

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 932 Session of
2005

INTRODUCED BY HANNA, BAKER, BELARDI, CALTAGIRONE, DALEY, DeLUCA,
GEORGE, GRUCELA, HERSHEY, KOTIK, O'NEILL, PRESTON, STABACK,
SURRA, YOUNGBLOOD, SOLOBAY, STEIL AND WASHINGTON,
MARCH 14, 2005

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 14, 2005

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for impoundment for nonpayment of
3 fines of certain vehicles and for suspension of registration.

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

6 Section 1. Sections 1373(b) and 6309 of Title 75 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 1373. Suspension of registration.

9 * * *

10 (b) Suspension without hearing.--The department may suspend
11 a registration without providing an opportunity for a hearing in
12 any of the following cases:

13 (1) Upon the request or order of any court of record.

14 (2) The required fees have not been paid.

15 (3) An out-of-service order has been issued for the
16 vehicle, the owner or the operator by the department or by
17 the United States Department of Transportation.

1 (4) The vehicle is being operated in violation of
2 section 4704(b)(1) (relating to inspection by police or
3 Commonwealth personnel).

4 (5) Upon the order of any district justice under section
5 6309 (relating to impoundment for nonpayment of fines;
6 vehicles or combinations with a gross vehicle weight rating
7 of 17,001 pounds or more).

8 § 6309. Impoundment for nonpayment of fines; vehicles or
9 combinations with a gross vehicle weight rating of
10 17,001 pounds or more.

11 (a) General rule.--Upon issuance of a citation by a law
12 enforcement officer for a violation that may result in the
13 imposition of a fine in excess of \$250 imposed pursuant to
14 section 1301 (relating to registration and certificate of title
15 required), 1371 (relating to operation following suspension of
16 registration), 4107(b) (relating to unlawful activities) or
17 Chapter 49 (relating to size, weight and load), the [defendant
18 shall be allowed 24 hours either to obtain the funds and pay the
19 fine and costs of prosecution or to make arrangements with the
20 issuing authority to pay in installments as provided by the
21 Pennsylvania Rules of Criminal Procedure, during which time the
22 defendant's vehicle or combination shall be rendered temporarily
23 inoperable by such police officer, sheriff or constable as the
24 issuing authority shall designate. If the defendant neither
25 makes payment nor makes arrangements for payment within the 24-
26 hour period or defaults on such payment, the issuing authority
27 may issue an impoundment order and direct enforcement of the
28 order by a police officer, constable or an impoundment official
29 as authorized by the issuing authority.] law enforcement officer
30 who issued the citation shall immediately impound the

defendant's vehicle or combination and store it until the fine and costs of prosecution are paid or the citation is otherwise disposed of in accordance with law. In cities of the first class, the issuing authority shall direct enforcement of the impoundment order by the Philadelphia Parking Authority.

[(b) Storage.--Upon impoundment, the issuing authority shall forthwith notify the appropriate law enforcement officer of the county in which the violation occurred, who shall store the impounded vehicle or combination. In cities of the first class, notification shall be made to the Philadelphia Parking Authority, which shall store the impounded vehicle or combination.]

(c) Notice of impoundment.--The appropriate law enforcement officer shall give immediate notice by the most expeditious means and by certified mail, return receipt requested, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and the owner of the load and any lienholders if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation. In cities of the first class, the Philadelphia Parking Authority shall give immediate notice by the most expeditious means and by first class mail, proof of service, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and the owner of the load and any lienholders if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation.

(d) Costs.--The costs of the police officer, constable, impoundment official, appropriate law enforcement officer or the Philadelphia Parking Authority, reasonable storage costs and all other reasonable costs incident to seizure and impounding under

1 [subsections (a) and (b)] subsection (a) shall be recoverable in
2 addition to costs of prosecution.

3 (e) Recovery of impounded vehicle.--

4 (1) The owner of any vehicle or combination which has
5 been impounded under this section may obtain possession of
6 the vehicle or combination by:

7 (i) furnishing proof of valid registration and
8 financial responsibility; and

9 (ii) paying all fines and costs associated with the
10 impoundment of the vehicle or making arrangements with
11 the appropriate judicial authority to make payments of
12 all fines and costs by installments as provided by the
13 Pennsylvania Rules of Criminal Procedure.

14 (2) Any vehicle or combination not recovered under this
15 subsection may be sold as an unclaimed vehicle, combination
16 or load under section 6310 (relating to disposition of
17 impounded vehicles, combinations and loads) or the applicable
18 local ordinance.

19 (f) Definition.--As used in this section, the term "costs"
20 shall include reasonable fees.

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