

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 349

Session of  
1985

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

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 11, 1986

AN ACT

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

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

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

9 ~~§ 6503. Subsequent convictions of certain offenses.~~

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

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

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

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

1           ~~Section 3733 (relating to fleeing or attempting to elude~~  
2     ~~police officer).~~

3           ~~Section 3734 (relating to driving without lights to avoid~~  
4     ~~identification or arrest).~~

5           ~~Section 3748 (relating to false reports).~~

6     ~~Section 2. This act shall take effect in 60 days.~~

7     SECTION 1.   ~~SECTION~~ SECTIONS 3342 AND 7706 OF TITLE 75 OF THE <—  
8     PENNSYLVANIA CONSOLIDATED STATUTES ~~IS~~ ARE AMENDED TO READ:         <—

9     § 3342.   VEHICLES REQUIRED TO STOP AT RAILROAD CROSSINGS.         <—

10       (A)   GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), THE  
11   DRIVER OF ANY VEHICLE DESCRIBED IN REGULATIONS ISSUED PURSUANT  
12   TO SUBSECTION (C), BEFORE CROSSING AT GRADE ANY TRACK OR TRACKS  
13   OF A RAILROAD, SHALL STOP THE VEHICLE WITHIN 50 FEET BUT NOT  
14   LESS THAN 15 FEET FROM THE NEAREST RAIL OF THE RAILROAD AND  
15   WHILE SO STOPPED SHALL LISTEN AND LOOK IN BOTH DIRECTIONS ALONG  
16   THE TRACK FOR ANY APPROACHING TRAIN, AND FOR SIGNALS INDICATING  
17   THE APPROACH OF A TRAIN, AND SHALL NOT PROCEED UNTIL IT CAN BE  
18   DONE SAFELY. AFTER STOPPING AND UPON PROCEEDING WHEN IT IS SAFE  
19   TO DO SO THE DRIVER OF THE VEHICLE SHALL CROSS ONLY IN SUCH GEAR  
20   OF THE VEHICLE THAT THERE WILL BE NO NECESSITY FOR MANUALLY  
21   CHANGING GEARS WHILE TRAVERSING THE CROSSING AND THE DRIVER  
22   SHALL NOT MANUALLY SHIFT GEARS WHILE CROSSING THE TRACK OR  
23   TRACKS.

24       (B)   EXCEPTIONS.--THIS SECTION DOES NOT APPLY AT ANY OF THE  
25   FOLLOWING:

26           (1)   ANY RAILROAD GRADE CROSSING AT WHICH TRAFFIC IS  
27   CONTROLLED BY A POLICE OFFICER OR FLAGMAN.

28           (2)   ANY RAILROAD GRADE CROSSING AT WHICH TRAFFIC IS  
29   REGULATED BY A TRAFFIC-CONTROL SIGNAL.

30           (3)   ANY RAILROAD GRADE CROSSING PROTECTED BY CROSSING

1 GATES OR AN ALTERNATELY FLASHING LIGHT SIGNAL INTENDED TO  
2 GIVE WARNING OF THE APPROACH OF A RAILROAD TRAIN.

3 (4) ANY RAILROAD GRADE CROSSING AT WHICH AN OFFICIAL  
4 TRAFFIC-CONTROL DEVICE GIVES NOTICE THAT THE STOPPING  
5 REQUIREMENT IMPOSED BY THIS SECTION DOES NOT APPLY.

