

Salvor Manual

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INTRODUCTION

This manual is designed to assist you when applying to be a licensed salvor and assist in the execution of salvor applications. It provides you with the information needed to successfully establish your business of towing abandoned vehicles in the Commonwealth of Pennsylvania.

Enclosed are the instructions for completing the forms involved in the processing of abandoned vehicles. You must be licensed as a Vehicle Salvage Dealer or Repair Towing Service prior to obtaining a Certificate of Authorization for processing abandoned vehicles. All application procedures are contained in this manual.

If you have any questions or need help in completing any of these forms, please call the PennDOT's Call Center at 717-412-5300 for assistance. TTY callers-please dial 711 to reach us.

NOTE: Repair Towing Services can only be licensed as a salvor if there is no qualified vehicle salvage dealer in a county.

SALVOR APPLICATION PROCESS

Vehicle Salvage Dealer/Salvor Information

To register as a Vehicle Salvage Dealer or Repair Towing Service, Forms MV-359, MV-375, MV-951, SP4-164 and Salvor Dealer Certification (if necessary, as regulated under the guidelines of the Outdoor Advertising Control Act of 1971), must be completed and returned to the Bureau of Motor Vehicles. Instructions for completing these forms begin on the pages following this general information.

The following definitions are applicable to registering as a Miscellaneous Motor Vehicle Business Dealer and/or Salvor:

Bureau - The Bureau of Motor Vehicles of the Department of Transportation.

Department - The Department of Transportation of the Commonwealth of Pennsylvania.

Police department - The State Police or the law enforcement agency of a county, city or incorporated town, borough or township.

Abandoned Vehicle - 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) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.
- (ii) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.
- (iii) The vehicle is 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 current certificate of inspection.
 - c) An ascertainable vehicle identification number.
- (iv) The vehicle has remained on private property without consent of the owner or person in control of the property for more than 24 hours.
- (v) The vehicle has remained on the private property of a salvor for 20 days.

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 that does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

Nonrepairable Vehicle - An Abandoned Vehicle under paragraph (1) (iii) of the definitions of "abandoned vehicle," which is incapable of safe operation for use on roadways or highways and has no resale value except as a source of parts or scrap only, a salvage vehicle issued a nonrepairable or nonrebuildable vehicle document by another state or a vehicle a salvor or vehicle salvage dealer designates as a source for parts or scrap or the owner irreversibly designates as a source for parts or scrap. Such vehicles may not be issued a Certificate of Title or Certificate of Salvage.

Salvage Vehicle - A vehicle which is inoperable or unable to meet the vehicle equipment and inspection standards to the extent that the cost of repairs would exceed the value of the repaired vehicle. The term does not include a vehicle that would qualify as an antique or classic vehicle except for its lack of restoration or maintenance.

Vehicle Identification Number or VIN - A combination of numerals or letters or both that the manufacturer assigns to a vehicle for identification purposes, or in the absence of a manufacturer-assigned number, that the department assigns to a vehicle for identification purposes.

Miscellaneous Motor Vehicle Business, Vehicle Salvage Dealer - Any person regularly engaged in the business of acquiring and dismantling used, wrecked, damaged, abandoned or salvage vehicles for the purpose of selling the usable parts and selling the remaining vehicle bulk materials for recycling or processing.

Miscellaneous Motor Vehicle Business, Repair Towing Service - Any person regularly engaged in the business of mechanical or body repairs or towing of motor vehicles owned and operated by other persons for direct compensation.

Established Place of Business - The place actually occupied either continuously or at regular periods by a dealer, manufacturer or other vehicle-related business where the books and records are kept and a large share of business transactions occur.

Miscellaneous Motor Vehicle Business (MMVB) Plate - A MMVB registration plate is issued to a Miscellaneous Motor Vehicle Business and may be displayed on vehicles owned or in the possession of the business in lieu of registering each vehicle individually.

Miscellaneous Motor Vehicle Business plates may only be used when the vehicle is used for one of the following purposes:

1. In the conduct of the miscellaneous motor vehicle business. If the owner of the miscellaneous motor vehicle business is engaged in another business, the miscellaneous motor vehicle business plate(s) may not be used on vehicles in the other business, nor may be used on vehicles used in both businesses.
2. For the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of the owners immediate family or when the business is a corporation; for the pleasure or use of not more than three officers or members of their families, or for the personal use of the regular employees. A spouse or child of the registrant or a parent, brother or sister of the registrant, who lives in the same residence as the registrant, is defined as immediate family.

All vehicles specified in the above sub paragraphs must be titled in the name of the business or family member, and sales tax must be paid.

In addition to issuing Miscellaneous Motor Vehicle Business registration plates, the Department will issue registration cards. Every registrant will be furnished with two types of registration cards:

1. A separate, original card for each registration plate, containing the name and address of the registrant, the dealer/business partner identification number assigned, the expiration date of the registration and the number of the plate.
2. A summary card in the form of a computer printout, containing the name and address of the registrant, dealer/business partner identification number assigned, the registration plate number for each plate assigned and the expiration date of the registration. The registrant may make photocopies of this type of card, which shall have the same capability as the original card and may be exhibited, when required, in lieu of the original card.

Upon receipt of the registration cards and summary sheet, the registrant shall sign their name in ink in the space provided. One of the two types of registration cards for the registration plate being used on a vehicle shall be in the possession of the person driving or in control of the vehicle or carried in the vehicle and shall be exhibited upon demand of any police officer.

RESPONSIBILITIES OF MISCELLANEOUS MOTOR VEHICLE BUSINESS REGISTRANTS

1. **Change of Ownership** - The registrant shall notify PennDOT using Form MV-359 (Application for Miscellaneous Motor Vehicle Business Registration Plates) within five days of any change of ownership. The following are regarded as changes of ownership:
 - a. Whenever the owner takes a new partner;
 - b. Whenever the owner sells the business;
 - c. Incorporation of a business; or,
 - d. Sales of controlling interest in a corporation.
2. **Change of Address** - The registrant shall notify PennDOT before changing its place of business and shall notify PennDOT immediately of any change in mailing address.
3. **Lost or Stolen Plates** - The registrant shall notify PennDOT and the police within two days of discovering the loss or theft of any registration plate.
4. The registrant shall return the registration plates immediately to PennDOT when the registration has been revoked or suspended.
5. The registration plates shall be returned to PennDOT within five days when there is a change in the nature of the business so that the registrant is no longer qualified to be licensed as a Miscellaneous Motor Vehicle Business or the discontinuation of the business.
6. PennDOT may, at its discretion, require certified checks, postal or money orders or cash from any registrant after a default in the payment of checks or drafts of the registrant.
7. Sanctions for violations of Title 67, Chapters 53 and 253 are listed in the appendix.

Instructions for Completing Form MV-359, "Application for Miscellaneous Motor Vehicle Business Registration Plates"

NOTE: Form MV-359 may be found on our website at www.dmv.pa.gov.

1. All information must be typed in full. List name of business exactly as Miscellaneous Motor Vehicle Business registration is to be issued. Address must have a physical street address. Post Office Box may be used in addition to the street address. Include business telephone and home telephone numbers. The license issued will be valid only at the business address listed on this application.
2. Check appropriate box for type of business and if location is owned or leased.
3. List all owners, partners or corporate officers. The official titles are required. Additional sheets may be used, if necessary.
4. List other businesses at the same location.
5. Answer each question and provide all information requested.
6. Section J must be signed and notarized in the presence of a notary public.

DOCUMENTS THAT MUST ACCOMPANY THIS APPLICATION

1. Include photographs of the interior and exterior of the business which clearly show the business office work area and business identification signs.
2. Applicants for Financier or Collector-Repossessor must include the appropriate license from the Pennsylvania Department of Banking.
3. Application for Transporter registration must include copies of all active contracts with registered dealers or manufacturers to regularly transport new or used vehicles on their own wheels, which are owned by or in the possession of said dealers or manufacturers.
4. Applicants for Vehicle Salvage Dealer registration who also desire to be authorized as a salvor under Chapter 73 of the Pennsylvania Vehicle Code must also complete a Salvor Application (Form MV-951).
5. An original criminal history record (SP4-164) obtained from the Pennsylvania State Police (not a copy), for each owner, partner or corporate officer.
6. When the Department is to issue a miscellaneous motor vehicle business registration plate, a copy of one of the following acceptable proof of insurance documents must be attached to the application.
 - a. An insurance identification card;
 - b. The declaration page of an insurance policy or a copy thereof;
 - c. A copy of a valid binder of insurance which contains all of the information required to appear on the I.D. card, excluding the policy number, and is signed by a licensed insurance agent or broker, or,
 - d. A copy of application for insurance to the Pennsylvania Automobile Insurance Plan (PAIP) containing all of the information required to appear on the I.D. card, excluding the policy number, and is signed by a licensed insurance agent or broker.
7. Appropriate fee for number of dealer plates requested.
8. Copy of deed/lease or rental agreement.

NOTE: The contract must include the name and address of the business that will be transporting vehicles. This contract should be written on letterhead paper from the dealer/manufacturer you are contracting with. The contract must state that a fee will be paid for transporting their vehicles. This contract should be signed by the person(s) representing both the transporter and the dealer/manufacturer.

Mail all completed forms to the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Motor Vehicles, P.O. Box 68283, Harrisburg, PA 17106-8283.

GENERAL INFORMATION

Form MV-951, "Application for Certificate of Authorization as a Salvor"

NOTE: Form MV-951 may be found on our website at www.dmv.pa.gov.

Form MV-951 is the application for Certificate of Authorization as a Salvor. This must be completed in addition to Form MV-359.

