

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2042

Session of
1978

INTRODUCED BY MESSRS. ENGLEHART, BELLOMINI, PRENDERGAST,
LETTERMAN, PRATT, BITTLE, POLITE, LINCOLN, CASSIDY, DeMEDIO,
MILLER, NOYE, DiCARLO, STEWART, REED, ARTHURS AND BITTINGER,
FEBRUARY 1, 1978

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 13, 1978

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for removal of vehicles from
3 ~~private property.~~ AND PROCEDURES RELATING THERETO. <—

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

6 ~~Section 1. Section 3353(c) of Title 75, act of November 25,~~ <—
7 ~~1970 (P.L.707, No.230), known as the Pennsylvania Consolidated~~
8 ~~Statutes, is amended to read:~~

9 ~~§ 3353. Prohibitions in specified places.~~

10 ~~* * *~~

11 ~~(c) Property owner may remove vehicle. The owner or other~~
12 ~~person in charge or possession of any property on which a~~
13 ~~vehicle is parked or left unattended in violation of the~~
14 ~~provisions of subsection (b) may remove or have removed the~~
15 ~~vehicle at the reasonable expense of the owner of the vehicle~~
16 ~~which shall be paid by the owner of the vehicle prior to its~~
17 ~~return.~~

1 * * *

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

3 SECTION 1. THE DEFINITIONS OF "ABANDONED VEHICLE" AND <—
4 "SALVOR" IN SECTION 102, OF TITLE 75, ACT OF NOVEMBER 25, 1970
5 (P.L.707, NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED
6 STATUTES, ARE AMENDED AND A DEFINITION IS ADDED TO READ:

7 § 102. DEFINITIONS.

8 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
9 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
10 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
11 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
12 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

13 "ABANDONED VEHICLE."

14 (1) A VEHICLE (OTHER THAN A PEDALCYCLE):

15 (I) THAT IS INOPERABLE AND IS LEFT UNATTENDED ON
16 PUBLIC PROPERTY FOR MORE THAN 48 HOURS;

17 (II) THAT HAS REMAINED ILLEGALLY ON PUBLIC PROPERTY
18 FOR A PERIOD OF MORE THAN 48 HOURS;

19 (III) WITHOUT A VALID REGISTRATION PLATE OR
20 CERTIFICATE OF INSPECTION OR TITLE LEFT UNATTENDED ON OR
21 ALONG A HIGHWAY; [OR]

22 (IV) THAT HAS REMAINED ON PRIVATE PROPERTY WITHOUT
23 THE CONSENT OF THE OWNER OR PERSON IN CONTROL OF THE
24 PROPERTY FOR MORE THAN 48 HOURS; OR

25 (V) THAT HAS REMAINED UNCLAIMED AT A SALVOR'S OR
26 TOWER'S STORAGE FACILITY FOR MORE THAN 30 DAYS.

27 (2) VEHICLES AND EQUIPMENT USED OR TO BE USED IN
28 CONSTRUCTION OR IN THE OPERATION OR MAINTENANCE OF PUBLIC
29 UTILITY FACILITIES, WHICH ARE LEFT IN A MANNER WHICH DOES NOT
30 INTERFERE WITH THE NORMAL MOVEMENT OF TRAFFIC, SHALL NOT BE

1 CONSIDERED TO BE ABANDONED.

2 * * *

3 "SALVOR." A PERSON [ENGAGED IN THE BUSINESS OF ACQUIRING
4 ABANDONED] AUTHORIZED BY THE DEPARTMENT TO REMOVE VEHICLES FROM
5 PUBLIC OR PRIVATE PROPERTY OR ACQUIRE ABANDONED VEHICLES FOR THE
6 PURPOSE OF TAKING APART, JUNKING, SELLING, REBUILDING OR
7 EXCHANGING THE VEHICLES OR PARTS THEREOF.

8 * * *

9 "TOWER." A PERSON AUTHORIZED BY THE DEPARTMENT TO REMOVE
10 VEHICLES FROM PUBLIC OR PRIVATE PROPERTY.

11 * * *

12 SECTION 2. SECTIONS 3352 AND 3353(C) OF TITLE 75 ARE AMENDED
13 TO READ:

14 § 3352. REMOVAL OF VEHICLE BY OR AT DIRECTION OF POLICE.

