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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1695 Session of  
2021

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INTRODUCED BY MAKO, T. DAVIS, MILLARD, MALONEY, BURGOS, ROWE,  
FLOOD AND M. MACKENZIE, JUNE 24, 2021

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REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 24, 2021

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in preliminary provisions, further providing for  
3 definitions; in title, registration and licensing, further  
4 providing for refusing issuance of certificate, for transfer  
5 to vehicle salvage dealer and for transfer to scrap metal  
6 processor and providing for salvor nonrepairable vehicle  
7 reconstruction; in inspection of vehicles, further providing  
8 for limited liability of inspection station or mechanic and  
9 for certificate of appointment for enhanced vehicle safety  
10 inspection for reconstructed vehicle, modified or specially  
11 constructed inspection stations; and, in abandoned vehicles  
12 and cargos, further providing for reports to department of  
13 possession of abandoned vehicles.

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

16 Section 1. The definitions of "nonrepairable vehicle" and  
17 "reconstructed vehicle" in section 102 of Title 75 of the  
18 Pennsylvania Consolidated Statutes are amended to read:

19 § 102. Definitions.

20 Subject to additional definitions contained in subsequent  
21 provisions of this title which are applicable to specific  
22 provisions of this title, the following words and phrases when  
23 used in this title shall have, unless the context clearly

1 indicates otherwise, the meanings given to them in this section:

2 \* \* \*

3 "Nonrepairable vehicle." An abandoned vehicle under  
4 paragraph (1)(iii) of the definitions of "abandoned vehicle"  
5 which is incapable of safe operation for use on roadways or  
6 highways and which has no resale value except as a source of  
7 parts or scrap only, a salvage vehicle issued a nonrepairable or  
8 nonrebuildable vehicle document by another state or a vehicle  
9 which a salvor or vehicle salvage dealer designates as a source  
10 for parts or scrap or which the owner irreversibly designates as  
11 a source for parts or scrap. Such vehicles may not be issued a  
12 certificate of title or certificate of salvage[.], except as  
13 permitted under section 1166.1 (relating to salvor nonrepairable  
14 vehicle reconstruction).

15 \* \* \*

16 "Reconstructed vehicle." A vehicle, other than an antique or  
17 classic vehicle, for which a certificate of salvage was issued  
18 and is thereafter restored to operating condition to meet the  
19 vehicle equipment and inspection standards under Part IV  
20 (relating to vehicle characteristics). The term shall not  
21 include a nonrepairable vehicle reconstructed under section  
22 1166.1.

23 \* \* \*

24 Section 2. Sections 1109, 1162(b)(1) and 1163(c) of Title 75  
25 are amended to read:

26 § 1109. Refusing issuance of certificate.

27 The department may refuse issuance of a certificate of title  
28 or certificate of salvage when it has reasonable grounds to  
29 believe:

30 (1) That any required fee has not been paid.

1 (2) That any taxes payable under the laws of this  
2 Commonwealth on or in connection with, or resulting from, the  
3 acquisition or use of the vehicle have not been paid.

4 (3) That the applicant is not the owner of the vehicle.

5 (4) That the application contains a false or fraudulent  
6 statement.

7 (5) That the applicant has failed to furnish required  
8 information or documents or any additional information the  
9 department reasonably requires.

10 (6) That the vehicle is a nonrepairable vehicle[.],  
11 except as permitted under section 1166.1 (relating to salvor  
12 nonrepairable vehicle reconstruction).

13 § 1162. Transfer to vehicle salvage dealer.

14 \* \* \*

15 (b) Certificate of title.--Upon transfer of a certificate of  
16 title to a salvage vehicle dealer, the salvage vehicle dealer  
17 shall immediately send to the department or an authorized agent  
18 of the department either of the following:

19 (1) The assigned certificate of title attached to a form  
20 prescribed by the department indicating that the vehicle is  
21 to be designated as a nonrepairable vehicle. A copy of the  
22 form shall be retained for record in accordance with section  
23 6308(d) (relating to investigation by police officers). The  
24 vehicle shall not be rebuilt, retitled or issued a  
25 certificate of any kind[.], except as permitted under section  
26 1166.1 (relating to salvor nonrepairable vehicle  
27 reconstruction).

28 \* \* \*

29 § 1163. Transfer to scrap metal processor.

30 \* \* \*

1 (c) Certificate of title.--Upon transfer of a certificate of  
2 title to a scrap metal processor, the scrap metal processor  
3 shall immediately send to the department or an authorized agent  
4 of the department the assigned certificate of title attached to  
5 a form prescribed by the department indicating that the vehicle  
6 is to be designated as a nonrepairable vehicle. A copy of the  
7 form shall be retained for record in accordance with section  
8 6308(d). The vehicle shall not be rebuilt, retitled or issued a  
9 certificate of any kind[.], except as permitted under section  
10 1166.1 (relating to salvor nonrepairable vehicle  
11 reconstruction).

12 \* \* \*

13 Section 3. Title 75 is amended by adding a section to read:  
14 § 1166.1. Salvor nonrepairable vehicle reconstruction.

15 (a) General rule.-- A salvor may restore to operating  
16 condition a nonrepairable vehicle subject to the provisions of  
17 this section.