In order to qualify as a salvor, you must:

1. Maintain adequate facilities for the storage of abandoned vehicles. Adequate storage is defined to be a storage facility at a location with a minimum of 5,000 square feet, which shall be reserved solely for storage of abandoned motor vehicles.
2. Own or lease a one-ton or more wrecker truck, specifically designed or adapted for use as a wrecker.
3. Provide a surety bond in favor of the Commonwealth of Pennsylvania in the sum of \$10,000.
4. Furnish photographs of:
 - a. The building where the office is maintained;
 - b. The storage area; and,
 - c. The wrecker and/or towing equipment.
5. Comply with the requirements of Act No. 4 of the Special Session No. 3, July 28, 1996 (Licensing and Screening of Junkyards), in the event the salvor's place of business is within 1,000 feet of an interstate or primary highway:
 - a. The area must be screened so as not to be visible from the main traveled way of the highway. No junk or any other motor vehicle incapable of meeting state inspection requirements shall be placed between the highway and the screening.
 - b. Screening shall include the use of any natural objects, plantings, embankments, fencing, walls or structures, or a combination of any of these, which will effectively hide any deposit of junk so as not to be visible from the highway, at all times of the year, by an occupant of a motor vehicle viewing from a height of 4 ½ feet above the pavement.

Once an application to become a salvor is received by PennDOT, PennDOT may investigate the applicant to ensure they are qualified to perform the duties of a salvor in the best interest of the public. PennDOT may also investigate to ensure the location of the business meets the definition of an established place of business.

PennDOT will either issue or deny a Certificate of Authorization depending on the facts. If your application is denied, you may request an administrative hearing to show just cause why the denial of your application should not occur. If PennDOT does not rule in your favor, you then have the opportunity to appeal PennDOT's decision to the Court of Common Pleas in your area. [Refer to the Pennsylvania Vehicle Code Title 75, Chapter 73, Section 7303(b)].

Under the provisions of Title 75, Chapter 73, all salvors will be subject to a yearly renewal ending December 31st of every year. Salvors will be required to have a bond certification completed upon the renewal.

GENERAL INFORMATION

Form MV-375, "Manufacturer/Dealer/Full Agent/Card Agent/Messenger Service/Salvor Bond"

NOTE: Form MV-375 may be found on our website at www.dmv.pa.gov.

Manufacturer/Dealer/Full Agent/Messenger Service/Salvor Bond

An individual and/or company that is applying for a Certificate of Authorization as a Salvor must file and maintain with the Department a bond in the amount of \$10,000 for each place of business, executed by a surety company authorized to transact business in the Commonwealth of Pennsylvania. The bond amount of \$10,000 posted on behalf of the salvor shall indemnify the public and the Department against any damages incurred as a result of negligence or intentional conduct by the principal and employees thereof.

Form MV-375 must be typed or printed in full. If bond is executed by a power of attorney, the original power of attorney must be attached.

GENERAL INFORMATION

Form SP 4-164, "Request for Individual Access and Review"

All applicants for full agent authorization, motor vehicle messenger service certification, dealer and miscellaneous motor vehicle registration are required to complete Form SP 4-164, "Request for Criminal Record Check" and include the results received from the Pennsylvania State Police with their completed application as part of the documentation required for review. This form may be obtained from your local Pennsylvania State Police barracks or:

Director, Record and Identification Division
Pennsylvania State Police
1800 Elmerton Avenue
Harrisburg, PA 17110

Under "Reason for Request," check the box that most applies to the type of authorization being applied for.

Forward the completed form and the required fee to the appropriate address listed on Form SP 4-164.

**PENNSYLVANIA STATE POLICE
REQUEST FOR CRIMINAL RECORD CHECK
1-888-QUERYPA (1-888-783-7972)**

This form is to be completed in ink by the requester – (information will be mailed to the requester only). If this form is not legible or not properly completed, it will be returned unprocessed to the requester. *A response may take four weeks or longer.*

TRY OUR WEBSITE FOR A QUICKER RESPONSE
<https://epatch.state.pa.us>

REQUESTER NAME	
ADDRESS	
CITY/STATE/ ZIP CODE	
TELEPHONE NO. (AREA CODE)	

FOR CENTRAL REPOSITORY USE ONLY CONTROL NUMBER
AFTER COMPLETION MAIL TO: PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY – 164 1800 ELMERTON AVENUE HARRISBURG, PA 17110-9758 DO NOT SEND CASH OR PERSONAL CHECK
<p align="center">CHECK ONE BLOCK</p> <input type="checkbox"/> INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY – ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF \$22.00. PAYABLE TO: "COMMONWEALTH OF PENNSYLVANIA" THE FEE IS NONREFUNDABLE <input type="checkbox"/> NOTARIZED INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY – ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF \$27.00. PAYABLE TO: "COMMONWEALTH OF PENNSYLVANIA" THE FEE IS NONREFUNDABLE <input type="checkbox"/> FEE EXEMPT-NONCRIMINAL JUSTICE AGENCY – NO FEE

SUBJECT OF RECORD CHECK				
(FIRST)	(MIDDLE)	(LAST)		
MAIDEN NAME AND/OR ALIASES	SOCIAL SECURITY NUMBER	DATE OF BIRTH (MM/DD/YYYY)	SEX	RACE

The Pennsylvania State Police response will be based on the comparison of the data provided by the requester against the information contained in the files of the Pennsylvania State Police Central Repository only.

**FEEES FOR REQUESTS - \$22.00. NOTARIZED FEE REQUESTS - \$27.00.
MAKE ALL MONEY ORDERS PAYABLE TO: COMMONWEALTH OF PENNSYLVANIA **

REASON FOR REQUEST				
◀◀◀◀◀CHECK THE BOX THAT MOST APPLIES TO THE PURPOSE OF THIS REQUEST▶▶▶▶▶				
<input type="checkbox"/>	INTERNATIONAL ADOPTION - INTERNATIONAL ADOPTION MUST BE NOTARIZED AND MAILED IN. (\$27.00 FOR REQUEST)			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADOPTION (DOMESTIC)	EMPLOYMENT	VISA	OTHER	

WARNING: 18 Pa.C.S. 4904(b) UNDER PENALTY OF LAW - MISIDENTIFICATION OR FALSE STATEMENTS OF IDENTITY TO OBTAIN CRIMINAL HISTORY INFORMATION OF ANOTHER IS PUNISHABLE AS AUTHORIZED BY LAW.

Homeland Security is Everyone's Responsibility - Pennsylvania Terrorism Tip Line 1-888-292-1919

GENERAL INFORMATION

Salvor Renewal Process

As a result of House Bill 152, effective February 2003, salvors are now required to renew on a yearly basis. The basis of the renewal process is defined in the Pennsylvania Vehicle Code [PA Title 75, 7302(d)].

Active salvors will be mailed a renewal notice three (3) months prior to the December 31st expiration. Salvors must have current registration pursuant to Title 75, 1337(a)(2) and will be required to have a certification completed by their bonding agent stating that a bond is in effect. If you have had a change in bonds, you will be required to submit a new Form MV-375 to PennDOT with your renewal application.

After certification is completed by the bond company, you will be required to sign the renewal application and return it to PennDOT.

PennDOT will then review your renewal application to see if you have maintained current MMVB registration plates, and verify your bonding information and to verify that no sanctions have been taken against you within the prior year.

If all the criteria is acceptable, you will be issued a new Certificate of Authorization that must be prominently displayed within your place of operation.



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MV-951R(11-09)

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION**

Attached below you will find a renewal application for authorization as a Salvor. Please note that your current status as a Salvor will expire December 31st. This application will allow you to renew your Authorization as a Salvor, which will be valid for one year. Should you no longer wish to retain your Salvor status, your Certificate of Authorization must be surrendered immediately with the date the business ceased operation, to the address listed below.

INSTRUCTIONS

Bond certification must be completed prior to returning renewal to the Department. Renewal must be received prior to December 31st to ensure processing in a timely fashion.

Note: The new Certificate of Authorization issued to you will replace any Certificate of Authorization that has been previously issued.

Warning: Misstatement of fact is a misdemeanor of the third degree punishable by a fine up to \$2500 and/or imprisonment up to 1 year (18 PA.C.S. Sect 4904(b)) in addition to any sanction imposed by this Department.

Return Address:
Bureau of Motor Vehicles
Abandoned Vehicle Unit
PO Box 68283
Harrisburg, PA 17106-8283

Detach At Perforation

PLEASE DO NOT STAPLE, BEND, FOLD, OR MUTILATE

Detach At Perforation

**APPLICATION FOR RENEWAL OF AUTHORIZATION AS A SALVOR
EXPIRATION: December 31st, 2010**

Salvor ID# _____

Bond Certification
I certify that listed Salvor is bonded by:
Bonding Company Name
Bond Number _____ for the registration year ending December 31, _____
Signature of Bonding Agent
Agents printed name/phone #
Check one <input type="checkbox"/> Bond renewal <input type="checkbox"/> New Bond (Must be attached)

I/We certify under penalty of law that the above is complete, true and correct.

