

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. 98-2

**Procedure for Sale of Motor Vehicles Impounded for Driving Without  
Operating Privileges or Registration Pursuant to 75 Pa. C.S. §6309.2**

On July 2, 1996, Governor Thomas Ridge signed Act No. 1996-93 which authorizes the impoundment and sale of motor vehicles under certain specified situations. The within Joint General Court Regulation sets forth the procedure to be followed in implementing Section 6309.2, which authorizes the impoundment and sale of motor vehicles for driving without operating privileges or registration.

1. **Motor Vehicles Eligible for Immobilization and Impoundment.** Motor vehicles are subject to immobilization and impoundment for two reasons:

a. Motor vehicles driven by an unlicensed person, or while the person's operating privilege is suspended, revoked, canceled, recalled or disqualified; or

b. Motor vehicle itself is not registered, or for which the registration is suspended for failure to secure or maintain financial responsibility.

2. **Prerequisite to Immobilization and Impoundment.** The bases identified in Section 1 above must be verified with the applicable Department of Motor Vehicles by the Philadelphia Police Department before the motor vehicle may be immobilized and impounded.

3. **Prerequisites to Impoundment.** A motor vehicle may not be impounded for a 24 hour period after it is immobilized so as to enable the owner or operator of the immobilized motor vehicle to appear in Traffic Court and furnish proof of registration and financial responsibility and compliance with Titles 42 and 75. During that 24 hour period, however, the motor vehicle shall be immobilized and may be transferred to a secure location for safe keeping.

4. **Designation of Enforcement Officer.** The Traffic Court may, from time to time, appoint such "appropriate towing and storage agents" as may be necessary to undertake the impoundment and notification required by Act No. 1996-93.

5. **Impoundment.** Upon expiration of the 24 hour period as set forth above, if a Certificate of Release has not been issued evidencing compliance with 75 Pa. C.S. §6309.2(b) and Sections 2 and 3 above, the appointed towing and storage agents shall impound the vehicle and store same at an appropriate location.

6. **Notice of Impoundment.** When applicable, the appropriate law enforcement officer shall issue a citation or summons to the operator of the motor vehicle. The appropriate towing and storage agent shall notify the title owner of the vehicle or combination and any lienholder and, if applicable, the owner of the load, of the fact that the motor vehicle has been impounded pursuant to 75 Pa. C.S. §6309.2 and of their right to recover the said motor vehicle by showing compliance with 75 Pa. C.S. §6309.2(b). The notice shall further provide that if the vehicle is not recovered by a stated date, the vehicle will be sold. The notice shall be substantially in the form set forth hereunder as [Exhibit "A"](#). Notice shall be sent to the addresses on file at the appropriate departments of motor vehicle by regular mail, which the Court finds to be the most expeditious means, and a Certificate of Mailing shall be obtained. Notice shall be deemed to have been provided upon the mailing of the notices as set forth herein.

7. **Obtaining Leave of Court to Sell Vehicle.** A Petition and Motion Court Cover Sheet shall be filed with the Prothonotary and Civil Administration setting forth, *inter alia*, that prior to impounding the motor vehicle, the operator and owner of the motor vehicle had 24 hours to obtain a certificate of release as provided in 75 Pa. C.S. §6303.2(b), and further setting forth the efforts made to notify the owners, and lienholders of record, the fact that no Certificate of Release has been issued, or if issued, that the vehicle has not been recovered. Copies of the notices sent to the appropriate parties and the Certificates of Mailing shall be attached to the Petition. Upon review of the Petition, the President Judge of the Court of Common Pleas, or his designee, if satisfied that the required Notices were sent, that no Certificate of Release was issued, or that if issued, the vehicle has not been recovered, that the owner or operator of the impounded motor vehicle have not complied with 75 Pa. C.S. §6309.2, and that the requisite fines and costs have not been paid, may enter an Order authorizing the Traffic Court, 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 "B"](#).

8. **Notice of Auction Date and Rights of Owners of Record and Lienholders of Record Pending Auction.** Notice of the auction dates shall be provided as set forth in Section 6 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 of Common Pleas. At any time prior to the auction date, any operator, owner, or lienholder, may obtain the release of the motor vehicle upon compliance with 75 Pa. C.S. §6309.2(b) and upon payment of the fines, fees and costs as set forth in the Notice and as may be incurred thereafter. Upon issuance of the Certificate of Release by the Traffic Court, the motor vehicle must be picked up before the auction set forth in the Notice provided as required in Section 6 above. In the event a vehicle scheduled to be auctioned on a specific date established in accordance with the procedures set forth herein is not auctioned on that date, the said vehicle may be auctioned on a subsequent date provided, however, that the interested parties are provided new Notices setting forth the date of the rescheduled auction, substantially as set forth in Sections 6 and 8.

9. **List of Successful Bidders.** At the auction, the Traffic Court and/or its authorized agent, shall maintain a list of the successful bidders. The said list shall be submitted to the Court of Common Pleas within thirty (30) days after the auction so that an order may be entered, if necessary, directing the appropriate departments 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 "C"](#).