15 (A) OUTSIDE BUSINESS AND RESIDENCE DISTRICTS.--WHENEVER ANY
16 POLICE OFFICER FINDS A VEHICLE IN VIOLATION OF ANY OF THE
17 PROVISIONS OF SECTION 3351 (RELATING TO STOPPING, STANDING AND
18 PARKING OUTSIDE BUSINESS AND RESIDENCE DISTRICTS), THE OFFICER
19 MAY MOVE THE VEHICLE, OR CAUSE THE VEHICLE TO BE MOVED, OR
20 REQUIRE THE DRIVER OR OTHER PERSON IN CHARGE OF THE VEHICLE TO
21 MOVE THE VEHICLE, TO A POSITION OFF THE ROADWAY WHERE THE
22 VEHICLE WILL NOT INTERFERE UNDULY WITH THE NORMAL MOVEMENT OF
23 TRAFFIC OR CONSTITUTE A SAFETY HAZARD.

24 (B) UNATTENDED VEHICLE OBSTRUCTING TRAFFIC.--ANY POLICE
25 OFFICER MAY REMOVE OR CAUSE TO BE REMOVED TO A NEARBY GARAGE OR
26 OTHER NEARBY PLACE OF SAFETY ANY UNATTENDED VEHICLE ILLEGALLY
27 LEFT STANDING UPON ANY HIGHWAY, BRIDGE, CAUSEWAY OR IN ANY
28 TUNNEL, IN SUCH POSITION OR UNDER SUCH CIRCUMSTANCES AS TO
29 INTERFERE UNDULY WITH THE NORMAL MOVEMENT OF TRAFFIC OR
30 CONSTITUTE A SAFETY HAZARD.

(C) REMOVAL TO GARAGE OR PLACE OF SAFETY.--ANY POLICE OFFICER MAY REMOVE OR CAUSE TO BE REMOVED TO A NEARBY GARAGE OR OTHER PLACE OF SAFETY ANY VEHICLE [FOUND UPON A HIGHWAY] UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

(1) REPORT HAS BEEN MADE THAT THE VEHICLE HAS BEEN STOLEN OR TAKEN WITHOUT THE CONSENT OF ITS OWNER.

(2) THE PERSON OR PERSONS IN CHARGE OF THE VEHICLE ARE PHYSICALLY UNABLE TO PROVIDE FOR THE CUSTODY OR REMOVAL OF THE VEHICLE.

(3) THE PERSON DRIVING OR IN CONTROL OF THE VEHICLE IS ARRESTED FOR AN ALLEGED OFFENSE FOR WHICH THE OFFICER IS REQUIRED BY LAW TO TAKE THE PERSON ARRESTED BEFORE AN ISSUING AUTHORITY WITHOUT UNNECESSARY DELAY.

(4) THE VEHICLE IS IN VIOLATION OF SECTION 3353 (RELATING TO PROHIBITIONS IN SPECIFIED PLACES) EXCEPT FOR OVERTIME PARKING.

(5) THE VEHICLE HAS BEEN ABANDONED AS DEFINED IN THIS TITLE. THE OFFICER SHALL COMPLY WITH THE PROVISIONS OF SUBSECTION (D) AND CHAPTER 73 (RELATING TO ABANDONED VEHICLES AND CARGOS).

(D) NOTICE TO OWNER PRIOR TO REMOVAL.--

(1) PRIOR TO REMOVAL UNDER SUBSECTION (C)(5) OF [AN ABANDONED] A VEHICLE WHICH IS ABANDONED UPON A HIGHWAY AND IS NOT IN VIOLATION OF SUBSECTION (B), SECTION 3351(A) (RELATING TO STOPPING, STANDING AND PARKING OUTSIDE BUSINESS AND RESIDENCE DISTRICTS) OR SECTION 3353 BEARING A REGISTRATION PLATE BY WHICH THE LAST REGISTERED OWNER OF THE VEHICLE CAN BE DETERMINED, NOTICE SHALL BE SENT BY CERTIFIED MAIL TO THE LAST REGISTERED OWNER OF THE VEHICLE INFORMING THE OWNER THAT UNLESS THE VEHICLE IS MOVED TO A SUITABLE LOCATION WITHIN

1 FIVE DAYS OF THE DATE NOTICE IS MAILED, THE VEHICLE WILL BE
2 REMOVED UNDER THIS SECTION AND HELD AT A SUITABLE FACILITY
3 WHERE IT MAY BE RECLAIMED BY THE OWNER IN ACCORDANCE WITH THE
4 PROVISIONS OF SECTION 7306 (RELATING TO PAYMENT OF COSTS UPON
5 RECLAIMING VEHICLE). IF THE ABANDONED MOTOR VEHICLE DOES NOT
6 BEAR AN IDENTIFIABLE REGISTRATION PLATE, THE NOTICE MAY BE
7 SECURED TO THE VEHICLE.