Signature of Owner or President of Corporation

GENERAL INFORMATION

Salvor General Information

- ★ Upon written request (Form MV-952) of a police department, a salvor must take possession of and remove to its facility any abandoned vehicle within a 30-mile radius of the established place of business.
- ★ Form MV-952 must be submitted to PennDOT within 48 hours from the date of tow.
- ★ To ensure the timely processing of the abandoned vehicle forms, the following is necessary:
 - a. All forms should be completed in their entirety and be legible.
 - b. When submitting Form MV-952 (Police Request for Removal of Abandoned Vehicle) and the vehicle is determined to be either nonrepairable or salvage, a color photo showing the damage indicated must be attached. If the photo does not show the extent of damage, the form will be rejected
- ★ If the vehicle is reclaimed, Form MV-956 should be forwarded to PennDOT with the reclaim fee immediately. Failure to submit Form MV-956 with the required fees results in the abandoned indicator remaining on the vehicle record, and the owner will be unable to renew the registration or process any transactions against the vehicle record. Failure to submit required forms is a violation of Title 75, Chapter 73 and Departmental Regulations Title 67, Chapter 253.
- ★ Registration plates are required to be returned under Title 75, Chapter 13, Section 1334(b) within five days of the date of applying for a Certificate of Salvage accompanied by a statement listing the reasons for the return of the plate and the date of occurrence.
- ★ **Removal of Inspection Stickers** - The salvor shall remove and destroy the certificate of inspection on every vehicle in their possession after the 30-day reclaim period has expired except for those vehicles used in the operation of the salvor.
- ★ Salvors are required to maintain records for a period of three years. The records will be kept at the established place of business and shall include the make, year and type of vehicle, from whom purchased or acquired and date, vehicle identification number and date of sale or disposition of vehicle.
- ★ PennDOT shall supervise salvors and after providing an opportunity for a hearing, shall suspend the authorization of any salvor that PennDOT finds is not properly operated or that has violated or failed to comply with the provisions of Chapter 73 of the Pennsylvania Vehicle Code or Title 67 of Departmental Regulations. A suspended Certificate of Authorization shall be returned to the Department immediately, except where a supersedeas appeal has been filed and granted.
- ★ Violation of the Vehicle Code Title 75, Chapter 73 is punishable upon conviction for a first offense, by a fine of \$100. For a subsequent offense, by a fine of not less than \$200 nor more than \$500 or imprisonment for not more than 90 days, or both. The Certificate of Authorization as a salvor is subject to suspension as outlined in Title 67, Chapter 253 of Departmental Regulations (Regulations Governing Salvors). To review these sanctions, refer to the appendix section of this manual [Section 253.7 (a)].

ABANDONED VEHICLES REMOVED FROM PRIVATE PROPERTY

General Information Form MV-952PP

NOTE:

Pursuant to Title 75, Chapter 73, Section 7311.1, "a person on whose private property is located a vehicle that has remained on the property without the consent of the property owner or their agent may authorize the removal or processing of the vehicle."

Prior to the removal or processing of the vehicle, a report shall be filed by the property owner on a multi-part form with the local police department declaring that an unauthorized vehicle has remained on their property unattended for at least 24 hours or on a salvor's property for 20 days.

The police department shall within five business days, process the vehicle as abandoned on Form MV-952 (Police Request for Removal of Abandoned Vehicle) pursuant to Title 75, Chapter 73, attaching the white copy of the form to Form MV-952.

The salvor will then be authorized to remove the vehicle and shall submit the complete Form MV-952 within 48 hours after the tow.

The form is a 3-part form that will be retained by the following:

- a. Property owner - retains pink copy.
- b. Local police department - retains yellow copy.
- c. Department of Transportation (this copy will be attached to Form MV-952) - retains white copy.

FACT SHEET

DISPOSAL OF ABANDONED VEHICLES FROM PRIVATE PROPERTY

PURPOSE

This fact sheet provides information on disposing of vehicles which have been left on private property.

DEFINITION OF TERMINOLOGY USED:

ABANDONMENT: Abandonment involves an intention to abandon together with an act or omission to act by which such intention is carried into effect. Abandoned property is that to which an owner has relinquished all rights, title, claim and possession, with no intention of reclaiming it or resuming ownership or possession.

ABANDONED VEHICLE: Section 102 of the Vehicle Code defines an abandoned vehicle in the following manner:

- (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) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.
 - (ii) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.
 - (iii) The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all the following:
 - (A) A valid registration plate.
 - (B) A current certificate of inspection.
 - (C) An ascertainable vehicle identification number.
 - (iv) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 24 hours.
 - (v) The vehicle has remained on the private property of a salvor for 20 days.
- (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.

PRIVATE PARKING LOT: A parking lot open to the public or used for parking without charge; or a parking lot used for parking with charge. (Section 3353(b) of the Vehicle Code).

SALVOR: A person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, recycling, selling, rebuilding, or exchanging the vehicles or parts thereof. (Section 102 of the Vehicle Code).

WAREHOUSEMAN: A person engaged in the business of storing goods for hire. (As defined in the Uniform Commercial Code U.C.C.).

METHODS OF DISPOSING OF ABANDONED VEHICLES FROM PRIVATE PROPERTY

The following methods do not apply to private parking lots unless such lots are posted to notify the public of any parking restrictions and the operator/owner of the vehicle violates such posted restriction.

November 2016

- over -

FORMS FOR PROCESSING ABANDONED VEHICLES

GENERAL INFORMATION

Form MV-952, "Police Request for Removal of Abandoned Vehicle"

Any salvor taking possession of an abandoned vehicle, within 48 hours after towing, must submit a completed Form MV-952 to PennDOT, which indicates the make, model, vehicle identification number and registration plate of the abandoned vehicle, including the name and address of the owner or person(s) who abandoned the vehicle, if known. A determination of value must be entered: nonrepairable, salvage or with value. If nonrepairable is indicated, the salvor will submit Form MV-952S, along with Form MV-952 and a Nonrepairable Certificate will be issued. If the vehicle is determined nonrepairable and there is no identifiable vehicle identification number, the salvor will retain Form MV-952 for a period of three (3) years as proof of ownership. If one color photograph does not clearly indicate the extent of damage, additional photos must be submitted. A law enforcement officer must complete Sections A and B of Form MV-952.

Form MV-952 is to be used when:

1. A vehicle has been declared abandoned by a law enforcement agency and a salvor has been authorized to tow the vehicle.
2. A vehicle has been declared abandoned on private property by a law enforcement agency and the salvor has been authorized to remove the vehicle from the private property. Form MV-952PP must be attached.

Instructions to complete the form:

1. A law enforcement officer **must complete** Sections A, B, and C in its entirety. The law enforcement officer must sign Section B and list his/her badge number. The date is the declaration of abandonment.
2. Section D is to be completed by the salvor. The salvor is required to complete their determination of value. Signature of an authorized person is required along with the salvor information.
3. When a private property removal, Form MV-952PP, "Abandoned Vehicle on Private Property Report" must be attached.

NOTE: Sections A, B, C, and D must always be completed.

GENERAL INFORMATION

Form MV-952S, "Abandoned Vehicle Indemnity Agreement"

Form MV-952S may only be used by a police department in conjunction with Form MV-952 in those instances where an abandoned vehicle is determined to be a salvage vehicle, with a value less than \$500, with a Vehicle Identification Number and the vehicle owner cannot be determined with reasonable diligence.

When this form is used, the law enforcement agency is stating this vehicle is salvage and they are authorizing the salvor to either flatten or crush the abandoned vehicle. ***The municipality is accepting full liability for any claims brought forth by any party that has an interest in the vehicle and indemnifies the Commonwealth, its employees and agents from any claim brought forth.***

Upon receipt of Forms MV-952 and MV-952S, the Bureau of Motor Vehicles will permanently remove the vehicle record from the system. PennDOT will then issue the salvor a nonrepairable vehicle receipt which serves as proof of ownership for said vehicle.

Instructions to complete this form:

- a. Sections A and B are to be completed by the police officer declaring the vehicle abandoned. Section A requires vehicle information and Section B is the Police Officer's Certification and requires the police officer's signature, badge number and date of abandonment.
- b. A color photograph of the vehicle, signed and dated by a police officer, along with the officer's badge number and police department name must be attached.

NOTE: Upon processing the Nonrepairable Certificate, the vehicle listed can only be used for parts or scrap metal.

NOTIFICATION LETTERS

Notification to Salvor, Owner, Lienholder of an Abandoned Vehicle

Owner/Lienholder Notification

Once the Department receives a completed Form MV-952, PennDOT will send a certified letter to the last known owner and lienholder (if applicable) informing all interested parties the vehicle and its contents have been declared abandoned.

The contents of the letter will include the vehicle make, model year and the vehicle identification number and the name and the location of the police department that declared the vehicle abandoned and salvor who was authorized to tow the vehicle. (See example A)

Salvor Notification

The salvor notification letter will contain the vehicle make, model year, vehicle identification number and control number assigned to the vehicle that was towed. In addition, it will include the last known owner and lienholder (if applicable) and the police department and it's location that declared the vehicle abandoned. (See example B)

NOTE: Chapter 73, Section 7305(b), entitles the owner and lienholder (if applicable) of the vehicle the right within 30 days of the mail date of this notice to request a copy of the abandonment notice, and if necessary, request a hearing before a civilian employee or employee of the municipality to determine if the vehicle was actually abandoned. If the outcome of the hearing proves to be in favor of the vehicle owner/lienholder, they may retrieve the vehicle within 48 hours without payment of any of the fees and penalties relating to the abandonment of vehicles.

OWNER EXAMPLE A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES
ABANDONED VEHICLE UNIT
HARRISBURG, PA 17122

DATE: TODAY'S DATE
CONTROL #:1234567
WID#:12345 1234 123456 123 1234

NAME
ADDRESS

VEHICLE MAKE: CHEV
MODEL YEAR: 2000
VIN NO#:12345678912345678
VEH BODY: SEDAN
TITLE:12345678
STATE: PA

THE ABOVE VEHICLE WAS DECLARED ABANDONED BY THE USA POLICE DEPARTMENT AND IS NOW BEING HELD BY THE SALVOR IDENTIFIED BELOW.

IF, AFTER 30 DAYS FROM THE DATE THIS NOTICE WAS MAILED, THE VEHICLE AND ITS' CONTENTS REMAIN UNCLAIMED, THE VEHICLE WILL BE DISPOSED OF AS PROVIDED IN CHAPTER 73 OF THE VEHICLE CODE. IF THE VEHICLE AND ITS' CONTENTS ARE CLAIMED, THE OWNER OR LIENHOLDER MUST PAY ALL TOWING AND STORAGE CHARGES, PLUS A \$54.00 FEE TO THE SALVOR LISTED BELOW.

