

No. 2004-228

AN ACT

HB 2066

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "collectible motor vehicle"; providing for titling and inspection of reconstructed, modified and specially constructed vehicles and for advisory panel; further providing for required registration and certificate of title, for vehicles exempt from registration, for antique, classic and collectible plates, for safety inspection criteria for street rods and for limited liability of inspection station or mechanic; providing for certificate of appointment for enhanced vehicle safety inspection for reconstructed vehicle inspection sites; and further providing for State replacement vehicle identification number plate.

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

Section 1. The definition of "collectible motor vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Collectible motor vehicle." A reconstructed *or modified* motor vehicle substantially modified from the manufacturer's original specifications and appearance and maintained in a collectible condition as determined by the Department of Transportation.

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

§ 1165.1. *Inspection of reconstructed, modified and specially constructed vehicles.*

(a) Findings of fact.—The General Assembly finds that a key element for successfully converting a stolen vehicle into a marketable item is obtaining a title to that vehicle. In a report to the Congress of the United States, the Motor Vehicle Titling, Registration and Salvage Advisory Committee made several recommendations that would assist state motor vehicle agencies to combat the vehicle theft and title fraud that has been rising at an alarming rate throughout the nation. In the committee's report, recommendations were for each state to establish a two-part inspection procedure. Part one would be to inspect each vehicle to verify the VIN and replacement parts (supported by titles, proof of ownership, bills of sale) and owner affirmation. Part two would be to provide a uniform safety inspection for rebuilt salvage vehicles.

(b) General rule.—All reconstructed, modified and specially constructed vehicles shall be required to undergo an enhanced vehicle

safety inspection as specified in departmental contracts, policy guidelines or regulations as deemed appropriate by the advisory panel convened under section 1165.2 (relating to Specialized Vehicle Compliance Inspection Advisory Panel).

§ 1165.2. Specialized Vehicle Compliance Inspection Advisory Panel.

(a) Establishment.—The department shall establish a Specialized Vehicle Compliance Inspection Advisory Panel to oversee and make recommendations concerning establishment of procedures and requirements for specialized vehicle compliance inspection of reconstructed, modified and specially constructed vehicles. The panel shall consist of the following:

- (1) The secretary or his designee, who shall serve as chairman.*
- (2) The chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives or their designees.*
- (3) A representative of the Office of Attorney General.*
- (4) A vehicle salvage dealer selected by the department.*
- (5) A licensed vehicle dealer who reconstructs or modifies vehicles.*
- (6) A member of the Alliance of Automotive Service Providers.*
- (7) A member of the Pennsylvania Automotive Association.*
- (8) A member of the Pennsylvania Independent Automotive Dealers Association.*
- (9) A certified mechanic who performs vehicle inspections.*
- (10) A certified collision repair technician who performs vehicle reconstruction.*

(b) Duties and responsibilities.—The panel shall:

- (1) Establish a system of privately owned reconstructed vehicle inspection facilities staffed by specially trained individuals to inspect for compliance with vehicle regulations.*
- (2) Promote highway safety and consumer confidence through specialized inspections.*
- (3) Diminish fraud and use of stolen vehicles and parts in vehicle rebuilds.*
- (4) Improve the titling process for street rods, reconstructed, modified and specially constructed vehicles.*

(c) Cooperation.—Nothing shall prevent the chairman or members of the committee from enlisting cooperation from professionals outside of the panel members or from holding hearings or taking testimony on issues relating to the reconstructed vehicle process.

(d) Expiration.—This section shall expire January 1, 2007.

Section 3. Section 1301 of Title 75 is amended by adding a subsection to read:

§ 1301. Registration and certificate of title required.

(c.2) Special inspection prerequisite to operation.—After the effective date of this section, no reconstructed, modified or specially constructed vehicle may be operated on the highway until it has successfully passed an inspection at a reconstructed vehicle inspection station.

