
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2870 Session of
2020

INTRODUCED BY SCHMITT, MILLARD AND YOUNGBLOOD,
SEPTEMBER 17, 2020

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 17, 2020

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in general provisions, further providing for
3 definitions; and, in abandoned vehicles and cargos, further
4 providing for authorization of salvors, for reports to
5 department of possession of abandoned vehicles, for reports
6 and removal of abandoned vehicles within the boundaries of a
7 city of the first class or second class and for reports by
8 private property owners of abandoned vehicles and providing
9 for abandoned vehicles at wholesale vehicle auctions.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definitions of "abandoned vehicle" and
13 "dealer" in section 102 of Title 75 of the Pennsylvania
14 Consolidated Statutes are amended and the section is amended by
15 adding a definition to read:

16 § 102. Definitions.

17 Subject to additional definitions contained in subsequent
18 provisions of this title which are applicable to specific
19 provisions of this title, the following words and phrases when
20 used in this title shall have, unless the context clearly
21 indicates otherwise, the meanings given to them in this section:

1 "Abandoned vehicle."

2 (1) A vehicle (other than a pedalcycle) shall be
3 presumed to be abandoned under any of the following
4 circumstances, but the presumption is rebuttable by a
5 preponderance of the evidence:

6 (i) The vehicle is physically inoperable and is left
7 unattended on a highway or other public property for more
8 than 48 hours.

9 (ii) The vehicle has remained illegally on a highway
10 or other public property for a period of more than 48
11 hours.

12 (iii) The vehicle is left unattended on or along a
13 highway or other public property for more than 48 hours
14 and does not bear all of the following:

15 (A) A valid registration plate.

16 (B) A current certificate of inspection.

17 (C) An ascertainable vehicle identification
18 number.

19 (iv) The vehicle has remained on private property
20 without the consent of the owner or person in control of
21 the property for more than 24 hours.

22 (v) The vehicle has remained on the private property
23 of a salvor for 20 days.

24 (vi) The vehicle has remained on the property of a
25 wholesale vehicle auction without the consent of the
26 wholesale vehicle auction for more than three business
27 days.

28 (2) Vehicles and equipment used or to be used in
29 construction or in the operation or maintenance of highways
30 or public utility facilities, which are left in a manner

1 which does not interfere with the normal movement of traffic,
2 shall not be considered to be abandoned.

3 * * *

4 "Dealer." [A person engaged in the business of buying,
5 selling or exchanging vehicles.] The term includes a dealer, as
6 defined in the act of December 22, 1983 (P.L.306, No.84), known
7 as the Board of Vehicles Act. The term shall also include a
8 person acting or authorized as a dealer in another state and not
9 licensed as a dealer by the department.

10 * * *

11 "Wholesale vehicle auction." A person required to be
12 licensed for commission, compensation or other consideration in
13 the business of providing wholesale vehicle auction services at
14 an established place of business, regardless of whether the
15 person has custody or control of the vehicles, and who has the
16 authority of the buyer or seller of a vehicle to negotiate or
17 conduct a transaction on behalf of the buyer or seller, as
18 defined in the Board of Vehicles Act.

19 * * *

20 Section 2. Sections 7301(a), 7304 and 7304.1(a) of Title 75
21 are amended to read:

22 § 7301. Authorization of salvors.

23 (a) General rule.--[The] Except for a wholesale vehicle
24 auction, the department shall authorize and shall issue a
25 certificate of authorization to every salvor that complies with
26 the requirements of this chapter and regulations adopted by the
27 department and is a currently registered vehicle salvage dealer
28 as defined in section 1337(c) (2) (relating to use of
29 "Miscellaneous Motor Vehicle Business" registration plates).

30 * * *

1 § 7304. Reports to department of possession of abandoned
2 vehicles.

3 (a) General rule.--Any salvor taking possession of an
4 abandoned vehicle pursuant to section 7303.1 (relating to duty
5 of police and salvors) shall within 48 hours after taking
6 possession send an abandoned vehicle information report to the
7 department. If the report indicates the vehicle is a salvage
8 vehicle, the salvor shall include a photograph of the vehicle to
9 be prepared in a manner prescribed by the department. Any
10 nonrepairable vehicle which does not display an identifiable
11 registration plate, current certificate of inspection and
12 ascertainable vehicle identification number shall be taken into
13 possession and flattened or crushed immediately. There is no
14 requirement to notify the department.

15 (b) Reports of abandoned vehicles at wholesale vehicle
16 auctions.--Any salvor taking possession of an abandoned vehicle
17 shall comply with section 7311.3(d) (relating to abandoned
18 vehicles at wholesale vehicle auctions).

19 § 7304.1. Reports and removal of abandoned vehicles within the
20 boundaries of a city of the first class or second
21 class.

22 (a) General rule.--[Any] Except for vehicles declared to be
23 abandoned vehicles in accordance with section 7311.3 (relating
24 to abandoned vehicles at wholesale vehicle auctions), any and
25 all vehicles reported abandoned to the police department and/or
26 the appropriate designated municipal agency or department that
27 handles the abandoned vehicle and cargo process shall be
28 investigated within five business days to determine if the
29 reported vehicle is abandoned as defined in section 102
30 (relating to definitions). Upon the completion of the

1 investigation, any and all reported vehicles that satisfy the
2 requirements of the definition of "abandoned vehicle" shall be
3 officially declared abandoned and removed within ten business
4 days by the police department or by an authorized salvor
5 pursuant to police or municipality directions. Proper
6 notification of the removal of the vehicle shall be sent
7 pursuant to section 7305 (relating to notice to owner and
8 lienholders of abandoned vehicles).