8 (2) IF, WITHIN THE FIVE-DAY PERIOD, THE OWNER SO
9 REQUESTS, THE OWNER SHALL BE GIVEN AN OPPORTUNITY TO EXPLAIN
10 TO THE POLICE OFFICER OR DEPARTMENT WHY THE OWNER BELIEVES
11 THE VEHICLE SHOULD NOT BE MOVED. IF THE POLICE OFFICER OR
12 DEPARTMENT DETERMINES THAT THE VEHICLE SHALL, NONETHELESS, BE
13 MOVED, THE OWNER SHALL BE GIVEN AN ADDITIONAL 48 HOURS TO
14 MOVE THE VEHICLE OR HAVE IT MOVED.

15 (3) THE PROVISION FOR NOTICE SET FORTH IN THIS
16 SUBSECTION IS IN ADDITION TO ANY OTHER NOTICE REQUIREMENTS
17 PROVIDED IN CHAPTER 73.

18 § 3353. PROHIBITIONS IN SPECIFIED PLACES.

19 * * *

20 (C) PROPERTY OWNER MAY REMOVE VEHICLE.--[THE OWNER OR OTHER
21 PERSON IN CHARGE OR POSSESSION OF ANY PROPERTY ON WHICH A
22 VEHICLE IS PARKED OR LEFT UNATTENDED IN VIOLATION OF THE
23 PROVISIONS OF SUBSECTION (B) MAY REMOVE OR HAVE REMOVED THE
24 VEHICLE AT THE REASONABLE EXPENSE OF THE OWNER OF THE VEHICLE.]

25 (1) THE OWNER OR OTHER PERSON IN CHARGE OR POSSESSION OF
26 ANY PROPERTY ON WHICH A VEHICLE IS PARKED OR LEFT UNATTENDED
27 IN VIOLATION OF THE PROVISIONS OF SUBSECTION (B) MAY HAVE A
28 SALVOR OR TOWER REMOVE THE VEHICLE AT THE REASONABLE EXPENSE
29 OF THE OWNER OR REGISTRANT OF THE VEHICLE IF THE PROPERTY IS:

30 (I) USED EXCLUSIVELY FOR PARKING IN CONNECTION WITH

A PRIVATE DWELLING OR NOT OPEN TO THE PUBLIC; OR
(II) OPEN TO THE PUBLIC WITH OR WITHOUT CHARGE OR
USED FOR PARKING IN CONNECTION WITH A BUSINESS AND POSTED
IN ACCORDANCE WITH DEPARTMENT REGULATIONS.

(2) ANY SALVOR OR TOWER REMOVING A VEHICLE PURSUANT TO
PARAGRAPH (1) SHALL IMMEDIATELY NOTIFY THE POLICE HAVING
JURISDICTION OF THE PLACE WHERE THE VEHICLE WAS FOUND OF THE
NEW LOCATION OF THE VEHICLE.

(3) NO STORAGE COSTS SHALL BE ASSESSED PURSUANT TO
PARAGRAPH (1) FOR THE FIRST 24 HOURS OF POSSESSION OF A
VEHICLE.

* * *

SECTION 3. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

§ 3355. MOVEMENT OF VEHICLES WITHOUT OWNER'S CONSENT.

(A) GENERAL RULE.--NO PERSON EXCEPT A SALVOR OR A TOWER
SHALL MOVE A VEHICLE WITHOUT THE CONSENT OF THE OWNER OR
REGISTRANT OR A PERSON AUTHORIZED BY THE OWNER OR REGISTRANT,
UNLESS DIRECTED BY A POLICE OFFICER IN ACCORDANCE WITH SECTION
3352 (RELATING TO REMOVAL OF VEHICLE BY OR AT DIRECTION OF
POLICE). A TOWER SHALL NOT MOVE AN ABANDONED VEHICLE UNLESS
DIRECTED BY A POLICE OFFICER.

