

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1346 Session of
1979

INTRODUCED BY REED AND STEWART, MAY 21, 1979

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 21, 1979

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for removal of vehicles and
3 procedures relating thereto.

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

6 Section 1. The definitions of "abandoned vehicle" and
7 "salvor" in section 102 of Title 75, act of November 25, 1970
8 (P.L.707, No.230), known as the Pennsylvania Consolidated
9 Statutes, are amended and a definition is added to read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this title which are applicable to specific
13 provisions of this title, the following words and phrases when
14 used in this title shall have, unless the context clearly
15 indicates otherwise, the meanings given to them in this section:

16 "Abandoned vehicle."

17 (1) A vehicle (other than a pedalcycle):

18 (i) that is inoperable and is left unattended on
19 public property for more than 48 hours;

1 (ii) that has remained illegally on public property
2 for a period of more than 48 hours;

3 (iii) without a valid registration plate or
4 certificate of inspection or title left unattended on or
5 along a highway; [or]

6 (iv) that has remained on private property without
7 the consent of the owner or person in control of the
8 property for more than 48 hours; or

9 (v) that has remained unclaimed at a salvor's or
10 tower's storage facility for more than 30 days.

11 (2) Vehicles and equipment used or to be used in
12 construction or in the operation or maintenance of public
13 utility facilities, which are left in a manner which does not
14 interfere with the normal movement of traffic, shall not be
15 considered to be abandoned.

16 * * *

17 "Salvor." A person [engaged in the business of acquiring
18 abandoned] authorized by the department to remove vehicles from
19 public or private property or acquire abandoned vehicles for the
20 purpose of taking apart, junking, selling, rebuilding or
21 exchanging the vehicles or parts thereof.

22 * * *

23 "Tower." A person authorized by the department to remove
24 vehicles from public or private property.

25 * * *

26 Section 2. Sections 3352 and 3353(c) of Title 75 are amended
27 to read:

28 § 3352. Removal of vehicle by or at direction of police.

29 (a) Outside business and residence districts.--Whenever any
30 police officer finds a vehicle in violation of any of the

1 provisions of section 3351 (relating to stopping, standing and
2 parking outside business and residence districts), the officer
3 may move the vehicle, or cause the vehicle to be moved, or
4 require the driver or other person in charge of the vehicle to
5 move the vehicle, to a position off the roadway where the
6 vehicle will not interfere unduly with the normal movement of
7 traffic or constitute a safety hazard.

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

15 (c) Removal to garage or place of safety.--Any police
16 officer may remove or cause to be removed to a nearby garage or
17 other place of safety any vehicle [found upon a highway] under
18 any of the following circumstances:

19 (1) Report has been made that the vehicle has been
20 stolen or taken without the consent of its owner.

21 (2) The person or persons in charge of the vehicle are
22 physically unable to provide for the custody or removal of
23 the vehicle.

24 (3) The person driving or in control of the vehicle is
25 arrested for an alleged offense for which the officer is
26 required by law to take the person arrested before an issuing
27 authority without unnecessary delay.

28 (4) The vehicle is in violation of section 3353
29 (relating to prohibitions in specified places) except for
30 overtime parking.

1 (5) The vehicle has been abandoned as defined in this
2 title. The officer shall comply with the provisions of
3 subsection (d) and Chapter 73 (relating to abandoned vehicles
4 and cargos).

5 (d) Notice to owner prior to removal.--

6 (1) Prior to removal under subsection (c)(5) of [an
7 abandoned] a vehicle which is abandoned upon a highway and is
8 not in violation of subsection (b), section 3351(a) or
9 section 3353 bearing a registration plate by which the last
10 registered owner of the vehicle can be determined, notice
11 shall be sent by certified mail to the last registered owner
12 of the vehicle informing the owner that unless the vehicle is
13 moved to a suitable location within five days of the date
14 notice is mailed, the vehicle will be removed under this
15 section and held at a suitable facility where it may be
16 reclaimed by the owner in accordance with the provisions of
17 section 7306 (relating to payment of costs upon reclaiming
18 vehicle). If the abandoned motor vehicle does not bear an
19 identifiable registration plate, the notice may be secured to
20 the vehicle.

21 (2) If, within the five-day period, the owner so
22 requests, the owner shall be given an opportunity to explain
23 to the police officer or department why the owner believes
24 the vehicle should not be moved. If the police officer or
25 department determines that the vehicle shall, nonetheless, be
26 moved, the owner shall be given an additional 48 hours to
27 move the vehicle or have it moved.

28 (3) The provision for notice set forth in this
29 subsection is in addition to any other notice requirements
30 provided in Chapter 73.

1 § 3353. Prohibitions in specified places.

2 * * *

3 (c) Property owner may remove vehicle.--[The owner or other
4 person in charge or possession of any property on which a
5 vehicle is parked or left unattended in violation of the
6 provisions of subsection (b) may remove or have removed the
7 vehicle at the reasonable expense of the owner of the vehicle.]

