

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 349

Session of
1985

INTRODUCED BY HAGARTY, REBER, PICCOLA AND SWEET,
FEBRUARY 12, 1985

SENATOR CORMAN, TRANSPORTATION, IN SENATE, AS AMENDED,
JUNE 3, 1986,

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for ~~subsequent convictions of~~ <—
3 ~~certain offenses~~. THE TITLING OF ALL-TERRAIN VEHICLES. <—

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

6 ~~Section 1. Section 6503 of Title 75 of the Pennsylvania~~ <—
7 ~~Consolidated Statutes is amended to read:~~

8 ~~§ 6503. Subsequent convictions of certain offenses.~~

9 ~~Every person convicted of a second or subsequent violation of~~
10 ~~any of the following provisions shall be sentenced to pay a fine~~
11 ~~of not less than \$200 nor more than \$1,000 or to imprisonment~~
12 ~~for not more than [one year] six months, or both:~~

13 ~~Section 1501(a) (relating to drivers required to be~~
14 ~~licensed).~~

15 ~~Section 1543 (relating to driving while operating~~
16 ~~privilege is suspended or revoked).~~

17 ~~Section 3367 (relating to racing on highways).~~

1 * * *

2 SUBCHAPTER B

3 CERTIFICATES OF TITLE AND REGISTRATION

4 * * *

5 SECTION 3. THE HEADING AND SECTION 7712(C) OF TITLE 75 ARE
6 AMENDED TO READ:

7 § 7712. REGISTRATION OF SNOWMOBILES AND REGISTRATION AND
8 ISSUANCE OF CERTIFICATES OF TITLE FOR ATV'S.

9 * * *

10 (C) FEES.--FEES FOR REGISTRATION OF SNOWMOBILES AND
11 REGISTRATION AND ISSUANCE OF CERTIFICATES OF TITLE FOR ATV'S TO
12 BE COLLECTED BY THE DEPARTMENT UNDER THIS CHAPTER ARE AS
13 FOLLOWS:

14 (1) EACH INDIVIDUAL RESIDENT REGISTRATION FOR TWO YEARS,
15 \$10 FOR A SNOWMOBILE AND \$20 FOR AN ATV.

16 (2) EACH INDIVIDUAL NONRESIDENT REGISTRATION FOR TWO
17 YEARS, \$10 FOR A SNOWMOBILE AND \$20 FOR AN ATV.

18 (3) EACH DEALER REGISTRATION FOR ONE YEAR, \$25.

19 (4) REPLACEMENT OF A LOST, MUTILATED OR DESTROYED
20 CERTIFICATE OR DECAL, \$1.

21 (5) TRANSFERS OF SNOWMOBILE AND ATV REGISTRATIONS AS
22 DESCRIBED IN SECTION 7713 (RELATING TO CERTIFICATES OF
23 REGISTRATION AND DECALS), \$3.

24 (6) CERTIFICATE OF TITLE FOR AN ATV, \$15.

25 * * *

26 SECTION 4. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:
27 § 7712.1. CERTIFICATE OF TITLE FOR ATV'S REQUIRED.

28 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS
29 SECTION, EVERY OWNER OF A CLASS I OR CLASS II ATV WHICH IS IN
30 THIS COMMONWEALTH AND FOR WHICH NO CERTIFICATE OF TITLE HAS BEEN

1 ISSUED SHALL MAKE APPLICATION TO THE DEPARTMENT FOR A
2 CERTIFICATE OF TITLE TO THE ATV.

3 (B) CONTENTS OF APPLICATION.--APPLICATION FOR A CERTIFICATE
4 OF TITLE SHALL BE MADE UPON A FORM PRESCRIBED AND FURNISHED BY
5 THE DEPARTMENT AND SHALL CONTAIN A FULL DESCRIPTION OF THE ATV,
6 DATE OF PURCHASE, THE ACTUAL OR BONA FIDE NAME AND ADDRESS OF
7 THE OWNER, A STATEMENT OF THE TITLE OF APPLICANT, TOGETHER WITH
8 ANY OTHER INFORMATION OR DOCUMENTS THE DEPARTMENT REQUIRES TO
9 IDENTIFY THE ATV AND TO ENABLE THE DEPARTMENT TO DETERMINE
10 WHETHER THE OWNER IS ENTITLED TO A CERTIFICATE OF TITLE.

