

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2344 Session of
1980

INTRODUCED BY DININNI AND KOLTER, MARCH 5, 1980

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 5, 1980

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for abandoned and salvaged
3 vehicles and salvors.

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

6 Section 1. The definitions of "abandoned vehicle,"
7 "reconstructed vehicle", "salvor" and "valueless except for
8 junk" in section 102, and sections 1112(d), 1117, 1118(b),
9 1307(e), 1374(a)(4), 1902(3), 1952(d), 4729, 7102(c), 7103(c),
10 7304, 7305(a) and 7309 of Title 75 are amended or added to read:
11 § 102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this title which are applicable to specific
14 provisions of this title, the following words and phrases when
15 used in this title shall have, unless the content clearly
16 indicates otherwise, the meanings given to them in this section:

17 "Abandoned vehicle."

18 (1) A vehicle (other than a pedalcycle):

1 (i) that is inoperable and is left unattended on
2 public property for more than 48 hours;

3 (ii) that has remained illegally on public property
4 for a period of more than 48 hours;

5 (iii) [without] which does not have both a valid
6 registration plate [or] and certificate of inspection [or
7 title] and which is left unattended on [or along] a
8 highway; or

9 (iv) [that has remained on private property without
10 the consent of the owner or person in control of the
11 property for more than 48 hours] that has remained
12 unclaimed at a storage facility of a salvor for more than
13 30 days.

14 (2) Vehicles and equipment used or to be used in
15 construction or in the operation or maintenance of public
16 utility facilities, which are left in a manner which does not
17 interfere with the normal movement of traffic, shall not be
18 considered to be abandoned.

19 * * *

20 "Reconstructed vehicle." A vehicle materially altered from
21 its original construction by the removal, addition or
22 substitution of essential parts, new or used, or a vehicle,
23 other than an antique or classic vehicle, for which [a
24 certificate of junk] authorization to salvage the vehicle was
25 issued and is thereafter restored to operating condition.

26 * * *

27 "Salvor." A person [engaged in the business of acquiring
28 abandoned vehicles] authorized by the department to remove
29 vehicles from public or private property or to acquire abandoned
30 vehicles for the purpose of taking apart, [junking] salvaging,

1 selling, rebuilding or exchanging the vehicles or parts thereof.

2 * * *

3 "Valueless except for [junk] salvage." A vehicle which is
4 inoperable or unable to meet the vehicle equipment and
5 inspection standards under Part IV (relating to vehicle
6 characteristics) to the extent that the cost of repairs would
7 exceed the value of the repaired vehicle. The term does not
8 include a vehicle which would qualify as an antique or classic
9 vehicle except for its lack of restoration or maintenance.

10 * * *

11 § 1112. Disclosure of odometer reading and tampering with
12 odometer.

13 * * *

14 (d) Exceptions.--The transferor of the following types of
15 motor vehicles need not disclose the odometer reading of the
16 vehicle:

17 (1) A motor vehicle having a registered gross weight of
18 more than 17,000 pounds.

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

20 (3) A motor vehicle transferred between dealers prior to
21 first retail sale.

22 (4) A motor vehicle transferred in conjunction with
23 application for vehicle salvage authorization.

24 * * *

25 § 1117. Vehicle destroyed or [junked] salvaged.

26 (a) Application for [certificate of junk] vehicle salvage
27 authorization.--[Any owner who transfers a vehicle as scrap, or
28 to be destroyed or junked, shall assign the certificate of title
29 to the person to whom the vehicle is transferred. The transferee
30 shall return the assigned certificate of title to the department

1 immediately with an application for a certificate of junk upon a
2 form furnished and prescribed by the department. An insurer, as
3 defined in the act of July 19, 1974 (P.L.489, No.176), known as
4 the "Pennsylvania No-fault Motor Vehicle Insurance Act," to
5 which title to a vehicle is assigned upon payment to the insured
6 of the replacement value of the vehicle, shall be regarded as a
7 transferee under this subsection.]

