

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1853 Session of 2009

INTRODUCED BY REED, BEYER, BOYD, CREIGHTON, EVERETT, GEIST, GINGRICH, HALUSKA, HARHART, KORTZ, MURT, PAYNE, REICHLEY, SIPTROTH, VEREB, VULAKOVICH AND SONNEY, JULY 14, 2009

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JULY 14, 2009

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 licensure  
5 and for State Board of Vehicle Manufacturers, Dealers and  
6 Salespersons.

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

9 Section 1. The definitions of "dealer" and "vehicle" in  
10 section 2 of the act of December 22, 1983 (P.L.306, No.84),  
11 known as the Board of Vehicles Act, amended April 19, 1996  
12 (P.L.104, No.27), are amended and the section is amended by  
13 adding definitions to read:

14 Section 2. Definitions.

15 The following words and phrases when used in this act shall  
16 have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 \* \* \*

19 "Dealer." A person required to be licensed under this act

1 who is engaged in the business of buying, selling or exchanging  
2 new or used vehicles or an interest in new or used vehicles,  
3 regardless of whether the vehicles are owned by that person. The  
4 term includes persons engaged in consignment sales for a seller,  
5 but does not include a person issued an identification number by  
6 the Department of Transportation, unless the board has also  
7 issued a dealer license to the person. Vehicle dealers shall be  
8 classified as one or more of the following:

9       (1) A new vehicle dealer, who is a person engaged in the  
10 business of buying, selling or exchanging new and used  
11 vehicles, trailers or semitrailers for commission,  
12 compensation or other consideration, who holds a franchise  
13 with a manufacturer or distributor, giving the dealer selling  
14 rights for that particular line-make of new vehicles,  
15 trailers or semitrailers, or who is a distributor of new  
16 vehicles, trailers or semitrailers who holds a franchise with  
17 a manufacturer or distributor of vehicles, trailers and  
18 semitrailers.

19       (2) A used vehicle dealer, who is a person engaged in  
20 the business of buying, selling or exchanging used vehicles,  
21 trailers or semitrailers for commission, compensation or  
22 other consideration. The term includes fleet owners who  
23 engage directly in the retail sale of its fleet vehicles.

24       (3) A new manufactured housing dealer, who is a person  
25 engaged in the business of selling new manufactured housing  
26 and buying, selling or exchanging used manufactured housing  
27 or mobile homes for commission, compensation or other  
28 consideration and who holds a franchise with a manufacturer  
29 or distributor giving the dealer selling rights for a  
30 particular line-make of new manufactured housing.

1           (4) A used manufactured housing or mobile home dealer,  
2 who is a person engaged in the business of buying, selling or  
3 exchanging used manufactured housing or mobile homes for  
4 commission, compensation or other consideration.

5           (5) A new recreational vehicle dealer, who is a person  
6 engaged in the business of buying, selling or exchanging new  
7 and used recreational vehicles for commission, compensation  
8 or other consideration and who holds a franchise with a  
9 manufacturer or distributor giving the dealer selling rights  
10 for a particular line of new recreational vehicles.

11           (6) A used recreational vehicle dealer, who is a person  
12 engaged in the business of buying, selling or exchanging used  
13 recreational vehicles for commission, compensation or other  
14 consideration.

15           (7) A mobility vehicle dealer.

16           \* \* \*

17           "Mobility vehicle." A vehicle that:

18           (1) Is designed and equipped to transport a person with  
19 a disability.

20           (2) Contains a lowered floor or lowered frame or a  
21 raised roof and raised door.

22           (3) Contains one of the following:

23           (i) an electronic or mechanical wheelchair, scooter  
24 or platform lift that enables a person to enter or exit  
25 the vehicle while occupying a wheelchair or scooter;

26           (ii) an electronic or mechanical wheelchair ramp; or

27           (iii) a system to secure a wheelchair or scooter to  
28 allow for a person to be safely transported while  
29 occupying the wheelchair or scooter that is installed as  
30 an integral part or permanent attachment to the vehicle

1           chassis.

