

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2139

Session of
1976

INTRODUCED BY MR. TAYLOR, MRS. TOLL, MESSRS. SCHMITT, IRVIS,
MANDERINO, WOJDAK, MRS. GILLETTE, MESSRS. COHEN, ROSS, GREEN,
OLIVER, McINTYRE, GIAMMARCO, RUGGIERO, GLEESON, GREENFIELD,
McCALL, JOHNSON, PERRY, BERLIN, BELLOMINI, PIEVSKY, HAMMOCK
AND FINEMAN, FEBRUARY 17, 1976

AS REPORTED FROM COMMITTEE ON CONSUMER PROTECTION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 22, 1976

AN ACT

1 Regulating the business of repairing electric appliances;
2 providing for the registration of persons engaged therein;
3 prescribing powers and duties of the Attorney General;
4 prescribing penalties and making an appropriation.

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

7 Section 1. Short Title.--This act shall be known and may be
8 cited as the "Pennsylvania Electric Appliance Repair Protection
9 Act."

10 Section 2. Definitions.--As used in this act:

11 "Business of repairing electric appliances" shall mean the
12 repair or adjustment of electric appliances for compensation.

13 "Certificate" shall mean a certificate of registration issued
14 under the provisions of this act.

15 "Core charge" shall mean any amount determined, by a supplier
16 of reconditioned or rebuilt parts on an exchange basis to a
17 registrant, as the reasonable value of a worn-out part to be

1 received by the supplier in exchange for a similar reconditioned
2 or rebuilt part, which amount may be levied as a charge by a
3 supplier against a registrant upon a registrant's failure to
4 tender a worn-out part at the time of exchange.

5 "Electric appliance" shall mean any equipment operated by
6 electricity that is primarily for personal use or for use in the
7 home and shall include but shall not be limited to a television,
8 radio, tape recorder, phonograph and home appliance.

9 "Established place of business" shall mean a building or part
10 of a building containing a facility with space for maintenance
11 of required business records, and in which shall be prominently
12 displayed a sign stating the full business name, address and
13 telephone number of the registrant and the name of the owner,
14 partners or manager.

15 "Registrant" shall mean any service dealer holding a valid
16 certificate of registration.

17 "Service dealer" or "dealer" shall mean a person who, for
18 compensation, engages in the business of repairing electric
19 appliances but shall not include any employee of a business for
20 repairing electric appliances if the employee repairs or adjusts
21 electric appliances for compensation only as such employee.

22 "TECHNICIAN" SHALL MEAN AN INDIVIDUAL ENGAGING IN THE
23 PRACTICE OF REPAIR OR ADJUSTMENT OF ELECTRIC APPLIANCES FOR
24 COMPENSATION, BUT SHALL NOT INCLUDE AN INDIVIDUAL SO EMPLOYED ON
25 A SEASONAL OR EMERGENCY BASIS.

26 Section 3. Signs at Established Place of Business.--The
27 registrant must display a sign prominently in the established
28 place of business stating the full business name, address and
29 telephone number of the registrant, and the name of the owner,
30 partners or manager.

1 Section 4. Registration; Application; Fees and Issuance of
2 Certificates of Registration.--(a) On and after September 1,
3 1977 it shall be a violation of this act for any business which
4 is not the holder of a certificate of registration issued
5 pursuant to this act to engage in the business of repairing
6 electric appliances.

7 (b) An application for one or more certificates of
8 registration shall be filed with the Attorney General in such
9 form and detail as the Attorney General shall prescribe, setting
10 forth:

11 (1) The name and residence address of the applicant; if an
12 individual, the name under which he intends to conduct business;
13 if a partnership, the name and residence address of each member
14 thereof, and the name under which the business is to be
15 conducted; if a corporation, the name of the corporation, ~~the~~ <—
16 ~~name and residence address of each of the officers and~~
17 ~~directors,~~ and the name under which the business is to be
18 conducted, if different from the name of the corporation; IF A <—
19 PENNSYLVANIA CORPORATION, THE NAME AND RESIDENCE OF EACH
20 DIRECTOR AND OFFICER; IF A FOREIGN CORPORATION, THE NAME AND
21 RESIDENCE OF EACH OF SUCH INDIVIDUALS HAVING DIRECT
22 RESPONSIBILITY FOR SUPERVISION OF OPERATIONS WITHIN THE
23 COMMONWEALTH OF PENNSYLVANIA.

24 (2) The place or places, including the complete address or
25 addresses where the business is to be conducted.

26 ~~(3) Such further information as the Attorney General may~~ <—
27 ~~prescribe. The Attorney General may require the applicant to~~
28 ~~appear at such time and place as he may designate for~~
29 ~~examination to enable him to determine the accuracy of the facts~~
30 ~~set forth in the written application, either for an initial~~

1 ~~certificate of registration or renewal thereof. Every~~
2 ~~application shall be affirmed as true by the applicant.~~

3 (3) SUCH FURTHER INFORMATION AS THE ATTORNEY GENERAL MAY <—
4 PRESCRIBE.

5 (4) AFFIRMATION BY THE APPLICANT OF THE TRUTH OF STATEMENTS
6 MADE BY HIM IN THE APPLICATION.

