

No. 1994-171

AN ACT

HB 1158

Providing for automobile theft prevention; establishing the Automobile Theft Prevention Authority and providing for its powers and duties; and creating the Automobile Theft Prevention Trust Fund.

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

Section 1. Short title.

This act shall be known and may be cited as the Automobile Theft Prevention Act.

Section 2. Purpose of act.

The purpose of this act is to establish, coordinate and fund activities in this Commonwealth to prevent, combat and reduce automobile theft, to improve and support automobile theft law enforcement and administration and to improve and support automobile theft prosecution.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Authority.” The Automobile Theft Prevention Authority established under this act.

“Automobile.” A private passenger four-wheel motor vehicle, except recreational vehicles not intended for highway use, which is insured.

“Board.” The board of directors of the Automobile Theft Prevention Authority.

“Fund.” The Automobile Theft Prevention Trust Fund created under section 6.

Section 4. Automobile Theft Prevention Authority.

(a) Establishment.—There is hereby established a body corporate and politic to be known as the Automobile Theft Prevention Authority. The purposes, powers and duties of the authority shall be vested in and exercised by the board of directors thereof as provided for in this act.

(b) Composition.—The board of the authority shall consist of seven members composed and appointed in accordance with the following:

(1) The Attorney General or his designee.

(2) Three representatives of insurers authorized to write automobile insurance doing business in this Commonwealth.

(3) Three at-large members who are not employed by the insurance industry.

(c) Appointment.—With the exception of the Attorney General, all board members shall be appointed by the Governor from names submitted to the Governor by the Pennsylvania Anti-Car Theft Committee.

(d) Terms.—With the exception of the Attorney General, members of the board shall serve for terms of four years. No appointed member shall be eligible to serve more than two full consecutive terms.

(e) Compensation.—Members of the board shall serve without compensation, except that members of the board shall receive reimbursement for all reasonable expenses incurred in connection with their duties, in accordance with the rules of the board.

(f) Quorum and meetings.—A majority of the members of the board shall constitute a quorum for the transaction of business at a meeting or the exercise of a power or function of the authority. Notwithstanding any other provision of law, action may be taken by the board at a meeting upon a vote of the majority of its members present in person or through the use of amplified telephonic equipment, if authorized by the bylaws of the board and provided a quorum is present by such means. The board shall meet at the call of the chairperson or as may be provided in the bylaws of the board. The board shall meet at least quarterly. Meetings of the board may be held anywhere within this Commonwealth. The board shall elect its own chairperson.

Section 5. Powers and duties.

The authority shall have the powers necessary and convenient to carry out and effectuate the purposes and provisions of this act and the purposes of the authority and the powers delegated by other laws, including, but not limited to, the power to:

- (1) Employ administrative, professional, clerical and other personnel as may be required and organize the staff as may be appropriate to effectuate the purposes of this act.
- (2) Have a seal and alter the same at pleasure, have perpetual succession, make, execute and deliver contracts, conveyances and other instruments necessary or convenient to the exercise of its powers and make and amend bylaws.
- (3) Procure insurance against any loss in connection with its property, assets or activities.
- (4) Apply for, solicit, receive, establish priorities for, allocate, disburse, contract for, administer and spend funds in the fund and other funds that are made available to the authority from any source consistent with the purposes of this act.
- (5) Make grants to and provide financial support for government agencies, community, consumer and business organizations consistent with the purposes of this act.
- (6) Invest any money held in the fund and any funds held in reserve or sinking funds and any money not required for immediate use or

disbursement at its discretion and to name and use depositories for its money.

(7) Assess the scope of the problem of automobile theft, including identification of those areas of this Commonwealth where the problem is greatest, and review State and local criminal justice policies, programs and plans dealing with automobile theft.

(8) Develop and sponsor the implementation of Statewide plans, programs and strategies to combat automobile theft, improve the administration of the automobile theft laws and provide a forum for identification of critical problems for those persons dealing with automobile theft.