THE SALVOR WILL FORWARD A \$25.00 FEE TO THE COMMONWEALTH. FAILURE OF OWNER OR LIENHOLDER TO RECLAIM THE VEHICLE AND IT'S CONTENTS SHALL BE DEEMED CONSENT BY THE OWNER AND/OR LIENHOLDER TO THE DESTRUCTION, SALE OR OTHER DISPOSITION OF THE VEHICLE, FREE AND CLEAR OF ALL LIENS AND CLAIMS. THIS IS YOUR ONLY LETTER OF NOTIFICATION. WHEN REFERRING TO THIS VEHICLE IN ANY CORRESPONDENCE, USE THE CONTROL NUMBER INDICATED ABOVE.

PLEASE NOTE: WITHIN 30 DAYS FROM THE MAIL DATE OF THIS NOTICE, YOU HAVE THE RIGHT TO REQUEST A COPY OF THE ABANDONED VEHICLE INFORMATION REPORT FROM THE POLICE DEPARTMENT LISTED ABOVE AND THE RIGHT TO REQUEST A HEARING FROM THE MUNICIPALITY IN WHICH THE VEHICLE WAS DECLARED ABANDONED.

OWNER:
NAME
ADDRESS

SALVOR:
NAME
ADDRESS

THE SALVOR WORKS ONLY BY THE DIRECTION OF THE POLICE DEPARTMENT IDENTIFIED ABOVE.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL WELCOME TO CONTACT THE POLICE DEPARTMENT LISTED ABOVE.

SINCERELY,
ABANDONED VEHICLE UNIT
BUREAU OF MOTOR VEHICLES

SALVOR EXAMPLE B

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES
ABANDONED VEHICLE UNIT
HARRISBURG, PA 17122

DATE: TODAY'S DATE
CONTROL #:1234567
WID#:12345 1234 123456 123 1234

NAME
ADDRESS

VEHICLE MAKE: CHEV
MODEL YEAR: 2000
VIN NO#:12345678912345678
VEH BODY: SEDAN
TITLE:12345678
STATE: PA

THE ABOVE VEHICLE WAS DECLARED ABANDONED BY THE USA POLICE DEPARTMENT.

IF, AFTER 30 DAYS FROM THE DATE OF THIS NOTICE, THE VEHICLE AND ITS' CONTENTS REMAIN UNCLAIMED, THE VEHICLE WILL BE DISPOSED OF AS PROVIDED IN CHAPTER 73 OF THE VEHICLE CODE. IF THE VEHICLE AND ITS' CONTENTS ARE CLAIMED, THE OWNER OR LIENHOLDER MUST PAY ALL TOWING AND STORAGE CHARGES, PLUS A \$54.00 FEE TO YOU.

YOU ARE REQUIRED TO FORWARD A \$25.00 FEE TO THE COMMONWEALTH. FAILURE OF OWNER OR LIENHOLDER TO RECLAIM THE VEHICLE AND ITS CONTENTS SHALL BE DEEMED CONSENT BY THE OWNER AND/OR LIENHOLDER TO THE DESTRUCTION, SALE OR OTHER DISPOSITION OF THE VEHICLE AND ITS' CONTENTS, FREE AND CLEAR OF ALL LIENS AND CLAIMS. THIS IS YOUR ONLY LETTER OF NOTIFICATION. WHEN REFERRING TO THIS VEHICLE IN ANY CORRESPONDENCE, USE THE CONTROL NUMBER INDICATED ABOVE.

OWNER:
NAME
ADDRESS

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL WELCOME TO CONTACT THE POLICE DEPARTMENT LISTED ABOVE.

SINCERELY,
ABANDONED VEHICLE UNIT
BUREAU OF MOTOR VEHICLES

GENERAL INFORMATION

Form MV-956, "Salvor's Application/Invoice for Settlement"

NOTE: Form MV-956 may be found on our website at www.dmv.pa.gov.

In the event the owner or lienholder of the abandoned vehicle reclaims the vehicle, the reclaiming party shall pay the costs of towing and storage, plus a reclaim fee shall be forwarded to PennDOT with the completed Form MV-956. If the vehicle is not reclaimed within 30 days from when PennDOT notified the owners or lienholders, if applicable, the salvor may apply for authorization to dispose of the abandoned vehicle.

Uses of Form MV-956:

1. To remit the reclaiming fee when the abandoned vehicle has been reclaimed.
2. To apply for settlement when the vehicle is salvage and the vehicle has not been reclaimed.
3. To apply for authorization to dispose of an abandoned vehicle when the vehicle has value and has not been reclaimed.
4. To apply for settlement when the vehicle is salvage and there is no last known owner/lienholder. Salvor will be required to attach copy of advertisement that was published declaring the vehicle abandoned.

NOTE: Advertisement must list make, vehicle identification number and location where vehicle is being held.

Instructions for completion of Form MV-956:

1. Enter the abandoned vehicle control number, vehicle information and mileage. If mileage is not known, the box may be checked to indicate mileage unknown. (Control number and vehicle information may be obtained off the salvor notification letter.)
2. If the vehicle was reclaimed, Sections A and D must be completed by the salvor. Section B must have the date of reclaim and the signature of the authorized person reclaiming the vehicle. A check in the amount of the reclaim fee made payable to the "Commonwealth of Pennsylvania" must be attached to the completed Form MV-956.
3. If the vehicle is salvage, the salvor must complete Sections A, C and D and submit to PennDOT for the Certificate of Salvage to be issued. Reimbursement of the fee for the towing of the abandoned vehicle will then be issued.
4. If the vehicle has been declared abandoned with value, the salvor must then complete Sections A, C and D requesting the authorization to hold the vehicle for public auction.
5. If the vehicle is salvage and no known owner and/or lienholder could be determined, the salvor must then complete Sections A, C and D. The salvor is required to submit a copy of the advertisement that was placed in the newspaper declaring the vehicle abandoned.

NOTE: Prior to the completion of Form MV-956, the salvor must contact the law enforcement agency that declared the vehicle abandoned to see if an appeal was filed regarding the abandonment of this vehicle.

GENERAL INFORMATION

Form MV-957, "Salvor's Application for Authorization to Dispose of Abandoned Vehicle With Value"

If the vehicle has been declared abandoned with value and has not been reclaimed by the owner or lienholder, if applicable, the vehicle must be sold at public auction. The salvor will keep the costs incurred for towing, storage, notice and publication costs and the expenses of the auction. The remainder of the proceeds, if any, must be paid to PennDOT to be deposited into the Motor License Fund. The salvor must give the purchaser a sale receipt and apply for a title for the purchaser.

If the vehicle fails to be sold at public auction, the salvor may then apply for a Certificate of Salvage. (**NOTE:** When the vehicle fails to sell at public auction and the salvor is applying for a Certificate of Salvage, there will be no reimbursement of the fee for towing the abandoned vehicle when the vehicle has been deemed to have value.)

Uses of Form MV-957:

1. To provide the salvor with authorization to auction a vehicle with value.
2. To notify the Bureau of Motor Vehicles of the results of the public auction and the expenses incurred.

Instructions for the completion of Form MV-957:

1. The Bureau of Motor Vehicles will complete sections A and B. Upon receipt, the salvor is authorized to offer the vehicle for sale at public auction.
2. After the public auction is held, the salvor is required to complete Sections C or D of the form. The following information is required:
 - a. Date of public auction;
 - b. Location of public auction;
 - c. Copy of Bill of Sale;
 - d. Copy of advertisement (must include VIN);
 - e. Expenses including storage, towing and advertising;
 - f. Proceeds from the auction;
 - g. Balance due the Commonwealth, if any;
 - h. Salvor information including the signature of authorized person and date form was completed; and,
 - i. Odometer reading.
3. If there is no balance due the Commonwealth, complete the form immediately following the public auction and forward it to the Bureau of Motor Vehicles with a completed MV-1, "Application for Certificate of Title," and the appropriate fees, bill of sale, advertisement, and a front and back copy of the DL/ID of the buyer.
4. If there is a balance due the Commonwealth, the monies should be forwarded to the Abandoned Vehicle Unit with this form.
5. No white-out may be used on forms.

GENERAL INFORMATION

Form MV-5, "Certificate of Salvage for a Vehicle"

The Certificate of Salvage is purple in color and is noted across the top "Certificate of Salvage for a Vehicle." It is printed on standard security paper so that if the certificate is reproduced, the word "VOID" will appear across the Certificate of Salvage.

Assignments on the Certificate of Salvage do not require notarization.

COMMONWEALTH OF PENNSYLVANIA
CERTIFICATE OF SALVAGE FOR A VEHICLE

99,999

REGISTRATION NOT TO BE ISSUED

993659999999999-999

12345ABCDE67890FGHIJK			9999	CHEVROLET	99999992399 PU	
VEHICLE IDENTIFICATION NUMBER			YEAR	MAKE OF VEHICLE	TITLE NUMBER	
SDN	99	999	NY	12/12/99	999999	0
BODY TYPE	DUP	SEAT CAP	PRIOR TITLE STATE	ODOM. PROCD. DATE	ODOM. MILES	ODOM. STATUS
12/12/99	12/12/99		88,888	88,888	88,888	X,X,G
DATE PA TITLED	DATE OF ISSUE		UNLADEN WEIGHT	GVWR	GCWR	TITLE BRANDS

TITLE BRANDS

A = ANTIQUE VEHICLE	L = LOGGING VEHICLE
C = CLASSIC VEHICLE	P = IS/WAS A POLICE VEHICLE
D = COLLECTIBLE VEHICLE	R = RECONSTRUCTED
F = OUT OF COUNTRY	S = STREET ROD
G = ORIGINALLY MFGD. FOR NON-U.S. DISTRIBUTION	T = RECOVERED THEFT VEHICLE
H = AGRICULTURAL VEHICLE	V = VEHICLE CONTAINS REISSUED VIN
	W = FLOOD VEHICLE
	X = IS/WAS A TAXI

ODOMETER STATUS

0 = ACTUAL MILEAGE
1 = MILEAGE EXCEEDS THE MECHANICAL LIMITS
2 = NOT THE ACTUAL MILEAGE
3 = NOT THE ACTUAL MILEAGE-ODOMETER TAMPERING VERIFIED
4 = EXEMPT FROM ODOMETER DISCLOSURE

IMPORTANT NOTICE - FORM MV-426B MUST BE USED WHEN APPLYING FOR A "RECONSTRUCTED" PENNSYLVANIA CERTIFICATE OF TITLE. THIS SALVAGE VEHICLE MAY NOT BE OPERATED ON THE HIGHWAY UNTIL A "RECONSTRUCTED" TITLE IS ISSUED.

