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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2534 Session of  
2014

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INTRODUCED BY CRUZ, CALTAGIRONE, KINSEY, DONATUCCI, BISHOP,  
J. HARRIS, CLAY, O'BRIEN, YOUNGBLOOD, MILLARD, CLYMER, COHEN,  
BROWNLEE, SWANGER, D. COSTA, McCARTER AND WATSON,  
OCTOBER 6, 2014

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REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 6, 2014

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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 later time as  
17 the arrestee claiming the vehicle meets the conditions for

1 release in subsection (b) (2).

2 (b) Release of vehicle.--

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

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

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

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

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

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

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

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

29 (d) Responsibility warning.--

30 (1) Whenever a person is summoned by or on behalf of a

1 person who has been arrested for a violation of section 3802,  
2 in order to transport or accompany the arrestee from the  
3 premises of a law enforcement agency, the law enforcement  
4 agency shall provide that person with a written statement  
5 advising the person of his potential criminal and civil  
6 liability for permitting or facilitating the arrestee's  
7 operation of a motor vehicle while the arrestee remains  
8 intoxicated.

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

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

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

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