
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2064 Session of
2021

INTRODUCED BY SCHLEGEL CULVER, TOOHL, JAMES, HERSHEY AND
WHEELAND, NOVEMBER 9, 2021

REFERRED TO COMMITTEE ON TRANSPORTATION, NOVEMBER 9, 2021

AN ACT

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

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

16 Section 1. Section 102 of Title 75 of the Pennsylvania
17 Consolidated Statutes is amended by adding definitions to read:

18 § 102. Definitions.

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

1 * * *

2 "Lienholder or lessor abstract notice." A written or
3 electronic notice on a form developed by the department that
4 contains all of the following:

5 (1) The make, model, title number, vehicle
6 identification number and registration plate number of the
7 vehicle, if known.

8 (2) The name of the salvor or towing agent and the
9 location from where the vehicle was towed.

10 (3) The complete name of the person that authorized the
11 towing and storage of the vehicle.

12 (4) The location where the vehicle is being held.

13 (5) A breakdown of the charges due for towing, storing
14 and any administrative fees that must be paid by the owner or
15 lienholder to retrieve the vehicle.

16 (6) That the owner and any lienholder or lessor have the
17 right to reclaim the vehicle and its contents, within 30 days
18 after the notice was mailed, at the place where the vehicle
19 is being held by the salvor or appropriate towing and storage
20 agent.

21 (7) That the failure of the owner or lienholder or
22 lessor to reclaim the vehicle and its contents is deemed
23 consent by the owner to the destruction, sale or other
24 disposition of the vehicle and its contents and of all
25 lienholders or lessors to dissolution of their liens.

26 * * *

27 "Vehicle registration record." A department document to be
28 used to verify vehicle information comparable to the following:

29 (1) Whether there is a lienholder or lessor of record on
30 the vehicle and whether the lien currently exists.

- 1 (2) The name of the lienholder or lessor.
2 (3) The address of the lienholder or lessor and, when
3 necessary, the post office box.
4 (4) The expiration date of the lien or lease.
5 (5) The financial institution number assigned to the
6 lienholder or lessor, as applicable.
7 (6) When necessary, that the lien is an electronic lien.
8 (7) The electronic mail address of the lienholder or
9 lessor, as applicable.
10 (8) Any other information as determined by the
11 department.

12 * * *

13 Section 2. Section 1161(b) of Title 75 is amended and the
14 section is amended by adding a subsection to read:

15 § 1161. Certificate of salvage required.

16 * * *

17 (b) Application for certificate of salvage.--An owner who
18 transfers a vehicle to be destroyed or dismantled, salvaged or
19 recycled shall assign the certificate of title to the person to
20 whom the vehicle is transferred. Except as provided in section
21 1163, the transferee shall immediately present the assigned
22 certificate of title to the department or an authorized agent of
23 the department with an application for a certificate of salvage
24 upon a form furnished and prescribed by the department. If the
25 transferee is classified as a vehicle salvage dealer as
26 specified under section 1337(c) (2) (relating to use of
27 "Miscellaneous Motor Vehicle Business" registration plates), the
28 transferee shall satisfy the requirements provided under section
29 1162(a) before making an application to the department or an
30 authorized agent of the department for a vehicle to be

1 transferred as a salvage vehicle or a nonrepairable vehicle. If
2 the transferee is classified as a scrap metal processor and
3 registered with the Statewide registry of scrap metal processors
4 and recycling facilities in accordance with the act of October
5 9, 2008 (P.L.1408, No.113), known as the Scrap Material Theft
6 Prevention Act, the scrap metal processor shall satisfy the
7 requirements under section 1163(b.1) before notifying the
8 department that a vehicle has been processed to the extent the
9 vehicle is no longer identifiable as a vehicle. An insurer as
10 defined in section 1702 to which title to a vehicle is assigned
11 upon payment to the insured or claimant of the replacement value
12 of a vehicle shall be regarded as a transferee under this
13 subsection, and an assignment of title to an insurer under this
14 subsection is exempt from the requirements of notarization and
15 verification in section 1111(a) (relating to transfer of
16 ownership of vehicle). If an owner retains possession of a
17 vehicle which is damaged to the extent that it qualifies for
18 vehicle replacement payment, the owner shall apply for a
19 certificate of salvage immediately. In this case, an insurer
20 shall not pay vehicle replacement value until the owner produces
21 evidence to the insurer that the certificate of salvage has been
22 issued. A self-insurer as defined in section 1702 shall apply
23 for a certificate of salvage when a vehicle is damaged to the
24 extent that the cost of repairs would exceed the replacement
25 value of the vehicle as certified by a licensed motor vehicle
26 physical damage appraiser.

