

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2042

Session of  
1978

INTRODUCED BY MESSRS. ENGLEHART, BELLOMINI, PRENDERGAST,  
LETTERMAN, PRATT, BITTLE, POLITE, LINCOLN, CASSIDY, DeMEDIO,  
MILLER, NOYE, DiCARLO, STEWART, REED, ARTHURS AND BITTINGER,  
FEBRUARY 1, 1978

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 1, 1978

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for removal of vehicles ~~and~~ <—  
3 ~~procedures relating thereto~~ BY A PROPERTY OWNER AND PROVIDING <—  
4 AN IMPLIED LIEN FOR THE COSTS OF REMOVAL.

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

7 Section 1. ~~The definitions of "abandoned vehicle" and~~ <—  
8 ~~"salvor" in section 102,~~ SECTIONS 3352(B) AND 3353(B) AND (C) of <—  
9 Title 75, act of November 25, 1970 (P.L.707, No.230), known as  
10 the Pennsylvania Consolidated Statutes, are amended ~~and a~~ <—  
11 ~~definition is added~~ to read:

12 ~~§ 102. Definitions.~~ <—

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

1 ~~"Abandoned vehicle."~~

2 ~~(1) A vehicle (other than a pedalcycle):~~

3 ~~(i) that is inoperable and is left unattended on~~  
4 ~~public property for more than 48 hours;~~

5 ~~(ii) that has remained illegally on public property~~  
6 ~~for a period of more than 48 hours;~~

7 ~~(iii) without a valid registration plate or~~  
8 ~~certificate of inspection or title left unattended on or~~  
9 ~~along a highway; {or}~~ <—

10 ~~(iv) [that has remained on private property without~~ <—  
11 ~~the consent of the owner or person in control of the~~  
12 ~~property for more than 48 hours]; or~~ <—

13 ~~(v) that has remained unclaimed at a salvor's or~~  
14 ~~tower's storage facility for more than 30 days.~~

15 ~~(2) Vehicles and equipment used or to be used in~~  
16 ~~construction or in the operation or maintenance of public~~  
17 ~~utility facilities, which are left in a manner which does not~~  
18 ~~interfere with the normal movement of traffic, shall not be~~  
19 ~~considered to be abandoned.~~

20 ~~\* \* \*~~

21 ~~"Salvor." A person [engaged in the business of acquiring~~  
22 ~~abandoned] authorized by the department to remove vehicles from~~  
23 ~~public or private property or acquire abandoned vehicles for the~~  
24 ~~purpose of taking apart, junking, selling, rebuilding or~~  
25 ~~exchanging the vehicles or parts thereof.~~

26 ~~\* \* \*~~

27 ~~"Tower." A person authorized by the department to remove~~  
28 ~~vehicles from public or private property.~~

29 ~~\* \* \*~~

30 ~~Section 2. Sections 3352 and 3353(c) of Title 75 are amended~~

1 ~~to read:~~

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

3 ~~(a) Outside business and residence districts. Whenever any~~ <—  
4 ~~police officer finds a vehicle in violation of any of the~~  
5 ~~provisions of section 3351 (relating to stopping, standing and~~  
6 ~~parking outside business and residence districts), the officer~~  
7 ~~may move the vehicle, or cause the vehicle to be moved, or~~  
8 ~~require the driver or other person in charge of the vehicle to~~  
9 ~~move the vehicle, to a position off the roadway where the~~  
10 ~~vehicle will not interfere unduly with the normal movement of~~  
11 ~~traffic or constitute a safety hazard.~~

12 (b) Unattended vehicle obstructing traffic.--Any police <—  
13 officer may remove or cause to be removed to a nearby garage or  
14 other nearby place of safety any unattended vehicle illegally  
15 left standing upon FOUR LANE OR DIVIDED any highway, bridge, <—  
16 causeway or in any tunnel, in such position or under such  
17 circumstances as to interfere unduly with the normal movement of  
18 traffic or constitute a safety hazard. ANY POLICE OFFICER MAY <—  
19 REMOVE OR CAUSE TO BE REMOVED TO A NEARBY GARAGE OR OTHER NEARBY  
20 PLACE OF SAFETY ANY UNATTENDED VEHICLE ILLEGALLY LEFT STANDING  
21 UPON ANY OTHER HIGHWAY IN SUCH POSITION OR UNDER SUCH  
22 CIRCUMSTANCES AS TO INTERFERE UNDULY WITH THE NORMAL MOVEMENT OF  
23 TRAFFIC OR CONSTITUTE A SAFETY HAZARD, PROVIDING A REASONABLE  
24 EFFORT IS MADE BY SUCH POLICE OFFICER TO ASSIST IN REMOVING THE  
25 VEHICLE TO A PLACE OF SAFETY AND A REASONABLE EFFORT IS MADE BY  
26 SUCH POLICE OFFICER TO LOCATE THE OWNER OR OPERATOR THEREOF  
27 BEFORE REMOVAL TO A NEARBY GARAGE.

