
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1489 Session of
2002

INTRODUCED BY C. WILLIAMS, TARTAGLIONE, COSTA, DENT AND
A. WILLIAMS, JUNE 25, 2002

REFERRED TO JUDICIARY, JUNE 25, 2002

AN ACT

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

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

6 Section 1. Section 3731(a), (a.1)(1) and (d) of Title 75 of
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 3731. Driving under influence of alcohol or controlled
9 substance.

10 (a) Offense defined.--A person shall not drive, operate or
11 be in actual physical control of the movement of a vehicle in
12 any of the following circumstances:

13 (1) While under the influence of alcohol to a degree
14 which renders the person incapable of safe driving.

15 (2) While under the influence of any controlled
16 substance, as defined in the act of April 14, 1972 (P.L.233,
17 No.64), known as The Controlled Substance, Drug, Device and
18 Cosmetic Act, to a degree which renders the person incapable

1 of safe driving.

2 (3) While under the combined influence of alcohol and
3 any controlled substance to a degree which renders the person
4 incapable of safe driving.

5 (4) While the amount of alcohol by weight in the blood
6 of:

7 (i) an adult is [0.10%] 0.08% or greater; [or]

8 (ii) a minor is 0.02% or greater[.] ; or

9 (iii) an individual previously convicted under this
10 section is 0.05% or greater.

11 (a.1) Prima facie evidence.--

12 (1) It is prima facie evidence that:

13 (i) an adult had [0.10%] 0.08% or more by weight of
14 alcohol in his or her blood at the time of driving,
15 operating or being in actual physical control of the
16 movement of any vehicle if the amount of alcohol by
17 weight in the blood of the person is equal to or greater
18 than [0.10%] 0.08% at the time a chemical test is
19 performed on a sample of the person's breath, blood or
20 urine;

21 (ii) a minor had 0.02% or more by weight of alcohol
22 in his or her blood at the time of driving, operating or
23 being in actual physical control of the movement of any
24 vehicle if the amount of alcohol by weight in the blood
25 of the minor is equal to or greater than 0.02% at the
26 time a chemical test is performed on a sample of the
27 person's breath, blood or urine; [and]

28 (iii) a person operating a commercial vehicle had
29 0.04% or more by weight of alcohol in his or her blood at
30 the time of driving, operating or being in actual

1 physical control of the movement of the commercial
2 vehicle if the amount of alcohol by weight in the blood
3 of a person operating a commercial vehicle is equal to or
4 greater than 0.04% at the time a chemical test is
5 performed on a sample of the person's breath, blood or
6 urine[.]; and

7 (iv) a person previously convicted under this
8 section had 0.05% or more by weight of alcohol in his or
9 her blood at the time of driving, operating or being in
10 actual physical control of the movement of the vehicle if
11 the amount of alcohol by weight in the blood of the
12 person previously convicted under this section is equal
13 to or greater than 0.05% at the time a chemical test is
14 performed on a sample of the person's breath, blood or
15 urine.

16 * * *

17 (d) Certain dispositions prohibited.--The attorney for the
18 Commonwealth shall not submit a charge brought under this
19 section for Accelerated Rehabilitative Disposition if:

20 (1) the defendant has been found guilty of or accepted
21 Accelerated Rehabilitative Disposition of a charge brought
22 under this section within seven years of the date of the
23 current offense;

24 (2) the defendant committed any other act in connection
25 with the present offense which, in the judgment of the
26 attorney for the Commonwealth, constitutes a violation of any
27 of the specific offenses enumerated within section 1542
28 (relating to revocation of habitual offender's license); or

29 (3) an accident occurred in connection with the events
30 surrounding the current offense [and any person, other than

1 the defendant, was killed or seriously injured as a result of
2 the accident].

3 * * *

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