8 (1) No person shall scrap, dismantle or destroy a
9 vehicle or remove a vehicle from this Commonwealth for the
10 purpose of scrapping, dismantling or destroying the vehicle
11 unless the certificate of title has been endorsed with
12 authorization to salvage the vehicle. Upon receipt of the
13 certificate of title and application for authorization to
14 salvage a vehicle, the department will issue to the applicant
15 or their designee a certificate of title endorsed with
16 authorization to salvage the vehicle. A person who purchases
17 a vehicle to be scrapped, dismantled or destroyed shall apply
18 for authorization to salvage the vehicle within ten days.

19 (2) An owner who receives the replacement value of a
20 wrecked vehicle from an insurer as defined in the act of July
21 19, 1974 (P.L.489, No.176), known as the "Pennsylvania No-
22 fault Motor Vehicle Insurance Act," or the insurer or other
23 transferee, if title to the vehicle is transferred, shall
24 apply for authorization to salvage the vehicle within ten
25 days.

26 (3) Any person who purchases in another state a wrecked
27 vehicle whose owner received its replacement value from an
28 insurer shall apply for authorization to salvage the vehicle
29 within ten days of entry of the vehicle into this
30 Commonwealth.

1 (4) No fee shall be payable for issuance of a
2 certificate of title endorsed with authorization to salvage.
3 However, if the applicant wishes the title to be issued in
4 the name of a salvor, scrap metal processor or other person,
5 the applicable title fee shall be payable. Any subsequent
6 assignment of the title shall also require payment of the
7 applicable fee.

8 [(b) Issuance and effect of certificate of junk.--Upon
9 proper application for a certificate of junk, the department
10 shall issue to the transferee a certificate of junk which shall
11 authorize the holder to possess, transport, or by endorsement,
12 transfer ownership in the junked vehicle, and a certificate of
13 title shall not again be issued for the vehicle except upon
14 application containing the information the department requires,
15 accompanied by any necessary documents or articles.]

16 [(c)] (b) Vehicles with defective or lost title.--Any person
17 on whose property is located a vehicle which is valueless except
18 for [junk] salvage and which has a faulty, lost or destroyed
19 title may transfer the vehicle to a salvor or to a salvage
20 program operated by a political subdivision for removal to a
21 suitable place of storage or for scrapping, provided the salvor
22 or salvage program complies with the requirements of section
23 7309 (relating to [junking] salvaging of vehicles valueless
24 except for [junk] salvage), except that the report to the
25 department that the vehicle is valueless except for [junk]
26 salvage shall be verified by the transferor of the vehicle
27 instead of the police department. The transferee shall return
28 the assigned certificate of title, if any to the department
29 immediately with an application for [certificate of junk]
30 vehicle salvage authorization upon a form furnished and

1 prescribed by the department.

2 [(d)] (c) Reconstructed vehicle.--If the title to a vehicle,
3 other than an antique or classic vehicle, [for which a
4 certificate of junk has been issued is thereafter restored to
5 operating condition, it shall be regarded as a reconstructed
6 vehicle] has been endorsed with authorization to salvage the
7 vehicle and the vehicle is thereafter restored to operating
8 condition, the salvage authorization endorsement may be removed
9 upon application for certificate of title as a reconstructed
10 vehicle and payment of the applicable fee.

11 [(e)] (d) Transfer to scrap metal processor.--

12 (1) When a scrap metal processor obtains a [destroyed or
13 junked] salvaged vehicle from a licensed salvor, it shall be
14 the duty of the salvor to obtain [a certificate of junk] the
15 salvage authorization endorsement therefor. When a scrap
16 metal processor purchases a [destroyed or junked] salvaged
17 vehicle from a person other than a salvor, it shall be the
18 duty of the scrap metal processor to obtain the [certificate
19 of junk] salvage authorization endorsement unless the
20 transferor has previously obtained the salvage authorization
21 endorsement.