28 ~~(c) Removal to garage or place of safety. Any police~~ <—  
29 ~~officer may remove or cause to be removed to a nearby garage or~~  
30 ~~other place of safety any vehicle [found upon a highway] under~~

1 ~~any of the following circumstances:~~

2 ~~(1) Report has been made that the vehicle has been~~  
3 ~~stolen or taken without the consent of its owner.~~

4 ~~(2) The person or persons in charge of the vehicle are~~  
5 ~~physically unable to provide for the custody or removal of~~  
6 ~~the vehicle.~~

7 ~~(3) The person driving or in control of the vehicle is~~  
8 ~~arrested for an alleged offense for which the officer is~~  
9 ~~required by law to take the person arrested before an issuing~~  
10 ~~authority without unnecessary delay.~~

11 ~~(4) The vehicle is in violation of section 3353~~  
12 ~~(relating to prohibitions in specified places) except for~~  
13 ~~overtime parking.~~

14 ~~(5) The vehicle has been abandoned as defined in this~~  
15 ~~title. The officer shall comply with the provisions of~~  
16 ~~subsection (d) and Chapter 73 (relating to abandoned vehicles~~  
17 ~~and cargos).~~

18 ~~(d) Notice to owner prior to removal.—~~

19 ~~(1) Prior to removal under subsection (c)(5) of [an~~  
20 ~~abandoned] a vehicle which is abandoned upon a highway and is~~  
21 ~~not in violation of subsection (b), section 3351(a) (relating~~  
22 ~~to stopping, standing and parking outside business and~~  
23 ~~residence districts) or section 3353 bearing a registration~~  
24 ~~plate by which the last registered owner of the vehicle can~~  
25 ~~be determined, notice shall be sent by certified mail to the~~  
26 ~~last registered owner of the vehicle informing the owner that~~  
27 ~~unless the vehicle is moved to a suitable location within~~  
28 ~~five days of the date notice is mailed, the vehicle will be~~  
29 ~~removed under this section and held at a suitable facility~~  
30 ~~where it may be reclaimed by the owner in accordance with the~~

~~provisions of section 7306 (relating to payment of costs upon reclaiming vehicle). If the abandoned motor vehicle does not bear an identifiable registration plate, the notice may be secured to the vehicle.~~

~~(2) If, within the five day period, the owner so requests, the owner shall be given an opportunity to explain to the police officer or department why the owner believes the vehicle should not be moved. If the police officer or department determines that the vehicle shall, nonetheless, be moved, the owner shall be given an additional 48 hours to move the vehicle or have it moved.~~

~~(3) The provision for notice set forth in this subsection is in addition to any other notice requirements provided in Chapter 73.~~

§ 3353. Prohibitions in specified places.

\* \* \*

(B) UNATTENDED VEHICLE ON PUBLIC OR PRIVATE PROPERTY.--NO PERSON SHALL PARK OR LEAVE UNATTENDED A VEHICLE ON PUBLIC OR PRIVATE PROPERTY WITHOUT THE CONSENT OF THE OWNER OR OTHER PERSON IN CONTROL OR POSSESSION OF THE PROPERTY EXCEPT IN THE CASE OF EMERGENCY OR DISABLEMENT OF THE VEHICLE, IN WHICH CASE THE OPERATOR SHALL ARRANGE FOR THE REMOVAL OF THE VEHICLE AS SOON AS POSSIBLE.

(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.}

SUCH PERSON OR HIS AGENT WHO REMOVES A VEHICLE LEFT PARKED OR UNATTENDED IN VIOLATION OF THE PROVISIONS OF SUBSECTION (B)

1 SHALL HAVE A POSSESSORY LIEN AGAINST THE OWNER OF THE VEHICLE,  
2 IN THE AMOUNT OF THE REASONABLE COSTS OR CHARGES OF REMOVING AND  
3 STORING THE VEHICLE

4 ~~(1) The owner or other person in charge or possession of~~ <—  
5 ~~any property on which a vehicle is parked or left unattended~~  
6 ~~in violation of the provisions of subsection (b) may have a~~  
7 ~~salvor or tower remove the vehicle at the reasonable expense~~  
8 ~~of the owner or registrant of the vehicle if the property is:~~

