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2 (b) Offenses enumerated.--Three convictions arising from
3 separate acts of any one or more of the following offenses
4 committed by any person shall result in such person being
5 designated as a habitual offender:

6 (1) Any violation of Subchapter B of Chapter 37
7 (relating to serious traffic offenses).

8 (1.1) Any violation of Chapter 38 (relating to driving
9 after imbibing alcohol or utilizing drugs) except for
10 sections 3808(a)(1) and (b) (relating to illegally operating
11 a motor vehicle not equipped with ignition interlock) and
12 3809 (relating to restriction on alcoholic beverages).

13 (1.2) Any violation of section 1543(b)(1.1) (relating to
14 driving while operating privilege is suspended or revoked).

15 (2) Any violation of section 3367 (relating to racing on
16 highways).

17 (3) Any violation of section 3742 (relating to accidents
18 involving death or personal injury).

19 (3.1) Any violation of section 3742.1 (relating to
20 accidents involving death or personal injury while not
21 properly licensed).

22 (4) Any violation of section 3743 (relating to accidents
23 involving damage to attended vehicle or property).

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25 § 1543. Driving while operating privilege is suspended or
26 revoked.

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28 (b) Certain offenses.--

29 (1) A person who drives a motor vehicle on a highway or
30 trafficway of this Commonwealth at a time when the person's

1 operating privilege is suspended or revoked as a condition of
2 acceptance of Accelerated Rehabilitative Disposition for a
3 violation of section [3731] 3802 (relating to driving under
4 influence of alcohol or controlled substance) or the former
5 section 3731, because of a violation of section 1547(b)(1)
6 (relating to suspension for refusal) or [3731] 3802 or former
7 section 3731 or is suspended under section 1581 (relating to
8 Driver's License Compact) for an offense substantially
9 similar to a violation of section [3731] 3802 or former
10 section 3731 shall, upon conviction, be guilty of a summary
11 offense and shall be sentenced to pay a fine of [\$1,000] \$500
12 and to undergo imprisonment for a period of not less than
13 [90] 60 days nor more than 90 days.

14 (1.1) (i) A person who has an amount of alcohol by
15 weight in his blood that is equal to or greater than .02%
16 at the time of testing or [is under the influence of a
17 controlled substance as defined in section 1603 (relating
18 to definitions)] who at the time of testing has in his
19 blood any amount of a Schedule I or nonprescribed
20 Schedule II or III controlled substance, as defined in
21 the act of April 14, 1972 (P.L.233, No.64), known as The
22 Controlled Substance, Drug, Device and Cosmetic Act, or
23 its metabolite and who drives a motor vehicle on any
24 highway or trafficway of this Commonwealth at a time when
25 the person's operating privilege is suspended or revoked
26 as a condition of acceptance of Accelerated
27 Rehabilitative Disposition for a violation of section
28 [3731] 3802 or former section 3731 or because of a
29 violation of section 1547(b)(1) or [3731] 3802 or former
30 section 3731 or is suspended under section 1581 for an

1 offense substantially similar to a violation of section
2 [3731] 3802 or former section 3731 shall, upon a first
3 conviction, be guilty of a summary offense and shall be
4 sentenced to pay a fine of \$1,000 and to undergo
5 imprisonment for a period of not less than 90 days.

6 (ii) A second violation of this paragraph shall
7 constitute a misdemeanor of the third degree, and upon
8 conviction thereof the person shall be sentenced to pay a
9 fine of \$2,500 and to undergo imprisonment for not less
10 than six months.

11 (iii) A third or subsequent violation of this
12 paragraph shall constitute a misdemeanor of the first
13 degree, and upon conviction thereof the person shall be
14 sentenced to pay a fine of \$5,000 and to undergo
15 imprisonment for not less than two years.

16 (2) This subsection shall apply to any person against
17 whom one of these suspensions has been imposed whether the
18 person is currently serving this suspension or whether the
19 effective date of suspension has been deferred under any of
20 the provisions of section 1544 (relating to additional period
21 of revocation or suspension). This provision shall also apply
22 until the person has had the operating privilege restored.
23 This subsection shall also apply to any revocation imposed
24 pursuant to section 1542 (relating to revocation of habitual
25 offender's license) if any of the enumerated offenses was for
26 a violation of section [3731] 3802 or former section 3731 or
27 for an out-of-State offense that is substantially similar to
28 a violation of section [3731] 3802 or former section 3731,
29 for which a revocation is imposed under section 1581.

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