18 (b) Enhanced inspection.-- Prior to the issuance of a  
19 certificate of title by the department under subsection (c), a  
20 nonrepairable vehicle must pass an enhanced vehicle safety  
21 inspection as specified in departmental contracts, policy  
22 guidelines or regulations as deemed appropriate by the  
23 department.

24 (c) Application for a reconstructed nonrepairable vehicle  
25 certificate of title and registration.--A reconstructed  
26 nonrepairable vehicle title and registration may be issued to a  
27 salvor if the salvor presents to the department an application  
28 for a certificate of title for a reconstructed nonrepairable  
29 vehicle upon a form furnished and prescribed by the department  
30 and any other information the department deems appropriate,

1 including information that the reconstructed nonrepairable  
2 vehicle has successfully passed the enhanced inspection required  
3 under subsection (b).

4 (d) Nonrepairable vehicles from other states.--

5 (1) For an application submitted under subsection (c)  
6 for a nonrepairable vehicle that has nonrepairable or  
7 nonrebuildable vehicle document issued by another state or a  
8 vehicle for which a salvor or vehicle salvage dealer from  
9 another state designates as a source for parts or scrap, the  
10 department may issue a certificate of title for the  
11 reconstructed nonrepairable vehicle branded as an out-of-  
12 State nonrepairable vehicle.

13 (2) A salvor may not sell or otherwise transfer  
14 ownership of a reconstructed nonrepairable vehicle issued a  
15 certificate of title under paragraph (1) to a person who is  
16 not a resident of this Commonwealth or otherwise not  
17 permitted to register a vehicle within this Commonwealth  
18 unless:

19 (i) the certificate of title under paragraph (1) is  
20 returned to the department; and

21 (ii) the vehicle is sold or ownership is transferred  
22 according to the title, documentation or designation  
23 from another state previous to receiving the certificate  
24 of title under paragraph (1).

25 (3) The department shall conspicuously print on a  
26 certificate of title issued under paragraph (1) a statement  
27 containing the prohibition under paragraph (2).

28 (e) Penalties.--

29 (1) A person who violates the provisions of this section  
30 commits a summary offense and shall, upon conviction, be

1 sentenced to pay a fine of \$500 for each violation.

2 (2) The department may suspend or revoke the salvor  
3 certificate of a salvor who violates subsection (d) (2).

4 Section 4. Sections 4702.1(a), 4723.1 and 7304 of Title 75  
5 are amended to read:

6 § 4702.1. Limited liability of inspection station or mechanic.

7 (a) General rule.--An inspection conducted pursuant to  
8 section 4702(a) (relating to annual inspection), 1166.1  
9 (relating to salvor nonrepairable vehicle reconstruction) or  
10 1165.1 (relating to inspection of reconstructed, modified and  
11 specially constructed vehicles) shall not be construed as a  
12 guaranty of the safety of any vehicle and neither the official  
13 inspection station issuing the certificate of inspection nor the  
14 official inspection mechanic performing the inspection shall be  
15 liable to the owner or occupants of any inspected vehicle for  
16 any damages caused by the failure or malfunction of that vehicle  
17 or to the owner or occupants of any vehicle involved in an  
18 accident with that inspected vehicle or to any pedestrian  
19 injured in the accident unless it can be shown by a  
20 preponderance of the evidence that the failure was caused by the  
21 negligence of the inspection station or mechanic. An official  
22 inspection mechanic in the course of his duties relating to the  
23 road test portion of an official vehicle safety inspection shall  
24 not be cited by law enforcement personnel for any violation  
25 relating to vehicle equipment. This provision does not preclude  
26 an official inspection mechanic from being cited by law  
27 enforcement personnel for moving violations committed during the  
28 road test portion of an official vehicle safety inspection.

29 \* \* \*

30 § 4723.1. Certificate of appointment for enhanced vehicle

1 safety inspection for reconstructed vehicle, modified  
2 or specially constructed inspection stations.

3 The department shall issue a certificate of appointment for  
4 enhanced vehicle safety inspection for reconstructed vehicle,  
5 modified or specially constructed inspection stations[.] or for  
6 inspection stations performing enhanced safety inspections  
7 pursuant to section 1166.1 (relating to salvor nonrepairable  
8 vehicle reconstruction).

9 § 7304. Reports to department of possession of abandoned  
10 vehicles.

11 Any salvor taking possession of an abandoned vehicle pursuant  
12 to section 7303.1 (relating to duty of police and salvors) shall  
13 within 48 hours after taking possession send an abandoned  
14 vehicle information report to the department. If the report  
15 indicates the vehicle is a salvage vehicle, the salvor shall  
16 include a photograph of the vehicle to be prepared in a manner  
17 prescribed by the department. Any nonrepairable vehicle which  
18 does not display an identifiable registration plate, current  
19 certificate of inspection and ascertainable vehicle  
20 identification number shall be taken into possession and  
21 flattened or crushed immediately[.], unless the salvor intends  
22 to reconstruct the nonrepairable vehicle pursuant to section  
23 1166.1 (relating to salvor nonrepairable vehicle  
24 reconstruction). There is no requirement to notify the  
25 department[.] unless the salvor intends to reconstruct the  
26 nonrepairable vehicle pursuant to section 1166.1. The department  
27 shall require, upon a form furnished and prescribed by the  
28 department, a salvor to notify the department of the salvor's  
29 intent to reconstruct a nonrepairable vehicle pursuant to  
30 section 1166.1.

1 Section 5. This act shall take effect in 60 days.