

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2066 Session of
2003

INTRODUCED BY GEIST, McCALL, MARSICO, MAHER, WILT, PETRARCA,
MELIO, WASHINGTON, ROBERTS, SANTONI, D. EVANS, HARPER,
BALDWIN, HESS, MCGILL, STAIRS, WATSON, LAUGHLIN, WOJNAROSKI,
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ALLEN, ARMSTRONG, BEBKO-JONES, BENNINGHOFF, BIANCUCCI,
CAPPELLI, CLYMER, COLEMAN, CORRIGAN, COY, CRAHALLA, CRUZ,
DALEY, DeLUCA, DeWEESE, EGOLF, FABRIZIO, FICHTER, GERGELY,
GINGRICH, GODSHALL, GRUCELA, HALUSKA, HARHART, HARRIS,
HERMAN, HERSHEY, HORSEY, JOSEPHS, KELLER, KENNEY, KIRKLAND,
MARKOSEK, McILHATTAN, McNAUGHTON, PALLONE, PAYNE, PETRI,
PHILLIPS, PISTELLA, REED, RUBLEY, SAINATO, SCAVELLO, SEMMEL,
SOLOBAY, E. Z. TAYLOR, TURZAI, VANCE, WALKO, WEBER,
YOUNGBLOOD AND HENNESSEY, OCTOBER 14, 2003

REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 14, 2003

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further defining "collectible motor vehicle";
3 defining "flood vehicle" and "I-CAR"; further providing for
4 application for certificate of title, for transfer of vehicle
5 ownership and for reconstructed vehicles; providing for
6 titling and inspection of reconstructed, modified and
7 specially constructed vehicles; further providing for
8 required registration and certificate of title; providing for
9 fees for reconstructed, modified and specially constructed
10 vehicle inspection and for certificate of appointment for
11 reconstructed vehicle inspection sites; and further providing
12 for issuance of certificate of inspection and for State
13 replacement vehicle identification number plate.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The definition of "collectible motor vehicle" in
17 section 102 of Title 75 of the Pennsylvania Consolidated
18 Statutes is amended and the section is amended by adding

1 definitions to read:

2 § 102. Definitions.

3 Subject to additional definitions contained in subsequent
4 provisions of this title which are applicable to specific
5 provisions of this title, the following words and phrases when
6 used in this title shall have, unless the context clearly
7 indicates otherwise, the meanings given to them in this section:

8 * * *

9 "Collectible motor vehicle." A reconstructed or modified
10 motor vehicle substantially modified from the manufacturer's
11 original specifications and appearance and maintained in a
12 collectible condition as determined by the Department of
13 Transportation.

14 * * *

15 "Flood vehicle." Any motor vehicle that has been submerged
16 in water to the point that rising water has reached over the
17 doorsill or has entered the passenger or trunk compartment or
18 any vehicle declared a total loss due to flood by an insurance
19 carrier.

20 * * *

21 "I-CAR." The Inter-Industry Conference on Auto Collision
22 Repair.

23 * * *

24 Section 2. Section 1103.1(g) of Title 75 is amended to read:

25 § 1103.1. Application for certificate of title.

26 * * *

27 (g) [Specially constructed, reconstructed or modified]
28 Reconstructed, modified or specially constructed vehicles.--If
29 the vehicle to be titled is a [specially constructed,]
30 reconstructed [or], modified or specially constructed vehicle,

1 that fact shall be stated in the application[.], and prior to
2 the issuance of a certificate of title, the vehicle shall be
3 inspected at a reconstructed vehicle inspection site pursuant to
4 section 1165.1 (relating to titling and inspection of
5 reconstructed, modified and specially constructed vehicles).
6 Modified vehicles that are subsequently remodified shall reapply
7 for title under this section. The department may promulgate
8 rules and regulations pertaining to the titling of [specially
9 constructed,] reconstructed [or], modified or specially
10 constructed vehicles.

11 * * *

12 Section 3. Section 1111 of Title 75 is amended by adding a
13 subsection to read:

14 § 1111. Transfer of ownership of vehicle.