8 (1) The owner or other person in charge or possession of
9 any property on which a vehicle is parked or left unattended
10 in violation of the provisions of subsection (b) may have a
11 salvor or tower remove the vehicle at the reasonable expense
12 of the owner or registrant of the vehicle if the property is:

13 (i) used exclusively for parking in connection with
14 a private dwelling or not open to the public; or

15 (ii) open to the public with or without charge or
16 used for parking in connection with a business and posted
17 in accordance with department regulations.

18 (2) Any salvor or tower removing a vehicle pursuant to
19 paragraph (1) shall immediately notify the police having
20 jurisdiction of the place where the vehicle was found of the
21 new location of the vehicle.

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

25 * * *

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

27 § 3355. Movement of vehicles without owner's consent.

28 (a) General rule.--No person except a salvor or a tower
29 shall move a vehicle without the consent of the owner or
30 registrant or a person authorized by the owner or registrant.

1 unless directed by a police officer in accordance with section
2 3352 (relating to removal of vehicle by or at direction of
3 police). A tower shall not move an abandoned vehicle unless
4 directed by a police officer.

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

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

10 (d) Towers to be bonded.--

11 (1) Each tower shall furnish and maintain a bond
12 indemnifying the public and the department in the amount of
13 \$5,000.

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

19 § 3356. Implied lien.

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

27 Section 4. Sections 4729, 6308(c), 7301, 7302(c), 7304,
28 7305(b), 7306 and section 7308(b) and (c) of Title 75 are
29 amended to read:

30 § 4729. Removal of certificate of inspection.

1 No certificate of inspection shall be removed from a vehicle
2 for which the certificate was issued except to replace it with a
3 new certificate of inspection issued in accordance with the
4 provisions of this chapter or as follows:

5 (1) The police officer may remove a certificate of
6 inspection in accordance with the provisions of section
7 4703(d) (relating to operation of vehicle without official
8 certificate of inspection).

9 (2) A person replacing a windshield or repairing a
10 windshield in such a manner as to require removal of a
11 certificate of inspection shall at the option of the
12 registrant of the vehicle cut out the portion of the
13 windshield containing the certificate and deliver it to the
14 registrant of the vehicle or destroy the certificate. The
15 vehicle may be driven for up to five days if it displays the
16 portion of the old windshield containing the certificate as
17 prescribed in department regulations. Within the five day
18 period an official inspection station may affix to the
19 vehicle another certificate of inspection for the same
20 inspection period without reinspecting the vehicle in
21 exchange for the portion of the old windshield containing the
22 certificate of inspection. A fee of no more than \$1 may be
23 charged for the exchanged certificate of inspection.

24 (3) [A salvor] Every applicant for a certificate of junk
25 pursuant to section 1117(a) (relating to vehicle destroyed or
26 junked) shall remove and destroy the certificate of
27 inspection on [every vehicle in his possession except
28 vehicles used in the operation of the business of the salvor]
29 the vehicle.

30 § 6308. Investigation by police officers.

1 * * *

2 (c) Inspection of garages and dealer premises.--Any police
3 officer or authorized department employee may inspect any
4 vehicle in any public garage or repair shop or on the premises
5 of any dealer, tower, salvor, scrap metal processor, or other
6 public place of business for the purpose of locating stolen
7 vehicles or parts. The owner of the garage or repair shop or the
8 dealer or other person shall permit any police officer or
9 authorized department employee to make investigations under this
10 subsection.

11 § 7301. Authorization of salvors.

12 (a) General rule.--The department shall authorize and shall
13 issue a certificate of authorization to every salvor that
14 complies with the requirements of this chapter and regulations
15 adopted by the department [and is a vehicle salvage dealer as
16 defined in section 1337(c)(2) (relating to use of "Miscellaneous
17 Motor Vehicle Business" registration plates)].

18 (b) Unauthorized operation prohibited.--No person shall
19 operate as a salvor unless authorized.

20 (c) Duty of salvor.--Upon written request of a police
21 department, a salvor shall take possession of and remove to the
22 storage facility of the salvor any abandoned vehicle located
23 within 30 miles of the place of business of the salvor[.] :

24 (1) on public property; or

25 (2) on private property, if the vehicle has value other
26 than for junk.

27 (d) Storage facility.--A salvor may rent or own a storage
28 facility, which shall comply with the act of [December 15, 1971
29 (P.L.596, No.160), known as the "Outdoor Advertising Control Act
30 of 1971," where applicable, and with regulations promulgated by

the department.] July 28, 1966 (3rd Sp.Sess., P.L.91, No.4),
referred to as the Junkyard and Automotive Recycler Screening
Law.

§ 7302. Certificate of authorization.

