

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

PHILADELPHIA TRAFFIC COURT

FIRST JUDICIAL DISTRICT

JOINT GENERAL COURT REGULATION

COURT OF COMMON PLEAS AND TRAFFIC COURT

No. 97-3

Procedure for Sale of Motor Vehicles Impounded for Non-Payment

of Fines Pursuant to 75 Pa. C.S. §6309.1

On July 2, 1996, Governor Thomas Ridge signed Act No. 1996-93, which added, inter alia, 75 Pa.C.S. Section 6309.1, authorizing the impoundment and sale of motor vehicles under certain specified situations. This Joint General Court Regulation sets forth the procedure to be followed in implement Section 6309.1, which authorizes the impoundment and sale of motor vehicles for failure to pay fines in excess of \$250.

1. **Motor Vehicles Eligible for Impoundment.** A defendant's motor vehicle with a gross vehicle weight rating of 17,000 pounds or less may be impounded if upon conviction or entry of a plea of guilty or nolo contendere for any of the offenses set forth in 75 Pa. C.S. §6309.1(b), the defendant has outstanding or unpaid Traffic Court fines in excess of \$250.00.

2. **Prerequisites to Impoundment.** A motor vehicle may not be impounded for a 24 hour period after the conviction or entry of a plea of guilty or nolo contendere to enable the defendant to pay, or to make arrangements to pay, the fines and costs of prosecution. During that 24 hour period the motor vehicle may be rendered temporarily inoperable and transferred to a secure location for safe keeping.

3. **Designation of Enforcement Officer.** The Philadelphia Parking Authority is designated as "the appropriate law enforcement officer" who shall undertake the impoundment and notification as authorized by 75 Pa. C.S. §6309.1. The Traffic Court may, from time to time, designate different "appropriate law enforcement officers".

4. **Impoundment.** Upon expiration of the 24 hour period as set forth above, if the fines and costs are not paid or satisfactory arrangements have not been made to pay same the Traffic Court shall notify the Parking Authority to impound the vehicle and store same at an appropriate location.

5. **Notice of Impoundment.** The Philadelphia Parking Authority shall notify the defendant, the owner of the vehicle or combination, any lienholder and, if applicable, the owner of the load, that the motor vehicle has been impounded pursuant to 75 Pa. C.S. §6309.1 and of their right to reclaim the said motor vehicle and its contents by paying the outstanding fines and other applicable costs. The notice shall be in the form set forth as [Exhibit "A"](#). Notice shall be sent by regular mail with a Certificate of Mailing and also by certified mail, return receipt requested. Notice shall be deemed to have been provided upon the mailing of the letters. The Traffic Court shall give a similar notice, which shall be substantially as set forth hereunder as [Exhibit "B"](#); provided, however, that the said notice may be sent together with the notice sent by the Philadelphia Parking Authority.

6. **Filing of Petition.** A Civil Cover Sheet, Petition and Motion Court Cover Sheet shall be filed with the Prothonotary of the Court of Common Pleas setting forth, *inter alia*, that prior to impounding the motor vehicle, the defendant was given 24 hours to make arrangements for payment of the underlying fines, setting forth the efforts made to notify the owners, and lienholders, of record, and that the outstanding fines and costs have not been paid. Attached to the Petition shall be copies of the notices sent to the appropriate parties, the Certificates of Mailing and,

if returned, the Certified Return Receipts. Upon review of the Petition, the President Judge of the Court of Common Pleas, or his designee, may enter an Order authorizing the Philadelphia Parking Authority, through its authorized agent, to sell at public auction the motor vehicles described in the said Petition. The Order shall be substantially in the form set forth hereunder as [Exhibit "C"](#).

7. **Notice of Auction Date and Rights of Owners and Lienholders of Record Pending Auction**. Notice of the auction dates shall be set forth in the notice to the owners as provided in Section 5 above. Notice of the public auction shall also be provided by publication at least five (5) days before the auction in either *The Philadelphia Inquirer* or *The Philadelphia Daily News*, or as otherwise directed by the Court. At any time prior to the auction date, any owner, or lienholder, may obtain the release of the motor vehicle upon the payment of the fines, fees and costs as set forth in the notice and as may be incurred thereafter. In the event a vehicle scheduled to be auctioned on a specific date is not auctioned on that date, the said vehicle may be auctioned on a subsequent date provided, however, that the Philadelphia Parking Authority shall, in rescheduling the auction date, provide notices substantially as set forth in Sections 5 and 7, and shall otherwise comply with the within Joint General Court Regulation.

8. **List of Successful Bidders**. At the auction, the Philadelphia Parking Authority, and/or its authorized agent, shall maintain a list of the successful bidders. The said list shall be submitted to the Court within thirty (30) days after the auction entry of an order directing the Department of Transportation to extinguish title of the prior owners or lienholders of record and to issue certificates of ownership to the successful bidders. The order shall substantially be in the form set forth hereunder as [Exhibit "D"](#).

