

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 422 Session of  
1989

INTRODUCED BY MARKOSEK, COWELL, GODSHALL, KAISER, TIGUE, BLAUM, KUKOVICH, RYBAK, JOHNSON, PRESTON, KOSINSKI, J. L. WRIGHT, VROON, FOX, PRESSMANN, GIGLIOTTI, PISTELLA, SCHULER, CAPPABIANCA, MAIALE, D. W. SNYDER, BURD, HAYDEN, DALEY, LINTON, RITTER, HERMAN, VAN HORNE, COLAFELLA, STAIRS, TRELLO, DeLUCA, SEMMEL, HERSHEY, BIRMELIN, CLYMER, KENNEY, SAURMAN, JAROLIN, OLIVER, REINARD, McCALL, STEIGHNER, MORRIS, MELIO, DIETTERICK, MICOZZIE, SCHEETZ, GEIST, J. TAYLOR, OLASZ, BOWLEY, CORNELL, SERAFINI, HALUSKA, BUNT, BELFANTI, McVERRY, BELARDI, BILLOW, LESCOVITZ, LEVDANSKY, CARN, LANGTRY, STABACK, VEON, MICHLOVIC, CIVERA, WOZNIAK, GRUPPO, ACOSTA AND KASUNIC, FEBRUARY 13, 1989

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 25, 1989

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for vehicle identification  
3 numbers.

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

6 Section 1. Sections 7102, 7103, 7104 and 7105 of Title 75 of  
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 7102. Removal or falsification of identification number.

9 (a) Offense defined.--A person who willfully PLACES A FALSE <—  
10 IDENTIFICATION NUMBER ON OR removes, SELLS or falsifies an <—  
11 EXISTING identification number of a vehicle, engine [or], <—  
12 transmission or any other vehicle part bearing an identification  
13 number is guilty of a misdemeanor of the third degree.

1 (b) Fraudulent intent.--A person who willfully and with  
2 intent to conceal or misrepresent the identity of a vehicle,  
3 engine [or], transmission or any other vehicle part bearing an  
4 identification number, PLACES A FALSE IDENTIFICATION NUMBER <—  
5 THEREON OR removes, SELLS or falsifies an EXISTING <—  
6 identification number thereof, is guilty of a misdemeanor of the  
7 first degree.

8 †(c) Exception.--This section does not apply to the removal <—  
9 of [an] A METAL VEHICLE identification number PLATE from a <—  
10 vehicle [for which a certificate of junk has been obtained in <—  
11 accordance with section 1117 (relating to vehicle destroyed or  
12 junked).] OR PART THEREOF THAT IS DAMAGED AND SUCH REMOVAL IS <—  
13 NECESSARY FOR PROPER REPAIR OR MATCHING IDENTIFICATION OF A  
14 REPLACEMENT VEHICLE PART. SUCH REMOVAL IS ONLY ALLOWED IF THE  
15 PROPER MATCHING IDENTIFICATION NUMBER IS IMMEDIATELY AND  
16 PROPERLY SECURED TO THE REPAIRED OR REPLACEMENT PART.

17 § 7103. Dealing in vehicles with removed or falsified numbers.

18 (a) Offense defined.--A person who buys, receives,  
19 possesses, sells or disposes of a vehicle, engine [or],  
20 transmission or any other vehicle part bearing an identification  
21 number, knowing that an identification number has been removed  
22 [or falsified], A FALSE IDENTIFICATION NUMBER HAS BEEN PLACED <—  
23 THEREON, OR AN EXISTING IDENTIFICATION NUMBER HAS BEEN  
24 FALSIFIED, is guilty of a misdemeanor of the third degree.

25 (b) Knowledge of fraudulent intent.--A person who buys,  
26 receives, possesses, sells or disposes of a vehicle, engine  
27 [or], transmission or any other vehicle part bearing an  
28 identification number with knowledge that an identification  
29 number has been removed [or falsified], A FALSE IDENTIFICATION <—  
30 NUMBER HAS BEEN PLACED THEREON, OR AN EXISTING IDENTIFICATION

1 NUMBER HAS BEEN FALSIFIED, with intent to conceal or  
2 misrepresent the identity thereof, is guilty of a felony of the  
3 third degree.

