

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1721 Session of
2001

INTRODUCED BY C. WILLIAMS, BEBKO-JONES, COLEMAN, CREIGHTON,
CURRY, FLICK, HORSEY, MANDERINO, MELIO, ROSS, STEIL,
E. Z. TAYLOR, THOMAS AND J. WILLIAMS, JUNE 11, 2001

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 11, 2001

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further prohibiting driving under influence of
3 alcohol or controlled substance.

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

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

8 § 3731. Driving under influence of alcohol or controlled
9 substance.

10 (a) Offense defined.--A person shall not drive, operate or
11 be in actual physical control of the movement of a vehicle in
12 any of the following circumstances:

13 (1) While under the influence of alcohol to a degree
14 which renders the person incapable of safe driving.

15 (2) While under the influence of any controlled
16 substance, as defined in the act of April 14, 1972 (P.L.233,
17 No.64), known as The Controlled Substance, Drug, Device and
18 Cosmetic Act, to a degree which renders the person incapable

1 of safe driving.

2 (3) While under the combined influence of alcohol and
3 any controlled substance to a degree which renders the person
4 incapable of safe driving.

5 (4) While the amount of alcohol by weight in the blood
6 of:

7 (i) an adult is [0.10%] 0.08% or greater; or

8 (ii) a minor is 0.02% or greater.

9 (a.1) Prima facie evidence.--

10 (1) It is prima facie evidence that:

11 (i) an adult had [0.10%] 0.08% or more by weight of
12 alcohol in his or her blood at the time of driving,
13 operating or being in actual physical control of the
14 movement of any vehicle if the amount of alcohol by
15 weight in the blood of the person is equal to or greater
16 than 0.10% at the time a chemical test is performed on a
17 sample of the person's breath, blood or urine;

18 (ii) a minor had 0.02% or more by weight of alcohol
19 in his or her blood at the time of driving, operating or
20 being in actual physical control of the movement of any
21 vehicle if the amount of alcohol by weight in the blood
22 of the minor is equal to or greater than 0.02% at the
23 time a chemical test is performed on a sample of the
24 person's breath, blood or urine; and

25 (iii) a person operating a commercial vehicle had
26 0.04% or more by weight of alcohol in his or her blood at
27 the time of driving, operating or being in actual
28 physical control of the movement of the commercial
29 vehicle if the amount of alcohol by weight in the blood
30 of a person operating a commercial vehicle is equal to or

greater than 0.04% at the time a chemical test is performed on a sample of the person's breath, blood or urine.

(2) For the purposes of this section, the chemical test of the sample of the person's breath, blood or urine shall be from a sample obtained within three hours after the person drove, operated or was in actual physical control of the vehicle.

* * *

(d) Certain dispositions prohibited.--The attorney for the Commonwealth shall not submit a charge brought under this section for Accelerated Rehabilitative Disposition if:

(1) the defendant has been found guilty of or accepted Accelerated Rehabilitative Disposition of a charge brought under this section within seven years of the date of the current offense;

(2) the defendant committed any other act in connection with the present offense which, in the judgment of the attorney for the Commonwealth, constitutes a violation of any of the specific offenses enumerated within section 1542 (relating to revocation of habitual offender's license); or

(3) an accident occurred in connection with the events surrounding the current offense [and any person, other than the defendant, was killed or seriously injured as a result of the accident].

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