

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

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**JOINT GENERAL COURT REGULATION  
COURT OF COMMON PLEAS AND TRAFFIC COURT No. 2001-02**

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**Procedure for Sale of Motor Vehicles Impounded for  
Non-Payment of Fines Pursuant to 75 Pa. C.S. §§6309 and 6309.1**

The Motor Vehicle Code authorizes the impoundment and sale of motor vehicles under certain specified situations pursuant to 75 Pa.C.S. §§ 6309 and 6309.1. This Joint General Court Regulation sets forth the procedure to be followed in implementing Sections 6309 and 6309.1, so as to clarify the rights and responsibilities of the various parties involved in the impoundment process which may lead to the sale of the impounded motor vehicle and the transfer of title to same.

1. **Motor Vehicles Eligible for Impoundment.** A motor vehicles may be impounded if the defendant has outstanding or unpaid Traffic Court fines in excess of \$250.00 upon conviction or entry of a plea of guilty or nolo contendere for:

(a) if the vehicle has a gross vehicle weight rating of 17,001 pounds or more any of the offenses set forth in 75 Pa. C.S. §6309(a); or

(b) (a) if the vehicle has a gross vehicle weight rating of 17,000 pounds or less any of the offenses set forth in 75 Pa. C.S. §6309.1(b).

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 Traffic Court, as the issuing authority, may, from time to time, designate "appropriate law enforcement officers" or "impoundment officials" to undertake the impoundment of qualified motor vehicles and notification as authorized by 75 Pa. C.S. §§ 6309 and/or 6309.1, and as specifically provided in this Joint General Court Regulation.

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 appropriate law enforcement officers or impoundment officials to impound the vehicle and store same at an appropriate location.

5. **Notice of Impoundment.** The appropriate law enforcement officers or impoundment officials 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 and/or 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 appropriate law enforcement officers or impoundment officials designated by the Traffic Court.

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 her designee, may enter an Order authorizing the appropriate law enforcement officers or impoundment officials 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 appropriate law enforcement officers or impoundment officials 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 appropriate law enforcement officers or impoundment officials and/or their 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 for the 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 Sections 6309(d) and/or 6309.1(e);
- outstanding fines due as a result of violations of the Motor Vehicle Code;
- City of Philadelphia parking fines; and
- any other fines, costs, obligations and/or judgments as may be provided by the Court from time to time.

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 Traffic Court.

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

This Joint General Court Regulation is promulgated in accordance with 75 Pa.C.S. §6309 and §6309.1 and the May 8, 1996 Order of the Supreme Court of Pennsylvania, Eastern District, No. 168 Judicial Administration, Docket No. 1, 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, the Civil Procedural Rules Committee, and the Minor Court Rules Committee. Copies of the Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania.

/s/ Frederica A. Massiah-Jackson

/s/ Fortunato N. Perri

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FREDERICA A. MASSIAH-JACKSON  
PRESIDENT JUDGE,  
COURT OF COMMON PLEAS

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FORTUNATO N. PERRI  
ADMINISTRATIVE JUDGE,  
TRAFFIC COURT

Date: July 12, 2001

Date: July 12, 2001

**Name**  
**Address**  
**NOTICE OF IMPOUNDED VEHICLE SUBJECT TO SALE**

(Last Known Registered Owner's Name) (Date)  
(Address)  
(City, State, Zip)  
Dear (Last Known Registered Owner/Lienholder):

On (Date of Tow), the following vehicle, registered in your name, was impounded by [NAME OF IMPOUNDMENT OFFICIAL] for violation(s) of the Motor Vehicle Code, 75 Pa.C.S. §6309 and/or §6309.1.

Vehicle Year: State and Tag Displayed:  
Vehicle Make: Vehicle Identification Number:  
Vehicle Color: [Vendor] 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 as well as an administrative fee due to the Traffic Court of \$75.00. In addition, you are liable for a towing fee of \$\_\_\_\_, a storage charge of \$\_\_\_\_\_ per day, and an administrative fee of the impoundment facility and towing and storage agent of \$\_\_\_\_\_.

