

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2266 Session of 2024

INTRODUCED BY TOMLINSON, HOGAN, GUENST, MARCELL, LABS AND GILLEN, MAY 8, 2024

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 27, 2024

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, further providing
3 for racing on highways; in enforcement, further providing for
4 disposition of impounded vehicles, combinations and loads; in
5 penalties and disposition of fines, further providing for
6 subsequent convictions of certain offenses; imposing
7 penalties; and making editorial changes.

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

10 Section 1. Sections 1532(b)(1), 1542(b)(2), 1553(d)(11), <--
11 3367, 6310(b) and 6503(a) AND 3367 of Title 75 of the <--
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 1532. Suspension of operating privilege.

14 * * *

15 (b) Suspension.--

16 (1) The department shall suspend the operating privilege
17 of any driver for six months upon receiving a certified
18 record of the driver's conviction of or an adjudication of
19 delinquency based on any offense under the following
20 provisions:

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

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

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

6 Section 3736 (relating to reckless driving).

7 Section 3743 (relating to accidents involving damage
8 to attended vehicle or property).

9 * * *

10 § 1542. Revocation of habitual offender's license.

11 * * *

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

16 * * *

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

19 * * *

20 § 1553. Occupational limited license.

21 * * *

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

24 * * *

25 (11) Any person whose operating privilege has been
26 suspended or revoked as the result of a conviction of or as a
27 result of a court order in conjunction with an adjudication
28 of delinquency or the granting of a consent decree for any
29 offense under the following provisions, unless the suspension
30 or revocation has been fully served:

1 Section 3345(a) (relating to meeting or overtaking
2 school bus).

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

5 Any violation of Ch. 37 Subch. B (relating to serious
6 traffic offenses) or C (relating to accidents and
7 accident reports).

8 * * *

9 § 3367. Racing on highways and trafficways.

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

13 "Drag race." The operation of two or more vehicles from a
14 point side by side at accelerating speeds in a competitive
15 attempt to outdistance each other, or the operation of one or
16 more vehicles over a common selected course, from the same point
17 to the same point, for the purpose of comparing the relative
18 speeds or power of acceleration of the vehicle or vehicles
19 within a certain distance or time limit.

20 "Drifting." The act of steering a vehicle in a turn in an
21 attempt to make the rear wheel or wheels of the vehicle lose
22 traction and create a controlled or uncontrolled skid sideways.

23 "Race." The use of one or more vehicles in an attempt to
24 outgain, outdistance or prevent another vehicle from passing, to
25 arrive at a given destination ahead of another vehicle or
26 vehicles, or to test the physical stamina or endurance of
27 drivers over long distance driving routes.

28 (b) General rule.--No person shall drive a vehicle on a
29 highway or trafficway in any race, speed competition or contest,
30 drag race or acceleration contest, test of physical endurance,

1 exhibition of speed or acceleration, or for the purpose of
2 making a speed record, and no person shall in any manner
3 participate in any such race, competition, contest, test or
4 exhibition.

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

7 (c) Permits for special activities.--The department or local
8 authorities within their jurisdiction may issue permits for
9 special activities which would otherwise be prohibited by this
10 section.

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

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

17 (2) A person violating subsection (b) commits a summary
18 offense and shall, upon conviction for a second or subsequent
19 offense, be sentenced to pay a fine of not more than \$2,000
20 or imprisonment for not more than six months, or both, and
21 the vehicle or combination used in the commission of the
22 offense shall be subject to an impoundment order for up to
23 six months as follows:

24 (i) The impoundment of the vehicle or combination
25 shall occur within the county where the offense was
26 committed.

27 (ii) Direct enforcement of the impoundment order
28 shall be conducted by a police officer, constable or
29 impoundment official as directed by the judicial
30 authority. In a city of the first class, second class,

1 second class A and third class, the impoundment official
2 shall be a parking authority of the municipality as
3 authorized under section 6109 (relating to specific
4 powers of department and local authorities) and 53
5 Pa.C.S. Ch. 55 (relating to parking authorities).