11 (C) SIGNING AND FILING OF APPLICATION.--APPLICATION FOR A
12 CERTIFICATE OF TITLE SHALL BE MADE WITHIN 15 DAYS OF THE SALE OR
13 TRANSFER OF AN ATV OR ITS ENTRY INTO THIS COMMONWEALTH FROM
14 ANOTHER JURISDICTION, WHICHEVER IS LATER. THE APPLICATION SHALL
15 BE ACCOMPANIED BY THE FEE PRESCRIBED IN THIS SUBCHAPTER, AND ANY
16 TAX PAYABLE BY THE APPLICANT UNDER THE LAWS OF THIS COMMONWEALTH
17 IN CONNECTION WITH THE ACQUISITION OR USE OF AN ATV OR EVIDENCE
18 TO SHOW THAT THE TAX HAS BEEN PAID OR COLLECTED. THE APPLICATION
19 SHALL BE SIGNED AND VERIFIED BY OATH OR AFFIRMATION BY THE
20 APPLICANT IF A NATURAL PERSON; IN THE CASE OF AN ASSOCIATION OR
21 PARTNERSHIP, BY A MEMBER OR A PARTNER; AND IN THE CASE OF A
22 CORPORATION, BY AN EXECUTIVE OFFICER OR SOME PERSON SPECIFICALLY
23 AUTHORIZED BY THE CORPORATION TO SIGN THE APPLICATION.

24 (D) ATV'S PURCHASED FROM DEALERS OR MANUFACTURES.--IF THE
25 APPLICATION REFERS TO AN ATV PURCHASED FROM A DEALER OR
26 MANUFACTURER, THE DEALER OR MANUFACTURER SHALL MAIL OR DELIVER
27 TO THE DEPARTMENT THE CERTIFICATE OF TITLE AND ANY OTHER
28 REQUIRED FORMS WITHIN 15 DAYS OF THE DATE OF PURCHASE. ANY
29 DEALER OR MANUFACTURER VIOLATING THIS SUBSECTION IS GUILTY OF A
30 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY

1 A FINE OF \$50 FOR EACH VIOLATION. THE REQUIREMENT THAT THE
2 DEALER OR MANUFACTURER MAIL OR DELIVER THE APPLICATION TO THE
3 DEPARTMENT DOES NOT APPLY TO ATV'S PURCHASED BY GOVERNMENTAL
4 AGENCIES.

5 (E) ATV'S NOT REQUIRING CERTIFICATE OF TITLE.--NO
6 CERTIFICATE OF TITLE IS REQUIRED FOR:

7 (1) AN ATV OWNED BY THE UNITED STATES UNLESS IT IS
8 REGISTERED IN THIS COMMONWEALTH.

9 (2) A NEW ATV OWNED BY A MANUFACTURER OR REGISTERED
10 DEALER BEFORE AND UNTIL SALE.

11 (F) REGISTRATION WITHOUT CERTIFICATE PROHIBITED.--THE
12 DEPARTMENT SHALL NOT REGISTER OR RENEW THE REGISTRATION OF AN
13 ATV UNLESS A CERTIFICATE OF TITLE HAS BEEN ISSUED BY THE
14 DEPARTMENT TO THE OWNER OR AN APPLICATION FOR A CERTIFICATE OF
15 TITLE HAS BEEN DELIVERED BY THE OWNER TO THE DEPARTMENT.

16 (G) REFUSING ISSUANCE OF CERTIFICATE OF TITLE.--THE
17 DEPARTMENT MAY REFUSE ISSUANCE OF A CERTIFICATE OF TITLE WHEN IT
18 HAS REASONABLE GROUNDS TO BELIEVE:

19 (1) THAT ANY REQUIRED FEE HAS NOT BEEN PAID.

20 (2) THAT ANY TAXES PAYABLE UNDER THE LAWS OF THIS
21 COMMONWEALTH ON OR IN CONNECTION WITH, OR RESULTING FROM THE
22 ACQUISITION OR USE OF THE ATV HAVE NOT BEEN PAID.

23 (3) THAT THE APPLICANT IS NOT THE OWNER OF THE ATV.

24 (4) THAT THE APPLICATION CONTAINS A FALSE OR FRAUDULENT
25 STATEMENT.

