

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

RECALLED FROM GOVERNOR, AND AMENDED, HOUSE OF REPRESENTATIVES,
DECEMBER 3, 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 IS 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) AN INOPERABLE MOTOR VEHICLE WITHOUT REGISTRATION PLATES <--
5 LEFT STANDING ON OR ALONG THE HIGHWAY; OR (4) a motor vehicle
6 that has remained on private property without the consent of the
7 owner or person in control of the property for more than
8 ninety-six (96) hours: Provided, That vehicles and equipment
9 used or to be used in construction, or the operation or
10 maintenance of public utility facilities and which are left in a
11 manner which does not interfere with the normal movement of
12 traffic shall not be considered abandoned vehicles for the
13 purposes of this act.

14 * * *

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

28 ~~Penalty.--Any person violating any of the provisions of this~~
29 ~~section, shall, upon summary conviction before a magistrate, be~~
30 ~~sentenced to pay a fine of one hundred dollars (\$100.00) and~~

1 ~~costs of prosecution, and, in default of payment thereof, shall~~
2 ~~undergo imprisonment for not more than twenty (20) days.~~

3 SECTION 2. SECTION 1042 OF THE ACT IS REPEALED. <--

4 SECTION 3. SECTIONS 1043, 1222.1 AND 1222.2 AND SUBSECTION
5 (A) OF SECTION 1222.3 OF THE ACT, ADDED OR AMENDED JULY 31, 1968
6 (ACT NO. 263), ARE AMENDED TO READ:

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

12 Penalty.--Any person violating any of the provisions of this
13 [section] subsection, shall, upon summary conviction before a
14 magistrate, be sentenced to pay a fine of twenty-five dollars
15 (\$25.00) and costs of prosecution, and, in default of payment,
16 thereof, shall undergo imprisonment for not more than five (5)
17 days.

18 (b) It shall be unlawful for any person to remove the <--
19 registration plates from a motor vehicle that is inoperable and
20 leave it standing on or along any highway; and, it shall be
21 unlawful for any person, except the owner or his agent, or as
22 otherwise provided by this act to remove any part of an
23 abandoned motor vehicle. or a motor vehicle that is inoperative <--
24 without a registration plate and standing on or along any
25 highway.

26 Penalty.--Any person violating the provisions of this
27 subsection, shall, upon summary conviction, for the first
28 offense, be sentenced to pay a fine of two hundred dollars,
29 (\$200.00) and costs of prosecution, and, in default of payment,
30 thereof, shall undergo imprisonment for not more than thirty

1 (30) days; and, for the second or subsequent offense, be
2 sentenced to pay a fine of five hundred dollars (\$500.00) and
3 costs of prosecution, and, in default of payment thereof, shall
4 undergo imprisonment for not more than sixty (60) days. Upon
5 conviction for the offense for the first time, the secretary
6 shall revoke the operating privileges of the person convicted
7 for a period of two (2) years and upon conviction of the offense
8 for a second or subsequent time, for a period of five (5) years.

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

17 Section 1222.2. Disposition of Valueless Abandoned Motor
18 Vehicles.--[Except in cities of the second class, a] A salvor
19 who takes possession of any abandoned motor vehicle pursuant to
20 section 1222.1 of this act shall report to the department within
21 twenty-four (24) hours the make, model, manufacturer's serial
22 number and registration plate number of the abandoned motor
23 vehicle, the name and address of the owner or person abandoning
24 same, if known. The report shall include a copy of the police
25 department's written request and statement whether said motor
26 vehicle is valueless except for junk. Where said statement
27 indicates the motor vehicle is valueless except for junk, salvor
28 shall include a written request for the issuance of a
29 certificate of junk. The secretary shall issue to salvor a
30 certificate of junk for any abandoned motor vehicle where the

1 statement of the police department indicates said motor vehicle
2 is valueless except for junk upon compliance with section 1222.3
3 of this act. Said certificate of junk may not be issued by the
4 secretary until at least forty (40) days after the date of
5 mailing the notice to the owner and lien holder as set forth in
6 section 1222.3. An issuance by the secretary of a certificate of
7 junk to the salvor where the motor vehicle is valueless except
8 as junk, shall operate as a divestiture of all rights, title and
9 interest in the vehicle of the owner and all lien holders.

10 Section 1222.3. Notification of Owner and Lien Holders of
11 Abandoned Motor Vehicles.--(a) [Except in cities of the second
12 class, the] The secretary, upon receipt from the salvor of
13 notice that the salvor has taken possession of an abandoned
14 motor vehicle, pursuant to sections 1222.1 and 1222.2 of this
15 act shall notify, by certified mail, return receipt requested,
16 the last known registered owner of the motor vehicle and all
17 lien holders of record that the vehicle has been found to be
18 abandoned. The notice shall describe the make, model,
19 manufacturer's serial number and registration plate number of
20 the abandoned motor vehicle, state the location where the motor
21 vehicle is being held, inform the owner and any lien holders of
22 their right to reclaim the motor vehicle within thirty (30) days
23 after the date of notice at the place where being held by the
24 salvor, upon payment of all towing and storage charges resulting
25 from placing the motor vehicle at the salvor's facility, and the
26 fee required by subsection (d) of this section, and state that
27 the failure of the owner or lien holder to reclaim the vehicle
28 shall be deemed a consent by the owner and all lien holders to
29 the destruction, sale or other disposition of the abandoned
30 motor vehicle. The secretary or his designee shall, after the

1 expiration of thirty (30) days from the date of notice sent by
2 certified mail to the registered owner and all lien holders of
3 record and upon receipt of a written statement from the salvor
4 that the abandoned motor vehicle has not been reclaimed by the
5 owner or lien holder within said thirty (30) day period,
6 authorize the salvor to dispose of the abandoned vehicle in
7 accordance with the provisions of this act.

8 * * *

9 Section ~~2-~~ 4. Subsection (f) of section 1222.3 of the act is <--
10 repealed.

11 Section ~~3-~~ 5. Section 1222.4, subsection (a) of section <--
12 1222.5 and subsections (a) and (b) of section 1222.6 of the act,
13 added July 31, 1968 (Act No. 263), are amended to read:

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

29 Section 1222.5. Disposal to Salvors.--(a) [Except in cities
30 of the second class, any] Any person, firm, corporation or unit.

1 of government upon whose property or in whose possession is
2 found any abandoned motor vehicle, or any person being the owner
3 of a motor vehicle whose title certificate is faulty, lost or
4 destroyed, may apply to the police department of the
5 jurisdiction in which the vehicle is situated for authority to
6 transfer the motor vehicle to a salvor.

7 * * *

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

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

21 * * *

22 Section 4- 6. This act shall take effect immediately.

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