

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 973 Session of
1991

INTRODUCED BY BARLEY, DeLUCA, PITTS, JOHNSON, NOYE, PRESTON,
SCHEETZ, E. Z. TAYLOR, CLYMER, KING, GEIST, SAURMAN, PHILLIPS
AND VROON, APRIL 2, 1991

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 2, 1991

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for the percentage of alcohol by
3 weight in the blood of tested individuals.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Sections 1547(d) and 3731(a) of Title 75 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 1547. Chemical testing to determine amount of alcohol or
9 controlled substance.

10 * * *

11 (d) Presumptions from amount of alcohol.--If chemical
12 testing of a person's breath, blood or urine shows:

13 (1) That the amount of alcohol by weight in the blood of
14 the person tested is [0.05%] 0.04% or less, it shall be
15 presumed that the person tested was not under influence of
16 alcohol and the person shall not be charged with any
17 violation under section 3731(a)(1) or (4) (relating to
18 driving under influence of alcohol or controlled substance),

1 or, if the person was so charged prior to the test, the
2 charge shall be void ab initio. This fact shall not give rise
3 to any presumption concerning a violation of section
4 3731(a)(2) or (3) or (i).

5 (2) That the amount of alcohol by weight in the blood of
6 the person tested is in excess of [0.05%] 0.04% but less than
7 [0.10%] 0.08%, this fact shall not give rise to any
8 presumption that the person tested was or was not under the
9 influence of alcohol, but this fact may be considered with
10 other competent evidence in determining whether the person
11 was or was not under the influence of alcohol. This provision
12 shall not negate the provisions of section 3731(i).

13 (3) That the amount of alcohol by weight in the blood of
14 the person tested is 0.10% or more, this fact may be
15 introduced into evidence if the person is charged with
16 violating section 3731.

17 * * *

18 § 3731. Driving under influence of alcohol or controlled
19 substance.

20 (a) Offense defined.--A person shall not drive, operate or
21 be in actual physical control of the movement of any vehicle
22 while:

23 (1) under the influence of alcohol to a degree which
24 renders the person incapable of safe driving;

25 (2) under the influence of any controlled substance, as
26 defined in the act of April 14, 1972 (P.L.233, No.64), known
27 as "The Controlled Substance, Drug, Device and Cosmetic Act,"
28 to a degree which renders the person incapable of safe
29 driving;

30 (3) under the combined influence of alcohol and any

1 controlled substance to a degree which renders the person
2 incapable of safe driving; or

3 (4) the amount of alcohol by weight in the blood of the
4 person is [0.10%] 0.08% or greater.

5 * * *

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