

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1240 Session of 2017

INTRODUCED BY MARSHALL, BENNINGHOFF, V. BROWN, ENGLISH, EVANKOVICH, FARRY, HILL-EVANS, MARSICO, O'NEILL, READSHAW, REESE, WHEELAND, ZIMMERMAN, MATZIE AND KORTZ, APRIL 18, 2017

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 12, 2018

AN ACT

1 ~~Amending Title 75 (Vehicles) of the Pennsylvania Consolidated~~ <--
2 ~~Statutes, in certificate of title and security interests,~~
3 ~~repealing provisions relating to theft vehicles and providing~~
4 ~~for recovered theft vehicles; and making an editorial change.~~

5 AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED <--
6 STATUTES, IN CERTIFICATE OF TITLE AND SECURITY INTERESTS,
7 FURTHER PROVIDING FOR CONTENT AND EFFECT OF CERTIFICATE OF
8 TITLE AND FOR THEFT VEHICLES; AND MAKING AN EDITORIAL CHANGE.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Section 1164 of Title 75 of the Pennsylvania~~ <--
12 ~~Consolidated Statutes is repealed:~~

13 ~~{§ 1164. Theft vehicles.~~

14 ~~(a) General rule. Upon payment to the insured of the~~
15 ~~replacement value for a theft vehicle, the owner or insurer~~
16 ~~shall apply for a certificate of salvage branded as a theft~~
17 ~~vehicle.~~

18 ~~(b) Assessing damage on recovered theft vehicles. If a~~
19 ~~theft vehicle has been recovered, the vehicle shall be assessed~~
20 ~~as to the level of damage at the time of recovery by an insurer~~

1 ~~or licensed physical damage appraiser:~~

2 ~~(1) If the cost of repairs exceeds the replacement value~~
3 ~~of the vehicle, the theft branded certificate of salvage~~
4 ~~shall serve as an ownership document. If the vehicle~~
5 ~~thereafter passes the reconstructed salvage vehicle~~
6 ~~inspection requirements under section 1165 (relating to~~
7 ~~reconstructed vehicles), it shall receive a certificate of~~
8 ~~title branded reconstructed and recovered theft vehicle.~~

9 ~~(2) If the cost of repairs is less than the replacement~~
10 ~~value of the vehicle, the owner shall apply for a certificate~~
11 ~~of title branded recovered theft vehicle. A legible copy of~~
12 ~~the vehicle damage appraisal report completed by an insurer~~
13 ~~or licensed physical damage appraiser must accompany an~~
14 ~~application under this paragraph. The damage appraisal report~~
15 ~~shall include the replacement value of the vehicle.]~~

16 Section 2. Title 75 is amended by adding a section to read:

17 § 1164.1. Recovered theft vehicles.

18 (a) Assessing damage. If a theft vehicle has been recovered
19 in this Commonwealth, or outside this Commonwealth and returned
20 to this Commonwealth prior to being assessed for damage, the
21 vehicle shall be assessed as to the level of damage at the time
22 of recovery by an insurer or licensed physical damage appraiser.

23 (b) Application for certificate of salvage. If the cost of
24 repairs exceeds the replacement value of the vehicle, the owner
25 or insurer shall apply for a certificate of salvage branded as a
26 theft vehicle.

27 (c) Certificate of title branded reconstructed. If, after
28 the application is submitted, the vehicle passes the
29 reconstructed salvage vehicle inspection requirements under
30 section 1165 (relating to reconstructed vehicles), the owner or

1 ~~insurer that submitted the application shall receive a~~
2 ~~certificate of title branded reconstructed.~~

3 Section 3. ~~Section 6308(d)(1) of Title 75 is amended to~~
4 ~~read:~~

5 ~~§ 6308. Investigation by police officers.~~

6 * * *

7 ~~(d) Records.~~

8 ~~(1) Every salvor, miscellaneous motor vehicle business,~~
9 ~~salvage motor vehicle auction or pool operator, scrap metal~~
10 ~~processor, garage, repair shop and dealer shall keep accurate~~
11 ~~records of the purchase, acquisition, sale and disposition of~~
12 ~~vehicles as required under sections 1103.1 (relating to~~
13 ~~application for certificate of title), 1111 (relating to~~
14 ~~transfer of ownership of vehicle), 1113 (relating to transfer~~
15 ~~to or from manufacturer or dealer), 1114 (relating to~~
16 ~~transfer of vehicle by operation of law), 1119 (relating to~~
17 ~~application for certificate of title by agent), 1161~~
18 ~~(relating to certificate of salvage required), 1162 (relating~~
19 ~~to transfer to vehicle salvage dealer), 1163 (relating to~~
20 ~~transfer to scrap metal processor) and [1164 (relating to~~
21 ~~theft vehicles)] 1164.1 (relating to recovered theft~~
22 ~~vehicles). The records shall also include a corresponding~~
23 ~~customer receipt with the vehicle identification number,~~
24 ~~make, year and type of vehicle, from whom the vehicle was~~
25 ~~purchased or acquired, sold to or disposed of, the date,~~
26 ~~location and place purchased, acquired, sold or disposed of~~
27 ~~and the amount paid or other tender exchanged for the~~
28 ~~purchase, acquisition, sale or disposition.~~

29 * * *

30 Section 4. ~~This act shall take effect in 60 days.~~

1 SECTION 1. SECTION 1106(B) OF TITLE 75 OF THE PENNSYLVANIA <--

2 CONSOLIDATED STATUTES IS AMENDED TO READ:

3 § 1106. CONTENT AND EFFECT OF CERTIFICATE OF TITLE.

