

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1760 Session of
1977

INTRODUCED BY WAGNER, PRATT, HOPKINS, FREIND, MORRIS, ANDERSON,
DeMEDIO, KATZ, DORR, MILLIRON, McGINNIS, NOYE, FISHER,
SALVATORE, DOYLE, SCHMITT, ZORD AND MADIGAN, OCTOBER 12, 1977

REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 12, 1977

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for the implied consent of drivers to
3 step out of their vehicles under certain conditions.

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

6 Section 1. Declaration of policy and intent.--It is the
7 policy of this Commonwealth to provide for the safety of the
8 general public while travelling upon the highways of this
9 Commonwealth, as well as for the safety of those engaged in the
10 enforcement of the "Vehicle Code." Accordingly, in recognition
11 of the hazards involved when a police officer approaches a
12 potentially dangerous person seated in a vehicle, section 6309
13 of Title 75 as added by this act is intended to reduce those
14 risks and to benefit general highway safety thereby.

15 Section 2. Amendatory provisions.--Title 75, act of November
16 25, 1970 (P.L.707, No.230), known as the Pennsylvania
17 Consolidated Statutes is amended by adding a section to read:
18 § 6309. Implied consent to step out of vehicle.

1 (a) Implied consent.--Any person who drives a motor vehicle
2 in this Commonwealth shall be deemed to have given his consent
3 to comply with a uniformed police officer's request that he
4 remove himself from the vehicle if the police officer had
5 reasonable grounds to stop the vehicle and if such police
6 officer displays a badge upon making the request.

7 (b) Suspension for refusal.--

8 (1) If a driver lawfully stopped upon reasonable grounds
9 is requested by the police officer to remove himself from the
10 vehicle and refuses to do so, the driver, except as provided
11 in subsection (c), shall not be required to do so, but upon
12 notice by the police officer, the department shall suspend
13 the operating privileges of the driver for a period of six
14 months.

15 (2) It shall be the duty of the police officer to inform
16 the driver that his operating privilege will be suspended
17 upon his refusal to remove himself from the vehicle.

18 (3) Any person whose operating privilege is suspended
19 under the provisions of this section shall have the same
20 right of appeal as provided for in cases of suspension for
21 other reasons.

22 (c) Effect on searches and frisks.--Nothing in this section
23 shall be deemed in any way to prejudice, restrain or prevent an
24 officer from requiring a person to step out of a vehicle and
25 submit either to a search upon probable cause or to a protective
26 frisk upon reasonable grounds to believe that the person is
27 armed and dangerous.

28 (d) Physical inability.--In the event that any driver shall
29 be physically unable to remove himself from the vehicle at the
30 time of the police officer's request, such physical inability

1 shall be a complete and valid defense to any suspension
2 proceeding pursuant to this section if the driver can
3 satisfactorily demonstrate that he was actually suffering from a
4 physical impairment at the time of the request which prevented
5 his compliance with the request.

6 Section 3. Effective date.--This act shall take effect in 60
7 days.