

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1132

Session of  
1987

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INTRODUCED BY MARKOSEK, BOOK, TRUMAN, J. TAYLOR, BLAUM, BOWLEY, GLADECK, ACOSTA, BURD, JADLOWIEC, SCHEETZ, MRKONIC, TRELLO, BATTISTO, GAMBLE, GEIST, JOHNSON, BOYES, MORRIS, HERMAN, SHOWERS, ARTY, J. L. WRIGHT, BUNT, GODSHALL, PHILLIPS, FARMER, COLE, SAURMAN, FOX, HALUSKA, McHALE, MELIO, D. W. SNYDER, WOGAN, SEMMEL, FARGO, MICOZZIE, DeLUCA, CLYMER, KENNEY, RAYMOND, CIVERA, NAHILL, TIGUE, PRESTON, PERZEL, MERRY, HAYDEN, DUFFY, FLICK, KASUNIC, KOSINSKI, STAIRS, MAYERNIK, BORTNER, STABACK, HERSHEY, OLASZ, E. Z. TAYLOR, MICHLOVIC, VEON, RICHARDSON, COLAFELLA AND BELARDI,  
APRIL 22, 1987

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 6, 1987

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## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for vehicle identification  
3 numbers.

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

6 Section 1. Sections 7102, 7103, 7104 and 7105 of Title 75 of  
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 7102. Removal or falsification of identification number.

9 (a) Offense defined.--A person who willfully removes, SELLS <—  
10 or falsifies an identification number of a vehicle, engine [or],  
11 transmission or any other vehicle part bearing an identification  
12 number is guilty of a misdemeanor of the third degree.

13 (b) Fraudulent intent.--A person who willfully and with

1 intent to conceal or misrepresent the identity of a vehicle,  
2 engine [or], transmission or any other vehicle part bearing an  
3 identification number, removes, SELLS or falsifies an <—  
4 identification number thereof, is guilty of a misdemeanor of the  
5 first degree.

6 †(c) Exception.--This section does not apply to the removal <—  
7 of an identification number from a vehicle [for which a <—  
8 certificate of junk has been obtained in accordance with section  
9 1117 (relating to vehicle destroyed or junked).] OR PART THEREOF <—  
10 THAT IS DAMAGED AND SUCH REMOVAL IS NECESSARY FOR PROPER REPAIR  
11 OR MATCHING IDENTIFICATION OF A REPLACEMENT VEHICLE PART. SUCH  
12 REMOVAL IS ONLY ALLOWED IF THE PROPER MATCHING IDENTIFICATION  
13 NUMBER IS IMMEDIATELY AND PROPERLY SECURED TO THE REPAIRED OR  
14 REPLACEMENT PART.

15 § 7103. Dealing in vehicles with removed or falsified numbers.

16 (a) Offense defined.--A person who buys, receives,  
17 possesses, sells or disposes of a vehicle, engine [or],  
18 transmission or any other vehicle part bearing an identification  
19 number, knowing that an identification number has been removed  
20 or falsified, is guilty of a misdemeanor of the third degree.

21 (b) Knowledge of fraudulent intent.--A person who buys,  
22 receives, possesses, sells or disposes of a vehicle, engine  
23 [or], transmission or any other vehicle part bearing an  
24 identification number with knowledge that an identification  
25 number has been removed or falsified with intent to conceal or  
26 misrepresent the identity thereof, is guilty of a felony of the  
27 third degree.

28 †(c) Exception.--This section does not apply to the removal <—  
29 of an identification number from a vehicle [for which a <—  
30 certificate of junk has been obtained in accordance with section

1 1117 (relating to vehicle destroyed or junked).] OR PART THEREOF <—  
2 THAT IS DAMAGED AND SUCH REMOVAL IS NECESSARY FOR PROPER REPAIR  
3 OR MATCHING IDENTIFICATION OF A REPLACEMENT VEHICLE PART. SUCH  
4 REMOVAL IS ONLY ALLOWED IF THE PROPER MATCHING IDENTIFICATION  
5 NUMBER IS IMMEDIATELY AND PROPERLY SECURED TO THE REPAIRED OR  
6 REPLACEMENT PART.