6 (C) REGULATIONS DEFINING VEHICLES SUBJECT TO SECTION.--THE  
7 DEPARTMENT SHALL ADOPT SUCH REGULATIONS AS MAY BE NECESSARY  
8 DESCRIBING THE VEHICLES WHICH MUST COMPLY WITH THE STOPPING  
9 REQUIREMENTS OF THIS SECTION. IN FORMULATING THE REGULATIONS,  
10 THE DEPARTMENT SHALL GIVE CONSIDERATION TO THE HAZARDOUS NATURE  
11 OF ANY SUBSTANCE CARRIED BY THE VEHICLE AS DETERMINED BY THE  
12 HAZARDOUS SUBSTANCES TRANSPORTATION BOARD AND TO THE NUMBER OF  
13 PASSENGERS CARRIED BY THE VEHICLE IN DETERMINING WHETHER THE  
14 VEHICLE SHALL BE REQUIRED TO STOP. THESE REGULATIONS SHALL BE  
15 DEVELOPED IN CONJUNCTION WITH THE PENNSYLVANIA PUBLIC UTILITY  
16 COMMISSION AND THE URBAN MASS TRANSPORTATION AUTHORITY AND SHALL  
17 CORRELATE WITH AND SO FAR AS POSSIBLE CONFORM TO THE CURRENT  
18 REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION.

19 (D) SCHOOL BUSES.--NOTWITHSTANDING SUBSECTION (B)(2) THROUGH  
20 (4), A DRIVER OF A SCHOOL BUS SHALL STOP BEFORE CROSSING A  
21 RAILROAD GRADE CROSSING OR TRACKS OF A RAILROAD, AS PROVIDED BY  
22 SUBSECTION (A).

23 § 7706. RESTRICTED RECEIPTS FUND.

24 (A) DEPOSIT AND USE OF MONEYS.--THE DEPARTMENT SHALL DEPOSIT  
25 ALL MONEYS RECEIVED FROM THE REGISTRATION OF SNOWMOBILES AND THE  
26 REGISTRATION AND ISSUANCE OF CERTIFICATES OF TITLE FOR ATV'S,  
27 THE SALE OF SNOWMOBILE AND ATV REGISTRATION INFORMATION,  
28 SNOWMOBILE AND ATV PUBLICATIONS AND OTHER SERVICES PROVIDED BY  
29 THE DEPARTMENT, AND ALL FEES COLLECTED UNDER THIS CHAPTER IN A  
30 RESTRICTED RECEIPTS FUND, FROM WHICH THE DEPARTMENT SHALL DRAW



YEARS, \$10 FOR A SNOWMOBILE AND \$20 FOR AN ATV.

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

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

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

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

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SECTION 4. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

§ 7712.1. CERTIFICATE OF TITLE FOR ATV'S REQUIRED.

(A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS  
SECTION, EVERY OWNER OF A CLASS I OR CLASS II ATV WHICH IS IN  
THIS COMMONWEALTH AND FOR WHICH NO CERTIFICATE OF TITLE HAS BEEN  
ISSUED SHALL MAKE APPLICATION TO THE DEPARTMENT FOR A  
CERTIFICATE OF TITLE TO THE ATV.

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

(C) SIGNING AND FILING OF APPLICATION.--APPLICATION FOR A  
CERTIFICATE OF TITLE SHALL BE MADE WITHIN 15 DAYS OF THE SALE OR  
TRANSFER OF AN ATV OR ITS ENTRY INTO THIS COMMONWEALTH FROM  
ANOTHER JURISDICTION, WHICHEVER IS LATER. THE APPLICATION SHALL  
BE ACCOMPANIED BY THE FEE PRESCRIBED IN THIS SUBCHAPTER, AND ANY  
TAX PAYABLE BY THE APPLICANT UNDER THE LAWS OF THIS COMMONWEALTH

1 IN CONNECTION WITH THE ACQUISITION OR USE OF AN ATV OR EVIDENCE  
2 TO SHOW THAT THE TAX HAS BEEN PAID OR COLLECTED. THE APPLICATION  
3 SHALL BE SIGNED AND VERIFIED BY OATH OR AFFIRMATION BY THE  
4 APPLICANT IF A NATURAL PERSON; IN THE CASE OF AN ASSOCIATION OR  
5 PARTNERSHIP, BY A MEMBER OR A PARTNER; AND IN THE CASE OF A  
6 CORPORATION, BY AN EXECUTIVE OFFICER OR SOME PERSON SPECIFICALLY  
7 AUTHORIZED BY THE CORPORATION TO SIGN THE APPLICATION.

