PRINTER'S NO. 1894

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1509 Session of 2019

INTRODUCED BY JOZWIAK, HARKINS, TOOHIL, KNOWLES, BERNSTINE, HELM, NEILSON, LAWRENCE, DELOZIER, NELSON, T. DAVIS, GILLEN, MACKENZIE, WALSH, STRUZZI AND DAY, MAY 23, 2019

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 23, 2019

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in registration of vehicles, further providing for registration and certificate of title required, for vehicles exempt from registration, for period of registration, for duties of agents and for display of registration plate; in inspection of vehicles, further providing for operation of vehicle without official certificate of inspection, for prohibition on expenditures for emission inspection program, for issuance of certificate of inspection and for display of certificate of inspection and repealing provisions relating to removal of certificate of inspection; and, in vehicle theft and related provisions, further providing for altered, forged or counterfeit documents and plates.

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

Section 1. The definition of "abandoned 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:

"Abandoned vehicle."

(1) A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:

(i) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.

(ii) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.

(iii) The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:

(A) A valid registration plate.

(B) A current certificate of inspection <u>or validating registration sticker</u>.

(C) An ascertainable vehicle identification number.

(iv) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 24 hours.

(v) The vehicle has remained on the private property of a salvor for 20 days.

(2) Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic,

shall not be considered to be abandoned.

* * *

Section 2. Section 1301 of Title 75 is amended by adding a subsection to read:

§ 1301. Registration and certificate of title required.

* * *

(b.1) Certificate of inspection prerequisite to registration.--No vehicle shall be registered unless a certificate of inspection has been issued if one is required by Chapter 47 (relating to inspection of vehicles).

* * *

Section 3. Sections 1302(10)(i.3) and (i.4) and 1307(a) and (g) of Title 75 are amended to read:

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

* * *

(10) Any farm vehicle used exclusively upon a farm or farms owned or operated by the owner of the vehicle, subject to the following:

* * *

(i.3) Type C--Such a farm vehicle which does qualify as a motor carrier vehicle and which [does not display] has not been issued a currently valid certificate of inspection may be driven upon highways only from sunrise to sunset and between:

(A) Parts of one such farm.

(B) Such farms located not more than ten miles apart.

(C) Such farm or farms and a place of business located within a radius of ten miles from such farm

or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of repairing or servicing of the farm vehicle or the trailer or semitrailer being towed or hauled by the farm vehicle.

(i.4) Type D--Such a farm vehicle which does qualify as a motor carrier vehicle and [displays] has been issued a currently valid certificate of inspection may be driven without any restriction as to time but may only be driven on highways between:

(A) Parts of one such farm.

(B) Such farms located not more than 50 miles apart.

(C) Such farm or farms and a place of business located within a radius of 50 miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies or for repairing or servicing of the farm vehicle or the trailer or semitrailer being towed or hauled by the farm vehicle.

* * *

§ 1307. Period of registration.

(a) Staggered renewal system to be established.--The department shall establish a system of staggered registration renewal in a manner that an approximately equal number of registrations will expire every month throughout the year. This system shall be coordinated with the periodic inspection of all vehicles that are subject to annual inspection except those

vehicles bearing dealer registration plates. In order to implement and maintain the staggered registration system, the department may prorate annual registration fees over registration periods of from 6 to 18 months.

* * *

[(g) Election.--Upon application on a form prescribed by the department, the owner or lessee of a motor vehicle, except a motor vehicle registered under the International Registration Plan and a motor vehicle with a seasonal registration or a circus or carnival plate, may elect to pay an annual registration fee for a two-year period. The fee shall be two times the amount of the registration fee otherwise payable for the motor vehicle under this title.]

Section 4. Section 1318 of Title 75 is amended by adding a subsection to read:

§ 1318. Duties of agents.

* * *

(c.1) Verification of certificate of inspection.--An agent of the department who is authorized to issue on behalf of the department a vehicle registration renewal or temporary registration shall be required to verify that a certificate of inspection has been issued, if one is required by Chapter 47 (relating to inspection of vehicles), prior to issuance of a registration renewal or temporary registration. Proof of issuance of a certificate of inspection shall be furnished by the owner of the vehicle by presenting a certificate of inspection issued for the vehicle.

* * *

Section 5. Section 1332(d) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1332. Display of registration plate.

* * *

(d) Validating registration stickers.--[Validating registration stickers shall not be issued or required to be displayed.] The department shall issue a validating registration sticker upon renewal of a vehicle registration or, if the vehicle registered had a temporary registration, to indicate that registration has been completed and the temporary registration status terminated. A validating registration sticker shall be affixed to the registration plate of the vehicle for which it was issued in the space or indentation provided on the registration plate.

(e) Validity.--A renewed registration may not be considered validated for the new registration period until the appropriate validating registration sticker is affixed as provided by subsection (d). A temporary registration may not be considered validated for a succeeding registration period until the appropriate validating registration sticker has been affixed as provided in subsection (d).

Section 6. Section 4703(a), (c), (e) and (f) of Title 75 are amended to read:

§ 4703. Operation of vehicle without official certificate of inspection.

(a) General rule.--Except as otherwise provided in this section, no motor vehicle required to bear current registration plates issued by this Commonwealth and no farm vehicle with a gross weight or gross vehicle weight rating of greater than 17,000 pounds for which a Type D biennial certificate of exemption has been issued shall be driven and no trailer required to bear current registration plates issued by this

Commonwealth shall be moved on a highway and no mass transit vehicle shall be operated unless [the vehicle displays]:

(1) a currently valid certificate of inspection for the vehicle has been issued under this chapter[.]; and

(2) the vehicle displays a current validating registration sticker.

