

No. 1984-33

AN ACT

HB 946

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, redefining "abandoned vehicles"; and further providing for removal of vehicles.

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

Section 1. The definition of "abandoned vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 102. Definitions.

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

"Abandoned vehicle."

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

(i) **[that is]** *The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours[;].*

(ii) **[that]** *The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours[;].*

(iii) *The vehicle is [without a valid registration plate or certificate of inspection or title] left unattended on or along a highway[;] or other public property for more than 48 hours and does not bear all of the following:*

(A) *A valid registration plate.*

(B) *A certificate of inspection.*

(C) *An ascertainable vehicle identification number.*

(iv) **[that]** *The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.*

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

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Section 2. Section 3352(c) and (d) of Title 75 are amended to read:

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

* * *

(c) Removal to garage or place of safety.—Any police officer may remove or cause to be removed *to the place of business of the operator of a wrecker or* to a nearby garage or other place of safety any vehicle found upon a highway under any of the following circumstances:

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

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

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

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

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

(d) Notice to owner prior to removal.—

(1) Prior to removal of an abandoned vehicle bearing a registration plate, *certificate of inspection or vehicle identification number plate* by which the last registered owner of the vehicle can be determined, **[notice shall be sent]** *the police department shall send a notice* by certified mail to the last registered owner of the vehicle informing the owner that unless the vehicle is moved to a suitable location within **[five] seven** days of the date notice is mailed, the vehicle will be removed under this section and held at a suitable facility where it may be reclaimed by the owner in accordance with the provisions of section 7306 (relating to payment of costs upon reclaiming vehicle). If the abandoned motor vehicle does not bear an identifiable registration plate, *certificate of inspection or vehicle identification number plate*, the notice may be secured to the vehicle.

(2) If, within the **[five-day] seven-day** period, the owner so requests, the owner shall be given an opportunity to explain to the police officer or department why the owner believes the vehicle should not be **[moved] removed**. If the police officer or department determines that the vehicle shall, nonetheless, be **[moved] removed**, the owner shall be given an additional 48 hours to **[move] remove** the vehicle **[or]**, have it **[moved.] removed or demand a hearing, which shall conform to the requirements of 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies)**. *The police officer or department shall inform the owner of the right to a hearing by delivering to the owner a notice warning the owner that, unless the vehicle is removed or a hearing is demanded, the owner shall be subject to the provisions of section 7306. If, as a result of the hearing, it is determined that the vehicle will be removed, the owner shall be given an additional 48 hours to remove the vehicle or have it removed. The hearing shall be before a civilian officer or employee of the municipality in which the vehicle is located.*

(3) The provision for notice set forth in this subsection *is applicable only if the vehicle is abandoned upon a highway and is not in violation of subsection (b) or section 3351(a) or 3353. Notice under this subsection is in addition to any other notice requirements provided in Chapter 73.*

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

APPROVED—The 3rd day of April, A. D. 1984.

DICK THORNBURGH