

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2979 Session of
1992

INTRODUCED BY BLAUM, CIVERA, DeWEESE, PICCOLA, ARNOLD,
ARMSTRONG, BARLEY, BELARDI, BOYES, BROWN, BUSH, CARLSON,
CARONE, CESSAR, CLARK, CLYMER, COLAIZZO, DEMPSEY, DENT,
DONATUCCI, FAJT, FARGO, FLEAGLE, GEIST, GODSHALL, GRUPPO,
HANNA, HAYES, HARLEY, HASAY, HERSHEY, JAROLIN, JOHNSON, KING,
KOSINSKI, KRUSZEWSKI, LaGROTTA, LEH, LINTON, MARSICO, MUNDY,
NAILOR, PHILLIPS, PISTELLA, PITTS, PRESTON, RAYMOND, REINARD,
SALOOM, SAURMAN, SCHEETZ, SCRIMENTI, SEMMEL, SERAFINI,
STETLER, STURLA, SURRA, E. Z. TAYLOR, TIGUE, TOMLINSON,
ULIANA, VEON, WAMBACH, WILLIAMS AND WOGAN, SEPTEMBER 30, 1992

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 30, 1992

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for evidence on liquor and malt or brewed
3 beverages.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6312. Liquor or malt or brewed beverages.

9 (a) General rule.--In an action or proceeding under this
10 title or as provided in subsection (b) in which a material
11 element of the offense is that a substance is liquor or a malt
12 or brewed beverage, all of the following apply:

13 (1) Chemical analysis is not required to prove that the
14 substance is liquor or a malt or brewed beverage.

1 (2) Circumstantial evidence is sufficient to prove that
2 the substance is liquor or a malt or brewed beverage.

3 (3) Proving that the substance is not liquor or a malt
4 or brewed beverage is an affirmative defense.

5 (b) Applicability.--The provisions of subsection (a) shall
6 apply to proceedings under Titles 18 (relating to crimes and
7 offenses) and 42 (relating to judiciary and judicial procedure).

8 Section 2. The addition of 75 Pa.C.S. § 6312 shall apply to
9 actions initiated on or after the effective date of this act.

10 Section 3. This act shall take effect in 60 days.