

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1452

Session of
1987

INTRODUCED BY MAYERNIK, TRELLO, PISTELLA, YANDRISEVITS, HASAY,
MELIO, KENNEY, McHALE, BUNT, RAYMOND, KOSINSKI, LASHINGER,
FOX, E. Z. TAYLOR, VEON AND CIVERA, JUNE 3, 1987

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 15, 1987

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing FOR DETERMINATION OF
3 INCOMPETENCY, FOR CHEMICAL TESTING TO DETERMINE AMOUNT OF
4 ALCOHOL, for general requirements for school buses and for
5 width of vehicles. <—

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

8 ~~Section 1. Section 4552(b) of Title 75 of the Pennsylvania~~ <—
9 ~~Consolidated Statutes is amended to read:~~

10 SECTION 1. SECTION 1519 OF TITLE 75 OF THE PENNSYLVANIA <—
11 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:
12 § 1519. DETERMINATION OF INCOMPETENCY.

13 * * *

14 (D) EXCEPTIONS.--ANY PROVISION OF THIS SECTION OR THIS
15 CHAPTER TO THE CONTRARY NOTWITHSTANDING, ANY FREEDOM FROM
16 EPILEPTIC SEIZURE REQUIREMENTS PROMULGATED BY DEPARTMENTAL
17 REGULATION SHALL NOT OPERATE TO PRECLUDE A PERSON BETWEEN THE
18 AGES OF 16 AND 18 FROM OBTAINING A LEARNER'S PERMIT FOR THE SOLE

1 PURPOSE OF PARTICIPATING IN A PROPERLY SUPERVISED BEHIND-THE-
2 WHEEL DRIVER TRAINING COURSE OFFERED IN THE PUBLIC SCHOOLS IN
3 WHICH THE TRAINING VEHICLE IS EQUIPPED WITH DUAL CONTROLS. THE
4 DEPARTMENT MAY REQUIRE SUCH PROOF AS IT DEEMS NECESSARY TO
5 ESTABLISH THAT THE PERMIT SHALL BE USED FOR SUCH LIMITED PURPOSE
6 AND THAT THE DRIVER TRAINING COURSE VEHICLE TO BE USED IS
7 EQUIPPED WITH DUAL CONTROLS. THE APPLICANT MAY USE THE PERMIT
8 FOR SUCH PURPOSE, AND SUCH PURPOSE ONLY, UNTIL SUCH TIME AS THE
9 INCAPACITY IS OTHERWISE REMOVED OR WAIVED IN ACCORDANCE WITH
10 DEPARTMENTAL REGULATION, AT WHICH TIME THE APPLICANT MAY USE THE
11 PERMIT FOR ALL LAWFUL PURPOSES FOR WHICH SAID PERMITS ARE
12 NORMALLY ISSUED.

13 SECTION 2. SECTIONS 1547(C) AND 4552(B) OF TITLE 75 ARE
14 AMENDED TO READ:

15 § 1547. CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR
16 CONTROLLED SUBSTANCE.

17 * * *

18 (C) TEST RESULTS ADMISSIBLE IN EVIDENCE.--IN ANY SUMMARY
19 PROCEEDING OR CRIMINAL PROCEEDING IN WHICH THE DEFENDANT IS
20 CHARGED WITH A VIOLATION OF SECTION 3731 OR ANY OTHER VIOLATION
21 OF THIS TITLE ARISING OUT OF THE SAME ACTION, THE AMOUNT OF
22 ALCOHOL OR CONTROLLED SUBSTANCE IN THE DEFENDANT'S BLOOD, AS
23 SHOWN BY CHEMICAL TESTING OF THE PERSON'S BREATH, BLOOD OR
24 URINE, WHICH TESTS WERE CONDUCTED BY QUALIFIED PERSONS USING
25 APPROVED EQUIPMENT, SHALL BE ADMISSIBLE IN EVIDENCE.

