

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 998 Session of 2023

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

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 24, 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) of Title 75 of the Pennsylvania <--
12 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

1 provisions:

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

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

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

7 Section 3736 (relating to reckless driving).

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

10 * * *

11 § 1542. Revocation of habitual offender's license.

12 * * *

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

17 * * *

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

20 * * *

21 § 1553. Occupational limited license.

22 * * *

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

25 * * *

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

1 or revocation has been fully served:

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

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

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

9 * * *

10 § 3367. Racing on highways and trafficways.

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

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

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

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

29 (b) General rule.--No person shall drive a vehicle on a
30 highway or trafficway in any race, speed competition or contest,

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

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

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

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

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

18 (2) A person violating subsection (b) commits a summary
19 offense and shall, upon conviction for a second or subsequent
20 offense, be sentenced to pay a fine of ~~\$2,000~~ NOT MORE THAN <--
21 \$2,000 OR IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BOTH,
22 and the vehicle or combination used in the commission of the
23 offense shall be subject to an impoundment order for up to
24 six months as follows:

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

28 (ii) Direct enforcement of the impoundment order
29 shall be conducted by a police officer, constable or
30 impoundment official as directed by the judicial

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

7 (III) UPON ISSUANCE OF AN IMPOUNDMENT ORDER, A <--
8 POLICE OFFICER, CONSTABLE OR IMPOUNDMENT OFFICIAL AS
9 DIRECTED BY THE JUDICIAL AUTHORITY SHALL GIVE IMMEDIATE
10 NOTICE BY THE MOST EXPEDITIOUS MEANS AND BY CERTIFIED
11 MAIL, RETURN RECEIPT REQUESTED, OF THE IMPOUNDMENT AND
12 LOCATION OF THE VEHICLE OR COMBINATION TO THE OWNERS AND
13 ANY LIENHOLDERS OF THE VEHICLE OR COMBINATION IF THE
14 NAMES AND ADDRESSES OF THE OWNERS AND ANY LIENHOLDER ARE
15 KNOWN OR CAN BE ASCERTAINED AFTER A REASONABLE
16 INVESTIGATION.

17 ~~(iii)~~ (IV) The costs of a police officer, constable <--
18 or impoundment official, reasonable storage costs and all
19 other reasonable costs incident to the impoundment order
20 shall be recoverable in addition to costs of prosecution.

21 ~~(iv)~~ The owner (V) THE OWNERS of the vehicle or <--
22 combination which has been subject to an impoundment
23 order may obtain possession of the vehicle or combination
24 by: UPON THE EXPIRATION OR TERMINATION OF THE IMPOUNDMENT <--
25 ORDER AS PROVIDED UNDER THIS SECTION BY:

26 (A) Furnishing proof of valid registration and
27 financial responsibility.

28 (B) Paying all costs and reasonable fees
29 associated with the impoundment order or making
30 arrangements with the appropriate judicial authority

1 to make ~~payments~~ PAYMENT of all costs and reasonable <--
2 fees by installments as provided by the Pennsylvania
3 Rules of Criminal Procedure.

4 ~~(v)~~ (VI) Any impounded vehicle or combination not <--
5 recovered WITHIN 30 DAYS OF THE EXPIRATION OR TERMINATION <--
6 OF THE IMPOUNDMENT ORDER under this subsection may be
7 sold as an unclaimed vehicle under section 6310 (relating
8 to disposition of impounded vehicles, combinations and
9 loads).

10 (VII) A VEHICLE SHALL NOT BE SUBJECT TO AN <--
11 IMPOUNDMENT ORDER UNDER THIS SUBSECTION IF:

12 (A) THE VEHICLE WAS REPORTED TO A POLICE
13 DEPARTMENT AS STOLEN AND WAS NOT RECOVERED PRIOR TO
14 THE TIME THE VIOLATION UNDER THIS SECTION OCCURRED.

15 (B) THE VEHICLE IS A RENTAL VEHICLE WHICH SHALL
16 BE IMMEDIATELY RETURNED TO THE ENTITY WHICH ISSUED
17 THE RENTAL AGREEMENT.

