

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE BILL

## No. 1158

Session of  
1993

---

INTRODUCED BY COLAFELLA, MICOZZIE, COLAIZZO, REINARD, DeLUCA,  
ROONEY, GLADECK, CESSAR, JOSEPHS, GODSHALL, TRELLO, ULIANA,  
GIGLIOTTI, GEIST, CIVERA AND DURHAM, APRIL 19, 1993

---

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 3, 1994

---

## AN ACT

1 Providing for automobile theft prevention; establishing the  
2 Automobile Theft Prevention Authority and providing for its  
3 powers and duties; and creating the Automobile Theft  
4 Prevention Trust Fund.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Automobile  
9 Theft Prevention Act.

10 Section 2. Purpose of act.

11 The purpose of this act is to establish, coordinate and fund  
12 activities in this Commonwealth to prevent, combat and reduce  
13 automobile theft, to improve and support automobile theft law  
14 enforcement and administration and to improve and support  
15 automobile theft prosecution.

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Authority." The Automobile Theft Prevention Authority  
3 established under this act.

4 "Automobile." A private passenger four-wheel motor vehicle,  
5 except recreational vehicles not intended for highway use, which  
6 is insured.

7 "Board." The board of directors of the Automobile Theft  
8 Prevention Authority.

9 "Fund." The Automobile Theft Prevention Trust Fund created  
10 under section 6.

11 Section 4. Automobile Theft Prevention Authority.

12 (a) Establishment.--There is hereby established a body  
13 corporate and politic to be known as the Automobile Theft  
14 Prevention Authority. The purposes, powers and duties of the  
15 authority shall be vested in and exercised by the board of  
16 directors thereof as provided for in this act.

17 (b) Composition.--The board of the authority shall consist  
18 of seven members, composed and appointed in accordance with the  
19 following:

20 (1) The Attorney General OR HIS DESIGNEE. <—

21 (2) Three representatives of insurers authorized to  
22 write automobile insurance doing business in this  
23 Commonwealth.

24 (3) Three at-large members who are not employed by the  
25 insurance industry.

26 (c) Appointment.--With the exception of the Attorney  
27 General, all board members shall be appointed by the Governor  
28 ~~from names jointly submitted to the Governor by the Insurance~~ <—  
29 ~~Federation of Pennsylvania and the Pennsylvania Association of~~  
30 ~~Mutual Insurance Companies.~~ FROM NAMES SUBMITTED TO THE GOVERNOR <—

1 BY THE PENNSYLVANIA ANTI-CAR THEFT COMMITTEE.

2 (d) Terms.--With the exception of the Attorney General,  
3 members of the board shall serve for terms of four years. No  
4 appointed member shall be eligible to serve more than two full  
5 consecutive terms.

6 (e) Compensation.--Members of the board shall serve without  
7 compensation, except that members of the board shall receive  
8 reimbursement for all reasonable ~~and necessary~~ expenses incurred <—  
9 in connection with their duties, in accordance with the rules of  
10 the ~~Executive Board~~ BOARD. <—

11 (f) Quorum and meetings.--A majority of the members of the  
12 board shall constitute a quorum for the transaction of business  
13 at a meeting or the exercise of a power or function of the  
14 authority. Notwithstanding any other provision of law, action  
15 may be taken by the board at a meeting upon a vote of the  
16 majority of its members present in person or through the use of  
17 amplified telephonic equipment, if authorized by the bylaws of  
18 the board AND PROVIDED A QUORUM IS PRESENT BY SUCH MEANS. The <—  
19 board shall meet at the call of the chairperson or as may be  
20 provided in the bylaws of the board. The board shall meet at  
21 least quarterly. Meetings of the board may be held anywhere  
22 within this Commonwealth. The board shall elect its own  
23 chairperson.

24 Section 5. Powers and duties.

25 The authority shall have the powers necessary and convenient  
26 to carry out and effectuate the purposes and provisions of this  
27 act and the purposes of the authority and the powers delegated  
28 by other laws, including, but not limited to, the power to:

29 (1) Employ administrative, professional, clerical and  
30 other personnel as may be required and organize the staff as

1 may be appropriate to effectuate the purposes of this act.

2 (2) Have a seal and alter the same at pleasure, have  
3 perpetual succession, make, execute and deliver contracts,  
4 conveyances and other instruments necessary or convenient to  
5 the exercise of its powers and make and amend bylaws.

6 (3) Procure insurance against any loss in connection  
7 with its property, assets or activities.

8 (4) Apply for, solicit, receive, establish priorities  
9 for, allocate, disburse, contract for, administer and spend  
10 funds in the fund, and other funds that are made available to  
11 the authority from any source consistent with the purposes of  
12 this act.

13 (5) Make grants to and provide financial support for  
14 government agencies, community, consumer and business  
15 organizations consistent with the purposes of this act.

16 (6) Invest any money held in the fund and any funds held  
17 in reserve or sinking funds, and any money not required for  
18 immediate use or disbursement, at its discretion and to name  
19 and use depositories for its money.

20 (7) Assess the scope of the problem of automobile theft,  
21 including identification of those areas of this Commonwealth  
22 where the problem is greatest, and review State and local  
23 criminal justice policies, programs and plans dealing with  
24 automobile theft.

