



[\(Delivered May 4, 2010 at the Pennsylvania Capitol, Harrisburg, PA. Revised May 5, 2010\)](#)

## **National Security Begins in Pennsylvania With the [Support our Law Enforcement and Safe Neighborhoods Act](#)**

President Obama said the actions of the Arizona Legislature and Governor Brewer were “misguided.” I have to ask, “Mr. President, what was guiding them?” Was it personal gain, political gain, or was it perhaps their duty, like yours, to uphold the Constitution?”

For over 20 years, the citizens of Arizona, and America-at-Large, have been making impassioned pleas to the federal government to protect them against invasion as Article IV, Section 4 of the U.S. Constitution guarantees.

Instead of men in the Oval Office faithfully executing their duties, as required by Article 2, Section 1, they have pandered to foreign and domestic enemies of our country.

Loyal and patriotic Americans in the sovereign states have suffered a long train of abuses and usurpations, much like the tyranny the colonists were subjected to under King George, and statesmen so inclined, have been insulted, and threatened with lawsuits for attempting to keep their oath. It is not *We the People* who are misguided, but our leaders in Congress, in the Judiciary, and the White House who are misguided.

As Commander-in-Chief, instead of coming to the aid of your fellow countrymen, you have tasked the Justice Department with finding a way to quash Arizona’s sovereign and constitutional right to protect its citizens.

At the federal level, what we need is NOT comprehensive immigration reform, but comprehensive and immediate enforcement of our laws, to include the Save Program, US Visit, and the cancellation of the VISA Waiver Program.

Whether it is Arizona’s SB-1070, or Pennsylvania’s Support Our Law Enforcement and Safe Neighborhood Act, the states have an inherent right to defend themselves. When the federal government they created gives aid and comfort to foreign national invaders, statesmen must stand firm, and defend their citizenry.

The Arizona law and the bill Pennsylvania legislators are introducing today have nothing to do with immigration, and everything to do with protecting the legal residents and citizenry from the largest invasion in world history. “Attrition through enforcement works!”

Recognizing the need to adequately identify the problem of illegal alien crime, Congressman Walter Jones, (NC-3) has introduced [HR-150, the Illegal Alien Crime Reporting Act of 2009](#), to modify the Uniform Crime Reporting Act (UCR), to require law enforcement agencies to add nationality and legal status to the crime reports they are already required to send to the FBI and Justice Department.



We have to identify the magnitude and severity of the criminal alien problem. For those that will suggest this is profiling, or racist, it is important to remember crimes committed by American citizens are already tracked and reported to the federal government. As Arizona's Senator Russell Pierce has stated, we need to remove the handcuffs from law enforcement, and put them where they belong: on the criminals.

President Obama said "When our government is spoken of as some menacing, threatening foreign entity, it ignores the fact that in our democracy, government is us. Obama said "Neither side should use extreme rhetoric because it prevents agreement and could lead to violence."

We are *not* a democracy Mr. President, but a constitutional republic. Our nation's 3<sup>rd</sup> President, Thomas Jefferson said,

***"A democracy is nothing more than mob rule, where 51% of the people can vote away the rights of the other 49%."***

Those who are spreading alarmist rhetoric and hate speech against States Rights should stop inciting a mob mentality. Those who believe in the rule of law but find themselves opposed to these state actions should actually read the bills and Article IV, Section 4 of the Constitution. Do not be duped into opposing laws that protect us from invasion. Thomas Jefferson also said,

***"In questions of power, then, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution."***

President Obama and Congress need to revisit their Oaths of office, to "preserve, protect, and defend the Constitution of the United States."

I encourage all Pennsylvanians to read Pennsylvania's Support Our Law Enforcement and Safe Neighborhood Act.

God Bless America and Those That Defend Her!

Jeff Lewis  
National Director, [FIRE Coalition](#)  
National Director, [Patriot Coalition](#)  
[Jeff@firecoalition.com](mailto:Jeff@firecoalition.com)  
Phone: 252-876-9489



## AN ACT

1 Relating to support for law enforcement authorities and safe  
2 neighborhoods.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Support Our  
7 Law Enforcement and Safe Neighborhoods Act.