7 § 7104. State replacement vehicle identification number plate.

8 (a) General rule.--No vehicle on which the vehicle  
9 identification number has been removed or falsified shall be  
10 titled or registered without a special permit from the  
11 department.

12 (b) Application for plate.--Before a certificate of title or  
13 registration for the vehicle can be obtained, the owner shall  
14 apply to the department for a State replacement vehicle  
15 identification number plate on a form furnished by the  
16 department which shall contain the full name and address of the  
17 owner and any other information the department may deem  
18 necessary, [sworn to before an official empowered to administer  
19 oaths] as certified by a police officer.

20 (c) Designation on plate.--The State replacement vehicle  
21 identification number plate shall contain:

22 (1) Official department identification.

23 (2) The manufacturer's vehicle identification number, if  
24 known, or a number assigned by the department.

25 (d) Issuance and display of plate.--The department shall  
26 furnish a State replacement vehicle identification number plate  
27 which shall be immediately placed in a uniform manner as  
28 designated by the department on the vehicle.

29 (e) Reconstructed or specially constructed vehicle.--The  
30 department may assign a State replacement vehicle identification

1 number plate for a reconstructed or specially constructed  
2 vehicle.

3 § 7105. Seizure of vehicles with removed or falsified numbers.

4 (a) Duty of police.--Every police officer having knowledge  
5 of a vehicle on which the vehicle identification number has been  
6 removed or falsified shall immediately seize and take possession  
7 of the vehicle and arrest or file a complaint for the arrest of  
8 the suspected owner or custodian. In all actions involving  
9 seizure or possession of such vehicles, vehicle identification  
10 information shall be transmitted to the Federal or other  
11 agencies involved in recovery of stolen vehicles.

12 (b) Proceedings if owner known.--The court, upon petition of  
13 the owner or of the person entitled to possession of a seized  
14 vehicle, may relinquish custody of the vehicle to the person  
15 legally entitled to the vehicle [upon presentation of proof that  
16 a State replacement vehicle identification number plate has been  
17 issued by the department under section 7104 (relating to State  
18 replacement vehicle identification number plate)]. Any vehicle  
19 in the possession or custody of a police officer shall not be  
20 released to the owner or person legally entitled to possession  
21 of a seized vehicle pursuant to this section until such time as  
22 a replacement vehicle identification number plate has been  
23 obtained. Proof of the replacement vehicle identification number  
24 must be exhibited to the police officer at the time of release,  
25 together with the court order relinquishing custody. The  
26 provisions with regard to the securance of a replacement vehicle  
27 identification number shall not apply when the vehicle is titled  
28 in a foreign state and will be removed from this State  
29 immediately upon release. If the foreign vehicle will not be  
30 removed immediately, the exception does not apply and a

1 replacement vehicle identification number must be obtained.

2 Except as otherwise provided in this section, the court shall  
3 retain in custody the seized vehicle pending prosecution of the  
4 person arrested. In case the person is found guilty, the vehicle  
5 shall remain in the custody of the court until the fine and  
6 costs of prosecution are paid, except that if 90 days have  
7 elapsed after the verdict has been rendered and the fine and  
8 costs have not been paid, the court shall proceed to advertise  
9 and sell the vehicle in the manner provided by law for the sale  
10 of personal property under execution. The proceeds from the sale  
11 shall be used to pay the fine and costs of prosecution and the  
12 balance, if any, shall be forwarded to the department to be  
13 transmitted to the State Treasurer for deposit in the Motor  
14 License Fund.

15 (c) Proceedings if owner unknown.--If ownership of the  
16 vehicle is not established to the satisfaction of the court, the  
17 vehicle shall be confiscated by the court and sold immediately,  
18 and the proceeds shall be used to pay the costs of proceedings  
19 and the balance, if any, shall be forwarded to the department to  
20 be transmitted to the State Treasurer for deposit in the Motor  
21 License Fund.

22 Section 2. This act shall take effect in 60 days.