SALVAGE VEHICLE OWNER(S) 999999

JOHN Q. PUBLIC
 100 NORTH STREET
 APT 12
 HARRISBURG, PA 00000

LESLIE S. RICHARDS



I certify as of the date of issue, the official records of the Pennsylvania Department of Transportation reflect that the person(s) or company named herein is the lawful owner of the said salvage vehicle.

Secretary of Transportation

00000000



STORE IN A SAFE PLACE - IF LOST APPLY FOR A DUPLICATE - ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE.

COMMONWEALTH OF PENNSYLVANIA
NONREPAIRABLE VEHICLE CERTIFICATE

HV-5NR(02-03) 6/01

**THIS IS A NONREPAIRABLE VEHICLE AND
CANNOT BE ISSUED A CERTIFICATE OF TITLE OR
SALVAGE OR REGISTRATION IN PENNSYLVANIA**

THE VEHICLE LISTED BELOW CAN ONLY BE USED FOR PARTS OR
SCRAP METAL

The Commonwealth of Pennsylvania, Department of Transportation certifies that the Nonrepairable Vehicle
Certificate below is issued in compliance with the laws of Pennsylvania.

Detach Here

Detach Here

COMMONWEALTH OF PENNSYLVANIA
NONREPAIRABLE VEHICLE CERTIFICATE

VIN: VIN NUMBER/STRINGL021 TITLE: TITL&CHKDIGL14
YR/MAKE: YEARMAKETYPEDFVEHI TYPE: LEL24
DATE OF ISSUE: EXPIRYDATL12 WID: WID NUMBER LENGTH0022

SIGNATURE

My signature acknowledges that I understand this vehicle may be used as a source for parts or scrap and may **NOT** be issued a certificate of title or certificate of salvage in Pennsylvania.

NAMEADDRESSLINE123CHARS
NAMEADDRESSLINE223CHARS
NAMEADDRESSLINE323CHARS
NAMEADDRESSLINE423CHARS
NAMEADDRESSLINE523CHARS

PA REGULATIONS

Chapter 253. Salvors

§ 253.1. Purpose.

This chapter establishes rules governing the qualifications and duties of salvors in removing and disposing of abandoned vehicles, as provided by 75 Pa.C.S. §7301 (relating to authorization of salvors).

§ 253.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Abandoned vehicle -

- (1) A vehicle, other than a pedalcycle, shall be presumed to be abandoned under one or more of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
 - (i) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.
 - (ii) The vehicle has remained illegally on a highway or other public property for more than 48 hours.
 - (iii) The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear the following:
 - (A) A valid registration plate.
 - (B) A certificate of inspection.
 - (C) An ascertainable vehicle identification number.
 - (iv) 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, will not be considered to be abandoned.

Bureau - The Bureau of Motor Vehicles of the Department of Transportation.

Department - The Department of Transportation of the Commonwealth.

Established place of business - The place actually occupied either continuously or at regular periods by a salvor where the books and records are kept and a large share of the business is transacted.

Police department - The State Police or the law enforcement agency of a county, city or incorporated town, borough or township.

Salvor - A person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, junking, selling, rebuilding or exchanging the vehicles or parts thereof.

Valueless except for junk - A vehicle which is inoperable, lacks vehicle equipment required under 75 Pa.C.S. §§ 4101 - 4983 (relating to vehicle characteristics), or lacks essential parts as a result of removal or destruction of the essential parts to the extent that the costs of repairs would exceed the value of the repaired vehicle. The term does not include a vehicle which would qualify as an antique or classic vehicle except for its lack of restoration or maintenance.

Vehicle identification number - A combination of numerals or letters, or both, which the manufacturer assigns to a vehicle for identification purposes, or, in the absence of a manufacturer-assigned number, which the Department assigns to a vehicle for identification purposes.

Vehicle identification number plate - The primary and official identification plate, tag or label of a vehicle, whether of metal, plastic or other material on which is indented, embossed, painted or otherwise noted a unique combination of numerals or letters, or both, of the manufacturer for public identification purposes, or the metal special identification number plate assigned to a vehicle by the Department. The term does not include a secondary plate, label or tag affixed to a vehicle for purposes such as safety certification, notation of oil change mileage, and the like even though the label or plate bears the vehicle identification number of the vehicle.

§ 253.3. Application for certification of authorization.

- (a) Criteria for applicants - A person wishing to be authorized as a salvor shall meet the following conditions:
- (1) The applicant shall have and maintain an established place of business.
 - (2) The applicant shall be a vehicle salvage dealer as defined in 75 Pa.C.S. §1337(c) (relating to use of “Miscellaneous Motor Vehicle Business” registration plates).
 - (3) The applicant shall be the owner or lessee of adequate storage facilities.
 - (i) Adequate storage facilities means an open or closed space of at least 5,000 square feet reserved solely for the storage of abandoned motor vehicles.
 - (ii) The storage facility shall comply with the act of July 28, 1966, 3rd Special Session (P. L. 91, No. 4) (36 P. S. § § 2719.1—2719.15), known as the Junkyard and Automotive Recycler Screening Law, pertaining to licensing and screening of junk yards if the place of business of the salvor is within 1,000 feet of an interstate or primary highway.
 - (4) The applicant shall own or rent suitable equipment for the towing of abandoned vehicles. Suitable equipment shall be a 1 ton or more truck specifically designed or adapted for use to tow or haul abandoned vehicles.
- (b) Application procedure - A person wishing to be authorized as a salvor shall apply on a form provided by the Bureau which shall be accompanied by the following documents:
- (1) A bond in the amount of \$10,000.

- (i) The bond posted on behalf of the salvor shall indemnify the public and the Department against damages incurred as a result of negligence or intentional conduct by the principal and the employees thereof. The bond shall cover all places of business operated by the salvor.
- (ii) If the bond is withdrawn by the bonding company or the bonding company becomes insolvent, the certificate of authorization to operate as a salvor shall be automatically suspended or terminated until the salvor furnishes the Commonwealth with a substitute bond in the amount required by law.
 - (2) A copy of the lease or deed of the applicant's place of business.
- (c) Opportunity for review - If the Department denies an application for a certificate of authorization, the Department will provide the applicant with a letter listing the reasons for denial and an opportunity to show cause why the application should not be denied.
- (d) Temporary certificate of authorization - After reviewing an application, the Bureau may issue a temporary certificate of authorization. The temporary certificate of authorization will be issued for 60 days, during which period the Bureau may cause an investigation to be made of the operations of the salvor. When the temporary certificate of authorization expires, the Bureau may issue a regular certificate of authorization or, if the processing of the application has not been completed, the Bureau will renew the temporary certificate of authorization.

§ 253.4. Operation of business.

- (a) Display of certificate of authorization - Every salvor shall display its certificate of authorization in its place of business, and a supplemental certificate in any branch office or other place of business.
- (b) Notice of name or address changes - Every salvor shall notify the Department within 5 days of a change in a mailing or business address, or of a change in name.
- (c) Maintenance of records - The salvor shall maintain a separate record on each abandoned vehicle in its possession. If the abandoned vehicle is sold, this transaction shall be recorded in the appropriate file. The files shall be maintained for at least 3 years.
- (d) Security - The salvor shall maintain at each place of business facilities such as locking cabinets or other similar equipment which shall meet the approval of the Bureau for assuring the security of documents. The documents shall be secured in the facilities during nonbusiness hours.
- (e) Transfer of certificate of authorization - A certificate of authorization may not be transferred and shall be valid only for the owner in whose name it is issued.
 - (1) In the case of a change of ownership, the salvor shall notify the Bureau within 5 days.

- (2) The following are regarded as changes of ownership:
 - (i) When the owner takes a new partner.
 - (ii) When the owner sells the business.
 - (iii) When the business is incorporated.
 - (iv) When a controlling interest in a corporation is sold.
 - (v) When an owner retires or dies.
- (f) Inspection of records - Records required by the Department to be maintained by the salvor in carrying out its duties under this chapter shall be subject to periodic inspection by authorized representatives of the Department or its designated agents, under the following conditions:
 - (i) Place - The inspection will be conducted at the salvor's established place of business.
 - (ii) Time - The inspection will be conducted during regular business hours.
 - (iii) Scope - The inspection will be limited to examination of the records, as well as vehicles or parts of vehicles which are subject to the recordkeeping requirements of this chapter and which are on the premises.

§ 253.5. Acquisition of abandoned vehicles.

- (a) Police request to remove vehicle - A salvor may not refuse the request of a police department to tow an abandoned vehicle, except when the vehicle is located more than 30 miles from the place of business of the salvor.
- (b) Receipt of police request prior to removing vehicle - The appropriate form provided by the Department, properly completed by the police department, shall be received by the salvor prior to the movement of the vehicle, except when the owner or person in control of private property requests the removal of a vehicle valueless except for junk.
- (c) Duty to report possession of abandoned vehicle - The salvor shall send to the Department, within 48 hours of taking possession of a vehicle, the fully completed Departmental form, as provided in subsection (b).

§ 253.6. Vehicles valueless except for junk.

The salvor who has removed a vehicle declared to be valueless except for junk shall submit the appropriate form and comply with the following:

- (1) Send to the Department with the completed appropriate form, as provided in §253.5(b) (relating to acquisition of abandoned vehicles), one or more photographs of the vehicle.
 - (i) One photograph will be acceptable if it clearly shows the extent of damage, deterioration, or both, of the vehicle to substantiate the declaration of "valueless except for junk."
 - (ii) Two or more photographs shall be submitted if necessary to show the extent of damage, state of deterioration, or both, the age and model identity, and the like, for substantiating the claim.
- (2) If the vehicle was removed from private property under 75 Pa.C.S. § 1117(c) (relating to vehicle destroyed or junked), furnish a copy of the salvor's report of possession and statement of condition to a police department.