8 (D) ATV'S PURCHASED FROM DEALERS OR MANUFACTURES.--IF THE  
9 APPLICATION REFERS TO AN ATV PURCHASED FROM A DEALER OR  
10 MANUFACTURER, THE DEALER OR MANUFACTURER SHALL MAIL OR DELIVER  
11 TO THE DEPARTMENT THE CERTIFICATE OF TITLE AND ANY OTHER  
12 REQUIRED FORMS WITHIN 15 DAYS OF THE DATE OF PURCHASE. ANY  
13 DEALER OR MANUFACTURER VIOLATING THIS SUBSECTION IS GUILTY OF A  
14 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY  
15 A FINE OF \$50 FOR EACH VIOLATION. THE REQUIREMENT THAT THE  
16 DEALER OR MANUFACTURER MAIL OR DELIVER THE APPLICATION TO THE  
17 DEPARTMENT DOES NOT APPLY TO ATV'S PURCHASED BY GOVERNMENTAL  
18 AGENCIES.

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

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

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

25 (F) REGISTRATION WITHOUT CERTIFICATE PROHIBITED.--THE  
26 DEPARTMENT SHALL NOT REGISTER OR RENEW THE REGISTRATION OF AN  
27 ATV UNLESS A CERTIFICATE OF TITLE HAS BEEN ISSUED BY THE  
28 DEPARTMENT TO THE OWNER OR AN APPLICATION FOR A CERTIFICATE OF  
29 TITLE HAS BEEN DELIVERED BY THE OWNER TO THE DEPARTMENT.

30 (G) REFUSING ISSUANCE OF CERTIFICATE OF TITLE.--THE

1 DEPARTMENT MAY REFUSE ISSUANCE OF A CERTIFICATE OF TITLE WHEN IT  
2 HAS REASONABLE GROUNDS TO BELIEVE:

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

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

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

8 (4) THAT THE APPLICATION CONTAINS A FALSE OR FRAUDULENT  
9 STATEMENT.

10 (5) THAT THE APPLICANT HAS FAILED TO FURNISH REQUIRED  
11 INFORMATION OR DOCUMENTS OR ANY ADDITIONAL INFORMATION THE  
12 DEPARTMENT REASONABLY REQUIRES.

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

14 (1) THE DEPARTMENT MAY CANCEL THE CERTIFICATE OF TITLE  
15 ISSUED FOR A NEW ATV WHEN IT IS SHOWN BY SATISFACTORY  
16 EVIDENCE THAT THE ATV HAS BEEN RETURNED WITHIN THE TIME  
17 SPECIFIED IN THE DEPARTMENT REGULATIONS TO THE MANUFACTURER  
18 OR DEALER FROM WHOM OBTAINED.

19 (2) THE DEPARTMENT, UPON RECEIPT OF CERTIFICATION FROM  
20 THE CLERK OF ANY COURT SHOWING CONVICTION FOR A MISSTATEMENT  
21 OF FACTS ON ANY APPLICATION FOR A CERTIFICATE OF TITLE OR ANY  
22 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  
25 DEPARTMENT MAY CANCEL THE CERTIFICATE.

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

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

1           (1) IN THE EVENT OF THE SALE OR TRANSFER OF THE  
2           OWNERSHIP OF AN ATV WITHIN THIS COMMONWEALTH, THE OWNER SHALL  
3           EXECUTE AN ASSIGNMENT AND WARRANTY OF TITLE TO THE TRANSFEREE  
4           IN THE SPACE PROVIDED ON THE CERTIFICATE OR AS THE DEPARTMENT  
5           PRESCRIBES, SWORN TO BEFORE A NOTARY PUBLIC OR OTHER OFFICER  
6           EMPOWERED TO ADMINISTER OATHS, AND DELIVER THE CERTIFICATE TO  
7           THE TRANSFEREE AT THE TIME OF THE DELIVERY OF THE ATV.

