

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 998 Session of 2023

INTRODUCED BY FARRY, LANGERHOLC, ROBINSON, DILLON, PHILLIPS-HILL, MARTIN, CULVER, DUSH, VOGEL AND COSTA, DECEMBER 8, 2023

SENATOR LANGERHOLC, TRANSPORTATION, AS AMENDED, APRIL 9, 2024

AN ACT

1 Amending ~~Titles 42 (Judiciary and Judicial Procedure) and TITLE~~ <--
2 75 (Vehicles) of the Pennsylvania Consolidated Statutes, ~~in~~ <--
3 ~~forfeiture of assets, further providing for asset forfeiture,~~
4 in rules of the road in general, further providing for racing
5 on highways; imposing penalties; and making editorial
6 changes.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. ~~Section 5803(a) of Title 42 of the Pennsylvania~~ <--
10 ~~Consolidated Statutes is amended by adding a paragraph to read:~~
11 ~~§ 5803. Asset forfeiture.~~

12 (a) ~~Applicability. Notwithstanding any law to the contrary,~~
13 ~~this section shall apply to forfeitures conducted under the~~
14 ~~following:~~

15 * * *

16 ~~(12.1) 75 Pa.C.S. § 3367 (relating to racing on highways~~
17 ~~and trafficways).~~

18 * * *

19 Section 2. ~~Sections 1532(b)(1), 1542(b)(2), 1553(d)(11),~~
20 ~~3367 and 6503(a) of Title 75 are amended to read:~~

1 SECTION 1. SECTIONS 1532(B) (1), 1542(B) (2), 1553(D) (11),
2 3367 AND 6503(A) OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED
3 STATUTES ARE AMENDED TO READ:

4 § 1532. Suspension of operating privilege.

5 * * *

6 (b) Suspension.--

7 (1) The department shall suspend the operating privilege
8 of any driver for six months upon receiving a certified
9 record of the driver's conviction of or an adjudication of
10 delinquency based on any offense under the following
11 provisions:

12 Section 3367 (relating to racing on highways and
13 trafficways).

14 Section 3714(b) (relating to careless driving).

15 Section 3734 (relating to driving without lights to
16 avoid identification or arrest).

17 Section 3736 (relating to reckless driving).

18 Section 3743 (relating to accidents involving damage
19 to attended vehicle or property).

20 * * *

21 § 1542. Revocation of habitual offender's license.

22 * * *

23 (b) Offenses enumerated.--Three convictions arising from
24 separate acts of any one or more of the following offenses
25 committed by any person shall result in such person being
26 designated as a habitual offender:

27 * * *

28 (2) Any violation of section 3367 (relating to racing on
29 highways and trafficways).

30 * * *

1 § 1553. Occupational limited license.

2 * * *

3 (d) Unauthorized issuance.--The department shall prohibit
4 issuance of an occupational limited license to:

5 * * *

6 (11) Any person whose operating privilege has been
7 suspended or revoked as the result of a conviction of or as a
8 result of a court order in conjunction with an adjudication
9 of delinquency or the granting of a consent decree for any
10 offense under the following provisions, unless the suspension
11 or revocation has been fully served:

12 Section 3345(a) (relating to meeting or overtaking
13 school bus).

14 Section 3367 (relating to racing on highways and
15 trafficways).

16 Any violation of Ch. 37 Subch. B (relating to serious
17 traffic offenses) or C (relating to accidents and
18 accident reports).

19 * * *

20 § 3367. Racing on highways and trafficways.

21 (a) Definitions.--As used in this section the following
22 words and phrases shall have the meanings given to them in this
23 subsection:

24 "Drag race." The operation of two or more vehicles from a
25 point side by side at accelerating speeds in a competitive
26 attempt to outdistance each other, or the operation of one or
27 more vehicles over a common selected course, from the same point
28 to the same point, for the purpose of comparing the relative
29 speeds or power of acceleration of the vehicle or vehicles
30 within a certain distance or time limit.

1 "Drifting." The intentional act of steering a vehicle in a
2 circle where TURN IN AN ATTEMPT TO MAKE the rear wheel or wheels <--
3 of the vehicle lose traction and create a controlled skid
4 sideways.

5 "Race." The use of one or more vehicles in an attempt to
6 outgain, outdistance or prevent another vehicle from passing, to
7 arrive at a given destination ahead of another vehicle or
8 vehicles, or to test the physical stamina or endurance of
9 drivers over long distance driving routes.

10 (b) General rule.--No person shall drive a vehicle on a
11 highway or trafficway in any race, speed competition or contest,
12 drag race or acceleration contest, test of physical endurance,
13 exhibition of speed or acceleration, or for the purpose of
14 making a speed record, and no person shall in any manner
15 participate in any such race, competition, contest, test or
16 exhibition.

17 (b.1) Drifting.--No person shall engage in the drifting of a
18 vehicle on a highway or trafficway.

19 (c) Permits for special activities.--The department or local
20 authorities within their jurisdiction may issue permits for
21 special activities which would otherwise be prohibited by this
22 section.