9. **Disposition of Proceeds of the Auction**. The proceeds from the auction shall be used to satisfy the various fines and costs in the following order:

- costs of sale (auctioneer, advertising, postage);
- towing and storage costs;
- Traffic Court's costs as authorized in Section 6309.1(e);
- outstanding fines due as a result of violations of the Motor Vehicle Code;
- City of Philadelphia parking fines.

Any remaining proceeds shall be subject to the demands of the original owner of record and/or lienholder of record, as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the City of Philadelphia.

10. **Effective Date**. This Joint General Court Regulation shall become effective immediately.

This Joint General Court Regulation is promulgated in accordance with Act 1996-93, the May 8, 1996 Order of the Supreme Court of Pennsylvania, Eastern District, No. 168 Judicial Administration, Docket No. 1, Phila. Civ. R. 51 and Pa. R.C.P. 239. As required by Pa. R.C.P. 239, the original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

Alex Bonavitacola
PRESIDENT JUDGE,
COURT OF COMMON PLEAS

DATE: 10/23/97

Bernice DeAngelis
ADMINISTRATIVE JUDGE,
TRAFFIC COURT

DATE: 10/23/97

PHILADELPHIA TRAFFIC COURT
800 SPRING GARDEN STREET, PHILADELPHIA, PA
NOTICE OF IMPOUNDED VEHICLE SUBJECT TO SALE
(Date)

(Last Known Registered Owner's Name)
(Address)
(City,state,zip)

Dear (Last Known Registered Owner):

The Philadelphia Parking Authority is informing you that on (Date of Tow), the following vehicle, registered in your name, was impounded for violation(s) of the Motor Vehicle Code, 75PA. C.S. §6309.1.

Vehicle Year:	State and Tag Displayed:
Vehicle Make:	Vehicle Identification Number:
Vehicle Color:	PPA Control Number:

To recover this vehicle, you will be required to pay outstanding fines due to the Philadelphia Traffic Court which currently exceed \$250.00. In addition, you are liable for a towing fee of \$75.00, a storage charge of \$5.75 per day for the first five (5) days and \$17.25 per day thereafter, and an administrative cost of \$75.00 imposed by the Philadelphia Traffic Court.

Before you may reclaim the vehicle, you must make arrangements to pay the outstanding fines and costs due to the Philadelphia Traffic Court. You may appear in person at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA or contact at 686-1680 to determine the exact amount which is due. Upon payment of such outstanding fines and costs, the Traffic Court will issue a Certificate of Release. Court hours Mon. to Fri. 8:30 a.m. to 8:00 p.m. - Sat. 9:00 a.m. to 1:00 p.m.

You may reclaim this vehicle by bringing the Certificate of Release issued by the Traffic Court, proof of ownership, proof of insurance, along with payment of the applicable towing and storage fees and ticket fines, to either:

Parking Violations Branch	Hours:	
913 Filbert Street	M/T/Th/Fri	9:00 a.m. - 7:00 p.m.
Philadelphia, PA 19107	Wednesday	8:00 a.m. - 8:00 p.m.
(215) 561-3636	Saturday	9:00 a.m. - 1:00 p.m.

Or

Philadelphia Parking Authority	Hours:	
Impoundment Lot #1	M - W	8:00 a.m. - 9:00 p.m.
Columbus Blvd. & Noble St.	Th -Sat	8:00 a.m. - 2:00 a.m.
Philadelphia, Pa 19123	Sunday	7:00 p.m. - 2:00 a.m.
(215) 683-9550		

Pursuant to 75PA. C.S. §6309.1 and Joint General Court Resolution No. 97-3 , if this vehicle is not claimed within fifteen (15) days of the issuance of this notice, the Philadelphia Parking Authority will petition the Philadelphia Court of Common Pleas to sell this vehicle at public auction. A petition to sell this vehicle will be filed with the Court requesting leave to sell this vehicle at public auction on _____ at _____ a.m./p.m. at the following location: Philadelphia Parking Authority Lot #2, 2535 South Swanson Street, Philadelphia, PA 19148. If you do not retrieve your vehicle, you are responsible to remove any personal property from your vehicle 72 hours prior to sale from Impoundment Lot #2, or we will dispose of the items.

THIS IS YOUR FINAL NOTICE, IF YOU DO NOT RECLAIM THIS VEHICLE IT WILL BE AUCTIONED AS SET FORTH ABOVE AND YOUR OWNERSHIP INTEREST WILL BE EXTINGUISHED AND OWNERSHIP WILL VEST TO THE SUCCESSFUL BIDDER.

Sincerely,

Frank Ragozzino, Manager
Towing and Impoundment

EXHIBIT "A"

PHILADELPHIA TRAFFIC COURT
800 SPRING GARDEN STREET, PHILADELPHIA, PA
NOTICE OF IMPOUNDED VEHICLE SUBJECT TO SALE
(Date)

(Last Known Registered Owner's Name)
(Address)
(City,state,zip)

Dear (Last Known Registered Owner):

The Philadelphia Philadelphia Traffic Court is informing you that on (Date of Tow), the following vehicle, registered in your name, was impounded for violation(s) of the Motor Vehicle Code, 75PA. C.S. §6309.1, by the Philadelphia Parking Authority.