8 Section 2. Legislative intent.

9 The General Assembly finds and declares as follows:

10 (1) Illegal immigration is causing economic hardship and  
11 lawlessness in this Commonwealth.

12 (2) Illegal immigration is encouraged when public  
13 agencies within this Commonwealth provide public benefits  
14 without verifying immigration status.

15 (3) There is a compelling interest in the cooperative  
16 enforcement of Federal immigration laws throughout all of  
17 this Commonwealth.

1           (4) The intent of this act is to make attrition through  
2 enforcement the public policy of all agencies of this  
3 Commonwealth and its political subdivisions.

4           (5) The provisions of this act are intended to work  
5 together to discourage and deter the unlawful entry, presence  
6 and economic activity, by persons unlawfully present in the  
7 United States.

8           (6) The provisions of this act shall be enforced without  
9 regard to race, religion, gender, ethnicity or national  
10 origin.

11 Section 3. Construction.

12 The terms of this act regarding immigration shall be  
13 construed to have the meanings given to them under Federal  
14 immigration law, and the provisions of this act shall be  
15 implemented in a manner consistent with Federal laws regulating  
16 immigration while protecting the civil rights of all persons and  
17 respecting the privileges and immunities of United States  
18 citizens.

19 Section 4. Public benefits.

20 The following shall apply:

21           (1) Except as provided in paragraph (2) or where  
22 exempted by Federal law, every agency or political  
23 subdivision of this Commonwealth shall verify the lawful  
24 presence in the United States of any natural person 18 years  
25 of age or older who has applied for Federal public benefits,  
26 State public benefits or local public benefits, as defined in  
27 the Personal Responsibility and Work Opportunity  
28 Reconciliation Act of 1996 (Public Law 104-193, 110 Stat.  
29 2105), that are administered by an agency or a political  
30 subdivision of this Commonwealth.

1 (2) Verification of lawful presence under the provisions  
2 of this section shall not be required for:

3 (i) Assistance for health care items and services  
4 that are necessary for the treatment of an emergency  
5 medical condition of the alien involved and are not  
6 related to an organ transplant procedure.

7 (ii) Short-term, noncash, in-kind emergency disaster  
8 relief.

9 (iii) Public health assistance for immunizations  
10 with respect to diseases and for testing and treatment of  
11 symptoms of communicable diseases whether or not such  
12 symptoms are caused by a communicable disease.

13 (iv) Programs, services or assistance such as soup  
14 kitchens, crisis counseling and intervention, and short-  
15 term shelter specified by the Attorney General of the  
16 United States, in the sole and unreviewable discretion of  
17 the Attorney General of the United States after  
18 consultation with appropriate federal agencies and  
19 departments, which:

20 (A) deliver in-kind services at the community  
21 level, including through public or private nonprofit  
22 agencies;

23 (B) do not condition the provision of  
24 assistance, the amount of assistance provided or the  
25 cost of assistance provided on the income or  
26 resources of the individual recipient; and

27 (C) are necessary for the protection of life or  
28 safety.

29 (3) Verification of lawful presence in the United States  
30 by the agency or political subdivision required to make such

1 verification shall require that the applicant execute an  
2 affidavit under penalty of perjury that the applicant is a:

3 (i) United States citizen; or

4 (ii) qualified alien under the Immigration and  
5 Nationality Act (66 Stat. 163, 8 U.S.C. § 1101 et seq.)  
6 and is lawfully present in the United States.

7 (4) For any applicant who has executed the affidavit  
8 described in paragraph (3) (ii), eligibility for benefits  
9 shall be made through the Systematic Alien Verification of  
10 Entitlement program operated by the United States Department  
11 of Homeland Security or a successor program designated by the  
12 United States Department of Homeland Security. Until such  
13 eligibility verification is made, the affidavit may be  
14 presumed to be proof of lawful presence for the purposes of  
15 this section.