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Section 4. Section 1302 of Title 75 is amended by adding a paragraph to read:

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

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(21) Special mobile equipment engaged in construction activities within one mile of an active construction site where the vehicle is being used. Unregistered vehicles used under this paragraph shall be required to meet lighting and other requirements of special mobile equipment. This exemption shall not apply to tracked vehicles.

Section 5. Sections 1340(a), 4702(c) and 4702.1(a) of Title 75 are amended to read:

§ 1340. Antique, classic and collectible plates.

(a) General rule.—Upon submission by a vehicle owner of information satisfactory to the department that a motorcycle or motor vehicle is an antique motorcycle or motor vehicle or classic motorcycle or motor vehicle or collectible motorcycle or motor vehicle, accompanied by the appropriate fee, the department may issue special plates for the motorcycle or vehicle. ***The special plate for antique motor vehicles, except antique motorcycles, shall bear the designation “antique vehicle.”*** The applicant shall provide photographic proof in a manner specified by the department to demonstrate the condition of the motor vehicle. No annual registration fee may be charged for antique, collectible or classic motorcycles or motor vehicles. ***A holder of the special plates may obtain replacement plates bearing the designation “antique vehicle” upon payment of the appropriate fee.***

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§ 4702. Requirement for periodic inspection of vehicles.

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(c) Safety inspection criteria for street rods.—The department, after consultation with the National Street Rod Association and other interested groups, shall prescribe special inspection criteria for vehicles registered as street rods. ***Vehicles registered as street rods will not be required to be equipped with bumpers, fenders or engine coverage as originally manufactured. If the hood, top and sides, or both, are removed from the vehicle, the engine fan must be enclosed with a shroud designed to protect the fan from accidental contact from the outside.***

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§ 4702.1. Limited liability of inspection station or mechanic.

(a) General rule.—An inspection conducted pursuant to section 4702(a) (relating to annual inspection) ***or 1165.1 (relating to inspection of***

reconstructed, modified and specially constructed vehicles) shall not be construed as a guaranty of the safety of any vehicle and neither the official inspection station issuing the certificate of inspection nor the official inspection mechanic performing the inspection shall be liable to the owner or occupants of any inspected vehicle for any damages caused by the failure or malfunction of that vehicle or to the owner or occupants of any vehicle involved in an accident with that inspected vehicle or to any pedestrian injured in the accident unless it can be shown by a preponderance of the evidence that the failure was caused by the negligence of the inspection station or mechanic. An official inspection mechanic in the course of his duties relating to the road test portion of an official vehicle safety inspection shall not be cited by law enforcement personnel for any violation relating to vehicle equipment. This provision does not preclude an official inspection mechanic from being cited by law enforcement personnel for moving violations committed during the road test portion of an official vehicle safety inspection.

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Section 6. Title 75 is amended by adding a section to read:

§ 4723.1. *Certificate of appointment for enhanced vehicle safety inspection for reconstructed vehicle, modified or specially constructed inspection stations.*

The department shall issue a certificate of appointment for enhanced vehicle safety inspection for reconstructed vehicle, modified or specially constructed inspection stations.

Section 7. Section 7104(d) and (e) of Title 75 are amended to read:

§ 7104. State replacement vehicle identification number plate.

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(d) Issuance and display of plate.—The department shall furnish a State replacement vehicle identification number plate which shall be immediately placed [**in a uniform manner**] *on the driver's side inside door post or* as designated by the department [**on the vehicle**].

(e) Reconstructed, *modified* or specially constructed vehicle.—The department may assign a State replacement vehicle identification number plate for a reconstructed, *modified* or specially constructed vehicle[.] *or theft recovery vehicle being brought into the Commonwealth from another state.*

Section 8. This act shall take effect as follows:

- (1) This section shall take effect immediately.
- (2) The amendment or addition of 75 Pa.C.S. §§ 1165.2, 1302, 1340 and 4702 shall take effect in 60 days.
- (3) The remainder of this act shall take effect January 1, 2007.

APPROVED—The 1st day of December, A.D. 2004.

EDWARD G. RENDELL