

No. 1996-11

AN ACT

SB 37

Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for title washing and impersonating a notary public; further providing for pedalcycle and pedestrian advisory committee, for maximum axle weight of vehicles and for tampering with odometers; and imposing penalties.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

§ 4118. Washing vehicle titles.

A person commits a felony of the third degree if, with intent to deceive anyone or with knowledge that the person is facilitating a deception to be perpetrated by anyone concerning the true mileage of a motor vehicle, the person makes or causes to be made an application for a certificate of title for a motor vehicle which includes materially false or fictitious information.

§ 4913. Impersonating a notary public.

A person commits a misdemeanor of the first degree if the person:

(1) falsely pretends to hold the office of notary public within this Commonwealth; and

(2) performs any action in furtherance of this false pretense.

Section 2. Sections 3571(b)(2), 4943(b), 7131, 7132, 7138 and 7139 of Title 75 are amended to read:

§ 3571. Pedalcycle and Pedestrian Advisory Committee.

* * *

(b) Composition.—The committee shall consist of 12 members. The members shall be as follows:

* * *

(2) The Secretary of [Environmental] *Conservation and Natural Resources*, ex officio.

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§ 4943. Maximum axle weight of vehicles.

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(b) Exceptions and special applications.—

(1) No combination registered and carrying a gross weight in excess of 73,280 pounds shall have an overall gross weight on any single axle, other than the steering axle, in excess of 20,000 pounds, or an overall gross weight on any group of two or more consecutive axles in excess of that produced by application of the following formula:

$$W = 500 \frac{LN}{N-1} + (12N + 36)$$

Where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles and N = number of axles in group under consideration, except that two consecutive pairs of axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive pairs of axles is 36 feet or more.

(2) When a truck tractor is registered in excess of 73,280 pounds and is operating in combination with an overall gross weight of 73,280 or less, the maximum axle weight limits of subsection (a)(1) and (2) shall be applicable for the purposes of weighing the combination.

(3) No trucks registered in Classes 17 and 20 shall have an overall gross weight in excess of 21,400 pounds on any tandem axle. In addition, a group of three tandem axles shall not have an overall gross weight in excess of 60,000 pounds. This paragraph shall not be applicable to interstate highways.

(4) Except on interstate highways, subsection (a)(1) and (2) does not apply to a vehicle or combination operating under the terms of an agreement established under section 4902(c) (relating to restrictions on use of highways and bridges).

(5) For the purpose of determining the weight that a six-axle combination registered in Class 25 shall be permitted to carry on a highway, paragraph (1) shall be applied only in the following manner. If the external bridge of the combination is 43 feet and the internal bridge is 32 feet, a group of two consecutive axles may carry a gross weight of 34,000 pounds and a group of three consecutive axles may carry a gross weight of 42,500 pounds. These axles shall be weighed simultaneously to determine their gross weight.

(6) Paragraph (3) and the exception in paragraph (4) shall not apply on a highway added to the interstate system under the National Highway System Designation Act of 1995 (Public Law 104-59, 109 Stat. 568).

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§ 7131. [Definitions] *Legislative findings and definitions.*

(a) Legislative findings.—The General Assembly finds as follows:

(1) Purchasers, when buying motor vehicles, rely heavily on the odometer reading of a motor vehicle as an index of the condition and value of the motor vehicle.

(2) Purchasers are entitled to rely on the odometer reading as an accurate indication of the mileage actually traveled by the motor vehicle. An accurate indication of the true mileage traveled by the motor vehicle assists the purchaser as a guide in determining the safety, reliability and value of the motor vehicle.

(b) Definitions.—The following words and phrases when used in this subchapter shall have the meanings given to them in this [section] *subsection* unless the context clearly indicates otherwise:

“Dealer.” A person engaged in the business of buying, selling or exchanging motor vehicles.

“Motor vehicle auction.” A sale transaction conducted by means of oral or written exchanges between an auctioneer and the members of the audience, which exchanges consist of a series of invitations for offers for the purchase of motor vehicles made by the auctioneer and offers to purchase made by members of the audience and culminate in the acceptance by the auctioneer of the highest or most favorable offer made by a member of the participating audience.

“Motor vehicle auction company.” A person who, as a part of that person’s business, arranges, manages, sponsors, advertises or carries out motor vehicle auctions.

“Odometer.” An instrument for measuring and recording the actual distance a motor vehicle travels while in operation. The term does not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

“Person.” A natural person, association, partnership, corporation or trust.

“Repair and replacement.” To restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.

“Transfer.” To change ownership by purchase, gift or any other means.

“Transferee.” A person to whom the ownership in a motor vehicle is transferred by purchase, gift or any means other than by creation of a security interest.

“Transferor.” A person who transfers his ownership in a motor vehicle by sale, gift or any means other than by creation of a security interest.

§ 7132. Prohibited activities relating to odometers.

(a) Devices causing improper odometer reading.—No person shall advertise for sale, sell, use or install, or cause to be installed, any device which causes an odometer to register any mileage other than the true mileage driven which is that mileage driven by the vehicle as registered by the odometer within the manufacturer’s designed tolerance.

(b) Change of odometer reading.—No person shall disconnect, reset or alter, or cause to be disconnected, reset or altered, the odometer of any motor vehicle with intent to change the number of miles indicated on the odometer.

(c) Operation with disconnected or nonfunctional odometer.—No person shall, with intent to defraud, operate a motor vehicle on any street or highway knowing that the odometer of that vehicle is disconnected or nonfunctional.

(d) Alteration of true mileage statement.—*No person shall falsely alter or cause to be falsely altered an acceptable statement of the true mileage of a motor vehicle in an attempt to conceal the true mileage of the motor*

vehicle. Any alteration of the true mileage of another vehicle shall, as a matter of law, be evidence of intent to defraud under this chapter.

§ 7138. Civil liability.

(a) General rule.—A person who, with intent to defraud, violates any requirement imposed under this subchapter shall be liable in an amount equal to the sum of three times the amount of actual damages sustained or **[\$1,500] \$3,000**, whichever is the greater, and, in the case of any successful action to enforce this liability, the costs of the action together with reasonable attorney fees as determined by the court.

(b) Statute of limitations.—An action to enforce any liability created under subsection (a) may be brought by any person within **[two] five** years from the date on which the liability arises.

§ 7139. Penalties.

(a) Criminal penalty.—A person who knowingly and willfully commits any act or causes to be done any act that violates any provision of this subchapter or knowingly and willfully omits to do any act or causes to be omitted any act that is required by any such provision commits a **[misdemeanor] felony** of the third degree **[for the first offense and a misdemeanor of the first degree for a subsequent offense]**.

(b) Corporate liability for penalty.—Any individual, director, officer or agent of a corporation who knowingly and willfully authorizes, orders or performs any of the acts or practices constituting in whole or in part a violation of any provision of this subchapter commits a misdemeanor of the third degree for the first offense and a misdemeanor of the first degree for a subsequent offense under this section without regard to any penalties to which that corporation may be subject under subsection (a).

Section 3. This act shall take effect as follows:

(1) The addition of 18 Pa.C.S. §§ 4118 and 4913 shall take effect in 60 days.

(2) The amendment of 75 Pa.C.S. §§ 3571, 4943, 7131, 7132, 7138 and 7139 shall take effect in 60 days.

APPROVED—The 21st day of March, A.D. 1996.

THOMAS J. RIDGE