

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1346 Session of  
1991

INTRODUCED BY MIHALICH, TIGUE, FAJT, CARLSON, PESCI,  
CAPPABIANCA, VEON, DERMODY, DALEY, JOHNSON, BATTISTO, NOYE,  
M. N. WRIGHT, E. Z. TAYLOR, KUKOVICH, TRELLO, ARGALL, MELIO,  
LAWLESS, STISH, ALLEN, NAHILL, BELARDI AND PERZEL,  
MAY 8, 1991

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 8, 1991

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for police removal of vehicles.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Section 3352(d)(1) and (2) of Title 75 of the  
6 Pennsylvania Consolidated Statutes are amended to read:

7 § 3352. Removal of vehicle by or at direction of police.

8 \* \* \*

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

10 (1) Prior to removal of an abandoned vehicle bearing a  
11 registration plate, certificate of inspection or vehicle  
12 identification number plate by which the last registered  
13 owner of the vehicle can be determined, the police department  
14 shall send a notice by certified mail to the last registered  
15 owner of the vehicle informing the owner that unless the  
16 vehicle is moved to a suitable location within [seven] five

1 days of the date notice is mailed, the vehicle will be  
2 removed under this section and held at a suitable facility  
3 where it may be reclaimed by the owner in accordance with the  
4 provisions of section 7306 (relating to payment of costs upon  
5 reclaiming vehicle). If the abandoned motor vehicle does not  
6 bear an identifiable registration plate, certificate of  
7 inspection or vehicle identification number plate, the notice  
8 may be secured to the vehicle.

9 (2) If, within the [seven-day] five-day period, the  
10 owner so requests, the owner shall be given an opportunity to  
11 explain to the police officer or department why the owner  
12 believes the vehicle should not be removed. If the police  
13 officer or department determines that the vehicle shall,  
14 nonetheless, be removed, the owner shall be given an  
15 additional 48 hours to remove the vehicle, have it removed or  
16 demand a hearing, which shall conform to the requirements of  
17 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure  
18 of local agencies). The police officer or department shall  
19 inform the owner of the right to a hearing by delivering to  
20 the owner a notice warning the owner that, unless the vehicle  
21 is removed or a hearing is demanded, the owner shall be  
22 subject to the provisions of section 7306. If, as a result of  
23 the hearing, it is determined that the vehicle will be  
24 removed, the owner shall be given an additional 48 hours to  
25 remove the vehicle or have it removed. The hearing shall be  
26 before a civilian officer or employee of the municipality in  
27 which the vehicle is located.

28 \* \* \*

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