

No. 142

AN ACT

SB 485

Amending the act of April 29, 1959 (P.L.58, No.32), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," further defining "abandoned motor vehicle" and regulating the power of removal of vehicles from highways.

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

Section 1. The definition of "Abandoned Motor Vehicle" in section 102, act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle Code," amended January 15, 1970 (P.L.519, No.195), is amended to read:

Section 102. Definitions.—The following words and phrases when used in this act shall, for the purpose of this act, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

"Abandoned Motor Vehicle."—(1) A motor vehicle that is inoperable and is left unattended on public property for more than ~~[ninety-six (96)]~~ *forty-eight (48)* hours or; (2) a motor vehicle that has remained illegally on public property for a period of more than ~~[ninety-six (96)]~~ *forty-eight (48)* hours; or (3) ~~[an inoperable]~~ *a* motor vehicle without registration plates left standing on or along the highway; or (4) a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than ~~[ninety-six (96)]~~ *forty-eight (48)* hours: Provided, That vehicles and equipment used or to be used in construction, or the operation or maintenance of public utility facilities and which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this act.

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Section 2. Section 1222 of the act, amended March 19, 1970 (P.L.191, No.74), is amended to read:

Section 1222. *Unattended, Abandoned or Wrecked Vehicles and Tractors; Contents and Loads.*—

(a) Peace officers and employes of the Department of ~~[Highways]~~ *Transportation* having permission of a peace officer shall have authority to remove *or direct removal of vehicles left standing on or in close proximity to the travelled portion of the highway which presents, in the opinion of the peace officer, an immediate safety hazard,* or direct removal of, abandoned or wrecked vehicles and tractors and spilled cargo from any highway to the nearest point where such vehicle or tractor or spilled cargo will not interfere with or obstruct traffic thereon.

Immediately following an accident, the wrecked vehicle or tractor or spilled cargo shall be removed or directed to be removed beyond the travelled portion of the highway by a peace officer or employe of the Department of [Highways] *Transportation*, having permission of a peace officer if the owner or operator cannot so remove the wrecked vehicle or tractor or refuses or fails to have the same removed within a reasonable time. A garage keeper's lien shall not become effective unless the conditions of this section shall have been met.

[In the removal of abandoned or wrecked vehicles or contents thereof and tractors and spilled cargo in accordance with the provisions of this subsection, no liability for damages to the abandoned or wrecked vehicle or contents thereof or tractor or spilled cargo shall attach to the peace officer or employe of the Department of Highways having permission of a peace officer removing or directing such removal.] *In the carrying out of the provisions of this subsection, no liability for damages shall attach to such peace officer or employe of the Department of Transportation.*

(b) When in the opinion of a peace officer or employe of the Department of [Highways] *Transportation* it is deemed necessary for the protection of the contents or load of a wrecked vehicle or tractor or spilled cargo from the elements, spoilage or theft, such peace officer or employe of the Department of [Highways] *Transportation* having permission of a peace officer is authorized to remove, or direct to be removed, and cause to be stored, at the owner's expense, such contents or load or spilled cargo at the nearest practical place of storage. In the carrying out of the provisions of this subsection, no liability shall attach to such peace officer or employe of the Department of [Highways] *Transportation* having permission of a peace officer for damage to or loss of any portion of such contents or load or spilled cargo.

Section 3. This act shall take effect immediately.

APPROVED—The 12th day of December, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 142.



Secretary of the Commonwealth.