253.7. Sanctions for violations by salvors.

- (a) Schedule - After providing for an opportunity for a hearing, the Department may impose suspensions or sanctions on a salvor, according to the following schedules of violations by the salvor, when the Department finds upon sufficient evidence that:

Category I	1st Offense	2nd Offense	3rd Offense	4th and Subsequent Offense
(1) The salvor has failed to pay fees payable to the Commonwealth in connection with the operation of the business of the salvor.	Until fees are paid, plus 1 month.	Until fees are paid, plus 3 months.	Until fees are paid, plus 6 months.	Revocation.
(2) The salvor has refused to allow inspection of records by authorized representatives of the Department.	Until records have been inspected, plus 3 months.	Until records have been inspected, plus 6 months.	Until records have been inspected, plus 1 year.	Revocation.

Category II	1st Offense	2nd Offense	3rd Offense	4th and Subsequent Offense
1) The salvor has failed to notify the Department of a change in name or mailing or business address within 5 days of the change.	Until the change has been approved.	Until the change has been approved, plus 1 month.	Until the change has been approved, plus 3 months.	Until the change has been approved, plus 6 months.
(2) The salvor has failed to notify the Department of a change in ownership of the business.	Until the change has been approved.	Until the change has been approved, plus 1 month.	Until the change has been approved, plus 3 months.	Until the change has been approved, plus 6 months.
(3) In the case of the removal of a vehicle from private property, the salvor has failed to furnish a copy of the report of possession and statement of condition to a police department.	1 month.	3 months.	6 months.	1 year.
(4) The salvor has failed to maintain records in the prescribed manner or has failed to keep records in a secure place	Written warning.	1 month.	3 months.	6 months.
(5) The salvor has failed to send required forms, photographs, or both, to the Department.	Written warning.	1 month.	3 months.	6 months.

- (b) Second and subsequent offenses - Second offenses are determined on the basis of a previous offense of the same nature committed within a 3-year period. Third or subsequent offenses are determined on the basis of two or more previous violations of the same nature committed within a 3-year period.

- (c) Multiple offenses - In the case of multiple offenses considered at one time, the Department may impose separate sanctions for each violation under the schedule in subsection (a). The Department may direct that a suspension imposed be served concurrently or consecutively.
- (d) Vehicle salvage dealer registration suspension - If the salvor's registration in the vehicle salvage dealer class of Miscellaneous Motor Vehicle Business is suspended under Chapter 53 (relating to manufacturers, dealers and miscellaneous motor vehicle businesses registration plates), the salvor shall also be suspended from operating as a salvor for the same period of time.
- (e) Suspension authority reserved - The description of grounds for suspension or revocation in subsection (a) does not limit the authority of the Department to suspend or revoke the salvor's certificate of authorization for one or more of the following:
 - (1) Commission of an offense not described in subsection (a), but which is similar in nature and effect.
 - (2) Conviction or acceptance of accelerated rehabilitative disposition of an offense under the laws of this Commonwealth, another state or the United States involving motor vehicles or moral turpitude.
- (f) Revocation - Upon revocation of a salvor's certificate of authorization, the salvor shall be prohibited from reapplying for a new certificate of authorization for at least 1 year, or longer as otherwise determined by the Department. The salvor shall be required to surrender his certificate of authorization to an authorized representative of the Department.

CHAPTER 73
ABANDONED VEHICLES AND CARGOS

Subch.

- A. Abandoned Vehicles and Salvors
- B. Watercraft Trailer Forfeiture

Enactment. Unless otherwise noted, Chapter 73 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Cross References. Chapter 73 is referred to in sections 3352, 3712, 3712.2 of this title.

SUBCHAPTER A
ABANDONED VEHICLES AND SALVORS

Sec.

- 7301. Authorization of salvors.
- 7302. Certificate of authorization.
- 7303. Suspension of authorization.
- 7303.1. Duty of police and salvors.
- 7304. Reports to department of possession of abandoned vehicles.
- 7304.1. Reports and removal of abandoned vehicles within the boundaries of a city of the first class or second class.
- 7305. Notice to owner and lienholders of abandoned vehicles.
- 7306. Payment of costs upon reclaiming vehicle.
- 7307. Authorization for disposal of unclaimed vehicles.
- 7308. Public sale of unclaimed vehicles with value.
- 7309. Processing of nonrepairable or salvage vehicles.
- 7310. Removal of abandoned or presumed abandoned vehicles from roadway.
- 7311. Reports by garage keepers of abandoned vehicles.
- 7311.1. Reports by private property owners of abandoned vehicles.
- 7311.2. Salvors to remove abandoned vehicles in good faith.
- 7312. Penalty for violation of chapter.

Subchapter Heading. The heading of Subchapter A was added July 7, 2006, P.L.365, No.79, effective in 120 days.

§ 7301. Authorization of salvors.

- (a) **General rule.** --The department shall authorize and shall issue a certificate of authorization to every salvor that complies with the requirements of this chapter and regulations adopted by the department and is a currently registered vehicle salvage dealer as defined in section 1337(c)(2) (relating to use of "Miscellaneous Motor Vehicle Business" registration plates).
- (a.1) **Repair or towing business.** --The department may authorize and issue a certificate of authorization to a currently registered repair or towing business under section 1337(c)(1) if there is no qualified vehicle salvage dealer in a county.

- (b) **Unauthorized operation prohibited.** --No person shall operate as a salvor unless authorized.
- (c) **Duty of salvor.** --(Deleted by amendment).
- (d) **Storage facility.** --(Deleted by amendment). (July 11, 1996, P.L.660, No.115, eff. imd.; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

§ 7302. Certificate of authorization.

- (a) **Application and issuance.** --Application for a certificate of authorization shall be made on a form prescribed by the department. The department shall investigate the qualifications and fitness of the applicant and shall issue a certificate of authorization if it determines that the applicant is capable of performing the duties of a salvor in a manner consistent with the public interest.
- (b) **Place of business.** --Before issuing a certificate of authorization, the department shall require the applicant to furnish and maintain a bond indemnifying the public and the department in the amount of \$10,000. An individual bond for each place of business is not required, but all places of business shall be covered by the bond.
- (c) **Bonding required.** --No person shall operate as a salvor unless authorized.
- (d) **Duration and renewal.** --Certificates of authorization shall be issued for a period of one year and shall be subject to annual renewal, including a review of the salvor's status as a vehicle salvage dealer under section 1337(c)(2) (relating to use of "Miscellaneous Motor Vehicle Business" registration plates).
- (e) **Storage facility.** --A salvor shall rent or own a storage facility which shall comply with the act of July 28, 1966 (3rd Sp.Sess., P.L.91, No.4), referred to as the Junkyard and Automotive Recycler Screening Law, where applicable and with regulations promulgated by the department. (Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

§ 7303. Suspension of authorization.

- (a) **General rule.** --The department shall supervise salvors and, after providing an opportunity for a hearing, shall suspend the authorization of any salvor which the department finds is not properly operated or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. A suspended certificate of authorization shall be returned to the department immediately except an appeal from suspension as provided in subsection (b) shall operate as a supersedeas of any suspension by the department.
- (b) **Judicial review.** --Any person whose certificate of authorization has been denied or suspended under this chapter shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The court shall set the matter for hearing upon 30 days' written notice to the department and take testimony and examine into the facts of the case and determine whether the petitioner is entitled to a

certificate of authorization or is subject to suspension of the certificate of authorization under the provisions of this chapter. (Apr. 28, 1978, P.L.202, No.53, eff. 60 days)

1978 Amendment. Act 53 amended subsec. (b).

Cross References. Section 7303 is referred to in section 933 of Title 42 (Judiciary and Judicial Procedure).

§ 7303.1. Duty of police and salvors.

- (a) **Duty of police and authorized personnel.** --Police officers or personnel designated by ordinance of a municipality shall process all vehicles presumed to be abandoned. They shall complete an abandoned vehicle information report on a form prescribed by the department on each vehicle declared abandoned. The report shall include the make, model, vehicle identification number, registration plate number, name and address of the owner or person who abandoned the vehicle, if known, and any other information the department may require. The report shall also indicate the vehicle's status as a vehicle with value, a salvage vehicle or a nonrepairable vehicle. The report shall include the name, signature and badge number of the police officer and the name of the respective police department. The report shall serve as an authorized written request for a licensed salvor to remove, possess and further process the abandoned vehicle.
- (b) **Duty of salvors.** --Upon receipt of the written abandoned vehicle information report from any authorized person described in subsection (a), a salvor shall take possession of and remove to the storage facility of the salvor any abandoned vehicle located within 30 miles of the place of business of the salvor. The salvor shall also indicate on the abandoned vehicle information report the vehicle's status as a vehicle with value, a salvage vehicle or a nonrepairable vehicle. (Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 added section 7303.1.

Cross References. Section 7303.1 is referred to in section 7304 of this title.

§ 7304. Reports to department of possession of abandoned vehicles.

Any salvor taking possession of an abandoned vehicle pursuant to section 7303.1 (relating to duty of police and salvors) shall within 48 hours after taking possession send an abandoned vehicle information report to the department. If the report indicates the vehicle is a salvage vehicle, the salvor shall include a photograph of the vehicle to be prepared in a manner prescribed by the department. Any nonrepairable vehicle which does not display an identifiable registration plate, current certificate of inspection and ascertainable vehicle identification number shall be taken into possession and flattened or crushed immediately. There is no requirement to notify the department. (Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

Cross References. Section 7303.1 is referred to in section 7304 of this title.

§ 7304.1. Reports and removal of abandoned vehicles within the boundaries of a city of the first class or second class.