2           "Mobility vehicle dealer." A person engaged in the business  
3 of buying, selling or exchanging mobility vehicles for  
4 commission, compensation or other consideration.

5           \* \* \*

6           "Vehicle." Every device which is or may be moved or drawn  
7 upon a highway, except devices which are infrequently operated  
8 or moved upon a highway but are designed primarily for use in  
9 construction or agriculture or road maintenance, devices moved  
10 by human or animal power, devices used exclusively upon rails or  
11 tracks, [and] motorized pedalcycles and mobility vehicles.

12          \* \* \*

13          Section 2. Section 3(a) of the act, amended April 19, 1996  
14 (P.L.104, No.27), is amended to read:

15          Section 3. State Board of Vehicle Manufacturers, Dealers and  
16                       Salespersons.

17          (a) Board.--The State Board of Vehicle Manufacturers,  
18 Dealers and Salespersons shall consist of 17 members, one of  
19 whom shall be the Commissioner of Professional and Occupational  
20 Affairs, or his designee, one of whom shall be the Secretary of  
21 the Department of Transportation, or his designee, one of whom  
22 shall be the Director of Consumer Protection in the Office of  
23 Attorney General, or his designee, and the remaining 14 of whom  
24 shall be appointed by the Governor as follows:

25               (1) Three members shall be new vehicle dealers who have  
26               been actively engaged as such for a period of five years  
27               immediately preceding their appointment.

28               (2) Three members shall be used vehicle dealers who have  
29               been actively engaged as such for a period of five years  
30               immediately preceding their appointment. One used vehicle

1 dealer member beginning with the first vacancy for a used  
2 vehicle dealer after the effective date of this amendment  
3 shall also be an owner, partner or officer of a corporation  
4 or business which is licensed as a vehicle auction and which  
5 has been actively engaged as such for a period of five years  
6 immediately preceding the appointment.

7 (3) One shall be a manufactured housing or mobile home  
8 dealer who has been actively engaged as such for a period of  
9 five years immediately preceding appointment.

10 (4) One shall be a salesperson who has been actively  
11 engaged in the sale of new or used vehicles for a period of  
12 five years immediately preceding appointment. The member  
13 shall not be a dealer or an officer of a corporation or a  
14 member of a partnership engaged in the business of a dealer  
15 at the time of appointment.

16 (5) One shall be a recreational vehicle dealer who has  
17 been actively engaged as such for a period of five years  
18 immediately preceding appointment.

19 (6) One shall be a motorcycle dealer who has been  
20 actively engaged as such for a period of five years  
21 immediately preceding appointment.

22 (6.1) One member shall be a mobility vehicle dealer who  
23 has been actively engaged as such for a period of five years  
24 immediately preceding appointment.

25 (7) [Four] Three shall be members of the general public  
26 having no connection with the vehicle business.

27 \* \* \*

28 Section 3. Section 5 of the act is amended by adding a  
29 subsection to read:

30 Section 5. License to engage in business.

1 \* \* \*

2 (g.1) Mobility vehicle dealers.--

3 (1) A licensed dealer classified as a mobility vehicle  
4 dealer may do all of the following:

5 (i) Display, inventory, advertise, solicit,  
6 demonstrate, sell, offer for sale or deliver new and used  
7 mobility vehicles.

8 (ii) Arrange, negotiate and assist a customer  
9 regarding the purchase of a mobility vehicle.

10 (iii) Sell and install equipment and accessories in,  
11 and provide services for, mobility vehicles, in order to  
12 meet the needs of persons with disabilities as drivers or  
13 passengers.

14 (iv) Provide maintenance and repair services for  
15 mobility vehicles.

16 (v) Acquire a new vehicle with a lowered floor or  
17 frame or a raised roof and door in order to fit or equip  
18 the vehicle for retail sale as a new mobility vehicle.

19 (2) A licensed dealer that is classified only as a  
20 mobility vehicle dealer may not offer for sale or sell  
21 vehicles which are not mobility vehicles.

22 \* \* \*

23 Section 4. This act shall take effect in 60 days.