
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2062 Session of
1993

INTRODUCED BY DRUCE, DALEY, NYCE, LAUB, CESSAR, MARKOSEK,
TRELLO, DEMPSEY AND MELIO, OCTOBER 4, 1993

REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 4, 1993

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, requiring a physical inspection of all vehicles
3 applying for a reconstructed Pennsylvania title, including
4 out-of-State vehicles; and requiring self-insurers to apply
5 for a salvage certificate.

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

8 Section 1. Section 1117 of Title 75 of the Pennsylvania
9 Consolidated Statutes, amended December 18, 1992 (P.L.1411,
10 No.174) and May 20, 1993 (P.L. , No.10), is amended to read:

11 § 1117. Vehicle destroyed, dismantled, salvaged or recycled.

12 (a) Application for certificate of salvage.--Any owner who
13 transfers a vehicle to be destroyed or dismantled, salvaged or
14 recycled shall assign the certificate of title to the person to
15 whom the vehicle is transferred. Except as provided in
16 subsection (e), the transferee shall immediately present the
17 assigned certificate of title to the department or an authorized
18 agent of the department with an application for a certificate of
19 salvage upon a form furnished and prescribed by the department.

1 An insurer, as defined in section 1702 (relating to
2 definitions), to which title to a vehicle is assigned upon
3 payment to the insured of the replacement value of a vehicle,
4 shall be regarded as a transferee under this subsection. If an
5 owner retains possession of a vehicle which is damaged to the
6 extent that it qualifies for vehicle replacement payment, the
7 owner shall apply for a certificate of salvage immediately. In
8 this case, an insurer shall not pay vehicle replacement value
9 until the owner produces evidence to the insurer that the
10 certificate of salvage has been issued. All self-insurers, as
11 defined in section 1702, which have a vehicle registered in this
12 Commonwealth and the registered vehicle is subsequently wrecked
13 to the point that it would cost 50% or more of the actual cash
14 retail value, according to a physical damage appraisal report
15 from the self-insurer or an independent licensed physical damage
16 appraiser, shall apply for a certificate of salvage for the
17 vehicle. The vehicle value is determined by averaging the retail
18 values listed in the Official Used Car Guide for Domestic and
19 Imported Cars published by the National Automobile Dealers
20 Association and the Automobile Red Book Official Used Car
21 Validations published by Maclean Hunter Market Reports, Inc.

22 (b) Issuance and effect of certificate of salvage.--Upon
23 proper application for a certificate of salvage, the department,
24 or such agents as the department may designate, shall issue to
25 the transferee a certificate of salvage which shall authorize
26 the holder to possess, transport or, by endorsement, transfer
27 ownership in the salvaged vehicle, and a certificate of title
28 shall not again be issued for the vehicle except upon
29 application containing the information the department requires,
30 accompanied by any necessary documents or articles.

1 (c) Vehicles with defective or lost title.--Any person on
2 whose property is located a vehicle which is valueless except
3 for salvage and which has a faulty, lost or destroyed title may
4 transfer the vehicle to a salvor or to a salvage program
5 operated by a political subdivision for removal to a suitable
6 place of storage or for scrapping, provided the salvor or
7 salvage program complies with the requirements of section 7309
8 (relating to salvaging of vehicles valueless except for
9 salvage), except that the report to the department that the
10 vehicle is valueless except for salvage shall be verified by the
11 transferor of the vehicle instead of the police department. The
12 transferee shall return the assigned certificate of title to the
13 department immediately with an application for certificate of
14 salvage upon a form furnished and prescribed by the department.

15 (d) Reconstructed and recovered theft vehicles.--

16 (1) (i) If a vehicle, other than an antique or classic
17 vehicle, for which a certificate of salvage has been
18 issued is thereafter restored to operating condition, it
19 shall be regarded as a reconstructed vehicle. Before any
20 vehicle is issued a Pennsylvania title with a
21 reconstructed brand on it, it shall be inspected by the
22 Pennsylvania State Police or an authorized agent of the
23 Pennsylvania State Police at a reconstructed vehicle
24 inspection site. The reconstructed vehicle inspection
25 sites shall be directed by the Pennsylvania State Police
26 or authorized agents designated by the Pennsylvania State
27 Police. The Pennsylvania State Police and the department
28 shall coordinate mutually agreeable locations for the
29 reconstructed vehicle inspection sites. The inspection
30 shall verify:

1 (A) Vehicle identification numbers of those
2 listed on the application and the salvage title to
3 the vehicle identification numbers listed on the
4 reconstructed vehicle body.

5 (B) That no stolen parts were used to
6 reconstruct the vehicle.

