

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 100 Session of
1989

INTRODUCED BY SAURMAN, MERRY, NAHILL, SCHEETZ, E. Z. TAYLOR,
DEMPSEY, JOHNSON, KOSINSKI, WOGAN, PERZEL, RITTER, BARLEY,
LASHINGER, VROON, HERSHEY, MICHLOVIC, PRESTON AND J. TAYLOR,
JANUARY 24, 1989

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 24, 1989

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for police checkpoints to investigate
3 possible violations.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6312. Checkpoints.

9 (a) General rule.--The Pennsylvania State Police and the
10 police departments of political subdivisions may set up
11 checkpoints, in accordance with regulations under subsection
12 (b), to investigate the following:

13 (1) Registration cards.

14 (2) Registration plates.

15 (3) Information relating to financial responsibility.

16 (4) Vehicle equipment and operation.

17 (5) Driver's licenses.

1 (6) The possibility of the driver operating the vehicle
2 under the influence of alcohol or a controlled substance.

3 (b) Program.--The Pennsylvania State Police shall promulgate
4 regulations under the act of July 31, 1968 (P.L.769, No.240),
5 referred to as the Commonwealth Documents Law, establishing a
6 systematic program for police checkpoints under subsection (a).
7 The regulations shall provide all of the following:

8 (1) There is a schedule of operation of checkpoints, by
9 time and location, to ensure that checkpoints are set up
10 throughout this Commonwealth on a uniform basis.

11 (2) There is a definite time limit for the operation of
12 checkpoints.

13 (3) Checkpoint areas are selected so as to maintain
14 safety for all motorists who are in the vicinity of the
15 checkpoint.

16 (4) The checkpoints are readily observable to motorists.

17 (5) Vehicles are stopped on a definite basis. Examples
18 of stopping on a definite basis are stopping every vehicle
19 and stopping every third vehicle.

20 (6) The length of the initial detainment is minimized.

21 (7) The length of the secondary detainment is
22 reasonable.

23 (8) Field officers have no discretion as to the
24 implementation of the operation. Regulations under this
25 paragraph shall provide that field officers are given written
26 copies of the operation procedure and that supervisory
27 officers periodically verify the operation procedure.

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