

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1019 Session of 2007

INTRODUCED BY GORDNER, CORMAN, ERICKSON, TARTAGLIONE, BAKER, WAUGH, WOZNIAK, KASUNIC, MADIGAN, WONDERLING, MUSTO, LOGAN AND FERLO, JULY 3, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, RE-REPORTED AS AMENDED, JANUARY 29, 2008

AN ACT

1 Amending the act of December 22, 1983 (P.L.306, No.84), entitled
2 "An act providing for the State Board of Vehicle
3 Manufacturers, Dealers and Salespersons; and providing
4 penalties," further providing for definitions, for grounds
5 for disciplinary proceedings for vehicle shows, off-premise
6 sales and exhibitions; providing for recreational vehicle
7 shows, off-premise sales, exhibitions and RECREATIONAL
8 VEHICLE OFF-PREMISE SALES, RECREATIONAL VEHICLE EXHIBITIONS
9 AND RECREATIONAL VEHICLE rallies; and further providing for
10 vehicle shows, off-premise sales and exhibitions on Sundays.

<—

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

13 Section 1. The definitions of "off-premise sale," "vehicle
14 show" or "exhibition" and "recreational vehicle" in section 2 of
15 the act of December 22, 1983 (P.L.306, No.84), known as the
16 Board of Vehicles Act, amended April 19, 1996 (P.L.104, No.27),
17 are amended and the section is amended by adding a definition to
18 read:

19 Section 2. Definitions.

20 The following words and phrases when used in this act shall
21 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Off-premise sale," "vehicle show" or "exhibition." A sale,
4 show or exhibition of one or more vehicle dealers, distributors,
5 manufacturers or manufacturers' representatives who display,
6 sell or attempt to sell vehicles, mobile homes, manufactured
7 housing, or trailers [or], but not recreational vehicles, for a
8 fixed and limited period of time held in the relevant market
9 area of the participating dealers or distributors.

10 * * *

11 "Recreational vehicle." A vehicle primarily designed as
12 temporary living quarters for recreational, camping or travel
13 use, which either has its own [motive] power or is mounted on or
14 drawn by another vehicle. The term includes a travel trailer,
15 recreational vehicle park [model] trailer, slide-in camper,
16 camping trailer and motor home.

17 * * *

18 "Recreational vehicle shows, off-premise sales, exhibitions <—
19 and rallies." SHOW," "RECREATIONAL VEHICLE OFF-PREMISE SALE," <—
20 "RECREATIONAL VEHICLE EXHIBITION" OR "RECREATIONAL VEHICLE
21 RALLY." A sale, show, exhibition or rally, held by one or more
22 recreational vehicle dealers, distributors, manufacturers or
23 manufacturers' representatives who display, sell or attempt to
24 sell recreational vehicles for a fixed and limited period of
25 time, which shall not exceed ten days in a 30-day period, 20
26 days in a 90-day period, and 60 days in a 365-day period. In <—
27 computing these time limitations, set-up SET-UP and tear-down <—
28 days as well as AND days when the events are not open shall be <—
29 excluded FROM THE CALCULATION OF THE APPLICABLE TIME PERIOD. <—

30 * * *

1 Section 2. Section 19 of the act is amended by adding a
2 paragraph to read:

3 Section 19. Grounds for disciplinary proceedings.

4 In addition to any criminal or civil penalties otherwise
5 provided in this act, the board shall have the power to formally
6 reprimand, suspend or revoke any license or refuse to issue or
7 renew any license of an applicant or licensee or a person
8 required to be licensed under this act, if after due notice of
9 and hearing, the person charged is found in violation of or
10 fails to carry out the acts and procedures set forth in this act
11 or is found guilty of committing or attempting to commit any of
12 the acts set forth in section 23 or any of the following acts:

13 * * *

14 (39) Being a recreational vehicle dealer from another
15 state or jurisdiction who, while buying, selling, TITLING, <—
16 REGISTERING, FINANCING or exchanging recreational vehicles in
17 this Commonwealth, violates any A Pennsylvania law or <—
18 regulations REGULATION OR A LAW OR REGULATION OF THE STATE OR <—
19 JURISDICTION OF LICENSURE OR THE STATE OR JURISDICTION OF
20 DOMICILE regarding the BUYING, selling, titling, registering <—
21 or financing, FINANCING OR EXCHANGING of recreational <—
22 vehicles or is not in compliance with the laws and <—
23 regulations regarding the selling, titling, registering or
24 financing of recreational vehicles of the out of State
25 dealer's domicile state. VEHICLES. <—

26 Section 3. ~~Subsection (a) of section 32~~ SECTION 32(D) OF THE <—
27 ACT, renumbered and amended April 19, 1996 (P.L.104, No.27), ~~is~~ <—
28 amended, ~~subsection (d)~~ is repealed, and the section is amended
29 by adding a subsection to read:

30 Section 32. Vehicle shows, off-premise sales and exhibitions.

1 ~~(a) Participation. Any licensed dealer, distributor or~~
 2 ~~manufacturer, other than a recreational vehicle dealer,~~
 3 ~~distributor or manufacturer, may participate in public vehicle~~
 4 ~~shows, off premise sales and exhibitions, provided that a dealer~~
 5 ~~shall participate only in shows, off premise sales and~~
 6 ~~exhibitions held within the dealer's relevant market area. A~~
 7 ~~dealer shall be permitted to conduct a vehicle show or~~
 8 ~~exhibition at its established place of business.~~

9 * * *

10 [(d) Out-of-State recreational vehicle dealers.--

11 (1) A recreational vehicle dealer licensed in another
 12 state or jurisdiction may participate in vehicle shows or
 13 exhibits with recreational vehicles within this Commonwealth
 14 in which less than a total of 50 dealers participate as
 15 exhibitors with permission of the dealer's licensed
 16 manufacturer if all of the following conditions exist:

17 (i) The show has a minimum of ten recreational
 18 vehicle dealers licensed in this Commonwealth.

19 (ii) More than 50% of the participating recreational
 20 vehicle dealers are licensed in this Commonwealth.

21 (iii) The state in which the recreational vehicle
 22 dealer is licensed is a state contiguous to this
 23 Commonwealth and that state permits Commonwealth-licensed
 24 recreational vehicle dealers to participate in vehicle
 25 shows in that state under conditions substantially
 26 equivalent to the conditions which are imposed upon
 27 dealers from that state who participate in recreational
 28 vehicle shows in this Commonwealth.

29 (2) A recreational vehicle dealer licensed in another
 30 state or jurisdiction may participate in a vehicle show or

1 exhibit which has, when it opens to the public, at least a
2 total of 50 dealers from both this Commonwealth and outside
3 this Commonwealth manning recreational vehicle manufacturer
4 displays if the show or exhibit is trade-oriented and is
5 predominantly funded by recreational vehicle manufacturers.
6 All of the participating dealers who are not licensed by this
7 Commonwealth must be from a state contiguous to this
8 Commonwealth which permits Commonwealth-licensed recreational
9 vehicle dealers to participate in vehicle shows in that state
10 under conditions substantially equivalent to the conditions
11 which are imposed upon dealers from that state who
12 participate in recreational vehicle shows in this
13 Commonwealth and are duly licensed and authorized by their
14 state of residence to sell recreational vehicles.]

15 * * *

16 (f) Applicability.--As provided in subsection (a), this THIS <—
17 section shall not apply to recreational vehicle dealers.

18 Section 4. The act is amended by adding a section to read:

19 Section 32.1. Recreational vehicle shows, RECREATIONAL VEHICLE <—
20 off-premise sales, exhibitions and rallies. <—
21 RECREATIONAL VEHICLE EXHIBITIONS AND RECREATIONAL <—
22 VEHICLE RALLIES.

