

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 706

Session of
1987

INTRODUCED BY HUTCHINSON, MARCH 9, 1987

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 9, 1987

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for the licensing and regulation of
3 automotive dismantlers and parts recyclers.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 74

9 AUTOMOTIVE DISMANTLERS AND PARTS RECYCLERS

10 Subchapter

11 A. General Provisions

12 B. Licensure

13 C. Miscellaneous Provisions

14 SUBCHAPTER A

15 GENERAL PROVISIONS

16 Sec.

17 7401. Short title of chapter.

18 7402. Definitions.

1 § 7401. Short title of chapter.

2 This chapter shall be known and may be cited as the
3 Automotive Dismantlers and Parts Recyclers Licensing Law.

4 § 7402. Definitions.

5 The following words and phrases when used in this chapter
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Automotive dismantler and parts recycler." A person engaged
9 in the business of purchasing and dismantling, disassembling or
10 repairing wrecked, abandoned or repairable motor vehicles, and
11 selling the usable parts, selling wrecked, abandoned or
12 repairable motor vehicles as a unit at wholesale or selling
13 repaired motor vehicles as a unit at wholesale. The term does
14 not apply to any person who, for a hobby and not for profit, has
15 inoperable vehicles which, upon restoration, are capable of
16 being registered as antique or classic vehicles.

17 "Salvage pool or salvage disposal sale." A scheduled sale at
18 auction or by private bid of wrecked or repairable motor
19 vehicles by insurance underwriters or dealers, either at retail
20 or wholesale.

21 SUBCHAPTER B

22 LICENSURE

23 Sec.

24 7411. Licensure of automobile dismantler and parts recycler.

25 7412. Requirement to maintain records.

26 7413. Transfer of automobile to dismantler and parts recycler.

27 7414. Refusal, cancellation or revocation of license.

28 § 7411. Licensure of automobile dismantler and parts recycler.

29 (a) General rule.--No person, unless licensed by the
30 department, shall engage in the business of an automobile

1 dismantler and parts recycler.

2 (b) Application for license.--A person desiring to engage in
3 the business of an automotive dismantler and parts recycler
4 shall apply, in writing, to the department on a form prescribed
5 by the department. The form shall contain:

6 (1) The name of the applicant.

7 (2) The street address of the applicant's established
8 place of business.

9 (3) A statement that the applicant's established place
10 of business and all other facilities meet the requirements of
11 the act of December 15, 1971 (P.L.596, No.160), known as the
12 Outdoor Advertising Control Act of 1971, where applicable,
13 and the regulations promulgated by the department.

14 (4) The type of business organization of applicant.

15 (5) The applicant's sales tax number.

16 (6) Any additional information that may be required by
17 the department.

18 (c) Fee.--An application for a license to operate as an
19 automotive dismantler and parts recycler shall be accompanied by
20 a fee of \$150 to be collected by the department. If the
21 applicant possesses a valid license under section 3 of the act
22 of July 28, 1966 (3rd Sp.Sess., P.L.91, No.4), referred to as
23 the Junkyard and Automotive Recycler Screening Law, the
24 application fee shall be \$50.

25 (d) Bond required.--Before approving a license application,
26 the department shall require the applicant to furnish and
27 maintain a bond indemnifying the public and the department in
28 the amount of \$10,000. An individual bond for each place of
29 business is not required, but all places of business shall be
30 covered by the bond.

(e) Duration and renewal.--Licenses shall be issued for a period of one year and shall be subject to annual renewal.

§ 7412. Requirement to maintain records.

An automotive dismantler and parts recycler shall keep a register of all purchases and sales of motor vehicles for five years from the date of purchase or sale, showing make, model, year, body style, vehicle identification number and name and address of the purchaser or seller. Owners of salvage pools shall furnish the purchaser with the make, model, year, body style and vehicle identification number of the vehicles they sell, and, if the owner is an insurance company, the insurance company shall furnish the purchaser with the claim number. The registers shall be made available for inspection during business hours by law enforcement officers of the state, county and municipality in which the automotive dismantler and parts recycler's business is located.

§ 7413. Transfer of automobile to dismantler and parts recycler.

