

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 300

Session of  
1983

INTRODUCED BY REIBMAN, RHOADES, BRIGHTBILL AND KRATZER,  
FEBRUARY 22, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JULY 14, 1983

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further defining "local authorities" to include  
3 airport authorities WHICH ARE NOT LOCATED WITHIN COUNTIES OF <—  
4 THE FIRST CLASS OR COUNTIES OF THE SECOND CLASS; PROVIDING <—  
5 FOR NOTICE RELATING TO CHEMICAL TESTS; AND DRIVING UNDER THE  
6 INFLUENCE.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The definition of "local authorities" in section  
10 102 of Title 75 of the Pennsylvania Consolidated Statutes is  
11 amended to read:

12 § 102. Definitions.

13 Subject to additional definitions contained in subsequent  
14 provisions of this title which are applicable to specific  
15 provisions of this title, the following words and phrases when  
16 used in this title shall have, unless the context clearly  
17 indicates otherwise, the meanings given to them in this section:

18 \* \* \*

1 "Local authorities." County, municipal and other local  
2 boards or bodies having authority to enact laws relating to  
3 traffic. The term also includes airport authorities, EXCEPT <—  
4 WHERE THOSE AUTHORITIES ARE LOCATED WITHIN COUNTIES OF THE FIRST  
5 CLASS OR COUNTIES OF THE SECOND CLASS.

6 \* \* \*

7 ~~Section 2. This act shall take effect immediately.~~ <—

8 SECTION 2. SECTION 3731 OF TITLE 75 IS AMENDED BY ADDING A <—  
9 SUBSECTION TO READ:

10 § 3731. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
11 SUBSTANCE.

12 \* \* \*

13 (G) NOTICE BY DEPARTMENT.--THE DEPARTMENT SHALL PREPARE A  
14 NOTICE WHICH SHALL CONTAIN A CLEAR STATEMENT OF THE PENALTIES  
15 PRESCRIBED BY LAW FOR DRIVING UNDER THE INFLUENCE IN VIOLATION  
16 OF THIS SECTION, FOR HOMICIDE BY VEHICLE WHILE DRIVING UNDER  
17 INFLUENCE IN VIOLATION OF SECTION 3735 (RELATING TO HOMICIDE BY  
18 VEHICLE WHILE DRIVING UNDER INFLUENCE), FOR REFUSAL TO TAKE A  
19 CHEMICAL TEST PROVIDED FOR IN SECTION 1547 (RELATING TO CHEMICAL  
20 TESTING TO DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE)  
21 AND FOR CONSUMING ALCOHOL OR A CONTROLLED SUBSTANCE IN A VEHICLE  
22 WHILE THE VEHICLE IS IN OPERATION ON ANY HIGHWAY IN VIOLATION OF  
23 SECTION 3715 (RELATING TO RESTRICTION ON ALCOHOLIC BEVERAGES).  
24 THE NOTICE SHALL INCLUDE A STATEMENT THAT THE LENGTH OF ANY  
25 SUSPENSION OF OPERATING PRIVILEGES RESULTING FROM A REFUSAL TO  
26 TAKE A CHEMICAL TEST SHALL BE IN ADDITION TO THE LENGTH OF ANY  
27 SUSPENSION IMPOSED AS A RESULT OF A CONVICTION FOR DRIVING UNDER  
28 THE INFLUENCE NOTWITHSTANDING THE FACT THAT BOTH SUSPENSIONS  
29 WERE IMPOSED IN CONNECTION WITH THE SAME INCIDENT. THE NOTICE  
30 SHALL ALSO INCLUDE A STATEMENT ADVISING THAT IT IS POSSIBLE THAT

1 THESE PENALTIES COULD BE REVISED, IN WHOLE OR IN PART, BY THE  
2 GENERAL ASSEMBLY PRIOR TO THEIR RECEIPT OF A SUBSEQUENT NOTICE.  
3 FAILURE TO RECEIVE THE NOTICE SHALL NOT BE A DEFENSE IN ANY  
4 CRIMINAL, LICENSE SUSPENSION OR LICENSE REVOCATION PROCEEDING  
5 BROUGHT PURSUANT TO THIS TITLE OR IN ANY OTHER ACTION WHETHER OR  
6 NOT THE FAILURE IS DUE TO AN ERROR OR OMISSION ON THE PART OF  
7 THE DEPARTMENT. THE DEPARTMENT SHALL PROVIDE THE NOTICE TO  
8 OPERATORS OF MOTOR VEHICLES IN THE SAME MAILING THAT IT UTILIZES  
9 FOR THE ISSUANCE OF LEARNERS' PERMITS AND FOR THE ISSUANCE AND  
10 RENEWAL OF DRIVERS' LICENSES OR AT THE TIME OF ISSUANCE OF A  
11 PHOTO DRIVER'S LICENSE.

12 SECTION 3. SECTION 2 OF THIS ACT SHALL EXPIRE FOUR YEARS  
13 FROM ITS EFFECTIVE DATE.

14 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY, EXCEPT  
15 FOR SECTIONS 2 AND 3 WHICH SHALL TAKE EFFECT IN 120 DAYS.