23 (a) Participation.--A recreational vehicle dealer,
24 salesperson, distributor, manufacturer or manufacturer's
25 representative licensed under this act may participate in A <—
26 recreational vehicle shows, off premise sales, exhibitions and <—
27 rallies SHOW, RECREATIONAL VEHICLE OFF-PREMISE SALE, <—
28 RECREATIONAL VEHICLE EXHIBITION OR RECREATIONAL VEHICLE RALLY. A
29 recreational vehicle dealer shall be permitted to conduct a
30 vehicle show, exhibition or RECREATIONAL VEHICLE SHOW, <—

1 RECREATIONAL VEHICLE EXHIBITION OR RECREATIONAL VEHICLE rally at
2 its established place of business.

3 (b) Bond required.--Any person acting as a recreational
4 vehicle dealer by engaging in buying, selling or exchanging <—
5 recreational vehicles in this Commonwealth shall have posted a
6 bond payable to the Commonwealth in the amount of \$30,000, to
7 ensure compliance with all Commonwealth laws and regulations.

8 The bond shall be executed by a surety company authorized to
9 transact business in this Commonwealth. The bond shall be
10 security for any claim filed by an agencies AGENCY of the <—
11 Commonwealth, for moneys due, including, but not limited to, <—
12 unpaid taxes, fees, licenses, payment of a criminal penalty or
13 fine after conviction or payment of a civil penalty or monetary
14 amount after the entry of judgment. The bond shall remain valid

15 until canceled in writing by the issuer. This provision shall
16 not limit the authority of any government agency or private
17 individual to institute civil, criminal or disciplinary action
18 against a person for a violation of Commonwealth laws A <—

19 COMMONWEALTH LAW or regulations. Recreational vehicle dealers <—
20 who have REGULATION. A RECREATIONAL VEHICLE DEALER WHO HAS a <—
21 current bond in the amount of at least \$30,000 on file with the
22 Department of Transportation shall not be required to post the <—
23 above bond.

24 (c) Out of State recreational vehicle dealers.--

25 (1) All recreational vehicle dealers licensed in another
26 state or domiciled in a state that does not require licensure
27 are required to register with the board, on a form provided
28 by the board and published in the Pennsylvania Bulletin,
29 before participating in recreational vehicle shows, off-
30 premise sales, exhibitions and rallies within this

1 Commonwealth.

2 ~~(i) In registering with the board, the recreational~~
3 ~~vehicle dealer shall:~~

4 ~~(A) notify the board of the recreational vehicle~~
5 ~~dealer's intent to participate in a recreational~~
6 ~~vehicle show, off premise sale, exhibition or rally~~
7 ~~within this Commonwealth;~~

8 ~~(B) agree to comply with all Federal and State~~
9 ~~laws and regulations applicable to the~~
10 ~~buying, selling, exchanging, titling, registering or~~
11 ~~financing of recreational vehicles;~~

12 ~~(C) agree to submit to the Commonwealth's~~
13 ~~jurisdiction over the out of State recreational~~
14 ~~vehicle dealer if it is necessary to bring~~
15 ~~disciplinary proceedings or to impose any civil or~~
16 ~~criminal penalty or any other assessment as described~~
17 ~~in subsection (b) resulting from a violation of any~~
18 ~~Federal or State law or regulation regarding the~~
19 ~~buying, selling, exchanging, titling, registering or~~
20 ~~financing of recreational vehicles;~~

21 ~~(D) post a bond as described in subsection (b);~~

22 ~~(E) pay a participation fee to the board; and~~

23 ~~(F) list the persons engaging as salespeople for~~
24 ~~the out of State recreational vehicle dealer while in~~
25 ~~the Commonwealth.~~

26 ~~(ii) If the board has taken prior action within the~~
27 ~~last five years to sanction an out of State recreational~~
28 ~~vehicle dealer, the board may permanently, or for a fixed~~
29 ~~period, refuse to accept the registration and~~
30 ~~participation fee of the out of State recreational~~

