

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 632 Session of 2019

INTRODUCED BY ROTHMAN, RYAN, BERNSTINE, KINSEY, RABB, IRVIN AND NEILSON, FEBRUARY 28, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 6, 2019

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in miscellaneous provisions, further providing for  
3 odometer disclosure requirements.

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

6 Section 1. Section 7134(a), (b)(2) and (d.1) of Title 75 of  
7 the Pennsylvania Consolidated Statutes are amended and the  
8 section is amended by adding subsections to read:

9 § 7134. Odometer disclosure requirements.

10 (a) Odometer mileage statement.--Prior to or simultaneously  
11 with the execution of any ownership transfer document relating  
12 to a motor vehicle, each transferor of a motor vehicle shall  
13 furnish to the transferee a [written] statement signed by the  
14 transferor containing the following information:

- 15 (1) The odometer reading at the time of transfer.
- 16 (2) The date of transfer.
- 17 (3) The transferor's name and current address.
- 18 (4) The transferee's name and current address.

1 (5) The identity of the vehicle, including its make,  
2 year and body type and its complete vehicle identification  
3 number.

4 (6) (i) A certification by the transferor that, to the  
5 best of his knowledge, the odometer reading reflects the  
6 actual miles or kilometers the vehicle has been driven;

7 (ii) if the transferor knows that the odometer  
8 reading reflects the amount of mileage in excess of the  
9 designed mechanical odometer limit of 99,999 miles or  
10 kilometers, he shall include a statement to that effect;  
11 or

12 (iii) if the transferor knows that the odometer  
13 reading differs from the number of miles or kilometers  
14 the vehicle has actually traveled and that the difference  
15 is greater than that caused by odometer calibration  
16 error, he shall include a statement that the odometer  
17 reading is not the actual mileage and should not be  
18 relied upon.

19 The transferee shall acknowledge receipt of the disclosure  
20 statement by signing it.

21 (b) Prohibitions.--

22 \* \* \*

23 (2) No transferee shall accept any [written] disclosure  
24 required by any provision of this section if the disclosure  
25 is incomplete.

26 \* \* \*

27 (d.1) Secure power of attorney, LICENSED DEALERS.--The <--  
28 department shall permit a licensed dealer ~~or insurer as defined~~ <--  
29 ~~in § 1702 (relating to definitions)~~ to use a secure power of  
30 attorney to transfer a vehicle ~~when the certificate of title is~~ <--

1 encumbered with a lien]. ~~The power of attorney need not be~~ <--  
2 ~~notarized and may be signed electronically.~~ OR THE TITLE HAS <--  
3 BEEN LOST BY THE TRANSFERER AND THE LICENSED DEALER IS APPLYING

4 FOR A DUPLICATE TITLE. Prior to transferring the vehicle, the  
5 dealer shall obtain from the transferor a secure power of  
6 attorney authorizing the dealer to transfer to the title all  
7 information pertaining to odometers that is required to be  
8 disclosed by this title and Federal law, in lieu of the  
9 transferor providing such information on the certificate of  
10 title. In addition to any other documents required by the  
11 department, the dealer shall submit to the department the  
12 following:

13 (1) If the transferred vehicle is a retail sale and is  
14 to be titled in this Commonwealth, the dealer shall submit  
15 the secure power of attorney attached to the application for  
16 title, along with the certificate of title and the  
17 established fee.

18 (2) If the transferred vehicle is to be titled outside  
19 of this Commonwealth, the dealer shall submit to the  
20 department the secure copy of the secure power of attorney  
21 attached to a copy of the certificate of title and the  
22 established fee.

23 (3) If the transferred vehicle is to be transferred to  
24 another licensed dealer, the first transferor dealer shall  
25 submit to the department the secure copy of the secure power  
26 of attorney attached to a copy of the certificate of title  
27 and the established fee.

28 Additional transfers between licensed dealers shall be permitted  
29 in accordance with section 1113 (relating to transfer to or from  
30 manufacturer or dealer). No more than one secure power of

1 attorney shall be utilized with the certificate of title during  
2 this authorized transfer process. Upon application for  
3 certificate of title, the secure power of attorney utilized to  
4 verify odometer information when the vehicle was encumbered with  
5 a lien shall be submitted with the certificate of title.

6 (D.2) SECURE POWER OF ATTORNEY, INSURANCE COMPANIES.--THE <--  
7 DEPARTMENT SHALL PERMIT AN INSURER AS DEFINED IN SECTION 1702  
8 (RELATING TO DEFINITIONS) TO USE A SECURE POWER OF ATTORNEY TO  
9 TRANSFER A SALVAGE VEHICLE WHEN THE CERTIFICATE OF TITLE IS  
10 ENCUMBERED WITH A LIEN OR WHEN THE TITLE HAS BEEN LOST BY THE  
11 TRANSFEROR AND THE INSURER IS APPLYING FOR A DUPLICATE TITLE.  
12 THE POWER OF ATTORNEY NEED NOT BE NOTARIZED AND MAY BE SIGNED  
13 ELECTRONICALLY. THE INSURER IS RESPONSIBLE FOR ENSURING THE  
14 POWER OF ATTORNEY COMPLIES WITH THE REQUIREMENTS OF 15 U.S.C. §  
15 7001 ET SEQ. (RELATING TO ELECTRONIC SIGNATURES IN GLOBAL AND  
16 NATIONAL COMMERCE), THE REQUIREMENTS OF 49 U.S.C. § 32705  
17 (RELATING TO DISCLOSURE REQUIREMENTS ON TRANSFER OF MOTOR  
18 VEHICLES) AND ANY REQUIREMENTS IMPOSED BY THE COMMONWEALTH. THE  
19 DEPARTMENT MAY, AT ITS SOLE DISCRETION, PERMIT THE USE OF A  
20 SECURE POWER OF ATTORNEY AS DESCRIBED IN THIS SUBSECTION FOR THE  
21 TRANSFER OF OTHER VEHICLES IN ADDITION TO SALVAGE VEHICLES. IF  
22 THE SECRETARY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION  
23 PROMULGATES REGULATIONS REGARDING THE USE OF A POWER OF ATTORNEY  
24 AS DESCRIBED IN THIS SUBSECTION, THOSE REGULATIONS WILL  
25 SUPERSEDE THIS SUBSECTION IN ACCORDANCE WITH 49 U.S.C. §  
26 32705(G).

27 ~~(d.2)~~ (D.3) Certification.--Nothing in this section shall <--  
28 require the department to certify an electronic signature  
29 process or an electronic signature process vendor before  
30 accepting a power of attorney that is executed with an

1 electronic signature.

2 ~~(d.3) Electronic signature. The department shall accept a <--~~  
3 ~~power of attorney that is signed electronically through a system~~  
4 ~~not controlled by the department if the licensed dealer or~~  
5 ~~insurer uses a system which can verify the identity of the~~  
6 ~~person who has electronically signed and submitted the power of~~  
7 ~~attorney.~~

8 (D.4) ELECTRONIC SECURE POWER OF ATTORNEY.--THE DEPARTMENT <--  
9 MAY, AT ITS SOLE DISCRETION, PERMIT THE USE OF A SECURE POWER OF  
10 ATTORNEY SIGNED ELECTRONICALLY AS DESCRIBED IN SUBSECTION (D.2)  
11 FOR THE TRANSFER OF VEHICLES BY LICENSED DEALERS.

12 \* \* \*

13 Section 2. This act shall take effect in 60 days.