- (a) **General rule.** --Any and all vehicles reported abandoned to the police department and/or the appropriate designated municipal agency or department that handles the abandoned vehicle and cargo process shall be investigated within five business days to determine if the reported vehicle is abandoned as defined in section 102 (relating to definitions). Upon the completion of the investigation, any and all reported vehicles that satisfy the requirements of the definition of "abandoned vehicle" shall be officially declared abandoned and removed within ten business days by the police department or by an authorized salvor pursuant to police or municipality directions. Proper notification of the removal of the vehicle shall be sent pursuant to section 7305 (relating to notice to owner and lienholders of abandoned vehicles).
- (b) **Duty of salvors.** --Upon receipt of the written abandoned vehicle information report from any authorized person described in subsection (a), a salvor shall take possession of and remove to the storage facility of the salvor any abandoned vehicle located within 30 miles of the place of business of the salvor. The salvor shall also indicate on the abandoned vehicle information report the vehicle's status as a vehicle with value, a salvage vehicle or a nonrepairable vehicle. (Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)
- (b) **Certain vehicles.** --Any and all vehicles found to be abandoned vehicles pursuant to subsection (a) and found to have a vehicle registration and an inspection sticker, both of which are expired for a period exceeding 90 days, shall be removed immediately by the police department or by an authorized salvor pursuant to police or municipality directions. Proper notification of the removal of the vehicle shall be sent pursuant to section 7305.
- (c) **Applicability.** --This section shall apply only to vehicles reported abandoned within the boundaries of a city of the first class or a city of the second class. (Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 16, 2007, P.L.106, No.33, eff. 60 days)

2007 Amendment. Act 33 amended the section heading and added subsec. (c).
1998 Amendment. Act 151 added section 7304.1.

§ 7305. Notice to owner and lienholders of abandoned vehicles.

- (a) **General rule.** --The department upon receipt of an abandoned vehicle information report shall notify by certified mail, return receipt requested, the last known registered owner of the vehicle and all lienholders of record that the vehicle is being held as abandoned.
- (b) **Contents of notice.** --The notice shall:
- (1) Describe the make, model, title number, vehicle identification number and registration plate number of the abandoned vehicle, if known.
 - (1.1) State the location of the police department that processed the vehicle.

- (2) State the location where the vehicle is being held.
 - (3) Inform the owner and any lienholders of their right to reclaim the vehicle and its contents within 30 days after the date the notice was mailed at the place where the vehicle is being held by the salvor, upon payment of all towing, storage charges, the fee authorized in section 7306 (relating to payment of costs upon reclaiming vehicle) and penalties under section 3712(d)(1) (relating to abandonment and stripping of vehicles).
 - (4) State that the failure of the owner or lienholder to reclaim the vehicle and its contents is deemed consent by the owner to the destruction, sale or other disposition of the abandoned vehicle and its contents and of all lienholders to dissolution of their liens.
 - (5) Inform the owner and any lienholders of their right, within 30 days of the mailing date of the notice, to request from the appropriate police department a copy of the abandoned vehicle information report and of their right to a hearing conforming to the requirements of 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies). The hearing shall be before a civilian officer or employee of the municipality in which the vehicle was reported as abandoned. If as a result of the hearing it is determined that the vehicle was not abandoned, the owner or lienholder may retrieve the vehicle within 48 hours without payment of any of the fees and penalties under paragraph (3).
- (c) **Notice by publication.** --If the identity of the last registered owner and of all lienholders cannot be determined with reasonable certainty, the contents of the notice set forth in subsection (b) shall be published one time in one newspaper of general circulation in the area where the vehicle was abandoned. The notice may contain multiple listings of abandoned vehicles. Notice by publication locally shall be the responsibility of the salvor. The notice shall have the same effect as notice sent by certified mail. (Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

Cross References. Section 7305 is referred to in section 7304.1 of this title.

§ 7306. Payment of costs upon reclaiming vehicle.

In the event the owner or lienholder of an abandoned vehicle reclaims the vehicle, the reclaiming party shall pay the costs for towing and storage from the date the salvor submitted the abandoned vehicle report to the department, plus a fee of \$50 of which \$25 shall be transmitted to the department by the salvor. (Dec. 9, 2002, P.L.1278, No.152, eff. 60 days.) **NOTE: As a result of Act 89, signed into law on November 25, 2013, this fee changes to \$54 effective July 1, 2019.**

Cross References. Section 7306 is referred to in sections 3352, 7305, 7308 of this title.

§ 7307. Authorization for disposal of unclaimed vehicles.

The department shall, after the expiration of 30 days from the date of notice sent by certified mail to the registered owner and all lienholders of record or 30 days after publication of notice, where applicable, and upon receipt of a written statement from the holder of the vehicle that the abandoned vehicle has not been reclaimed by the owner or lienholder within the 30-day period, authorize the disposal of the abandoned vehicle in accordance with the provisions of this chapter.

§ 7308. Public sale of unclaimed vehicles with value.

- (a) **General rule.** --If an abandoned vehicle having value has not been reclaimed as provided in this chapter, the vehicle shall be sold at a public auction.
- (b) **Title of purchaser.** --The salvor shall give the purchaser a sales receipt and shall apply to the department for an abandoned branded title which shall be free and clear of all previous liens and claims of ownership.
- (c) **Disposition of proceeds.** --From the proceeds of the sale of the abandoned vehicle, the salvor shall be reimbursed for the fee authorized in section 7306 (relating to payment of costs upon reclaiming vehicle) and the costs of towing, storage from the date the salvor submitted the abandoned vehicle report to the department, notice and publication costs and the expenses of auction. The remainder of the proceeds of a sale shall be paid to the department and transmitted to the State Treasurer for deposit in the Motor License Fund. (Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

§ 7309. Processing of nonrepairable or salvage vehicles.

- (a) **Application for certificate of salvage.** --If an abandoned vehicle is a salvage or nonrepairable vehicle as deemed by a police officer and salvor, the salvor and the police officer shall note that fact in the report to the department required in section 7304 (relating to reports to department of possession of abandoned vehicles) and shall apply for issuance of a certificate of salvage or nonrepairable vehicle as provided for in Subchapter D of Chapter 11 (relating to salvage vehicles, theft vehicles, reconstructed vehicles and flood vehicles).
- (b) **Notice and issuance of certificate.** --If the identity of the last registered owner cannot be determined with reasonable certainty and it is impossible to determine with reasonable certainty the identity and addresses of any lienholder, no notice shall be required. Under such circumstances, the department shall upon receipt of the report by the salvor pursuant to section 7304 issue a certificate of salvage as provided in Subchapter D of Chapter 11.
- (c) **Reimbursement of expenses of salvor.** --Within 60 days of the department's receipt of evidence that a salvor has removed an abandoned vehicle upon the request of a police department, the department shall pay to the salvor from the Motor License Fund the sum

of \$15 for the expenses incurred in the removal and towing of the abandoned vehicle. No portion of the \$15 payment or any separate consideration shall be reimbursed or paid to any government agency or municipality by the salvor.

- (d) **Rights of owners and lienholders.** --Issuance by the department of a certificate of salvage, abandoned branded certificate of title or nonrepairable vehicle certificate for a vehicle processed under this section shall operate as a divestiture of all right, title and interest in the vehicle of the owner and all lienholders and any interest in the contents in the vehicle which have not been claimed by the owner.
- (e) **Police officers and authorized personnel.** --Police officers, authorized personnel, their departments or any government agency or municipality shall not assess or accept payment, consideration of any kind or portions of fees outlined in this chapter from any salvor or person for the processing of abandoned vehicles. (Apr. 16, 1992, P.L.169, No.31, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

§ 7310. Removal of abandoned or presumed abandoned vehicles from roadway.

- (a) **General rule.** --Police officers may immediately remove or direct removal of any vehicle abandoned or presumed to be abandoned from any roadway, including the roadway's berm or shoulder, to the nearest point off the roadway where the vehicle will not interfere with or obstruct traffic.
- (b) **Storage of cargo.** --(Deleted by amendment).
- (c) **Liability for damage or loss.** --In carrying out the provisions of this section, no liability shall attach to the police officer or, absent a showing of gross negligence, to any person acting under the direction of the police officer for damage to a presumed abandoned vehicle or damage to or loss of any portion of the contents of the vehicle.
- (d) **Removal from Pennsylvania Turnpike System.** --Notwithstanding the other provisions of this section, any vehicle on the Pennsylvania Turnpike System presumed to be abandoned as defined in section 102 (relating to definitions) shall immediately be removed by or at the direction of the Pennsylvania State Police to the contract garage providing service for that area. In all cases, the Pennsylvania State Police shall remove or direct the removal of any such vehicle within 24 hours of the time of the vehicle's presumption of abandonment. (Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Dec. 8, 2004, P.L.1791, No.237, eff. 150 days)

§ 7311. Reports by garage keepers of abandoned vehicles.

The person in charge of any garage or repair shop in which a vehicle of unknown ownership has been left for a period of 15 consecutive days or, in the case of repair or storage, 15 consecutive days following the completion of repairs or storage agreement

without being removed by the owner or any other person duly authorized to remove the vehicle shall report to the department within 24 hours of the expiration of the 15-day period giving the make, vehicle identification number, registration plate number and the name and address of the person abandoning the vehicle if known. Upon receipt of the report the department shall make a distinctive record of the report and issue a private property abandoned vehicle information report under section 7311.1 (relating to reports by private property owners of abandoned vehicles) to the garage keeper to complete and file with the police. (Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

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

(a) Removal of Abandoned Vehicles.

- (1) A person on whose private property is located a vehicle which has remained on the property without the consent of the property owner or his agent for more than 24 hours may authorize the removal or processing of the vehicle.
- (2) Prior to removal or processing of the vehicle, that person shall file a report, on a multipart form prescribed by the department, with the local police department declaring that an unauthorized vehicle has been left unattended and on private property for at least 24 hours. One part of such report shall be retained by that person, and the other part shall be filed with the police department.
- (3) The police department shall, within five business days, process the vehicle as abandoned under this chapter and attach a copy of the report to the abandoned vehicle information report. (Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

(b) Salvors.

