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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 300

Session of  
1983

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

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
SEPTEMBER 20, 1983

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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; AND FURTHER PROVIDING FOR EXEMPTIONS FROM THE AXLE <—  
7 TAX.

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

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

13 § 102. Definitions.

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

19 \* \* \*

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 1547(J) OF TITLE 75 IS AMENDED TO READ: <—

9 § 1547. CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR  
10 CONTROLLED SUBSTANCE.

11 \* \* \*

12 (J) IMMUNITY FROM CIVIL LIABILITY AND REPORTS.--NO  
13 PHYSICIAN, NURSE OR TECHNICIAN OR HOSPITAL EMPLOYING SUCH  
14 PHYSICIAN, NURSE OR TECHNICIAN, AND NO OTHER EMPLOYER OF SUCH  
15 PHYSICIAN, NURSE OR TECHNICIAN SHALL BE CIVILLY LIABLE FOR  
16 [PROPERLY] WITHDRAWING BLOOD OR OBTAINING A URINE SAMPLE AND  
17 REPORTING TEST RESULTS TO THE POLICE AT THE REQUEST OF A POLICE  
18 OFFICER PURSUANT TO THIS SECTION. NO PHYSICIAN, NURSE OR  
19 TECHNICIAN OR HOSPITAL EMPLOYING SUCH PHYSICIAN, NURSE OR  
20 TECHNICIAN MAY ADMINISTRATIVELY REFUSE TO PERFORM SUCH TESTS AND  
21 PROVIDE THE RESULTS TO THE POLICE OFFICER EXCEPT AS MAY BE  
22 REASONABLY EXPECTED FROM UNUSUAL CIRCUMSTANCES THAT PERTAIN AT  
23 THE TIME THE REQUEST IS MADE.

24 \* \* \*

25 SECTION ~~2~~ 3. SECTION 3731 OF TITLE 75 IS AMENDED BY ADDING A <—  
26 SUBSECTION TO READ:

27 § 3731. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
28 SUBSTANCE.

29 \* \* \*

30 (G) NOTICE BY DEPARTMENT.--THE DEPARTMENT SHALL PREPARE A

1 NOTICE WHICH SHALL CONTAIN A CLEAR STATEMENT OF THE PENALTIES  
2 PRESCRIBED BY LAW FOR DRIVING UNDER THE INFLUENCE IN VIOLATION  
3 OF THIS SECTION, FOR HOMICIDE BY VEHICLE WHILE DRIVING UNDER  
4 INFLUENCE IN VIOLATION OF SECTION 3735 (RELATING TO HOMICIDE BY  
5 VEHICLE WHILE DRIVING UNDER INFLUENCE), FOR REFUSAL TO TAKE A  
6 CHEMICAL TEST PROVIDED FOR IN SECTION 1547 (RELATING TO CHEMICAL  
7 TESTING TO DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED SUBSTANCE)  
8 AND FOR CONSUMING ALCOHOL OR A CONTROLLED SUBSTANCE IN A VEHICLE  
9 WHILE THE VEHICLE IS IN OPERATION ON ANY HIGHWAY IN VIOLATION OF  
10 SECTION 3715 (RELATING TO RESTRICTION ON ALCOHOLIC BEVERAGES).  
11 THE NOTICE SHALL INCLUDE A STATEMENT THAT THE LENGTH OF ANY  
12 SUSPENSION OF OPERATING PRIVILEGES RESULTING FROM A REFUSAL TO  
13 TAKE A CHEMICAL TEST SHALL BE IN ADDITION TO THE LENGTH OF ANY  
14 SUSPENSION IMPOSED AS A RESULT OF A CONVICTION FOR DRIVING UNDER  
15 THE INFLUENCE NOTWITHSTANDING THE FACT THAT BOTH SUSPENSIONS  
16 WERE IMPOSED IN CONNECTION WITH THE SAME INCIDENT. THE NOTICE  
17 SHALL ALSO INCLUDE A STATEMENT ADVISING THAT IT IS POSSIBLE THAT  
18 THESE PENALTIES COULD BE REVISED, IN WHOLE OR IN PART, BY THE  
19 GENERAL ASSEMBLY PRIOR TO THEIR RECEIPT OF A SUBSEQUENT NOTICE.  
20 FAILURE TO RECEIVE THE NOTICE SHALL NOT BE A DEFENSE IN ANY  
21 CRIMINAL, LICENSE SUSPENSION OR LICENSE REVOCATION PROCEEDING  
22 BROUGHT PURSUANT TO THIS TITLE OR IN ANY OTHER ACTION WHETHER OR  
23 NOT THE FAILURE IS DUE TO AN ERROR OR OMISSION ON THE PART OF  
24 THE DEPARTMENT. THE DEPARTMENT SHALL PROVIDE THE NOTICE TO  
25 OPERATORS OF MOTOR VEHICLES IN THE SAME MAILING THAT IT UTILIZES  
26 FOR THE ISSUANCE OF LEARNERS' PERMITS AND FOR THE ISSUANCE AND  
27 RENEWAL OF DRIVERS' LICENSES OR AT THE TIME OF ISSUANCE OF A  
28 PHOTO DRIVER'S LICENSE.