1 ~~vehicle dealer, and order that the dealer be denied~~
2 ~~access to a recreational vehicle show, off premise sale,~~
3 ~~exhibition or rally within this Commonwealth.~~

4 ~~(iii) The board shall be authorized to accept~~
5 ~~registration information and payment electronically~~
6 ~~through the board's Internet website.~~

7 ~~(2) A recreational vehicle dealer licensed in another~~
8 ~~state or domiciled in a state that does not require licensure~~
9 ~~may participate in recreational vehicle shows, off premise~~
10 ~~sales, exhibitions or rallies within this Commonwealth in~~
11 ~~which less than a total of 50 recreational vehicle dealers~~
12 ~~participate with permission of the dealer's licensed~~
13 ~~manufacturer if all of the following conditions exist:~~

14 ~~(i) The show has a minimum of ten recreational~~
15 ~~vehicle dealers licensed in this Commonwealth.~~

16 ~~(ii) More than 50% of the participating recreational~~
17 ~~vehicle dealers are licensed in this Commonwealth.~~

18 ~~(iii) The state is contiguous to this Commonwealth~~
19 ~~and permits Commonwealth licensed recreational vehicle~~
20 ~~dealers to participate in vehicle shows in that state~~
21 ~~under conditions substantially equivalent to the~~
22 ~~conditions which are imposed upon dealers from that state~~
23 ~~who participate in recreational vehicle shows in this~~
24 ~~Commonwealth.~~

25 ~~(3) A recreational vehicle dealer licensed in another~~
26 ~~state or domiciled in a state that does not require licensure~~
27 ~~may participate in a vehicle show, off premise sale,~~
28 ~~exhibition or rally, provided that, when it opens to the~~
29 ~~public, it has at least a total of 50 recreational vehicle~~
30 ~~dealers from this Commonwealth and outside this Commonwealth~~

~~participating with permission of the dealer's licensed
manufacturer and all of the following conditions exist:~~

~~(i) The show, sale, exhibition or rally is trade-
oriented and is predominantly funded by recreational
vehicle manufacturers.~~

~~(ii) All of the participating dealers who are not
licensed by this Commonwealth are from a state contiguous
to this Commonwealth which permits Commonwealth licensed
recreational vehicle dealers to participate in
recreational vehicle shows in that state under conditions
substantially equivalent to the conditions which are
imposed upon dealers from that state who participate in
recreational vehicle shows in this Commonwealth.~~

~~(d) Additional penalties. The board shall report any
violation of Pennsylvania law to the home state of an out-of-
State recreational vehicle dealer.~~ A BOND UNDER THIS SUBSECTION. <—

(C) OUT-OF-STATE RECREATIONAL VEHICLE DEALERS.--A
RECREATIONAL VEHICLE DEALER LICENSED IN ANOTHER STATE OR
JURISDICTION OR DOMICILED IN ANOTHER STATE OR JURISDICTION THAT
DOES NOT REQUIRE LICENSURE SHALL REGISTER WITH THE BOARD ON A
FORM PRESCRIBED BY THE BOARD BEFORE PARTICIPATING IN THIS
COMMONWEALTH IN A RECREATIONAL VEHICLE SHOW, RECREATIONAL
VEHICLE OFF-PREMISE SALE, RECREATIONAL VEHICLE EXHIBITION OR
RECREATIONAL VEHICLE RALLY. THE FOLLOWING APPLY:

(1) REGISTRATION SHALL INCLUDE ALL OF THE FOLLOWING:

(I) NOTIFICATION OF THE RECREATIONAL VEHICLE
DEALER'S INTENT TO PARTICIPATE IN THIS COMMONWEALTH IN A
RECREATIONAL VEHICLE SHOW, RECREATIONAL VEHICLE OFF-
PREMISE SALE, RECREATIONAL VEHICLE EXHIBITION OR
RECREATIONAL VEHICLE RALLY.

