

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1101 Session of 2018

INTRODUCED BY STEFANO, KILLION, MENSCH, SABATINA, HUTCHINSON, BREWSTER, RESCHENTHALER, WHITE, RAFFERTY, SCAVELLO, FOLMER AND BLAKE, APRIL 6, 2018

SENATOR RAFFERTY, TRANSPORTATION, AS AMENDED, APRIL 25, 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.

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
18 passengers;

- 1 (3) an abandoned vehicle;
- 2 (4) a flood vehicle;
- 3 (5) a modified vehicle;
- 4 (6) a reconstructed vehicle;
- 5 (7) a specially constructed vehicle;
- 6 (8) a recovered theft vehicle or a theft vehicle if
- 7 required to be retitled under section 1164 (relating to theft
- 8 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) of Title 75 is amended and the

21 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 (1) If the cost of repairs exceeds the replacement value

29 of the vehicle, the theft-branded certificate of salvage

30 shall serve as an ownership document. If the vehicle

1 thereafter passes the reconstructed salvage vehicle
2 inspection requirements under section 1165 (relating to
3 reconstructed vehicles), it shall receive a certificate of
4 title branded reconstructed and recovered-theft vehicle.

5 (2) If the cost of repairs is [less than] more than 50%
6 of the replacement value of the vehicle and more than 50% of
7 the cost of repairs is due to damage that affects the safe
8 operation of the vehicle, the owner ~~or insurer~~ shall apply <--
9 for a certificate of title branded recovered-theft vehicle. A
10 legible copy of the vehicle damage appraisal report completed
11 by an insurer or licensed physical damage appraiser must
12 accompany an application under this paragraph. The damage
13 appraisal report shall include the replacement value of the
14 vehicle.

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

26 (4) AN INDIVIDUAL WHO HAS NOT BEEN PAID THE REPLACEMENT
27 VALUE FOR THE VEHICLE AND HAS NOT RECEIVED A CERTIFICATE OF
28 SALVAGE MAY USE THE EXISTING CERTIFICATE OF TITLE WITHOUT
29 APPLYING FOR A NEW TITLE.

30 (c) Self-insurer requirement.--If the insurer of a theft <--

1 vehicle is a self-insurer, the assessment of damage under this
2 section shall be completed by a licensed physical damage
3 appraiser who is not affiliated with or employed by the self-
4 insurer.

5 Section 3. This act shall take effect in ~~60~~ 180 days.

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