- (1) An unauthorized vehicle that has been left unattended and on private property includes a vehicle towed to a salvor's property that has remained on the salvor's property for a period of 20 days.
- (2) After the 20-day period, the salvor may file a report as provided under Subsection (a). If the salvor elects to file a report, the salvor shall retain and process the vehicle for which the report has been filed.

2002 Amendment. Act 152 added section 7311.1.

Cross References. Section 7311.1 is referred to in section 7311 of this title.

§ 7311.2. Salvors to remove abandoned vehicles in good faith.

When requested to remove an abandoned vehicle, no salvor shall relocate and subsequently abandon the vehicle. The salvor shall move the vehicle to a facility for the purpose of storage of abandoned vehicles or another place as directed by the police or approved by the department. (Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 added section 7311.2.

Cross References. Section 7311.2 is referred to in section 7312 of this title.

§ 7312. Penalty for violation of chapter.

- (a) Fines and imprisonment.** --Any person violating any of the provisions of this chapter is guilty of a summary offense, punishable:
 - (1) For a first offense, by a fine of \$100.
 - (2) For a subsequent offense, by a fine of not less than \$200 nor more than \$500 or imprisonment for not more than 90 days, or both.
- (a.1) Specific violation.** --In addition to any other criminal or civil penalties provided for in this title or in department regulations, any salvor who violates section 7311.2 (relating to salvors to remove abandoned vehicles in good faith) shall be fined not less than \$1,000 nor more than \$10,000, one-half to be paid to the department and the other one-half to be paid to the municipality where the vehicle was abandoned.
- (b) Suspension.** --For violation of any of the provisions of this chapter, the salvor shall be subject to suspension of the privilege to receive abandoned vehicles under this chapter. (Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

**SUBCHAPTER B
WATERCRAFT TRAILER FORFEITURE**

Sec.

- 7321. Scope of subchapter and legislative intent.
- 7322. Definitions.
- 7323. Liens.
- 7324. Notification by watercraft trailer dealer.
- 7325. Responsibility of department.
- 7326. Publication.
- 7327. Redemption.
- 7328. Forfeiture.
- 7329. Rights acquired by good faith purchaser.
- 7330. Other remedies.
- 7331. Construction.

Enactment. Subchapter B was added July 7, 2006, P.L.365, No.79, effective in 120 days.

Cross References. Subchapter B is referred to in section 5331 of Title 30 (Fish).

§ 7321. Scope of subchapter and legislative intent.

- (a) General rule.** --This subchapter covers forfeitures of watercraft trailers left in the possession of watercraft trailer dealers.
- (b) Legislative intent.** --It is the intent of the General Assembly that this subchapter act in concert with 30 Pa.C.S. Ch. 53 Subch. C (relating to boat and marine forfeiture).

(c) Applicability.

- (1) The provisions of this subchapter shall only apply to a watercraft trailer with a resale value based upon established industry standards equal to or less than the maximum amount set forth in this subsection.
- (2) The maximum amount for the year 2006 shall be \$1,000. Thereafter, the maximum amount shall be fixed annually by the department based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The maximum amount as adjusted shall be rounded to the nearest multiple of \$5.
- (3) The department shall give notice of the new maximum amount by publication in the Pennsylvania Bulletin in the third publication in March of each year.

§ 7322. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Customer." A person who contracts for the services of a watercraft trailer dealer concerning a boat, related equipment or a watercraft trailer.

"Terminal date." Either of the following:

- (1) In the case of any repair, remanufacture, restoration, alteration, cleaning or storage, absent a written agreement to the contrary, the term means the date upon which a bill is mailed or otherwise provided to the customer for a completed repair, remanufacture, restoration, alteration, cleaning or storage for a boat, related equipment or watercraft trailer.
- (2) In the case of consignment or brokerage, the term means the last date under the brokerage or consignment contract or agreement.

"Watercraft trailer." A trailer designed or used to transport watercraft.

"Watercraft trailer dealer." A person registered with the department as a watercraft trailer dealer in accordance with section 1337 (relating to use of "Miscellaneous Motor Vehicle Business" registration plates).

Cross References. Section 7322 is referred to in section 5332 of Title 30 (Fish).

§ 7323. Liens.

A watercraft trailer dealer shall have a lien, dependent upon possession, on a watercraft trailer for the balance due the watercraft trailer dealer for any repair,

remanufacture, restoration, alteration, storage, cleaning, consignment or brokerage of a boat, any related equipment or a watercraft trailer. The watercraft trailer dealer may retain possession of a watercraft trailer until the charges are paid.

§ 7324. Notification by watercraft trailer dealer.

- (a) **General rule.** --If a customer does not claim possession of a watercraft trailer within 30 days of the terminal date, a watercraft trailer dealer may initiate the forfeiture procedure by sending written notice on the same day by certified mail, return receipt requested, to the department and the customer.
- (b) **Notice to the customer.** --Notice to the customer shall be mailed to the address designated in writing by the customer or, if not so designated, to the last known address of the customer. If a watercraft trailer dealer sends notice to the customer pursuant to 30 Pa.C.S. 5334 (relating to notice for boats and related equipment), the watercraft trailer dealer may send the notice required by this section in the same mailing.
- (c) **Notice to the department.** --Notice to the department shall be made on a form approved by the department.
- (d) **Content of notice.** --The notice shall contain the following:
 - (1) The name and address of the watercraft trailer dealer.
 - (2) A description of the watercraft trailer, including any registration plate number and vehicle identification number.
 - (3) Notice that the watercraft trailer dealer intends to terminate the rights, title and interest of the owner and lienholder in the watercraft trailer by operation of law in accordance with this subchapter.
 - (4) The amount which must be paid to the watercraft trailer dealer to redeem the watercraft trailer as of the date of the notice.
 - (5) The telephone number of the watercraft trailer dealer.

Cross References. Section 7324 is referred to in sections 7325, 7327 of this title; sections 5334, 5335 of Title 30 (Fish).

§ 7325. Responsibility of department.

- (a) **General rule.** --Upon receipt of the notice specified in section 7324 (relating to notification by watercraft trailer dealer), the department shall send by certified mail, return receipt requested, a notice containing the information set forth in section 7324(d)(1), (2) and (3) to the last known owner and all lienholders of record.
- (b) **Legislative intent.** --If the watercraft trailer displays a registration plate or other identifying indicia evidencing that the watercraft trailer is titled or registered in another state, the department shall use databases to which it has access to ascertain the name and address of the owner and lienholders of record.

- (c) **Notice to watercraft trailer dealers.** --The department shall notify the watercraft trailer dealer:
- (1) upon mailing notice to the owner and lienholders; or
 - (2) after conclusion of a reasonable investigation, that the department has been unable to determine the name and address of any lienholder or owner.

Cross References. Section 7325 is referred to in section 7326 of this title.

§ 7326. Publication.

- (a) **General rule.** --At any time after the date the watercraft trailer dealer receives notice from the department pursuant to section 7325 (relating to responsibility of department), the watercraft trailer dealer shall publish a notice, once a week for two consecutive weeks, in a newspaper of general circulation published in the county where the watercraft trailer dealer is located, describing the watercraft trailer and any identifying number.
- (b) **Contents of notice.** --The notice shall include information that all rights, title and interest in the watercraft trailer shall be transferred to a watercraft trailer dealer by operation of law unless the watercraft trailer is redeemed within 30 days of the date of the second publication. This notice may be combined with a publication of notice pursuant to 30 Pa.C.S. § 5337 (relating to publication for boats and related equipment).

Cross References. Section 7326 is referred to in sections 7327, 7328 of this title; sections 5337, 5338 of Title 30 (Fish).

§ 7327. Redemption.

- (a) **Notice.** --Upon request of the customer, any lienholder or the owner of a watercraft trailer, the watercraft trailer dealer shall provide the amount necessary under subsection (b), at the time of the request, to redeem the watercraft trailer.
- (b) **Charges and expenses.** --Prior to the forfeiture of a watercraft trailer under this subchapter, the customer, any lienholder or the owner of the watercraft trailer may pay the amount necessary to satisfy:
- (1) All charges due the watercraft trailer dealer for the repair, remanufacture, restoration, alteration, storage, cleaning, consignment or brokerage of the watercraft trailer.
 - (2) Reasonable expenses associated with the mailing of notices under section 7324 (relating to notification by watercraft trailer dealer) and the publication of notice under section 7326 (relating to publication).

- (c) **Return of property.** --Upon payment of all charges and expenses under subsection (b), the watercraft trailer dealer shall return the watercraft trailer to the customer, lienholder or owner and shall thereafter have no liability to any person with respect to the watercraft trailer dealer.

§ 7328. Forfeiture.

A watercraft trailer that is not redeemed within 30 days of the second publication under 75 Pa.C.S. § 7326 (relating to publication) is deemed forfeited to the watercraft trailer dealer, and any prior right, title or interest in the watercraft trailer is terminated. The watercraft trailer dealer shall make application for a certificate of title to the department.

§ 7329. Rights acquired by good faith purchaser.

A purchaser in good faith of a watercraft trailer sold by a watercraft trailer dealer after forfeiture under this subchapter takes the watercraft trailer free of all liens and encumbrances despite noncompliance by the watercraft trailer dealer with the requirements of this subchapter.

§ 7330. Other remedies.

The provisions of this subchapter are in addition to any and all other remedies available to a watercraft trailer dealer. This subchapter shall not foreclose any other remedies available to a watercraft trailer dealer at law or in equity.

§ 7331. Construction.

Nothing in this subchapter shall be construed to authorize a watercraft trailer dealer to transfer any right, title or interest in a watercraft trailer in violation of section 307 of the Servicemembers Civil Relief Act (Public Law 108-89, 50 App. U.S.C. § 537) or 51 Pa.C.S. § 4105 (relating to exemption from civil process).