



House of Representatives

Commonwealth of Pennsylvania

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**TO:** All House Members

**DATE:** January 24, 2011

**FROM:** Representative Mario Scavello

**SUBJECT:** Chemical Alcohol Testing (Former HB 2643)

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In the near future, I am planning to re-introduce legislation which will amend Section 1547 chemical testing to determine amount of alcohol or controlled substance of the Vehicle Code (Title 75). Section 1547 will be amended to require any individual who drives, operates or is in actual physical control of the movement of a motor vehicle that is involved in an accident, where death or serious bodily injury occurred, to submit to drug and alcohol testing if that person could be cited for any traffic offense.

Pennsylvania previously had a statute which required any person who drove a vehicle that was involved in an accident in which the operator or passenger of any vehicle involved, or a pedestrian required treatment at a medical facility, or was killed, to submit to a mandatory blood test. This statute was ruled to be unconstitutional by the Pennsylvania Supreme Court in 1992. Generally, a search and seizure are not reasonable unless conducted pursuant to a search warrant issued upon a showing of probable cause. The implied consent provisions of the statute dispense with the need to obtain a warrant. However, the statute impermissibly dispensed the probable cause requirement as well.

My legislation will correct the defect in the overturned statute. It maintains the implied consent provision but also provides that if a person could be cited for any traffic offense, that traffic offense constitutes probable cause for the purpose of blood testing individuals involved in an accident that results in death or serious bodily injury.

If you would like to co-sponsor this proposal, please contact Kendra Snuffer at 787-7732 or [kSnuffer@pahousegop.com](mailto:kSnuffer@pahousegop.com).

Prior co-sponsors: BEYER , BUXTON , CARROLL , CLYMER , D. COSTA, CREIGHTON , GEIST , GINGRICH , HARPER , MURT , RAPP , SIPTROTH , STEVENSON , SWANGER , THOMAS , VULAKOVICH and YOUNGBLOOD