9 ~~(i) used exclusively~~ PRIVATE AND USED for parking <—  
10 EXCLUSIVELY in connection with a private dwelling <—  
11 DWELLING OR DWELLINGS or not open to the public USE BY <—  
12 MOTOR VEHICLES; or

13 ~~(ii) open to the public with or without charge or~~ <—  
14 ~~used for parking in connection with a business WITH OR~~ <—  
15 ~~WITHOUT CHARGE and posted in accordance with department~~ <—  
16 ~~regulations.~~

17 ~~(2) Any salvor or tower removing a vehicle pursuant to~~  
18 ~~paragraph (1) shall immediately notify the police having~~  
19 ~~jurisdiction of the place where the vehicle was found of the~~  
20 ~~new location of the vehicle.~~

21 ~~(3) No storage costs shall be assessed pursuant to~~  
22 ~~paragraph (1) for the first 24 hours of possession of a~~  
23 ~~vehicle.~~

24 \* \* \*

25 Section 3 2. Title 75 is amended by adding sections to read: <—  
26 § 3355. Movement of vehicles without owner's consent.

27 ~~(a) General rule.--No person except a salvor or a tower~~ <—  
28 ~~shall move a vehicle without the consent of the owner or~~  
29 ~~registrant or a person authorized by the owner or registrant,~~  
30 ~~unless directed by a police officer in accordance with section~~

~~3352 (relating to removal of vehicle by or at direction of  
police). A tower shall not move an abandoned vehicle unless  
directed by a police officer, EXCEPT THAT A SALVOR OR TOWER MAY  
REMOVE A VEHICLE FROM PUBLIC OR PRIVATE PROPERTY IN ACCORDANCE  
WITH SECTION 3353(C) (RELATING TO PROHIBITIONS IN SPECIFIED  
PLACES). A SALVOR IS NOT AVAILABLE.~~

~~(b) Authorization of towers. The department shall authorize  
and issue a certificate of authorization to every tower that  
complies with regulations adopted by the department.~~

~~(c) Place of business. Every tower shall have and maintain  
an established place of business.~~

~~(d) Towers to be bonded.~~

~~(1) Each tower shall furnish and maintain a bond  
indemnifying the public and the department in the amount of  
\$5,000.~~

~~(2) A tower who has filed a bond with the Commonwealth  
is not required to file a separate bond under this section if  
the bond already on file with the Commonwealth is comparable  
in amount and coverage to the bond required under this  
section.~~

§ 3356. Implied lien.

Every driver, owner and registrant of a vehicle in this  
Commonwealth shall be deemed to have given consent to having the  
vehicle removed at their reasonable expense and detained to  
insure payment if the vehicle is removed under the provisions of  
section 3352(a), (b) or (c) (relating to removal of vehicle by  
or at direction of police) or section 3353(c) (relating to  
prohibitions in specified places).

~~Section 4 3. Sections 4729, 6308(c), 7301, 7302(c), Section  
7304, 7305(b), 7306 and section 7308(b) and (c) of Title 75 are~~

1 IS amended to read:

<—

2 ~~§ 4729. Removal of certificate of inspection.~~

<—

3 ~~No certificate of inspection shall be removed from a vehicle~~  
4 ~~for which the certificate was issued except to replace it with a~~  
5 ~~new certificate of inspection issued in accordance with the~~  
6 ~~provisions of this chapter or as follows:~~

7 ~~(1) The police officer may remove a certificate of~~  
8 ~~inspection in accordance with the provisions of section~~  
9 ~~4703(d) (relating to operation of vehicle without official~~  
10 ~~certificate of inspection).~~

11 ~~(2) A person replacing a windshield or repairing a~~  
12 ~~windshield in such a manner as to require removal of a~~  
13 ~~certificate of inspection shall at the option of the~~  
14 ~~registrant of the vehicle cut out the portion of the~~  
15 ~~windshield containing the certificate and deliver it to the~~  
16 ~~registrant of the vehicle or destroy the certificate. The~~  
17 ~~vehicle may be driven for up to five days if it displays the~~  
18 ~~portion of the old windshield containing the certificate as~~  
19 ~~prescribed in department regulations. Within the five day~~  
20 ~~period an official inspection station may affix to the~~  
21 ~~vehicle another certificate of inspection for the same~~  
22 ~~inspection period without reinspecting the vehicle in~~  
23 ~~exchange for the portion of the old windshield containing the~~  
24 ~~certificate of inspection. A fee of no more than \$1 may be~~  
25 ~~charged for the exchanged certificate of inspection.~~

