

IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT

JOHN D. NARDONE,	:	No. 587 MAL 2014
	:	
Petitioner	:	Petition for Allowance of Appeal from the
	:	Order of the Commonwealth Court
	:	
v.	:	
	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF TRANSPORTATION,	:	
BUREAU OF DRIVER LICENSING,	:	
	:	
Respondent	:	

**ORDER**

**PER CURIAM**

**DECIDED: December 11, 2014**

**AND NOW**, this 11<sup>th</sup> day of December, 2014, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by Petitioner, are:

- (1) Whether, in response to a police request for chemical testing arising out of a D.U.I. arrest, a motorist has a statutory right to request alternative chemical testing under section 1547(i) of the Motor Vehicle Code (75 Pa.C.S.A. § 1547(i))?
- (2) If a motorist has a statutory right to request alternative chemical testing under section 1547(i) of the Motor Vehicle Code when arrested for a D.U.I., does section 1547 require that any such request be conditioned upon the motorist having a medical condition preventing him from undergoing the chemical test requested by the police?
- (3) Whether, in response to a police request for chemical testing arising out of a D.U.I. arrest, a motorist's request for alternative chemical testing, without more, constitutes a refusal to undergo chemical testing under 75 Pa.C.S.A. § 1547(b)(1)?