

No. 1990-63

## AN ACT

HB 1955

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for application for certificate of title and notice of change of name or address; providing for notice to insurers regarding collision coverage on rental vehicles; further providing for use and display of illuminated signs, issuance of certificate of inspection, width of vehicles, and fraudulent documents and plates.

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

Section 1. Section 1103 of Title 75 of the Pennsylvania Consolidated Statutes is repealed.

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

**§ 1103.1. Application for certificate of title.**

*(a) Contents of application.—Application for a certificate of title shall be made upon a form prescribed and furnished by the department and shall contain a full description of the vehicle, the vehicle identification number, odometer reading, date of purchase, the actual or bona fide name and address of the owner, a statement of the title of applicant, together with any other information or documents the department requires to identify the vehicle and to enable the department to determine whether the owner is entitled to a certificate of title, and the description of any security interests in the vehicle.*

*(b) Signing and filing of application.—Application for a certificate of title shall be made within ten days of the sale or transfer of a vehicle or its entry into this Commonwealth from another jurisdiction, whichever is later. The application shall be accompanied by the fee prescribed in this title and any tax payable by the applicant under the laws of this Commonwealth in connection with the acquisition or use of a vehicle or evidence to show that the tax has been collected. The application shall be signed and verified by oath or affirmation by the applicant if a natural person; in the case of an association or partnership, by a member or a partner; and in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application.*

*(c) Manufacturer's Statement of Origin for new vehicles.—If the application refers to a new vehicle, it shall be accompanied by the Manufacturer's Statement of Origin for the vehicle.*

*(d) Vehicles purchased from dealers.—If the application refers to a vehicle purchased from a dealer, the dealer shall mail or deliver the application to the department within ten days of the date of purchase. The application shall contain the names and addresses of any lienholders in order of priority, the amounts and the dates of the security agreements and be assigned by the dealer to the owner and signed by the owner. Any dealer violating this*

*subsection is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 for each violation. The requirement that the dealer mail or deliver the application to the department does not apply to vehicles purchased by fleet owners or governmental or quasi-governmental agencies.*

*(e) Out-of-State vehicles.—If the application refers to a vehicle last previously titled or registered in another state or country, the following information shall be contained in or accompany the application or be forwarded in support of the application as required by the department:*

*(1) Any certificate of title issued by the other state or country.*

*(2) A tracing of the vehicle identification number taken from the official number plate or, where it is impossible to secure a legible tracing, verification that the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application. The department shall provide by regulation the persons who are authorized to verify vehicle identification numbers under this paragraph.*

*(3) Any other information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or non-existence of security interests in the vehicle.*

*(f) Foreign vehicles owned by military personnel.—If the application refers to a vehicle last previously registered in another country by a person on active duty in the armed forces of the United States, the department may accept a complete form issued by the United States Department of Defense as evidence of ownership.*

*(g) Specially constructed or reconstructed vehicles.—If the vehicle to be titled is a specially constructed or reconstructed vehicle, that fact shall be stated in the application. The department may promulgate rules and regulations pertaining to the titling of specially constructed or reconstructed vehicles.*

*(h) Penalties.—Any person who falsely verifies a vehicle identification number under subsection (e)(2) or who verifies a vehicle identification number without being authorized as provided in subsection (e)(2) commits a summary offense punishable by a fine of \$300.*

Section 3. Section 1312 of Title 75 is amended to read:

§ 1312. Notice of change of name or address.

Any person whose address is changed from the address named in the application for registration or on the registration card or whose name is changed shall, within 15 days, notify the department in writing of the old and new address, or of such former and new names, and of the [operator's number on any registration card then held by the person] *title or registration number of every vehicle registered in the person's name.*

Section 4. Title 75 is amended by adding a section to read:

§ 1725. *Rental vehicles.*

*Every motor vehicle insurance policy shall contain a notice as to whether the policy covers collision damage to rental vehicles, and any limitations on such coverage. The notice shall be written in clear, plain language and shall be printed on the first page of the policy in boldface capital letters.*

Section 5. Section 4307 of Title 75 is amended by adding a subsection to read:

§ 4307. Use and display of illuminated signs.