15 * * *

16 (a.3) Exception for reconstructed, modified and specially
17 constructed vehicles.--When a certificate of title for a
18 reconstructed, modified or specially constructed vehicle, which
19 has been acquired by a licensed dealer for purposes of resale
20 and has been submitted to a reconstructed vehicle inspection
21 site by the licensed dealer, delivery of the certificate of
22 title by the dealer as a transferor at the time of delivery of
23 the vehicle upon resale shall not be required for a vehicle
24 being titled in this Commonwealth if, prior to delivery of the
25 vehicle, the dealer obtains the resale authorization form from
26 the reconstructed vehicle inspection site and the applicable
27 powers of attorney to properly execute transfer of the title.
28 The application and properly assigned certificate of title shall
29 be delivered to the department within the time period prescribed
30 by section 1103.1.

* * *

Section 4. Section 1165(b) of Title 75 is amended to read:

§ 1165. Reconstructed vehicles.

* * *

[(b) Application for a reconstructed vehicle certificate of title.--A reconstructed vehicle title and registration shall be issued to an applicant if the applicant presents to the department an application for a certificate of title upon a form furnished and prescribed by the department and any other information the department deems appropriate.]

Section 5. Title 75 is amended by adding sections to read:

§ 1165.1. Titling and inspection of reconstructed, modified and specially constructed vehicles.

(a) General rule.--The applicant shall present to the department or its authorized agent at a specifically designated reconstructed vehicle inspection site all of the following:

(1) A properly assigned certificate of title, certificate of origin, certificate of salvage and any other required documents establishing ownership, including official vehicle ownership documents issued in foreign states or countries.

(2) A properly repaired or constructed vehicle.

(3) All vehicle identification numbers, invoices, bills of sale and other receipts for:

(i) The vehicle.

(ii) All essential parts used or purchased for the construction or repair of the vehicle.

(4) Proof of financial responsibility, if registration is requested.

(5) All fees required by Chapter 19 (relating to fees).

1 (6) Any other requirements the department deems
2 appropriate and published by notice in the Pennsylvania
3 Bulletin.

4 (b) Issuance.--Registration and a certificate of safety
5 inspection may be issued for the vehicle immediately if the
6 applicant fully complies with the requirements of subsection
7 (a). A licensed dealer in compliance with subsection (a) may
8 immediately be issued a resale authorization form.

9 (c) Reconstructed vehicle inspection sites.--

10 (1) For the purpose of inspecting reconstructed,
11 modified and specially constructed vehicles, the department
12 shall establish a system of privately owned facilities
13 exclusively designated to conduct the inspections.

14 (2) Designated facilities shall:

15 (i) Be located throughout this Commonwealth as
16 specified by the department.

17 (ii) Be under the control of a single contractor.

18 (iii) Be under contract with the department.

19 (iv) Employ at least one safety inspection mechanic
20 certified in accordance with section 4726 (relating to
21 certification of mechanics) and I-CAR standards or
22 similar nationally recognized standards approved by the
23 department.

24 (3) The designated personnel at each site shall verify
25 that:

26 (i) The vehicle identification numbers on the
27 vehicle are an accurate match of those listed on the
28 application, the certificate of title, the certificate of
29 origin, the certificate of salvage and any other official
30 vehicle ownership documents, including those issued by

foreign states or countries.

(ii) No stolen parts were used to modify, construct or reconstruct the vehicle.

(iii) The vehicle is modified, constructed or reconstructed to meet all equipment and inspection requirements of this title and I-CAR standards or similar nationally recognized standards approved by the department.

(4) An inspection conducted under this section shall not be construed as a guarantee of the safety of any vehicle and neither the Commonwealth nor the reconstructed vehicle inspection site where the inspection is conducted nor the employees performing the inspection shall be liable to the owner or occupants of any inspected vehicle for any damages caused by the failure or malfunction of that vehicle or to the owner or occupants of any vehicle involved in an accident with that inspected vehicle or to any pedestrian injured in the accident.

(5) No person shall perform any part of an inspection on a vehicle owned by the person.

§ 1165.2. Advisory panel.

The department shall establish an advisory panel to oversee and make recommendations concerning the reconstructed vehicle inspection site program and contract. The panel shall meet at least semiannually in Harrisburg. The panel shall consist of the following:

(1) The chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives or their designees.

1 (2) A representative of the department.

2 (3) A representative of the Office of Attorney General.

3 (4) A representative of the Pennsylvania State Police.

4 (5) A vehicle salvage dealer selected by the department.

5 (6) A salvor selected by the department.

6 (7) A licensed vehicle dealer who reconstructs or
7 modifies vehicles.