6 (iii) Upon issuance of an impoundment order, a <--
7 police officer, constable or impoundment official as
8 directed by the judicial authority shall give immediate
9 notice by the most expeditious means and by certified
10 mail, return receipt requested, of the impoundment and
11 location of the vehicle or combination to the owners and
12 any lienholders of the vehicle or combination if the
13 names and addresses of the owners and any lienholder are
14 known or can be ascertained after a reasonable

15 investigation. EXCEPT IN A CITY OF THE FIRST CLASS, THE <--
16 APPROPRIATE LAW ENFORCEMENT OFFICER SHALL GIVE IMMEDIATE
17 NOTICE BY THE MOST EXPEDITIOUS MEANS AND BY CERTIFIED
18 MAIL, RETURN RECEIPT REQUESTED, OF THE IMPOUNDMENT AND
19 LOCATION OF THE VEHICLE OR COMBINATION TO THE OWNERS OF
20 THE VEHICLE OR COMBINATION AND ANY LIENHOLDERS AND, IF
21 APPLICABLE, ANY OWNERS OF THE LOAD, IF THE NAMES AND
22 ADDRESSES OF THE OWNERS AND LIENHOLDERS ARE KNOWN OR CAN
23 BE ASCERTAINED BY INVESTIGATION. IN A CITY OF THE FIRST
24 CLASS, THE PHILADELPHIA PARKING AUTHORITY SHALL GIVE
25 IMMEDIATE NOTICE BY FIRST CLASS MAIL, PROOF OF MAILING,
26 OF THE IMPOUNDMENT AND LOCATION OF THE VEHICLE OR
27 COMBINATION TO THE OWNERS AND LIENHOLDERS OF THE VEHICLE
28 OR COMBINATION USING REASONABLY AVAILABLE STATE
29 DATABASES.

30 (iv) The costs of a police officer, constable or

1 impoundment official, APPROPRIATE LAW ENFORCEMENT OFFICER <--
2 OR THE PHILADELPHIA PARKING AUTHORITY AND ALL reasonable
3 storage costs and all other reasonable costs incident to
4 the ~~impoundment order~~ IMPOUNDING UNDER SUBSECTIONS (B) <--
5 AND (C) shall be recoverable in addition to costs of
6 prosecution.

7 (v) The owners of the vehicle or combination which
8 has been subject to an impoundment order may obtain
9 possession of the vehicle or combination upon the
10 expiration or termination of the impoundment order as
11 provided under this section by:

12 (A) Furnishing proof of valid registration and
13 financial responsibility.

14 (B) Paying all costs and reasonable fees
15 associated with the impoundment order or making
16 arrangements with the appropriate judicial authority
17 to make payment of all costs and reasonable fees by
18 installments as provided by the Pennsylvania Rules of
19 Criminal Procedure.

20 (vi) Any impounded vehicle or combination not
21 recovered within 30 days of the expiration or termination
22 of the impoundment order under this subsection may be
23 sold as an unclaimed vehicle under section 6310 (relating
24 to disposition of impounded vehicles, combinations and
25 loads).

26 (vii) A vehicle shall not be subject to an
27 impoundment order under this subsection if:

28 (A) The vehicle was reported to a police
29 department as stolen and was not recovered prior to
30 the time the violation under this section occurred.

1 (B) The vehicle is a rental vehicle which shall
2 be immediately returned to the entity which issued
3 the rental agreement.

4 (viii) An impoundment order issued under this
5 subsection shall be immediately terminated by a court of
6 competent jurisdiction if the owners of the vehicle
7 submit evidence providing that the owners of the vehicle
8 were not driving at the time of the violation. This
9 subparagraph shall not apply if it is determined that:

10 (A) the owners were present when the violation
11 occurred; or

12 (B) the owners knowingly gave actual physical
13 control of the movement of the vehicle to another
14 person and had knowledge that the vehicle would be
15 used to commit a violation under subsection (b).

16 (ix) An impoundment order issued under this
17 subsection shall be immediately terminated by a court of
18 competent jurisdiction if the conviction under subsection
19 (b) is vacated, overturned, dismissed or withdrawn, or
20 for which an individual has been pardoned.

21 (x) For the purposes of this subsection, the lessee
22 or lessor of a leased vehicle or a lienholder shall be
23 considered the owner of a vehicle.