\* \* \*

*(e) Implements of husbandry.—An implement of husbandry or vehicle used exclusively for highly perishable crops for processing, operating between sunset and sunrise, shall have two rotating yellow beacons and four-way flashers operating.*

Section 6. Section 4727(d) of Title 75, added February 7, 1990 (P.L.11, No.6), is amended and the section is amended by adding a subsection to read:

§ 4727. Issuance of certificate of inspection.

\* \* \*

(d) Proof of insurance.—

*(1) No certificate of inspection shall be issued unless [a] proof of financial responsibility [identification card indicating proper proof of financial responsibility as required by law] is submitted to the inspection official, who shall, on [a form] the official State Inspection record provided by the department, [keep a] record [of] the name of the insured, the vehicle tag number, the issuing company, the policy number and the expiration date. The requirement that the inspection official record financial responsibility information shall not be construed to require the inspection official to verify the information submitted.*

*(2) In those cases where the insured fails to present proof of financial responsibility to the inspection official, the inspection official, in addition to denying a certificate of inspection, may provide notification to the department, on the form provided by the department, within 30 days of the insured's failure to present proof of financial responsibility. Failure of the inspection official to make notification under this subsection shall not impose any duty or liability on the mechanic or station owner.*

*(3) Financial responsibility may be proven by showing one of the following documents:*

*(i) An identification card as required by regulations promulgated by the Insurance Department.*

*(ii) The declaration page of an insurance policy.*

*(iii) A certificate of financial responsibility.*

*(iv) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in Pennsylvania.*

*(e) Penalty.—An inspection official who fails to complete the official State Inspection record under subsection (d) or who issues a certificate of inspection with reason to know that there has been a violation of section 7122(4) (relating to altered, forged or counterfeit documents and plates) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. This subsection does not impose vicarious liability upon the station owner. The criminal liability of the station owner is dependent upon actual commission of the offense or upon solicitation, attempt or conspiracy to commit the offense.*

Section 7. Section 4921(b) of Title 75 is amended by adding a paragraph to read:

§ 4921. Width of vehicles.

\* \* \*

(b) Special vehicles.—

\* \* \*

*(5) An owner or operator of any implement of husbandry or vehicle used exclusively for highly perishable crops for processing and not exceeding 14 feet 6 inches in width may operate on highways other than freeways only during the time of May 20 to October 15, operating between sunset and sunrise, shall have two rotating yellow beacons and four-way flashers operating.*

\* \* \*

Section 8. Section 7122 of Title 75 is amended to read:

§ 7122. Altered, forged or counterfeit documents and plates.

A person is guilty of a misdemeanor of the first degree if the person, with fraudulent intent:

(1) alters, forges or counterfeits a certificate of title, registration card or plate, inspection certificate or proof of insurance;

(2) alters or forges an assignment of a certificate of title, or an assignment or release of a security interest on a certificate of title or any other document issued or prepared for issue by the department; [or]

(3) has possession of, sells or attempts to sell, uses or displays a certificate of title, registration card or plate, driver's license, inspection certificate proof of insurance or any other document issued by the department, knowing it to have been altered, forged or counterfeited[.];

*(4) obtains or attempts to obtain a certificate of inspection without valid proof of insurance; or*

*(5) provides a certificate of inspection where there is no valid proof of insurance.*

Section 9. This act shall take effect as follows:

(1) Section 3 (section 1312) shall take effect in 60 days.

(2) Section 4 (section 1725) shall take effect in 90 days.

(3) The remainder of this act shall take effect immediately.

APPROVED—The 30th day of June, A. D. 1990.

ROBERT P. CASEY