

No. 2014-189

AN ACT

SB 1239

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for occupational limited license; in driving after imbibing alcohol or utilizing drugs, further providing for grading and for prior offenses; and, in enforcement, further providing for reports by courts.

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

Section 1. Sections 1553(d)(10), 3803(a), 3806(b) and 6323(1) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:
§ 1553. Occupational limited license.

* * *

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

* * *

(10) [Any] (i) *Except as provided under subparagraph (ii), any person whose operating privilege has been suspended pursuant to either former section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or section 1532(c) (relating to suspension of operating privilege) unless the suspension imposed has been fully served.*

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

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

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

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

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

* * *

§ 3803. Grading.

(a) Basic offenses.—[Notwithstanding the provisions of] *Except as provided in* subsection (b):

(1) An individual who violates section 3802(a) (relating to driving under influence of alcohol or controlled substance) and has no more than one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804 (relating to penalties).

(2) An individual who violates section 3802(a) and has more than one prior offense commits a misdemeanor of the second degree.

* * *

§ 3806. Prior offenses.

* * *

(b) Repeat offenses within ten years.—The calculation of prior offenses for purposes of sections 1553(d.2) (relating to occupational limited license), 3803 (relating to grading) and 3804 (relating to penalties) shall include any conviction, *whether or not judgment of sentence has been imposed for the violation*, adjudication of delinquency, juvenile consent decree, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition within the ten years before the **[present violation occurred] sentencing on the present violation** for any of the following:

- (1) an offense under section 3802;
- (2) an offense under former section 3731;
- (3) an offense substantially similar to an offense under paragraph (1) or (2) in another jurisdiction; or
- (4) any combination of the offenses set forth in paragraph (1), (2) or (3).

§ 6323. Reports by courts.

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

(1) *The following shall apply:*

(i) The clerk of any court of this Commonwealth, within ten days after final judgment of conviction or acquittal or other disposition of charges under any of the provisions of this title or under section 13 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, including an adjudication of delinquency or the granting of a consent decree, shall send to the department a record of the judgment of conviction, acquittal or other disposition.

(ii) *The following shall apply:*

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

(I) *A judgment of conviction, adjudication of delinquency or a granting of a consent decree under section 13 of The Controlled Substance, Drug, Device and Cosmetic Act.*

(II) *A judgment of conviction, adjudication of delinquency or a granting of a consent decree under section 1532(c) (relating to suspension of operating privilege) for a conviction of any offense involving the possession, sale, delivery, offering for sale, holding for sale or giving away of*

any controlled substance under the laws of the United States, this Commonwealth or any other state.

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

* * *

Section 2. The amendment of 75 Pa.C.S. § 3806(b) shall apply to persons sentenced on or after the effective date of this section.

Section 3. The amendment of 75 Pa.C.S. § 1553(d)(10)(ii) shall be applied retroactively to January 1, 2004, in cases where the record of a judgment of conviction, adjudication of delinquency or a granting of a consent decree was sent to the Department of Transportation prior to the effective date of this section but not within the time period required under 75 Pa.C.S. § 6323(1).

Section 4. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) This section and section 3 of this act.

(ii) The amendment of 75 Pa.C.S. §§ 1553(d)(10), 3803(a) and 6323(1).

(2) The remainder of this act shall take effect in 60 days.

APPROVED—The 27th day of October, A.D. 2014

TOM CORBETT