

No. 74

AN ACT

SB 584

Amending the act of April 29, 1959 (P.L.58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," further regulating the power of removal of vehicles or tractors and spilled cargo from highways and extending such power of removal to certain employes of the Department of Highways.

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

Section 1. Section 1222, act of April 29, 1959 (P.L.58), known as "The Vehicle Code," amended July 27, 1959 (P.L.576), is amended to read:

Section 1222. Abandoned or Wrecked Vehicles and Tractors;
Contents and Loads.

(a) Peace officers *and employes of the Department of Highways having permission of a peace officer* shall have authority to remove, or direct removal of, abandoned or wrecked vehicles and tractors *and spilled cargo* from any highway to the nearest point where such vehicle or tractor *or spilled cargo* will not interfere with or obstruct traffic thereon. Immediately following [the] *an* accident, the wrecked vehicle or tractor [may not] *or spilled cargo shall* be removed or directed to be removed beyond the [nontravelled] *travelled* portion of the highway by a peace officer *or employe of the Department of Highways, having permission of a peace officer* [unless] *if* the [injured] owner or operator cannot [act because of his injuries] *so remove the wrecked vehicle or tractor* or refuses or fails to have the same removed within a reasonable time. A garage keeper's lien shall not become effective unless the conditions of this section shall have been met.

In the removal of abandoned or wrecked vehicles or contents thereof and tractors and spilled cargo in accordance with the provisions of this subsection, no liability for damages to the abandoned or wrecked vehicle or contents thereof or tractor or spilled cargo shall attach to the peace officer or employe of the Department of Highways having permission of a peace officer removing or directing such removal.

(b) *When in the opinion of a peace officer or employe of the Department of Highways it is deemed necessary for the protection of the contents or load of a wrecked vehicle or tractor or spilled cargo from the elements, spoilage or theft, such peace officer or employe of the Department of Highways having permission of a peace officer is authorized to remove, or direct to be removed, and cause to be stored, at the owner's expense, such contents or load or spilled cargo at the nearest practical place of storage. In the carrying out of the provisions of this subsection, no liability shall attach to such peace officer or*

employe of the Department of Highways having permission of a peace officer for damage to or loss of any portion of such contents or load or spilled cargo.

APPROVED—The 19th day of March, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 74.

A handwritten signature in cursive script, appearing to read "Robert L. Kelley".

Secretary of the Commonwealth.