

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 692

Session of  
1973

INTRODUCED BY MURTHA, LEHR, S. E. HAYES JR., YAHNER AND IRVIS,  
APRIL 2, 1973

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 2, 1973

AN ACT

1 Amending the act of April 29, 1959 (P.L.58, No.32), entitled "An  
2 act consolidating and revising the Vehicle Code, the Tractor  
3 Code, the Motor Vehicle Financial Responsibility Act and  
4 other acts relating to the ownership, possession and use of  
5 vehicles and tractors," further defining the offense of  
6 driving under the influence of liquor or drugs; and providing  
7 mandatory terms of imprisonment for the first, second and  
8 third offenses.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Clause (3) of subsection (c) of section 624.1,  
12 act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle  
13 Code," added July 28, 1961 (P.L.918, No.399), and amended July  
14 31, 1968 (P.L.758, No.237), is amended to read:

15 Section 624.1. Intoxication Chemical Tests, etc.--

16 \* \* \*

17 (c) If chemical analysis of a person's breath, blood or  
18 urine shows--

19 \* \* \*

20 (3) That the amount of alcohol by weight in the blood of the  
21 person tested is ten one-hundredths (0.10) percent or more, it

1 shall [be presumed that the defendant was] constitute an  
2 unlawful operation of a motor vehicle or tractor while under the  
3 influence of intoxicating liquor.

4 \* \* \*

5 Section 2. Section 1037 of the act is amended to read:

6 Section 1037. Driving Under the Influence of Liquor or  
7 Drugs.--It shall be unlawful for any person to operate a motor  
8 vehicle, tractor, streetcar or trackless trolley omnibus, while  
9 under the influence of intoxicating liquor or any narcotic drug  
10 or habit producing drug, or permit any person who may be under  
11 the influence of intoxicating liquor or narcotic or habit  
12 producing drug, to operate any motor vehicle or tractor owned by  
13 him or in his custody or control. The operation of a motor  
14 vehicle or tractor by any person while he has ten one-hundredths  
15 (0.10) percent or more by weight of alcohol in his blood as  
16 shown by chemical analyses of his blood, breath, urine or saliva  
17 made pursuant to the provisions of section 624.1 of this act  
18 shall constitute an unlawful operation of such motor vehicle or  
19 tractor while under the influence of intoxicating liquor.

20 Penalty.--Any person violating the provisions of this  
21 section, shall be guilty of a misdemeanor, and shall, upon  
22 conviction thereof [in a court of quarter sessions;] be  
23 sentenced to pay a fine of not less than one hundred dollars  
24 (\$100.00) and not more than five hundred dollars (\$500.00) and  
25 costs of prosecution, or undergo imprisonment for not more than  
26 three (3) years, or suffer both such fine and imprisonment.

27 Any person convicted of violating the provisions of this  
28 section shall undergo a mandatory term of imprisonment for a  
29 period of five (5) days for the first offense thereof; a  
30 mandatory term of imprisonment of three (3) months for the

- 1 second offense thereof; and a mandatory term of imprisonment of
- 2 six (6) months for the third offense thereof.