* * *

(c) Bonding required.--

(1) Before issuing a certificate of authorization, the department shall require the applicant to furnish and maintain a bond indemnifying the public and the department in the amount of \$10,000.

(2) An individual bond for each place of business is not required, but all places of business shall be covered by the bond.

* * *

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

Any salvor [taking] or tower in possession of an abandoned vehicle [pursuant to section 7301(c) (relating to authorization of salvors)] shall within 48 hours [after taking possession] report to the department the make, model, vehicle identification number and registration plate number of the abandoned vehicle, and the name and address of the owner or person who abandoned the vehicle, if known, together with any other information or documents which the department may by regulation require. The report shall include a statement whether the vehicle is valueless except for junk. Where the report indicates the vehicle is valueless except for junk, the salvor shall include a photograph of the vehicle to be prepared in a manner prescribed by the department. A report by a salvor that a vehicle is valueless except for junk shall be verified by the police

1 department which authorized transfer of the vehicle to the
2 salvor.

3 § 7305. Notice to owner and lienholders of abandoned vehicles.

4 * * *

5 (b) Contents of notice.--The notice shall:

6 (1) Describe the make, model, title number, vehicle
7 identification number and registration plate number of the
8 abandoned vehicle, if known.

9 (2) State the location where the vehicle is being held.

10 (3) Inform the owner and any lienholders of their right
11 to reclaim the vehicle within 30 days after the date of the
12 notice at the place where the vehicle is being held by the
13 salvor or tower, upon payment of all towing and storage
14 charges and the fee authorized in section 7306 (relating to
15 payment of costs upon reclaiming vehicle).

16 (4) State that the failure of the owner or lienholder to
17 reclaim the vehicle is deemed consent by the owner to the
18 destruction, sale or other disposition of the abandoned
19 vehicle and of all lienholders to dissolution of their liens.

20 * * *

21 § 7306. Payment of costs upon reclaiming vehicle.

22 In the event the owner or lienholder of an abandoned vehicle
23 reclaims the vehicle, the reclaiming party shall pay the costs
24 for towing and storage, plus a fee of [\$25 of which \$10] \$15
25 which shall be transmitted to the department by the salvor or
26 tower.

27 § 7308. Public sale of unclaimed vehicles with value.

28 * * *

29 (b) Title of purchaser.--The salvor or tower shall give the
30 purchaser a sales receipt and shall apply to the department for

1 a title which shall be free and clear of all previous liens and
2 claims of ownership.

3 (c) Disposition of proceeds.--From the proceeds of the sale
4 of the abandoned vehicle, the salvor or tower shall be
5 reimbursed for the costs of towing, storage, notice and
6 publication costs and expenses of auction. The remainder of the
7 proceeds of a sale shall be held for the owner of the vehicle or
8 record lienholder for 60 days from the date of sale and if not
9 properly claimed shall then be paid to the department and
10 transmitted to the State Treasurer for deposit in the Motor
11 License Fund.

12 Section 5. Subsections (a) and (c) of section 7309 of Title
13 75 are amended to read:

14 § 7309. Junking of vehicles valueless except for junk.

15 (a) Application for certificate of junk.--If an abandoned
16 vehicle is valueless except for junk, the salvor or tower shall
17 note that fact in the report to the department required in
18 section 7304 (relating to reports to department of possession of
19 abandoned vehicles) and shall apply for issuance of a
20 certificate of junk as provided for in section 1117 (relating to
21 vehicle destroyed or junked).

22 * * *

23 (c) Reimbursement of expenses of salvor or tower.--

24 (1) Salvors.--Upon receipt within six months of evidence
25 that a salvor has removed an abandoned vehicle which is
26 valueless except for junk upon the request of a police
27 department and has applied for a certificate of junk, the
28 department shall pay to the salvor from the Motor License
29 Fund the sum of \$15 for the expenses incurred in the removal
30 and towing of the abandoned vehicle. No portion of the \$15

1 payment or any separate consideration shall be reimbursed or
2 paid to any government agency or municipality by the salvor.

3 (2) Towers.--Upon evidence that a tower has removed an
4 abandoned vehicle which is valueless except for junk upon the
5 request of a police department and has obtained a certificate
6 of junk and has transferred the vehicle within 30 days of the
7 receipt of such certificate, the department shall pay to the
8 tower from the Motor License Fund the sum of \$15 for the
9 expenses incurred in removal and towing of the abandoned
10 vehicle. No portion of the \$15 payment or any other separate
11 consideration shall be reimbursed or paid to any government
12 agency or municipality by the tower.

13 * * *

14 Section 6. Subsection (b) of section 7312 of Title 75 is
15 amended to read:

16 § 7312. Penalty for violation of chapter.

17 * * *

18 (b) Suspension.--For violation of any of the provisions of
19 this chapter, the salvor or tower shall be subject to suspension
20 of the privilege to receive abandoned vehicles under this
21 chapter.

22 Section 7. This act shall take effect in 60 days.