

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1325 Session of  
1995

INTRODUCED BY PERZEL, MARCH 27, 1995

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 15, 1995

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for odometer disclosure  
3 requirements; and providing for insurance company's right to  
4 odometer records.

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

7 Section 1. Section 7134 of Title 75 of the Pennsylvania  
8 Consolidated Statutes, ~~amended December 15, 1994 (P.L.~~ <—  
9 ~~No. 115)~~, is amended to read:

10 § 7134. Odometer disclosure requirements.

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

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

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

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

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

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

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

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

22       (b) Prohibitions.--

23           (1) No transferor shall violate any provision of this  
24 section or give a false statement to a transferee and the  
25 department in making any disclosure required by this section.

26           (2) No transferee shall accept any written disclosure  
27 required by any provision of this section if the disclosure  
28 is incomplete.

29       (c) Auction sales.--With regard to any motor vehicle whose  
30 ownership is transferred through a motor vehicle auction sales

1 transaction, the motor vehicle auction company conducting the  
2 sale shall receive from the transferor a copy of the odometer  
3 mileage statement which the transferor is required by subsection  
4 (a) to provide to the transferee.

5 (d) Other acceptable disclosure forms.--Either an odometer  
6 mileage statement, approved by the United States Secretary of  
7 Transportation pursuant to section 1988 of the Motor Vehicle  
8 Information and Cost Savings Act (Public Law 92-513, 15 U.S.C. §  
9 1988), or a Pennsylvania ownership transfer document, approved  
10 by the department, which includes the odometer disclosure  
11 information as prescribed in subsection (a) shall be deemed to  
12 satisfy all the requirements for the content and form of  
13 odometer mileage statements. Nothing in this subsection shall  
14 exempt a dealer or motor vehicle auction company from the  
15 provisions of section 7135 (relating to odometer mileage  
16 statement retention).

17 (d.1) Secure power of attorney.--The department shall permit  
18 a licensed dealer to use a secure power of attorney to transfer  
19 a vehicle when the certificate of title is encumbered with a  
20 lien. Prior to transferring the vehicle, the dealer shall obtain  
21 from the transferor a secure power of attorney authorizing the  
22 dealer to transfer to the title all information pertaining to  
23 odometers that is required to be disclosed by this title and  
24 Federal law, in lieu of the transferor providing such  
25 information on the certificate of title. In addition to any  
26 other documents required by the department, the dealer shall  
27 submit to the department the following:

28 (1) If the transferred vehicle is a retail sale and is  
29 to be titled in this Commonwealth, the dealer shall submit  
30 the secure power of attorney attached to the application for

1 title, along with the certificate of title and the  
2 established fee.

3 (2) If the transferred vehicle is to be titled outside  
4 of this Commonwealth, the dealer shall submit to the  
5 department the secure copy of the secure power of attorney  
6 attached to a copy of the certificate of title and the  
7 established fee.

8 (3) If the transferred vehicle is to be transferred to  
9 another licensed dealer, the first transferor dealer shall  
10 submit to the department the secure copy of the secure power  
11 of attorney attached to a copy of the certificate of title  
12 and the established fee.

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

21 (e) Exemptions.--A transfer of any of the following types of  
22 motor vehicles is exempt from the requirements of this section:

23 (1) A motor vehicle having a registered gross weight of  
24 more than 16,000 pounds.

25 (2) A motor vehicle ten years or older.

26 (3) An implement of husbandry.

27 (4) Special mobile equipment.

28 (5) A commercial implement of husbandry.

29 Section 2. Title 75 is amended by adding a section to read:

30 § 7135.1. Insurance company's right to odometer records.

1     (a) General rule.--An insurance company may secure vehicle  
2     odometer mileage records from the department for those  
3     registered vehicles it insures.

4     (b) Records.--The department shall make available its  
5     records from ~~annual safety inspections~~, annual registration     <—  
6     renewals and titles on vehicle sales in accordance with  
7     subsection (a).

8     (c) Fees.--The department may charge an insurance company an     <—  
9     ~~appropriate fee~~ A FEE, AS SET FORTH IN SECTION 1955 (RELATING TO     <—  
10    INFORMATION CONCERNING DRIVERS AND VEHICLES), for supplying the  
11    information in subsection (a). ~~but this fee shall not exceed the~~     <—  
12    actual cost of supplying the information to the insurance  
13    company.

14    Section 3. This act shall take effect in 60 days.