

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1272 Session of  
1999

INTRODUCED BY STETLER, STURLA, DeLUCA, MASLAND, M. COHEN,  
DAILEY, KIRKLAND, LEDERER, PRESTON, J. TAYLOR AND WALKO,  
APRIL 14, 1999

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 14, 1999

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for impoundment of vehicles  
3 for prostitution-related offenses.

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

6 Section 1. Section 5902 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subsection to read:  
8 § 5902. Prostitution and related offenses.

9 \* \* \*

10 (e.2) Impoundment for unlawful use of vehicle.--

11 (1) Any motor vehicle or other vehicle or conveyance or  
12 combination which is used in the violation of subsection (e)  
13 shall be ordered to be impounded by the police officer who  
14 discovered the unlawful use of the vehicle or combination.  
15 The police officer may render the vehicle or combination  
16 temporarily inoperable until the officer can notify the  
17 appropriate impounding agent to tow and store the vehicle.

18 (2) The officer ordering impoundment shall provide

1 notice to the person arrested of the name, address and  
2 telephone number and hours of operation of the impounding  
3 agent that will hold the vehicle or combination and that the  
4 vehicle or combination will be held for at least 24 hours.

5 (3) The impounding agent notified shall tow and store  
6 the vehicle or combination. If the owner does not claim the  
7 vehicle or combination within 24 hours, the agent shall  
8 provide notice by the most expeditious means and by first  
9 class mail, proof of service, of the towing, storage and  
10 location of the vehicle or combination to any owner whose  
11 name or address is known or can be ascertained by  
12 investigation or any lienholder whose name and address can be  
13 ascertained by investigation. Notice of the impoundment must  
14 be mailed, certified, return receipt requested, to the owner  
15 of the vehicle if the owner is not the person arrested.

16 (4) The owner of any vehicle or combination may recover  
17 the vehicle by:

18 (i) Furnishing proof of valid registration and  
19 financial responsibility.

20 (ii) Paying all costs as provided for by local  
21 ordinance associated with the impoundment, towing and  
22 storage of the vehicle or making arrangements with the  
23 appropriate authority to pay all costs by installments.

24 (5) Any vehicle not recovered under this subsection may  
25 be sold by the municipal corporation in authority as an  
26 unclaimed vehicle or load under 75 Pa.C.S. § 6310 (relating  
27 to disposition of impounded vehicles and loads). The proceeds  
28 of the sale shall first be applied to the payment of the  
29 costs associated with the impoundment, towing and storage of  
30 the vehicle with any remainder going to the municipality's

1 general fund.

2 (6) The municipal corporation in authority shall approve  
3 an ordinance electing to apply the provisions of this  
4 subsection and establish the impoundment, towing and storage  
5 costs. The towing and storage costs shall be reasonable. The  
6 impoundment cost shall not exceed \$1,000 and shall be held by  
7 the municipality until the determination of the person's  
8 innocence or guilt. If the person is found innocent, the  
9 municipality shall return the impoundment cost. If the person  
10 is convicted or enters a plea of guilt or nolo contendere,  
11 the municipality shall transfer the impoundment cost to its  
12 general fund. The towing, storage and impounding costs shall  
13 be in addition to any penalty imposed upon conviction under  
14 subsection (e).

15 \* \* \*

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