

VEHICLE CODE (75 PA.C.S.) - APPLICATION FOR CERTIFICATE OF TITLE
BY AGENT AND APPLICATION FOR CERTIFICATE OF TITLE BY AGENT
Act of Jul. 23, 2020, P.L. 644, No. 64 Cl. 75
Session of 2020
No. 2020-64

HB 632

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in certificate of title and security interests, further providing for application for certificate of title by agent; and, in miscellaneous provisions, further providing for odometer disclosure requirements.

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

Section 1. Section 1119(a)(2) of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subparagraph to read:

§ 1119. Application for certificate of title by agent.

(a) Authorization to make application.--

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(2) The 90-day provision contained in paragraph (1) shall not apply to:

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(iv) If the 90th day occurs during a declaration by the Governor of disaster emergency under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor), a limited power of attorney may be used for the sale, purchase or transfer of manufactured homes during the period of the disaster emergency and for 10 days following the expiration of the disaster emergency.

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Section 2. Section 7134(a), (b)(2) and (d.1) of Title 75 are amended and the section is amended by adding subsections to read:

§ 7134. Odometer disclosure requirements.

(a) Odometer mileage statement.--Prior to or simultaneously with the execution of any ownership transfer document relating to a motor vehicle, each transferor of a motor vehicle shall furnish to the transferee a [written] statement signed by the transferor containing the following information:

(1) The odometer reading at the time of transfer.

(2) The date of transfer.

(3) The transferor's name and current address.

(4) The transferee's name and current address.

(5) The identity of the vehicle, including its make, year and body type and its complete vehicle identification number.

(6) (i) A certification by the transferor that, to the best of his knowledge, the odometer reading reflects the actual miles or kilometers the vehicle has been driven;

(ii) if the transferor knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit of 99,999 miles or kilometers, he shall include a statement to that effect; or

(iii) if the transferor knows that the odometer reading differs from the number of miles or kilometers the vehicle has actually traveled and that the difference is greater than that caused by odometer calibration error, he shall include a statement that the odometer reading is not the actual mileage and should not be relied upon.

The transferee shall acknowledge receipt of the disclosure statement by signing it.

(b) Prohibitions.--

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(2) No transferee shall accept any [written] disclosure required by any provision of this section if the disclosure is incomplete.

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(d.1) Secure power of attorney, **licensed dealers**.--The department shall permit a licensed dealer to use a secure power of attorney to transfer a vehicle when the certificate of title is encumbered with a lien, **the title has been lost by the transferor and the licensed dealer is applying for a duplicate title or the manufacturer certificate of origin for a new vehicle is in possession of the lienholder**. Prior to transferring the vehicle, the dealer shall obtain from the transferor a secure power of attorney authorizing the dealer to transfer to the title all information pertaining to odometers that is required to be disclosed by this title and Federal law, in lieu of the transferor providing such information on the certificate of title. In addition to any other documents required by the department, the dealer shall submit to the department the following:

(1) If the transferred vehicle is a retail sale and is to be titled in this Commonwealth, the dealer shall submit the secure power of attorney attached to the application for title, along with the certificate of title and the established fee.

(2) If the transferred vehicle is to be titled outside of this Commonwealth, the dealer shall submit to the department the secure copy of the secure power of attorney attached to a copy of the certificate of title and the established fee.

(3) If the transferred vehicle is to be transferred to another licensed dealer, the first transferor dealer shall submit to the department the secure copy of the secure power of attorney attached to a copy of the certificate of title and the established fee.

Additional transfers between licensed dealers shall be permitted in accordance with section 1113 (relating to transfer to or from manufacturer or dealer). No more than one secure power of attorney shall be utilized with the certificate of title during this authorized transfer process. Upon application for certificate of title, the secure power of attorney utilized to verify odometer information when the vehicle was encumbered with a lien shall be submitted with the certificate of title.

(d.2) Secure power of attorney, **insurance companies**.--The department shall permit an insurer as defined in section 1702 (relating to definitions) to use a secure power of attorney to transfer a salvage vehicle when the certificate of title is encumbered with a lien, when the title has been lost by the transferor and the insurer is applying for a duplicate title or when the manufacturer certificate of origin for a new vehicle is in possession of the lienholder. The power of attorney need not be notarized and may be signed electronically. The insurer

is responsible for ensuring the power of attorney complies with the requirements of 15 U.S.C. § 7001 et seq. (relating to electronic signatures in global and national commerce), the requirements of 49 U.S.C. § 32705 (relating to disclosure requirements on transfer of motor vehicles) and any requirements imposed by the Commonwealth. The department may, at its sole discretion, permit the use of a secure power of attorney as described in this subsection for the transfer of other vehicles in addition to salvage vehicles. If the secretary of the United States Department of Transportation promulgates regulations regarding the use of a power of attorney as described in this subsection, those regulations will supersede this subsection in accordance with 49 U.S.C. § 32705(g).

(d.3) Certification.--Nothing in this section shall require the department to certify an electronic signature process or an electronic signature process vendor before accepting a power of attorney that is executed with an electronic signature.

(d.4) Electronic secure power of attorney.--The department may, at its sole discretion, permit the use of a secure power of attorney signed electronically as described in subsection (d.2) for the transfer of vehicles by licensed dealers.

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Section 3. This act shall take effect as follows:

- (1) The following shall take effect immediately:
 - (i) The addition of 75 Pa.C.S. § 1119(a)(2)(iv).
 - (ii) This section.

- (2) The remainder of this act shall take effect in 90 days.

APPROVED--The 23rd day of July, A.D. 2020.

TOM WOLF