8           (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 7712.2  
9           (RELATING TO TRANSFER TO OR FROM MANUFACTURER OR DEALER), THE  
10          TRANSFEREE SHALL, WITHIN 15 DAYS OF THE ASSIGNMENT OR  
11          REASSIGNMENT OF THE CERTIFICATE OF TITLE, APPLY FOR A NEW  
12          TITLE BY PRESENTING TO THE DEPARTMENT THE PROPERLY COMPLETED  
13          CERTIFICATE OF TITLE, SWORN TO BEFORE A NOTARY PUBLIC OR  
14          OTHER OFFICER EMPOWERED TO ADMINISTER OATHS, AND ACCOMPANIED  
15          BY SUCH FORMS AS THE DEPARTMENT MAY REQUIRE.

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

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

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

22   § 7712.2. TRANSFER TO OR FROM MANUFACTURER OR DEALER.

23          (A) TRANSFER TO MANUFACTURER OR DEALER.--WHEN THE PURCHASER  
24          OR TRANSFEREE OF A ATV IS A MANUFACTURER OR REGISTERED DEALER  
25          WHO HOLDS THE ATV FOR RESALE, A CERTIFICATE OF TITLE NEED NOT BE  
26          APPLIED FOR AS PROVIDED FOR IN SECTION 7712.1 (RELATING TO  
27          CERTIFICATE OF TITLE FOR ATV'S REQUIRED) BUT THE TRANSFEREE  
28          SHALL, WITHIN SEVEN DAYS FROM THE DATE OF ASSIGNMENT OF THE  
29          CERTIFICATE OF TITLE TO THE MANUFACTURER OR DEALER, FORWARD TO  
30          THE DEPARTMENT, UPON A FORM PRESCRIBED AND FURNISHED BY THE



1 DEPARTMENT, NOTIFICATION OF THE ACQUISITION OF THE ATV.  
2 NOTIFICATION AS AUTHORIZED IN THIS SECTION MAY NOT BE USED IN  
3 EXCESS OF THREE CONSECUTIVE TRANSACTIONS AFTER WHICH TIME AN  
4 APPLICATION SHALL BE MADE FOR A CERTIFICATE OF TITLE.

5 (B) EXECUTION AND DISPLAY OF NOTICE OF TRANSFER.--THE  
6 MANUFACTURER OR DEALER MAKING NOTIFICATION AS TO ANY ATV  
7 ACQUIRED PURSUANT TO SUBSECTION (A) SHALL EXECUTE AT LEAST THREE  
8 COPIES, THE ORIGINAL OF WHICH SHALL BE FORWARDED TO THE  
9 DEPARTMENT, ONE COPY TO ACCOMPANY THE ATV ON ANY SUBSEQUENT  
10 TRANSFER AND ONE COPY TO BE RETAINED BY THE MANUFACTURER OR  
11 DEALER FOR AT LEAST ONE YEAR AFTER A SUBSEQUENT TRANSFER, TO BE  
12 EXHIBITED, WITH THE ASSIGNED CERTIFICATE OF TITLE, UPON REQUEST  
13 OF ANY POLICE OFFICER OR AUTHORIZED DEPARTMENT EMPLOYEE.

14 (C) TRANSFER FROM MANUFACTURER OR DEALER.--EXCEPT AS  
15 OTHERWISE PROVIDED IN THIS SECTION WHEN THE TRANSFEREE IS  
16 ANOTHER MANUFACTURER OR DEALER:

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

21 (2) THE TRANSFEREE SHALL COMPLETE THE APPLICATION FOR  
22 CERTIFICATE OF TITLE IN THE NAME OF THE TRANSFEREE.

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

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

29 (E) PENALTY.--ANY MANUFACTURER OR DEALER VIOLATING ANY OF  
30 THE PROVISIONS OF THIS SECTION IS GUILTY OF A SUMMARY OFFENSE

1 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$50  
2 FOR EACH VIOLATION.