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

27 (4) A person that knowingly organizes, controls or
28 finances two or more persons in a course of conduct that
29 violates subsection (b) or (b.1) commits a summary offense
30 and shall, upon conviction, be sentenced to pay a fine of

1 \$1,000 per vehicle engaged in the conduct that violates
2 subsection (b) or (b.1).

3 (5) A person that knowingly organizes, controls or
4 finances two or more persons in a course of conduct that
5 violates subsection (b) or (b.1) that results in the serious
6 bodily injury or death of an individual commits a felony of
7 the third degree.

8 SECTION 2. SECTION 6310(B) OF TITLE 75 IS AMENDED AND THE <--
9 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

10 § 6310. Disposition of impounded vehicles, combinations and
11 loads.

12 * * *

13 (b) Sale of unclaimed vehicle or load.--[In] EXCEPT IN A <--
14 CITY OF THE FIRST CLASS, IN case any impounded vehicle or
15 combination is unredeemed, or the load is unclaimed, for a
16 period of 60 days after notice of impoundment is given, or for a
17 period of 30 days after the expiration OR TERMINATION of the <--
18 impoundment order under section 3367 (relating to racing on
19 highways and trafficways), it shall be sold at a public sale by
20 the sheriff upon order of the issuing authority and after ten
21 days' notice of sale to the owners, lienholders or secured
22 parties of the vehicle or load except that, if the sheriff
23 determines it to be necessary to preserve their value, goods
24 which may spoil may be sold in any commercially reasonable
25 manner prior to expiration of the 60-day period or prior to the
26 30-day period after the expiration OR TERMINATION of the <--
27 impoundment order under section 3367 and, if impractical to do
28 so, without giving notice to the owners, lienholders or secured
29 parties.

30 (B.1) SALE OF UNCLAIMED VEHICLE OR LOAD IN CITIES OF THE <--

1 FIRST CLASS.--IN CASE ANY IMPOUNDED VEHICLE OR COMBINATION IS
2 UNREDEEMED, OR THE LOAD IS UNCLAIMED, FOR A PERIOD OF 15 DAYS
3 AFTER NOTICE OF IMPOUNDMENT IS GIVEN OR FOR A PERIOD OF 30 DAYS
4 AFTER THE EXPIRATION OR TERMINATION OF THE IMPOUNDMENT ORDER
5 UNDER SECTION 3367, IT SHALL BE SOLD AT A PUBLIC SALE BY THE
6 PHILADELPHIA PARKING AUTHORITY UPON ORDER OF THE ISSUING
7 AUTHORITY AND AFTER 10 DAYS' NOTICE OF THE SALE TO THE OWNERS,
8 LIENHOLDERS OR SECURED PARTIES OF THE VEHICLE OR LOAD EXCEPT
9 THAT, IF THE PHILADELPHIA PARKING AUTHORITY DETERMINES IT
10 NECESSARY TO PRESERVE THEIR VALUE, GOODS WHICH MAY SPOIL MAY BE
11 SOLD IN ANY COMMERCIALY REASONABLE MANNER PRIOR TO EXPIRATION
12 OF THE 15-DAY PERIOD OR PRIOR TO THE 30-DAY PERIOD AFTER THE
13 EXPIRATION OR TERMINATION OF THE IMPOUNDMENT ORDER UNDER SECTION
14 3367 AND, IF IMPRACTICAL TO DO SO, WITHOUT GIVING NOTICE TO THE
15 OWNERS, LIENHOLDERS OR SECURED PARTIES.

16 * * *

17 SECTION 3. SECTION 6503(A) OF TITLE 75 IS AMENDED TO READ: <--
18 § 6503. Subsequent convictions of certain offenses.

19 (a) General offenses.--Every person convicted of a second or
20 subsequent violation of any of the following provisions shall be
21 sentenced to pay a fine of not less than \$200 nor more than
22 \$1,000 or to imprisonment for not more than six months, or both:

23 Section 1543(a) (relating to driving while operating
24 privilege is suspended or revoked) except as set forth in
25 subsection (a.1).

26 [Section 3367 (relating to racing on highways).]

27 Section 3734 (relating to driving without lights to avoid
28 identification or arrest).

29 Section 3748 (relating to false reports).

30 * * *

1 Section 2 4. This act shall take effect in 11 months.

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