
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1745 Session of
2019

INTRODUCED BY SCHLEGEL CULVER, ROTHMAN, DeLUCA, CALTAGIRONE,
GROVE AND FREEMAN, AUGUST 16, 2019

REFERRED TO COMMITTEE ON TRANSPORTATION, AUGUST 16, 2019

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in certificate of title and security interests,
3 further providing for certificate of salvage required, for
4 transfer to vehicle salvage dealer, for transfer to scrap
5 metal processor and for penalty; and, in enforcement, further
6 providing for impoundment for nonpayment of fines and
7 vehicles or combinations with a gross vehicle weight rating
8 of 17,001 pounds or more and for impoundment for nonpayment
9 of fines and vehicles or combinations with a gross vehicle
10 weight rating of 17,000 pounds or less and providing for
11 lienholder notice of impoundment and recovery of liened
12 vehicle.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Sections 1161(c), 1162(c), 1163(d), 1167, 6309(c)
16 and 6309.1(d) of Title 75 of the Pennsylvania Consolidated
17 Statutes are amended to read:

18 § 1161. Certificate of salvage required.

19 * * *

20 (c) Issuance and effect of certificate of salvage.--Upon
21 proper application for a certificate of salvage, the department
22 or agent of the department shall issue to the transferee a
23 certificate of salvage which shall authorize the holder to

1 possess or by endorsement transfer ownership of the salvage
2 vehicle. No certificate of salvage shall be issued unless the
3 department or the authorized agent of the department determines
4 after conducting a documented search of the Commonwealth's
5 electronic lien and title system that no lien on the vehicle
6 exists. A certificate of title or registration shall not again
7 be issued or renewed for the vehicle except upon application
8 containing the information the department requires, accompanied
9 by any necessary documents required under section 1165 (relating
10 to reconstructed vehicles).

11 * * *

12 § 1162. Transfer to vehicle salvage dealer.

13 * * *

14 (c) Vehicles with defective or lost title.--Any person on
15 whose property is located a vehicle which is a salvage vehicle
16 and which has a faulty, lost or destroyed title may transfer the
17 vehicle to a salvor or to a salvage program operated by a
18 political subdivision for removal to a suitable place of storage
19 or for scrapping, provided the salvor or salvage program
20 complies with the requirements of this section and the salvor or
21 salvage program determines after conducting a documented search
22 of the Commonwealth's electronic lien and title system that no
23 lien on the vehicle exists, except that the report to the
24 department that the vehicle is a salvage vehicle shall be
25 verified by the transferor of the vehicle instead of the police
26 department.

27 § 1163. Transfer to scrap metal processor.

28 * * *

29 (d) Vehicles with defective or lost title.--A vehicle owner
30 may transfer a salvage vehicle with a faulty, lost or destroyed

1 title located on the vehicle owner's property to a scrap metal
2 processor for removal to a suitable place of storage or for
3 scrapping, provided that the scrap metal processor complies with
4 the requirements of this section[.] and the scrap metal
5 processor determines after conducting a documented search of the
6 Commonwealth's electronic lien and title system that no lien on
7 the vehicle exists. The report to the department that the
8 vehicle is a salvage vehicle shall be verified by the transferor
9 of the vehicle.

10 § 1167. Penalty.

11 [A] (a) General rule.--Except as provided in subsection (b),
12 a person who violates the provisions of this subchapter commits
13 a summary offense and shall, upon conviction, be sentenced to
14 pay a fine of \$500 for each violation.

15 (b) Check for liened vehicle.--A person who violates section
16 1162(c) (relating to transfer to vehicle salvage dealer) or
17 1163(d) (relating to transfer to scrap metal processor) by
18 failing to search the Commonwealth's electronic lien and title
19 system to determine whether any liens on the vehicle exist
20 commits a misdemeanor of the third degree.

