

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 457 Session of
2007

INTRODUCED BY KAUFFMAN, BASTIAN, BOYD, BUXTON, CALTAGIRONE,
CARROLL, COSTA, CREIGHTON, CRUZ, DeLUCA, DENLINGER, FLECK,
GALLOWAY, GEIST, GINGRICH, GRUCELA, HERSHEY, HESS, JAMES,
MANN, MILLARD, PHILLIPS, RAPP, SCAVELLO, SIPTROTH, SOLOBAY,
STERN, R. STEVENSON, THOMAS AND TRUE, FEBRUARY 26, 2007

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 26, 2007

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for chemical testing to determine
3 amount of alcohol or controlled substance.

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

6 Section 1. Section 1547(a) of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 1547. Chemical testing to determine amount of alcohol or
9 controlled substance.

10 (a) General rule.--Any person who drives, operates or is in
11 actual physical control of the movement of a vehicle in this
12 Commonwealth shall be deemed to have given consent to one or
13 more chemical tests of breath, blood or urine for the purpose of
14 determining the alcoholic content of blood or the presence of a
15 controlled substance if [a police officer has reasonable grounds
16 to believe the person to have been driving, operating or in
17 actual physical control of the movement of a vehicle:

1 (1) in violation of section 1543(b)(1.1) (relating to
2 driving while operating privilege is suspended or revoked),
3 3802 (relating to driving under influence of alcohol or
4 controlled substance) or 3808(a)(2) (relating to illegally
5 operating a motor vehicle not equipped with ignition
6 interlock); or

7 (2) which was involved in an accident in which the
8 operator or passenger of any vehicle involved or a pedestrian
9 required treatment at a medical facility or was killed.] one
10 of the following applies:

11 (1) A police officer has reasonable grounds to believe
12 the person to have been driving, operating or in actual
13 physical control of the movement of a vehicle in violation of
14 section 1543(b)(1.1) (relating to driving while operating
15 privilege is suspended or revoked), 3802 (relating to driving
16 under influence of alcohol or controlled substance) or
17 3808(a)(2) (relating to illegally operating a motor vehicle
18 not equipped with ignition interlock).

19 (2) The person was driving, operating or in actual
20 physical control of the movement of a vehicle which was
21 involved in an accident in which the operator or passenger of
22 any vehicle involved or a pedestrian required treatment at a
23 medical facility or was killed.

24 * * *

25 Section 2. The amendment of 75 Pa.C.S. § 1547(a) shall apply
26 to a person driving, operating or in actual physical control of
27 the movement of a vehicle in this Commonwealth on or after the
28 effective date of this section.

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