18 (VIII) AN IMPOUNDMENT ORDER ISSUED UNDER THIS
19 SUBSECTION SHALL BE IMMEDIATELY TERMINATED BY A COURT OF
20 COMPETENT JURISDICTION IF THE OWNERS OF THE VEHICLE
21 SUBMIT EVIDENCE PROVING THAT THE OWNERS OF THE VEHICLE
22 WERE NOT DRIVING AT THE TIME OF THE VIOLATION. THIS
23 SUBPARAGRAPH SHALL NOT APPLY IF IT IS DETERMINED THAT:

24 (A) THE OWNERS WERE PRESENT WHEN THE VIOLATION
25 OCCURRED; OR

26 (B) THE OWNERS KNOWINGLY GAVE ACTUAL PHYSICAL
27 CONTROL OF THE MOVEMENT OF THE VEHICLE TO ANOTHER
28 PERSON AND HAD KNOWLEDGE THAT THE VEHICLE WOULD BE
29 USED TO COMMIT A VIOLATION UNDER SUBSECTION (B).

30 (IX) AN IMPOUNDMENT ORDER ISSUED UNDER THIS

1 SUBSECTION SHALL BE IMMEDIATELY TERMINATED BY A COURT OF
2 COMPETENT JURISDICTION IF THE CONVICTION UNDER SUBSECTION
3 (B) IS VACATED, OVERTURNED, DISMISSED OR WITHDRAWN, OR
4 FOR WHICH AN INDIVIDUAL HAS BEEN PARDONED.

5 (X) FOR THE PURPOSES OF THIS SUBSECTION, THE LESSEE
6 OR LESSOR OF A LEASED VEHICLE OR A LIENHOLDER SHALL BE
7 CONSIDERED THE OWNER OF A VEHICLE.

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~~ <--
12 KNOWINGLY ORGANIZES, CONTROLS or finances two or more persons <--
13 in a course of conduct that violates subsection (b) or (b.1)
14 commits a summary offense and shall, upon conviction, be
15 sentenced to pay a fine of \$1,000 per vehicle engaged in the
16 conduct that violates subsection (b) or (b.1).

17 (5) A person that ~~organizes, controls, promotes~~ <--
18 KNOWINGLY ORGANIZES, CONTROLS or finances two or more persons <--
19 in a course of conduct that violates subsection (b) or (b.1)
20 that results in the SERIOUS BODILY injury or death of an <--
21 individual commits a felony of the third degree.

22 § 6310. DISPOSITION OF IMPOUNDED VEHICLES, COMBINATIONS AND <--
23 LOADS.

24 * * *

25 (B) SALE OF UNCLAIMED VEHICLE OR LOAD.--IN CASE ANY
26 IMPOUNDED VEHICLE OR COMBINATION IS UNREDEEMED, OR THE LOAD IS
27 UNCLAIMED, FOR A PERIOD OF 60 DAYS AFTER NOTICE OF IMPOUNDMENT
28 IS GIVEN, OR FOR A PERIOD OF 30 DAYS AFTER THE EXPIRATION OF THE
29 IMPOUNDMENT ORDER UNDER SECTION 3367 (RELATING TO RACING ON
30 HIGHWAYS), IT SHALL BE SOLD AT A PUBLIC SALE BY THE SHERIFF UPON

1 ORDER OF THE ISSUING AUTHORITY AND AFTER TEN DAYS' NOTICE OF
2 SALE TO THE OWNERS, LIENHOLDERS OR SECURED PARTIES OF THE
3 VEHICLE OR LOAD EXCEPT THAT, IF THE SHERIFF DETERMINES IT TO BE
4 NECESSARY TO PRESERVE THEIR VALUE, GOODS WHICH MAY SPOIL MAY BE
5 SOLD IN ANY COMMERCIALY REASONABLE MANNER PRIOR TO EXPIRATION
6 OF THE 60-DAY PERIOD OR PRIOR TO THE 30-DAY PERIOD AFTER THE
7 EXPIRATION OF THE IMPOUNDMENT ORDER UNDER SECTION 3367 AND, IF
8 IMPRACTICAL TO DO SO, WITHOUT GIVING NOTICE TO THE OWNERS,
9 LIENHOLDERS OR SECURED PARTIES.

10 * * *

11 § 6503. Subsequent convictions of certain offenses.

12 (a) General offenses.--Every person convicted of a second or
13 subsequent violation of any of the following provisions shall be
14 sentenced to pay a fine of not less than \$200 nor more than
15 \$1,000 or to imprisonment for not more than six months, or both:

16 Section 1543(a) (relating to driving while operating
17 privilege is suspended or revoked) except as set forth in
18 subsection (a.1).

19 [~~Section 3367 (relating to racing on highways and~~ <--
20 ~~trafficways).~~] <--

21 Section 3734 (relating to driving without lights to avoid
22 identification or arrest).

23 Section 3748 (relating to false reports).

24 * * *

25 Section 2. This act shall take effect in ~~60 days~~ 11 MONTHS. <--