4 * * *

5 (B) INDICATION OF SPECIAL USE OR CONDITION.--NO PERSON SHALL
6 ASSIGN A CERTIFICATE OF TITLE TO ANY VEHICLE UNLESS THE
7 CERTIFICATE CLEARLY CONTAINS NOTICE OF THE USE OR CONDITION IF
8 THE VEHICLE IS OR HAS BEEN:

9 (1) USED AS A POLICE CAR;

10 (2) USED AS A TAXICAB FOR THE TRANSPORT OF PASSENGERS,
11 FOR HIRE, HAVING A SEATING CAPACITY OF NINE OR FEWER
12 PASSENGERS;

13 (3) AN ABANDONED VEHICLE;

14 (4) A FLOOD VEHICLE;

15 (5) A MODIFIED VEHICLE;

16 (6) A RECONSTRUCTED VEHICLE;

17 (7) A SPECIALLY CONSTRUCTED VEHICLE;

18 (8) A RECOVERED THEFT VEHICLE OR A THEFT VEHICLE, IF
19 REQUIRED UNDER SECTION 1164 (RELATING TO THEFT VEHICLES);

20 (9) A VEHICLE ORIGINALLY MANUFACTURED FOR INTENDED
21 DISTRIBUTION OUTSIDE THE UNITED STATES;

22 (10) BEARING A VIN PLATE DIFFERING FROM ITS ORIGINAL; OR

23 (11) A MOTOR VEHICLE RETURNED TO A VEHICLE DEALER OR
24 MANUFACTURER PURSUANT TO THE ACT OF MARCH 28, 1984 (P.L.150,
25 NO.28), KNOWN AS THE AUTOMOBILE LEMON LAW.

26 INDICATION OF THE USE OR CONDITION SHALL BE DEEMED PART OF THE
27 DESCRIPTION OF THE VEHICLE. ANY PERSON VIOLATING THIS SUBSECTION
28 COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
29 SENTENCED TO PAY A FINE OF \$200.

30 * * *

1 SECTION 2. SECTION 1164(B)(2) OF TITLE 75 IS AMENDED AND THE
2 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

3 § 1164. THEFT VEHICLES.

4 * * *

5 (B) ASSESSING DAMAGE ON RECOVERED THEFT VEHICLES.--IF A
6 THEFT VEHICLE HAS BEEN RECOVERED, THE VEHICLE SHALL BE ASSESSED
7 AS TO THE LEVEL OF DAMAGE AT THE TIME OF RECOVERY BY AN INSURER
8 OR LICENSED PHYSICAL DAMAGE APPRAISER:

9 * * *

10 (2) [IF THE COST OF REPAIRS IS LESS THAN THE REPLACEMENT
11 VALUE OF THE VEHICLE, THE OWNER SHALL APPLY FOR A CERTIFICATE
12 OF TITLE BRANDED RECOVERED-THEFT VEHICLE.] IF THE COST OF
13 REPAIRS EXCEEDS HALF OF THE REPLACEMENT VALUE OF THE VEHICLE
14 AND THE MAJORITY OF THOSE COSTS ARE DUE TO DAMAGE THAT
15 AFFECTS THE SAFE OPERATION OF THE VEHICLE, THE OWNER SHALL
16 APPLY FOR A CERTIFICATE OF TITLE BRANDED RECOVERED THEFT
17 VEHICLE. A LEGIBLE COPY OF THE VEHICLE DAMAGE APPRAISAL
18 REPORT COMPLETED BY AN INSURER OR LICENSED PHYSICAL DAMAGE
19 APPRAISER MUST ACCOMPANY AN APPLICATION UNDER THIS PARAGRAPH.
20 THE DAMAGE APPRAISAL REPORT SHALL INCLUDE THE REPLACEMENT
21 VALUE OF THE VEHICLE.

22 (C) SELF-INSURER REQUIREMENT.--IF THE INSURER IS A SELF-
23 INSURER, THE ASSESSMENT OF DAMAGE UNDER SUBSECTION (B) SHALL BE
24 COMPLETED BY A LICENSED PHYSICAL DAMAGE APPRAISER WHO IS NOT
25 AFFILIATED WITH OR EMPLOYED BY THE INSURER.

26 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.