

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2385 Session of
1980

INTRODUCED BY CALTAGIRONE, MARCH 18, 1980

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 18, 1980

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for removal of vehicles by a
3 property owner and providing an implied lien for the costs of
4 removal.

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

7 Section 1. Section 3352(b) of Title 75, act of November 25,
8 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated
9 Statutes, is amended to read:

10 § 3352. Removal of vehicle by or at direction of police.

11 * * *

12 (b) Unattended vehicle obstructing traffic.--Any police
13 officer may remove or cause to be removed to a nearby garage or
14 other nearby place of safety any unattended vehicle illegally
15 left standing upon any highway, bridge, causeway or in any
16 tunnel, in such position or under such circumstances as to
17 interfere unduly with the normal movement of traffic or
18 constitute a safety hazard. Provided a reasonable report is made

1 by such police officer to assist in removing the vehicle to a
2 place of safety and a reasonable effort is made by such police
3 officer to locate the owner or operator thereof before removal
4 to a nearby garage.

5 * * *

6 Section 2. Section 3353(b) and (c) of Title 75, subsection
7 (c) amended November 10, 1979 (No.95), is amended to read:

8 § 3353. Prohibitions in specified places.

9 * * *

10 (b) Unattended vehicle on public or private property.--No
11 person shall park or leave unattended a vehicle on public or
12 private property without the consent of the owner or other
13 person in control or possession of the property except in the
14 case of emergency or disablement of the vehicle, in which case
15 the operator shall arrange for the removal of the vehicle as
16 soon as possible.

17 (c) Property owner may remove vehicle.--[The owner or other
18 person in charge or possession of any property on which a
19 vehicle is parked or left unattended in violation of the
20 provisions of subsection (b) may remove or have removed the
21 vehicle at the reasonable expense of the owner of the vehicle.]
22 Such person or his agent who removes a vehicle left parked or
23 unattended in violation of the provisions of subsection (b)
24 shall have a possessory lien against the owner of the vehicle,
25 in the amount of the reasonable value of the costs or charges of
26 removing and storing the vehicle. Any city, borough,
27 incorporated town or township may, by ordinance, provide for
28 rates to be charged for removal of vehicles and for municipal
29 regulation of authorized towing services:

30 (1) The owner or other person in charge or possession of

1 any property on which a vehicle is parked or left unattended
2 in violation of the provisions of subsection (b) may have a
3 salvor or tower remove the vehicle at the reasonable expense
4 of the owner or registrant of the vehicle if the property is:

5 (i) private and used for parking exclusively in
6 connection with a private dwelling or dwellings or not
7 open to public use by motor vehicles; or

8 (ii) open to the public with or without charge or
9 used for parking in connection with a business with or
10 without charge and posted in accordance with department
11 regulations.

12 (2) Any salvor or tower removing a vehicle pursuant to
13 paragraph (1) shall immediately notify the police having
14 jurisdiction of the place where the vehicle was found of the
15 new location of the vehicle.

16 (3) No storage costs shall be assessed pursuant to
17 paragraph (1) for the first 24 hours of possession of a
18 vehicle.

19 * * *

20 Section 3. Title 75 is amended by adding sections to read:

21 § 3355. Movement of vehicles without owner's consent.

22 (a) General rule.--No person except a salvor or a tower
23 shall move a vehicle without the consent of the owner or
24 registrant or a person authorized by the owner or registrant,
25 unless directed by a police officer in accordance with section
26 3352 (relating to removal of vehicle by or at direction of
27 police). A tower shall not move an abandoned vehicle unless
28 directed by a police officer, except that a salvor or tower may
29 remove a vehicle from public or private property in accordance
30 with section 3353(c) (relating to prohibitions in specified

1 places).

2 (b) Authorization of towers.--The department shall authorize
3 and issue a certificate of authorization to every tower that
4 complies with regulations adopted by the department.

5 (c) Place of business.--Every tower shall have and maintain
6 an established place of business.

7 (d) Towers to be bonded.--

8 (1) Each tower shall furnish and maintain a bond
9 indemnifying the public and the department in the amount of
10 \$5,000.

11 (2) A tower who has filed a bond with the Commonwealth
12 is not required to file a separate bond under this section if
13 the bond already on file with the Commonwealth is comparable
14 in amount and coverage to the bond required under this
15 section.

16 § 3356. Implied lien.

17 Every driver, owner and registrant of a vehicle in this
18 Commonwealth shall be deemed to have given consent to having the
19 vehicle removed at their reasonable expense and detained to
20 insure payment if the vehicle is removed under the provisions of
21 section 3352(a), (b) or (c) (relating to removal of vehicle by
22 or at direction of police) or section 3353(c) (relating to
23 prohibitions in specified places).

24 Section 4. Section 7304 of Title 75 is amended to read:

25 § 7304. Reports to department of possession of abandoned
26 vehicles.

27 [Any] Unless the owner or registrant has revealed their
28 identity to the salvor or tower, any salvor [taking] or tower in
29 possession of an abandoned vehicle [pursuant to section 7301(c)
30 (relating to authorization of salvors)] shall within 48 hours

1 [after taking possession] report to the department the make,
2 model, vehicle identification number and registration plate
3 number of the abandoned vehicle, and the name and address of the
4 owner or person who abandoned the vehicle, if known, together
5 with any other information or documents which the department may
6 by regulation require. The report shall include a statement
7 whether the vehicle is valueless except for junk. Where the
8 report indicates the vehicle is valueless except for junk, the
9 salvor shall include a photograph of the vehicle to be prepared
10 in a manner prescribed by the department. A report by a salvor
11 that a vehicle is valueless except for junk shall be verified by
12 the police department which authorized transfer of the vehicle
13 to the salvor.

14 Section 5. This act shall take effect in 60 days.