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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1328 Session of  
2013

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INTRODUCED BY GIBBONS, PASHINSKI, COHEN, MILLARD, V. BROWN,  
WATSON AND FARINA, MAY 6, 2013

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REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 6, 2013

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, providing for chemical testing in accidents  
3 involving death or personal injury.

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

6 Section 1. Section 3742 of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subsection to read:  
8 § 3742. Accidents involving death or personal injury.

9 \* \* \*

10 (a.1) Driving under the influence of alcohol or controlled  
11 substance.--The following shall apply:

12 (1) A law enforcement official shall obtain a chemical  
13 test sample for any driver of a vehicle involved in an  
14 accident resulting in serious bodily injury or death of any  
15 person.

16 (2) Once the results of the test obtained under  
17 paragraph (1) are completed, medical personnel who  
18 administered the testing shall immediately provide the

1 results to law enforcement officials.

2 (3) No law enforcement official shall be found in  
3 violation of this subsection for any failure to comply with  
4 paragraph (1), unless the failure to comply was done in bad  
5 faith or involved recklessness or gross negligence.

6 \* \* \*

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