended for a period of up to one
20 year, or both].

21 * * *

22 Section 6. Section 1532(a)(1) and (c) of Title 75 are
23 amended to read:

24 § 1532. Suspension of operating privilege.

25 (a) One-year suspension.--The department shall suspend the
26 operating privilege of any driver for one year upon receiving a
27 certified record of the driver's conviction of or an
28 adjudication of delinquency based on any of the following
29 offenses:

30 [(1) Any felony in the commission of which a court

1 determines that a vehicle was essentially involved.]

2 * * *

3 (c) Suspension.--The department shall suspend the operating
4 privilege of any person upon receiving a certified record of the
5 person's conviction of any offense involving the possession,
6 sale, delivery, offering for sale, holding for sale or giving
7 away of any controlled substance under the laws of the United
8 States, this Commonwealth or any other state[, or any person 21
9 years of age or younger upon receiving a certified record of the
10 person's conviction or adjudication of delinquency under 18
11 Pa.C.S. § 2706 (relating to terroristic threats) committed on
12 any school property, including any public school grounds, during
13 any school-sponsored activity or on any conveyance providing
14 transportation to a school entity or school-sponsored activity.]
15 in accordance with the following:

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

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

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

21 (iii) For a third and any subsequent offense
22 thereafter, a period of two years from the date of the
23 suspension.

24 (2) For the purposes of this subsection, the term
25 "conviction" shall include any conviction or adjudication of
26 delinquency for any of the offenses listed in paragraph (1),
27 whether in this Commonwealth or any other Federal or state
28 court.

29 * * *

30 Section 7. This act shall take effect in 60 days.