10. **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: cost of sale (auctioneer, advertising); costs associated with towing and storage; administrative costs imposed by Traffic Court; fines imposed by the Traffic Court on the owner or lienholder of the impounded vehicle or load, including full payment of any sums which may be due pursuant to a payment plan approved by the Court; and City of Philadelphia parking fines. Any remaining proceeds shall be subject to the demands of the original owner and lienholders 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 or utilized as otherwise provided by the President Judge of the Court of Common Pleas.

11. **Post-Auction Petition or Relief.** Proceedings instituted after the sale or auction of any motor vehicle conducted as authorized by 75 Pa. C.S. §6309.2 and the within Joint General Court Regulation disputing the underlying facts or offenses rendering the motor vehicle subject to sale or auction shall not invalidate the sale or auction. In the event relief is granted and the underlying offenses discharged, the only entitlement the owner and lienholder may have, if raised within the applicable limitations period, shall be the return of any remaining proceeds from the sale or auction of the motor vehicle as provided in Section 10 above.

12. **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 Bonavita*  
**PRESIDENT JUDGE,  
COURT OF COMMON PLEAS**

**DATE: 06/17/98**

*Bernice DeAngelis*  
**ADMINISTRATIVE JUDGE,  
TRAFFIC COURT**

**DATE: 06/17/98**

**Revised Exhibits**

**As Per**

**Joint General Court Regulation No. 98-2**

**Effective June 3, 2002**

**PHILADELPHIA PARKING AUTHORITY**  
**[ADDRESS], PHILADELPHIA, PA**  
**NOTICE OF IMMOBILIZATION AND IMPOUNDMENT OF 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 immobilized and/or impounded as authorized by the Traffic Court for violation(s) of the Motor Vehicle Code, 75 Pa. C.S. § 6309.2:

Vehicle Year:

State and Tag Displayed:

Vehicle Make:

Vehicle Identification Number:

Vehicle Color:

PPA Control Number:

You may recover the vehicle as provided by 75 Pa. C.S. § 6309.2.

Before you may recover the vehicle, you must appear in person at the Philadelphia Traffic Court, 800 Spring Garden Street, Philadelphia, PA to resolve any outstanding vehicle registration or operating privilege issues. You must bring with you the following: valid registration, proof of current insurance, and operator license, if applicable. You may call 686-XXXX for instructions on the procedure to be followed to recover your vehicle.

If the Philadelphia Traffic Court issues a Certificate of Release, you may recover this vehicle by bringing the Certificate of Release issued by the Philadelphia Traffic Court, valid registration, proof of current insurance, along with payment of the applicable towing and storage fees and other applicable fines or costs, to:

Philadelphia Parking Authority  
Impoundment Lot #1  
2501 Weccacoe Avenue  
Philadelphia, PA 19148  
(215)683-9550

Hours:

M - Th 8:00 a.m. - 9:00 p.m.

Fri- Sat 8:00 a.m. - 2:00 a.m.

Sunday 7:00 p.m. - 2:00 a.m.

Pursuant to 75 Pa. C.S. § 6309.2 and Joint General Court Regulation No. 98-2, if this vehicle is not recovered within fifteen (15) days of the date 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 recover 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 THE FINAL NOTICE THAT YOU WILL RECEIVE BEFORE THE COURT ENTERS AN ORDER AUTHORIZING THE SALE OF THIS VEHICLE. IF YOU DO NOT RECLAIM THIS VEHICLE, THE COURT OF COMMON PLEAS WILL ISSUE AN ORDER GRANTING THE PETITION AS SET FORTH ABOVE AND AUTHORIZING THE SALE OF YOUR VEHICLE AT THE PUBLIC AUCTION SET FORTH ABOVE. THE VEHICLE WILL THEN BE AUCTIONED AS SET FORTH ABOVE, YOUR INTEREST WILL BE EXTINGUISHED, AND OWNERSHIP WILL VEST TO THE SUCCESSFUL BIDDER.**

Sincerely,  
IMPOUNDMENT OFFICIAL

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

In RE:	:	Term, 20__
	:	
Philadelphia Parking Authority	:	
by _____,	:	
Director, Enforcement	:	NO:

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ , upon Petition filed on behalf of the Traffic Court 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. 2002-\_\_\_\_, copies of the notices and certificates of mailing being attached to the Petition, and the said owners or lienholders not having furnished proof of valid registration and financial responsibility, or paid, or made arrangements to resolve any outstanding vehicle registration or operating privilege issues as required by 75 Pa. C.S. § 6309.2, and having failed to recover the vehicle, IT IS HEREBY ORDERED and DECREED that the Traffic Court, through its authorized agent, the Philadelphia Parking Authority, is authorized to sell at public auction the motor vehicles described in said Petition on \_\_\_\_\_, 20\_\_\_\_, 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 proof of publication and a list setting forth the names of each successful bidder for the entry of an appropriate Order directing the appropriate departments 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 12 of Joint General Court Regulation No. 98-2, 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 or utilized as otherwise provided by the President Judge of the Court of Common Pleas.

