

# 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 -

- (1) Pursuant to Sections 3352(c) and 3353(c) of the Vehicle Code, the property owner may request a police department to declare the vehicle to be abandoned and to require a salvor to take possession of the vehicle.
- (2) The property owner may personally remove the vehicle from his or her private property to a place of storage pursuant to Section 3353(c) of the Vehicle Code and may bring an action before a District Justice to recover the costs of removal and storage. The landowner must provide the vehicle owner reasonable notice of any action initiated before the District Justice. Once judgment is entered on behalf of the landowner and reasonable notice is provided to the vehicle owner, the vehicle may be sold at a Sheriff's sale in execution of the judgment.
- (3) The property owner may file suit in Common Pleas Court requesting that an order be entered that (1) awards ownership of the subject vehicle to the landowner and, (2) extinguishes the right, title and interest of any other person to said vehicle. Pursuant to Sections 1114(a) and 1116(b) of the Vehicle Code, PennDOT would be able to accept such a court order as evidence of ownership in lieu of a certificate of title. In order for the applicant to obtain a certificate of title, a certified copy of the court order must accompany a completed MV-1 form, along with taxes, fees, and evidence satisfactory to PennDOT that reasonable notice of the court proceeding had been provided to the vehicle owner, and any other interested party, including anyone whose lien is endorsed upon the certificate of title for the vehicle according to the records of PennDOT. (**NOTE:** A sample court order is printed below.)

A property owner may not repossess an automobile for the costs of storing the vehicle upon the landowner's private property unless the landowner is a bona fide warehouseman as provided by the Uniform Commercial Code, 13 P.S. Section 7102, et seq. A lien or bill incurred for repairs to a vehicle can be collected only by filing a complaint, obtaining judgment against the owner and having the vehicle sold at a Sheriff's sale to satisfy the judgment. Notice of the proceeding must be provided to any person who has a lien endorsed upon the certificate of title for the vehicle according to the records of PennDOT.

### SAMPLE COURT ORDER

AND NOW, this      day of      , 20      , after reasonable notice and an opportunity for hearing having been provided to all interested parties, the Court hereby awards ownership of one [model year], [make], [model], bearing vehicle identification number \_\_\_\_\_ to [name of applicant], and the right, title and interest of any other person to said vehicle is hereby extinguished. The Department of Transportation may accept this order as evidence of ownership in lieu of a certificate of title. The Petitioner shall submit the appropriate forms, taxes and fees and comply with any other procedures of the Department of Transportation in order to receive the appropriate certificate of title for said vehicle.

BY THE COURT:

\_\_\_\_\_  
, Judge