26 (5) THAT THE APPLICANT HAS FAILED TO FURNISH REQUIRED
27 INFORMATION OR DOCUMENTS OR ANY ADDITIONAL INFORMATION THE
28 DEPARTMENT REASONABLY REQUIRES.

29 (H) SUSPENSION AND CANCELLATION OF CERTIFICATE OF TITLE.--

30 (1) THE DEPARTMENT MAY CANCEL THE CERTIFICATE OF TITLE

1 ISSUED FOR A NEW ATV WHEN IT IS SHOWN BY SATISFACTORY
2 EVIDENCE THAT THE ATV HAS BEEN RETURNED WITHIN THE TIME
3 SPECIFIED IN THE DEPARTMENT REGULATIONS TO THE MANUFACTURER
4 OR DEALER FROM WHOM OBTAINED.

5 (2) THE DEPARTMENT, UPON RECEIPT OF CERTIFICATION FROM
6 THE CLERK OF ANY COURT SHOWING CONVICTION FOR A MISSTATEMENT
7 OF FACTS ON ANY APPLICATION FOR A CERTIFICATE OF TITLE OR ANY
8 TRANSFER OF A CERTIFICATE OF TITLE, SHALL SUSPEND THE
9 CERTIFICATE OF TITLE AND REQUIRE THAT THE CERTIFICATE BE
10 RETURNED IMMEDIATELY TO THE DEPARTMENT, WHEREUPON THE
11 DEPARTMENT MAY CANCEL THE CERTIFICATE.

12 (3) THE DEPARTMENT MAY SUSPEND A CERTIFICATE OF TITLE
13 WHEN A CHECK RECEIVED IN PAYMENT OF THE FEE IS NOT PAID ON
14 DEMAND OR WHEN THE FEE FOR THE CERTIFICATE IS UNPAID AND
15 OWING.

16 (I) TRANSFER OF OWNERSHIP OF ATV.--

17 (1) IN THE EVENT OF THE SALE OR TRANSFER OF THE
18 OWNERSHIP OF AN ATV WITHIN THIS COMMONWEALTH, THE OWNER SHALL
19 EXECUTE AN ASSIGNMENT AND WARRANTY OF TITLE TO THE TRANSFEREE
20 IN THE SPACE PROVIDED ON THE CERTIFICATE OR AS THE DEPARTMENT
21 PRESCRIBES, SWORN TO BEFORE A NOTARY PUBLIC OR OTHER OFFICER
22 EMPOWERED TO ADMINISTER OATHS, AND DELIVER THE CERTIFICATE TO
23 THE TRANSFEREE AT THE TIME OF THE DELIVERY OF THE ATV.

24 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 7712.2
25 (RELATING TO TRANSFER TO OR FROM MANUFACTURER OR DEALER), THE
26 TRANSFEREE SHALL, WITHIN 15 DAYS OF THE ASSIGNMENT OR
27 REASSIGNMENT OF THE CERTIFICATE OF TITLE, APPLY FOR A NEW
28 TITLE BY PRESENTING TO THE DEPARTMENT THE PROPERLY COMPLETED
29 CERTIFICATE OF TITLE, SWORN TO BEFORE A NOTARY PUBLIC OR
30 OTHER OFFICER EMPOWERED TO ADMINISTER OATHS, AND ACCOMPANIED

1 BY SUCH FORMS AS THE DEPARTMENT MAY REQUIRE.

2 (3) ANY PERSON VIOLATING SUBSECTION (A) SHALL BE GUILTY
3 OF A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
4 SENTENCED:

5 (I) FOR A FIRST OFFENSE, TO PAY A FINE OF \$100.

6 (II) FOR A SUBSEQUENT OFFENSE, TO PAY A FINE OF NOT
7 LESS THAN \$300 NOR MORE THAN \$1,000.

8 § 7712.2. TRANSFER TO OR FROM MANUFACTURER OR DEALER.

