

VEHICLE CODE (75 PA.C.S.) - CONTENT AND EFFECT OF CERTIFICATE
OF TITLE AND THEFT VEHICLES

Act of Jun. 28, 2018, P.L. 498, No. 74

Cl. 75

Session of 2018

No. 2018-74

SB 1101

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in certificate of title and security interests, further providing for content and effect of certificate of title and for theft vehicles.

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

Section 1. Section 1106(b) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1106. Content and effect of certificate of title.

* * *

(b) Indication of special use or condition.--No person shall assign a certificate of title to any vehicle unless the certificate clearly contains notice of the use or condition if the vehicle is or has been:

- (1) used as a police car;
 - (2) used as a taxicab for the transport of passengers, for hire, having a seating capacity of nine or fewer passengers;
 - (3) an abandoned vehicle;
 - (4) a flood vehicle;
 - (5) a modified vehicle;
 - (6) a reconstructed vehicle;
 - (7) a specially constructed vehicle;
 - (8) a recovered theft vehicle or a theft vehicle **if required to be retitled under section 1164 (relating to theft vehicles)**;
 - (9) a vehicle originally manufactured for intended distribution outside the United States;
 - (10) bearing a VIN plate differing from its original;
- or
- (11) a motor vehicle returned to a vehicle dealer or manufacturer pursuant to the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law.

Indication of the use or condition shall be deemed part of the description of the vehicle. Any person violating this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

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Section 2. Section 1164(b) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1164. Theft vehicles.

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(b) Assessing damage on recovered theft vehicles.--If a theft vehicle has been recovered, the vehicle shall be assessed as to the level of damage at the time of recovery by an insurer or licensed physical damage appraiser:

- (1) If the cost of repairs exceeds the replacement value of the vehicle, the theft-branded certificate of salvage shall serve as an ownership document. If the vehicle

thereafter passes the reconstructed salvage vehicle inspection requirements under section 1165 (relating to reconstructed vehicles), it shall receive a certificate of title branded reconstructed and recovered-theft vehicle.

(2) If the cost of repairs is [less than] **more than 50% of the replacement value of the vehicle and the owner elects to retain title to the vehicle**, the owner shall apply for a certificate of title branded recovered-theft vehicle. A legible copy of the vehicle damage appraisal report completed by an insurer or licensed physical damage appraiser must accompany an application under this paragraph. The damage appraisal report shall include the replacement value of the vehicle.

(3) **If an owner has received a certificate of salvage branded as a theft vehicle after a payment has been made and the stolen vehicle is located and thereafter passes an inspection by a licensed physical damage appraiser in which the damage does not rise to the level of paragraph (2), the owner may apply to the department for an unbranded title. A legible copy of the vehicle damage appraisal report completed by an insurer or licensed physical damage appraiser must accompany an application under this paragraph. The damage appraisal report shall include the replacement value of the vehicle.**

(4) An individual who has not been paid the replacement value for the vehicle and has not received a certificate of salvage may use the existing certificate of title without applying for a new title.

(c) **Self-insurer requirement.--If the insurer is a self-insurer, the assessment of damage under this section shall be completed by a licensed physical damage appraiser who is not affiliated with or employed by the self-insurer.**

Section 3. This act shall take effect in 180 days.

APPROVED--The 28th day of June, A.D. 2018.

TOM WOLF