

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 753 Session of 2017

INTRODUCED BY RAFFERTY, SABATINA, MENSCH, BREWSTER, FOLMER, COSTA, VULAKOVICH, BARTOLOTTA, AUMENT, MCGARRIGLE, DINNIMAN, SCARNATI AND YUDICHAK, JUNE 12, 2017

SENATOR RAFFERTY, TRANSPORTATION, AS AMENDED, JUNE 14, 2017

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in miscellaneous provisions relating to accidents
3 and accident reports, further providing for accident scene
4 clearance.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 3745.1(c) of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended and the section is amended by
9 adding subsections to read:

10 § 3745.1. Accident scene clearance.

11 * * *

12 (c) Police officers.--A police officer may immediately
13 remove or direct removal of a wrecked vehicle ~~at the owner's or~~ <--
14 ~~operator's expense~~ if the owner or operator cannot remove the
15 wrecked vehicle or refuses or fails to have the vehicle removed
16 as required under this section. In carrying out the provisions
17 of this subsection, no liability shall attach to the police
18 officer, police department or, absent a showing of gross

1 negligence, to any person, Commonwealth agency, municipality or
2 traffic incident professional acting under the direction of the
3 police officer for damage to any vehicle or damage to or loss of
4 any portion of the contents of the vehicle.

5 (c.1) Traffic incident professional.--Notwithstanding any
6 other provision of law, liability shall not attach to a
7 Commonwealth agency, commission, municipality or traffic
8 incident professional, absent a showing of gross negligence, for
9 damage to a vehicle, damage to a portion of the contents of the
10 vehicle, damage to property or personal injury as a result of a
11 traffic accident when performing an incident clearance function
12 before the arrival of a police officer or at the direction of a
13 police officer under subsection (c).

14 * * *

15 (h) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection unless the context clearly indicates otherwise:

18 "Incident clearance function." An action by a traffic
19 incident professional that includes any of the following:

20 (1) Removal or the attempt to remove a vehicle or any
21 portion of the contents of the vehicle from the roadway to
22 the shoulder or other nearby place of safety.

23 (2) Incident detection and verification.

24 (3) Incident area security and protection.

25 (4) Rescue of persons from vehicles and hazardous
26 environments.

27 (5) Emergency medical transportation and trained care.

28 (6) Hazardous materials response and containment.

29 (7) Fire suppression and elimination.

30 (8) Assistance to persons from a wrecked vehicle.

1 (9) Traffic direction and management, including, but not
2 limited to, establishment and operation of alternate routes,
3 traffic detours and traffic diversion.

4 (10) Assistance to the crash investigation before the
5 arrival of a police officer or at the direction of a police
6 officer.

7 (11) Coordination of accident clearance and repair
8 resources.

9 (12) Temporary roadway repair and restoration.

10 (13) Protection of property and vehicles.

11 (14) Any other action reasonably necessary to be
12 performed by a police officer or traffic incident
13 professional.

14 "Traffic incident professional." An emergency service
15 responder, an authorized person of a Commonwealth agency or
16 commission or an authorized person of a municipality who
17 performs an incident clearance function, INCLUDING, BUT NOT <--
18 LIMITED TO, A PERSON UNDER CONTRACT WITH A COMMONWEALTH AGENCY,
19 COMMISSION OR MUNICIPALITY.

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