9 (A) TRANSFER TO MANUFACTURER OR DEALER.--WHEN THE PURCHASER
10 OR TRANSFEREE OF A ATV IS A MANUFACTURER OR REGISTERED DEALER
11 WHO HOLDS THE ATV FOR RESALE, A CERTIFICATE OF TITLE NEED NOT BE
12 APPLIED FOR AS PROVIDED FOR IN SECTION 7712.1 (RELATING TO
13 CERTIFICATE OF TITLE FOR ATV'S) BUT THE TRANSFEREE SHALL, WITHIN
14 SEVEN DAYS FROM THE DATE OF ASSIGNMENT OF THE CERTIFICATE OF
15 TITLE TO THE MANUFACTURER OR DEALER, FORWARD TO THE DEPARTMENT,
16 UPON A FORM PRESCRIBED AND FURNISHED BY THE DEPARTMENT,
17 NOTIFICATION OF THE ACQUISITION OF THE ATV. NOTIFICATION AS
18 AUTHORIZED IN THIS SECTION MAY NOT BE USED IN EXCESS OF THREE
19 CONSECUTIVE TRANSACTIONS AFTER WHICH TIME AN APPLICATION SHALL
20 BE MADE FOR A CERTIFICATE OF TITLE.

21 (B) EXECUTION AND DISPLAY OF NOTICE OF TRANSFER.--THE
22 MANUFACTURER OR DEALER MAKING NOTIFICATION AS TO ANY ATV
23 ACQUIRED PURSUANT TO SUBSECTION (A) SHALL EXECUTE AT LEAST THREE
24 COPIES, THE ORIGINAL OF WHICH SHALL BE FORWARDED TO THE
25 DEPARTMENT, ONE COPY TO ACCOMPANY THE ATV ON ANY SUBSEQUENT
26 TRANSFER AND ONE COPY TO BE RETAINED BY THE MANUFACTURER OR
27 DEALER FOR AT LEAST ONE YEAR AFTER A SUBSEQUENT TRANSFER, TO BE
28 EXHIBITED, WITH THE ASSIGNED CERTIFICATE OF TITLE, UPON REQUEST
29 OF ANY POLICE OFFICER OR AUTHORIZED DEPARTMENT EMPLOYEE.

30 (C) TRANSFER FROM MANUFACTURER OR DEALER.--EXCEPT AS

1 OTHERWISE PROVIDED IN THIS SECTION WHEN THE TRANSFEREE IS
2 ANOTHER MANUFACTURER OR DEALER:

3 (1) THE MANUFACTURER OR DEALER, UPON TRANSFERRING THEIR
4 INTEREST IN THE ATV, SHALL EXECUTE AN ASSIGNMENT AND WARRANTY
5 OF TITLE TO THE TRANSFEREE IN THE SPACE PROVIDED ON THE
6 CERTIFICATE OR AS THE DEPARTMENT PRESCRIBES.

7 (2) THE TRANSFEREE SHALL COMPLETE THE APPLICATION FOR
8 CERTIFICATE OF TITLE IN THE NAME OF THE TRANSFEREE.

9 (3) THE MANUFACTURER OR DEALER SHALL FORWARD THE
10 CERTIFICATE OF TITLE AND ANY OTHER REQUIRED FORMS TO THE
11 DEPARTMENT WITHIN 15 DAYS OF THE TRANSFER.

12 (D) EXCEPTION FOR REPOSSESSED ATV'S.--THIS SECTION DOES NOT
13 APPLY TO AN ATV REPOSSESSED UPON DEFAULT OF PERFORMANCE OF A
14 LEASE, CONTRACT OF CONDITIONAL SALE OR SIMILAR AGREEMENT.

15 (E) PENALTY.--ANY MANUFACTURER OR DEALER VIOLATING ANY OF
16 THE PROVISIONS OF THIS SECTION IS GUILTY OF A SUMMARY OFFENSE
17 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$50
18 FOR EACH VIOLATION.

19 § 7712.3. TRANSFER OF ATV BY OPERATION OF LAW.

20 (A) GENERAL RULE.--IF THE INTEREST OF AN OWNER IN AN ATV
21 PASSES TO ANOTHER OTHER THAN BY VOLUNTARY TRANSFER, THE
22 TRANSFEREE SHALL, EXCEPT AS OTHERWISE PROVIDED, PROMPTLY MAIL OR
23 DELIVER TO THE DEPARTMENT THE LAST CERTIFICATE OF TITLE, IF
24 AVAILABLE, AND SHALL APPLY FOR A NEW CERTIFICATE OF TITLE ON A
25 FORM PRESCRIBED AND FURNISHED BY THE DEPARTMENT. THE APPLICATION
26 SHALL BE ACCOMPANIED BY SUCH INSTRUMENTS OR DOCUMENTS OF
27 AUTHORITY, OR CERTIFIED COPIES THEREOF, AS MAY BE SUFFICIENT OR
28 REQUIRED BY LAW TO EVIDENCE OR EFFECT A TRANSFER OF TITLE OR
29 INTEREST IN OR TO CHATTELS IN SUCH CASE.