26 (1) CHEMICAL TESTS OF BREATH SHALL BE PERFORMED ON
27 DEVICES APPROVED BY THE DEPARTMENT OF HEALTH USING PROCEDURES
28 PRESCRIBED JOINTLY BY REGULATIONS OF THE DEPARTMENTS OF
29 HEALTH AND TRANSPORTATION. DEVICES SHALL HAVE BEEN CALIBRATED
30 AND TESTED FOR ACCURACY WITHIN A PERIOD OF TIME AND IN A

1 MANNER SPECIFIED BY REGULATIONS OF THE DEPARTMENTS OF HEALTH
2 AND TRANSPORTATION. THE REGULATIONS SHALL ALSO PRESCRIBE
3 STANDARDS FOR CONTROL SOLUTIONS OR OTHER METHODOLOGY USED TO
4 TEST THE ACCURACY OF THE DEVICES. FOR PURPOSES OF BREATH
5 TESTING, A QUALIFIED PERSON MEANS A PERSON WHO HAS FULFILLED
6 THE TRAINING REQUIREMENT IN THE USE OF THE EQUIPMENT IN A
7 TRAINING PROGRAM APPROVED BY THE DEPARTMENTS OF HEALTH AND
8 TRANSPORTATION. A CERTIFICATE OR LOG SHOWING THAT A DEVICE
9 WAS CALIBRATED AND TESTED FOR ACCURACY AND THAT THE DEVICE
10 WAS ACCURATE SHALL BE PRESUMPTIVE EVIDENCE OF THOSE FACTS IN
11 EVERY PROCEEDING IN WHICH A VIOLATION OF THIS TITLE IS
12 CHARGED.

13 (2) CHEMICAL TESTS OF BLOOD OR URINE SHALL BE PERFORMED
14 BY A CLINICAL LABORATORY LICENSED AND APPROVED BY THE
15 DEPARTMENT OF HEALTH FOR THIS PURPOSE USING PROCEDURES AND
16 EQUIPMENT PRESCRIBED BY THE DEPARTMENT OF HEALTH. FOR
17 PURPOSES OF BLOOD AND URINE TESTING, QUALIFIED PERSON MEANS
18 AN INDIVIDUAL WHO IS AUTHORIZED TO PERFORM THOSE CHEMICAL
19 TESTS UNDER THE ACT OF SEPTEMBER 26, 1951 (P.L.1539, NO.389),
20 KNOWN AS "THE CLINICAL LABORATORY ACT."

21 * * *

22 § 4552. General requirements for school buses.

23 * * *

24 (b) Visual signals.--In addition to the applicable lighting
25 requirements of Chapter 43 (relating to lighting equipment)
26 every school bus shall be equipped with a uniform front and rear
27 system of red and amber visual signals for the warning and
28 control of traffic during route operations as provided in
29 section 3345 (relating to meeting or overtaking school bus) and
30 in regulations of the department. All school buses purchased

1 after July 1, 1988, which were manufactured after that date
2 shall also be equipped with a side stop signal arm on the left
3 side of the vehicle. The side stop signal arm shall be
4 automatically activated ~~when the bus stops and~~ WHENEVER THE BUS <—
5 IS STOPPED WITH THE RED VISUAL SIGNALS IN USE. THE SIDE STOP
6 SIGNAL ARM shall contain a flashing red light connected to the
7 same circuits as the red and amber visual signals. The
8 department shall adopt regulations implementing this subsection.

9 * * *

10 Section 2 3. Section 4921 of Title 75 is amended by adding a <—
11 subsection to read:

12 § 4921. Width of vehicles.

13 * * *

14 (f.1) School buses.--School bus side stop signal arms, as
15 provided for in section 4552, may, when in an extended position
16 displaying red visual signals while the vehicle is stopped and
17 loading or discharging students, extend beyond the width
18 limitation otherwise provided in this section.

19 Section 3 4. This act shall take effect in 60 days. <—