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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 824 Session of  
2013

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INTRODUCED BY BREWSTER, FONTANA, TEPLITZ, SOLOBAY, RAFFERTY,  
WASHINGTON, TARTAGLIONE AND FARNESE, APRIL 10, 2013

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REFERRED TO TRANSPORTATION, APRIL 10, 2013

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in offenses in general, further providing for  
3 leaving an unattended child in a motor vehicle; and, in  
4 driving after imbibing alcohol or utilizing drugs, further  
5 providing for penalties.

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

8 Section 1. Sections 3701.1 and 3804(b) and (e)(2) of Title  
9 75 of the Pennsylvania Consolidated Statutes are amended to  
10 read:

11 § 3701.1. Leaving an unattended child in a motor vehicle.

12 (a) General rule.--A person driving or in charge of a motor  
13 vehicle may not permit a child under six years of age to remain  
14 unattended in the vehicle when the motor vehicle is out of the  
15 person's sight and under circumstances which endanger the  
16 health, safety or welfare of the child.

17 [(a.1) Applicability.--This section shall apply to the  
18 highways and trafficways of this Commonwealth and, for the  
19 purposes of this section only, the term "trafficways" shall

1 include, but not be limited to, parking lots.

2 (b) Penalty.--A person who violates this section commits a  
3 summary offense. It is a separate offense for each child left  
4 unattended.]

5 (c) School bus or school vehicle.---

6 (1) A driver of a school bus, school vehicle or any  
7 other motor vehicle who either is employed by a school  
8 district or transports pupils under a contract with the  
9 school district commits an offense if he intentionally,  
10 knowingly, recklessly or negligently leaves a pupil  
11 unattended in a school bus, school vehicle or other vehicle  
12 when the school bus, school vehicle or other vehicle is out  
13 of the driver's sight and under circumstances which endanger  
14 the health, safety or welfare of the pupil.

15 (2) Failure of the driver to strictly comply with all  
16 regulations promulgated by the State Board of Education  
17 governing the transportation of school pupils shall be prima  
18 facie evidence of a violation of this subsection.

19 (d) Suspension of operating privilege.---

20 (1) The department shall suspend the school bus driver  
21 endorsement of a driver held by the driver pursuant to  
22 section 1509 (relating to qualifications for school bus  
23 driver endorsement) upon receiving a certified record of the  
24 driver's conviction under subsection (c).

25 (2) The suspension shall be as follows:

26 (i) For a first offense, 30 days.

27 (ii) For a second offense, 60 days.

28 (e) Revocation of school bus driver endorsement.---The  
29 department shall permanently revoke any school bus driver  
30 endorsement held by a driver pursuant to section 1509 upon

1 receiving a certified record of the driver's third conviction  
2 under subsection (c).

3 (f) Applicability.--This section shall apply to the highways  
4 and trafficways of this Commonwealth and, for the purposes of  
5 this section only, the term "trafficways" shall include, but not  
6 be limited to, parking lots.

7 (g) Penalties.---

8 (1) A person who violates subsection (a) commits a  
9 summary offense. It is a separate offense for each child left  
10 unattended.

11 (2) A person who violates subsection (c) commits a  
12 summary offense and shall be subject to:

13 (i) A fine not to exceed \$300 for a first offense.

14 (ii) A fine of not less than \$300 nor more than  
15 \$1,000 for a second offense.

16 (iii) A fine of not less than \$1,000 nor more than  
17 \$1,500 for a third offense.

18 § 3804. Penalties.

