

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 103 Session of 2023

INTRODUCED BY SCHMITT, IRVIN, JAMES AND ZIMMERMAN, MARCH 7, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 7, 2023

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
 2 Statutes, in general provisions, further providing for
 3 definitions; and, in abandoned vehicles and cargos, further
 4 providing for reports by private property owners of abandoned
 5 vehicles.

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

8 Section 1. The definition of "abandoned vehicle" in section
 9 102 of Title 75 of the Pennsylvania Consolidated Statutes are
 10 amended and the section is amended by adding a definition to
 11 read:

12 § 102. Definitions.

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

18 "Abandoned vehicle."

19 (1) A vehicle (other than a pedalcycle) shall be
 20 presumed to be abandoned under any of the following

1 circumstances, but the presumption is rebuttable by a
2 preponderance of the evidence:

3 (i) The vehicle is physically inoperable and is left
4 unattended on a highway or other public property for more
5 than 48 hours.

6 (ii) The vehicle has remained illegally on a highway
7 or other public property for a period of more than 48
8 hours.

9 (iii) The vehicle is left unattended on or along a
10 highway or other public property for more than 48 hours
11 and does not bear all of the following:

12 (A) A valid registration plate.

13 (B) A current certificate of inspection.

14 (C) An ascertainable vehicle identification
15 number.

16 (iv) The vehicle has remained on private property
17 without the consent of the owner or person in control of
18 the property for more than 24 hours.

19 (v) The vehicle has remained on the private property
20 of a salvor for 20 days.

21 (vi) The vehicle has remained on the property of a
22 wholesale vehicle auction without the consent of the
23 wholesale vehicle auction for more than three business
24 days.

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

30 * * *

1 "Wholesale vehicle auction." A person that:

2 (1) is required to be licensed for commission,
3 compensation or other consideration in the business of
4 providing wholesale vehicle auction services at an
5 established place of business, regardless of whether the
6 person has custody or control of the vehicles; and

7 (2) has the authority of the buyer or seller of a
8 vehicle to negotiate or conduct a transaction on behalf of
9 the buyer or seller under the act of December 22, 1983
10 (P.L.306, No.84), known as the Board of Vehicles Act.

11 * * *

12 Section 2. Section 7311.1 of Title 75 is amended to read:

13 § 7311.1. Reports by private property owners of abandoned
14 vehicles.

15 (a) Removal of abandoned vehicles.--

16 (1) A person on whose private property is located a
17 vehicle which has remained on the property without the
18 consent of the property owner or [his] an agent for more than
19 24 hours may authorize the removal or processing of the
20 vehicle.

21 (2) Prior to removal or processing of the vehicle,
22 [that] the person shall file a report, on a multipart form
23 prescribed by the department, with the local police
24 department declaring that an unauthorized vehicle has been
25 left unattended and on private property for at least 24
26 hours. One part of [such] the report shall be retained by
27 [that] the person[,] and the other part shall be filed with
28 the police department.

29 (3) The police department shall, within five business
30 days, process the vehicle as abandoned under this chapter and

1 attach a copy of the report to the abandoned vehicle
2 information report.

3 (b) Salvors.--

4 (1) An unauthorized vehicle that has been left
5 unattended and on private property includes a vehicle towed
6 to a salvor's property that has remained on the salvor's
7 property for a period of 20 days.

8 (2) After the 20-day period, the salvor may file a
9 report as provided under subsection (a). If the salvor elects
10 to file a report, the salvor shall retain and process the
11 vehicle for which the report has been filed.

12 (c) Wholesale vehicle auction.--

13 (1) An unauthorized vehicle that has been left
14 unattended on private property shall include a vehicle
15 intended for sale or that has been sold through a wholesale
16 vehicle auction if the vehicle has remained on the property
17 of the wholesale vehicle auction without the consent or
18 authorization of the wholesale vehicle auction for a period
19 exceeding three business days.

20 (2) After the three-day period under paragraph (1), the
21 wholesale vehicle auction may file a report under subsection
22 (a). If the wholesale vehicle auction elects to file a
23 report, the wholesale vehicle auction may remove, sell or
24 legally obtain the ownership and title of a vehicle that is
25 declared an abandoned vehicle on the property of the
26 wholesale vehicle auction for which the report has been
27 filed. The following shall apply:

28 (i) A wholesale vehicle auction that intends to sell
29 or legally obtain ownership of an abandoned vehicle shall
30 indicate the auction's intention on the report that has

1 been filed.

2 (ii) If a wholesale vehicle auction follows the
3 procedures outlined in this subchapter and the abandoned
4 vehicle remains unclaimed, the wholesale vehicle auction
5 may submit an application for a certificate of title to
6 the department.

7 (iii) If the department determines that a new
8 certificate of title should be issued, an abandoned
9 vehicle branded title shall be issued to the wholesale
10 vehicle auction.

11 (iv) After an abandoned vehicle branded title is
12 issued under subparagraph (iii), the vehicle shall be
13 offered for sale at auction by the wholesale vehicle
14 auction. Notice shall be provided to prospective buyers
15 that the title has been branded as a former abandoned
16 vehicle.

17 (v) A wholesale vehicle auction that complies with
18 this section shall not be subject to liability from the
19 owner or seller of an abandoned vehicle removed, sold or
20 otherwise disposed of under this section. A purchaser of
21 an abandoned vehicle at a wholesale vehicle auction under
22 this section shall not be subject to liability from the
23 owner or seller of the abandoned vehicle.

24 (3) The wholesale vehicle auction shall be reimbursed
25 for all applicable costs related to the storage and
26 processing of the vehicle under this subsection from the
27 proceeds of the sale of the vehicle. The remaining proceeds
28 of the sale shall be paid to the department and transmitted
29 to the State Treasurer for deposit into the Motor License
30 Fund.

1 (4) A wholesale vehicle auction may impose, charge and
2 collect reasonable fees from the owner or seller regarding an
3 abandoned vehicle. The following shall apply:

4 (i) A wholesale vehicle auction may not impose
5 storage fees of more than \$25 per day and may not impose
6 storage fees for the first three business days that the
7 vehicle has remained on the property of the wholesale
8 vehicle auction without the consent or authorization of
9 the wholesale vehicle auction.

10 (ii) If the title for the abandoned vehicle has been
11 transferred to the wholesale vehicle auction, the fees
12 associated with the storage and processing of the vehicle
13 shall be deemed to have been satisfied.

14 (iii) Information regarding the fees under this
15 paragraph shall be posted on the wholesale vehicle
16 auction's publicly accessible Internet website or
17 provided directly to each person utilizing the wholesale
18 vehicle auction's services.

19 (5) Storage fees may not be imposed by the wholesale
20 vehicle auction on or after the date of transfer of the
21 vehicle to a salvor, if applicable. If the abandoned vehicle
22 has been transferred to a salvor and the vehicle is
23 subsequently sold at a salvage auction:

24 (i) The salvor shall recover the appropriate costs
25 of towing and storage.

26 (ii) The wholesale vehicle auction shall be
27 reimbursed for the cost of storing, obtaining a title and
28 processing related to the vehicle when the additional
29 funds are available as the result of the salvor's
30 auction. The remaining proceeds of the sale shall be paid

1 to the department and transmitted to the State Treasurer
2 for deposit into the Motor License Fund.

3 Section 3. This act shall take effect in 120 days.