

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2048 Session of  
1991

INTRODUCED BY MAYERNIK, SCHEETZ, KOSINSKI, VROON, STURLA,  
ARMSTRONG, BILLOW, GERLACH, DEMPSEY, STABACK, ITKIN, GEIST,  
E. Z. TAYLOR, NOYE AND KAISER, OCTOBER 21, 1991

REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 21, 1991

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for revocation or suspension of  
3 operating privileges and for chemical testing for controlled  
4 substances.

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

7 Section 1. Sections 1532(a)(2) and (b)(3) and 1547(b)(1) of  
8 Title 75 of the Pennsylvania Consolidated Statutes are amended  
9 to read:

10 § 1532. Revocation or suspension of operating privilege.

11 (a) Revocation.--The department shall revoke the operating  
12 privilege of any driver for one year upon receiving a certified  
13 record of the driver's conviction of or an adjudication of  
14 delinquency based on any of the following offenses:

15 \* \* \*

16 (2) Any violation of section 3735 (relating to homicide  
17 by vehicle while driving under influence). If the driver is  
18 sentenced to imprisonment as a result of the violation, the

1 one-year period shall not begin until the driver is released  
2 from imprisonment.

3 \* \* \*

4 (b) Suspension.--

5 \* \* \*

6 (3) The department shall suspend the operating privilege  
7 of any driver for 12 months upon receiving a certified record  
8 of the driver's conviction of section 3731 (relating to  
9 driving under influence of alcohol or controlled substance)  
10 or an adjudication of delinquency based on section 3731. If  
11 the driver is sentenced to imprisonment as a result of the  
12 conviction or adjudication, the 12-month period shall not  
13 begin until the driver is released from imprisonment. The  
14 department shall suspend the operating privilege of any  
15 driver for six months upon receiving a certified record of a  
16 consent decree granted under 42 Pa.C.S. Ch. 63 (relating to  
17 juvenile matters) based on section 3731.

18 \* \* \*

19 § 1547. Chemical testing to determine amount of alcohol or  
20 controlled substance.

21 \* \* \*

22 (b) Suspension for refusal.--

23 (1) If any person placed under arrest for a violation of  
24 section 3731 (relating to driving under influence of alcohol  
25 or controlled substance) is requested to submit to chemical  
26 testing and refuses to do so, the testing shall not be  
27 conducted but upon notice by the police officer, the  
28 department shall suspend the operating privilege of the  
29 person for a period of 12 months. Any time that the person is  
30 imprisoned under sentence imposed for the violation for which

1     the person was arrested shall not be counted as part of the  
2     12-month period.

3             \* \* \*

4     Section 2. The amendments of 75 Pa.C.S. §§ 1532(a)(2) and  
5     (b)(3) and 1547(b)(1) shall apply to violations which occur on  
6     or after the effective date of this act.

7     Section 3. This act shall take effect in 60 days.