

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2467 Session of 2012

INTRODUCED BY MICOZZIE AND DeLUCA, JUNE 12, 2012

SENATOR RAFFERTY, TRANSPORTATION, IN SENATE, AS AMENDED, SEPTEMBER 25, 2012

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in certificate of title and security interests,
3 further providing FOR TRANSFER OF VEHICLE OWNERSHIP AND for
4 certificate of salvage required. ←

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

7 Section 1. Section 1161(b) of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended to read: ←

9 SECTION 1. SECTIONS 1111(A.1) AND (B) AND 1161(B) OF TITLE ←
10 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO
11 READ:

12 § 1111. TRANSFER OF OWNERSHIP OF VEHICLE.

13 * * *

14 (A.1) EXCEPTION FOR DEALERS.--WHEN A CERTIFICATE OF TITLE
15 FOR A VEHICLE ACQUIRED BY A LICENSED DEALER FOR THE PURPOSE OF
16 RESALE IS ENCUMBERED BY A LIEN OR WHEN THERE IS A MANUFACTURER'S
17 STATEMENT OF ORIGIN FOR A NEW VEHICLE, DELIVERY OF THE
18 CERTIFICATE OF TITLE OR MANUFACTURER'S STATEMENT OF ORIGIN BY

1 THE DEALER AS A TRANSFEROR AT THE TIME OF DELIVERY OF THE
2 VEHICLE UPON RESALE SHALL NOT BE REQUIRED [FOR A VEHICLE BEING
3 TITLED IN THIS COMMONWEALTH] IF, PRIOR TO DELIVERY OF THE
4 VEHICLE, THE DEALER OBTAINS THE APPLICABLE POWERS OF ATTORNEY TO
5 PROPERLY EXECUTE TRANSFER OF THE TITLE OR MANUFACTURER'S
6 STATEMENT OF ORIGIN AND THE DEALER REQUESTS AND RECEIVES THE
7 DEPARTMENTAL VERIFICATION OF ANY LIENHOLDERS, OWNERSHIP,
8 ODOMETER INFORMATION[,] AND TITLE BRANDS, ON TITLED VEHICLES,
9 AND ANY OTHER INFORMATION THAT THE DEPARTMENT DEEMS NECESSARY TO
10 BE VERIFIED. UPON PAYMENT OF THE ESTABLISHED FEE, THE DEPARTMENT
11 SHALL PROVIDE THE DEALER OR AUTHORIZED MESSENGER SERVICE WITH
12 VERIFICATION OF THE REQUIRED INFORMATION. THE DEPARTMENT MAY
13 SUPPLY THE VERIFIED INFORMATION BY EITHER WRITTEN OR ELECTRONIC
14 MEANS. THE APPLICATION AND A PROPERLY ASSIGNED CERTIFICATE OF
15 TITLE OR MANUFACTURER'S STATEMENT OF ORIGIN SHALL BE DELIVERED
16 TO THE DEPARTMENT WITHIN THE TIME PERIOD PRESCRIBED BY SECTION
17 1103.1 (RELATING TO APPLICATION FOR CERTIFICATE OF TITLE). IF A
18 DEALER SELLS A VEHICLE AFTER VERIFICATION OF THE REQUIRED
19 INFORMATION FOR A CERTIFICATE OF TITLE ENCUMBERED BY A LIEN, BUT
20 FAILS TO SATISFY THE LIEN OR DELIVER AN ASSIGNMENT AND WARRANTY
21 OF TITLE TO THE DEALER'S TRANSFEREE WITHIN 90 DAYS OF THE DATE
22 OF PURCHASE, AND THIS FAILURE IS THE RESULT OF AN ACT OR
23 OMISSION BY THE DEALER, THE DEALER SHALL ACCEPT RETURN OF THE
24 VEHICLE FROM THE TRANSFEREE AND SHALL REFUND THE PURCHASE PRICE
25 LESS ACTUAL DEPRECIATION OF THE VEHICLE WHILE IT WAS WITHIN THE
26 POSSESSION OF THE TRANSFEREE. IN REFUNDING THE PURCHASE PRICE,
27 THE PRICE SHALL INCLUDE THE LISTED DOLLAR VALUE OF ANY TRADE-IN
28 VEHICLE AS STATED IN THE SALES TRANSACTION DOCUMENT IN LIEU OF
29 RETURNING THE TRANSFEREE'S TRADE-IN VEHICLE.

30 * * *

1 (B) DUTY OF TRANSFEREE.--EXCEPT AS OTHERWISE PROVIDED IN
2 SECTION 1113 (RELATING TO TRANSFER TO OR FROM MANUFACTURER OR
3 DEALER), THE TRANSFEREE SHALL, WITHIN [TEN] 20 DAYS OF THE
4 ASSIGNMENT OR REASSIGNMENT OF THE CERTIFICATE OF TITLE, APPLY
5 FOR A NEW TITLE BY PRESENTING TO THE DEPARTMENT THE PROPERLY
6 COMPLETED CERTIFICATE OF TITLE, SWORN TO BEFORE A NOTARY PUBLIC
7 OR OTHER OFFICER EMPOWERED TO ADMINISTER OATHS OR VERIFIED
8 BEFORE AN ISSUING AGENT, WHO IS LICENSED AS A VEHICLE DEALER BY
9 THE STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND
10 SALESPERSONS, OR ITS EMPLOYEE, AND ACCOMPANIED BY SUCH FORMS AS
11 THE DEPARTMENT MAY REQUIRE.

12 * * *

13 § 1161. Certificate of salvage required.

14 * * *

15 (b) Application for certificate of salvage.--An owner who
16 transfers a vehicle to be destroyed or dismantled, salvaged or
17 recycled shall assign the certificate of title to the person to
18 whom the vehicle is transferred. Except as provided in section
19 1163, the transferee shall immediately present the assigned
20 certificate of title to the department or an authorized agent of
21 the department with an application for a certificate of salvage
22 upon a form furnished and prescribed by the department. An
23 insurer as defined in section 1702 to which title to a vehicle
24 is assigned upon payment to the insured or claimant of the
25 replacement value of a vehicle shall be regarded as a transferee
26 under this subsection, and an assignment of title to an insurer
27 under this subsection is exempt from the requirements of
28 notarization and verification in section 1111(a) (relating to
29 transfer of ownership of vehicle). If an owner retains
30 possession of a vehicle which is damaged to the extent that it

1 qualifies for vehicle replacement payment, the owner shall apply
2 for a certificate of salvage immediately. In this case, an
3 insurer shall not pay vehicle replacement value until the owner
4 produces evidence to the insurer that the certificate of salvage
5 has been issued. A self-insurer as defined in section 1702 shall
6 apply for a certificate of salvage when a vehicle is damaged to
7 the extent that the cost of repairs would exceed the replacement
8 value of the vehicle as certified by a licensed motor vehicle
9 physical damage appraiser.

10 * * *

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