

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 775 Session of
2001

INTRODUCED BY HANNA, BELARDI, BROWNE, CALTAGIRONE, L. I. COHEN,
CORRIGAN, COY, CURRY, DALLY, DeWEESE, FLICK, GEORGE, GRUCELA,
MELIO, SAINATO, SAYLOR, SHANER, SOLOBAY, STABACK, STEELMAN,
STEIL, SURRA, WANSACZ, WILT, WOJNAROSKI AND YOUNGBLOOD,
FEBRUARY 14, 2001

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 14, 2001

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 any registration without providing an opportunity for a hearing
12 in 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) The vehicle is being operated under a United States
16 Department of Transportation operating authority if an out-
17 of-service order has been issued for the vehicle, the owner

1 or the operator by the department or by the United States
2 Department of Transportation.

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

7 § 6309. Impoundment for nonpayment of fines; vehicles or
8 combinations with a gross vehicle weight rating of
9 17,001 pounds or more.

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

1 and costs of prosecution are paid or the citation is otherwise
2 disposed of in accordance with law.

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

9 (c) Notice of impoundment.--The appropriate law enforcement
10 officer shall give immediate notice by the most expeditious
11 means and by certified mail, return receipt requested, of the
12 impoundment and location of the vehicle or combination to the
13 owner of the vehicle or combination and the owner of the load
14 and any lienholders if the names and addresses of the owner and
15 any lienholder are known or can be ascertained by investigation.
16 In cities of the first class, notice shall be given in the same
17 manner by the issuing authority.

18 (d) Cost.--The police officer's, constable's and appropriate
19 law enforcement officer's costs, reasonable storage costs and
20 all other reasonable costs incident to seizure and impounding
21 under [subsections (a) and (b)] subsection (a) shall be
22 recoverable in addition to costs of prosecution.

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