3 § 7712.3. TRANSFER OF ATV BY OPERATION OF LAW.

4 (A) GENERAL RULE.--IF THE INTEREST OF AN OWNER IN AN ATV  
5 PASSES TO ANOTHER OTHER THAN BY VOLUNTARY TRANSFER, THE  
6 TRANSFeree SHALL, EXCEPT AS OTHERWISE PROVIDED, PROMPTLY MAIL OR  
7 DELIVER TO THE DEPARTMENT THE LAST CERTIFICATE OF TITLE, IF  
8 AVAILABLE, AND SHALL APPLY FOR A NEW CERTIFICATE OF TITLE ON A  
9 FORM PRESCRIBED AND FURNISHED BY THE DEPARTMENT. THE APPLICATION  
10 SHALL BE ACCOMPANIED BY SUCH INSTRUMENTS OR DOCUMENTS OF  
11 AUTHORITY, OR CERTIFIED COPIES THEREOF, AS MAY BE SUFFICIENT OR  
12 REQUIRED BY LAW TO EVIDENCE OR EFFECT A TRANSFER OF TITLE OR  
13 INTEREST IN OR TO CHATTELS IN SUCH CASE.

14 (B) TRANSFER TO SURVIVING SPOUSE.--TRANSFER OF A CERTIFICATE  
15 OF TITLE TO A SURVIVING SPOUSE, OR ANY PERSON DESIGNATED BY THE  
16 SPOUSE, MAY BE MADE WITHOUT THE NECESSITY OF FILING FOR LETTERS  
17 OF ADMINISTRATION NOTWITHSTANDING THE FACT THAT THERE ARE MINOR  
18 CHILDREN SURVIVING THE DECEDENT PROVIDED THE SURVIVING SPOUSE  
19 FILES AN AFFIDAVIT THAT ALL THE DEBTS OF THE DECEDENT HAVE BEEN  
20 PAID.

21 (C) SURRENDER OF CERTIFICATE.--A PERSON HOLDING A  
22 CERTIFICATE OF TITLE WHOSE INTEREST IN AN ATV HAS BEEN  
23 EXTINGUISHED OR TRANSFERRED OTHER THAN BY VOLUNTARY TRANSFER  
24 SHALL IMMEDIATELY SURRENDER THE CERTIFICATE OF TITLE TO THE  
25 PERSON TO WHOM THE RIGHT TO POSSESSION OF THE ATV HAS PASSED.  
26 UPON REQUEST OF THE DEPARTMENT, SUCH PERSON SHALL MAIL OR  
27 DELIVER THE CERTIFICATE TO THE DEPARTMENT. DELIVERY OF THE  
28 CERTIFICATE PURSUANT TO THE REQUEST OF THE DEPARTMENT DOES NOT  
29 AFFECT THE RIGHTS OF THE PERSON SURRENDERING THE CERTIFICATE.

30 § 7712.4. CORRECTION OF CERTIFICATE OF TITLE.

1       (A) GENERAL RULE.--WHEN ANY CERTIFICATE OF TITLE HAS BEEN  
2 ISSUED IN ERROR TO A PERSON NOT ENTITLED TO THE CERTIFICATE OR  
3 CONTAINS INCORRECT INFORMATION OR INFORMATION HAS BEEN OMITTED  
4 FROM THE CERTIFICATE, THE DEPARTMENT SHALL NOTIFY IN WRITING THE  
5 PERSON TO WHOM THE CERTIFICATE HAS BEEN ISSUED OR DELIVERED AND  
6 SUCH PERSON SHALL IMMEDIATELY RETURN THE CERTIFICATE OF TITLE  
7 WITHIN 48 HOURS, TOGETHER WITH ANY OTHER INFORMATION NECESSARY  
8 FOR THE ADJUSTMENT OF THE DEPARTMENT RECORDS, AND, UPON RECEIPT  
9 OF THE CERTIFICATE, THE DEPARTMENT SHALL CANCEL THE CERTIFICATE  
10 AND ISSUE A CORRECTED CERTIFICATE OF TITLE.

