

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 826 Session of
1989

INTRODUCED BY OLIVER, DOMBROWSKI, PISTELLA, TIGUE, CORRIGAN,
O'DONNELL, MORRIS, BUNT, LINTON, KUKOVICH, GODSHALL, MRKONIC,
BELARDI, FOX, BURD, SERAFINI, PRESTON, RUDY, COLAFELLA,
ROBINSON, HAYDEN, ROEBUCK, RYBAK, GIGLIOTTI, BATTISTO,
TRELLO, WOZNIAK, KOSINSKI, SAURMAN, FARGO, E. Z. TAYLOR,
HOWLETT, RICHARDSON AND COLAIZZO, APRIL 3, 1989

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 3, 1989

AN ACT

1 Amending the act of June 5, 1947 (P.L.458, No.208), entitled, as
2 amended, "An act creating as bodies corporate and politic
3 'Parking Authorities' in cities of the first, second, second
4 A and third classes, boroughs, and townships of the first
5 class; prescribing the rights, powers and duties of such
6 authorities; authorizing such authorities to acquire,
7 construct, improve, maintain and operate parking projects, to
8 conduct research of the parking problem, to supervise,
9 operate and administer an efficient coordinated system of on-
10 street parking regulation where so authorized by municipal
11 ordinance or resolution, to establish a permanent coordinated
12 system of off-street parking facilities, and to borrow money
13 and issue bonds for such facilities therefor; providing for
14 the payment of such bonds and prescribing the rights of the
15 holders thereof; conferring the right of eminent domain on
16 such authorities; empowering such authorities to enter into
17 contracts with, and to accept grants from, the Federal
18 Government, State, political subdivisions of the State or any
19 agency thereof; exempting the property and securities of such
20 parking authorities from taxation and conferring exclusive
21 jurisdiction on certain courts over rates for their
22 facilities," empowering the authority to auction abandoned
23 vehicles; and making a repeal.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Section 5(b) of the act of June 5, 1947 (P.L.458,

1 No.208), known as the Parking Authority Law, is amended by
2 adding a clause to read:

3 Section 5. Purposes and Powers; General.

4 * * *

5 (b) Every Authority is hereby granted and shall have and may
6 exercise all powers necessary or convenient for the carrying out
7 of the aforesaid purposes including, but without limiting the
8 generality of the foregoing, the following rights or powers:

9 * * *

10 (18) To auction abandoned vehicles unclaimed by the owner
11 for more than ninety (90) days. The Authority shall notify by
12 registered mail, return receipt requested, the last known
13 registered owner of the vehicle and all lienholders of record
14 that the vehicle is abandoned. The notice shall:

15 (i) Describe the make, model, title number, vehicle
16 identification number and registration plate number of the
17 abandoned vehicle, if known.

18 (ii) State the location where the vehicle is being held.

19 (iii) Inform the owner and any lienholders of their right to
20 reclaim the vehicle within thirty (30) days after the date of
21 the notice at the place where the vehicle is being held by the
22 Authority, upon payment of all towing and storage charges.

23 (iv) State that the failure of the owner or lienholder to
24 reclaim the vehicle is deemed consent by the owner to the
25 destruction, sale or other disposition of the abandoned vehicle
26 and of all lienholders to dissolution of their liens.

27 If the identity of the last registered owner and of all
28 lienholders cannot be determined with reasonable certainty, the
29 contents of the notice set forth shall be published one time in
30 one newspaper of general circulation in the area where the

1 vehicle was abandoned. The notice may contain multiple listings
2 of abandoned vehicles. Notice by publication locally shall be
3 the responsibility of the Authority. The notice shall have the
4 same effect as notice sent by registered mail. If an abandoned
5 vehicle having value has not been reclaimed, the vehicle shall
6 be sold at a public auction at such time and place as may be
7 designated by the Authority. The Authority shall give the
8 purchaser a sales receipt and shall apply for a title which
9 shall be free and clear of all previous liens and claims of
10 ownership. From the proceeds of the sale of the abandoned
11 vehicle, the Authority may retain the reasonable and necessary
12 costs of towing, storage, notice and publication costs and
13 expenses of auction. The remainder of the proceeds of a sale
14 shall be held for the owner of the vehicle or record lienholder
15 for sixty (60) days from the date of sale and if not properly
16 claimed shall then be paid to the Department of Transportation
17 and transmitted to the State Treasurer for deposit in the Motor
18 License Fund. If an abandoned vehicle is valueless except for
19 junk, the Authority shall apply to the Department of
20 Transportation for issuance of a certificate of junk and shall
21 include with the application a photograph of the vehicle to be
22 prepared in a manner prescribed by the department. The
23 application shall also include the information required by 75
24 Pa.C.S. § 7304 (relating to reports to department of possession
25 of abandoned vehicles) and any other information which may be
26 deemed necessary by the department.

27 * * *

28 Section 2. 75 Pa.C.S. Ch. 73 (relating to abandoned vehicles
29 and cargos) is repealed insofar as it is inconsistent with this
30 act.

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