7 (C) If the vehicle is rebuilt to a standard that
8 it would not impose any harm to other vehicles,
9 drivers or pedestrians on a highway or impose harm to
10 the driver of the vehicle by conducting a road test
11 to be defined by the Pennsylvania State Police.

12 (ii) A \$150 fee shall be established for each
13 inspection required under subparagraph (i). The fee shall
14 be deposited in a nonlapsing fund which is dedicated to
15 the administration of this section. The fee shall be paid
16 to the Pennsylvania State Police accompanied by a form
17 prescribed by the department requesting an appointment to
18 have the vehicle inspected at one of the designated
19 reconstructed vehicle inspection sites. Payment of the
20 inspection fee is the responsibility of the applicant for
21 the reconstructed vehicle title.

22 (iii) Upon paying the fee and securing an
23 appointment, the applicant shall have the reconstructed
24 vehicle towed to the reconstructed vehicle inspection
25 site at the appropriate day and time. All financial
26 obligations for towing the vehicle are the responsibility
27 of the applicant. The title for a reconstructed vehicle
28 may be issued to an applicant only if:

29 (A) The applicant presents a certificate of
30 salvage, together with the reconstructed vehicle, at

1 a reconstructed vehicle inspection site.

2 (B) The applicant presents photographs of the
3 vehicle before and after the repair and restoration
4 and all the bills of sale and other receipts for the
5 parts purchased which were used in restoration or
6 repair of the vehicle. When parts are used from
7 another vehicle or vehicles, the vehicle
8 identification number of any vehicle from which
9 essential parts were used in the construction,
10 reconstruction or repair of the vehicle shall be
11 submitted.

12 (C) The applicant complies with any other
13 requirement the department or the Pennsylvania State
14 Police deems appropriate relating to the inspection
15 of the reconstructed vehicle.

16 (iv) Liability shall not be imposed upon the
17 department, the Pennsylvania State Police or the
18 Commonwealth or its agents or employees which may result
19 from, or be connected with, any act or omission relative
20 to the inspection.

21 (2) If a certificate of salvage has been issued for a
22 vehicle, other than an antique or classic vehicle, which was
23 reported as stolen and then recovered and restored to
24 operating condition, the vehicle shall be regarded as a
25 recovered theft vehicle, but only if the retail value of any
26 repairs does not exceed 50% of the actual cash value of the
27 vehicle as determined by averaging the average retail values
28 listed in the Official Used Car Guide for Domestic and
29 Imported Cars published by the National Automobile Dealers
30 Association and the Automobile Red Book Official Used Car

1 Validations published by Maclean Hunter Market Reports,
2 Inc.[, as certified by the insurer or licensed physical
3 damage appraiser on a form prescribed by the department;
4 otherwise, the vehicle shall be regarded as a reconstructed
5 vehicle.]; otherwise, the vehicle shall be regarded as a
6 reconstructed vehicle. The retail value of any repairs is
7 determined by submitting an insurance company appraisal
8 report that legibly itemizes the damages or necessary repairs
9 required which is certified by an insurer or a licensed
10 physical damage appraiser.

11 (e) Transfer to scrap metal processor.--

12 (1) When a vehicle has been flattened, crushed or
13 processed to the extent that it is no longer identifiable as
14 a vehicle, its certificate of title or salvage shall be
15 attached to a form provided by the department and immediately
16 sent to the department. The form shall include such
17 information as the owner's name, date processed, vehicle
18 make, model, year and VIN number. A copy of the form shall be
19 retained for record in accordance with section 6308(d)
20 (relating to investigation by police officers). The vehicle
21 scrap material shall no longer be considered a vehicle and
22 shall be removed from department records and shall not be
23 retitled or reconstructed.

24 (2) Any owner who transfers a vehicle to a scrap metal
25 processor shall assign the certificate of title or salvage to
26 the processor. The processor shall attach the certificate to
27 the proper department form, immediately send it to the
28 department and retain a copy in accordance with the
29 provisions of paragraph (1).

30 [(f) Penalty.--Any person violating the provisions of

1 subsections (a) or (e) is guilty of a summary offense and shall,
2 upon conviction, be sentenced to pay a fine of \$200 for each
3 violation.]

4 (f) Penalties.--

5 (1) A person who violates subsection (e) commits a
6 summary offense and shall, upon conviction, be sentenced to
7 pay a fine of \$200 for each violation.

8 (2) A person who violates subsection (a) commits a
9 summary offense and shall, upon conviction, be sentenced to
10 pay a fine of \$500 for each violation.

11 (3) An applicant for a Pennsylvania reconstructed
12 vehicle title who is found to have fraudulently completed an
13 application form for which a title is issued commits a
14 summary offense and shall, upon conviction, be sentenced to
15 pay a fine of \$500 for each violation.

16 Section 2. This act shall take effect in 90 days.