Vehicle Year:	State and Tag Displayed:
Vehicle Make:	Vehicle Identification Number:
Vehicle Color:	PPA Control Number:

To recover this vehicle, you will be required to pay outstanding fines due to the Philadelphia Traffic Court which currently exceed \$250.00. In addition, you are liable for a towing fee of \$75.00, a storage charge of \$5.75 per day for the first five (5) days and \$17.25 per day thereafter, and an administrative cost of \$75.00 imposed by the Philadelphia Traffic Court.

Before you may reclaim the vehicle, you must make arrangements to pay the outstanding fines and costs due to the Philadelphia Traffic Court. You may appear in person at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA or contact at 686-1680 to determine the exact amount which is due. Upon payment of such outstanding fines and costs, the Traffic Court will issue a Certificate of Release. Court hours Mon. to Fri. 8:30 a.m. to 8:00 p.m. - Sat. 9:00 a.m. to 1:00 p.m.

You may reclaim this vehicle by bringing the Certificate of Release issued by the Traffic Court, proof of ownership, proof of insurance, along with payment of the applicable towing and storage fees and ticket fines, to either:

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Philadelphia, Pa 19123	Sunday	7:00 p.m. - 2:00 a.m.
(215) 683-9550		

Pursuant to 75PA. C.S. §6309.1 and Joint General Court Resolution No. 97- 3 , if this vehicle is not claimed within fifteen (15) days of the issuance of this notice, the Philadelphia Parking Authority will petition the Philadelphia Court of Common Pleas to sell this vehicle at public auction. A petition to sell this vehicle will be filed with the Court requesting leave to sell this vehicle at public auction on _____ at _____ a.m./p.m. at the following location: Philadelphia Parking Authority Lot #2, 2535 South Swanson Street, Philadelphia, PA 19148. If you do not

retrieve your vehicle, you are responsible to remove any personal property from your vehicle 72 hours prior to sale from Impoundment Lot #2, or we will dispose of the items.

THIS IS YOUR FINAL NOTICE, IF YOU DO NOT RECLAIM THIS VEHICLE IT WILL BE AUCTIONED AS SET FORTH ABOVE AND YOUR OWNERSHIP INTEREST WILL BE EXTINGUISHED AND OWNERSHIP WILL VEST TO THE SUCCESSFUL BIDDER.

Sincerely,

Bernice A. DeAngelis
Administrative Judge

EXHIBIT "B"

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

In RE: : **TERM, 19**

:

Philadelphia Parking Authority :

by _____, :

Director, Enforcement : **NO:**

ORDER

AND NOW, this day of , 19 , upon Petition of the Philadelphia Parking Authority filed on _____, the Court being satisfied that appropriate notices were sent to the owners and lienholders of vehicles listed in Exhibit "A", as required by Joint General Court Regulation No. 97-3, copies of the notices and certificates of mailing, and proof of certified mail being attached to the Petition, and the said owners or lienholders not having paid, or made satisfactory arrangements to pay, the outstanding fines and costs, IT IS HEREBY ORDERED and DECREED that the Philadelphia Parking Authority, through its authorized agent, is authorized to sell at public auction the motor vehicles described in said Petition on _____, 19____, at _____ a.m./p.m., _____, Philadelphia, PA .

Notice of said public auction shall be published once at least five (5) days before the auction in either the *Philadelphia Inquirer* or the *Philadelphia Daily News*.

Petitioner shall, after the sale, submit to the Court a list setting forth the names of each successful bidder for the entry of an appropriate Order directing the Department of Transportation to issue Certificates of Title to the successful bidders.

IT IS FURTHER ORDERED and DECREED that the net proceeds of said sale shall be distributed as provided in Section 9 of Joint General Court Regulation No. 97-3, and any remaining proceeds shall be held for one year subject to the demands of the current owners or lienholders of record of said vehicles, as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the City of Philadelphia.

BY THE COURT:

BONAVITACOLA, P.J.

EXHIBIT "C"

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

In RE: : **TERM, 19**

:

Philadelphia Parking Authority :

by _____, :

Director, Enforcement : **NO:**

ORDER

AND NOW, this day of , 19 , the Philadelphia Parking Authority having identified in Exhibit "A" the purchasers of the impounded motor vehicles offered for sale at public auction pursuant to this Court's Order of _____, 19 , IT IS HEREBY ORDERED and DECREED that the currently registered owners' and lienholders' legal and equitable interest in those vehicles is hereby extinguished, and the appropriate Department of Transportation shall cancel any certificates of title which were issued prior to this Order to other persons, and shall issue title to said vehicles in the names of those persons identified as purchasers in Exhibit "A", upon completion of the proper forms and payment of the required fees.

BY THE COURT:

BONAVITACOLA, P.J.

EXHIBIT "D"