16 (5) Any person who knowingly and willfully makes a  
17 false, fictitious or fraudulent statement of representation  
18 in an affidavit executed under paragraph (3) commits a  
19 misdemeanor of the second degree. If the affidavit  
20 constitutes a false claim of United States citizenship under  
21 18 U.S.C. § 911 (relating to citizen of the United States), a  
22 complaint shall be filed by the agency requiring the  
23 affidavit with the United States attorney for the Federal  
24 judicial district in which the agency is located.

25 (6) Agencies or political subdivisions of this  
26 Commonwealth may adopt variations to the requirements of the  
27 provisions of this section which demonstrably improve the  
28 efficiency or reduce delay in the verification process, or to  
29 provide for adjudication of unique individual circumstances  
30 where the verification procedures in this section would

1 impose unusual hardship on a legal resident of this  
2 Commonwealth.

3 (7) It shall be unlawful for an agency or political  
4 subdivision of this Commonwealth to provide any Federal  
5 benefit, State benefit or local benefit, as defined in the  
6 Personal Responsibility and Work Opportunity Reconciliation  
7 Act of 1996, in violation of this section.

8 Section 5. Full enforcement of immigration laws required.

9 The following shall apply:

10 (1) No official or agency of the Commonwealth or other  
11 political subdivision shall adopt a policy that limits or  
12 restricts enforcement of Federal immigration laws to less  
13 than the full extent permitted by Federal law.

14 (2) When a law enforcement officer has lawfully stopped,  
15 detained or arrested, for a violation of a law of this  
16 Commonwealth or any political subdivision, a person who is or  
17 should reasonably be suspected of being unlawfully present in  
18 the United States, a complete, full and appropriate attempt  
19 shall be made to verify the person's immigration status with  
20 the Federal Government. The person's immigration status shall  
21 be verified through a query to the appropriate entity of the  
22 Federal Government under section 642 of the Omnibus  
23 Consolidated Appropriations Act, 1977 (Public Law 104-208, 8  
24 U.S.C. § 1373(c)). For the purposes of this paragraph, a  
25 person is presumed not to be an alien who is unlawfully  
26 present in the United States if the person provides to the  
27 law enforcement officer or agency any of the following:

28 (i) A valid Pennsylvania driver's license.

29 (ii) A valid identification card issued by the  
30 Department of Transportation.

1 (iii) Any other valid identification document with a  
2 photograph of the bearer issued by a Federal, State or  
3 local government agency which has verified the lawful  
4 presence of the bearer as a condition of issuance.

5 (3) If an alien, who is unlawfully present in the United  
6 States, is convicted of a violation of State or local law,  
7 upon discharge from imprisonment or assessment of any fine  
8 that is imposed, the alien shall be transferred immediately  
9 to the custody of the United States Immigration and Customs  
10 Enforcement or the United States Customs and Border  
11 Protection.

12 (4) Notwithstanding any other law, a law enforcement  
13 agency may securely transport an alien who is unlawfully  
14 present in the United States and who is in the agency's  
15 custody to a Federal facility in this Commonwealth or any  
16 other point of transfer into Federal custody that is outside  
17 the jurisdiction of the law enforcement agency. If the point  
18 of transfer is located outside of this Commonwealth, the  
19 arrested person first shall be served with a copy of a  
20 detainer request issued by a Federal immigration officer or a  
21 record of judicial authorization for the transfer.

22 (5) A law enforcement officer, with or without a  
23 warrant, may arrest a person if the officer has probable  
24 cause to believe that the person has committed a public  
25 offense that makes the person removable from the United  
26 States.

27 (6) Except as provided in Federal law, officials or  
28 agencies of the Commonwealth and any political subdivision  
29 shall not be prohibited or in any way restricted from  
30 sending, receiving or maintaining information relating to the

1 immigration status of any individual or exchanging that  
2 information with any other Federal, State or local  
3 governmental entity for the following official purposes:

4 (i) The investigation, adjudication or prosecution  
5 of a criminal or civil offense.

6 (ii) Determining eligibility for any public benefit,  
7 service or license provided by the Federal Government,  
8 any State government, or any political subdivision of a  
9 state government.

10 (iii) Verifying a claim of residence or domicile if  
11 determination of residence or domicile is required under  
12 the laws of this Commonwealth or a judicial order issued  
13 pursuant to a civil or criminal proceeding in this  
14 Commonwealth.