Petitioner, on behalf of the Prothonotary, shall mail to each currently registered owner and lienholder a copy of the signed pages of this order and a copy of the attached Notice of Entry of Order that applies to that person and shall file a Certificate of Service with the Prothonotary.

BY THE COURT:

---

P.J.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

In RE: : Term, 20\_\_\_\_  
:   
Philadelphia Parking Authority :   
by \_\_\_\_\_, :   
Director, Enforcement : NO:

To: (Last Known Registered Owner's or Lienholder's Name)  
(Address)  
(City, state, zip)

**NOTICE OF ENTRY OF ORDER**

YOU ARE HEREBY GIVEN NOTICE THAT the vehicle listed below will be sold at auction and your legal and equitable interest in that vehicle will be extinguished pursuant to the attached order of the Court of Common Pleas of Philadelphia County. Following sale at auction and entry of a final order by the Court, the appropriate Department of Transportation will cancel any certificates of title previously issued for this vehicle and this matter will be closed.

Vehicle Year: State and Tag Displayed:  
Vehicle Make: Vehicle Identification Number:  
Petitioner's Control Number:

**Notice Required By Exhibit "B"**



**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

In RE:	:	Term, 20__
	:	
Philadelphia Parking Authority	:	
by _____,	:	
Director, Enforcement	:	NO:

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that today, in accordance with the terms of the Court's order dated [date], I served copies of the Court's order and the applicable Notice of Entry of Order on each person identified in the Notice of Entry of Order by first-class mail, postage pre-paid, to the address listed in each Notice of Entry of Order.

-  
[name]  
Philadelphia Parking Authority

Dated:

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

In RE:	:	Term, 20__
	:	
Philadelphia Parking Authority	:	
by _____,	:	
Director, Enforcement	:	NO:

**ORDER**

AND NOW, this                      day of                      , 200    , the Petitioner 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 [date], 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 on Exhibit A, upon completion of the proper forms and payment of the required fees. Petitioner, on behalf of the Prothonotary, shall mail to each currently registered owner and lienholder a copy of this page of this order and a copy of the attached Notice of Entry of Final Order that applies to that person and shall file a Certificate of Service with the Prothonotary.

BY THE COURT:

\_\_\_\_\_  
P.J.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

In RE:	:	Term, 20____
	:	
Philadelphia Parking Authority	:	
by _____,	:	
Director, Enforcement	:	NO:

To:    (Last Known Registered Owner's or Lienholder's Name)  
      (Address)  
      (City, state, zip)

**NOTICE OF ENTRY OF FINAL ORDER**

YOU ARE HEREBY GIVEN NOTICE THAT the vehicle listed below has been sold and your legal and equitable interest in that vehicle has been extinguished pursuant to the attached final order of the Court of Common Pleas of Philadelphia County. Additional information about the sale is on file with the Court in materials appended to the Court's order. Pursuant to the attached final order, the appropriate Department of Transportation will cancel any certificates of title previously issued for this vehicle. Upon entry of the attached final order, this matter has now been closed.

Vehicle Year:	State and Tag Displayed:
Vehicle Make:	Vehicle Identification Number:
	Petitioner's Control Number:

Proceeds Remaining after Sale of Vehicle:

**IF THIS NOTICE STATES THAT THERE ARE ANY PROCEEDS REMAINING AFTER SALE OF THE VEHICLE, THE PROCEEDS SHALL BE HELD BY THE PHILADELPHIA PARKING AUTHORITY FOR ONE YEAR, SUBJECT TO THE DEMANDS OF THE PREVIOUS OWNER AND ANY LIENHOLDERS OF THE ABOVE-IDENTIFIED VEHICLE. YOU MAY MAKE A CLAIM FOR RECOVERY OF THESE PROCEEDS BY PRESENTING A WRITTEN REQUEST TO THE PHILADELPHIA PARKING AUTHORITY AT 3101 MARKET STREET, PHILADELPHIA, PENNSYLVANIA 19104. ANY REMAINING PROCEEDS THAT ARE NOT CLAIMED WITHIN ONE YEAR OF THE DATE OF SALE SHALL BE FORFEITED TO THE CITY OF PHILADELPHIA.**

**Notice Required By Exhibit "C"**

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

In RE:	:	Term, 20__
	:	
Philadelphia Parking Authority	:	
by _____,	:	
Director, Enforcement	:	NO:

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that today, in accordance with the terms of the Court's order dated [date], I served copies of the Court's order and the applicable Notice of Entry of Final Order on each person identified in the Notice of Entry of Final Order by first-class mail, postage pre-paid, to the address listed in each Notice of Entry of Final Order.

-  
[name]  
Philadelphia Parking Authority

Dated:

**Certificate of Service Required by Exhibit "C"**