27 * * *

28 (c.1) Affirmation of vehicle ownership.--The department
29 shall require a person to obtain a motor vehicle title and
30 vehicle registration record from the department or an authorized

1 agent of the department, by electronic means if available, to
2 affirm that the ownership of a vehicle is not being transferred
3 as a salvage vehicle or a nonrepairable vehicle if a certificate
4 of title is encumbered with an existing lien or lease.

5 * * *

6 Section 3. Section 1162 of Title 75 is amended to read:

7 § 1162. Transfer to vehicle salvage dealer.

8 (a) General rule.--Any owner who transfers a vehicle or a
9 salvage vehicle to a vehicle salvage dealer, as defined in
10 section 1337(c)(2) (relating to use of "Miscellaneous Motor
11 Vehicle Business" registration plates), shall assign the
12 certificate of title or salvage certificate to the vehicle
13 salvage dealer. Before an owner of a vehicle may assign a
14 certificate of title to a vehicle salvage dealer for the purpose
15 of transferring ownership, the vehicle salvage dealer shall
16 obtain a motor vehicle title and vehicle registration record
17 from the department or an authorized agent of the department, by
18 electronic means, if available. A vehicle salvage dealer shall
19 not be required to obtain a motor vehicle title and vehicle
20 registration record for a vehicle when the owner currently
21 possesses a certificate of salvage for the vehicle or the
22 vehicle has been previously designated by the department as a
23 nonrepairable vehicle. If the motor vehicle title and vehicle
24 registration record affirms to the vehicle salvage dealer that
25 the owner of the vehicle has an existing lien encumbered on the
26 certificate of title, the vehicle salvage dealer shall notify
27 the existing lienholder or lessor listed on the motor vehicle
28 title and vehicle registration record in accordance with section
29 6309.3 (relating to lienholder or lessor notice of impoundment
30 and recovery of liened or leased vehicle) before submitting an

1 application for a certificate of salvage or nonrepairable
2 certificate to the department or an authorized agent of the
3 department. A vehicle salvage dealer shall not be required to
4 satisfy the requirements under section 6309.3 if the motor
5 vehicle title and vehicle registration record states that the
6 owner of the vehicle does not have an existing lien encumbered
7 on the certificate of title. A certificate of title or salvage
8 certificate for a vehicle transferred to a vehicle salvage
9 dealer is exempt from the requirements of notarization and
10 verification by a corporate officer.

11 (b) Certificate of title.--[Upon] After affirming that the
12 motor vehicle title and vehicle registration record does not
13 state that the owner of the vehicle has an existing lien
14 encumbered on the certificate of title and upon transfer of a
15 certificate of title to a salvage vehicle dealer, the salvage
16 vehicle dealer shall immediately send to the department or an
17 authorized agent of the department either of the following:

18 (1) The assigned certificate of title attached to a form
19 prescribed by the department indicating that the vehicle is
20 to be designated as a nonrepairable vehicle. A copy of the
21 form shall be retained for record in accordance with section
22 6308(d) (relating to investigation by police officers). The
23 vehicle shall not be rebuilt, retitled or issued a
24 certificate of any kind.

25 (2) The assigned certificate of title with an
26 application for a certificate of salvage upon a form
27 prescribed by the department. The certificate of salvage,
28 when issued to the vehicle salvage dealer, shall have the
29 same effect as provided in section 1161(c) (relating to
30 certificate of salvage required).

1 (b.1) Required copies.--At the department's discretion, if a
2 motor vehicle title and vehicle registration record initially
3 affirmed that a transferred vehicle was encumbered with an
4 existing lien and the vehicle salvage dealer satisfied the
5 requirements under section 6309.3, the department may require
6 the vehicle salvage dealer to include a copy of the motor
7 vehicle title and vehicle registration record and lienholder or
8 lessor abstract notice in the application for a certificate of
9 salvage or nonrepairable certificate.