(9) Coordinate the development, adoption and implementation of plans, programs and strategies relating to interagency and intergovernmental cooperation with respect to automobile theft law enforcement.

(10) Promulgate rules or regulations related to the expenditure of moneys held in the fund in order to assist and support those agencies, units of government and other organizations charged with the responsibility of reducing automobile theft or interested and involved in achieving this goal.

(11) Audit at its discretion the plans and programs that it has funded in whole or in part in order to evaluate the effectiveness of the plans and programs and withdraw funding should the authority determine that a plan or program is ineffective or is no longer in need of further financial support from the fund.

(12) Report annually on or before the first day of April falling after this act has been effective for at least 12 months and annually thereafter on the same schedule to the Governor and the General Assembly on the authority's activities in the preceding period. The report shall be available for public inspection.

Section 6. Automobile Theft Prevention Trust Fund.

(a) Creation.—A separate account in the State Treasury is hereby established to be known as the Automobile Theft Prevention Trust Fund. The fund shall be administered by the authority. All interest earned from the investment or deposit of moneys accumulated in the fund shall be deposited in trust in the fund.

(b) Funds.—All moneys deposited into the fund shall not be considered general revenue of this Commonwealth but shall be used only to effectuate the purposes of this act as determined by the authority and shall be subject to audit by the Auditor General.

(c) Assessment.—Prior to the first day of April following the effective date of this act and prior to the first day of April of each year thereafter so long as this act shall remain in effect, each insurer engaged in the writing of automobile insurance coverages, as a condition of its authorization to transact automobile insurance business in this Commonwealth, shall pay into the fund in trust an amount equal to the product obtained by multiplying \$4,000,000

by a fraction, the numerator of which is the total private passenger and commercial automobile physical damage insurance premiums written in this Commonwealth by that insurer during the preceding calendar year and the denominator of which is the total private passenger and commercial automobile physical damage insurance premiums written in this Commonwealth by all insurers in the same period. Assessments made under this section shall not be considered burdens and prohibitions under section 212 of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921.

(d) Base amount.—In succeeding years the authority may vary the base amount of \$4,000,000, provided, however, that any increase which on an annual basis exceeds the increase in the Consumer Price Index for this Commonwealth must be approved by five of seven members of the board.

(e) Expenditures.—Moneys in the fund shall be expended by the authority for the following purposes:

(1) To effectuate the powers, duties and responsibilities of the authority as set forth in section 5.

(2) To provide financial support to law enforcement, correctional agencies and prosecutors for programs designed to reduce automobile theft and to improve the administration of automobile theft laws.

(3) To provide financial support for other governmental agencies, community, consumer and business organizations for programs designed to reduce automobile theft and to improve the administration of automobile theft laws.

(4) To provide financial support to programs designed to inform owners of automobiles about the costs of automobile theft to individuals and to society and to suggest methods for preventing automobile theft.

(5) To provide financial support for reward programs leading to the arrest and conviction of persons and organizations engaged in automobile theft.

(6) To provide financial support for other plans, programs and strategies consistent with the purposes of this act.

(f) Dissolution.—In the event that the trust fund is discontinued or the authority is dissolved by operation of law, any balance remaining in the fund, after deducting administrative costs for liquidation, shall be returned to insurers in proportion to their financial contributions to the fund in the preceding calendar year.

Section 7. Immunity.

In the absence of malice, no board member and no employee, agent or designee of the authority shall be subject to civil or criminal liability for receiving or disclosing information related to automobile theft or the activities of the authority. In the absence of malice, persons or organizations shall not be subject to civil or criminal liability for providing information to the authority or its employees relating to automobile theft. This section does not

abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person.

Section 8. Expiration.

This act shall expire December 31, 1999, unless otherwise provided for by act of the General Assembly.

Section 9. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 10. Effective date.

This act shall take effect in 60 days.

APPROVED—The 28th day of December, A.D. 1994.

ROBERT P. CASEY