

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 160 Session of
1989

INTRODUCED BY DeLUCA, ITKIN, KASUNIC, DALEY, FARGO, JADLOWIEC,
GRUPPO, VAN HORNE, GEIST, MRKONIC, BOWLEY, MELIO, KENNEY,
RAYMOND, SCHEETZ, R. C. WRIGHT, YANDRISEVITS, STABACK, BOYES,
WOGAN, S. H. SMITH, DEMPSEY, BUNT, HERMAN, MERRY, BILLOW,
COLAIZZO, GIGLIOTTI, THOMAS, PRESTON, PISTELLA AND OLASZ,
JANUARY 30, 1989

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 30, 1989

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for the impoundment of a vehicle
3 for the owner's failure to pay the fine and costs on a
4 conviction of driving while operating privilege is suspended
5 or revoked.

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

8 Section 1. Section 6309 of Title 75 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 6309. Impoundment of vehicles for nonpayment of fines.

11 (a) General rule.--Upon imposition of a fine of \$200 imposed
12 pursuant to section 1501 (relating to drivers required to be
13 licensed) or 1543 (relating to driving while operating privilege
14 is suspended or revoked) or a fine in excess of \$250 imposed
15 pursuant to section 1301 (relating to registration and
16 certificate of title required), 1371 (relating to operation
17 following suspension of registration), 4107(b) (relating to

1 unlawful activities) or Chapter 49 (relating to size, weight and
2 load), the defendant shall be allowed 24 hours to obtain the
3 funds and pay the fine and costs of prosecution, during which
4 time the vehicle or combination shall be rendered temporarily
5 inoperative by [such] a police officer or constable [as]
6 designated by the issuing authority [shall designate]. On
7 default of payment within the 24-hour period, the issuing
8 authority may impound the vehicle or combination and order a
9 police officer or constable to seize it.

10 (b) Storage.--Upon impoundment, the issuing authority shall
11 forthwith notify the sheriff of the county in which the
12 violation occurred, who shall store the impounded vehicle or
13 combination.

14 (c) Notice of impoundment.--The sheriff shall give immediate
15 notice by the most expeditious means and by certified mail,
16 return receipt requested, of the impoundment and location of the
17 vehicle or combination to the owner of the vehicle or
18 combination and the owner of the load if the names and addresses
19 of the owner are known or can be ascertained by the sheriff.

20 (d) Cost.--The police officer's, constable's and sheriff's
21 costs, reasonable storage costs and all other reasonable costs
22 incident to seizure and impounding under subsections (a) and (b)
23 shall be recoverable in addition to costs of prosecution.

24 (e) Applicability.--[This]

25 (1) Except for violations of section 1501 or 1543, this
26 section shall not apply in the case of a vehicle duly
27 registered in this Commonwealth.

28 (2) In the case of violations of section 1501 or 1543,
29 this section shall apply only if the vehicle is owned or co-
30 owned by the defendant.

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