

CHAPTER 253. SALVORS

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Authority

The provisions of this Chapter 253 issued under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 7301, unless otherwise noted.

Source

The provisions of this Chapter 253 adopted August 19, 1977, effective August 20, 1977, 7 Pa.B. 2362, unless otherwise noted.

§ 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).

Source

The provisions of this § 253.1 adopted August 19, 1977, effective August 20, 1977, 7 Pa.B. 2362; amended September 28, 1990, effective September 29, 1990, 20 Pa.B. 4957. Immediately preceding text appears at serial page (57800).

§ 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.

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.

Source

The provisions of this § 253.2 adopted August 19, 1977, effective August 20, 1977, 7 Pa.B. 2362; amended September 28, 1990, effective September 29, 1990, 20 Pa.B. 4957. Immediately preceding text appears at serial pages (57800) to (57801).

§ 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.

Source

The provisions of this § 253.3 adopted August 19, 1977, effective August 20, 1977, 7 Pa.B. 2362; amended September 28, 1990, effective September 29, 1990, 20 Pa.B. 4957. Immediately preceding text appears at serial pages (57801) to (57802).

§ 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.

Source

The provisions of this § 253.4 adopted August 19, 1977, effective August 20, 1977, 7 Pa.B. 2362; amended September 28, 1990, effective September 29, 1990, 20 Pa.B. 4957. Immediately preceding text appears at serial pages (90316) to (90317).

§ 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).

Source

The provisions of this § 253.5 adopted August 19, 1977, effective August 20, 1977, 7 Pa.B. 2362; amended September 28, 1990, effective September 29, 1990, 20 Pa.B. 4957. Immediately preceding text appears at serial page (90317)

Cross References

This section cited in 67 Pa. Code § 253.6 (relating to vehicles valueless except for junk).

§ 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.

Source

The provisions of this § 253.6 adopted August 19, 1977, effective August 20, 1977, 7 Pa.B. 2362; amended September 28, 1990, effective September 29, 1990, 20 Pa.B. 4957. Immediately preceding text appears at serial page (90317).

Cross References

This section cited in 67 Pa. Code § 253.6 (relating to vehicles valueless except for junk).

§ 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:

<i>Category I</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>	<i>4th and Subsequent Offense</i>
(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.
<i>Category II</i>				
(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.

<i>Category I</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>	<i>4th and Subsequent Offense</i>
(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 sal-

vor shall be required to surrender his certificate of authorization to an authorized representative of the Department.

Source

The provisions of this § 253.7 adopted September 28, 1990, effective September 29, 1990, 20 Pa.B. 4957.

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