

No. 1990-8

## AN ACT

## HB 422

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicle destroyed or junked and for vehicle identification numbers.

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

Section 1. Sections 1117(a), 7102, 7103, 7104 and 7105 of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1117. Vehicle destroyed or junked.

(a) Application for certificate of junk.—Any owner who transfers a vehicle as scrap, or to be destroyed or junked, shall assign the certificate of title to the person to whom the vehicle is transferred. The transferee shall immediately present the assigned certificate of title to the department or an authorized agent of the department with an application for a certificate of junk upon a form furnished and prescribed by the department. An insurer, as defined in section 1702 (relating to definitions), to which title to a vehicle is assigned upon payment to the insured of the replacement value of a wrecked vehicle, shall be regarded as a transferee under this subsection. *If an owner retains possession of a vehicle which is damaged to the extent that it is valueless except for junk, the owner shall apply for a certificate of junk immediately. In this case, an insurer shall not pay vehicle repayment value until the owner produces evidence to the insurer that the certificate of junk has been issued.*

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§ 7102. Removal or falsification of identification number.

(a) Offense defined.—A person who willfully *places a false identification number on or* removes, *sells* or falsifies an *existing* identification number of a vehicle, engine [or], transmission *or any other vehicle part bearing an identification number* is guilty of a misdemeanor of the third degree.

(b) Fraudulent intent.—A person who willfully and with intent to conceal or misrepresent the identity of a vehicle, engine [or], transmission *or any other vehicle part bearing an identification number, places a false identification number thereon or* removes, *sells* or falsifies an *existing* identification number thereof, is guilty of a misdemeanor of the first degree.

(c) Exception.—This section does not apply to the removal of [an] *a metal vehicle* identification number *plate* from a vehicle for which a certificate of junk has been obtained in accordance with section 1117 (relating to vehicle destroyed or junked). *Neither does this section prohibit the removal of a metal vehicle identification number plate from a vehicle part that is damaged when such removal is necessary for proper repair or matching identification of a replacement vehicle part, but such removal is only allowed if*

*the proper matching metal vehicle identification number plate is immediately and properly secured to the repaired or replacement part.*

§ 7103. Dealing in vehicles with removed or falsified numbers.

(a) Offense defined.—A person who buys, receives, possesses, sells or disposes of a vehicle, engine [or], transmission *or any other vehicle part bearing an identification number*, knowing that an identification number has been removed [or falsified], *a false identification number has been placed thereon or an existing identification number has been falsified*, is guilty of a misdemeanor of the third degree.

(b) Knowledge of fraudulent intent.—A person who buys, receives, possesses, sells or disposes of a vehicle, engine [or], transmission *or any other vehicle part bearing an identification number* with knowledge that an identification number has been removed [or falsified], *a false identification number has been placed thereon or an existing identification number has been falsified*, with intent to conceal or misrepresent the identity thereof, is guilty of a felony of the third degree.

(c) Exception.—This section does not apply to the removal of [an] *a metal vehicle identification number plate* from a vehicle for which a certificate of junk has been obtained in accordance with section 1117 (relating to vehicle destroyed or junked). *Neither does this section prohibit the removal of a metal vehicle identification number plate from a vehicle part that is damaged when such removal is necessary for proper repair or matching identification of a replacement vehicle part, but such removal is only allowed if the proper matching metal vehicle identification number plate is immediately and properly secured to the repaired or replacement part.*

§ 7104. State replacement vehicle identification number plate.

(a) General rule.—No vehicle on which the vehicle identification number has been removed or falsified shall be titled or registered without a special permit from the department.

(b) Application for plate.—Before a certificate of title or registration for the vehicle can be obtained, the owner shall apply to the department for a State replacement vehicle identification number plate on a form furnished by the department which shall contain the full name and address of the owner and any other information the department may deem necessary, [sworn to before an official empowered to administer oaths] *as certified by a police officer.*

(c) Designation on plate.—The State replacement vehicle identification number plate shall contain:

(1) Official department identification.

(2) The manufacturer's vehicle identification number, if known, or a number assigned by the department.

(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 as designated by the department on the vehicle.

(e) Reconstructed or specially constructed vehicle.—The department may assign a State replacement vehicle identification number plate for a reconstructed or specially constructed vehicle.

§ 7105. Seizure of vehicles with removed or falsified numbers.

(a) Duty of police.—Every police officer having knowledge of a vehicle on which the vehicle identification number has been removed or falsified shall immediately seize and take possession of the vehicle and arrest or file a complaint for the arrest of the suspected owner or custodian. In all actions involving seizure or possession of such vehicles, vehicle identification information shall be transmitted to the Federal or other agencies involved in recovery of stolen vehicles.

(b) Proceedings if owner known.—The court, upon petition of the owner or of the person entitled to possession of a seized vehicle, may relinquish custody of the vehicle to the person legally entitled to the vehicle **[upon presentation of proof that a State replacement vehicle identification number plate has been issued by the department under section 7104 (relating to State replacement vehicle identification number plate)]**. *Any vehicle in the possession or custody of a police officer shall not be released to the owner or person legally entitled to possession of a seized vehicle pursuant to this section until such time as a replacement vehicle identification number plate has been obtained. Proof of the replacement vehicle identification number must be exhibited to the police officer at the time of release, together with the court order relinquishing custody. The provisions with regard to the security of a replacement vehicle identification number shall not apply when the vehicle is titled in a foreign state and will be removed from this State immediately upon release. If the foreign vehicle will not be removed immediately, the exception does not apply and a replacement vehicle identification number must be obtained.* Except as otherwise provided in this section, the court shall retain in custody the seized vehicle pending prosecution of the person arrested. In case the person is found guilty, the vehicle shall remain in the custody of the court until the fine and costs of prosecution are paid, except that if 90 days have elapsed after the verdict has been rendered and the fine and costs have not been paid, the court shall proceed to advertise and sell the vehicle in the manner provided by law for the sale of personal property under execution. The proceeds from the sale shall be used to pay the fine and costs of prosecution and the balance, if any, shall be forwarded to the department to be transmitted to the State Treasurer for deposit in the Motor License Fund.

(c) Proceedings if owner unknown.—If ownership of the vehicle is not established to the satisfaction of the court, the vehicle shall be confiscated by the court and sold immediately, and the proceeds shall be used to pay the costs of proceedings and the balance, if any, shall be forwarded to the department to be transmitted to the State Treasurer for deposit in the Motor License Fund.

Section 2. This act shall take effect in 60 days.

APPROVED—The 14th day of February, A. D. 1990.

ROBERT P. CASEY