

WHEN CAN POLICE SEARCH YOUR CAR AT A PA TRAFFIC STOP?



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After Commonwealth v. Alexander, Pennsylvania police generally cannot search your vehicle on probable cause alone. They need exigent circumstances too — a meaningful departure from federal law.

If a Pennsylvania officer wants to search your car during a traffic stop without your consent, probable cause by itself is not enough. State law requires *both* probable cause *and* exigent circumstances. That dual requirement gives Pennsylvania drivers more protection than the federal Fourth Amendment provides, and it is the single most important thing to understand about car searches in this Commonwealth.

The Alexander rule: two requirements, not one

The controlling decision is [*Commonwealth v. Alexander*](#), 243 A.3d 177 (Pa. 2020). The Supreme Court of Pennsylvania held that "warrantless vehicle searches require both

probable cause and exigent circumstances." One without the other does not justify a search. The Court framed the default plainly: "Obtaining a warrant is the default rule." A warrantless car search is the exception, and the Commonwealth bears the burden of showing why it was justified.

That holding flows from the Pennsylvania Constitution, not the federal one. Article I, Section 8, the Court explained, "afforded greater protection than the Fourth Amendment." Pennsylvania courts have long read their own charter to provide independent — and sometimes broader — privacy protection, and the car-search context is now a leading example.

What changed: overruling Gary

For a brief period, Pennsylvania law looked just like federal law. In *Commonwealth v. Gary*, 91 A.3d 102 (Pa. 2014), a plurality of the Court had imported the full federal automobile exception into Pennsylvania, allowing a warrantless vehicle search on probable cause alone. *Alexander* reversed course. The Court announced it would "return to the pre-*Gary* application of our limited automobile exception under Article I, Section 8 of our Constitution," overruling *Gary*. Because *Gary* had been decided by a plurality "Opinion Announcing the Judgment of the Court," it carried diminished precedential weight — a point the *Alexander* Court noted on its way to discarding it. The lesson is practical: the federal standard governed Pennsylvania for only a few years, and Pennsylvania has now consciously chosen a more demanding rule for its own courts. A driver charged in state court is judged by the state standard, even where the same conduct would clear the federal bar.

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The federal contrast Pennsylvania rejected

The federal automobile exception is nearly a century old. It began with *Carroll v. United States*, 267 U.S. 132 (1925), where the U.S. Supreme Court reasoned that a vehicle could be "quickly moved out of the locality or jurisdiction" before a warrant could issue. Over time, federal law treated that inherent mobility as supplying the exigency automatically, so that under the Fourth Amendment probable cause alone became sufficient to search a car.

Pennsylvania declined to follow that simplification. *Alexander* restored a separate, case-by-case exigency inquiry. Mobility may be a factor, but it is no longer a substitute for the exigency the state constitution demands. A reviewing court asks whether, on the totality of the circumstances, getting a warrant was genuinely impracticable — not whether the object searched happened to have wheels.

The divergence matters most where a search would survive under federal law but fail under Pennsylvania's. Because the Commonwealth prosecutes the overwhelming share of ordinary traffic-stop cases in its own courts, the state rule is the one that usually decides whether evidence comes in. A defendant whose car was searched on probable cause

alone, with no separate showing of exigency, has a suppression argument in Pennsylvania that the Fourth Amendment, standing alone, would not supply.

The short version: Under the Fourth Amendment, probable cause alone can justify a car search. Under Article I, Section 8 of the Pennsylvania Constitution, police generally need probable cause *and* exigent circumstances. When the two standards diverge in a Pennsylvania prosecution, the state rule controls.

A worked example

Suppose an officer stops a driver for a broken taillight and, approaching the window, smells what he believes to be marijuana. He now arguably has probable cause to think the car contains contraband. Under federal law, that alone might let him search the passenger compartment and trunk on the spot.

In Pennsylvania, the analysis does not end there. The officer — and later a court — must also ask whether exigent circumstances made obtaining a warrant impracticable. If the driver is already detained, backup has arrived, the vehicle is going nowhere, and a warrant could be obtained electronically within a reasonable time, a court may find no exigency and suppress the fruits of the search. The result turns on the specific facts, because the Supreme Court deliberately declined to reduce "exigency" to a bright-line formula, leaving it to totality-of-the-circumstances review.

Change the facts and the answer can change. Suppose instead the stop happens late at night on a rural road, the driver is alone in the car and not yet detained, no backup is available, and the officer reasonably fears the vehicle could be moved or its contents destroyed before a warrant issues. There, a court is more likely to find that the exigencies

of the situation made an immediate search objectively reasonable. The point is not that one set of facts always wins; it is that Pennsylvania forces the question to be asked at all.

Two searches that survive *Alexander*

The dual-requirement rule governs *investigatory* searches. It does not abolish every warrantless search of a car. Two important categories remain.

Consent. Police may search without a warrant or probable cause if the driver voluntarily agrees. But the consent must be real. In [*Commonwealth v. Strickler*](#), 757 A.2d 884 (Pa. 2000), the Court required the Commonwealth to prove that consent was the product of "essentially free and unconstrained choice-not the result of duress or coercion, express or implied, or a will overborne," judged under the totality of the circumstances. A driver may decline, and a refusal is not itself probable cause.

Inventory searches. When a car is lawfully impounded, police may inventory its contents to protect property and themselves — a noncriminal "community caretaking" function rather than a hunt for evidence. In [*Commonwealth v. Thompson*](#), 2023 PA Super 16 (Pa. Super. Feb. 7, 2023), the Superior Court held that *Alexander* "does not eliminate the inventory search exception," reasoning that an inventory search rests on community caretaking rather than the probable-cause-based automobile exception. The court added, however, that *Alexander* "may well support some limitations on the inventory search exception" — a question it deliberately left open.

What this means at the roadside

Pennsylvania law gives drivers genuine protection against warrantless car searches — but that protection has edges, and exigency is fact-specific rather than guaranteed. If police search your vehicle without a warrant and without your consent, whether the evidence can be used against you will often turn on whether a court finds true exigent

circumstances. That is a question worth raising with counsel, because *Alexander* made the warrant the rule and the warrantless search the exception that the Commonwealth must justify.

Two practical points follow. First, you are never required to consent to a search, and politely declining does not, by itself, give police a reason to search anyway. Second, if a search has already happened, the lawfulness of that search — and the admissibility of anything found — is litigated later, in a suppression motion, not resolved at the roadside. Preserving the issue early, through counsel, is how the *Alexander* protection is actually enforced.

This article is general information about Pennsylvania law and is not legal advice. For guidance on a specific situation, consult an attorney.

Authorities Cited

1. Commonwealth v. Alexander, 243 A.3d 177 (Pa. 2020) — <https://law.justia.com/cases/pennsylvania/supreme-court/2020/30-eap-2019.html>
 2. Commonwealth v. Strickler, 757 A.2d 884 (Pa. 2000) — <https://caselaw.findlaw.com/court/pa-supreme-court/1090518.html>
 3. Commonwealth v. Thompson, 2023 PA Super 16 (Pa. Super. Feb. 7, 2023) — <https://law.justia.com/cases/pennsylvania/superior-court/2023/2632-eda-2021.html>
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