

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1091 Session of  
2009

INTRODUCED BY BRADFORD, BRIGGS, BURNS, CARROLL, D. COSTA, GROVE,  
HESS, KIRKLAND, KORTZ, MANN, McILVAINE SMITH, MELIO, MURPHY,  
PYLE, SIPTROTH AND VULAKOVICH, MARCH 24, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 24, 2009

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in driving after imbibing alcohol or utilizing  
3 drugs, further prohibiting driving under the influence of  
4 alcohol or controlled substance.

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

7 Section 1. Section 3802(f) of Title 75 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 3802. Driving under influence of alcohol or controlled  
10 substance.

11 \* \* \*

12 (f) Commercial, emergency or school vehicles.--An individual  
13 may not drive, operate or be in actual physical control of the  
14 movement of a commercial vehicle, emergency vehicle, school bus  
15 or school vehicle in any of the following circumstances:

16 (1) After the individual has imbibed a sufficient amount  
17 of alcohol such that the alcohol concentration in the  
18 individual's blood or breath is:

1           (i) 0.04% or greater within two hours after the  
2 individual has driven, operated or been in actual  
3 physical control of the movement of a commercial vehicle  
4 other than an emergency vehicle, a school bus or a school  
5 vehicle.

6           (ii) 0.02% or greater within two hours after the  
7 individual has driven, operated or been in actual  
8 physical control of the movement of an emergency vehicle,  
9 a school bus or a school vehicle.

10       (2) After the individual has imbibed a sufficient amount  
11 of alcohol such that the individual is rendered incapable of  
12 safely driving, operating or being in actual physical control  
13 of the movement of the vehicle.

14       (3) While the individual is under the influence of a  
15 controlled substance or combination of controlled substances,  
16 as defined in section 1603 (relating to definitions).

17       (4) While the individual is under the combined influence  
18 of alcohol and a controlled substance or combination of  
19 controlled substances, as defined in section 1603.

20       \* \* \*

21       Section 2. This act shall take effect in 60 days.