
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 216 Session of
2019

INTRODUCED BY CRUZ, KINSEY, SCHLOSSBERG, READSHAW, HILL-EVANS,
KORTZ, CIRESI AND NEILSON, JANUARY 28, 2019

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 28, 2019

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 law enforcement agency.--

10 (1) When a person has been arrested for a violation of
11 section 3802 (relating to driving under influence of alcohol
12 or controlled substance), the arresting law enforcement
13 agency shall impound the vehicle that the person was
14 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 the person claiming
17 the vehicle meets the conditions for release in subsection

18 (b) (2).

1 (b) Release of vehicle.--

2 (1) A vehicle impounded under 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 under subsection (d), to operate the vehicle,
13 and the conditions for release in paragraph (2) are met.

14 (2) A vehicle impounded under this section shall not be
15 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 under this section may charge a reasonable
25 fee for towing and storage of the vehicle. The law enforcement
26 agency may retain custody of the vehicle until the fee is paid.

27 (d) Responsibility warning.--

28 (1) When a person is summoned by or on behalf of a
29 person who has been arrested for a violation of section 3802,
30 in order to transport or accompany the arrestee from the

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

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

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

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

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