10 (c) Vehicles with defective or lost title.--Any person on
11 whose property is located a vehicle which is a salvage vehicle
12 and which has a faulty, lost or destroyed title may transfer the
13 vehicle to a salvor or to a salvage program operated by a
14 political subdivision for removal to a suitable place of storage
15 or for scrapping, provided the salvor or salvage program
16 complies with the requirements of this section[, **except that**
17 **the**] and the salvor or salvage program obtains a motor vehicle
18 title and vehicle registration record from the department or an
19 authorized agent of the department which affirms that no lien on
20 the vehicle exists. The report to the department that the
21 vehicle is a salvage vehicle shall be verified by the transferor
22 of the vehicle instead of the police department. If the motor
23 vehicle title and vehicle registration record affirms to the
24 salvor or salvage program that the vehicle has an existing
25 lienholder or lessor of record, the salvor or salvage program
26 shall notify the lienholder or lessor listed on the motor
27 vehicle title and vehicle registration record in accordance with
28 section 6309.3 before submitting an application for a
29 certificate of salvage to the department. The salvor or salvage
30 program shall not be required to satisfy the requirements

1 specified under section 6309.3 if the motor vehicle title and
2 vehicle registration record states the vehicle does not have an
3 existing lienholder or lessor of record.

4 Section 4. Section 1163(a), (b), (c) and (d) of Title 75 are
5 amended and the section is amended by adding subsections to
6 read:

7 § 1163. Transfer to scrap metal processor.

8 (a) Flattened vehicles.--When a vehicle has been flattened,
9 crushed or processed to the extent that it is no longer
10 identifiable as a vehicle, its certificate of title, certificate
11 of salvage or nonrepairable certificate shall be attached to a
12 form prescribed by the department and immediately sent to the
13 department [], except a scrap metal processor registered with
14 the Statewide registry of scrap metal processors and recycling
15 facilities in accordance with the act of October 9, 2008
16 (P.L.1408, No.113), known as the Scrap Material Theft Prevention
17 Act, shall satisfy the requirements under subsection (b.1)
18 before notifying the department that a vehicle has been
19 processed to the extent the vehicle is no longer identifiable as
20 a vehicle. The form shall include such information as the
21 department shall require. A copy of the form shall be retained
22 for record in accordance with section 6308(d) (relating to
23 investigation by police officers). The vehicle scrap material
24 shall no longer be considered a vehicle and shall not be
25 reconstructed, retitled or issued a certificate of any kind.

26 (b) Vehicles.--Any owner who transfers a vehicle or a
27 salvage vehicle to a scrap metal processor shall assign the
28 certificate of title or certificate of salvage to the scrap
29 metal processor in accordance with this section. Such
30 certificate of title or certificate of salvage is exempt from

1 the requirements of notarization and verification by a corporate
2 officer.

3 (b.1) Affirmation of vehicle ownership.--Before an owner of
4 a vehicle may assign a certificate of title to a scrap metal
5 processor for the purpose of transferring ownership, the scrap
6 metal processor shall obtain a motor vehicle title and vehicle
7 registration record from the department or authorized agent of
8 the department for the vehicle. A scrap metal processor shall
9 not be required to obtain a motor vehicle title and vehicle
10 registration record for a vehicle when the owner currently
11 possesses a certificate of salvage for the vehicle or the
12 vehicle has been previously designated by the department as a
13 nonrepairable vehicle. If the motor vehicle title and vehicle
14 registration record affirms to the scrap metal processor that
15 the owner of the vehicle has an existing lien encumbered on the
16 certificate of title, the scrap metal processor shall notify the
17 existing lienholder or lessor listed on the motor vehicle title
18 and vehicle registration record in accordance with section
19 6309.3 (relating to lienholder or lessor notice of impoundment
20 and recovery of liened or leased vehicle) before notifying the
21 department of an ownership transfer in accordance with this
22 section.

23 (c) Certificate of title.--[Upon] After affirming that the
24 motor vehicle title and vehicle registration record does not
25 state that the owner of the vehicle has an existing lien
26 encumbered on the certificate of title and upon transfer of a
27 certificate of title to a scrap metal processor, the scrap metal
28 processor shall immediately send to the department or an
29 authorized agent of the department the assigned certificate of
30 title attached to a form prescribed by the department indicating

1 that the vehicle is to be designated as a nonrepairable vehicle.
2 A copy of the form shall be retained for record in accordance
3 with section 6308(d). The vehicle shall not be rebuilt, retitled
4 or issued a certificate of any kind.

