

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, KORTZ AND MICCARELLI, APRIL 18, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 11, 2018

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in certificate of title and security interests,
3 further providing for content and effect of certificate of
4 title and for theft vehicles; and making an editorial change.

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

7 Section 1. Section 1106(b) of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 1106. Content and effect of certificate of title.

10 * * *

11 (b) Indication of special use or condition.--No person shall
12 assign a certificate of title to any vehicle unless the
13 certificate clearly contains notice of the use or condition if
14 the vehicle is or has been:

15 (1) used as a police car;

16 (2) used as a taxicab for the transport of passengers,
17 for hire, having a seating capacity of nine or fewer

- 1 passengers;
- 2 (3) an abandoned vehicle;
- 3 (4) a flood vehicle;
- 4 (5) a modified vehicle;
- 5 (6) a reconstructed vehicle;
- 6 (7) a specially constructed vehicle;
- 7 (8) a recovered theft vehicle or a theft vehicle, if
- 8 required under section 1164 (relating to theft vehicles);
- 9 (9) a vehicle originally manufactured for intended
- 10 distribution outside the United States;
- 11 (10) bearing a VIN plate differing from its original; or
- 12 (11) a motor vehicle returned to a vehicle dealer or
- 13 manufacturer pursuant to the act of March 28, 1984 (P.L.150,
- 14 No.28), known as the Automobile Lemon Law.

15 Indication of the use or condition shall be deemed part of the

16 description of the vehicle. Any person violating this subsection

17 commits a summary offense and shall, upon conviction, be

18 sentenced to pay a fine of \$200.

19 * * *

20 Section 2. Section ~~1164(b)(2)~~ 1164(b) of Title 75 is amended <--

21 and the section is amended by adding a subsection to read:

22 § 1164. Theft vehicles.

23 * * *

24 (b) Assessing damage on recovered theft vehicles.--If a

25 theft vehicle has been recovered, the vehicle shall be assessed

26 as to the level of damage at the time of recovery by an insurer

27 or licensed physical damage appraiser:

28 * * *

29 (1) IF THE COST OF REPAIRS EXCEEDS THE REPLACEMENT VALUE <--

30 OF THE VEHICLE, THE THEFT-BRANDED CERTIFICATE OF SALVAGE

1 SHALL SERVE AS AN OWNERSHIP DOCUMENT. IF THE VEHICLE
2 THEREAFTER PASSES THE RECONSTRUCTED SALVAGE VEHICLE
3 INSPECTION REQUIREMENTS UNDER SECTION 1165 (RELATING TO
4 RECONSTRUCTED VEHICLES), IT SHALL RECEIVE A CERTIFICATE OF
5 TITLE BRANDED RECONSTRUCTED AND RECOVERED-THEFT VEHICLE.

6 (2) [If the cost of repairs is less than the replacement
7 value of the vehicle, the owner shall apply for a certificate
8 of title branded recovered-theft vehicle.] If the cost of
9 repairs exceeds half of the replacement value of the vehicle
10 and the majority of those costs are due to damage that
11 affects the safe operation of the vehicle, the owner shall
12 apply for a certificate of title branded recovered theft
13 vehicle. A legible copy of the vehicle damage appraisal
14 report completed by an insurer or licensed physical damage
15 appraiser must accompany an application under this paragraph.
16 The damage appraisal report shall include the replacement
17 value of the vehicle.

18 (3) IF AN OWNER HAS RECEIVED A CERTIFICATE OF SALVAGE <--
19 BRANDED AS A THEFT VEHICLE AFTER A PAYMENT HAS BEEN MADE AND
20 THE STOLEN VEHICLE IS LOCATED AND THEREAFTER PASSES AN
21 INSPECTION BY A LICENSED PHYSICAL DAMAGE APPRAISER IN WHICH
22 THE DAMAGE DOES NOT RISE TO THE LEVEL OF PARAGRAPH (2), THE
23 OWNER MAY APPLY TO THE DEPARTMENT FOR AN UNBRANDED TITLE. A
24 LEGIBLE COPY OF THE VEHICLE DAMAGE APPRAISAL REPORT COMPLETED
25 BY AN INSURER OR LICENSED PHYSICAL DAMAGE APPRAISER MUST
26 ACCOMPANY AN APPLICATION UNDER THIS PARAGRAPH. THE DAMAGE
27 APPRAISAL REPORT SHALL INCLUDE THE REPLACEMENT VALUE OF THE
28 VEHICLE.

29 (4) AN INDIVIDUAL WHO HAS NOT BEEN PAID THE REPLACEMENT
30 VALUE FOR THE VEHICLE AND HAS NOT RECEIVED A CERTIFICATE OF

1 SALVAGE MAY USE THE EXISTING CERTIFICATE OF TITLE WITHOUT
2 APPLYING FOR A NEW TITLE.

3 (c) Self-insurer requirement.--If the insurer is a self-
4 insurer, the assessment of damage under subsection (b) shall be
5 completed by a licensed physical damage appraiser who is not
6 affiliated with or employed by the insurer.

7 Section 3. This act shall take effect in 180 days.