4     †(c) Exception.--This section does not apply to the removal <—  
5 of [an] A METAL VEHICLE identification number PLATE from a <—  
6 vehicle [for which a certificate of junk has been obtained in <—  
7 accordance with section 1117 (relating to vehicle destroyed or  
8 junked).] OR PART THEREOF THAT IS DAMAGED AND SUCH REMOVAL IS <—  
9 NECESSARY FOR PROPER REPAIR OR MATCHING IDENTIFICATION OF A  
10 REPLACEMENT VEHICLE PART. SUCH REMOVAL IS ONLY ALLOWED IF THE  
11 PROPER MATCHING IDENTIFICATION NUMBER IS IMMEDIATELY AND  
12 PROPERLY SECURED TO THE REPAIRED OR REPLACEMENT PART.

13 § 7104. State replacement vehicle identification number plate.

14     (a) General rule.--No vehicle on which the vehicle  
15 identification number has been removed or falsified shall be  
16 titled or registered without a special permit from the  
17 department.

18     (b) Application for plate.--Before a certificate of title or  
19 registration for the vehicle can be obtained, the owner shall  
20 apply to the department for a State replacement vehicle  
21 identification number plate on a form furnished by the  
22 department which shall contain the full name and address of the  
23 owner and any other information the department may deem  
24 necessary, [sworn to before an official empowered to administer  
25 oaths] as certified by a police officer.

26     (c) Designation on plate.--The State replacement vehicle  
27 identification number plate shall contain:

28         (1) Official department identification.

29         (2) The manufacturer's vehicle identification number, if  
30 known, or a number assigned by the department.

1 (d) Issuance and display of plate.--The department shall  
2 furnish a State replacement vehicle identification number plate  
3 which shall be immediately placed in a uniform manner as  
4 designated by the department on the vehicle.

5 (e) Reconstructed or specially constructed vehicle.--The  
6 department may assign a State replacement vehicle identification  
7 number plate for a reconstructed or specially constructed  
8 vehicle.

9 § 7105. Seizure of vehicles with removed or falsified numbers.

10 (a) Duty of police.--Every police officer having knowledge  
11 of a vehicle on which the vehicle identification number has been  
12 removed or falsified shall immediately seize and take possession  
13 of the vehicle and arrest or file a complaint for the arrest of  
14 the suspected owner or custodian. In all actions involving  
15 seizure or possession of such vehicles, vehicle identification  
16 information shall be transmitted to the Federal or other  
17 agencies involved in recovery of stolen vehicles.

18 (b) Proceedings if owner known.--The court, upon petition of  
19 the owner or of the person entitled to possession of a seized  
20 vehicle, may relinquish custody of the vehicle to the person  
21 legally entitled to the vehicle [upon presentation of proof that  
22 a State replacement vehicle identification number plate has been  
23 issued by the department under section 7104 (relating to State  
24 replacement vehicle identification number plate)]. Any vehicle  
25 in the possession or custody of a police officer shall not be  
26 released to the owner or person legally entitled to possession  
27 of a seized vehicle pursuant to this section until such time as  
28 a replacement vehicle identification number plate has been  
29 obtained. Proof of the replacement vehicle identification number  
30 must be exhibited to the police officer at the time of release,

1 together with the court order relinquishing custody. The  
2 provisions with regard to the securance of a replacement vehicle  
3 identification number shall not apply when the vehicle is titled  
4 in a foreign state and will be removed from this State  
5 immediately upon release. If the foreign vehicle will not be  
6 removed immediately, the exception does not apply and a  
7 replacement vehicle identification number must be obtained.

8 Except as otherwise provided in this section, the court shall  
9 retain in custody the seized vehicle pending prosecution of the  
10 person arrested. In case the person is found guilty, the vehicle  
11 shall remain in the custody of the court until the fine and  
12 costs of prosecution are paid, except that if 90 days have  
13 elapsed after the verdict has been rendered and the fine and  
14 costs have not been paid, the court shall proceed to advertise  
15 and sell the vehicle in the manner provided by law for the sale  
16 of personal property under execution. The proceeds from the sale  
17 shall be used to pay the fine and costs of prosecution and the  
18 balance, if any, shall be forwarded to the department to be  
19 transmitted to the State Treasurer for deposit in the Motor  
20 License Fund.

21 (c) Proceedings if owner unknown.--If ownership of the  
22 vehicle is not established to the satisfaction of the court, the  
23 vehicle shall be confiscated by the court and sold immediately,  
24 and the proceeds shall be used to pay the costs of proceedings  
25 and the balance, if any, shall be forwarded to the department to  
26 be transmitted to the State Treasurer for deposit in the Motor  
27 License Fund.

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