

No. 195

AN ACT

HB 1316

Amending the act of April 29, 1959 (P.L.58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," further prohibiting the abandonment and stripping of vehicles and providing for penalties.

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

Section 1. The definition of "Abandoned Motor Vehicle" in section 102, act of April 29, 1959 (P.L.58), known as "The Vehicle Code," added July 31, 1968 (Act No. 263), is amended to read:

Section 102. Definitions.—The following words and phrases when used in this act shall, for the purpose of this act, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

"Abandoned Motor Vehicle."—(1) [Except in cities of the second class, a] A motor vehicle that is inoperable and is left unattended on public property for more than ninety-six (96) hours or; (2) a motor vehicle that has remained illegally on public property for a period of more than ninety-six (96) hours or; (3) *an inoperable motor vehicle without registration plates left standing on or along the highway; or* (4) a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than ninety-six (96) hours: Provided, That vehicles and equipment used or to be used in construction, or the operation or maintenance of public utility facilities and which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this act.

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Section 2. Section 1042 of the act is repealed.

Section 3. Sections 1043, 1222.1 and 1222.2 and subsection (a) of section 1222.3 of the act, added or amended July 31, 1968 (Act No. 263), are amended to read:

Section 1043. Abandonment *and Stripping* of Motor Vehicles Prohibited.—[Except in cities of the second class, it] (a) It shall be unlawful for any person to abandon a motor vehicle as defined in the definition of "Abandoned Motor Vehicles" in section 102 of this act.

Penalty.—Any person violating any of the provisions of this [section] subsection, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution, and, in default of payment thereof, shall undergo imprisonment for not more than five (5) days.

(b) It shall be unlawful for any person, except the owner or his agent, or as otherwise provided by this act to remove any part of an abandoned motor vehicle.

Penalty.—Any person violating the provisions of this subsection, shall, upon summary conviction, for the first offense, be sentenced to pay a fine of two hundred dollars (\$200.00) and costs of prosecution, and, in default of payment thereof, shall undergo imprisonment for not more than thirty (30) days; and, for the second or subsequent offense, be sentenced to pay a fine of five hundred dollars (\$500.00) and costs of prosecution, and, in default of payment thereof, shall undergo imprisonment for not more than sixty (60) days. Upon conviction for the offense for the first time, the secretary shall revoke the operating privileges of the person convicted for a period of two (2) years and upon conviction of the offense for a second or subsequent time, for a period of five (5) years.

Section 1222.1. Authority to Take Possession of Abandoned Motor Vehicles.—**[Except in cities of the second class, a]** A salvor may, upon the written request of a police department, take possession of and tow to his storage facility any motor vehicle found abandoned within the meaning of section 102 of this act. The written request of the police department shall contain a statement whether said motor vehicle is valueless except as junk.

Section 1222.2. Disposition of Valueless Abandoned Motor Vehicles. **[Except in cities of the second class, a]** A salvor who takes possession of any abandoned motor vehicle pursuant to section 1222.1 of this act shall report to the department within twenty-four (24) hours the make, model, manufacturer's serial number and registration plate number of the abandoned motor vehicle, the name and address of the owner or person abandoning same, if known. The report shall include a copy of the police department's written request and statement whether said motor vehicle is valueless except for junk. Where said statement indicates the motor vehicle is valueless except for junk, salvor shall include a written request for the issuance of a certificate of junk. The secretary shall issue to salvor a certificate of junk for any abandoned motor vehicle where the statement of the police department indicates said motor vehicle is valueless except for junk upon compliance with section 1222.3 of this act. Said certificate of junk may not be issued by the secretary until at least forty (40) days after the date of mailing the notice to the owner and lien holder as set forth in section 1222.3. An issuance by the secretary of a certificate of junk to the salvor where the motor vehicle is valueless except as junk, shall operate as a divestiture of all rights, title and interest in the vehicle of the owner and all lien holders.

Section 1222.3. Notification of Owner and Lien Holders of Abandoned Motor Vehicles.—**(a) [Except in cities of the second class, the]** *The* secretary, upon receipt from the salvor of notice that the salvor has

taken possession of an abandoned motor vehicle, pursuant to sections 1222.1 and 1222.2 of this act shall notify, by certified mail, return receipt requested, the last known registered owner of the motor vehicle and all lien holders of record that the vehicle has been found to be abandoned. The notice shall describe the make, model, manufacturer's serial number and registration plate number of the abandoned motor vehicle, state the location where the motor vehicle is being held, inform the owner and any lien holders of their right to reclaim the motor vehicle within thirty (30) days after the date of notice at the place where being held by the salvor, upon payment of all towing and storage charges resulting from placing the motor vehicle at the salvor's facility, and the fee required by subsection (d) of this section, and state that the failure of the owner or lien holder to reclaim the vehicle shall be deemed a consent by the owner and all lien holders to the destruction, sale or other disposition of the abandoned motor vehicle. The secretary or his designee shall, after the expiration of thirty (30) days from the date of notice sent by certified mail to the registered owner and all lien holders of record and upon receipt of a written statement from the salvor that the abandoned motor vehicle has not been reclaimed by the owner or lien holder within said thirty (30) day period, authorize the salvor to dispose of the abandoned vehicle in accordance with the provisions of this act.

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Section 4. Subsection (f) of section 1222.3 of the act is repealed.

Section 5. Section 1222.4, subsection (a) of section 1222.5 and subsections (a) and (b) of section 1222.6 of the act, added July 31, 1968 (Act No. 263), are amended to read:

Section 1222.4. Disposition of Abandoned Motor Vehicles with Value. **[Except in cities of the second class, if]** *If* an abandoned motor vehicle having value has not been reclaimed as provided in section 1222.3 of this act, the salvor shall sell the abandoned motor vehicle at a public auction. The purchaser of the motor vehicle shall take title thereto, free and clear of all liens and claims of ownership, shall receive a sales receipt from the salvor and shall be entitled to register the vehicle and receive a certificate of title. From the proceeds of the sale of such abandoned motor vehicle, the salvor shall be reimbursed for the costs of towing, storage, notice and publication costs and expenses of auction. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or record lien holder for sixty (60) days from the date of sale and shall then be deposited with the department.

Section 1222.5. Disposal to Salvors.—(a) **[Except in cities of the second class, any]** *Any* person, firm, corporation or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may apply to the police department

of the jurisdiction in which the vehicle is situated for authority to transfer the motor vehicle to a salvor.

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Section 1222.6. Payment and Reimbursement.—(a) **[Except in cities of the second class, upon]** *Upon* receipt of evidence that a salvor has removed an abandoned motor vehicle upon the request of a police department, the city, incorporated town, borough or township from which said vehicle was removed shall pay to the salvor fifteen dollars (\$15.00) for the expenses incurred in the removal and towing of the abandoned vehicle.

(b) The city **[of the first class, second class A or third class]**, incorporated town, borough or township shall be reimbursed by the Commonwealth of Pennsylvania in the amount of ten dollars (\$10.00) upon proof submitted to the secretary that it has paid a salvor for the removal of any abandoned motor vehicle.

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Section 6. This act shall take effect immediately.

APPROVED—The 15th day of January, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 195.



Raymond P. Shafer
Secretary of the Commonwealth.