5 * * *

6 (c.2) Required copies.--At the department's discretion, if a
7 motor vehicle title and vehicle registration record initially
8 affirmed that a transferred vehicle was encumbered with an
9 existing lien and the scrap metal processor satisfied the
10 requirements under section 6309.3, the department may require
11 the scrap metal processor to include a copy of the motor vehicle
12 title and vehicle registration record and lienholder or lessor
13 abstract notice in the application for a certificate of salvage.

14 (d) Vehicles with defective or lost title.--A vehicle owner
15 may transfer a salvage vehicle with a faulty, lost or destroyed
16 title located on the vehicle owner's property to a scrap metal
17 processor for removal to a suitable place of storage or for
18 scrapping, provided that the scrap metal processor complies with
19 the requirements of this section[.] and the scrap metal
20 processor obtains a motor vehicle title and vehicle registration
21 record which affirms that no lien on the vehicle exists. The
22 report to the department that the vehicle is a salvage vehicle
23 shall be verified by the transferor of the vehicle. If the motor
24 vehicle title and vehicle registration record affirms to the
25 scrap metal processor that the vehicle has an existing
26 lienholder or lessor of record, the scrap metal processor shall
27 notify the lienholder or lessor listed on the motor vehicle
28 title and vehicle registration record in accordance with section
29 6309.3 before submitting an application for a certificate of
30 salvage to the department. The scrap metal processor shall not

1 be required to satisfy the requirements specified under section
2 6309.3 if the motor vehicle title and vehicle registration
3 record states the vehicle does not have an existing lienholder
4 or lessor of record.

5 Section 5. Section 1167 of Title 75 is amended to read:
6 § 1167. Penalty.

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

12 (b) Failure to obtain motor vehicle title and vehicle
13 registration record.--A person who violates section 1162
14 (relating to transfer to vehicle salvage dealer) or 1163
15 (relating to transfer to scrap metal processor) by failing to
16 obtain a motor vehicle title and vehicle registration record and
17 to affirm that a vehicle does not have any existing lienholders
18 or lessors of record commits a summary offense and shall, upon
19 conviction, be sentenced as follows:

20 (1) For a first offense, to pay a fine of \$500.

21 (2) For a second offense, to pay a fine of \$1,000.

22 (3) For a third or subsequent offense, to pay a fine of
23 \$2,500.

24 (4) Notwithstanding paragraphs (1), (2) and (3), a
25 person who fails to obtain a motor vehicle title and vehicle
26 registration record and to affirm that the vehicle does not
27 have any existing lienholders or lessors of record, which
28 results in the loss of the vehicle, shall, upon conviction,
29 be sentenced to pay a fine of \$5,000 or the value of the
30 vehicle at the time of transfer to a vehicle salvage dealer

1 or scrap metal processor or amount of outstanding lien,
2 whichever is more.

3 (5) In addition to any other penalties authorized by
4 this title, a violation of this section shall be deemed a
5 violation of the act of December 17, 1968 (P.L.1224, No.387),
6 known as the Unfair Trade Practices and Consumer Protection
7 Law. Nothing in this title shall preclude a lienholder or
8 lessor from exercising any right provided under the Unfair
9 Trade Practices and Consumer Protection Law, and the
10 following apply:

11 (i) The Office of Attorney General shall accept
12 complaints from a lienholder or lessor in accordance with
13 this section. A lienholder or lessor may file a complaint
14 with the Bureau of Consumer Protection of the Office of
15 Attorney General.

16 (ii) A person convicted of a violation of the Unfair
17 Trade Practices and Consumer Protection Law shall be
18 sentenced to pay a civil penalty of up to \$5,000.

19 Section 6. Section 6309(c), (d) and (e) of Title 75 are
20 amended and the section is amended by adding a subsection to
21 read:

22 § 6309. Impoundment for nonpayment of fines; vehicles or
23 combinations with a gross vehicle weight rating of
24 17,001 pounds or more.

25 * * *

26 (c) Notice of impoundment.--The following apply:

27 (1) Except in cities of the first class, the appropriate
28 law enforcement officer shall give immediate notice by the
29 most expeditious means and by certified mail, return receipt
30 requested or electronic tracking of delivery, of the

1 impoundment and location of the vehicle or combination to the
2 owner of the vehicle or combination and the owner of the load
3 [and any lienholders] if the names and addresses of the owner
4 [and any lienholder] are known or can be ascertained by
5 investigation. The following apply:

6 (i) The appropriate law enforcement officer under
7 this paragraph shall obtain a motor vehicle title and
8 vehicle registration record from the department or
9 authorized agent of the department to certify that there
10 are no existing lienholders or lessors of record on the
11 certificate of title for the impounded vehicle.