(B) AUTHORIZATION OF TOWERS.--THE DEPARTMENT SHALL AUTHORIZE
AND ISSUE A CERTIFICATE OF AUTHORIZATION TO EVERY TOWER THAT
COMPLIES WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

(C) PLACE OF BUSINESS.--EVERY TOWER SHALL HAVE AND MAINTAIN
AN ESTABLISHED PLACE OF BUSINESS.

(D) TOWERS TO BE BONDED.--

(1) EACH TOWER SHALL FURNISH AND MAINTAIN A BOND
INDEMNIFYING THE PUBLIC AND THE DEPARTMENT IN THE AMOUNT OF
\$5,000.

1 (2) A TOWER WHO HAS FILED A BOND WITH THE COMMONWEALTH
2 IS NOT REQUIRED TO FILE A SEPERATE BOND UNDER THIS SECTION IF
3 THE BOND ALREADY ON FILE WITH THE COMMONWEALTH IS COMPARABLE
4 IN AMOUNT AND COVERAGE TO THE BOND REQUIRED UNDER THIS
5 SECTION.

6 § 3356. IMPLIED LIEN.

7 EVERY DRIVER, OWNER AND REGISTRANT OF A VEHICLE IN THIS
8 COMMONWEALTH SHALL BE DEEMED TO HAVE GIVEN CONSENT TO HAVING THE
9 VEHICLE REMOVED AT THEIR REASONABLE EXPENSE AND DETAINED TO
10 INSURE PAYMENT IF THE VEHICLE IS REMOVED UNDER THE PROVISIONS OF
11 SECTION 3352(A), (B) OR (C) (RELATING TO REMOVAL OF VEHICLE BY
12 OR AT DIRECTION OF POLICE) OR SECTION 3353(C) (RELATING TO
13 PROHIBITIONS IN SPECIFIED PLACES).

14 SECTION 4. SECTIONS 4729, 6308(C), 7301, 7302(C), 7304,
15 7305(B), 7306 AND SECTION 7308(B) AND (C) OF TITLE 75 ARE
16 AMENDED TO READ:

17 § 4729. REMOVAL OF CERTIFICATE OF INSPECTION.

18 NO CERTIFICATE OF INSPECTION SHALL BE REMOVED FROM A VEHICLE
19 FOR WHICH THE CERTIFICATE WAS ISSUED EXCEPT TO REPLACE IT WITH A
20 NEW CERTIFICATE OF INSPECTION ISSUED IN ACCORDANCE WITH THE
21 PROVISIONS OF THIS CHAPTER OR AS FOLLOWS:

22 (1) THE POLICE OFFICER MAY REMOVE A CERTIFICATE OF
23 INSPECTION IN ACCORDANCE WITH THE PROVISIONS OF SECTION
24 4703(D) (RELATING TO OPERATION OF VEHICLE WITHOUT OFFICIAL
25 CERTIFICATE OF INSPECTION).

26 (2) A PERSON REPLACING A WINDSHIELD OR REPAIRING A
27 WINDSHIELD IN SUCH A MANNER AS TO REQUIRE REMOVAL OF A
28 CERTIFICATE OF INSPECTION SHALL AT THE OPTION OF THE
29 REGISTRANT OF THE VEHICLE CUT OUT THE PORTION OF THE
30 WINDSHIELD CONTAINING THE CERTIFICATE AND DELIVER IT TO THE

1 REGISTRANT OF THE VEHICLE OR DESTROY THE CERTIFICATE. THE
2 VEHICLE MAY BE DRIVEN FOR UP TO FIVE DAYS IF IT DISPLAYS THE
3 PORTION OF THE OLD WINDSHIELD CONTAINING THE CERTIFICATE AS
4 PRESCRIBED IN DEPARTMENT REGULATIONS. WITHIN THE FIVE DAY
5 PERIOD AN OFFICIAL INSPECTION STATION MAY AFFIX TO THE
6 VEHICLE ANOTHER CERTIFICATE OF INSPECTION FOR THE SAME
7 INSPECTION PERIOD WITHOUT REINSPECTING THE VEHICLE IN
8 EXCHANGE FOR THE PORTION OF THE OLD WINDSHIELD CONTAINING THE
9 CERTIFICATE OF INSPECTION. A FEE OF NO MORE THAN \$1 MAY BE
10 CHARGED FOR THE EXCHANGED CERTIFICATE OF INSPECTION.