11       (B) CHANGE IN MATERIAL INFORMATION ON CERTIFICATE.--IF ANY  
12 MATERIAL INFORMATION ON THE CERTIFICATE OF TITLE IS CHANGED OR  
13 DIFFERENT FROM THE INFORMATION ORIGINALLY SET FORTH, THE OWNER  
14 SHALL IMMEDIATELY INFORM THE DEPARTMENT AND APPLY FOR A  
15 CORRECTED CERTIFICATE OF TITLE. FOR THE PURPOSES OF THIS  
16 SUBSECTION, A CHANGE OF ADDRESS SHALL NOT BE DEEMED MATERIAL.

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

21       § 7712.5. ISSUANCE OF NEW CERTIFICATE FOLLOWING TRANSFER.

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

29       (B) INVOLUNTARY TRANSFER.--THE DEPARTMENT, UPON RECEIPT OF  
30 AN APPLICATION FOR A NEW CERTIFICATE OF TITLE BY A TRANSFEREE

1 OTHER THAN BY VOLUNTARY TRANSFER, ON A FORM PRESCRIBED AND  
2 FURNISHED BY THE DEPARTMENT TOGETHER WITH PROPER PROOF  
3 SATISFACTORY TO THE DEPARTMENT OF THE TRANSFER, THE REQUIRED FEE  
4 AND ANY OTHER REQUIRED DOCUMENTS AND ARTICLES, SHALL ISSUE A NEW  
5 CERTIFICATE OF TITLE IN THE NAME OF THE TRANSFEREE AS OWNER.

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

10 § 7712.6. SUSPENSION AND CANCELLATION OF CERTIFICATE OF TITLE.

11 (A) RETURN OF NEW ATV.--THE DEPARTMENT MAY CANCEL THE  
12 CERTIFICATE OF TITLE ISSUED FOR A NEW ATV WHEN IT IS SHOWN BY  
13 SATISFACTORY EVIDENCE THAT THE ATV HAS BEEN RETURNED WITHIN THE  
14 TIME SPECIFIED IN THE DEPARTMENT REGULATIONS TO THE MANUFACTURER  
15 OR DEALER FROM WHOM OBTAINED.

16 (B) ATV'S SOLD TO NONRESIDENTS.--THE DEPARTMENT MAY CANCEL  
17 CERTIFICATES OF TITLE FOR ATV'S SOLD TO RESIDENTS OF OTHER  
18 STATES OR FOREIGN COUNTRIES WHEN THE ATV IS TO BE REGISTERED IN  
19 THE OTHER JURISDICTION.

20 (C) SURRENDER OF PENNSYLVANIA CERTIFICATE IN OTHER  
21 JURISDICTION.--THE DEPARTMENT, UPON RECEIPT OF NOTIFICATION FROM  
22 ANOTHER STATE OR FOREIGN COUNTRY THAT A CERTIFICATE OF TITLE  
23 ISSUED BY THE DEPARTMENT HAS BEEN SURRENDERED BY THE OWNER IN  
24 CONFORMITY WITH THE LAWS OF THE OTHER STATE OR FOREIGN COUNTRY,  
25 MAY CANCEL THE CERTIFICATE OF TITLE.

26 (D) SURRENDER OF FOREIGN CERTIFICATE TO DEPARTMENT.--WHEN AN  
27 OWNER SURRENDERS A CERTIFICATE OF TITLE FROM ANOTHER STATE OR  
28 FOREIGN COUNTRY TO THE DEPARTMENT, THE DEPARTMENT MAY NOTIFY THE  
29 STATE OR FOREIGN COUNTRY IN ORDER THAT THE CERTIFICATE OF TITLE  
30 MAY BE CANCELED OR OTHERWISE DISPOSED OF IN ACCORDANCE WITH THE

1 LAW OF THE OTHER JURISDICTION.

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

10 (F) NONPAYMENT OF FEE.--THE DEPARTMENT MAY SUSPEND A  
11 CERTIFICATE OF TITLE WHEN A CHECK RECEIVED IN PAYMENT OF THE FEE  
12 IS NOT PAID ON DEMAND OR WHEN THE FEE FOR THE CERTIFICATE IS  
13 UNPAID AND OWING.

