
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 767

Session of
1983

INTRODUCED BY HELFRICK, HESS, SHAFFER, PECORA AND ANDREZESKI,
MAY 26, 1983

REFERRED TO TRANSPORTATION, MAY 26, 1983

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for intoxication control roadblocks.

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

5 Section 1. Chapter 37 of Title 75 of the Pennsylvania
6 Consolidated Statutes is amended by adding a subchapter to read:

7 CHAPTER 37

8 MISCELLANEOUS PROVISIONS

9 * * *

10 SUBCHAPTER D

11 INTOXICATION CONTROL ROADBLOCK PROGRAM

12 Sec.

13 3761. Program established.

14 3762. Standards and guidelines.

15 3763. Opinions of Attorney General.

16 § 3761. Program established.

17 There is hereby established a program of intoxication control

1 roadblocks for the purpose of detecting and prosecuting drivers
2 intoxicated by alcohol, controlled substances or any combination
3 thereof. The Commissioner of the Pennsylvania State Police and
4 each municipality is authorized to establish a program of
5 intoxication control roadblocks in accordance with the minimum
6 standards and guidelines set forth in section 3762 (relating to
7 standards and guidelines). The Commissioner of the Pennsylvania
8 State Police and each of the municipalities that establish an
9 intoxication control roadblock program shall implement the
10 program by written procedures in conformity with and not more
11 intrusive than the standards and guidelines enunciated in
12 section 3762.

13 § 3762. Standards and guidelines.

14 (a) General rule.--Any program of intoxication control
15 roadblocks established by the Commissioner of the Pennsylvania
16 State Police or a municipality pursuant to section 3761
17 (relating to program established) shall meet the standards and
18 guidelines established in this section, which shall be deemed to
19 be minimum requirements. All requirements as to the time,
20 duration and location of intoxication control roadblocks shall
21 be determined by policymaking administrative officers of the
22 State or municipal police involved. Nothing in this section
23 shall be construed as preventing the Commissioner of the
24 Pennsylvania State Police or any municipality from following
25 additional standards and guidelines, especially those that may
26 be enunciated from time to time by the judiciary, so long as the
27 standards and guidelines are not more intrusive than those
28 imposed under this section.

29 (b) Program to include certain requirements.--Every program
30 of intoxication control roadblocks shall:

1 (1) Require either that all motor vehicles approaching
2 the roadblocks be stopped or that certain motor vehicles be
3 stopped by selecting motor vehicles in a particular numerical
4 sequence that equates with, but may be less intrusive than, a
5 100% roadblock stop. If a selective stop program is used, the
6 sequence of selecting the motor vehicles to be stopped shall
7 not be less frequent than every tenth vehicle.

8 (2) Schedule roadblocks for occurrence between the hours
9 of 9:00 p.m. and 3:00 a.m. on any given day when the expected
10 traffic will be light so as to minimize traffic-control
11 programs.

12 (3) Require that, for the duration of any roadblock, it
13 be located at one or more fixed, permanent locations in any
14 municipality and not be subject to random or roving patrols.

15 (4) Provide for the following minimum safety
16 precautions:

17 (i) Proper illumination.

18 (ii) Off-road holding areas for vehicles involved in
19 any roadblock stop.

20 (iii) All police officers involved in any roadblock
21 stop shall be in uniform and shall carry proper
22 identification.

23 (iv) Adequate advance warning of the fact and
24 purpose of the roadblocks shall be provided either by
25 sign posts, flares or other alternative methods.

26 (v) Termination of the roadblocks shall be allowed
27 in the discretion of the officer in charge where traffic
28 congestion would otherwise result.

29 (5) Provide that no intoxication control roadblock shall
30 result in a maximum delay per motor vehicle of two minutes.

1 If any vehicle or its occupants are in violation of any
2 statute or ordinance, the vehicle or its occupants may be
3 detained as long as is required to investigate the violation.

4 (6) Provide for a sufficient quantity and visibility of
5 uniformed officers and official vehicles to assure speedy
6 compliance with the purpose of the roadblocks as well as to
7 move traffic with a minimum of inconvenience.

8 (7) Require that the Commissioner of the Pennsylvania
9 State Police promulgate a general order and the respective
10 municipalities set forth written procedures for the
11 implementation of the program, including procedures to
12 identify the drunk driver at a roadblock stop, and provide
13 public notice of the order or procedures.

14 (8) Prohibit the establishment of roadblocks in
15 residential areas if the roadblocks would interfere with the
16 free flow of traffic in the residential areas or otherwise
17 unduly congest the residential areas.

18 § 3763. Opinions of Attorney General.

19 The Attorney General shall render his opinion on any matter
20 concerning an intoxication control roadblock program upon
21 certification to him by the Commissioner of the Pennsylvania
22 State Police or any municipality that has adopted a program.

23 Section 2. This act shall take effect immediately.