11 (3) [A SALVOR] EVERY APPLICANT FOR A CERTIFICATE OF JUNK
12 PURSUANT TO SECTION 1117(A) (RELATING TO VEHICLE DESTROYED OR
13 JUNKED) SHALL REMOVE AND DESTROY THE CERTIFICATE OF
14 INSPECTION ON [EVERY VEHICLE IN HIS POSSESSION EXCEPT
15 VEHICLES USED IN THE OPERATION OF THE BUSINESS OF THE SALVOR]
16 THE VEHICLE.

17 § 6308. INVESTIGATION BY POLICE OFFICERS.

18 * * *

19 (C) INSPECTION OF GARAGES AND DEALER PREMISES.--ANY POLICE
20 OFFICER OR AUTHORIZED DEPARTMENT EMPLOYEE MAY INSPECT ANY
21 VEHICLE IN ANY PUBLIC GARAGE OR REPAIR SHOP OR ON THE PREMISES
22 OF ANY DEALER TOWER, SALVOR, SCRAP METAL PROCESSOR, OR OTHER
23 PUBLIC PLACE OF BUSINESS FOR THE PURPOSE OF LOCATING STOLEN
24 VEHICLES OR PARTS. THE OWNER OF THE GARAGE OR REPAIR SHOP OR THE
25 DEALER OR OTHER PERSON SHALL PERMIT ANY POLICE OFFICER OR
26 AUTHORIZED DEPARTMENT EMPLOYEE TO MAKE INVESTIGATIONS UNDER THIS
27 SUBSECTION.

28 § 7301. AUTHORIZATION OF SALVORS.

29 (A) GENERAL RULE.--THE DEPARTMENT SHALL AUTHORIZE AND SHALL
30 ISSUE A CERTIFICATE OF AUTHORIZATION TO EVERY SALVOR THAT

1 COMPLIES WITH THE REQUIREMENTS OF THIS CHAPTER AND REGULATIONS
2 ADOPTED BY THE DEPARTMENT [AND IS A VEHICLE SALVAGE DEALER AS
3 DEFINED IN SECTION 1337(C)(2) (RELATING TO USE OF "MISCELLANEOUS
4 MOTOR VEHICLE BUSINESS" REGISTRATION PLATES)].

5 (B) UNAUTHORIZED OPERATION PROHIBITED.--NO PERSON SHALL
6 OPERATE AS A SALVOR UNLESS AUTHORIZED.

7 (C) DUTY OF SALVOR.--UPON WRITTEN REQUEST OF A POLICE
8 DEPARTMENT, A SALVOR SHALL TAKE POSSESSION OF AND REMOVE TO THE
9 STORAGE FACILITY OF THE SALVOR ANY ABANDONED VEHICLE LOCATED
10 WITHIN 30 MILES OF THE PLACE OF BUSINESS OF THE SALVOR[.] :

11 (1) ON PUBLIC PROPERTY; OR

12 (2) ON PRIVATE PROPERTY, IF THE VEHICLE HAS VALUE OTHER
13 THAN FOR JUNK.

14 (D) STORAGE FACILITY.--A SALVOR MAY RENT OR OWN A STORAGE
15 FACILITY, WHICH SHALL COMPLY WITH THE ACT OF [DECEMBER 15, 1971
16 (P.L.596, NO.160), KNOWN AS THE "OUTDOOR ADVERTISING CONTROL ACT
17 OF 1971," WHERE APPLICABLE, AND WITH REGULATIONS PROMULGATED BY
18 THE DEPARTMENT.] JULY 28, 1966 (3RD SP.SESS., P.L.91, NO.4),
19 REFERRED TO AS THE JUNKYARD AND AUTOMOTIVE RECYCLER SCREENING
20 LAW.

21 § 7302. CERTIFICATE OF AUTHORIZATION.

22 * * *

23 (C) BONDING REQUIRED.--

24 (1) BEFORE ISSUING A CERTIFICATE OF AUTHORIZATION, THE
25 DEPARTMENT SHALL REQUIRE THE APPLICANT TO FURNISH AND
26 MAINTAIN A BOND INDEMNIFYING THE PUBLIC AND THE DEPARTMENT IN
27 THE AMOUNT OF \$10,000.

28 (2) AN INDIVIDUAL BOND FOR EACH PLACE OF BUSINESS IS NOT
29 REQUIRED, BUT ALL PLACES OF BUSINESS SHALL BE COVERED BY THE
30 BOND.

1 * * *

2 § 7304. REPORTS TO DEPARTMENT OF POSSESSION OF ABANDONED
3 VEHICLES.