30 (B) TRANSFER TO SURVIVING SPOUSE.--TRANSFER OF A CERTIFICATE

1 OF TITLE TO A SURVIVING SPOUSE, OR ANY PERSON DESIGNATED BY THE
2 SPOUSE, MAY BE MADE WITHOUT THE NECESSITY OF FILING FOR LETTERS
3 OF ADMINISTRATION NOTWITHSTANDING THE FACT THAT THERE ARE MINOR
4 CHILDREN SURVIVING THE DECEDENT PROVIDED THE SURVIVING SPOUSE
5 FILES AN AFFIDAVIT THAT ALL THE DEBTS OF THE DECEDENT HAVE BEEN
6 PAID.

7 (C) SURRENDER OF CERTIFICATE.--A PERSON HOLDING A
8 CERTIFICATE OF TITLE WHOSE INTEREST IN AN ATV HAS BEEN
9 EXTINGUISHED OR TRANSFERRED OTHER THAN BY VOLUNTARY TRANSFER
10 SHALL IMMEDIATELY SURRENDER THE CERTIFICATE OF TITLE TO THE
11 PERSON TO WHOM THE RIGHT TO POSSESSION OF THE ATV HAS PASSED.
12 UPON REQUEST OF THE DEPARTMENT, SUCH PERSON SHALL MAIL OR
13 DELIVER THE CERTIFICATE TO THE DEPARTMENT. DELIVERY OF THE
14 CERTIFICATE PURSUANT TO THE REQUEST OF THE DEPARTMENT DOES NOT
15 AFFECT THE RIGHTS OF THE PERSON SURRENDERING THE CERTIFICATE.
16 § 7712.4. CORRECTION OF CERTIFICATE OF TITLE.

17 (A) GENERAL RULE.--WHEN ANY CERTIFICATE OF TITLE HAS BEEN
18 ISSUED IN ERROR TO A PERSON NOT ENTITLED TO THE CERTIFICATE OR
19 CONTAINS INCORRECT INFORMATION OR INFORMATION HAS BEEN OMITTED
20 FROM THE CERTIFICATE, THE DEPARTMENT SHALL NOTIFY IN WRITING THE
21 PERSON TO WHOM THE CERTIFICATE HAS BEEN ISSUED OR DELIVERED AND
22 SUCH PERSON SHALL IMMEDIATELY RETURN THE CERTIFICATE OF TITLE
23 WITHIN 48 HOURS, TOGETHER WITH ANY OTHER INFORMATION NECESSARY
24 FOR THE ADJUSTMENT OF THE DEPARTMENT RECORDS, AND, UPON RECEIPT
25 OF THE CERTIFICATE, THE DEPARTMENT SHALL CANCEL THE CERTIFICATE
26 AND ISSUE A CORRECTED CERTIFICATE OF TITLE.

27 (B) CHANGE IN MATERIAL INFORMATION ON CERTIFICATE.--IF ANY
28 MATERIAL INFORMATION ON THE CERTIFICATE OF TITLE IS CHANGED OR
29 DIFFERENT FROM THE INFORMATION ORIGINALLY SET FORTH, THE OWNER
30 SHALL IMMEDIATELY INFORM THE DEPARTMENT AND APPLY FOR A

CORRECTED CERTIFICATE OF TITLE. FOR THE PURPOSES OF THIS
SUBSECTION, A CHANGE OF ADDRESS SHALL NOT BE DEEMED MATERIAL.

(C) SEIZURE OF CERTIFICATE ON CONVICTION.--UPON SUMMARY
CONVICTION FOR VIOLATION OF THE PROVISIONS OF THIS SECTION, THE
DEPARTMENT MAY DELEGATE AUTHORITY TO ANY DEPARTMENT EMPLOYEE OR
POLICE OFFICER TO SEIZE THE CERTIFICATE OF TITLE.

§ 7712.5. ISSUANCE OF NEW CERTIFICATE FOLLOWING TRANSFER.