29 ~~SECTION 3. SECTION 2 OF THIS ACT SHALL EXPIRE FOUR YEARS~~  
30 ~~FROM ITS EFFECTIVE DATE.~~

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

SECTION 4. SECTION 3755(B) OF TITLE 75 IS AMENDED TO READ: <—

§ 3755. REPORTS BY EMERGENCY ROOM PERSONNEL.

\* \* \*

(B) IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY.--NO  
PHYSICIAN, NURSE OR TECHNICIAN OR HOSPITAL EMPLOYING SUCH  
PHYSICIAN, NURSE OR TECHNICIAN AND NO OTHER EMPLOYER OF SUCH  
PHYSICIAN, NURSE OR TECHNICIAN SHALL BE CIVILLY OR CRIMINALLY  
LIABLE FOR [PROPERLY] WITHDRAWING BLOOD OR OBTAINING A URINE  
SAMPLE AND REPORTING TEST RESULTS TO THE POLICE PURSUANT TO THIS  
SECTION OR FOR PERFORMING ANY OTHER DUTY IMPOSED BY THIS  
SECTION. NO PHYSICIAN, NURSE OR TECHNICIAN OR HOSPITAL EMPLOYING  
SUCH PHYSICIAN, NURSE OR TECHNICIAN MAY ADMINISTRATIVELY REFUSE  
TO PERFORM SUCH TESTS AND PROVIDE THE RESULTS TO THE POLICE  
OFFICER EXCEPT AS MAY BE REASONABLY EXPECTED FROM UNUSUAL  
CIRCUMSTANCES THAT PERTAIN AT THE TIME OF ADMISSION.

SECTION 5. SECTION 9902 OF TITLE 75 IS AMENDED TO READ:

§ 9902. IMPOSITION OF AXLE TAX.

(A) GENERAL RULE.--IN ADDITION TO ANY OTHER TAX IMPOSED BY  
LAW, ALL MOTOR CARRIERS SHALL PAY AN ANNUAL TAX IN THE AMOUNT OF  
\$36 PER AXLE ON EVERY TRUCK, TRUCK TRACTOR OR COMBINATION HAVING  
A GROSS WEIGHT OR REGISTERED GROSS WEIGHT IN EXCESS OF 26,000  
POUNDS OPERATED ON THE HIGHWAYS OF THIS COMMONWEALTH.

(B) EXCEPTION.--THE TAX IMPOSED BY SUBSECTION (A) SHALL NOT  
APPLY TO ANY MOTOR CARRIER WHO ENTERS THIS COMMONWEALTH SOLELY  
FOR THE PURPOSE OF SECURING REPAIRS OR RECONDITIONING OF A MOTOR  
CARRIER VEHICLE. EACH REPAIR FACILITY SHALL FURNISH TO ANY MOTOR  
CARRIER FOR PURPOSES OF THIS SUBSECTION A CERTIFICATE TO BE  
CARRIED BY THE MOTOR CARRIER VEHICLE OPERATOR WHILE THE VEHICLE

1 IS IN THIS COMMONWEALTH FOR REPAIR OR RECONDITIONING PURPOSES.  
2 THE DEPARTMENT OF TRANSPORTATION SHALL HAVE THE POWER TO  
3 PROMULGATE THE REGULATIONS NECESSARY TO IMPLEMENT THIS  
4 SUBSECTION.

5 SECTION 6. (A) SECTION 1 OF THIS ACT SHALL TAKE EFFECT  
6 IMMEDIATELY.

7 (B) SECTION 2 OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY AND  
8 SHALL BE RETROACTIVE TO JANUARY 14, 1983.

9 (C) SECTION 3 OF THIS ACT SHALL TAKE EFFECT IN 120 DAYS AND  
10 SHALL EXPIRE FOUR YEARS FROM ITS EFFECTIVE DATE.