

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 399 Session of 2015

INTRODUCED BY CRUZ, YOUNGBLOOD, V. BROWN, KINSEY, O'BRIEN,
BOBACK, BARRAR, BISHOP, COHEN, D. COSTA, READSHAW, WATSON,
MURT, DeLUCA AND JAMES, FEBRUARY 9, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 9, 2015

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in driving after imbibing alcohol or utilizing
3 drugs, providing for impoundment of vehicles.

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 § 3804.1. Impoundment of vehicles.

9 (a) Duties of the law enforcement agency.--

10 (1) Whenever a person has been arrested for a violation
11 of section 3802 (relating to driving under influence of
12 alcohol or controlled substance), the arresting law
13 enforcement agency shall impound the vehicle that the person
14 was operating at the time of arrest.

15 (2) The vehicle shall be impounded for a period of 12
16 hours after the time of arrest or until such time as the
17 person claiming the vehicle meets the conditions for release
18 in subsection (b) (2).

1 (b) Release of vehicle.--

2 (1) A vehicle impounded pursuant to this section may be
3 released to a person other than the arrestee prior to the end
4 of the impoundment period only if:

5 (i) the vehicle is not owned or leased by the
6 arrestee and the person who owns or leases the vehicle
7 claims the vehicle and meets the conditions for release
8 in paragraph (2); or

9 (ii) the vehicle is owned or leased by the arrestee
10 and the arrestee gives permission to another person, who
11 has acknowledged, in writing, receipt of the statement
12 required by subsection (d), to operate the vehicle, and
13 the conditions for release in paragraph (2) are met.

14 (2) A vehicle impounded pursuant to this section shall
15 not be released unless the person claiming the vehicle:

16 (i) presents a valid driver's license, proof of
17 ownership or lawful authority to operate the vehicle and
18 proof of valid vehicle insurance for the vehicle;

19 (ii) is able to operate the vehicle in a safe manner
20 and would not be in violation of this title; and

21 (iii) meets any other conditions for release
22 established by the law enforcement agency.

23 (c) Towing and storage fee.--A law enforcement agency
24 impounding a vehicle pursuant to this section may charge a
25 reasonable fee for towing and storage of the vehicle. The law
26 enforcement agency may retain custody of the vehicle until the
27 fee is paid.

28 (d) Responsibility warning.--

29 (1) Whenever a person is summoned by or on behalf of a
30 person who has been arrested for a violation of section 3802,

1 in order to transport or accompany the arrestee from the
2 premises of a law enforcement agency, the law enforcement
3 agency shall provide that person with a written statement
4 advising the person of his potential criminal and civil
5 liability for permitting or facilitating the arrestee's
6 operation of a motor vehicle while the arrestee remains
7 intoxicated.

8 (2) The person to whom the statement is issued shall
9 acknowledge in writing receipt of the statement or the law
10 enforcement agency shall record the fact that the written
11 statement was provided but the person refused to sign an
12 acknowledgment.

13 (3) The Attorney General shall establish the content and
14 form of the written statement and acknowledgment to be used
15 by law enforcement agencies throughout this Commonwealth and
16 may issue directives to ensure the uniform implementation of
17 this section.

18 (e) Construction.--Nothing in this section shall be
19 construed to impose any obligation on a physician or other
20 health care provider involved in the treatment or evaluation of
21 the arrestee.

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