15 (iv) Confirming the identity of any person who is  
16 detained.

17 (v) If the person is an alien, determining whether  
18 the person is in compliance with the Federal registration  
19 laws.

20 (7) A person may challenge in court any official or  
21 agency of the Commonwealth or any political subdivision that  
22 adopts or implements a policy limiting or restricting  
23 enforcement of Federal immigration laws to less than the full  
24 extent permitted by Federal law. If there is a judicial  
25 finding that an official or agency of the Commonwealth or any  
26 political subdivision has violated this section, the court  
27 may order any of the following:

28 (i) That the person who brought the action recover  
29 court costs and attorney fees.

30 (ii) That the official or agency of the Commonwealth

1 or any political subdivision pay a civil penalty of not  
2 less than \$1,000 and not more than \$5,000 to the  
3 Commonwealth for each day beyond the seventh day that the  
4 policy remains in effect after service of notice on the  
5 agency of the filing of an action under this paragraph.

6 (8) A law enforcement officer shall be indemnified by  
7 the officer's agency against reasonable costs and expenses,  
8 including attorney fees, incurred in connection with an  
9 action or proceeding under this section to which the officer  
10 may become a party by reason of being or having been a member  
11 of the law enforcement agency, except in relation to matters  
12 in which the officer is adjudged to have acted in bad faith.

13 (9) This section shall be implemented in a manner  
14 consistent with Federal laws regulating immigration,  
15 protecting the civil rights of all persons and respecting the  
16 privileges and immunities of United States citizens.

17 Section 6. Failure to complete or carry an alien registration  
18 document; assessment.

19 (a) Offense defined.--Except as provided in subsection (e),  
20 and in addition to any violation of Federal law, a person who  
21 willfully fails to apply for alien registration or to carry an  
22 alien registration document in violation of section 264(e) or  
23 266(a) of the Immigration Nationality Act (66 Stat. 175, 8  
24 U.S.C. § 1304(e) or 1306(a)) commits a misdemeanor of the third  
25 degree. In addition to any other penalty prescribed by law, the  
26 court shall order the offender to pay jail costs and an  
27 additional assessment of \$500 for a first violation and \$1,000  
28 for a second or subsequent offense.

29 (b) Determination of immigrant status.--In enforcing this  
30 section, the final determination of an alien's immigration

1 status shall be made by:

2 (1) a law enforcement officer who is authorized by the  
3 Federal Government to verify or ascertain an alien's  
4 immigration status; or

5 (2) a law enforcement officer or agency communicating  
6 with the United States Immigration and Customs Enforcement or  
7 the United States Customs and Border Protection.

8 (c) Inapplicability.--This section shall not apply to a  
9 person who maintains authorization from the Federal Government  
10 to remain in the United States.

11 (d) Admissibility of records.--Any record that relates to  
12 the immigration status of a person is admissible in any court  
13 without further foundation or testimony from a custodian of  
14 records if the record is certified as authentic by the  
15 government agency that is responsible for maintaining the  
16 record.

17 (e) Enhanced offense.--A violation of this section is a  
18 misdemeanor of the first degree if the person violates this  
19 section while in possession of a controlled substance, a deadly  
20 weapon or property used for the purpose of committing an act of  
21 terrorism.

22 Section 7. Smuggling of human beings.

23 (a) General rule.--A person who intentionally engages in the  
24 smuggling of human beings for profit or other commercial purpose  
25 commits a felony of the third degree.

26 (b) Lawful stop.--Notwithstanding any other law, a law  
27 enforcement officer engaged in enforcement of this section may  
28 lawfully stop a person who is operating a motor vehicle if the  
29 officer has reasonable suspicion to believe that the person is  
30 in violation of any provision of 75 Pa.C.S. (relating to

1 vehicles).

2 (c) Definition.--For purposes of this section, "smuggling of  
3 human beings" shall mean transportation, procurement of  
4 transportation or use of property or real property by a person  
5 or an entity knowing, or having reason to know, that the person  
6 or persons transported or to be transported are unlawfully  
7 present in the United States in violation of law.

