

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1129 Session of 2024

INTRODUCED BY FLYNN, ROTHMAN, FONTANA, COSTA, CULVER AND COLEMAN, APRIL 4, 2024

SENATOR LANGERHOLC, TRANSPORTATION, AS AMENDED, JUNE 11, 2024

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 transfer to vehicle salvage dealer and
5 for transfer to scrap metal processor-; AND, IN ABANDONED <--
6 VEHICLES AND CARGOS, FURTHER PROVIDING FOR REPORTS BY PRIVATE
7 PROPERTY OWNERS OF ABANDONED VEHICLES.

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

10 Section 1. Sections 1162(a) and 1163(a) of Title 75 of the <--
11 Pennsylvania Consolidated Statutes are amended and the sections
12 are amended by adding subsections to read:

13 SECTION 1. THE DEFINITION OF "ABANDONED VEHICLE" IN SECTION <--
14 102 OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS
15 AMENDED AND THE SECTION IS AMENDED BY ADDING A DEFINITION TO
16 READ:

17 § 102. DEFINITIONS.

18 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
19 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
20 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN

1 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
2 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

3 "ABANDONED VEHICLE."

4 (1) A VEHICLE (OTHER THAN A PEDALCYCLE) SHALL BE
5 PRESUMED TO BE ABANDONED UNDER ANY OF THE FOLLOWING
6 CIRCUMSTANCES, BUT THE PRESUMPTION IS REBUTTABLE BY A
7 PREPONDERANCE OF THE EVIDENCE:

8 (I) THE VEHICLE IS PHYSICALLY INOPERABLE AND IS LEFT
9 UNATTENDED ON A HIGHWAY OR OTHER PUBLIC PROPERTY FOR MORE
10 THAN 48 HOURS.

11 (II) THE VEHICLE HAS REMAINED ILLEGALLY ON A HIGHWAY
12 OR OTHER PUBLIC PROPERTY FOR A PERIOD OF MORE THAN 48
13 HOURS.

14 (III) THE VEHICLE IS LEFT UNATTENDED ON OR ALONG A
15 HIGHWAY OR OTHER PUBLIC PROPERTY FOR MORE THAN 48 HOURS
16 AND DOES NOT BEAR ALL OF THE FOLLOWING:

17 (A) A VALID REGISTRATION PLATE.

18 (B) A CURRENT CERTIFICATE OF INSPECTION.

19 (C) AN ASCERTAINABLE VEHICLE IDENTIFICATION
20 NUMBER.

21 (IV) THE VEHICLE HAS REMAINED ON PRIVATE PROPERTY
22 WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CONTROL OF
23 THE PROPERTY FOR MORE THAN 24 HOURS.

24 (V) THE VEHICLE HAS REMAINED ON THE PRIVATE PROPERTY
25 OF A SALVOR FOR 20 DAYS.

26 (VI) THE VEHICLE HAS REMAINED ON THE PROPERTY OF A
27 WHOLESALE VEHICLE AUCTION WITHOUT THE CONSENT OF THE
28 WHOLESALE VEHICLE AUCTION FOR MORE THAN THREE BUSINESS
29 DAYS.

30 (2) VEHICLES AND EQUIPMENT USED OR TO BE USED IN

1 CONSTRUCTION OR IN THE OPERATION OR MAINTENANCE OF HIGHWAYS
2 OR PUBLIC UTILITY FACILITIES, WHICH ARE LEFT IN A MANNER
3 WHICH DOES NOT INTERFERE WITH THE NORMAL MOVEMENT OF TRAFFIC,
4 SHALL NOT BE CONSIDERED TO BE ABANDONED.

5 * * *

6 "WHOLESALE VEHICLE AUCTION." A PERSON THAT:

7 (1) IS REQUIRED TO BE LICENSED FOR COMMISSION,
8 COMPENSATION OR OTHER CONSIDERATION IN THE BUSINESS OF
9 PROVIDING WHOLESALE VEHICLE AUCTION SERVICES AT AN
10 ESTABLISHED PLACE OF BUSINESS, REGARDLESS OF WHETHER THE
11 PERSON HAS CUSTODY OR CONTROL OF THE VEHICLES; AND

12 (2) HAS THE AUTHORITY OF THE BUYER OR SELLER OF A
13 VEHICLE TO NEGOTIATE OR CONDUCT A TRANSACTION ON BEHALF OF
14 THE BUYER OR SELLER UNDER THE ACT OF DECEMBER 22, 1983
15 (P.L.306, NO.84), KNOWN AS THE BOARD OF VEHICLES ACT.

16 * * *

17 SECTION 2. SECTIONS 1162(A) AND 1163(A) OF TITLE 75 ARE
18 AMENDED AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO
19 READ:

20 § 1162. Transfer to vehicle salvage dealer.

