

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2298 Session of
2002

INTRODUCED BY COLEMAN, CLYMER, CREIGHTON, DeLUCA, EGOLF,
HERSHEY, HUTCHINSON, McILHATTAN, PICKETT, E. Z. TAYLOR, WILT
AND YOUNGBLOOD, JANUARY 24, 2002

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 24, 2002

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for vehicle immobilization for defendants
3 convicted of driving under the influence of alcohol or
4 controlled substances.

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

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

9 § 3731. Driving under influence of alcohol or controlled
10 substance.

11 * * *

12 (e.1) Vehicle immobilization.--

13 (1) In addition to any other penalty provided by law,
14 the court may, upon a third or subsequent conviction under
15 this section, order the immobilization of the vehicle that
16 the defendant operated at the time of the violation. The
17 period of immobilization shall terminate with the expiration
18 of the period of suspension as provided for under section

1 1532 (relating to suspension of operating privilege) or by
2 order of the court. The vehicle shall be immobilized at the
3 residence of the owner of the vehicle or at the location
4 where the owner regularly parks the vehicle.

5 (2) Prior to an order for vehicle immobilization, the
6 court shall find that the defendant is the person in whose
7 name the vehicle is registered. If the court finds that the
8 vehicle is not registered in the defendant's name, the
9 appropriate law enforcement authority shall notify by
10 certified mail the person to whom the vehicle is registered
11 of the pending immobilization and shall afford the person an
12 opportunity to be heard.

13 (3) No motor vehicle shall be immobilized under this
14 subsection unless the court determines that the person to
15 whom the vehicle is registered, if other than the defendant:

16 (i) permitted the defendant to use the vehicle;

17 (ii) knew or had reason to know of the defendant's
18 violations under this section; and

19 (iii) had such knowledge or reason to know prior to
20 permitting the defendant to use the vehicle.

21 (4) Upon the issuance of a court order for vehicle
22 immobilization the following shall occur:

23 (i) The court shall give a copy of the order to the
24 defendant which shall include the date of issue,
25 identification of the vehicle and the time period of the
26 immobilization.

27 (ii) In addition to any other penalties provided by
28 law, the defendant shall be ordered to pay a fine of \$100
29 for administrative costs incurred for immobilization of
30 the defendant's vehicle and an additional fee for the

immobilization device cost not to exceed \$5 per day.

(iii) The license plate of the immobilized vehicle shall be seized.

(iv) Notice shall be placed in a conspicuous place within the interior of the car which shall read "Vehicle Immobilized By Order of the Court."

(5) The court shall delegate the immobilizing of the vehicle and seizing of the license plate to any of the following:

(i) A designated Commonwealth employee.

(ii) A member of the Pennsylvania State Police.

(iii) A local police officer.

(iv) A sheriff or deputy sheriff.

(v) A constable or deputy constable.

(6) Any effort made by the defendant to tamper with the immobilized vehicle in order to operate the vehicle shall result in an additional period of immobilization not to exceed three months.

(7) The fees collected under paragraph (4)(ii) shall be paid to the appropriate law enforcement authority that administers the immobilization under this subsection.

(8) For the purposes of this subsection, the term "immobilization" shall mean the use of an instrument made of case-hardened alloy steel secured on the vehicle steering wheel or any other similar instrument for the purpose of rendering a vehicle inoperable.

* * *

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