When a licensed automobile dismantler and recycler obtains a destroyed or junked vehicle from a licensed salvor, it is the duty of the salvor to obtain a certificate of junk for the vehicle. When a licensed automobile dismantler and parts recycler purchases a destroyed or junked vehicle from a person other than a salvor, it is the duty of the automobile dismantler and parts recycler to obtain the certificate of junk. Application for the certificate of junk shall be in accordance with the requirements of section 1117 (relating to vehicle destroyed or junked).

§ 7414. Refusal, cancellation or revocation of license.

(a) General rule.--The department is authorized to refuse a

1 license to any person who does not meet the requirements of this
2 chapter and department regulations, and to cancel the license of
3 any licensee for willful failure to continue to meet the
4 requirements of this chapter and department regulations. The
5 department is authorized to refuse, cancel or revoke a license
6 if the applicant or licensee has been convicted of a violation
7 of a State or Federal law involving theft or has been convicted
8 of a violation of any of the provisions of Chapter 71 (relating
9 to vehicle theft and related provisions) or similar laws of
10 other states.

11 (b) Notice.--A person who is refused a license or whose
12 license is canceled or revoked shall be notified in person or by
13 certified mail sent to the address given on the application of
14 the applicant or licensee.

15 (d) Definition.--As used in this section the term "applicant
16 or licensee" includes a partner of an applicant or licensee, or
17 a director, officer or manager of a corporate applicant or
18 licensee.

19 SUBCHAPTER C

20 MISCELLANEOUS PROVISIONS

21 Sec.

22 7421. Salvage pools or salvage disposal sales.

23 7422. Salvage dealers licensed in other states.

24 7423. Penalty.

25 7424. Injunction.

26 § 7421. Salvage pools or salvage disposal sales.

27 (a) General rule.--Sales at a salvage pool or a salvage
28 disposal sale shall be open only to persons holding a current
29 automotive dismantler and parts recycler license and their
30 agents or employees. The persons must have a separate buyer's

1 identification card to buy at a salvage pool or salvage disposal
2 sale.

3 (b) Application for buyer's identification card.--A person
4 desiring to purchase a buyer's identification card may do so by
5 making application to the department, upon a form prescribed by
6 the department. The form shall contain:

7 (1) The name of the applicant.

8 (2) The street address of the applicant's established
9 place of business.

10 (3) If an agent or employee, the name of the licensee
11 for whom the applicant will be making purchases at salvage
12 pools or salvage disposal sales.

13 (4) The license number under which the applicant will be
14 making purchases.

15 (5) Any other information that may be required by the
16 department.

17 (c) Qualifications for holder of buyer's identification
18 card.--In order to obtain a buyer's identification card, a
19 person must:

20 (1) Be a licensed automotive dismantler and parts
21 recycler or an agent or employee of a licensed automotive
22 dismantler and parts recycler.

23 (2) Pay a fee of \$15 to the department for processing
24 the buyer's identification card.

25 (d) Use of card.--The card shall be valid as long as the
26 holder is a licensed automotive dismantler and parts recycler or
27 an agent or employee of the same licensed automotive dismantler
28 and parts recycler at the time the card is issued. Buyer's
29 identification cards are not transferable. If the holder ceases
30 to be a licensed automotive dismantler and parts recycler or an

1 agent or employee of a licensed automotive dismantler and parts
2 recycler, then the card shall be invalid and it is the duty of
3 the holder to return the card to the department.

4 (e) Limitation on number of agents or employees.--A licensee
5 may not have more than three agents or employees who are holders
6 of a buyer's identification card.

7 (f) Penalty.--It is unlawful for the owner, manager or
8 person in charge of a salvage pool or salvage disposal sale to
9 permit the bidding by a person who does not possess a valid
10 buyer's identification card at a sale. A person who violates
11 this subsection commits a misdemeanor of the third degree.

12 § 7422. Salvage dealers licensed in other states.

13 Nothing in this chapter shall prohibit salvage dealers
14 licensed in other states from buying at a salvage pool or
15 salvage disposal sale provided they qualify under this chapter
16 as a holder of a buyer's identification card.

17 § 7423. Penalty.

18 A person who violates this chapter, with the exception of
19 section 7421(f) (relating to salvage pools or salvage disposal
20 sales), commits a summary offense.

21 § 7424. Injunction.

22 The district attorney of a county in which a violation of
23 this chapter occurs may seek injunctive relief in the court of
24 common pleas to prohibit continued violations of this chapter by
25 any person.

26 Section 2. This act shall take effect in 180 days.