26 ~~(3) [A salvor] Every applicant for a certificate of junk~~  
27 ~~pursuant to section 1117(a) (relating to vehicle destroyed or~~  
28 ~~junked) shall remove and destroy the certificate of~~  
29 ~~inspection on [every vehicle in his possession except~~  
30 ~~vehicles used in the operation of the business of the salvor]~~

1 ~~the vehicle.~~

2 ~~§ 6308. Investigation by police officers.~~

3 ~~\* \* \*~~

4 ~~(c) Inspection of garages and dealer premises. Any police~~  
5 ~~officer or authorized department employee may inspect any~~  
6 ~~vehicle in any public garage or repair shop or on the premises~~  
7 ~~of any dealer tower, salvor, scrap metal processor, or other~~  
8 ~~public place of business for the purpose of locating stolen~~  
9 ~~vehicles or parts. The owner of the garage or repair shop or the~~  
10 ~~dealer or other person shall permit any police officer or~~  
11 ~~authorized department employee to make investigations under this~~  
12 ~~subsection.~~

13 ~~§ 7301. Authorization of salvors.~~

14 ~~(a) General rule. The department shall authorize and shall~~  
15 ~~issue a certificate of authorization to every salvor that~~  
16 ~~complies with the requirements of this chapter and regulations~~  
17 ~~adopted by the department [and is a vehicle salvage dealer as <—~~  
18 ~~defined in section 1337(c)(2) (relating to use of "Miscellaneous~~  
19 ~~Motor Vehicle Business" registration plates)]-. <—~~

20 ~~(b) Unauthorized operation prohibited. No person shall~~  
21 ~~operate as a salvor unless authorized.~~

22 ~~(c) Duty of salvor. Upon written request of a police~~  
23 ~~department, a salvor shall take possession of and remove to the~~  
24 ~~storage facility of the salvor any abandoned vehicle located~~  
25 ~~within 30 miles of the place of business of the salvor[.] :~~

26 ~~(1) on public property; or~~

27 ~~(2) on private property, if the vehicle has value other~~  
28 ~~than for junk.~~

29 ~~(d) Storage facility. A salvor may rent or own a storage~~  
30 ~~facility, which shall comply with the act of [December 15, 1971~~

~~(P.L.596, No.160), known as the "Outdoor Advertising Control Act of 1971," where applicable, and with regulations promulgated by the department.] July 28, 1966 (3rd Sp.Sess., P.L.91, No.4), referred to as the Junkyard and Automotive Recycler Screening Law.~~

~~§ 7302. Certificate of authorization.~~

~~\* \* \*~~

~~(c) Bonding required.~~

~~(1) Before issuing a certificate of authorization, the department shall require the applicant to furnish and maintain a bond indemnifying the public and the department in the amount of \$10,000.~~

~~(2) An individual bond for each place of business is not required, but all places of business shall be covered by the bond.~~

~~\* \* \*~~

~~§ 7304. Reports to department of possession of abandoned vehicles.~~

~~[ANY] UNLESS THE OWNER OR REGISTRANT HAS REVEALED THEIR IDENTITY TO THE SALVOR OR TOWER, ANY salvor [taking] or tower in possession of an abandoned vehicle [pursuant to section 7301(c) (relating to authorization of salvors)] shall within 48 hours [after taking possession] report to the department the make, model, vehicle identification number and registration plate number of the abandoned vehicle, and the name and address of the owner or person who abandoned the vehicle, if known, together with any other information or documents which the department may by regulation require. The report shall include a statement whether the vehicle is valueless except for junk. Where the report indicates the vehicle is valueless except for junk, the~~

<—

<—

1 ~~salvor shall include a photograph of the vehicle to be prepared~~  
2 ~~in a manner prescribed by the department. A report by a salvor~~  
3 ~~that a vehicle is valueless except for junk shall be verified by~~  
4 ~~the police department which authorized transfer of the vehicle~~  
5 ~~to the salvor.~~

6 ~~§ 7305. Notice to owner and lienholders of abandoned vehicles.~~

7 ~~\* \* \*~~

8 ~~(b) Contents of notice. The notice shall:~~

9 ~~(1) Describe the make, model, title number, vehicle~~  
10 ~~identification number and registration plate number of the~~  
11 ~~abandoned vehicle, if known.~~