4 ANY SALVOR [TAKING] OR TOWER IN POSSESSION OF AN ABANDONED
5 VEHICLE [PURSUANT TO SECTION 7301(C) (RELATING TO AUTHORIZATION
6 OF SALVORS)] SHALL WITHIN 48 HOURS [AFTER TAKING POSSESSION]
7 REPORT TO THE DEPARTMENT THE MAKE, MODEL, VEHICLE IDENTIFICATION
8 NUMBER AND REGISTRATION PLATE NUMBER OF THE ABANDONED VEHICLE,
9 AND THE NAME AND ADDRESS OF THE OWNER OR PERSON WHO ABANDONED
10 THE VEHICLE, IF KNOWN, TOGETHER WITH ANY OTHER INFORMATION OR
11 DOCUMENTS WHICH THE DEPARTMENT MAY BY REGULATION REQUIRE. THE
12 REPORT SHALL INCLUDE A STATEMENT WHETHER THE VEHICLE IS
13 VALUELESS EXCEPT FOR JUNK. WHERE THE REPORT INDICATES THE
14 VEHICLE IS VALUELESS EXCEPT FOR JUNK, THE SALVOR SHALL INCLUDE A
15 PHOTOGRAPH OF THE VEHICLE TO BE PREPARED IN A MANNER PRESCRIBED
16 BY THE DEPARTMENT. A REPORT BY A SALVOR THAT A VEHICLE IS
17 VALUELESS EXCEPT FOR JUNK SHALL BE VERIFIED BY THE POLICE
18 DEPARTMENT WHICH AUTHORIZED TRANSFER OF THE VEHICLE TO THE
19 SALVOR.

20 § 7305. NOTICE TO OWNER AND LIENHOLDERS OF ABANDONED VEHICLES.

21 * * *

22 (B) CONTENTS OF NOTICE.--THE NOTICE SHALL:

23 (1) DESCRIBE THE MAKE, MODEL, TITLE NUMBER, VEHICLE
24 IDENTIFICATION NUMBER AND REGISTRATION PLATE NUMBER OF THE
25 ABANDONED VEHICLE, IF KNOWN.

26 (2) STATE THE LOCATION WHERE THE VEHICLE IS BEING HELD.

27 (3) INFORM THE OWNER AND ANY LIENHOLDERS OF THEIR RIGHT
28 TO RECLAIM THE VEHICLE WITHIN 30 DAYS AFTER THE DATE OF THE
29 NOTICE AT THE PLACE WHERE THE VEHICLE IS BEING HELD BY THE
30 SALVOR OR TOWER, UPON PAYMENT OF ALL TOWING AND STORAGE

1 CHARGES AND THE FEE AUTHORIZED IN SECTION 7306 (RELATING TO
2 PAYMENT OF COSTS UPON RECLAIMING VEHICLE).

3 (4) STATE THAT THE FAILURE OF THE OWNER OR LIENHOLDER TO
4 RECLAIM THE VEHICLE IS DEEMED CONSENT BY THE OWNER TO THE
5 DESTRUCTION, SALE OR OTHER DISPOSITION OF THE ABANDONED
6 VEHICLE AND OF ALL LIENHOLDERS TO DISSOLUTION OF THEIR LIENS.

7 * * *

8 § 7306. PAYMENT OF COSTS UPON RECLAIMING VEHICLE.

9 IN THE EVENT THE OWNER OR LIENHOLDER OF AN ABANDONED VEHICLE
10 RECLAIMS THE VEHICLE, THE RECLAIMING PARTY SHALL PAY THE COSTS
11 FOR TOWING AND STORAGE, PLUS A FEE OF [\$25 OF WHICH \$10] \$15
12 WHICH SHALL BE TRANSMITTED TO THE DEPARTMENT BY THE SALVOR OR
13 TOWER.

14 § 7308. PUBLIC SALE OF UNCLAIMED VEHICLES WITH VALUE.

15 * * *

16 (B) TITLE OF PURCHASER.--THE SALVOR OR TOWER SHALL GIVE THE
17 PURCHASER A SALES RECEIPT AND SHALL APPLY TO THE DEPARTMENT FOR
18 A TITLE WHICH SHALL BE FREE AND CLEAR OF ALL PREVIOUS LIENS AND
19 CLAIMS OF OWNERSHIP.

