



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 2266

PRINTER'S NO. 3438

PRIME SPONSOR: Tomlinson

COST / (SAVINGS)

FUND	FY 2023/24	FY 2024/25
Motor License Fund	\$0	See Fiscal Impact

SUMMARY: HB 2266 PN 3438 increases the penalties for racing on highways, prohibits drifting and provides for the impoundment of vehicles. This legislation will take effect in 11 months.

ANALYSIS: This legislation amends Title 75 (Vehicles) to provide for racing on highways and trafficways, penalties, and impoundments of vehicles used in racing on highways.

DRIFTING

"Drifting" is defined as the act of steering a vehicle in a turn in an attempt to make the rear wheel or wheels of the vehicle lose traction and create a controlled or uncontrolled skid sideways. Section 3367 (related to racing on highways and trafficways) provides that a person is prohibited from engaging in drifting of a vehicle on a highway or trafficway. A penalty is a summary offense with a fine of \$250 and a six-month license suspension.

RACING ON HIGHWAYS AND TRAFFICWAYS:

For a first offense, a violation is a summary offense with a \$500 fine and a six-month license suspension.

For a second or subsequent offense, a violation is a summary offense with a max \$2,000 fine, up to six months imprisonment, or both, and the vehicle used in the offense is subject to an impoundment order for up to six months as follows:

- Impoundment occurs within the county where the offense was committed
- Direct enforcement of the impoundment order is conducted by a police officer, constable or impoundment official as directed by the judicial authority. In cities, the impoundment official must be the parking authority
 - In the City of Philadelphia an officer shall provide notice by certified mail of the impoundment and location of a vehicle
- Upon issuance of an impoundment order, a police officer, constable or impoundment official must give immediate notice by the most expeditious means and by certified mail of the impoundment and location of the vehicle to the owners and any lienholders of the vehicle if the names and addresses are known and can be ascertained after a reasonable investigation
 - In the City of Philadelphia, the Philadelphia Parking Authority shall provide notice by first class mail of the impoundment and location of the vehicle
- The costs of a police officer, constable or impoundment official, reasonable storage costs and all other reasonable costs related to the impoundment are recoverable in addition to the costs of prosecution
 - In the City of Philadelphia, officer or Philadelphia Parking Authority costs related to the impoundment of a vehicle shall be recoverable in addition to other costs

- The owner of the vehicle or combination subject to an impoundment order may obtain possession of the vehicle or combination upon the expiration or termination of the impoundment order by:
 - a) Furnishing proof of valid registration and insurance
 - b) Paying all costs and reasonable fees associated with the impoundment order or making arrangements with the appropriate judicial authority for an installment plan
- Any impounded vehicle or combination not recovered within 30 days of the expiration or termination of the impoundment order may be sold as an unclaimed vehicle
 - In the City of Philadelphia, if an impound vehicle has not been recovered within 30 days of impoundment, the Philadelphia Parking Authority may sell the vehicle at a public auction;
- A vehicle shall not be subject to an impoundment order if:
 - a) The vehicle was reported to a police department as stolen and was not recovered prior to the time the violation occurred.
 - b) The vehicle is a rental vehicle which must be immediately returned to the entity which issued the rental agreement
- An impoundment order must be immediately terminated by a court of competent jurisdiction if the owners of the vehicle were not driving at the time of the violation. The impoundment order shall not be terminated if it is determined that:
 - a) The owners were present when the violation occurred; or
 - b) The owners knowingly gave actual physical control of the movement of the vehicle to another person and had knowledge that the vehicle would be used in a street race.
- An impoundment order must be immediately terminated by a court of competent jurisdiction if the conviction is vacated, overturned, dismissed or withdrawn, or for which an individual has been pardoned.
- For the purposes of this bill, the lessee or lessor of a leased vehicle or a lienholder is considered the owner of a vehicle

ORGANIZING RACING ON HIGHWAYS OR TRAFFICWAYS:

A person that knowingly organizes, controls, or finances two or more persons in a course of conduct that violates racing on highways or drifting commits a summary offense with a fine of \$1,000 per vehicle engaged in the violation.

A person that knowingly organizes, controls, or finances two or more persons in a course of conduct that violates racing on highways or driving which results in the serious bodily injury or death of an individual commits a felony of the third degree.

SALE OF UNCLAIMED VEHICLE:

Section 6310 (related to disposition of impounded vehicles, combinations, and loads) is amended to clarify that a vehicle impounded under this bill cannot be sold as an unclaimed vehicle at a sheriff's sale until 30 after the expiration of the impoundment order. The sheriff may sell the vehicle prior to the 30-day period if the sheriff determines it to be necessary to preserve the vehicle's value

- In the City of Philadelphia, in the case that impounded vehicle is unredeemed for a period of 15 days after the notice of impoundment is given or for a period of 30 days after the expiration or the termination of the impoundment order, it shall be sold at a public sale by the Philadelphia Parking Authority.
- In the City of Philadelphia, if the Philadelphia Parking Authority determines it necessary to preserve the vehicle's value, the Authority may sell the vehicle prior to expiration of the 15-day period or prior to the 30-day period after the expiration of the termination of the impoundment order.

FISCAL IMPACT: The enactment of this legislation could have a fiscal impact on commonwealth funds, specifically the Motor License Fund. The potential fiscal impact is a function of the number of violations and fines collected. However, due to the unknown number of violations and subsequent fines an estimate of the potential fees collected is indeterminate at this point.

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DATE: June 27, 2024

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.