14 (G) SECURITY INTEREST UNAFFECTED BY SUSPENSION OR  
15 CANCELLATION.--SUSPENSION OR CANCELLATION OF A CERTIFICATE OF  
16 TITLE DOES NOT, IN ITSELF, AFFECT THE VALIDITY OF A SECURITY  
17 INTEREST NOTED ON THE CERTIFICATE.

18 (H) SURRENDER OF CERTIFICATE.--THE DEPARTMENT MAY REQUEST  
19 THE RETURN OF CERTIFICATES OF TITLE WHICH HAVE BEEN SUSPENDED OR  
20 CANCELED. THE OWNER OR PERSON IN POSSESSION OF THE CERTIFICATION  
21 OF TITLE SHALL IMMEDIATELY MAIL OR DELIVER THE CERTIFICATE TO  
22 THE DEPARTMENT.

23 § 7712.7. APPLICATION FOR CERTIFICATE OF TITLE BY AGENT.

24 (A) AUTHORIZATION TO MAKE APPLICATION.--NO PERSON SHALL MAKE  
25 APPLICATION FOR A CERTIFICATE OF TITLE WHEN ACTING FOR ANOTHER  
26 PERSON UNLESS AUTHORIZATION TO MAKE THE APPLICATION IS IN EFFECT  
27 AND IS VERIFIED BY OATH OR AFFIRMATION OF THE OTHER PERSON,  
28 MADE, EXCEPTING AS BETWEEN LESSORS AND FLEET OWNERS AS LESSEES,  
29 NOT MORE THAN 15 DAYS BEFORE THE APPLICATION IS RECEIVED BY THE  
30 DEPARTMENT. LESSORS MAY AUTHORIZE FLEET OWNERS TO MAKE

1 APPLICATION FOR CERTIFICATES OF TITLE FOR LEASED ATV'S FOR  
2 PERIODS OF UP TO ONE YEAR.

3 (B) CERTIFICATE NOT TO BE ASSIGNED IN BLANK.--NO PERSON  
4 SHALL MAKE APPLICATION FOR, OR ASSIGN OR PHYSICALLY POSSESS, A  
5 CERTIFICATE OF TITLE, OR DIRECT OR ALLOW ANOTHER PERSON IN HIS  
6 EMPLOY OR CONTROL TO MAKE APPLICATION FOR, OR ASSIGN OR  
7 PHYSICALLY POSSESS, A CERTIFICATE OF TITLE, UNLESS THE NAME OF  
8 THE TRANSFEREE IS PLACED ON THE ASSIGNMENT OF CERTIFICATE OF  
9 TITLE SIMULTANEOUSLY WITH THE NAME OF THE TRANSFEROR AND DULY  
10 NOTARIZED.

11 (C) PERSONS AUTHORIZED TO HOLD CERTIFICATE.--NO PERSON SHALL  
12 RECEIVE, OBTAIN OR HOLD A CERTIFICATE OF TITLE RECORDED IN THE  
13 NAME OF ANOTHER PERSON FOR THE OTHER PERSON WHO IS NOT IN THE  
14 REGULAR EMPLOY OF, OR NOT A MEMBER OF THE FAMILY OF, THE OTHER  
15 PERSON, UNLESS THE PERSON RECEIVING, OBTAINING OR HOLDING THE  
16 CERTIFICATE OF TITLE HAS A VALID UNDISCHARGED LIEN RECORDED IN  
17 THE DEPARTMENT AGAINST THE ATV REPRESENTED BY THE CERTIFICATE OF  
18 TITLE.

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

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