8 Section 8. Employment of unauthorized aliens prohibited.

9 (a) General rule.--On and after January 1, 2011, an employer  
10 shall not intentionally or knowingly employ an unauthorized  
11 alien. A violation of this section occurs if an employer:

12 (1) uses a contract, subcontract or other independent  
13 contractor agreement to obtain labor of an alien in this  
14 Commonwealth; or

15 (2) contracts with an unauthorized alien, or a person  
16 who employs or contracts with an unauthorized alien, to  
17 perform labor in this Commonwealth.

18 (b) Complaint form.--Any person may report a violation of  
19 this section to the district attorney of the county in which the  
20 employer conducts business or in which it is alleged that the  
21 employer employs an unauthorized alien. Upon receipt of a  
22 reported violation, the district attorney shall conduct such  
23 investigation as he or she shall determine to be warranted under  
24 the circumstances. Nothing in this subsection shall be construed  
25 to prohibit the filing of anonymous complaints or to constrain  
26 or discourage any person from reporting a violation of this  
27 section. When investigating a complaint, the district attorney  
28 shall verify the work authorization of the alleged unauthorized  
29 alien with the Federal Government under section 642 of the  
30 Omnibus Consolidated Appropriations Act, 1977 (Public Law

1 104-208, 8 U.S.C. § 1373(c)), and no State or local official  
2 shall attempt to determine independently whether an alien is  
3 authorized to work in the United States.

4 (c) False report.--A person who knowingly makes a false  
5 report under this section commits a misdemeanor of the third  
6 degree.

7 (d) Determination of violation.--If after an investigation  
8 the district attorney determines that a violation of this  
9 section has occurred, the district attorney shall notify United  
10 States Immigration and Customs Enforcement of the unauthorized  
11 alien and bring an action under subsection (e).

12 (e) Action.--An action for a violation of this section shall  
13 be brought against the employer by the district attorney.

14 (f) Penalty.--Upon finding a violation of this section:

15 (1) For a first violation, the court shall order the  
16 employer to:

17 (i) terminate the employment of all unauthorized  
18 aliens;

19 (ii) undergo a three-year probationary period, or a  
20 five-year probationary period in the case of an  
21 intentional violation, with regard to the business  
22 location where the unauthorized alien performed work.  
23 During the probationary period, the employer shall file  
24 quarterly reports with the district attorney listing each  
25 new employee hired at the business location where the  
26 unauthorized alien performed work; and

27 (iii) file, within three business days, a signed  
28 sworn affidavit with the district attorney affirming that  
29 the employer has terminated employment of all  
30 unauthorized aliens known to have been employed by the

1 employer in this Commonwealth and will refrain in the  
2 future from intentionally or knowingly employing  
3 unauthorized aliens in this Commonwealth. Upon failure to  
4 timely file the affidavit, the court shall order  
5 suspension of all licenses possessed by the employer and  
6 issued by the Commonwealth or any governmental  
7 subdivision thereof until such time as the affidavit has  
8 been duly filed. Upon receipt of the court's order,  
9 notwithstanding any other law, the appropriate  
10 governmental agencies shall suspend the licenses in  
11 accordance with the court's order.

12 (2) For a second or subsequent violation, the court  
13 shall impose a license suspension of 30 days, unless the  
14 employer is found to have employed six or more unauthorized  
15 aliens, in which case the court shall order permanent  
16 revocation of all licenses held by the employer and specific  
17 to the business location where the unauthorized alien  
18 performed work. If the employer does not hold a license  
19 specific to the business location where the unauthorized  
20 alien performed work, but a license is necessary to operate  
21 the employer's business in general, the court shall order the  
22 appropriate agencies to permanently revoke all licenses that  
23 are held by the employer at the employer's primary place of  
24 business. Upon receipt of the court's order, and  
25 notwithstanding any other law, the appropriate agencies shall  
26 immediately revoke the licenses.

