

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 470 Session of
2007

INTRODUCED BY FERLO, STOUT, COSTA, FONTANA, RAFFERTY, EARLL AND
LOGAN, MARCH 15, 2007

REFERRED TO TRANSPORTATION, MARCH 15, 2007

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

1 circumstances, but the presumption is rebuttable by a
2 preponderance of the evidence:

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

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

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

12 (A) A valid registration plate.

13 (B) A current certificate of inspection.

14 (C) An ascertainable vehicle identification
15 number.

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

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

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

30 * * *

Section 2. Sections 3352(d)(3) and 3353(c) of Title 75 are amended to read:

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

* * *

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

* * *

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

* * *

§ 3353. Prohibitions in specified places.

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(c) Property owner may remove vehicle.--The owner or other person in charge or possession of any property on which a vehicle is parked or left unattended in violation of the provisions of subsection (b) may remove or have removed the vehicle at the reasonable expense of the owner of the vehicle. For the purposes of this section, a representative designated by a city of the second class is authorized, in lieu of the property owner, to remove or to sign any required paperwork, on behalf of a deceased or absent property owner, to have a vehicle removed when the vehicle is parked on an abandoned private

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

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

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

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

(ii) the property is condemned;

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

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

The authorization of a civilian representative of a city of the second class to authorize the removal of a vehicle from private property, on behalf of a deceased or absent property owner, for a property which meets any of the above criteria, will not abrogate the need for police authorization of the removal of the vehicle, where it would otherwise be required. In cases where a representative of a city of the second class is authorizing the removal of a vehicle from private property, the representative of the city shall give notice to the owner of the vehicle as set forth under section

1 3352(d)(1) (relating to removal of vehicle by or at direction
2 of police) prior to the removal of the vehicle, unless the
3 vehicle has otherwise met the criteria under section 7304.1
4 (relating to reports and removal of abandoned vehicles within
5 the boundaries of a city of the first class) which would
6 allow for immediate removal of the vehicle. Such person or
7 city who removes [or], has removed or authorized the removal
8 of a vehicle left parked or unattended in violation of the
9 provisions of subsection (b) shall have a lien against the
10 owner of the vehicle, in the amount of the reasonable value
11 of the costs of removing the vehicle plus the costs of
12 storage. Any city, borough, incorporated town or township
13 may, by ordinance, provide for rates to be charged for
14 removal of vehicles and for municipal regulation of
15 authorized towing services. If storage charges are not set by
16 the municipality, a maximum of \$25 per day may be charged for
17 storage.

18 * * *

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