12 (ii) If the motor vehicle title and vehicle
13 registration record affirms that there is an existing
14 lienholder or lessor for the impounded vehicle, the
15 appropriate law enforcement officer shall send the
16 lienholder or lessor abstract notice to the existing
17 lienholder or lessor listed on the motor vehicle title
18 and vehicle registration record in accordance with
19 section 6309.3 (relating to lienholder or lessor notice
20 of impoundment and recovery of liened or leased vehicle)
21 in addition to the notice of impoundment required under
22 this subsection.

23 (2) No impounded vehicle or combination or the load may
24 be sold as an unclaimed vehicle under section 6310 (relating
25 to disposition of impounded vehicles, combinations and loads)
26 until the appropriate law enforcement officer satisfies the
27 requirement under section 6309.3 for the purposes of
28 notifying an existing lienholder or lessor if the obtained
29 motor vehicle title and vehicle registration record affirms
30 that there is an existing lienholder or lessor.

1 (3) Notwithstanding the sending of a lienholder or
2 lessor abstract notice under section 6309.3, a law
3 enforcement officer under this section shall conduct an
4 investigation to ascertain the names and addresses of the
5 owner of the vehicle or combination and the owner of the load
6 to notify the impoundment of the vehicle or combination or
7 the load.

8 (4) In cities of the first class, the Philadelphia
9 Parking Authority shall give immediate notice by first class
10 mail, proof of mailing, of the impoundment and location of
11 the vehicle or combination to the owner [and the lienholder]
12 of the vehicle or combination and the owner of the load using
13 reasonably available State databases.

14 (5) In addition to the requirements of paragraph (4),
15 the Philadelphia Parking Authority shall obtain a motor
16 vehicle title and vehicle registration record from the
17 department or authorized agent of the department to certify
18 that there are no existing lienholders or lessors of record
19 on the certificate of title for the impounded vehicle. If the
20 motor vehicle title and vehicle registration record affirms
21 that there is an existing lienholder or lessor for the
22 impounded vehicle, the Philadelphia Parking Authority shall
23 be required to send a lienholder or lessor abstract notice to
24 the existing lienholder or lessor listed on the motor vehicle
25 title and vehicle registration record in accordance with
26 section 6309.3, in addition to the notice of impoundment
27 required under this section.

28 (6) No impounded vehicle or combination or the load may
29 be sold as an unclaimed vehicle under section 6310 until the
30 Philadelphia Parking Authority satisfies the requirements

1 under section 6309.3 for the purpose of notifying an existing
2 lienholder or lessor if the obtained motor vehicle title and
3 vehicle registration record affirms that there is an existing
4 lienholder or lessor.

5 (7) Notwithstanding the sending of a lienholder or
6 lessor abstract notice under section 6309.3, the Philadelphia
7 Parking Authority shall ascertain the names and addresses of
8 the owner of the vehicle or combination and the owner of the
9 load using reasonably available State databases to notify the
10 impoundment of the vehicle or combination or the load.

11 (c.1) Affirmation of vehicle ownership.--The department
12 shall require the Philadelphia Parking Authority to obtain a
13 motor vehicle title and vehicle registration record from the
14 department or an authorized agent of the department, by
15 electronic means if available, for the purposes of notifying a
16 person that an issuing authority has issued an impoundment order
17 for a vehicle or combination or load that has been stored at a
18 location authorized under this section. An alternative
19 application or system used by an appropriate law enforcement
20 officer or the Philadelphia Parking Authority shall be capable
21 of producing a document comparable to the motor vehicle title
22 and vehicle registration record and shall be approved by the
23 department.

24 (d) Costs.--[The] Notwithstanding the provisions of section
25 6309.3(d), the costs of the police officer, constable,
26 impoundment official, appropriate law enforcement officer or the
27 Philadelphia Parking Authority, reasonable storage costs and all
28 other reasonable costs incident to seizure and impounding under
29 subsections (a) and (b) shall be recoverable in addition to
30 costs of prosecution.

