
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 578

Session of
1975

INTRODUCED BY CRAWFORD, KOLTER, TOLL, PITTS, HASKELL, FISCHER,
KLINGAMAN, R. W. WILT, MYERS, FEBRUARY 25, 1975

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 26, 1975

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," providing that persons operating
6 motor vehicles who, through the administration of a chemical
7 breath test are found to be under the influence of alcohol,
8 shall submit to further chemical analysis.

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

11 Section 1. Subsection (a) of section 624.1, act of April 29,
12 1959 (P.L.58, No.32), known as "The Vehicle Code," amended July
13 31, 1968 (P.L.758, No.237), is amended to read:

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

15 (a) Any person who operates a motor vehicle or tractor in
16 this Commonwealth, shall be deemed to have given his consent to
17 a chemical test of his breath, for the purpose of determining
18 the alcoholic content of his blood: Provided, That the test is
19 administered by qualified personnel and with equipment approved
20 by the secretary at the direction of a police officer having
21 reasonable grounds to believe the person to have been driving

1 [while under the influence of intoxicating liquor.] with alcohol
2 in his body. Qualified personnel means a physician or a police
3 officer who has received training in the use of such equipment
4 in a training program approved by the secretary. If any person
5 [is placed under arrest and charged with the operation of a
6 motor vehicle or tractor while under the influence of
7 intoxicating liquor and is thereafter requested to submit to a
8 chemical test and refuses to do so,] refuses to submit to such
9 chemical test of his breath, the test shall not be given but the
10 secretary may suspend his license or permit to operate a motor
11 vehicle or tractor with or without a hearing. Any person whose
12 license or permit to operate a motor vehicle or tractor is
13 suspended under the provisions of this act shall have the same
14 right of appeal as provided for in cases of suspension for other
15 reasons. The results of the chemical breath test administered to
16 a person under this subsection shall not be admissible in
17 evidence.

18 (a.1) If a chemical breath test administered to a person
19 under subsection (a) indicates that the person's faculties may
20 be impaired by alcohol, the person may be placed under arrest
21 and charged with the operation of a motor vehicle or tractor
22 while under the influence of intoxicating liquor and thereafter
23 submit to a further chemical analysis of his breath, his blood,
24 or his urine, for the purpose of determining the alcoholic
25 content of his blood, which analysis shall be conducted with
26 equipment approved by the secretary and operated by qualified
27 personnel. If any person refuses to submit to such further
28 chemical analysis of his breath, the tests shall not be given,
29 but the secretary may suspend his license or permit to operate a
30 motor vehicle or tractor with or without a hearing. Any person

1 whose license or permit to operate a motor vehicle or tractor is
2 suspended under the provisions of this act shall have the same
3 right of appeal as provided for in cases of suspension for other
4 reasons. The results of any test under this subsection may be
5 used as evidence to establish that the person has been operating
6 a vehicle in violation of the laws of this Commonwealth. Any
7 person who operates a motor vehicle or tractor in this
8 Commonwealth, shall be deemed to have given his consent to the
9 further chemical analysis of his breath under this subsection.

10 * * *

11 Section 2. Subsection (b) of section 624.1 of the act is
12 repealed.