

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1964 Session of
1995

INTRODUCED BY BEBKO-JONES, MELIO, STURLA, BELARDI, STEELMAN,
YOUNGBLOOD, TRUE, HESS, JOSEPHS, READSHAW AND DeLUCA,
JULY 25, 1995

REFERRED TO COMMITTEE ON TRANSPORTATION, JULY 25, 1995

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for the seizure and forfeiture of
3 vehicles used in the commission of the offense of driving
4 under the influence of alcohol or a controlled substance in
5 certain cases.

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

8 Section 1. Section 3731 of Title 75 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subsection to read:

10 § 3731. Driving under influence of alcohol or controlled
11 substance.

12 * * *

13 (j) Seizure and forfeiture of vehicle.--

14 (1) In addition to any other penalty provided by law, a
15 law enforcement agency shall seize the vehicle used in the
16 course of an offense that results in a conviction for any of
17 the following offenses if the vehicle is owned by the
18 defendant at the time of the offense:

19 (i) A third conviction of violating this section

1 within ten years after the date of a prior conviction for
2 violating this section.

3 (ii) A fourth or subsequent conviction of violating
4 this section.

5 (iii) A conviction of violating section 3735
6 (relating to homicide by vehicle while driving under
7 influence).

8 (2) For the purposes of this subsection, a prior
9 conviction for violating any former provision of the laws of
10 this Commonwealth relating to driving a vehicle while under
11 the influence of alcohol or a controlled substance or a prior
12 conviction outside of this Commonwealth for an alcohol-
13 related or drug-related traffic offense that is substantially
14 similar to an offense under this section shall be deemed to
15 be a prior conviction.

16 (3) For the purposes of this subsection, a vehicle
17 seized under this subsection shall be forfeited in accordance
18 with the provisions of 42 Pa.C.S. Ch. 68 (relating to
19 controlled substances forfeitures) unless the court
20 determines that forfeiture of the vehicle would impose undue
21 hardship on the family of the owner of the vehicle and that
22 other means are unavailable to the owner's family for
23 necessary travel.

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