

obligation bonds as herein defined, of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties, and repealing existing laws," changing the definition of assessed valuation.

Municipal Borrowing Law.

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

Clause (h), section 102, act of June 25, 1941, P. L. 159, amended June 29, 1951, P. L. 949, further amended.

Section 1. Clause (h) of section 102, act of June 25, 1941 (P. L. 159), known as the "Municipal Borrowing Law," amended June 29, 1951 (P. L. 949), is amended to read:

Section 102. Definitions.—

* * * * *

(h) "Assessed valuation," the [assessed] *market valuation* of all property *at such rates and prices for which the same would separately bona fide sell taxable* in the municipality for the purposes of the municipality, as last determined by the board, bureau or persons charged by law with the duty of determining the valuation of such property for tax purposes, *or in any municipality in which the board, bureau or persons charged by law with the duty of determining the value of such property for tax purposes does not fix the market valuation of property, such market valuation shall be the market valuation fixed and certified by the State Tax Equalization Board.*

* * * * *

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 28th day of July, A. D. 1961.

DAVID L. LAWRENCE

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No. 399

AN ACT

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," authorizing the use of chemical tests to determine intoxication of persons operating motor vehicles; authorizing and making the results of the chemical tests admissible in evidence.

The Vehicle Code.

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

Section 1. The act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," is amended by adding, after section 624, a new section to read:

Act of April 29,
1959, P. L. 58,
amended by
adding a new
section 624.1.

Section 624.1. Intoxication Chemical Tests, etc.—

(a) *Any person who operates a motor vehicle or tractor in this Commonwealth may be given a chemical test of his breath, for the purpose of determining the alcoholic content of his blood: Provided, That he gives specific consent thereto and the test is administered by qualified personnel and with equipment approved by the secretary at the direction of a police officer having reasonable grounds to believe the person to have been driving while under the influence of intoxicating liquor. Qualified personnel means a physician or a police officer who has received training in the use of such equipment in a training program approved by the secretary.*

(b) *In any summary proceeding or criminal proceeding in which the defendant is charged with driving a motor vehicle or tractor while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood, as shown by a chemical analysis of his breath, which analysis was conducted with equipment approved by the secretary and operated by qualified personnel, shall be admissible in evidence.*

(c) *If chemical analysis of a person's breath, shows—*

(1) *That the amount of alcohol by weight in the blood of the person tested is five one-hundredths (0.05) percent or less, it shall be presumed that the person tested was not under the influence of intoxicating liquor.*

(2) *That the amount of alcohol by weight in the blood of the person tested is in excess of five one-hundredths (0.05) percent but less than fifteen one-hundredths (0.15) percent, this fact shall not give rise to any presumption that the person tested was or was not under the influence of intoxicating liquor, but this fact may be considered with other competent evidence in determining the guilt or innocence of the person tested.*

(3) *That the amount of alcohol by weight in the blood of the person tested is fifteen one-hundredths (0.15) percent or more, it shall be presumed that the defendant was under the influence of intoxicating liquor.*

(d) *The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.*

(e) Upon the request of the person tested, the results of any chemical test shall be made available to him or to his attorney.

(f) The person tested shall be permitted to have a physician of his own choosing then and there administer a breath chemical test in addition, and the results of such tests shall also be admissible in evidence.

APPROVED—The 28th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 400

AN ACT

Amending the act of September 26, 1951 (P. L. 1539), entitled "An act defining analytical-biochemical-biological laboratory; regulating the operation of the same; requiring such laboratories to obtain permits, and to be operated under the direct supervision of qualified persons; imposing certain duties upon the Department of Health; and providing penalties," removing certain exemptions and providing for rules and regulations.

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

Section 1. Section 11 of the act of September 26, 1951 (P. L. 1539), known as "The Analytical-Biochemical-Biological Laboratory Act," is amended to read:

Section 11. Inspection.—The department may at any time visit, enter, examine and inspect the premises occupied, maintained and conducted by any laboratory, and may examine all matters in relation thereto. *Periodically the department shall verify the accuracy of the work of each laboratory using such means and standards as the department shall specify by rule or regulation.*

Section 2. The act is amended by adding, after section 11, a new section to read:

Section 11.1. Rules and Regulations.—The Department of Health shall have the power, and its duty shall be, to adopt rules and regulations for the proper enforcement of this act with regard to the following:

- (1) *Contents of application;*
- (2) *Adequacy of laboratory quarters and equipment;*
- (3) *Means and standards of accuracy of laboratory procedures;*
- (4) *Definition of unethical practice and unethical advertising;*

The Analytical-Biochemical-Biological Laboratory Act.

Section 11, act of September 26, 1951, P. L. 1539, amended.

Act amended by adding a new section 11.1.