25 (8) Develop and sponsor the implementation of Statewide  
26 plans, programs and strategies to combat automobile theft,  
27 improve the administration of the automobile theft laws and  
28 provide a forum for identification of critical problems for  
29 those persons dealing with automobile theft.

30 (9) Coordinate the development, adoption and

1 implementation of plans, programs and strategies relating to  
2 interagency and intergovernmental cooperation with respect to  
3 automobile theft law enforcement.

4 (10) Promulgate rules or regulations related to the  
5 expenditure of moneys held in the fund in order to assist and  
6 support those agencies, units of government and other  
7 organizations charged with the responsibility of reducing  
8 automobile theft or interested and involved in achieving this  
9 goal.

10 (11) Audit at its discretion the plans and programs that  
11 it has funded in whole or in part in order to evaluate the  
12 effectiveness of the plans and programs and withdraw funding  
13 should the authority determine that a plan or program is  
14 ineffective or is no longer in need of further financial  
15 support from the fund.

16 (12) Report annually, on or before the first day of  
17 April falling after this act has been effective for at least  
18 12 months, and annually thereafter on the same schedule, to  
19 the Governor and the General Assembly on the authority's  
20 activities in the preceding period. The report shall be  
21 available for public inspection.

22 Section 6. Automobile Theft Prevention Trust Fund.

23 (a) Creation.--A separate account in the State Treasury is  
24 hereby established to be known as the Automobile Theft  
25 Prevention Trust Fund. The fund shall be administered by the  
26 authority. All interest earned from the investment or deposit of  
27 moneys accumulated in the fund shall be deposited in trust in  
28 the fund.

29 (b) Funds.--All moneys deposited into the fund shall not be  
30 considered general revenue of this Commonwealth, but shall be

1 used only to effectuate the purposes of this act as determined  
2 by the authority and shall be subject to audit by the Auditor  
3 General.

4 (c) Assessment.--Prior to the first day of April following  
5 the effective date of this act and prior to the first day of  
6 April of each year thereafter so long as this act shall remain  
7 in effect, each insurer engaged in the writing of automobile  
8 insurance coverages, as a condition of its authorization to  
9 transact automobile insurance business in this Commonwealth,  
10 shall pay into the fund in trust an amount equal to the product  
11 obtained by multiplying \$4,000,000 by a fraction, the numerator  
12 of which is the total private passenger and commercial  
13 automobile physical damage insurance premiums written in this  
14 Commonwealth by that insurer during the preceding calendar year  
15 and the denominator of which is the total private passenger and  
16 commercial automobile physical damage insurance premiums written  
17 in this Commonwealth by all insurers in the same period.  
18 Assessments made under this section shall not be considered  
19 burdens and prohibitions under section 212 of the act of May 17,  
20 1921 (P.L.789, No.285), known as The Insurance Department Act of  
21 one thousand nine hundred and twenty-one.

22 (d) Base amount.--In succeeding years the authority may vary  
23 the base amount of \$4,000,000, provided, however, that any  
24 increase which on an annual basis exceeds the increase in the  
25 Consumer Price Index for this Commonwealth must be approved by  
26 five of seven members of the board.

27 (e) Expenditures.--Moneys in the fund shall be expended by  
28 the authority for the following purposes:

29 (1) To effectuate the powers, duties and  
30 responsibilities of the authority as set forth in section 5.

1           (2) To provide financial support to law enforcement,  
2       correctional agencies and prosecutors for programs designed  
3       to reduce automobile theft and to improve the administration  
4       of automobile theft laws.

5           (3) To provide financial support for other governmental  
6       agencies, community, consumer and business organizations for  
7       programs designed to reduce automobile theft and to improve  
8       the administration of automobile theft laws.

9           (4) To provide financial support to programs designed to  
10      inform owners of automobiles about the costs of automobile  
11      theft to individuals and to society and to suggest methods  
12      for preventing automobile theft.

13          (5) To provide financial support for reward programs  
14      leading to the arrest and conviction of persons and  
15      organizations engaged in automobile theft.

16          (6) To provide financial support for other plans,  
17      programs and strategies consistent with the purposes of this  
18      act.

19      (f) Dissolution.--In the event that the trust fund is  
20      discontinued or the authority is dissolved by operation of law,  
21      any balance remaining in the fund, after deducting  
22      administrative costs for liquidation, shall be returned to  
23      insurers in proportion to their financial contributions to the  
24      fund in the preceding calendar year.

25      Section 7. Immunity.

26      In the absence of malice, no board member and no employee,  
27      agent or designee of the authority shall be subject to civil or  
28      criminal liability for receiving or disclosing information  
29      related to automobile theft or the activities of the authority.  
30      In the absence of malice, persons or organizations shall not be

1 subject to civil or criminal liability for providing information  
2 to the authority or its employees relating to automobile theft.  
3 This section does not abrogate or modify in any way any common  
4 law or statutory privilege or immunity heretofore enjoyed by any  
5 person.

6 Section 8. Expiration.

7 This act shall expire December 31, ~~1998~~ 1999, unless  
8 otherwise provided for by act of the General Assembly.

<—

9 Section 9. Repeals.

10 All acts and parts of acts are repealed insofar as they are  
11 inconsistent with this act.

12 Section 10. Effective date.

13 This act shall take effect in 60 days.