12 ~~(2) State the location where the vehicle is being held.~~

13 ~~(3) Inform the owner and any lienholders of their right~~  
14 ~~to reclaim the vehicle within 30 days after the date of the~~  
15 ~~notice at the place where the vehicle is being held by the~~  
16 ~~salvor or tower, upon payment of all towing and storage~~  
17 ~~charges and the fee authorized in section 7306 (relating to~~  
18 ~~payment of costs upon reclaiming vehicle).~~

19 ~~(4) State that the failure of the owner or lienholder to~~  
20 ~~reclaim the vehicle is deemed consent by the owner to the~~  
21 ~~destruction, sale or other disposition of the abandoned~~  
22 ~~vehicle and of all lienholders to dissolution of their liens.~~

23 ~~\* \* \*~~

24 ~~§ 7306. Payment of costs upon reclaiming vehicle.~~

25 ~~In the event the owner or lienholder of an abandoned vehicle~~  
26 ~~reclaims the vehicle, the reclaiming party shall pay the costs~~  
27 ~~for towing and storage, plus a fee of [\$25 of which \$10] \$15~~  
28 ~~which shall be transmitted to the department by the salvor or~~  
29 ~~tower.~~

30 ~~§ 7308. Public sale of unclaimed vehicles with value.~~

1       \* \* \*

2       ~~(b) Title of purchaser. The salvor or tower shall give the~~  
3 ~~purchaser a sales receipt and shall apply to the department for~~  
4 ~~a title which shall be free and clear of all previous liens and~~  
5 ~~claims of ownership.~~

6       ~~(c) Disposition of proceeds. From the proceeds of the sale~~  
7 ~~of the abandoned vehicle, the salvor or tower shall be~~  
8 ~~reimbursed for the costs of towing, storage, notice and~~  
9 ~~publication costs and expenses of auction. The remainder of the~~  
10 ~~proceeds of a sale shall be held for the owner of the vehicle or~~  
11 ~~record lienholder for 60 days from the date of sale and if not~~  
12 ~~properly claimed shall then be paid to the department and~~  
13 ~~transmitted to the State Treasurer for deposit in the Motor~~  
14 ~~License Fund.~~

15       ~~Section 5. Subsections (a) and (c) of section 7309 of Title~~  
16 ~~75 are amended to read:~~

17       ~~§ 7309. Junking of vehicles valueless except for junk.~~

18       ~~(a) Application for certificate of junk. If an abandoned~~  
19 ~~vehicle is valueless except for junk, the salvor or tower shall~~  
20 ~~note that fact in the report to the department required in~~  
21 ~~section 7304 (relating to reports to department of possession of~~  
22 ~~abandoned vehicles) and shall apply for issuance of a~~  
23 ~~certificate of junk as provided for in section 1117 (relating to~~  
24 ~~vehicle destroyed or junked).~~

25       \* \* \*

26       ~~(c) Reimbursement of expenses of salvor or tower.~~

27       ~~(1) Salvors. Upon receipt within six months of evidence~~  
28 ~~that a salvor has removed an abandoned vehicle which is~~  
29 ~~valueless except for junk upon the request of a police~~  
30 ~~department and has applied for a certificate of junk, the~~

1     ~~department shall pay to the salvor from the Motor License~~  
2     ~~Fund the sum of \$15 for the expenses incurred in the removal~~  
3     ~~and towing of the abandoned vehicle. No portion of the \$15~~  
4     ~~payment or any separate consideration shall be reimbursed or~~  
5     ~~paid to any government agency or municipality by the salvor.~~

6     ~~(2) Towers. Upon evidence that a tower has removed an~~  
7     ~~abandoned vehicle which is valueless except for junk upon the~~  
8     ~~request of a police department and has obtained a certificate~~  
9     ~~of junk and has transferred the vehicle within 30 days of the~~  
10    ~~receipt of such certificate, the department shall pay to the~~  
11    ~~tower from the Motor License Fund the sum of \$15 for the~~  
12    ~~expenses incurred in removal and towing of the abandoned~~  
13    ~~vehicle. No portion of the \$15 payment or any other separate~~  
14    ~~consideration shall be reimbursed or paid to any government~~  
15    ~~agency or municipality by the tower.~~

16    ~~\* \* \*~~

17    ~~Section 6. Subsection (b) of section 7312 of Title 75 is~~  
18    ~~amended to read:~~

19    ~~§ 7312. Penalty for violation of chapter.~~

20    ~~\* \* \*~~

21    ~~(b) Suspension. For violation of any of the provisions of~~  
22    ~~this chapter, the salvor or tower shall be subject to suspension~~  
23    ~~of the privilege to receive abandoned vehicles under this~~  
24    ~~chapter.~~

25    Section 7 4. This act shall take effect in 60 days.

<—