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 the Court at (215) 686-1680 to determine the exact amount which is due. Upon payment of all outstanding fines and costs, the Traffic Court will issue a Certificate of Release. Traffic Court hours are as follows: [HOURS].

You may reclaim the vehicle identified above by paying the fines and administrative fee due to the Traffic Court at 800 Spring Garden Street, Philadelphia, Pennsylvania 19123 and receiving from Traffic Court a Certificate of Release. You should then bring the Certificate of Release issued by the Traffic Court, proof of ownership, proof of insurance, and payment of the applicable towing, storage, and administrative fees owed to the impoundment facility and towing and storage agent to: [ADDRESS/TIME].

Pursuant to 75 Pa.C.S §§6309 and 6309.1 and Joint General Court Regulation No. 2001-02, if this vehicle is not claimed within fifteen (15) days of the issuance of this Notice a Petition will be filed with the Philadelphia Court of Common Pleas to sell this vehicle at public auction. The Petition to sell this vehicle will request that this vehicle be sold at public auction on [DATE] at [TIME] at the following location: [LOCATION].

Upon auction of the motor vehicle and the payment of the fines and costs referred to above, 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 Traffic Court.

If you do not retrieve your vehicle, you are responsible to remove any personal property from your vehicle 72 hours prior to the sale from (name location), or the items will be discarded.

**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,  
IMPOUNDMENT OFFICIAL

*Exhibit "A"*

**PHILADELPHIA TRAFFIC COURT  
800 SPRING GARDEN STREET  
PHILADELPHIA, PA 19123**

**NOTICE OF IMPOUNDED VEHICLE SUBJECT TO SALE**

(Last Known Registered Owner's Name) (Date)  
(Address)  
(City, State, Zip)  
Dear (Last Known Registered Owner/Lienholder):

On (Date of Tow), the following vehicle, registered in your name, was impounded by [NAME OF IMPOUNDMENT OFFICIAL] for violation(s) of the Motor Vehicle Code, 75 Pa.C.S. §§6309 or 6309.1.

Vehicle Year: State and Tag Displayed:  
Vehicle Make: Vehicle Identification Number:  
Vehicle Color: [Vendor] 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 as well as an administrative fee due to the Traffic Court of \$75.00. In addition, you are liable for a towing fee of \$\_\_\_\_, a storage charge of \$\_\_\_\_\_ per day, and an administrative fee of the impoundment facility and towing and storage agent of \$\_\_\_\_\_.

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 the Court at (215) 686-1680 to determine the exact amount which is due. Upon payment of all outstanding fines and costs, the Traffic Court will issue a Certificate of Release. Traffic Court hours are as follows: [HOURS].

You may reclaim the vehicle identified above by paying the fines and administrative fee due to the Traffic Court at 800 Spring Garden Street, Philadelphia, Pennsylvania 19123 and receiving from Traffic Court a Certificate of Release. You should then bring the Certificate of Release issued by the Traffic Court, proof of ownership, proof of insurance, and payment of the applicable towing, storage, and administrative fees owed to the impoundment facility and towing and storage agent to: [ADDRESS/TIME].

Pursuant to 75 Pa.C.S §§ 6309 and 6309.1 and Joint General Court Regulation No. 2001-02, if this vehicle is not claimed within fifteen (15) days of the issuance of this Notice a Petition will be filed with the Philadelphia Court of Common Pleas to sell this vehicle at public auction. The Petition to sell this vehicle will request that this vehicle be sold at public auction on [DATE] at [TIME] at the following location: [LOCATION].

If you do not retrieve your vehicle, you are responsible to remove any personal property from your vehicle 72 hours prior to the sale from (name location), or the items will be discarded.

**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,  
ADMINISTRATIVE JUDGE  
TRAFFIC COURT

***Exhibit "B"***



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. 2001-02, 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 Traffic Court.

BY THE COURT:

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MASSIAH-JACKSON, P.J.

EXHIBIT "C"