1 (II) AGREEMENT TO COMPLY WITH ALL FEDERAL AND STATE
2 LAWS AND REGULATIONS RELATING TO THE BUYING, SELLING,
3 EXCHANGING, TITLING, REGISTRATION OR FINANCING OF
4 RECREATIONAL VEHICLES.

5 (III) AGREEMENT BY THE OUT-OF-STATE RECREATIONAL
6 VEHICLE DEALER TO SUBMIT TO THE JURISDICTION OF THE
7 COMMONWEALTH FOR PURPOSES OF DISCIPLINARY ACTION OF
8 IMPOSITION OF A CIVIL OR CRIMINAL PENALTY OR ASSESSMENT
9 UNDER SUBSECTION (B) RESULTING FROM A VIOLATION UNDER
10 SUBPARAGRAPH (II).

11 (IV) EVIDENCE OF THE POSTING OF A BOND UNDER
12 SUBSECTION (B).

13 (V) PAYMENT OF A PARTICIPATION FEE.

14 (VI) A LIST OF ALL INDIVIDUALS ENGAGED AS SALES
15 PEOPLE FOR THE OUT-OF-STATE RECREATIONAL VEHICLE DEALER
16 WHILE OPERATING IN THIS COMMONWEALTH.

17 (2) IF THE BOARD HAS TAKEN ACTION WITHIN THE LAST FIVE
18 YEARS TO SANCTION AN OUT-OF-STATE RECREATIONAL VEHICLE
19 DEALER, THE BOARD MAY:

20 (I) REFUSE TO ACCEPT THE REGISTRATION AND
21 PARTICIPATION FEE OF THE OUT-OF-STATE RECREATIONAL
22 VEHICLE DEALER PERMANENTLY OR FOR A FIXED PERIOD; AND

23 (II) ORDER THAT THE DEALER BE DENIED ACCESS TO ALL
24 RECREATIONAL VEHICLE SHOWS, RECREATIONAL VEHICLE OFF-
25 PREMISE SALES, RECREATIONAL VEHICLE EXHIBITIONS AND
26 RECREATION VEHICLE RALLIES IN THIS COMMONWEALTH.

27 (3) A RECREATIONAL VEHICLE DEALER LICENSED IN ANOTHER
28 STATE OR JURISDICTION OR DOMICILED IN A STATE OR JURISDICTION
29 THAT DOES NOT REQUIRE LICENSURE MAY PARTICIPATE IN THIS
30 COMMONWEALTH IN A RECREATIONAL VEHICLE SHOW, RECREATIONAL

1 VEHICLE OFF-PREMISE SALE, RECREATIONAL VEHICLE EXHIBITION OR
2 RECREATIONAL VEHICLE RALLY UNDER THE CIRCUMSTANCES SET FORTH
3 EITHER IN SUBPARAGRAPH (I) OR (II):

4 (I) WHEN THE SHOW, SALE, EXHIBITION OR RALLY HAS
5 LESS THAN A TOTAL OF 50 RECREATIONAL VEHICLE DEALERS
6 PARTICIPATING WITH PERMISSION OF THE DEALER'S LICENSED
7 MANUFACTURER AND MEETS ALL OF THE FOLLOWING REQUIREMENTS:

8 (A) A MINIMUM OF TEN RECREATIONAL VEHICLE
9 DEALERS AT THE SHOW ARE LICENSED IN THIS
10 COMMONWEALTH.

11 (B) MORE THAN 50% OF THE PARTICIPATING
12 RECREATIONAL VEHICLE DEALERS ARE LICENSED IN THIS
13 COMMONWEALTH.

14 (C) THE STATE IN WHICH THE DEALER IS LICENSED IS
15 CONTIGUOUS TO THIS COMMONWEALTH AND PERMITS
16 RECREATIONAL VEHICLE DEALERS LICENSED IN THIS
17 COMMONWEALTH TO PARTICIPATE IN RECREATIONAL VEHICLE
18 SHOWS IN THAT STATE UNDER CONDITIONS SUBSTANTIALLY
19 EQUIVALENT TO THE CONDITIONS IMPOSED UPON DEALERS
20 FROM THAT STATE TO PARTICIPATE IN RECREATIONAL
21 VEHICLE SHOWS IN THIS COMMONWEALTH.