27 Section 9. Employment or contracting by unauthorized aliens  
28 prohibited.

29 (a) General rule.--It shall be unlawful for a person who is  
30 unlawfully present in the United States and is an unauthorized

1 alien to knowingly apply for work, solicit work in a public  
2 place or perform work as an employee or independent contractor  
3 in this Commonwealth.

4 (b) Misdemeanor.--A violation of this section is a  
5 misdemeanor of the third degree.

6 (c) Definitions.--For the purposes of this section, the  
7 following terms shall have the meanings given to them in this  
8 subsection:

9 "Solicit." Verbally communicate, or nonverbally communicate  
10 by means of a gesture or a nod, in a manner that would indicate  
11 to a reasonable person that a person is willing to be employed.

12 "Unauthorized alien." An alien who does not have the legal  
13 right or authorization under Federal law to work in the United  
14 States.

15 Section 10. Verification of legal status.

16 (a) General rule.--No later than 60 days after the effective  
17 date of this section, every employer in this Commonwealth shall:

18 (1) register with and participate in the e-verify  
19 program;

20 (2) upon hiring an employee, verify employment  
21 eligibility of the employee through the e-verify program; and

22 (3) keep a record of the e-verify program result for the  
23 duration of the employee's employment or for a minimum of  
24 three years, whichever is longer.

25 (b) Penalty.--An employer that violates the provisions of  
26 this section shall be ineligible to receive economic development  
27 incentives from the State or local government. Upon application  
28 for and before receiving economic development incentives, an  
29 employer shall be required to provide to the government entity  
30 offering the incentive proof that the employer is in compliance

1 with the provisions of this section. If the government entity  
2 determines that the employer is in violation of this section, it  
3 shall notify the employer by certified mail of the determination  
4 of noncompliance, and the employer shall repay all moneys  
5 received as economic development incentives within 30 days of  
6 the determination.

7 (c) Definition.--For purposes of this section, "e-verify  
8 program" means the Internet-based system operated by the United  
9 States Department of Homeland Security in partnership with the  
10 Social Security Administration that allows an employer, using  
11 information reported on an employee's Form I-9, Employment  
12 Eligibility Verification, to determine eligibility of that  
13 employee to work in the United States.

14 Section 11. Immobilization or towing and storage of vehicle.

15 (a) General rule.--Subject to subsection (d), a law  
16 enforcement officer shall immobilize any vehicle or combination  
17 or, in the interest of public safety, direct that the vehicle be  
18 towed and stored by the appropriate towing and storage agent  
19 under subsection (c), and the appropriate judicial authority  
20 shall be so notified, if the law enforcement officer determines  
21 that a person is driving the vehicle or combination for any  
22 financial gain or commercial purpose while the person is:

- 23 (1) illegally present in the United States; or  
24 (2) transporting, moving, concealing, harboring,  
25 shielding or attempting to transport, move, conceal, harbor  
26 or shield an alien in this Commonwealth in a vehicle under  
27 circumstances where the person knows or recklessly disregards  
28 the fact that the alien has come to, has entered or remains  
29 in the United States in violation of law.

30 (b) Procedure upon immobilization.--The following shall

1 apply:

2 (1) When a vehicle is immobilized under subsection (a),  
3 the operator of the vehicle may appear before the appropriate  
4 judicial authority within 24 hours from the time the vehicle  
5 was immobilized. The appropriate judicial authority may issue  
6 a certificate of release upon:

7 (i) the furnishing of proof of the operator's legal  
8 presence in the United States;

9 (ii) the furnishing of proof of the operator's  
10 ownership or other right to take possession of the  
11 vehicle; and

12 (iii) payment of all fines, costs and fees  
13 associated with the immobilization of the vehicle.

14 (2) When a vehicle is immobilized under subsection (a),  
15 the owner of the vehicle may appear before the appropriate  
16 judicial authority within 24 hours from the time the vehicle  
17 was immobilized. The appropriate judicial authority may issue  
18 a certificate of release upon:

19 (i) the furnishing of proof of the owner's legal  
20 presence in the United States;

21 (ii) the furnishing of proof of ownership of the  
22 vehicle; and

23 (iii) either payment of all fines, costs and fees  
24 associated with the immobilization of the vehicle or  
25 proof that the vehicle was, at time of immobilization,  
26 driven without the owner's permission.