22 (2) When a vehicle, which has been destroyed, is
23 transferred to a scrap metal processor no assignment of a
24 title endorsed with an authorization to salvage the vehicle
25 shall be required. As used in this paragraph, "destroyed"
26 means that the vehicle has been crushed, compressed, shredded
27 or otherwise irreversibly rendered unusable as a vehicle.

28 [(f)] (e) Penalty.--Any person violating the provisions of
29 [subsections] subsection (a) or [(e)] (d) is guilty of a summary
30 offense and shall, upon conviction, be sentenced to pay a fine

1 of \$200 for each violation.

2 § 1118. Suspension and cancellation of certificate of title.

3 * * *

4 (b) Vehicles sold to nonresidents or [junked] salvaged.--The
5 department may cancel certificates of title for vehicles sold to
6 residents of other states or foreign countries when the vehicle
7 is to be registered in the other jurisdiction[, or for abandoned
8 or destroyed vehicles authorized to be junked as provided in
9 this subchapter].

10 * * *

11 § 1307. Period of registration.

12 * * *

13 (e) Antique and classic vehicles.--Antique and classic motor
14 vehicle registrations shall expire upon the [junking,] salvaging
15 scrapping or transfer of ownership of the vehicle, except that
16 if the transfer is between spouses or between parent and child
17 the registration may be transferred upon payment of a transfer
18 fee.

19 § 1374. Suspension of vehicle business registration plates.

20 (a) General rule.--The department may suspend registration
21 plates for dealers, manufacturers or members of the
22 "Miscellaneous Motor Vehicle Business" class after providing
23 opportunity for a hearing in any of the following cases when the
24 department finds upon sufficient evidence that:

25 * * *

26 (4) The registrant has filed to give notice of transfer
27 of ownership or of the destruction or [junking] salvaging of
28 any vehicle when and as required by this title.

29 * * *

30 § 1902. Exemptions from other fees.

1 No fee shall be charged under this title for or to any of the
2 following:

3 * * *

4 (3) [A certificate of junk.] An authorization to salvage
5 a vehicle.

6 * * *

7 § 1952. Certificate of title.

8 * * *

9 (d) Removal of salvage authorization endorsement.--The fee
10 for removal of a salvage authorization endorsement from a
11 certificate of title shall be \$5 unless the endorsement is
12 removed in conjunction with the transfer of title to the
13 vehicle.

14 § 4729. Removal of certificate of inspection.

15 No certificate of inspection shall be removed from a vehicle
16 for which the certificate was issued except to replace it with a
17 new certificate of inspection issued in accordance with the
18 provisions of this chapter or as follows:

19 (1) The police officer may remove a certificate of
20 inspection in accordance with the provisions of section
21 4703(d) (relating to operation of vehicle without official
22 certificate of inspection).

23 (2) A person replacing a windshield or repairing a
24 windshield in such a manner as to require removal of a
25 certificate of inspection shall at the option of the
26 registrant of the vehicle cut out the portion of the
27 windshield containing the certificate and deliver it to the
28 registrant of the vehicle or destroy the certificate. The
29 vehicle may be driven for up to five days if it displays the
30 portion of the old windshield containing the certificate as

1 prescribed in department regulations. Within the five day
2 period an official inspection station may affix to the
3 vehicle another certificate of inspection for the same
4 inspection period without reinspecting the vehicle in
5 exchange for the portion of the old windshield containing the
6 certificate of inspection. A fee of no more than \$1 may be
7 charged for the exchanged certificate of inspection.

8 (3) [A salvor] Every applicant for a vehicle salvage
9 authorization pursuant to section 1117(a) (relating to
10 vehicle destroyed or salvaged) shall remove and destroy the
11 certificate of inspection on [every vehicle in his possession
12 except vehicles used in the operation of the business of the
13 salvor] the vehicle.

14 § 7102. Removal or falsification of identification number.