22 (II) WHEN THE RECREATIONAL VEHICLE SHOW, SALE,
23 EXHIBITION OR RALLY OPENS TO THE PUBLIC, IT HAS A TOTAL
24 OF AT LEAST 50 RECREATIONAL VEHICLE DEALERS FROM THIS
25 COMMONWEALTH AND FROM ANOTHER STATE PARTICIPATING WITH
26 PERMISSION OF THE DEALER'S LICENSED MANUFACTURER AND
27 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

28 (A) THE SHOW, SALE, EXHIBITION OR RALLY IS
29 TRADE-ORIENTED AND PREDOMINANTLY FUNDED BY
30 RECREATIONAL VEHICLE MANUFACTURERS.

1 (B) ALL OF THE PARTICIPATING DEALERS WHO ARE NOT
2 LICENSED IN THIS COMMONWEALTH ARE FROM A STATE
3 CONTIGUOUS TO THIS COMMONWEALTH WHICH PERMITS
4 RECREATIONAL VEHICLE DEALERS LICENSED IN THIS
5 COMMONWEALTH TO PARTICIPATE IN RECREATIONAL VEHICLE
6 SHOWS IN THAT STATE UNDER CONDITIONS SUBSTANTIALLY
7 EQUIVALENT TO THE CONDITION IMPOSED UPON DEALERS FROM
8 THAT STATE TO PARTICIPATE IN RECREATIONAL VEHICLE
9 SHOWS IN THIS COMMONWEALTH.

10 (4) THE BOARD SHALL REPORT A VIOLATION OF PENNSYLVANIA
11 LAW OR REGULATION TO THE STATE OR JURISDICTION IN WHICH THE
12 OUT-OF-STATE RECREATIONAL VEHICLE DEALER IS LICENSED OR
13 DOMICILED.

14 (5) FORMS FOR OUT-OF-STATE RECREATIONAL VEHICLE DEALERS
15 SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN AND SHALL BE
16 MAINTAINED ON THE BOARD'S INTERNET WEBSITE.

17 (6) THE BOARD MAY ACCEPT REGISTRATION INFORMATION AND
18 PAYMENT ELECTRONICALLY.

19 Section 5. Section 33 of the act, renumbered and amended
20 April 19, 1996 (P.L.104, No.27), is amended to read:

21 Section 33. Off-premise sales, [vehicle shows or exhibits]
22 shows, exhibitions or rallies on Sundays.

23 (1) [Off-premise sales, vehicle shows or exhibits] The
24 following shall be permitted to be open on Sundays[.]:

25 (i) Off-premise vehicles sales, shows and
26 exhibitions.

27 (ii) Recreational vehicle shows, ~~off-premise sales,~~ <—
28 RECREATIONAL VEHICLE OFF-PREMISE SALES, RECREATIONAL <—
29 VEHICLE exhibitions and RECREATIONAL VEHICLE rallies. <—

30 (2) [Normal] Except as provided in paragraphs (3) and

1 (4), normal vehicle business practices shall be allowed at
2 off-premise sales, vehicle shows or [exhibits] exhibitions on
3 Sunday except that no final sales contract may be consummated
4 on a Sunday.

5 (3) Normal vehicle business practices shall be allowed
6 at recreational vehicle shows, off-premise sales, exhibitions <—
7 and RECREATIONAL VEHICLE OFF-PREMISE SALES, RECREATIONAL <—
8 VEHICLE EXHIBITIONS AND RECREATIONAL VEHICLE rallies.
9 Recreational vehicle dealers are permitted to consummate
10 final sales contracts on Sundays.

11 (4) Manufactured housing [or recreational vehicle]
12 dealers are permitted to consummate final sales contracts on
13 Sundays.

14 Section 6. This act shall take effect in 60 days.