20 (C) DISPOSITION OF PROCEEDS.--FROM THE PROCEEDS OF THE SALE
21 OF THE ABANDONED VEHICLE, THE SALVOR OR TOWER SHALL BE
22 REIMBURSED FOR THE COSTS OF TOWING, STORAGE, NOTICE AND
23 PUBLICATION COSTS AND EXPENSES OF AUCTION. THE REMAINDER OF THE
24 PROCEEDS OF A SALE SHALL BE HELD FOR THE OWNER OF THE VEHICLE OR
25 RECORD LIENHOLDER FOR 60 DAYS FROM THE DATE OF SALE AND IF NOT
26 PROPERLY CLAIMED SHALL THEN BE PAID TO THE DEPARTMENT AND
27 TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE MOTOR
28 LICENSE FUND.

29 SECTION 5. SUBSECTIONS (A) AND (C) OF SECTION 7309 OF TITLE
30 75 ARE AMENDED TO READ:

1 § 7309. JUNKING OF VEHICLES VALUELESS EXCEPT FOR JUNK.

2 (A) APPLICATION FOR CERTIFICATE OF JUNK.--IF AN ABANDONED
3 VEHICLE IS VALUELESS EXCEPT FOR JUNK, THE SALVOR OR TOWER SHALL
4 NOTE THAT FACT IN THE REPORT TO THE DEPARTMENT REQUIRED IN
5 SECTION 7304 (RELATING TO REPORTS TO DEPARTMENT OF POSSESSION OF
6 ABANDONED VEHICLES) AND SHALL APPLY FOR ISSUANCE OF A
7 CERTIFICATE OF JUNK AS PROVIDED FOR IN SECTION 1117 (RELATING TO
8 VEHICLE DESTROYED OR JUNKED).

9 * * *

10 (C) REIMBURSEMENT OF EXPENSES OF SALVOR OR TOWER.--

11 (1) SALVORS.--UPON RECEIPT WITHIN SIX MONTHS OF EVIDENCE
12 THAT A SALVOR HAS REMOVED AN ABANDONED VEHICLE WHICH IS
13 VALUELESS EXCEPT FOR JUNK UPON THE REQUEST OF A POLICE
14 DEPARTMENT AND HAS APPLIED FOR A CERTIFICATE OF JUNK, THE
15 DEPARTMENT SHALL PAY TO THE SALVOR FROM THE MOTOR LICENSE
16 FUND THE SUM OF \$15 FOR THE EXPENSES INCURRED IN THE REMOVAL
17 AND TOWING OF THE ABANDONED VEHICLE. NO PORTION OF THE \$15
18 PAYMENT OR ANY SEPARATE CONSIDERATION SHALL BE REIMBURSED OR
19 PAID TO ANY GOVERNMENT AGENCY OR MUNICIPALITY BY THE SALVOR.

20 (2) TOWERS.--UPON EVIDENCE THAT A TOWER HAS REMOVED AN
21 ABANDONED VEHICLE WHICH IS VALUELESS EXCEPT FOR JUNK UPON THE
22 REQUEST OF A POLICE DEPARTMENT AND HAS OBTAINED A CERTIFICATE
23 OF JUNK AND HAS TRANSFERRED THE VEHICLE WITHIN 30 DAYS OF THE
24 RECEIPT OF SUCH CERTIFICATE, THE DEPARTMENT SHALL PAY TO THE
25 TOWER FROM THE MOTOR LICENSE FUND THE SUM OF \$15 FOR THE
26 EXPENSES INCURRED IN REMOVAL AND TOWING OF THE ABANDONED
27 VEHICLE. NO PORTION OF THE \$15 PAYMENT OR ANY OTHER SEPARATE
28 CONSIDERATION SHALL BE REIMBURSED OR PAID TO ANY GOVERNMENT
29 AGENCY OR MUNICIPALITY BY THE TOWER.

30 * * *

1 SECTION 6. SUBSECTION (B) OF SECTION 7312 OF TITLE 75 IS
2 AMENDED TO READ:

3 § 7312. PENALTY FOR VIOLATION OF CHAPTER.

4 * * *

5 (B) SUSPENSION.--FOR VIOLATION OF ANY OF THE PROVISIONS OF
6 THIS CHAPTER, THE SALVOR OR TOWER SHALL BE SUBJECT TO SUSPENSION
7 OF THE PRIVILEGE TO RECEIVE ABANDONED VEHICLES UNDER THIS
8 CHAPTER.

9 SECTION 7. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.