

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 582 Session of 2011

INTRODUCED BY FERLO, FONTANA, M. WHITE, COSTA, BREWSTER AND  
WASHINGTON, FEBRUARY 18, 2011

REFERRED TO TRANSPORTATION, FEBRUARY 18, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for the definition of "abandoned  
3 vehicle," for notice to owner prior to removal and for  
4 property owner's removal of vehicle.

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

7 Section 1. The definition of "abandoned vehicle" in section  
8 102 of Title 75 of the Pennsylvania Consolidated Statutes is  
9 amended to read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent  
12 provisions of this title which are applicable to specific  
13 provisions of this title, the following words and phrases when  
14 used in this title shall have, unless the context clearly  
15 indicates otherwise, the meanings given to them in this section:

16 "Abandoned vehicle."

17 (1) A vehicle (other than a pedalcycle) shall be  
18 presumed to be abandoned under any of the following  
19 circumstances, but the presumption is rebuttable by a

1       preponderance of the evidence:

2               (i)   The vehicle is physically inoperable and is left  
3       unattended on a highway or other public property for more  
4       than 48 hours.

5               (ii)   The vehicle has remained illegally on a highway  
6       or other public property for a period of more than 48  
7       hours.

8               (iii)   The vehicle is left unattended on or along a  
9       highway or other public property for more than 48 hours  
10      and does not bear all of the following:

11               (A)   A valid registration plate.

12               (B)   A current certificate of inspection.

13               (C)   An ascertainable vehicle identification  
14      number.

15               (iv)   The vehicle has remained on private property  
16      without the consent of the owner or person in control of  
17      the property for more than 24 hours.

18               (v)   A vehicle meeting any one of the criteria in  
19      subparagraph (iii) (A), (B) or (C) has remained on an  
20      abandoned private property, that meets the criteria set  
21      forth in section 3353(c) (relating to prohibitions in  
22      specified places), and such vehicle is located in a city  
23      of the second class.

24               (2)   Vehicles and equipment used or to be used in  
25      construction or in the operation or maintenance of highways  
26      or public utility facilities, which are left in a manner  
27      which does not interfere with the normal movement of traffic,  
28      shall not be considered to be abandoned.

29      \* \* \*

30      Section 2.   Sections 3352(d)(3) and 3353(c) of Title 75 are

1 amended to read:

2 § 3352. Removal of vehicle by or at direction of police.

3 \* \* \*

4 (d) Notice to owner prior to removal.--

5 \* \* \*

6 (3) The provision for notice set forth in this  
7 subsection is applicable only if the vehicle is abandoned  
8 upon a highway or if the vehicle is abandoned upon private  
9 property in a city of the second class that meets the  
10 criteria set forth under section 3353(c) for removal at the  
11 authorization of a civilian representative that is also an  
12 employee of the city, who has been authorized by legislation  
13 of the city council, and is not in violation of subsection  
14 (b) or section 3351(a) or 3353. Notice under this subsection  
15 is in addition to any other notice requirements provided in  
16 Chapter 73.

17 \* \* \*

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 For the purposes of this section, a representative designated by  
26 a city of the second class is authorized, in lieu of the  
27 property owner, to remove or to sign any required paperwork, on  
28 behalf of a deceased or absent property owner, to have a vehicle  
29 removed when the vehicle is parked on an abandoned private  
30 property and the vehicle otherwise meets the criteria for being

1 an abandoned vehicle as set forth under section 102 (relating to  
2 definitions). In order for an authorized civilian representative  
3 of a city of the second class to authorize the removal of an  
4 abandoned vehicle from private property at least one of the  
5 following conditions must be met:

6 (1) the authorized city representative has a reasonable  
7 belief that the owner or owners of the private property on  
8 which the vehicle is located are deceased and no executor or  
9 administrator for an estate can be contacted; or

10 (2) the property is otherwise abandoned as evidenced by  
11 any of the following:

12 (i) the property owner's or owners' failure to pay  
13 taxes on the property for a period of two or more years;

14 (ii) the property is condemned;

15 (iii) the property has been cited for at least three  
16 property maintenance code violations, which have gone  
17 unabated for a period of 30 or more days; or

18 (iv) the property is visibly vacant, open or  
19 vandalized.

20 The authorization of a civilian representative of a city of  
21 the second class to authorize the removal of a vehicle from  
22 private property, on behalf of a deceased or absent property  
23 owner, for a property which meets any of the above criteria,  
24 will not abrogate the need for police authorization of the  
25 removal of the vehicle, where it would otherwise be required.

26 In cases where a representative of a city of the second class  
27 is authorizing the removal of a vehicle from private  
28 property, the representative of the city shall give notice to  
29 the owner of the vehicle as set forth under section 3352(d)

30 (1) (relating to removal of vehicle by or at direction of

1 police) prior to the removal of the vehicle, unless the  
2 vehicle has otherwise met the criteria under section 7304.1  
3 (relating to reports and removal of abandoned vehicles within  
4 the boundaries of a city of the first class) which would  
5 allow for immediate removal of the vehicle. Such person or  
6 city who removes [or], has removed or authorized the removal  
7 of a vehicle left parked or unattended in violation of the  
8 provisions of subsection (b) shall have a lien against the  
9 owner of the vehicle, in the amount of the reasonable value  
10 of the costs of removing the vehicle plus the costs of  
11 storage. Any city, borough, incorporated town or township  
12 may, by ordinance, provide for rates to be charged for  
13 removal of vehicles and for municipal regulation of  
14 authorized towing services. If storage charges are not set by  
15 the municipality, a maximum of \$25 per day may be charged for  
16 storage.

17 \* \* \*

18 Section 3. This act shall take effect in 60 days.