

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 946** Session of
2003

INTRODUCED BY C. WILLIAMS, KITCHEN, COSTA, MUSTO, WOZNIAK,
RAFFERTY, STACK AND BOSCOLA, NOVEMBER 3, 2003

SENATOR MADIGAN, TRANSPORTATION, AS AMENDED, JUNE 29, 2004

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for spilled cargo and for accident scene
3 clearance; and further providing for removal of vehicles and
4 spilled cargo from roadway.

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

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

9 § 3743.1. Spilled cargo.

10 (a) General rule.--Immediately following an accident, a
11 police officer may remove or direct removal of spilled cargo
12 from any roadway to the nearest point off the roadway where the
13 spilled cargo will not interfere with or obstruct traffic.

14 (b) Storage of cargo.--When, in the opinion of a police
15 officer, it is necessary to protect the contents, load or
16 spilled cargo of a wrecked vehicle from the elements, spoilage
17 or theft, the police officer may remove or direct the removal of
18 the contents or load or spilled cargo and have the same stored,

1 at the expense of the owner, at the nearest practical place of
2 storage.

3 (c) Liability for damage or loss.--In carrying out the
4 provisions of this section, no liability shall attach to the
5 police officer or, absent a showing of gross negligence, to any
6 person acting under the direction of the police officer for
7 damage to or loss of any portion of the contents or load or
8 spilled cargo.

9 § 3745.1. Accident scene clearance.

10 (a) General rule.--Notwithstanding any other provision of
11 law to the contrary, the driver of any vehicle in an accident
12 that does not result in apparent serious injury or death shall
13 immediately remove the vehicle from the roadway to a safe refuge
14 on the shoulder, emergency lane or median, or to a place
15 otherwise removed from the roadway whenever, in the judgment of
16 the driver:

17 (1) The motor vehicle does not require towing and can be
18 normally and safely driven under its own power in its
19 customary manner without further damage or hazard to the
20 motor vehicle, traffic elements or the roadway.

21 (2) The motor vehicle can be moved safely.

22 (b) Driver request.--The driver of a motor vehicle involved
23 in a traffic accident may request any individual who possesses a
24 valid driver's license to remove the vehicle from the roadway in
25 order to comply with this section. Such individual is not
26 required to comply with the request and shall not be subject to
27 any liability, either civil or criminal, for refusing the
28 request.

29 (c) Police officers.--A police officer may immediately
30 remove or direct removal of a wrecked vehicle if the owner or

1 operator cannot remove the wrecked vehicle or refuses or fails
2 to have the vehicle removed as required under this section. In
3 carrying out the provisions of this subsection, no liability
4 shall attach to the police officer or, absent a showing of gross
5 negligence, to any person acting under the direction of the
6 police officer for damage to any vehicle or damage to or loss of
7 any portion of the contents of the vehicle.

8 (d) No liability.--The driver or any other person who has
9 removed a vehicle from the roadway as provided in this section
10 before the arrival of a law enforcement officer shall not be
11 considered liable or at fault regarding the cause of the
12 accident solely by reason of moving the vehicle pursuant to this
13 section.

14 (e) Other driver duties.--Compliance with this section shall
15 not affect a driver's duty to comply with section 3742 (relating
16 to accidents involving death or personal injury), 3743 (relating
17 to accidents involving damage to attended vehicle or property),
18 3744 (relating to duty to give information and render aid), 3745
19 (relating to accidents involving damage to unattended vehicle or
20 property), 3746 (relating to immediate notice of accident to
21 police department) or 3747 (relating to written report of
22 accident by driver or owner).

23 (f) Other police duties.--This section shall not relieve any
24 law enforcement officer of an investigating police department,
25 including the Pennsylvania State Police, from complying with
26 section 3746 or 3751 (relating to reports by police).

27 (g) Penalty.--Any person violating this section commits a
28 summary offense and shall, upon conviction, be sentenced to pay
29 a fine of not more than \$300.

30 Section 2. Section 7310 of Title 75 is amended to read:

1 § 7310. Removal of [vehicles and spilled cargo] ABANDONED OR ←
2 PRESUMED ABANDONED VEHICLES from roadway.

3 (a) General rule.--Police officers may immediately remove or
4 direct removal of [abandoned or wrecked vehicles and spilled
5 cargo] any vehicle abandoned or presumed to be abandoned from
6 any roadway, including the roadway's berm or shoulder, to the
7 nearest point off the roadway where the vehicle [or spilled
8 cargo] will not interfere with or obstruct traffic. [Immediately
9 following an accident, the wrecked vehicle or spilled cargo
10 shall be removed or directed to be removed from the roadway by a
11 police officer if the owner or operator cannot remove the
12 wrecked vehicle or refuses or fails to have the vehicle removed
13 within a reasonable time.

14 (b) Storage of cargo.--When, in the opinion of a police
15 officer, it is deemed necessary for the protection of the
16 contents or load of a wrecked vehicle or spilled cargo from the
17 elements, spoilage or theft, the police officer may remove or
18 direct to be removed and have stored at the expense of the owner
19 the contents or load or spilled cargo at the nearest practical
20 place of storage.]

21 (c) Liability for damage or loss.--In carrying out the
22 provisions of this section, no liability shall attach to the
23 police officer or, absent a showing of gross negligence, to any
24 person acting under the direction of the police officer for
25 damage to a presumed abandoned vehicle or damage to or loss of
26 any portion of the contents [or load or spilled cargo.] of the
27 vehicle.

28 (d) Removal from Pennsylvania Turnpike System.--
29 Notwithstanding the other provisions of this section, any
30 vehicle on the Pennsylvania Turnpike System presumed to be

1 abandoned as defined in section 102 (relating to definitions)
2 shall immediately be removed by or at the direction of the
3 Pennsylvania State Police to the contract garage providing
4 service for that area. In all cases, the Pennsylvania State
5 Police shall remove or direct the removal of any such vehicle
6 within 24 hours of the time of the vehicle's presumption of
7 abandonment.

8 Section 3. This act shall take effect in 60 days.