
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1961 Session of
1991

INTRODUCED BY OLASZ, PETRARCA, KOSINSKI, LEH, FAIRCHILD, SALOOM,
GEIST, COLAIZZO, VROON, JOHNSON, TRELLO, FARGO, KENNEY, FLICK
AND BILLOW, AUGUST 3, 1991

REFERRED TO COMMITTEE ON TRANSPORTATION, AUGUST 3, 1991

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for testing for alcohol or
3 controlled substances; and providing for costs.

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 and the section is amended by
8 adding a subsection to read:

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

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

1 motor vehicle:

2 (1) while under the influence of alcohol or a controlled
3 substance or both; or

4 (2) which was involved in an accident in which the
5 operator or passenger of any vehicle involved or a pedestrian
6 required treatment at a medical facility or was killed.

7 * * *

8 (1) Mandatory blood test.--Whenever a person is given a
9 chemical test pursuant to this section, he shall be given a
10 blood or urine test. The lower blood alcohol reading of the
11 tests shall be the only test result used in any prosecution for
12 driving under the influence of alcohol. The cost of
13 administering any test pursuant to this section shall be borne
14 by the defendant only upon conviction of a violation of section
15 3731 (relating to driving under influence of alcohol or
16 controlled substance) or 3735 (relating to homicide by vehicle
17 while driving under influence).

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