

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 457

Session of
1981

INTRODUCED BY TILGHMAN, MARCH 16, 1981

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 9, 1982

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for exceptions to vehicle
3 registration and inspection requirements, PROVIDING FOR THE
4 ADMISSIBILITY OF BREATH OR BLOOD TEST REFUSAL AND CHANGING
5 THE PERIOD ALLOWED FOR TEMPORARY PERMITS. <—

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

8 Section 1. Subsection (a) of section 1302 of Title 75, act
9 of November 25, 1970 (P.L.707, No.230), known as the
10 Pennsylvania Consolidated Statutes, is amended by adding a
11 paragraph to read:

12 § 1302. Vehicles exempt from registration.

13 (a) General rule.--The following types of vehicles are
14 exempt from registration:

15 * * *

16 (12) Any military vehicle used for training by a private
17 nonprofit tax exempt military educational institution when
18 such vehicle does not travel on public roads in excess of one

1 mile and the property on both sides of the public road is
2 owned by the institution.

3 * * *

4 SECTION 2. SECTION 1547(B) OF TITLE 75 IS AMENDED AND A <—
5 SUBSECTION IS ADDED TO READ:

6 § 1547. CHEMICAL TEST TO DETERMINE AMOUNT OF ALCOHOL.

7 * * *

8 (B) SUSPENSION FOR REFUSAL.--

9 (1) IF ANY PERSON PLACED UNDER ARREST FOR DRIVING UNDER
10 THE INFLUENCE OF ALCOHOL IS REQUESTED TO SUBMIT TO A CHEMICAL
11 TEST AND REFUSES TO DO SO, THE TEST SHALL NOT BE GIVEN BUT
12 UPON NOTICE BY THE POLICE OFFICER, THE DEPARTMENT SHALL:

13 (I) SUSPEND THE OPERATING PRIVILEGE OF THE PERSON
14 FOR A PERIOD OF SIX MONTHS; OR

15 (II) REVOKE THE OPERATING PRIVILEGE OF THE PERSON
16 FOR A PERIOD OF ONE YEAR FOR A SECOND OR SUBSEQUENT
17 REFUSAL WITHIN A PERIOD OF THREE YEARS.

18 (2) IT SHALL BE THE DUTY OF THE POLICE OFFICER TO INFORM
19 THE PERSON THAT THE PERSON'S OPERATING PRIVILEGE WILL BE
20 SUSPENDED OR REVOKED UPON REFUSAL TO SUBMIT TO A CHEMICAL
21 TEST AND THAT THIS REFUSAL MAY ALSO BE USED AS EVIDENCE
22 AGAINST HIM AT TRIAL.

23 (3) ANY PERSON WHOSE OPERATING PRIVILEGE IS SUSPENDED
24 UNDER THE PROVISIONS OF THIS SECTION SHALL HAVE THE SAME
25 RIGHT OF APPEAL AS PROVIDED FOR IN CASES OF SUSPENSION OR
26 REVOCATION FOR OTHER REASONS.

27 * * *

28 (K) TEST REFUSAL ADMISSIBLE IN EVIDENCE.--IN ANY SUMMARY
29 PROCEEDING OR CRIMINAL PROCEEDING IN WHICH THE DEFENDANT IS
30 CHARGED WITH DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE

1 OF ALCOHOL, THE DEFENDANT'S REFUSAL TO ALLOW A BREATH OR BLOOD
2 TEST SHALL BE ADMISSIBLE IN EVIDENCE AS AN INFERENCE OF GUILT.

3 SECTION 3. SUBSECTION (D) OF SECTION 2102 OF TITLE 75 IS
4 AMENDED TO READ:

5 § 2102. IDENTIFICATION MARKERS REQUIRED.

6 * * *

7 (D) OPERATION WITHOUT IDENTIFICATION MARKER UNLAWFUL.--IT
8 SHALL BE UNLAWFUL TO OPERATE OR TO CAUSE TO BE OPERATED IN THIS
9 COMMONWEALTH ANY MOTOR CARRIER VEHICLE UNLESS THE VEHICLE BEARS
10 THE IDENTIFICATION MARKER REQUIRED BY THIS SECTION.

11 (1) THE SECRETARY OF REVENUE MAY BY REGULATION EXEMPT
12 FROM THE REQUIREMENT TO DISPLAY THE IDENTIFICATION MARKER
13 MOTOR CARRIER VEHICLES WHICH IN HIS OPINION ARE CLEARLY
14 IDENTIFIABLE SUCH THAT EFFECTIVE ENFORCEMENT OF THIS CHAPTER
15 WILL NOT SUFFER THEREBY.

16 (2) FOR A PERIOD NOT EXCEEDING [FIVE] 25 DAYS AS TO ANY
17 ONE MOTOR CARRIER, THE SECRETARY OF REVENUE BY LETTER OR
18 TELEGRAM MAY AUTHORIZE THE OPERATION OF A MOTOR CARRIER
19 VEHICLE OR VEHICLES WITHOUT THE IDENTIFICATION MARKER
20 REQUIRED WHEN THE ENFORCEMENT OF THIS SECTION FOR THAT PERIOD
21 WOULD CAUSE UNDUE DELAY AND HARDSHIP IN THE OPERATION OF SUCH
22 MOTOR CARRIER VEHICLE OR VEHICLES:

23 (I) THE FEE FOR SUCH PERMITS SHALL BE \$5 FOR EACH
24 MOTOR CARRIER VEHICLE.

25 (II) CONDITIONS FOR THE ISSUANCE OF SUCH PERMITS
26 SHALL BE SET FORTH IN REGULATIONS PROMULGATED BY THE
27 DEPARTMENT OF REVENUE.

28 Section ~~2~~ 4. Subsection (b) of section 4703 of Title 75 is
29 amended by adding a paragraph to read:

30 § 4703. Operation of vehicle without official certificate of

<—

1 inspection.

2 * * *

3 (b) Exceptions.--Subsection (a) does not apply to:

4 * * *

5 (9) Any military vehicle used for training by a private,
6 nonprofit tax exempt military educational institution when
7 such vehicle does not travel on public roads in excess of one
8 mile and the property on both sides of the public road is
9 owned by the institution.

10 * * *

11 Section 3 5. This act shall take effect immediately.

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