21 (a) General rule.--[Any] Except as provided under subsection
22 (d), any owner who transfers a vehicle or a salvage vehicle to a
23 vehicle salvage dealer, as defined in section 1337(c)(2)
24 (relating to use of "Miscellaneous Motor Vehicle Business"
25 registration plates), shall assign the certificate of title or
26 salvage certificate to the vehicle salvage dealer. A certificate
27 of title or salvage certificate for a vehicle transferred to a
28 vehicle salvage dealer is exempt from the requirements of
29 notarization and verification by a corporate officer.

30 * * *

1 (d) Title not required.--Notwithstanding any other provision
2 of law, a vehicle salvage dealer may purchase from an insurer a
3 vehicle on which a total loss payment has been made by an
4 insurer without obtaining a certificate of title or salvage
5 certificate for the vehicle if all of the following apply:

6 (1) The vehicle is purchased from an insurer by a
7 vehicle salvage dealer solely for the purposes of recycling
8 parts, dismantling or scrap.

9 (2) Within five business days of the transfer of the
10 vehicle from an insurer to a vehicle salvage dealer, the
11 vehicle salvage dealer submits to the department a form, as
12 specified and provided by the department and posted on the
13 department's publicly accessible Internet website, that
14 contains the following:

15 (i) The vehicle information, including year, make,
16 model and vehicle identification number.

17 (ii) Insurer information.

18 (iii) Vehicle salvage dealer information.

19 (iv) Anticipated method and date of final
20 disposition of dismantled vehicle.

21 (v) An attestation by an authorized representative
22 of the vehicle salvage dealer that the vehicle is being
23 purchased solely for the purposes of recycling parts,
24 dismantling or scrap.

25 (vi) A certificate of title or salvage certificate,
26 if available, or a bill of sale that memorializes the
27 transfer of the vehicle between the insurer and the
28 vehicle salvage dealer.

29 ~~(3) The vehicle salvage dealer does not begin the~~ <--
30 ~~dismantling or destruction of the vehicle until five business~~

1 ~~days after the submission of the form specified under~~
2 ~~paragraph (2).~~

3 § 1163. Transfer to scrap metal processor.

4 (a) Flattened vehicles.--~~[When]~~ Except as provided under
5 subsection (e), when a vehicle has been flattened, crushed or
6 processed to the extent that it is no longer identifiable as a
7 vehicle, its certificate of title, certificate of salvage or
8 nonrepairable certificate shall be attached to a form prescribed
9 by the department and immediately sent to the department. The
10 form shall include such information as the department shall
11 require. A copy of the form shall be retained for record in
12 accordance with section 6308(d) (relating to investigation by
13 police officers). The vehicle scrap material shall no longer be
14 considered a vehicle and shall not be reconstructed, retitled or
15 issued a certificate of any kind.

16 * * *

17 (e) Title not required.--Notwithstanding any other provision
18 of law, a scrap metal processor may purchase from an insurer a
19 vehicle on which a total loss payment has been made by an
20 insurer without obtaining a certificate of title or salvage
21 certificate for the vehicle if all of the following apply:

22 (1) The vehicle is purchased from an insurer by a scrap
23 metal processor solely for the purposes of recycling parts,
24 dismantling or scrap.

25 (2) Within five business days of the transfer of the
26 vehicle from an insurer to a scrap metal processor, the scrap
27 metal processor submits to the department a form, as
28 specified and provided by the department and posted on the
29 department's publicly accessible Internet website, that
30 contains the following:

1 (i) The vehicle information, including year, make,
2 model and vehicle identification number.

3 (ii) Insurer information.

4 (iii) Scrap metal processor information.

5 (iv) Anticipated method and date of final
6 disposition of dismantled vehicle.

7 (v) An attestation by an authorized representative
8 of the scrap metal processor that the vehicle is being
9 purchased solely for the purposes of recycling parts,
10 dismantling or scrap.

11 (vi) A certificate of title or certificate of
12 salvage, if available, or a bill of sale that
13 memorializes the transfer of the vehicle between the
14 insurer and the scrap metal processor.

15 ~~(3) The scrap metal processor does not begin the~~ <--
16 ~~dismantling or destruction of the vehicle until five business~~
17 ~~days following the submission of the form specified under~~
18 ~~paragraph (2).~~

19 SECTION 3. SECTION 7311.1 OF TITLE 75 IS AMENDED TO READ: <--

20 § 7311.1. REPORTS BY PRIVATE PROPERTY OWNERS OF ABANDONED
21 VEHICLES.

22 (A) REMOVAL OF ABANDONED VEHICLES.--

23 (1) A PERSON ON WHOSE PRIVATE PROPERTY IS LOCATED A
24 VEHICLE WHICH HAS REMAINED ON THE PROPERTY WITHOUT THE
25 CONSENT OF THE PROPERTY OWNER OR [HIS] AN AGENT FOR MORE THAN
26 24 HOURS MAY AUTHORIZE THE REMOVAL OR PROCESSING OF THE
27 VEHICLE.