9 * * *

10 Section 3. Section 7311.1 of Title 75 is amended by adding a
11 subsection to read:

12 § 7311.1. Reports by private property owners of abandoned
13 vehicles.

14 * * *

15 (c) Applicability.--This section shall not apply to
16 abandoned vehicles on the property of a wholesale vehicle
17 auction.

18 Section 4. Title 75 is amended by adding a section to read:

19 § 7311.3. Abandoned vehicles at wholesale vehicle auctions.

20 (a) General rule.--Notwithstanding any other provision of
21 this chapter to the contrary, a wholesale vehicle auction may
22 take action to remove, sell or legally obtain the ownership of a
23 vehicle that is declared an abandoned vehicle on the property of
24 the wholesale vehicle auction in accordance with this section.

25 (b) Applicability.--No vehicle shall be considered an
26 abandoned vehicle on the property of a wholesale vehicle auction
27 until the following conditions have been met:

28 (1) The vehicle is declared an abandoned vehicle.

29 (2) The person who retains the certificate of title or
30 is a lienholder of record of the vehicle has entered into an

1 agreement with the wholesale vehicle auction that permits the
2 vehicle to be stored on the property of the wholesale vehicle
3 auction for a period longer than three business days.

4 (c) Notice to lienholder.--

5 (1) A wholesale vehicle auction that intends to remove,
6 sell or legally obtain ownership of an abandoned vehicle
7 under this section must submit a written notice to the last
8 known registered owner of the abandoned vehicle and all
9 lienholders of record that the abandoned vehicle is being
10 held as an abandoned vehicle. The written notice may not be
11 distributed by the wholesale vehicle auction until both
12 conditions under subsection (b) have been met.

13 (2) The written notice shall be sent by certified mail
14 and include return receipt requested.

15 (3) A wholesale vehicle auction shall provide the
16 recipient of the written notice a waiting period of no less
17 than 15 business days after the date the notice was
18 distributed to respond to the notice.

19 (4) The notice shall:

20 (i) Describe the make, model, title number, vehicle
21 identification number and registration plate number of
22 the abandoned vehicle, if known.

23 (ii) State the location where the abandoned vehicle
24 is being held.

25 (iii) Inform the owner and any lienholder of the
26 right to reclaim the abandoned vehicle and the contents
27 in the abandoned vehicle within 15 days after the date
28 the notice was mailed at the place where the abandoned
29 vehicle is being held by the wholesale vehicle auction,
30 upon payment of any reasonable fee set by the wholesale

1 vehicle auction.

2 (iv) State that the failure of the owner or
3 lienholder to reclaim the abandoned vehicle and the
4 contents in the abandoned vehicle is deemed consent by
5 the owner to the destruction, sale or other disposition
6 of the abandoned vehicle and the contents in the
7 abandoned vehicle and of all lienholders to dissolution
8 of their liens.

9 (5) If the identity of the last registered owner and of
10 all lienholders of an abandoned vehicle cannot be determined
11 with reasonable certainty, the notice shall be published one
12 time in a newspaper of general circulation or electronic
13 newspaper of general circulation in the area where the
14 wholesale vehicle auction was located. The notice may contain
15 multiple listings of abandoned vehicles. Notice by
16 publication locally shall be the responsibility of the
17 wholesale vehicle auction. The notice shall have the same
18 effect as notice sent by certified mail.

19 (6) A copy of every written notice sent out in
20 accordance with this section shall also be provided, upon
21 request, to the department.

22 (7) A wholesale vehicle auction that complies with this
23 section shall not be subject to liability from the dealer or
24 other owner of an abandoned vehicle removed, sold or
25 otherwise disposed of under this section. A dealer that
26 purchases an abandoned vehicle at a wholesale vehicle auction
27 under this section is not subject to liability from the
28 dealer or other owner of the abandoned vehicle.

29 (d) Transferring of certificate of title for abandoned
30 vehicles.--For the purpose of facilitating expedited title

1 transfer of an abandoned vehicle at a wholesale vehicle
2 auction's property, the department shall establish a form on
3 which a wholesale vehicle auction shall certify that a vehicle
4 is an abandoned vehicle under this section.

5 (e) Storage fees.--

6 (1) A wholesale vehicle auction may impose, charge and
7 collect reasonable storage fees from the owner or dealer
8 regarding an abandoned vehicle as a means of recovering the
9 costs of storing the abandoned vehicle.

10 (2) No wholesale vehicle auction may impose storage fees
11 of more than \$25 per day.

12 (f) Use of salvors.--When requested by a wholesale vehicle
13 auction to remove from the property of the wholesale vehicle
14 auction an abandoned vehicle, a salvor may remove the vehicle in
15 accordance with this chapter.

16 (g) Duty of department.--The department may by regulation
17 adopt specific requirements for implementing this section and
18 any additional requirements, not inconsistent with this section,
19 that ensure compliance with this title relating to transferring
20 of certificates of title and registration for abandoned
21 vehicles.

22 Section 5. This act shall take effect in 120 days.