15 * * *

16 [(c) Exception.--This section does not apply to the removal
17 of an identification number from a vehicle for which a
18 certificate of junk has been obtained in accordance with section
19 1117 (relating to vehicle destroyed or junked.)]

20 § 7103. Dealing in vehicles with removed or falsified
21 numbers.

22 * * *

23 (c) Exception.--This section does not apply to the removal
24 of an identification number from a vehicle [for which a
25 certificate of junk has been obtained] in accordance with the
26 requirements of section 1117(a) (relating to vehicle destroyed
27 or [junked] salvaged).

28 § 7304. Reports to department of possession of abandoned
29 vehicles.

30 (a) General rule.--Any salvor taking possession of an

1 abandoned vehicle pursuant to section 7301(c) (relating to
2 authorization of salvors) shall within 48 hours after taking
3 possession report to the department the make, model, vehicle
4 identification number and registration plate number of the
5 abandoned vehicle, and the name and address of the owner or
6 person who abandoned the vehicle, if known, together with any
7 other information or documents which the department may by
8 regulation require. The report shall include a statement whether
9 the vehicle is valueless except for [junk] salvage. Where the
10 report indicates the vehicle is valueless except for [junk]
11 salvage, the salvor shall include a photograph of the vehicle to
12 be prepared in a manner prescribed by the department. A report
13 by a salvor that a vehicle is valueless except for [junk]
14 salvage shall be verified by the police department which
15 authorized transfer of the vehicle to the salvor.

16 (b) Exception.--If the owner or registrant of an abandoned
17 vehicle reveals their identity to the salvor within the 48-hour
18 period, the salvor shall not be required to comply with the
19 provisions of subsection (a).

20 § 7305. Notice to owner and lienholders of abandoned vehicles.

21 (a) General rule.--Except as provided in section 7309
22 (relating to junking of vehicles valueless except for [junk]
23 salvage), the department, upon receipt of notice that an
24 abandoned vehicle has been taken into possession pursuant to
25 this chapter, shall notify by certified mail, return receipt
26 requested, the last known registered owner of the vehicle and
27 all lienholders of record that the vehicle is abandoned.

28 * * *

29 § 7309. [Junking] Salvaging of vehicles valueless except for
30 [junk] salvage.

1 (a) Application for [certificate of junk] vehicle salvage
2 authorization.--If an abandoned vehicle is valueless except for
3 [junk] salvage, the salvor shall note that fact in the report to
4 the department required in section 7304 (relating to reports to
5 department of possession of abandoned vehicles) and shall apply
6 for issuance of a [certificate of junk] vehicle salvage
7 authorization as provided for in section 1117 (relating to
8 vehicle destroyed or [junked] salvaged).

9 (b) Notice and issuance of certificate.--If the identity of
10 the last registered owner cannot be determined with reasonable
11 certainty and it is impossible to determine with reasonable
12 certainty the identity and addresses of any lienholder, no
13 notice shall be required. Under such circumstances, the
14 department shall upon receipt of the report by the salvor
15 pursuant to section 7304 issue a [certificate of junk] vehicle
16 salvage authorization as provided in section 1117.

17 (c) Reimbursement of expenses of salvor.--Upon receipt
18 within six months of evidence that a salvor has removed an
19 abandoned vehicle which is valueless except for salvage upon the
20 request of a police department and applied for authorization to
21 salvage the vehicle, the department shall pay to the salvor from
22 the Motor License Fund the sum of \$15 for the expenses incurred
23 in the removal and towing of the abandoned vehicle. No portion
24 of the \$15 payment or any separate consideration shall be
25 reimbursed or paid to any government agency or municipality by
26 the salvor.

27 (d) Rights of owners and lienholders.--Issuance by the
28 department of a [certificate of junk] vehicle salvage
29 authorization for a vehicle [junked] salvaged under this section
30 shall operate as a divestiture of all right, title and interest

1 in the vehicle of the owner and all lienholders.

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