28 (2) PRIOR TO REMOVAL OR PROCESSING OF THE VEHICLE,
29 [THAT] THE PERSON SHALL FILE A REPORT, ON A MULTIPART FORM
30 PRESCRIBED BY THE DEPARTMENT, WITH THE LOCAL POLICE

1 DEPARTMENT DECLARING THAT AN UNAUTHORIZED VEHICLE HAS BEEN
2 LEFT UNATTENDED AND ON PRIVATE PROPERTY FOR AT LEAST 24
3 HOURS. ONE PART OF [SUCH] THE REPORT SHALL BE RETAINED BY
4 [THAT] THE PERSON[,] AND THE OTHER PART SHALL BE FILED WITH
5 THE POLICE DEPARTMENT.

6 (3) THE POLICE DEPARTMENT SHALL, WITHIN FIVE BUSINESS
7 DAYS, PROCESS THE VEHICLE AS ABANDONED UNDER THIS CHAPTER AND
8 ATTACH A COPY OF THE REPORT TO THE ABANDONED VEHICLE
9 INFORMATION REPORT.

10 (B) SALVORS.--

11 (1) AN UNAUTHORIZED VEHICLE THAT HAS BEEN LEFT
12 UNATTENDED AND ON PRIVATE PROPERTY INCLUDES A VEHICLE TOWED
13 TO A SALVOR'S PROPERTY THAT HAS REMAINED ON THE SALVOR'S
14 PROPERTY FOR A PERIOD OF 20 DAYS.

15 (2) AFTER THE 20-DAY PERIOD, THE SALVOR MAY FILE A
16 REPORT AS PROVIDED UNDER SUBSECTION (A). IF THE SALVOR ELECTS
17 TO FILE A REPORT, THE SALVOR SHALL RETAIN AND PROCESS THE
18 VEHICLE FOR WHICH THE REPORT HAS BEEN FILED.

19 (C) WHOLESALE VEHICLE AUCTION.--

20 (1) AN UNAUTHORIZED VEHICLE THAT HAS BEEN LEFT
21 UNATTENDED ON PRIVATE PROPERTY SHALL INCLUDE A VEHICLE
22 INTENDED FOR SALE OR THAT HAS BEEN SOLD THROUGH A WHOLESALE
23 VEHICLE AUCTION IF THE VEHICLE HAS REMAINED ON THE PROPERTY
24 OF THE WHOLESALE VEHICLE AUCTION WITHOUT THE CONSENT OR
25 AUTHORIZATION OF THE WHOLESALE VEHICLE AUCTION FOR A PERIOD
26 EXCEEDING THREE BUSINESS DAYS.

27 (2) AFTER THE THREE-DAY PERIOD UNDER PARAGRAPH (1), THE
28 WHOLESALE VEHICLE AUCTION MAY FILE A REPORT UNDER SUBSECTION
29 (A). IF THE WHOLESALE VEHICLE AUCTION ELECTS TO FILE A
30 REPORT, THE WHOLESALE VEHICLE AUCTION MAY REMOVE, SELL OR

1 LEGALLY OBTAIN THE OWNERSHIP AND TITLE OF A VEHICLE THAT IS
2 DECLARED AN ABANDONED VEHICLE ON THE PROPERTY OF THE
3 WHOLESALE VEHICLE AUCTION FOR WHICH THE REPORT HAS BEEN
4 FILED. THE FOLLOWING SHALL APPLY:

5 (I) A WHOLESALE VEHICLE AUCTION THAT INTENDS TO SELL
6 OR LEGALLY OBTAIN OWNERSHIP OF AN ABANDONED VEHICLE SHALL
7 INDICATE THE AUCTION'S INTENTION ON THE REPORT THAT HAS
8 BEEN FILED.

9 (II) IF A WHOLESALE VEHICLE AUCTION FOLLOWS THE
10 PROCEDURES OUTLINED IN THIS SUBCHAPTER AND THE ABANDONED
11 VEHICLE REMAINS UNCLAIMED, THE WHOLESALE VEHICLE AUCTION
12 MAY SUBMIT AN APPLICATION FOR A CERTIFICATE OF TITLE TO
13 THE DEPARTMENT.

14 (III) IF THE DEPARTMENT DETERMINES THAT A NEW
15 CERTIFICATE OF TITLE SHOULD BE ISSUED, AN ABANDONED
16 VEHICLE BRANDED TITLE SHALL BE ISSUED TO THE WHOLESALE
17 VEHICLE AUCTION.