1 (e) Recovery of impounded vehicle.--

2 (1) [The] Except as provided in paragraph (1.1), the
3 owner of any vehicle or combination which has been impounded
4 under this section may obtain possession of the vehicle or
5 combination by:

6 (i) furnishing proof of valid registration and
7 financial responsibility; and

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

13 (1.1) In accordance with section 6309.3(c), the
14 recipient of a lienholder or lessor abstract notice may
15 obtain possession of the vehicle or combination by:

16 (i) furnishing a copy of the lienholder or lessor
17 abstract notice and proof of identity to affirm that the
18 individual recovering the vehicle or combination is
19 affiliated with the existing lienholder or lessor listed
20 on the abstract; and

21 (ii) paying all reasonable towing and storage fees
22 in accordance with section 3353(c) (relating to
23 prohibitions in specified places) but not any fines and
24 costs associated with the impoundment of the vehicle
25 before recovery of the vehicle or combination. The
26 recipient of the lienholder or lessor abstract notice
27 shall not be denied recovery of the vehicle or
28 combination for nonpayment of any other costs, fees or
29 fines.

30 (2) Any vehicle or combination not recovered under this

1 subsection may be sold as an unclaimed vehicle, combination
2 or load under section 6310 [(relating to disposition of
3 impounded vehicles, combinations and loads)].

4 * * *

5 Section 7. Section 6309.1(d), (e) and (f) of Title 75 are
6 amended to read:

7 § 6309.1. Impoundment for nonpayment of fines; vehicles or
8 combinations with a gross vehicle weight rating of
9 17,000 pounds or less.

10 * * *

11 (d) Notice of impoundment.--The following apply:

12 (1) Except in cities of the first class, the appropriate
13 law enforcement officer shall give immediate notice by the
14 most expeditious means and by certified mail, return receipt
15 requested, of the impoundment and location of the vehicle or
16 combination to the owner of the vehicle or combination [and
17 any lienholder] and, if applicable, any owner of the load, if
18 the names and addresses of the owner [and any lienholder] are
19 known or can be ascertained by investigation. The following
20 apply:

21 (i) The appropriate law enforcement officer shall
22 obtain a motor vehicle title and vehicle registration
23 record from the department or an authorized agent of the
24 department to certify that there are no existing
25 lienholders or lessors of record on the certificate of
26 title for the impounded vehicle.

27 (ii) If the motor vehicle title and vehicle
28 registration record affirms that there is an existing
29 lienholder or lessor for the impounded vehicle, the
30 appropriate law enforcement officer shall send a

1 lienholder or lessor abstract notice to the existing
2 lienholder or lessor listed on the motor vehicle title
3 and vehicle registration record in accordance with
4 section 6309.3 (relating to lienholder or lessor notice
5 of impoundment and recovery of liened or leased vehicle),
6 in addition to the notice of impoundment required under
7 this subsection.

8 (2) No impounded vehicle or combination or the load may
9 be sold as an unclaimed vehicle under section 6310 (relating
10 to disposition of impounded vehicles, combinations and loads)
11 until the appropriate law enforcement officer satisfies the
12 requirements under section 6309.3 for the purpose of
13 notifying an existing lienholder or lessor if the obtained
14 motor vehicle title and vehicle registration record affirms
15 that there is an existing lienholder or lessor.

16 (3) Notwithstanding the sending of a lienholder or
17 lessor abstract notice under section 6309.3, a law
18 enforcement officer under this section shall conduct an
19 investigation to ascertain the names and addresses of the
20 owner of the vehicle or combination and, if applicable, any
21 owner of the load to notify the impoundment of the vehicle or
22 combination.

23 (4) In cities of the first class, the Philadelphia
24 Parking Authority shall give immediate notice by first class
25 mail, proof of mailing, of the impoundment and location of
26 the vehicle or combination to the owner [and the lienholder]
27 of the vehicle or combination and, if applicable, any owner
28 of the load using reasonably available State databases.

29 (5) In addition to the requirements of paragraph (4),
30 the Philadelphia Parking Authority shall obtain a motor

1 vehicle title and vehicle registration record from the
2 department or an authorized agent of the department to
3 certify that there are no existing lienholders or lessors of
4 record on the certificate of title for the impounded
5 vehicle. If the motor vehicle title and vehicle registration
6 record affirms that there is an existing lienholder or lessor
7 for the impounded vehicle, the Philadelphia Parking Authority
8 shall send a lienholder or lessor abstract notice to the
9 existing lienholder or lessor listed on the motor vehicle
10 title and vehicle registration record in accordance with
11 section 6309.3, in addition to the notice of impoundment
12 required under this subsection.