(A) VOLUNTARY TRANSFER.--THE DEPARTMENT, UPON RECEIPT OF A
PROPERLY ASSIGNED CERTIFICATE OF TITLE WITH AN APPLICATION FOR A
NEW CERTIFICATE OF TITLE, THE REQUIRED FEE AND ANY OTHER
REQUIRED DOCUMENTS AND ARTICLES, SHALL ISSUE A NEW CERTIFICATE
OF TITLE IN THE NAME OF THE TRANSFEREE AS OWNER AND MAIL IT TO
THE FIRST LIENHOLDER NAMED IN THE CERTIFICATE OR, IF NONE, TO
THE OWNER.

(B) INVOLUNTARY TRANSFER.--THE DEPARTMENT, UPON RECEIPT OF
AN APPLICATION FOR A NEW CERTIFICATE OF TITLE BY A TRANSFEREE
OTHER THAN BY VOLUNTARY TRANSFER, ON A FORM PRESCRIBED AND
FURNISHED BY THE DEPARTMENT TOGETHER WITH PROPER PROOF
SATISFACTORY TO THE DEPARTMENT OF THE TRANSFER, THE REQUIRED FEE
AND ANY OTHER REQUIRED DOCUMENTS AND ARTICLES, SHALL ISSUE A NEW
CERTIFICATE OF TITLE IN THE NAME OF THE TRANSFEREE AS OWNER.

(C) FILING AND RETENTION OF SURRENDERED CERTIFICATE.--THE
DEPARTMENT SHALL FILE AND RETAIN FOR FIVE YEARS EVERY
SURRENDERED CERTIFICATE OF TITLE, OR A COPY, IN SUCH A MANNER AS
TO PERMIT THE TRACING OF TITLE OF THE ATV.

§ 7712.6. SUSPENSION AND CANCELLATION OF CERTIFICATE OF TITLE.

(A) RETURN OF NEW ATV.--THE DEPARTMENT MAY CANCEL THE
CERTIFICATE OF TITLE ISSUED FOR A NEW ATV WHEN IT IS SHOWN BY
SATISFACTORY EVIDENCE THAT THE ATV HAS BEEN RETURNED WITHIN THE
TIME SPECIFIED IN THE DEPARTMENT REGULATIONS TO THE MANUFACTURER

1 OR DEALER FROM WHOM OBTAINED.

2 (B) ATV'S SOLD TO NONRESIDENTS.--THE DEPARTMENT MAY CANCEL
3 CERTIFICATES OF TITLE FOR ATV'S SOLD TO RESIDENTS OF OTHER
4 STATES OR FOREIGN COUNTRIES WHEN THE ATV IS TO BE REGISTERED IN
5 THE OTHER JURISDICTION.

6 (C) SURRENDER OF PENNSYLVANIA CERTIFICATE IN OTHER
7 JURISDICTION.--THE DEPARTMENT, UPON RECEIPT OF NOTIFICATION FROM
8 ANOTHER STATE OR FOREIGN COUNTRY THAT A CERTIFICATE OF TITLE
9 ISSUED BY THE DEPARTMENT HAS BEEN SURRENDERED BY THE OWNER IN
10 CONFORMITY WITH THE LAWS OF THE OTHER STATE OR FOREIGN COUNTRY,
11 MAY CANCEL THE CERTIFICATE OF TITLE.

12 (D) SURRENDER OF FOREIGN CERTIFICATE TO DEPARTMENT.--WHEN AN
13 OWNER SURRENDERS A CERTIFICATE OF TITLE FROM ANOTHER STATE OR
14 FOREIGN COUNTRY TO THE DEPARTMENT, THE DEPARTMENT MAY NOTIFY THE
15 STATE OR FOREIGN COUNTRY IN ORDER THAT THE CERTIFICATE OF TITLE
16 MAY BE CANCELED OR OTHERWISE DISPOSED OF IN ACCORDANCE WITH THE
17 LAW OF THE OTHER JURISDICTION.

18 (E) CONVICTION FOR MISSTATEMENT OF FACTS.--THE DEPARTMENT,
19 UPON RECEIPT OF CERTIFICATION FROM THE CLERK OF ANY COURT
20 SHOWING CONVICTION FOR A MISSTATEMENT OF FACTS ON ANY
21 APPLICATION FOR AN ORIGINAL OR DUPLICATE CERTIFICATE OF TITLE OR
22 ANY TRANSFER OF A CERTIFICATE OF TITLE, SHALL SUSPEND THE
23 CERTIFICATE OF TITLE AND REQUIRE THAT THE CERTIFICATE BE
24 RETURNED IMMEDIATELY TO THE DEPARTMENT, WHEREUPON THE DEPARTMENT
25 MAY CANCEL THE CERTIFICATE.

