

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1316 Session of
1969

INTRODUCED BY MESSRS. COMER, SULLIVAN, GROSS, MRS. ANDERSON,
MESSRS. QUILES, RIEGER, RUSH, GLEESON, PIEVSKY, WOJDAK AND
PERRY, JUNE 17, 1969

SENATOR KELLER, HIGHWAYS, IN SENATE, AS AMENDED, OCTOBER 7, 1969

AN ACT

1 Amending the act of April 29, 1959 (P. L. 58), entitled "An act
2 consolidating and revising the Vehicle Code, the Tractor
3 Code, the Motor Vehicle Financial Responsibility Act and
4 other acts relating to the ownership, possession and use of
5 vehicles and tractors," further prohibiting the abandonment
6 and stripping of vehicles and providing for penalties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The definition of "abandoned motor vehicle" in
10 section 102, and sections 1042, 1043, 1222.1 and 1222.2 and
11 subsection (a) of section 1222.3, act of April 29, 1959 (P. L.
12 58), known as "The Vehicle Code," added or amended July 31, 1968
13 (Act No. 263), are amended are amended to read:

14 Section 102. Definitions.--The following words and phrases
15 when used in this act shall, for the purpose of this act, have
16 the following meanings, respectively, except in those instances
17 where the context clearly indicates a different meaning:

18 "Abandoned Motor Vehicle."--(1) [Except in cities of the
19 second class, a] A motor vehicle that is inoperable and is left

1 unattended on public property for more than ninety-six (96)
2 hours or; (2) a motor vehicle that has remained illegally on
3 public property for a period of more than ninety-six (96) hours
4 or; (3) a motor vehicle that has remained on private property
5 without the consent of the owner or person in control of the
6 property for more than ninety-six (96) hours: Provided, That
7 vehicles and equipment used or to be used in construction, or
8 the operation or maintenance of public utility facilities and
9 which are left in a manner which does not interfere with the
10 normal movement of traffic shall not be considered abandoned
11 vehicles for the purposes of this act.

12 * * *

13 Section 1042. Abandonment of Vehicles Prohibited.--[In
14 cities of the second class, it] It shall be unlawful for any
15 person to abandon a vehicle on or along any highway or on
16 property other than his own except where the property is a junk
17 or scrap yard. A vehicle which has remained on such property
18 without the consent of the owner or on or along any highway for
19 a period exceeding thirty (30) days shall be prima facie
20 evidence of such abandonment: Provided, That vehicles and
21 equipment used or to be used in construction, or the operation
22 or maintenance of public utility facilities and which are left
23 in a manner which does not interfere with the normal movement of
24 traffic shall not be considered abandoned vehicles for the
25 purposes of this section.

26 Penalty.--Any person violating any of the provisions of this
27 section, shall, upon summary conviction before a magistrate, be
28 sentenced to pay a fine of one hundred dollars (\$100.00) and
29 costs of prosecution, and, in default of payment thereof, shall
30 undergo imprisonment for not more than twenty (20) days.

1 Section 1043. Abandonment and Stripping of Motor Vehicle
2 Prohibited.--[Except in cities of the second class, it] (a) It
3 shall be unlawful for any person to abandon a motor vehicle as
4 defined in the definition of "Abandoned Motor Vehicles" in
5 section 102 of this act.

6 Penalty.--Any person violating any of the provisions of this
7 [section] subsection, shall, upon summary conviction before a
8 magistrate, be sentenced to pay a fine of twenty-five dollars
9 (*25.00) and costs of prosecution, and, in default of payment
10 thereof, shall undergo imprisonment for not more than five (5)
11 days.

12 (b) It shall be unlawful for any person to remove the
13 registration plates from a motor vehicle that is inoperable and
14 leave it standing on or along any highway; and, it shall be
15 unlawful for any person, except the owner or his agent, or as
16 otherwise provided by this act to remove any part of an
17 abandoned motor vehicle or a motor vehicle that is inoperative
18 without a registration plate and standing on or along any
19 highway.

20 Penalty.--Any person violating the provisions of this
21 subsection, shall, upon summary conviction, for the first
22 offense, be sentenced to pay a fine of two hundred dollars
23 (\$200.00) and costs of prosecution, and, in default of payment
24 thereof, shall undergo imprisonment for not more than thirty
25 (30) days; and, for the second or subsequent offense, be
26 sentenced to pay a fine of five hundred dollars (\$500.00) and
27 costs of prosecution, and, in default of payment thereof, shall
28 undergo imprisonment for not more than sixty (60) days. Upon
29 conviction for the offense for the first time, the secretary
30 shall revoke the operating privileges of the person convicted

1 for a period of two (2) years and upon conviction of the offense
2 for a second or subsequent time, for a period of five (5) years.

3 Section 1222.1. Authority to Take Possession of Abandoned
4 Motor Vehicles.--[Except in cities of the second class, a] A
5 salvor may, upon the written request of a police department,
6 take possession of and tow to his storage facility any motor
7 vehicle found abandoned within the meaning of section 102 of
8 this act. The written request of the police department shall
9 contain a statement whether said motor vehicle is valueless
10 except as junk.