18 (IV) AFTER AN ABANDONED VEHICLE BRANDED TITLE IS
19 ISSUED UNDER SUBPARAGRAPH (III), THE VEHICLE SHALL BE
20 OFFERED FOR SALE AT AUCTION BY THE WHOLESALE VEHICLE
21 AUCTION. NOTICE SHALL BE PROVIDED TO PROSPECTIVE BUYERS
22 THAT THE TITLE HAS BEEN BRANDED AS A FORMER ABANDONED
23 VEHICLE.

24 (V) A WHOLESALE VEHICLE AUCTION THAT COMPLIES WITH
25 THIS SECTION SHALL NOT BE SUBJECT TO LIABILITY FROM THE
26 OWNER OR SELLER OF AN ABANDONED VEHICLE REMOVED, SOLD OR
27 OTHERWISE DISPOSED OF UNDER THIS SECTION. A PURCHASER OF
28 AN ABANDONED VEHICLE AT A WHOLESALE VEHICLE AUCTION UNDER
29 THIS SECTION SHALL NOT BE SUBJECT TO LIABILITY FROM THE
30 OWNER OR SELLER OF THE ABANDONED VEHICLE.

1 (3) THE WHOLESALE VEHICLE AUCTION SHALL BE REIMBURSED
2 FOR ALL APPLICABLE COSTS RELATED TO THE STORAGE AND
3 PROCESSING OF THE VEHICLE UNDER THIS SUBSECTION FROM THE
4 PROCEEDS OF THE SALE OF THE VEHICLE. THE REMAINING PROCEEDS
5 OF THE SALE SHALL BE PAID TO THE DEPARTMENT AND TRANSMITTED
6 TO THE STATE TREASURER FOR DEPOSIT INTO THE MOTOR LICENSE
7 FUND.

8 (4) A WHOLESALE VEHICLE AUCTION MAY IMPOSE, CHARGE AND
9 COLLECT REASONABLE FEES FROM THE OWNER OR SELLER REGARDING AN
10 ABANDONED VEHICLE. THE FOLLOWING SHALL APPLY:

11 (I) A WHOLESALE VEHICLE AUCTION MAY NOT IMPOSE
12 STORAGE FEES OF MORE THAN \$25 PER DAY AND MAY NOT IMPOSE
13 STORAGE FEES FOR THE FIRST THREE BUSINESS DAYS THAT THE
14 VEHICLE HAS REMAINED ON THE PROPERTY OF THE WHOLESALE
15 VEHICLE AUCTION WITHOUT THE CONSENT OR AUTHORIZATION OF
16 THE WHOLESALE VEHICLE AUCTION.

17 (II) IF THE TITLE FOR THE ABANDONED VEHICLE HAS BEEN
18 TRANSFERRED TO THE WHOLESALE VEHICLE AUCTION, THE FEES
19 ASSOCIATED WITH THE STORAGE AND PROCESSING OF THE VEHICLE
20 SHALL BE DEEMED TO HAVE BEEN SATISFIED.

21 (III) INFORMATION REGARDING THE FEES UNDER THIS
22 PARAGRAPH SHALL BE POSTED ON THE WHOLESALE VEHICLE
23 AUCTION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE OR
24 PROVIDED DIRECTLY TO EACH PERSON UTILIZING THE WHOLESALE
25 VEHICLE AUCTION'S SERVICES.

26 (5) STORAGE FEES MAY NOT BE IMPOSED BY THE WHOLESALE
27 VEHICLE AUCTION ON OR AFTER THE DATE OF TRANSFER OF THE
28 VEHICLE TO A SALVOR, IF APPLICABLE. IF THE ABANDONED VEHICLE
29 HAS BEEN TRANSFERRED TO A SALVOR AND THE VEHICLE IS
30 SUBSEQUENTLY SOLD AT A SALVAGE AUCTION:

1 (I) THE SALVOR SHALL RECOVER THE APPROPRIATE COSTS
2 OF TOWING AND STORAGE.

3 (II) THE WHOLESALE VEHICLE AUCTION SHALL BE
4 REIMBURSED FOR THE COST OF STORING, OBTAINING A TITLE AND
5 PROCESSING RELATED TO THE VEHICLE WHEN THE ADDITIONAL
6 FUNDS ARE AVAILABLE AS THE RESULT OF THE SALVOR'S
7 AUCTION. THE REMAINING PROCEEDS OF THE SALE SHALL BE PAID
8 TO THE DEPARTMENT AND TRANSMITTED TO THE STATE TREASURER
9 FOR DEPOSIT INTO THE MOTOR LICENSE FUND.

10 Section 2 4. This act shall take effect ~~in 60 days~~. AS <--
11 FOLLOWS:

12 (1) THE AMENDMENT OR ADDITION OF 75 PA.C.S. §§ 1162(A)
13 AND (D) AND 1163(A) AND (E) SHALL TAKE EFFECT IN 60 DAYS.

14 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

15 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 120
16 DAYS.