26 (F) NONPAYMENT OF FEE.--THE DEPARTMENT MAY SUSPEND A
27 CERTIFICATE OF TITLE WHEN A CHECK RECEIVED IN PAYMENT OF THE FEE
28 IS NOT PAID ON DEMAND OR WHEN THE FEE FOR THE CERTIFICATE IS
29 UNPAID AND OWING.

30 (G) SECURITY INTEREST UNAFFECTED BY SUSPENSION OR

1 CANCELLATION.--SUSPENSION OR CANCELLATION OF A CERTIFICATE OF
2 TITLE DOES NOT, IN ITSELF, AFFECT THE VALIDITY OF A SECURITY
3 INTEREST NOTED ON THE CERTIFICATE.

4 (H) SURRENDER OF CERTIFICATE.--THE DEPARTMENT MAY REQUEST
5 THE RETURN OF CERTIFICATES OF TITLE WHICH HAVE BEEN SUSPENDED OR
6 CANCELED. THE OWNER OR PERSON IN POSSESSION OF THE CERTIFICATION
7 OF TITLE SHALL IMMEDIATELY MAIL OR DELIVER THE CERTIFICATE TO
8 THE DEPARTMENT.

9 § 7712.7. APPLICATION FOR CERTIFICATE OF TITLE BY AGENT.

10 (A) AUTHORIZATION TO MAKE APPLICATION.--NO PERSON SHALL MAKE
11 APPLICATION FOR A CERTIFICATE OF TITLE WHEN ACTING FOR ANOTHER
12 PERSON UNLESS AUTHORIZATION TO MAKE THE APPLICATION IS IN EFFECT
13 AND IS VERIFIED BY OATH OR AFFIRMATION OF THE OTHER PERSON,
14 MADE, EXCEPTING AS BETWEEN LESSORS AND FLEET OWNERS AS LESSEES,
15 NOT MORE THAN 15 DAYS BEFORE THE APPLICATION IS RECEIVED BY THE
16 DEPARTMENT. LESSORS MAY AUTHORIZE FLEET OWNERS TO MAKE
17 APPLICATION FOR CERTIFICATES OF TITLE FOR LEASED ATV'S FOR
18 PERIODS OF UP TO ONE YEAR.

19 (B) CERTIFICATE NOT TO BE ASSIGNED IN BLANK.--NO PERSON
20 SHALL MAKE APPLICATION FOR, OR ASSIGN OR PHYSICALLY POSSESS, A
21 CERTIFICATE OF TITLE, OR DIRECT OR ALLOW ANOTHER PERSON IN HIS
22 EMPLOY OR CONTROL TO MAKE APPLICATION FOR, OR ASSIGN OR
23 PHYSICALLY POSSESS, A CERTIFICATE OF TITLE, UNLESS THE NAME OF
24 THE TRANSFEREE IS PLACED ON THE ASSIGNMENT OF CERTIFICATE OF
25 TITLE SIMULTANEOUSLY WITH THE NAME OF THE TRANSFEROR AND DULY
26 NOTARIZED.

27 (C) PERSONS AUTHORIZED TO HOLD CERTIFICATE.--NO PERSON SHALL
28 RECEIVE, OBTAIN OR HOLD A CERTIFICATE OF TITLE RECORDED IN THE
29 NAME OF ANOTHER PERSON FOR THE OTHER PERSON WHO IS NOT IN THE
30 REGULAR EMPLOY OF, OR NOT A MEMBER OF THE FAMILY OF, THE OTHER

1 PERSON, UNLESS THE PERSON RECEIVING, OBTAINING OR HOLDING THE
2 CERTIFICATE OF TITLE HAS A VALID UNDISCHARGED LIEN RECORDED IN
3 THE DEPARTMENT AGAINST THE ATV REPRESENTED BY THE CERTIFICATE OF
4 TITLE.

5 (D) PENALTY.--ANY PERSON VIOLATING ANY OF THE PROVISIONS OF
6 THIS SECTION IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON
7 CONVICTION, BE SENTENCED TO PAY A FINE OF \$100.

8 SECTION 5. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.