

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1112 Session of 2012

INTRODUCED BY ALLOWAY, SOLOBAY AND FERLO, SEPTEMBER 4, 2012

REFERRED TO TRANSPORTATION, SEPTEMBER 4, 2012

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in financial responsibility, further providing for
3 required financial responsibility.

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

6 Section 1. Section 1786 of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:
8 § 1786. Required financial responsibility.

9 * * *

10 (i) Removal of registered motor vehicle at time of violation
11 for failure to produce financial responsibility.--

12 (1) A police officer may remove, tow and impound or
13 cause to be removed, towed and impounded a motor vehicle to a
14 place designated by the applicable chief law enforcement
15 officer, if the owner of the motor vehicle is stopped for an
16 alleged violation of this title, except for a parking
17 violation, and the owner fails to produce proof, upon request
18 of the police officer, that the motor vehicle registered has
19 the financial responsibility required by this chapter.

1 (2) A motor vehicle removed, towed and impounded under
2 this subsection shall be stored at a place designated by the
3 applicable chief law enforcement officer until application
4 for redemption is made by the owner or the owner's authorized
5 agent, who shall be entitled to possession of the motor
6 vehicle upon:

7 (i) production of proof that the motor vehicle has
8 the financial responsibility required by this chapter;
9 and

10 (ii) pays the costs of towing and impoundment.

11 (3) The law enforcement agency that tows and impounds a
12 motor vehicle shall charge to the owner of the motor vehicle:

13 (i) A towing fee in an amount that does not exceed
14 the actual expense of performing the tow.

15 (ii) An impoundment fee of \$20 for each day or
16 portion of a day that the motor vehicle is impounded,
17 except that impoundment fee may not be charged for more
18 than one day if the motor vehicle remains at the
19 impoundment location for less than 12 hours.

20 (iii) A fine in the amount of \$350, which fine shall
21 be in addition to the fine authorized under subsection
22 (f).

23 (4) The law enforcement agency that tows and impounds a
24 motor vehicle under this subsection shall, within 24 hours of
25 impounding the motor vehicle, submit written notice to the
26 owner of the motor vehicle that the motor vehicle has been
27 towed and impounded, the location where the motor vehicle is
28 placed, the fees for the tow and impoundment and the
29 procedure for applying for redemption of the motor vehicle.

30 (5) An impoundment fee on a stolen motor vehicle shall

1 be charged as provided in this subsection beginning on the
2 second day following the date the notice required by this
3 subsection is received by the owner of the motor vehicle or
4 the owner's authorized agent.

5 (6) An impoundment fee may not be charged and collected
6 when a motor vehicle is not involved in an accident, but is
7 taken into protective custody because the operator of the
8 motor vehicle is incapacitated due to physical injury or
9 other illness to the extent that the operator is unable to
10 safely operate the motor vehicle.

11 (7) A chief law enforcement officer may release a motor
12 vehicle from impoundment without payment of a towing fee or
13 impoundment fee under any of the following circumstances:

14 (i) the motor vehicle was taken into protective
15 custody as a result of an incident that did not involve
16 an arrest, violation of this title or accident;

17 (ii) owner of the motor vehicle is not a citizen of
18 the United States, does not permanently reside in the
19 United States and is entitled to diplomatic immunity;

20 (iii) subsequent investigation results in a
21 determination that there was no violation of this title
22 or that the arrested individual did not commit a criminal
23 offense; or

24 (iv) the owner of the motor vehicle is a victim of a
25 violent crime and the motor vehicle was taken into
26 custody for evidentiary purposes.

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