8 (8) A member of the Auto Theft Prevention Authority.

9 (9) Two members of the general public selected by the
10 department.

11 Section 6. Section 1301(c.1) of Title 75 is amended and the
12 section is amended by adding a subsection to read:

13 § 1301. Registration and certificate of title required.

14 * * *

15 (c.1) Reconstructed, [recovered theft, flood,] modified and
16 specially constructed vehicles.--Only the department [shall] or
17 a designated inspector at a reconstructed vehicle inspection
18 site under section 1165 (relating to reconstructed vehicles) may
19 issue a temporary registration plate or card, or permit the
20 transfer of a registration plate, in conjunction with any
21 application for reconstructed, recovered theft, flood, modified
22 and specially constructed vehicles. Proof of financial
23 responsibility must accompany the application for registration
24 prior to the issuance of a registration plate.

25 (c.2) Special inspection prerequisite to operation.--No
26 reconstructed, modified or specially constructed vehicle may be
27 operated on the highway until it has successfully passed an
28 inspection at a reconstructed vehicle inspection site. Modified
29 vehicles that are subsequently remodified must be reinspected at
30 a reconstructed vehicle inspection site prior to operation on

1 the highway.

2 * * *

3 Section 7. Title 75 is amended by adding sections to read:

4 § 1962. Reconstructed, modified and specially constructed
5 vehicle inspection.

6 The schedule of fees for the inspection of a reconstructed,
7 modified or specially constructed vehicle at a reconstructed
8 vehicle inspection site shall be set by the department and
9 published by notice in the Pennsylvania Bulletin. The fee shall
10 be paid directly to the reconstructed vehicle inspection site
11 for the vehicle inspection. For a vehicle that requires
12 reinspection, an additional fee shall not be required if the
13 vehicle is presented for the reinspection within 90 days of the
14 initial inspection.

15 § 4723.1. Certificate of appointment for reconstructed vehicle
16 inspection sites.

17 (a) Certificate.--The department shall issue a certificate
18 of appointment for reconstructed vehicle inspection sites.

19 (b) Authority.--The certificate of appointment shall
20 authorize the inspection of:

21 (1) Reconstructed, modified and specially constructed
22 vehicles.

23 (2) Vehicles owned or leased by the Commonwealth or
24 political subdivisions.

25 (3) Vehicles leased or owned by the reconstructed
26 vehicle inspection site.

27 (c) Offsite inspection.--Inspection of reconstructed,
28 modified and specially constructed vehicles may be performed
29 offsite for:

30 (1) Oversize vehicles.

1 (2) Mobile homes.

2 (3) Licensed dealers or fleet owners who meet specific
3 requirements approved by the department.

4 (4) Other vehicles approved by the department.

5 Section 8. Section 4727 of Title 75 is amended by adding a
6 subsection to read:

7 § 4727. Issuance of certificate of inspection.

8 * * *

9 (b.1) Refusal to inspect.--An official inspection station
10 shall refuse to inspect any modified vehicle which is not
11 properly titled by the Commonwealth.

12 * * *

13 Section 9. Section 7104(d) and (e) of Title 75 are amended
14 to read:

15 § 7104. State replacement vehicle identification number plate.

16 * * *

17 (d) Issuance and display of plate.--The department shall
18 furnish a State replacement vehicle identification number plate
19 which shall be immediately [placed in a uniform manner] secured,
20 by an inspector at a reconstructed vehicle inspection site, to
21 the same location as the removed or falsified number plate or as
22 otherwise designated by the department on the vehicle. At a
23 minimum, the number plate on the vehicle dashboard or cowl must
24 be replaced.

25 (e) Reconstructed, modified or specially constructed
26 vehicle.--The department may assign a State replacement vehicle
27 identification number plate for a reconstructed, modified or
28 specially constructed vehicle[.], which shall be immediately
29 secured, by an inspector at a reconstructed vehicle inspection
30 site, to the same location as the removed or falsified number

1 plate or as otherwise designated by the department on the
2 vehicle. At a minimum the number plate on the vehicle dashboard
3 or cowl must be replaced.

4 Section 10. This act shall take effect as follows:

5 (1) This section shall take effect immediately.

6 (2) The addition of 75 Pa.C.S. § 1165.2 shall take
7 effect in 60 days.

8 (3) The remainder of this act shall take effect in six
9 months.