21 § 6309. Impoundment for nonpayment of fines; vehicles or
22 combinations with a gross vehicle weight rating of
23 17,001 pounds or more.

24 * * *

25 (c) Notice of impoundment.--[Except in cities of the first
26 class, the] The appropriate law enforcement officer shall search
27 the Commonwealth's electronic lien and title system for any
28 liens and lienholders on an impounded vehicle and give immediate
29 notice by the most expeditious means and by certified mail,
30 return receipt requested, of the impoundment and location of the

1 vehicle or combination to the owner of the vehicle or
2 combination and the owner of the load and any lienholders if the
3 names and addresses of the owner and any lienholder are known or
4 can be ascertained by investigation. [In cities of the first
5 class, the Philadelphia Parking Authority shall give immediate
6 notice by first class mail, proof of mailing, of the impoundment
7 and location of the vehicle or combination to the owner and the
8 lienholder of the vehicle or combination using reasonably
9 available State databases.]

10 * * *

11 § 6309.1. Impoundment for nonpayment of fines; vehicles or
12 combinations with a gross vehicle weight rating of
13 17,000 pounds or less.

14 * * *

15 (d) Notice of impoundment.--[Except in cities of the first
16 class, the] The appropriate law enforcement officer shall search
17 the Commonwealth's electronic lien and title system for any
18 liens and lienholders on an impounded vehicle and give immediate
19 notice by the most expeditious means and by certified mail,
20 return receipt requested, of the impoundment and location of the
21 vehicle or combination to the owner of the vehicle or
22 combination and any lienholder and, if applicable, any owner of
23 the load, if the names and addresses of the owner and any
24 lienholder are known or can be ascertained by investigation. [In
25 cities of the first class, the Philadelphia Parking Authority
26 shall give immediate notice by first class mail, proof of
27 mailing, of the impoundment and location of the vehicle or
28 combination to the owner and the lienholder of the vehicle or
29 combination using reasonably available State databases.]

30 * * *

1 Section 2. Title 75 is amended by adding a section to read:
2 § 6309.3. Lienholder notice of impoundment and recovery of
3 liened vehicle.

4 (a) General rule.--In addition to any required notification
5 under section 6309(c) (relating to impoundment for nonpayment of
6 finer; vehicles or combinations with a gross vehicle weight
7 rating of 17,001 pounds or more) or 6309.1(d) (relating to
8 impoundment for nonpayment of fines; vehicles or combinations
9 with a gross vehicle weight rating of 17,000 pounds or less), if
10 an impounded vehicle remains unclaimed for three days after
11 impoundment, the appropriate towing and storage agent shall
12 search the Commonwealth's electronic lien and title system for
13 any liens and lienholders on an impounded vehicle and provide
14 notice by certified mail, return receipt requested, of the
15 impoundment and location of the vehicle to any lienholder
16 ascertained through the Commonwealth's electronic lien and title
17 system. The notice shall be mailed on or before the fourth day
18 following impoundment of the vehicle and shall include the
19 vehicle identification information, including the make, model
20 and year of the vehicle and title and registration information.

21 (b) Authorization for lienholder to recover vehicle.--A
22 lienholder is authorized to recover an impounded vehicle at the
23 impoundment location upon demonstrating that the lienholder is
24 named in the Commonwealth's electronic lien and title system or
25 on the title as the lienholder of the vehicle.

26 (c) Storage fees.--Reasonable storage fees in accordance
27 with section 3353(c) (relating to prohibitions in specified
28 places) may be imposed by the appropriate towing and storage
29 agent except that the agent shall not charge a storage fee for
30 any period prior to the mailing of the notice required under

1 this section or section 6309(c) or 6309.1(d).

2 (d) Definition.--As used in this section, the term
3 "appropriate towing and storage agent" means any entity,
4 including a governmental entity and a towing and storage agent
5 designated by local ordinance, that operates a towing and
6 storage facility.

7 Section 3. This act shall take effect in 60 days.