19 \* \* \*

20 (b) High rate of blood alcohol; minors; commercial vehicles  
21 and school buses and school vehicles; accidents.--Except as set  
22 forth in subsection (c), an individual who violates section  
23 3802(a)(1) where there was an accident resulting in bodily  
24 injury, serious bodily injury or death of any person or damage  
25 to a vehicle or other property or who violates section 3802(b),  
26 (e) or (f) shall be sentenced as follows:

27 (1) For a first offense, to:

28 (i) undergo imprisonment of not less than 48  
29 consecutive hours or not less than 30 days for a  
30 violation of section 3802(f) involving a school bus or

1 school vehicle;

2 (ii) pay a fine of not less than \$500 nor more than  
3 \$5,000 or not less than \$5,000 nor more than \$10,000 for  
4 a violation of section 3802(f) involving a school bus or  
5 school vehicle;

6 (iii) attend an alcohol highway safety school  
7 approved by the department; and

8 (iv) comply with all drug and alcohol treatment  
9 requirements imposed under sections 3814 and 3815.

10 (2) For a second offense, to:

11 (i) undergo imprisonment of not less than 30 days or  
12 not less than 90 days for a violation of section 3802(f)  
13 involving a school bus or school vehicle;

14 (ii) pay a fine of not less than \$750 nor more than  
15 \$5,000 or not less than \$7,500 nor more than \$15,000 for  
16 a violation of section 3802(f) involving a school bus or  
17 school vehicle;

18 (iii) attend an alcohol highway safety school  
19 approved by the department; and

20 (iv) comply with all drug and alcohol treatment  
21 requirements imposed under sections 3814 and 3815.

22 (3) For a third offense, to:

23 (i) undergo imprisonment of not less than 90 days or  
24 not less than one year for a violation of section 3802(f)  
25 involving a school bus or school vehicle;

26 (ii) pay a fine of not less than \$1,500 nor more  
27 than \$10,000 or not less than \$10,000 nor more than  
28 \$20,000 for a violation of section 3802(f) involving a  
29 school bus or school vehicle; and

30 (iii) comply with all drug and alcohol treatment

1 requirements imposed under sections 3814 and 3815.

2 (4) For a fourth or subsequent offense, to:

3 (i) undergo imprisonment of not less than one year  
4 or not less than five years for a violation of section  
5 3802(f) involving a school bus or school vehicle;

6 (ii) pay a fine of not less than \$1,500 nor more  
7 than \$10,000 or not less than \$15,000 nor more than  
8 \$25,000 for a violation of section 3802(f) involving a  
9 school bus or school vehicle; and

10 (iii) comply with all drug and alcohol treatment  
11 requirements imposed under sections 3814 and 3815.

12 \* \* \*

13 (e) Suspension of operating privileges upon conviction.--

14 \* \* \*

15 (2) Suspension under paragraph (1) shall be in  
16 accordance with the following:

17 (i) Except as provided for in subparagraph (iii), 12  
18 months for an ungraded misdemeanor or misdemeanor of the  
19 second degree under this chapter.

20 (ii) 18 months for a misdemeanor of the first degree  
21 under this chapter.

22 (ii.1) 24 months for violation of section 3802(f)  
23 involving a school bus or school vehicle.

24 (iii) There shall be no suspension for an ungraded  
25 misdemeanor under section 3802(a) where the person is  
26 subject to the penalties provided in subsection (a) and  
27 the person has no prior offense.

28 (iv) For suspensions imposed under paragraph (1)  
29 (ii), notwithstanding any provision of law or enforcement  
30 agreement to the contrary, all of the following apply:

1 (A) Suspensions shall be in accordance with  
2 Subchapter D of Chapter 15 (relating to the Driver's  
3 License Compact).

4 (B) In calculating the term of a suspension for  
5 an offense that is substantially similar to an  
6 offense enumerated in section 3802, the department  
7 shall presume that if the conduct reported had  
8 occurred in this Commonwealth then the person would  
9 have been convicted under section 3802(a)(2).

10 (v) Notwithstanding any other provision of law or  
11 enforcement agreement to the contrary, the department  
12 shall suspend the operating privilege of a driver for six  
13 months upon receiving a certified record of a consent  
14 decree granted under 42 Pa.C.S. Ch. 63 (relating to  
15 juvenile matters) based on section 3802.

16 \* \* \*

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