* * *

(c) Inspection of vehicles reentering this Commonwealth.--Vehicles subject to registration and inspection in this Commonwealth which have been outside this Commonwealth continuously for 30 days or more and which, at the time of reentering this Commonwealth, do not bear a currently valid certificate of inspection or current validating registration sticker shall not be required to be inspected until ten days after reentering this Commonwealth.

* * *

(e) [Display] Issuance of unauthorized certificate of inspection.--No certificate of inspection shall be [displayed] issued unless an official inspection has been made and the vehicle or mass transit vehicle is in conformance with the provisions of this chapter.

(f) Authority of police.--Any police officer may stop any motor vehicle, mass transit vehicle or trailer and require the owner or operator to display an official certificate of inspection or validating registration sticker for the vehicle being operated. A police officer may summarily remove an unauthorized, expired or unlawfully issued certificate of inspection or validating registration sticker from any vehicle or mass transit vehicle. For the purposes of administering the requirements of regulations promulgated by the department, a

qualified Commonwealth employee or an authorized department representative may remove an unauthorized, expired or unlawfully issued certificate of inspection or validating registration sticker from any vehicle.

* * *

Section 7. Section 4706 of Title 75 is amended by adding a subsection to read:

§ 4706. Prohibition on expenditures for emission inspection program.

* * *

(d.1) Coordination with vehicle registration.--The periodic emission inspection shall be coordinated with the vehicle registration period.

* * *

Section 8. Sections 4727(a) and (b) and 4728 of Title 75 are amended to read:

§ 4727. Issuance of certificate of inspection.

[(a) Requirements prior to inspection.--No vehicle, except a vehicle held by a dealer or manufacturer for which titling is not required or a mass transit vehicle for which titling is not required, shall be inspected unless it is duly registered or titled in this Commonwealth or in any other jurisdiction. The certified inspection mechanic shall examine the registration card, title or other document as specified in department regulations in order to ascertain that the vehicle is registered or titled or that an application for title has been submitted by the vehicle owner.]

(b) Requirements for issuance of certificate.--An official certificate of inspection shall not be issued unless the vehicle or mass transit vehicle is inspected and found to be in

compliance with the provisions of this chapter including any regulations promulgated by the department. The certificate of inspection shall be in the form prescribed by the department and indicate that a vehicle has passed the required inspection. Notation of the odometer reading shall be included on any certificate of inspection or other document as specified in department regulations.

* * *

§ 4728. Display of certificate of inspection.

The appropriate certificate of inspection shall be affixed to the vehicle or mass transit vehicle as specified in regulations adopted by the department. A current validating registration sticker displayed in accordance with section 1332(e) (relating to display of registration plate) evidences a vehicle has passed the required safety inspection.

Section 9. Section 4729 of Title 75 is repealed:

[§ 4729. Removal of certificate of inspection.

No certificate of inspection shall be removed from a vehicle or a mass transit vehicle for which the certificate was issued except to replace it with a new certificate of inspection issued in accordance with the provisions of this chapter or as follows:

(1) The police officer may remove a certificate of inspection in accordance with the provisions of section 4703(f) (relating to operation of vehicle without official certificate of inspection).

(2) A person replacing a windshield or repairing a windshield in such a manner as to require removal of a certificate of inspection shall at the option of the registrant of the vehicle or the owner of a mass transit vehicle cut out the portion of the windshield containing the

certificate and deliver it to the registrant of the vehicle or the owner of the mass transit vehicle or destroy the certificate. The vehicle or the mass transit vehicle may be driven for up to five days if it displays the portion of the old windshield containing the certificate as prescribed in department regulations. Within the five day period an official inspection station may affix to the vehicle or mass transit vehicle another certificate of inspection for the same inspection period without reinspecting the vehicle or mass transit vehicle in exchange for the portion of the old windshield containing the certificate of inspection. A fee of no more than $2 plus the fee paid to the department may be charged for exchanging the certificate of inspection.

(3) A salvor shall remove and destroy the current certificate of inspection on every vehicle processed as abandoned in the salvor's possession except vehicles owned by the salvor or used in the operation of the business of the salvor.

(4) Every applicant for a certificate of salvage or nonrepairable certificate pursuant to Subchapter D of Chapter 11 (relating to salvage vehicles, theft vehicles, reconstructed vehicles and flood vehicles) shall remove and destroy the current certificate of inspection.

(5) For the purposes of administering the requirements of regulations promulgated by the department, a qualified Commonwealth employee or an authorized department representative may remove an unauthorized, expired or unlawfully issued certificate of inspection or a certificate of inspection issued for a covert audit.]

Section 10. Section 7122 of Title 75 is amended to read:

§ 7122. Altered, forged or counterfeit documents and plates.

A person is guilty of a misdemeanor of the first degree if the person, with fraudulent intent:

(1) alters, forges or counterfeits a certificate of title, registration card or plate, validating registration sticker, inspection certificate or proof of financial responsibility;

(2) alters or forges an assignment of a certificate of title, or an assignment or release of a security interest on a certificate of title or any other document issued or prepared for issue by the department;

(3) has possession of, sells or attempts to sell, uses or displays a certificate of title, registration card or plate, driver's license, validating registration sticker, inspection certificate, proof of financial responsibility or any other document issued by the department, knowing it to have been altered, forged or counterfeited;

(4) obtains or attempts to obtain a certificate of inspection without valid proof of financial responsibility; or

(5) provides a certificate of inspection where there is no valid proof of financial responsibility.

Section 11. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) This section.

(ii) The amendment of 75 Pa.C.S. § 1307(a).

(2) The remainder of this act shall take effect March 1, 2021.