13 (6) No impounded vehicle or combination or the load may
14 be sold as an unclaimed vehicle under section 6310 until the
15 Philadelphia Parking Authority satisfies the requirements
16 under section 6309.3 for the purpose of notifying an existing
17 lienholder or lessor if the obtained motor vehicle title and
18 vehicle registration record affirms that there is an existing
19 lienholder or lessor.

20 (7) Notwithstanding the sending of a lienholder or
21 lessor abstract notice under section 6309.3, the Philadelphia
22 Parking Authority shall ascertain the names and addresses of
23 the owner of the vehicle or combination and, if applicable,
24 any owner of the load by using reasonably available State
25 databases to notify the impoundment of the vehicle or
26 combination and, if applicable any owner of the load by using
27 reasonably available State databases to notify the
28 impoundment of the vehicle or combination and, if applicable,
29 any owner of the load.

30 (e) Costs.--[The] Notwithstanding the provisions of section

1 6309.3(d), the costs of the police officer, constable,
2 impoundment official, appropriate law enforcement officer or
3 Philadelphia Parking Authority, reasonable storage costs and all
4 other reasonable costs incident to seizure and impounding under
5 subsections (b) and (c) shall be recoverable in addition to
6 costs of prosecution.

7 (f) Recovery of impounded vehicle.--

8 (1) [The] Except as provided in paragraph (1.1), the
9 owner of any vehicle or combination which has been impounded
10 under this section may obtain possession of the vehicle or
11 combination by:

12 (i) furnishing proof of valid registration and
13 financial responsibility; and

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

19 (1.1) In accordance with section 6309.3(c), the
20 recipient of a lienholder or lessor abstract notice may
21 obtain possession of the vehicle or combination by:

22 (i) furnishing a copy of the lienholder or lessor
23 abstract notice and proof of identity to affirm that the
24 individual recovering the vehicle or combination is
25 affiliated with the existing lienholder or lessor listed
26 on the abstract; and

27 (ii) paying all reasonable towing and storage fees
28 in accordance with section 3353(c) (relating to
29 prohibitions in specified places) but not any fines and
30 costs associated with the impoundment of the vehicle

1 before recovery of the vehicle or combination.

2 (2) Any vehicle or combination not recovered under this
3 subsection may be sold as an unclaimed vehicle, combination
4 or load under section 6310 [(relating to disposition of
5 impounded vehicles, combinations and loads)].

6 * * *

7 Section 8. Title 75 is amended by adding a section to read:
8 § 6309.3. Lienholder or lessor notice of impoundment and
9 recovery of liened or leased vehicle.

10 (a) Affirmation of vehicle ownership.--If a person obtained
11 a motor vehicle title and vehicle registration record from the
12 department or an authorized agent of the department that affirms
13 that a vehicle has an existing lienholder or lessor of record
14 encumbered on the certificate of title, that person shall send
15 the existing lienholder or lessor listed on the motor vehicle
16 title and vehicle registration record a lienholder or lessor
17 abstract notice in accordance with subsection (b). A person
18 shall not be mandated to satisfy requirements under subsection
19 (b) when a motor vehicle title and vehicle registration record
20 states a vehicle does not have an existing lienholder or lessor
21 encumbered on the vehicle.

22 (b) Lienholder or lessor abstract notice.--A lienholder or
23 lessor abstract notice shall be provided by a person required to
24 obtain a motor vehicle title and vehicle registration record
25 under section 1162 (relating to transfer to vehicle salvage
26 dealer), 1163 (relating to transfer to scrap metal processor),
27 6309 (relating to impoundment for nonpayment of fines; vehicles
28 or combinations with a gross vehicle weight rating of 17,001
29 pounds or more) or 6309.1 (relating to impoundment for
30 nonpayment of fines; vehicles or combinations with a gross

1 vehicle weight rating of 17,000 pounds or less). A lienholder or
2 lessor abstract notice shall be provided to the existing
3 lienholder or lessor listed on the motor vehicle title and
4 vehicle registration record within three days after obtaining a
5 motor vehicle title and vehicle registration record from the
6 department or an authorized agent of the department. The notice
7 shall state a vehicle has an existing lienholder or lessor
8 encumbered on the certificate of title. A lienholder or lessor
9 abstract notice shall be sent in accordance with the following:

10 (1) If the lienholder or lessor abstract notice is
11 written, the lienholder or lessor abstract notice shall be
12 sent by certified mail, return receipt requested or with
13 electronic tracking of delivery.

