

No. 2002-114

AN ACT

HB 2164

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege; imposing penalties on department employees or agents who issue fraudulent driver's licenses and on persons exhibiting such licenses; further providing for motorcycle fees; and providing for removal from the record of certain suspensions.

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

Section 1. Sections 1532(a), 1571 and 7904 of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1532. Suspension of operating privilege.

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

(1) Any felony in the commission of which a court determines that a vehicle was essentially involved.

(2) Any violation of section 3735 (relating to homicide by vehicle while driving under influence).

(3) Any violation of the following provisions:

Section 3732 (relating to homicide by vehicle).

Section 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

Section 3742 (relating to accidents involving death or personal injury).

Section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

[Section 7102(b) (relating to removal or falsification of identification number).

Section 7103(b) (relating to dealing in vehicles with removed or falsified numbers).]

Section 7111 (relating to dealing in titles and plates for stolen vehicles).

Section 7121 (relating to false application for certificate of title or registration).

Section 7122 (relating to altered, forged or counterfeit documents and plates).

* * *

§ 1571. Violations concerning licenses.

(a) Offenses defined.—It is unlawful for any person:

(1) To exhibit or cause or permit to be exhibited or have in possession any recalled, canceled, suspended, revoked[,] or disqualified[, **fictitious or fraudulently altered**] driver's license.

(2) To lend a driver's license to any other person or permit the use thereof by another.

(3) To exhibit or represent as one's own any driver's license not issued to the person.

(4) To fail or refuse to surrender to the department upon lawful demand a recalled, canceled, suspended, revoked, disqualified, fictitious or fraudulently altered driver's license.

(5) To exhibit or cause or permit to be exhibited or have in possession a fictitious or fraudulently altered driver's license.

(a.1) Employees and agents.—It is unlawful for any department employee or any agent of the department to issue a fictitious or fraudulently altered driver's license when the employee or agent has knowledge that the application for the driver's license or the driver's license contains fictitious or fraudulent information.

(b) Penalty.—

(1) Any person violating [any of] the provisions of [this section is guilty of] subsection (a)(1) through (4) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

(2) Any person violating the provisions of subsection (a)(5) commits a misdemeanor of the first degree and shall be sentenced as provided in 18 Pa.C.S. §§ 1101(4) (relating to fines) and 1104(1) (relating to sentence of imprisonment for misdemeanors).

(3) Any person violating the provisions of subsection (a.1) commits a felony of the third degree and shall be sentenced as provided in 18 Pa.C.S. §§ 1101(3) (relating to fines) and 1103(3) (relating to sentence of imprisonment for felony). Each fictitious or fraudulently altered driver's license issued by a department employee or an agent of the department shall constitute a separate offense.

§ 7904. Fees.

Fees relating to motorcycle licenses for motorcycle operators to be collected by the department under this chapter shall be in addition to any other fees imposed under the provisions of this title and are as follows:

(1) An additional fee of ~~[\$2]~~ \$5 shall be assessed and collected for each original motorcycle operator's license.

(2) An additional fee of ~~[\$2]~~ \$5 shall be assessed and collected for each annual renewal of a motorcycle operator's license.

(3) An additional fee of ~~[\$2]~~ \$5 shall be assessed and collected for each motorcycle learner's permit.

(4) An additional fee of ~~[\$2]~~ \$5 shall be assessed and collected for each replacement motorcycle operator's license.

Section 2. Drivers whose operating privileges were suspended or revoked prior to the effective date of this section may petition the

Department of Transportation to remove from the record the suspensions which had previously been imposed for violations of 75 Pa.C.S. §§ 7102(b) and 7103(b). Upon receipt of the petition, the department shall examine the driving record of the petitioner and shall remove from the record suspensions or revocations caused by convictions of violations of 75 Pa.C.S. § 7102(b) or 7103(b). If there are other offenses on the record, if the driver is entitled to credit, credit shall be given for the other offenses for the periods of times where the driver's operating privileges were suspended or revoked for violations of 75 Pa.C.S. §§ 7102(b) and 7103(b). If the driver was properly serving the suspension, then the driver is entitled to credit. If, after recalculating the record, the driver is eligible for restoration of privileges, the department shall so inform the driver and permit the driver's operating privileges to be restored so long as the driver meets all the other requirements for restoration.

Section 3. This act shall take effect as follows:

- (1) The amendment of 75 Pa.C.S. § 1571 shall take effect in 60 days.
- (2) The amendment of 75 Pa.C.S. § 7904 shall take effect in six months.
- (3) The remainder of this act shall take effect immediately.

APPROVED—The 2nd day of October, A.D. 2002.

MARK S. SCHWEIKER