23 (d) [Penalty.--Any person violating this section is guilty
24 of a summary offense and shall, upon conviction, be sentenced to
25 pay a fine of \$200.] Penalties.--

26 (1) A person violating subsection (b) commits a summary
27 offense and shall, upon conviction for a first offense, be
28 sentenced to pay a fine of \$500.

29 (2) A person violating subsection (b) commits a summary
30 offense and shall, upon conviction for a second or subsequent

1 offense, be sentenced to pay a fine of \$2,000 and the vehicle
2 OR COMBINATION used in the commission of the offense shall be <--
3 subject to forfeiture under 42 Pa.C.S. Ch. 58 (relating to <--
4 forfeiture of assets). AN IMPOUNDMENT ORDER FOR UP TO SIX <--
5 MONTHS AS FOLLOWS:

6 (I) THE IMPOUNDMENT OF THE VEHICLE OR COMBINATION
7 SHALL OCCUR WITHIN THE MUNICIPALITY WHERE THE OFFENSE WAS
8 COMMITTED.

9 (II) DIRECT ENFORCEMENT OF THE IMPOUNDMENT ORDER
10 SHALL BE CONDUCTED BY A POLICE OFFICER, CONSTABLE OR
11 IMPOUNDMENT OFFICIAL AS DIRECTED BY THE JUDICIAL
12 AUTHORITY. IN A CITY OF THE FIRST CLASS, SECOND CLASS,
13 SECOND CLASS A AND THIRD CLASS, THE IMPOUNDMENT OFFICIAL
14 SHALL BE A PARKING AUTHORITY OF THE MUNICIPALITY AS
15 AUTHORIZED UNDER SECTION 6109 (RELATING TO SPECIFIC
16 POWERS OF DEPARTMENT AND LOCAL AUTHORITIES) AND 53
17 PA.C.S. CH. 55 (RELATING TO PARKING AUTHORITIES).

18 (III) THE COSTS OF A POLICE OFFICER, CONSTABLE OR
19 IMPOUNDMENT OFFICIAL, REASONABLE STORAGE COSTS AND ALL
20 OTHER REASONABLE COSTS INCIDENT TO THE IMPOUNDMENT ORDER
21 SHALL BE RECOVERABLE IN ADDITION TO COSTS OF PROSECUTION.

22 (IV) THE OWNER OF THE VEHICLE OR COMBINATION WHICH
23 HAS BEEN SUBJECT TO AN IMPOUNDMENT ORDER MAY OBTAIN
24 POSSESSION OF THE VEHICLE OR COMBINATION BY:

25 (A) FURNISHING PROOF OF VALID REGISTRATION AND
26 FINANCIAL RESPONSIBILITY.

27 (B) PAYING ALL COSTS AND REASONABLE FEES
28 ASSOCIATED WITH THE IMPOUNDMENT ORDER OR MAKING
29 ARRANGEMENTS WITH THE APPROPRIATE JUDICIAL AUTHORITY
30 TO MAKE PAYMENTS OF ALL COSTS AND REASONABLE FEES BY

1 INSTALLMENTS AS PROVIDED BY THE PENNSYLVANIA RULES OF
2 CRIMINAL PROCEDURE.

3 (V) ANY IMPOUNDED VEHICLE OR COMBINATION NOT
4 RECOVERED UNDER THIS SUBSECTION MAY BE SOLD AS AN
5 UNCLAIMED VEHICLE UNDER SECTION 6310 (RELATING TO
6 DISPOSITION OF IMPOUNDED VEHICLES, COMBINATIONS AND
7 LOADS).

8 (3) A person violating subsection (b.1) commits a
9 summary offense and shall, upon conviction, be sentenced to
10 pay a fine of \$250.

11 (4) A person that organizes, controls, promotes or
12 finances two or more persons in a course of conduct that
13 violates subsection (b) or (b.1) commits a summary offense
14 and shall, upon conviction, be sentenced to pay a fine of
15 \$1,000 per vehicle engaged in the conduct that violates
16 subsection (b) or (b.1).

17 (5) A person that organizes, controls, promotes or
18 finances two or more persons in a course of conduct that
19 violates subsection (b) or (b.1) that results in the injury
20 or death of an individual commits a felony of the third
21 degree and shall, upon conviction, be sentenced to a term of <--
22 imprisonment of not less than one year nor more than seven
23 years.

24 § 6503. Subsequent convictions of certain offenses.

25 (a) General offenses.--Every person convicted of a second or
26 subsequent violation of any of the following provisions shall be
27 sentenced to pay a fine of not less than \$200 nor more than
28 \$1,000 or to imprisonment for not more than six months, or both:

29 Section 1543(a) (relating to driving while operating
30 privilege is suspended or revoked) except as set forth in

1 subsection (a.1).

2 Section 3367 (relating to racing on highways and
3 trafficways).

4 Section 3734 (relating to driving without lights to avoid
5 identification or arrest).

6 Section 3748 (relating to false reports).

7 * * *

8 Section 3 2. This act shall take effect in 60 days.

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