11 Section 1222.2. Disposition of Valueless Abandoned Motor
12 Vehicles.--[Except in cities of the second class, a] A salvor
13 who takes possession of any abandoned motor vehicle pursuant to
14 section 1222.1 of this act shall report to the department within
15 twenty-four (24) hours the make, model, manufacturer's serial
16 number and registration plate number of the abandoned motor
17 vehicle, the name and address of the owner or person abandoning
18 same, if known. The report shall include a copy of the police
19 department's written request and statement whether said motor
20 vehicle is valueless except for junk. Where said statement
21 indicates the motor vehicle is valueless except for junk salvor
22 shall include a written request for the issuance of a
23 certificate of junk. The secretary shall issue to salvor a
24 certificate of junk for any abandoned motor vehicle where the
25 statement of the police department indicates said motor vehicle
26 is valueless except for junk upon compliance with section 1222.3
27 of this act. Said certificate of junk may not be issued by the
28 secretary until at least forty (40) days after the date of
29 mailing the notice to the owner and lien holder as set forth in
30 section 1222.3. An issuance by the secretary of a certificate of

1 junk to the salvor where the motor vehicle is valueless except
2 as junk, shall operate as a divestiture of all rights, title and
3 interest in the vehicle of the owner and all lien holders.

4 Section 1222.3. Notification of Owner and Lien Holders of
5 Abandoned Motor Vehicles.--(a) [Except in cities of the second
6 class, the] The secretary, upon receipt from the salvor of
7 notice that the salvor has taken possession of an abandoned
8 motor vehicle, pursuant to sections 1222.1 and 1222.2 of this
9 act shall notify, by certified mail, return receipt requested,
10 the last known registered owner of the motor vehicle and all
11 lien holders of record that the vehicle has been found to be
12 abandoned. The notice shall describe the make, model,
13 manufacturer's serial number and registration plate number of
14 the abandoned motor vehicle, state the location where the motor
15 vehicle is being held, inform the owner and any lien holders of
16 their right to reclaim the motor vehicle within thirty (30) days
17 after the date of notice at the place where being held by the
18 salvor, upon payment of all towing and storage charges resulting
19 from placing the motor vehicle at the salvor's facility, and the
20 fee required by subsection (d) of this section, and state that
21 the failure of the owner or lien holder to reclaim the vehicle
22 shall be deemed a consent by the owner and all lien holders to
23 the destruction, sale or other disposition of the abandoned
24 motor vehicle. The secretary or his designee shall, after the
25 expiration of thirty (30) days from the date of notice sent by
26 certified mail to the registered owner and all lien holders of
27 record and upon receipt of a written statement from the salvor
28 that the abandoned motor vehicle has not been reclaimed by the
29 owner or lien holder within said thirty (30) day period,
30 authorize the salvor to dispose of the abandoned vehicle in

1 accordance with the provisions of this act. .

2 * * *

3 Section 2. Subsection (f) of section 1222.3 of the act is
4 repealed.

5 Section 3. Section 1222.4, subsection (a) of section 1222.5
6 and subsections (a) and (b) of section 1222.6 of the act, added
7 July 31, 1968 (Act No. 263), are amended to read:

8 Section 1222.4. Disposition of Abandoned Motor Vehicles with
9 Value.--[Except in cities of the second class, if] If an
10 abandoned motor vehicle having value has not been reclaimed as
11 provided in section 1222.3 of this act, the salvor shall sell
12 the abandoned motor vehicle at a public auction. The purchaser
13 of the motor vehicle shall take title thereto, free and clear of
14 all liens and claims of ownership, shall receive a sales receipt
15 from the salvor and shall be entitled to register the vehicle
16 and receive a certificate of title. From the proceeds of the
17 sale of such abandoned motor vehicle, the salvor shall be
18 reimbursed for the costs of towing, storage, notice and
19 publication costs and expenses of auction. Any remainder from
20 the proceeds of a sale shall be held for the owner of the
21 vehicle or record lien holder for sixty (60) days from the date
22 of sale and shall then be deposited with the department.

23 Section 1222.5. Disposal to Salvors.--(a) [Except in cities
24 of the second class, any] Any person, firm, corporation or unit
25 of government upon whose property or in whose possession is
26 found any abandoned motor vehicle, or any person being the owner
27 of a motor vehicle whose title certificate is faulty, lost or
28 destroyed, may apply to the police department of the
29 jurisdiction in which the vehicle is situated for authority to
30 transfer the motor vehicle to a salvor.

1 * * *

2 Section 1222.6. Payment and Reimbursement.--(a) [Except in
3 cities of the second class, upon] Upon receipt of evidence that
4 a salvor has removed an abandoned motor vehicle upon the request
5 of a police department, the city, incorporated town, borough or
6 township from which said vehicle was removed shall pay to the
7 salvor fifteen dollars (\$15.00) for the expenses incurred in the
8 removal and towing of the abandoned vehicle.

9 (b) The city [of the first class, second class A or third
10 class], incorporated town, borough or township shall be
11 reimbursed by the Commonwealth of Pennsylvania in the amount of
12 ten dollars (\$10.00) upon proof submitted to the secretary that
13 it has paid a salvor for the removal of any abandoned motor
14 vehicle.

15 * * *

16 Section 4. ~~Subsection (c) of section 1222.6 of the act is~~ <--
17 ~~repealed.~~ THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <--