

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1607 Session of
2003

INTRODUCED BY HANNA, BELARDI, DALEY, FLICK, GEORGE, GRUCELA,
HERSHEY, HUTCHINSON, MELIO, SOLOBAY, STABACK, STEIL, BAKER
AND YOUNGBLOOD, JUNE 16, 2003

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 16, 2003

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for impoundment for nonpayment of
3 fines of certain vehicles and for suspension of registration.

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

6 Section 1. Section 1373(b) of Title 75 of the Pennsylvania
7 Consolidated Statutes, amended December 23, 2002 (P.L.1982,
8 No.229), is amended to read:

9 § 1373. Suspension of registration.

10 * * *

11 (b) Suspension without hearing.--The department may suspend
12 a registration without providing an opportunity for a hearing in
13 any of the following cases:

14 (1) Upon the request or order of any court of record.

15 (2) The required fees have not been paid.

16 (3) An out-of-service order has been issued for the
17 vehicle, the owner or the operator by the department or by
18 the United States Department of Transportation.

1 (4) The vehicle is being operated in violation of
2 section 4704(b)(1) (relating to inspection by police or
3 Commonwealth personnel).

4 (5) Upon the order of any district justice under section
5 6309 (relating to impoundment for nonpayment of fines;
6 vehicles or combinations with a gross vehicle weight rating
7 of 17,001 pounds or more).

8 Section 2. Section 6309 of Title 75, amended October 4, 2002
9 (P.L.845, No.123), is amended to read:

10 § 6309. Impoundment for nonpayment of fines; vehicles or
11 combinations with a gross vehicle weight rating of
12 17,001 pounds or more.

13 (a) General rule.--Upon issuance of a citation by a law
14 enforcement officer for a violation that may result in the
15 imposition of a fine in excess of \$250 imposed pursuant to
16 section 1301 (relating to registration and certificate of title
17 required), 1371 (relating to operation following suspension of
18 registration), 4107(b) (relating to unlawful activities) or
19 Chapter 49 (relating to size, weight and load), the [defendant
20 shall be allowed 24 hours either to obtain the funds and pay the
21 fine and costs of prosecution or to make arrangements with the
22 issuing authority to pay in installments as provided by the
23 Pennsylvania Rules of Criminal Procedure, during which time the
24 defendant's vehicle or combination shall be rendered temporarily
25 inoperable by such police officer, sheriff or constable as the
26 issuing authority shall designate. If the defendant neither
27 makes payment nor makes arrangements for payment within the 24-
28 hour period or defaults on such payment, the issuing authority
29 may issue an impoundment order and direct enforcement of the
30 order by a police officer, constable or an impoundment official

1 as authorized by the issuing authority] law enforcement officer
2 who issued the citation shall immediately impound the
3 defendant's vehicle or combination and store it until the fine
4 and costs of prosecution are paid or the citation is otherwise
5 disposed of in accordance with law. In cities of the first
6 class, the issuing authority shall direct enforcement of the
7 impoundment order by the Philadelphia Parking Authority.

8 [(b) Storage.--Upon impoundment, the issuing authority shall
9 forthwith notify the appropriate law enforcement officer of the
10 county in which the violation occurred, who shall store the
11 impounded vehicle or combination. In cities of the first class,
12 notification shall be made to the Philadelphia Parking
13 Authority, which shall store the impounded vehicle or
14 combination.]

15 (c) Notice of impoundment.--The appropriate law enforcement
16 officer shall give immediate notice by the most expeditious
17 means and by certified mail, return receipt requested, of the
18 impoundment and location of the vehicle or combination to the
19 owner of the vehicle or combination and the owner of the load
20 and any lienholders if the names and addresses of the owner and
21 any lienholder are known or can be ascertained by investigation.
22 In cities of the first class, the Philadelphia Parking Authority
23 shall give immediate notice by the most expeditious means and by
24 first class mail, proof of service, of the impoundment and
25 location of the vehicle or combination to the owner of the
26 vehicle or combination and the owner of the load and any
27 lienholders if the names and addresses of the owner and any
28 lienholder are known or can be ascertained by investigation.

29 (d) Costs.--The costs of the police officer, constable,
30 impoundment official, appropriate law enforcement officer or the

1 Philadelphia Parking Authority, reasonable storage costs and all
2 other reasonable costs incident to seizure and impounding under
3 [subsections (a) and (b)] subsection (a) shall be recoverable in
4 addition to costs of prosecution.

5 (e) Recovery of impounded vehicle.--

6 (1) The owner of any vehicle or combination which has
7 been impounded under this section may obtain possession of
8 the vehicle or combination by:

9 (i) furnishing proof of valid registration and
10 financial responsibility; and

11 (ii) paying all fines and costs associated with the
12 impoundment of the vehicle or making arrangements with
13 the appropriate judicial authority to make payments of
14 all fines and costs by installments as provided by the
15 Pennsylvania Rules of Criminal Procedure.

16 (2) Any vehicle or combination not recovered under this
17 subsection may be sold as an unclaimed vehicle, combination
18 or load under section 6310 (relating to disposition of
19 impounded vehicles, combinations and loads) or the applicable
20 local ordinance.

21 (f) Definition.--As used in this section, the term "costs"
22 shall include reasonable fees.

23 Section 2. This act shall take effect in 60 days.