

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 632 Session of 2019

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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 29, 2020

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, IN CERTIFICATE OF TITLE AND SECURITY INTERESTS, <--
3 FURTHER PROVIDING FOR APPLICATION FOR CERTIFICATE OF TITLE BY
4 AGENT; AND, in miscellaneous provisions, further providing
5 for odometer disclosure requirements.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

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

11 SECTION 1. SECTION 1119(A) (2) OF TITLE 75 OF THE <--
12 PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED BY ADDING A
13 SUBPARAGRAPH TO READ:

14 § 1119. APPLICATION FOR CERTIFICATE OF TITLE BY AGENT.

15 (A) AUTHORIZATION TO MAKE APPLICATION.--

16 \* \* \*

17 (2) THE 90-DAY PROVISION CONTAINED IN PARAGRAPH (1)

18 SHALL NOT APPLY TO:

19 \* \* \*

1           (IV) IF THE 90TH DAY OCCURS DURING A DECLARATION BY  
2           THE GOVERNOR OF DISASTER EMERGENCY UNDER 35 PA.C.S. §  
3           7301(C) (RELATING TO GENERAL AUTHORITY OF GOVERNOR), A  
4           LIMITED POWER OF ATTORNEY MAY BE USED FOR THE SALE,  
5           PURCHASE OR TRANSFER OF MANUFACTURED HOMES DURING THE  
6           PERIOD OF THE DISASTER EMERGENCY AND FOR 10 DAYS  
7           FOLLOWING THE EXPIRATION OF THE DISASTER EMERGENCY.

8           \* \* \*

9           SECTION 2. SECTION 7134(A), (B) (2) AND (D.1) OF TITLE 75 ARE  
10          AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO  
11          READ:

12          § 7134. Odometer disclosure requirements.

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

18                  (1) The odometer reading at the time of transfer.

19                  (2) The date of transfer.

20                  (3) The transferor's name and current address.

21                  (4) The transferee's name and current address.

22                  (5) The identity of the vehicle, including its make,  
23          year and body type and its complete vehicle identification  
24          number.

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

28                  (ii) if the transferor knows that the odometer  
29          reading reflects the amount of mileage in excess of the  
30          designed mechanical odometer limit of 99,999 miles or

1 kilometers, he shall include a statement to that effect;  
2 or

3 (iii) if the transferor knows that the odometer  
4 reading differs from the number of miles or kilometers  
5 the vehicle has actually traveled and that the difference  
6 is greater than that caused by odometer calibration  
7 error, he shall include a statement that the odometer  
8 reading is not the actual mileage and should not be  
9 relied upon.

10 The transferee shall acknowledge receipt of the disclosure  
11 statement by signing it.

12 (b) Prohibitions.--

13 \* \* \*

14 (2) No transferee shall accept any [written] disclosure  
15 required by any provision of this section if the disclosure  
16 is incomplete.

17 \* \* \*

18 (d.1) Secure power of attorney, licensed dealers.--The  
19 department shall permit a licensed dealer to use a secure power  
20 of attorney to transfer a vehicle when the certificate of title  
21 is encumbered with a lien or, the title has been lost by the <--  
22 transferer TRANSFEROR and the licensed dealer is applying for a <--  
23 duplicate title OR THE MANUFACTURER CERTIFICATE OF ORIGIN FOR A <--  
24 NEW VEHICLE IS IN POSSESSION OF THE LIENHOLDER. Prior to  
25 transferring the vehicle, the dealer shall obtain from the  
26 transferor a secure power of attorney authorizing the dealer to  
27 transfer to the title all information pertaining to odometers  
28 that is required to be disclosed by this title and Federal law,  
29 in lieu of the transferor providing such information on the  
30 certificate of title. In addition to any other documents

1 required by the department, the dealer shall submit to the  
2 department the following:

3 (1) If the transferred vehicle is a retail sale and is  
4 to be titled in this Commonwealth, the dealer shall submit  
5 the secure power of attorney attached to the application for  
6 title, along with the certificate of title and the  
7 established fee.

8 (2) If the transferred vehicle is to be titled outside  
9 of this Commonwealth, the dealer shall submit to the  
10 department the secure copy of the secure power of attorney  
11 attached to a copy of the certificate of title and the  
12 established fee.

13 (3) If the transferred vehicle is to be transferred to  
14 another licensed dealer, the first transferor dealer shall  
15 submit to the department the secure copy of the secure power  
16 of attorney attached to a copy of the certificate of title  
17 and the established fee.

18 Additional transfers between licensed dealers shall be permitted  
19 in accordance with section 1113 (relating to transfer to or from  
20 manufacturer or dealer). No more than one secure power of  
21 attorney shall be utilized with the certificate of title during  
22 this authorized transfer process. Upon application for  
23 certificate of title, the secure power of attorney utilized to  
24 verify odometer information when the vehicle was encumbered with  
25 a lien shall be submitted with the certificate of title.

26 (d.2) Secure power of attorney, insurance companies.--The  
27 department shall permit an insurer as defined in section 1702  
28 (relating to definitions) to use a secure power of attorney to  
29 transfer a salvage vehicle when the certificate of title is  
30 encumbered with a lien or, when the title has been lost by the <--

1 transferor and the insurer is applying for a duplicate title- OR <--  
2 WHEN THE MANUFACTURER CERTIFICATE OF ORIGIN FOR A NEW VEHICLE IS  
3 IN POSSESSION OF THE LIENHOLDER. The power of attorney need not  
4 be notarized and may be signed electronically. The insurer is  
5 responsible for ensuring the power of attorney complies with the  
6 requirements of 15 U.S.C. § 7001 et seq. (relating to electronic  
7 signatures in global and national commerce), the requirements of  
8 49 U.S.C. § 32705 (relating to disclosure requirements on  
9 transfer of motor vehicles) and any requirements imposed by the  
10 Commonwealth. The department may, at its sole discretion, permit  
11 the use of a secure power of attorney as described in this  
12 subsection for the transfer of other vehicles in addition to  
13 salvage vehicles. If the secretary of the United States  
14 Department of Transportation promulgates regulations regarding  
15 the use of a power of attorney as described in this subsection,  
16 those regulations will supersede this subsection in accordance  
17 with 49 U.S.C. § 32705(g).

18 (d.3) Certification.--Nothing in this section shall require  
19 the department to certify an electronic signature process or an  
20 electronic signature process vendor before accepting a power of  
21 attorney that is executed with an electronic signature.

22 (d.4) Electronic secure power of attorney.--The department  
23 may, at its sole discretion, permit the use of a secure power of  
24 attorney signed electronically as described in subsection (d.2)  
25 for the transfer of vehicles by licensed dealers.

26 \* \* \*

27 Section 2 3. This act shall take effect ~~in 60 90 days.~~ AS <--  
28 FOLLOWS:

29 (1) THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:

30 (I) THE ADDITION OF 75 PA.C.S. § 1119(A) (2) (IV).

1 (II) THIS SECTION.

2 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 90  
3 DAYS.