27 (3) If a certification of release is not obtained within  
28 24 hours from the time the vehicle was immobilized, the  
29 vehicle shall be towed and stored by the appropriate towing  
30 and storage agent under subsection (c).

1 (c) Procedure upon towing and storage.--The following is the  
2 procedure to be followed upon towing and storage of a vehicle  
3 under this section:

4 (1) Except as provided in paragraph (2), the following  
5 steps shall be taken:

6 (i) The appropriate judicial authority shall notify  
7 the appropriate law enforcement officer of the county in  
8 which the violation occurred.

9 (ii) The officer notified under subparagraph (i)  
10 shall notify the appropriate towing and storage agent to  
11 tow and store the vehicle or combination and provide  
12 notice by the most expeditious means and by first class  
13 mail, proof of service, of the towing, storage and  
14 location of the vehicle or combination to the owner of  
15 the vehicle or combination and any lienholder and, if  
16 applicable, the owner of the load, if the names and  
17 addresses of the owner and any lienholder are known or  
18 can be ascertained by investigation.

19 (2) In a city of the first class, the following steps  
20 shall be taken:

21 (i) The appropriate judicial authority or  
22 appropriate law enforcement officer shall notify the  
23 appropriate towing and storage agent.

24 (ii) The appropriate towing and storage agent shall  
25 tow and store the vehicle or combination and provide  
26 notice by first class mail, proof of mailing, of the  
27 towing, storage and location of the vehicle or  
28 combination to the owner and the lienholder of the  
29 vehicle or combination using a reasonably available State  
30 database.

1 (d) Recovery of towed and stored vehicle.--The following  
2 shall apply:

3 (1) The owner or lienholder of any vehicle or  
4 combination which has been towed and stored under this  
5 section may obtain possession of the vehicle or combination  
6 by appearing before the appropriate judicial authority. The  
7 appropriate judicial authority may issue an order for the  
8 release of the towed and stored vehicle upon:

9 (i) the furnishing of proof of the owner's or  
10 lienholder's legal presence in the United States;

11 (ii) the furnishing of proof of ownership of or  
12 interest in the vehicle; and

13 (iii) either payment of all fines, costs and fees  
14 associated with the immobilization of the vehicle or  
15 proof that the vehicle was, at time of immobilization,  
16 driven without the owner's or lienholder's permission.

17 (2) In cities of the first class, the appropriate  
18 judicial authority shall not issue an order for the release  
19 of any vehicle towed and stored under this section until  
20 provisions are made for payment of all fines and penalties  
21 associated with violations of any local parking regulation or  
22 ordinance or applicable section of Title 75 (relating to  
23 vehicles).

24 (3) Any vehicle not recovered under this subsection may  
25 be sold as an unclaimed vehicle, combination or load under 75  
26 Pa.C.S. § 6310 (relating to disposition of impounded  
27 vehicles, combinations and loads). The proceeds of the sale  
28 shall be applied to the payment of the fines, costs and fees  
29 associated with the towing and storage of the vehicle.

30 (e) Recovery of load.--The owner of any load on an

1 immobilized or towed and stored vehicle may repossess the load  
2 as provided in 75 Pa.C.S. § 6310.

3 (f) Definitions.--As used in this section, the following  
4 words and phrases shall have the meanings given to them in this  
5 subsection:

6 "Appropriate judicial authority." In counties of the first  
7 class, the Philadelphia Traffic Court. In all other counties,  
8 the magisterial district judge in whose district the violation  
9 occurred.

10 "Appropriate towing and storage agent." In counties of the  
11 first class, the Philadelphia Parking Authority or its  
12 authorized agent. In other municipalities, a towing and storage  
13 agent designated by local ordinance.

14 Section 12. Severability.

15 If a provision of this act or its application to any person  
16 or circumstance is held invalid, the invalidity does not affect  
17 other provisions or applications of the act that can be given  
18 effect without the invalid provision or application, and to this  
19 end the provisions of this act are severable.

20 Section 13. Effective date.

21 This act shall take effect in 60 days.