14 (2) If the lienholder or lessor abstract notice is
15 electronic, the lienholder or lessor abstract notice shall be
16 typed on an official document and sent by electronic mail if
17 the motor vehicle title and vehicle registration record
18 provide an electronic mail address for the existing
19 lienholder or lessor listed. If the motor vehicle title and
20 vehicle registration record do not list an electronic mail
21 address, the person required to obtain a motor vehicle title
22 and vehicle registration record shall send the notice as
23 specified under paragraph (1).

24 (c) Authorization to recover vehicle.--An existing
25 lienholder or lessor listed on the motor vehicle title and
26 vehicle registration record may recover the vehicle at the
27 location stated on the lienholder or lessor abstract notice
28 within 30 days after the date the lienholder or lessor abstract
29 notice was sent. Before the existing lienholder or lessor may
30 recover the vehicle under this subsection, the existing

1 lienholder or lessor shall respond to the lienholder or lessor
2 abstract notice by agreeing to a date with the person sending
3 the notice for recovery of the vehicle and pay any accrued
4 reasonable towing and storage fees under subsection (d). For the
5 purposes of recovering an impounded vehicle as provided in
6 section 6309.1(e)(1.1) and (f)(1.1), an existing lienholder or
7 lessor that received a lienholder or lessor abstract notice
8 shall be responsible to pay all reasonable towing and storage
9 fees in accordance with subsection (d) but not any fines and
10 costs associated with the vehicle being impounded before
11 recovering the vehicle or combination. An existing lienholder or
12 lessor shall not be responsible to pay any reasonable towing and
13 storage fees associated with the impounded vehicle if the
14 lienholder or lessor does not opt to recover the vehicle.

15 (d) Towing and storage fees.--Reasonable towing and storage
16 fees in accordance with section 3353(c) (relating to
17 prohibitions in specified places) may be imposed by the person
18 sending the lienholder or lessor abstract notice to the existing
19 lienholder or lessor listed on the motor vehicle title and
20 vehicle registration record. The person sending the lienholder
21 or lessor abstract notice may not charge a storage fee for any
22 additional days after the existing lienholder or lessor
23 responded to the lienholder or lessor abstract notice and agreed
24 to a date with the person sending the notice to remove the
25 vehicle from the place the vehicle is being held. If the
26 existing lienholder or lessor fails to remove the vehicle from
27 the place the vehicle is being held after the agreed upon date,
28 the person may charge a storage fee for any additional days
29 after the agreed upon date until the 30-day period has expired.

30 (e) Penalty.--A person who violates this section by failing

1 to provide an existing lienholder or lessor a lienholder or
2 lessor abstract notice in accordance with this section commits a
3 summary offense and shall, upon conviction, be sentenced as
4 follows:

5 (1) For a first offense, to pay a fine of \$500.

6 (2) For a second offense, to pay a fine of \$1,000.

7 (3) For a third or subsequent offense, to pay a fine of
8 \$2,500.

9 (4) Notwithstanding paragraphs (1), (2) and (3), a
10 person who violates this section by failing to provide an
11 existing lienholder or lessor a lienholder or lessor abstract
12 notice in accordance with this section, which results in the
13 loss of vehicle, shall, upon conviction, be sentenced to pay
14 a fine of \$5,000 or the value of the vehicle at impoundment
15 or amount of outstanding lien, whichever is more.

16 (5) In addition to any other penalties authorized by
17 this title, a violation of this section shall be deemed a
18 violation of the act of December 17, 1968 (P.L.1224, No.387),
19 known as the Unfair Trade Practices and Consumer Protection
20 Law. Nothing in this title shall preclude a lienholder or
21 lessor from exercising any right provided under the Unfair
22 Trade Practices and Consumer Protection Law, and the
23 following apply:

24 (i) The Office of Attorney General shall accept
25 complaints from a lienholder or lessor pursuant to this
26 section. A lienholder or lessor may file a complaint with
27 the Bureau of Consumer Protection of the Office of
28 Attorney General.

29 (ii) A person convicted of a violation of the Unfair
30 Trade Practices and Consumer Protection Law shall be

1 sentenced to pay a civil penalty of up to \$5,000.

2 Section 9. This act shall take effect in 60 days.