7 (C) THE ATTORNEY GENERAL MAY REQUIRE THE APPLICANT TO APPEAR
8 AT SUCH TIME AND PLACE AS HE MAY DESIGNATE FOR EXAMINATION TO
9 ENABLE HIM TO DETERMINE THE ACCURACY OF THE FACTS SET FORTH IN
10 THE WRITTEN APPLICATION, EITHER FOR AN INITIAL CERTIFICATE OF
11 REGISTRATION OR RENEWAL THEREOF.

12 ~~(e)~~ (D) Every application shall be accompanied by an <—
13 application fee of ~~\$25~~ \$10 which shall in no event be refunded. <—

14 If an application is approved by the Attorney General upon
15 payment by the applicant of an additional fee of ~~\$50~~ \$30 for <—
16 each place of business AND \$10 FOR EACH TECHNICIAN EMPLOYED BY <—

17 THE REGISTRANT, the applicant shall be granted a certificate of
18 registration for each place of business, which certificate or
19 certificates of registration shall be valid for a period of one
20 year. The Attorney General may, however, in his discretion,

21 issue such certificates on a staggered expiration basis. The fee <—

22 ~~for each certificate initially issued for a period of less than~~

23 ~~three months will be \$12.50. The fee for a certificate issued~~

24 ~~for a period of more than three months but less than six months~~

25 ~~shall be \$25. The fee for each certificate issued for more than~~

26 ~~six months but less than one year shall be \$50. In the event a~~

27 ~~certificate of registration is issued on a staggered expiration~~

28 ~~basis it shall expire on the date fixed by the Attorney General.~~

29 ~~The annual fee for renewal of any certificate of registration~~

30 ~~issued pursuant to this act shall be \$50. The Attorney General~~

1 ~~shall issue a certificate of registration to each applicant~~
2 ~~pursuant to the provisions of this act, which certificate of~~
3 ~~registration shall be conspicuously displayed in the~~
4 ~~registrant's place of business for which such certificate of~~
5 ~~registration was issued. In the case of loss, mutilation or~~
6 ~~destruction of a certificate of registration, the Attorney~~
7 ~~General shall issue a duplicate certificate thereon upon proof~~
8 ~~of the facts and the payment of a fee of \$25.~~ THE FEE FOR EACH <—
9 CERTIFICATE INITIALLY ISSUED FOR A PERIOD OF LESS THAN THREE
10 MONTHS WILL BE \$7.50 FOR EACH PLACE OF BUSINESS AND \$2.50 FOR
11 EACH TECHNICIAN EMPLOYED BY THE REGISTRANT. THE FEE FOR A
12 CERTIFICATE ISSUED FOR A PERIOD OF MORE THAN THREE MONTHS BUT
13 LESS THAN SIX MONTHS SHALL BE \$15 FOR EACH PLACE OF BUSINESS AND
14 \$5 FOR EACH TECHNICIAN EMPLOYED BY THE REGISTRANT. THE FEE FOR
15 EACH CERTIFICATE ISSUED FOR MORE THAN SIX MONTHS BUT LESS THAN
16 ONE YEAR SHALL BE \$30 FOR EACH PLACE OF BUSINESS AND \$10 FOR
17 EACH TECHNICIAN EMPLOYED BY THE REGISTRANT. IN THE EVENT A
18 CERTIFICATE IS ISSUED ON A STAGGERED EXPIRATION BASIS IT SHALL
19 EXPIRE ON THE DATE FIXED BY THE ATTORNEY GENERAL. THE ANNUAL FEE
20 FOR RENEWAL OF ANY CERTIFICATE ISSUED PURSUANT TO THIS ACT SHALL
21 BE \$30 FOR EACH PLACE OF BUSINESS AND \$10 FOR EACH TECHNICIAN
22 EMPLOYED BY THE REGISTRANT. THE ATTORNEY GENERAL SHALL ISSUE A
23 CERTIFICATE TO EACH APPLICANT PURSUANT TO THE PROVISIONS OF THIS
24 ACT, WHICH CERTIFICATE SHALL BE CONSPICUOUSLY DISPLAYED IN THE
25 REGISTRANT'S PLACE OF BUSINESS FOR WHICH SUCH CERTIFICATE WAS
26 ISSUED. IN THE CASE OF LOSS, MUTILATION OR DESTRUCTION OF A
27 CERTIFICATE, THE ATTORNEY GENERAL SHALL ISSUE A DUPLICATE
28 CERTIFICATE THEREOF UPON PROOF OF THE FACTS AND THE PAYMENT OF A
29 FEE OF \$10.

30 (d) (1) If a certificate of registration under this act

1 shall be issued in the names of two or more persons as partners
2 and a change occurs in the membership of such partnership, the
3 certificate of registration shall not expire thereupon so long
4 as any one of the persons named in such certificate of
5 registration is a member of the partnership or carries on the
6 business of the partnership as surviving member of the
7 partnership. However, when any change occurs and the certificate
8 of registration does not expire, the partner or surviving member
9 shall forthwith file with the Attorney General a statement
10 regarding such partnership in such form and give such
11 information as the Attorney General shall require, together with
12 the fee of ~~\$25~~, \$10, and the Attorney General shall issue a new <—
13 certificate of registration. Such new certificate of
14 registration shall expire on the expiration date of the
15 certificate of registration replaced.

16 (2) Where the business is conducted under a franchise, lease
17 or other similar arrangement, the Attorney General, in his
18 discretion, may require the application to be submitted by the
19 franchise holder, lessee or other person actually responsible
20 for the person conducting the business.

21 Section 5. Business Records.--(a) ~~Every~~ UNLESS REPAIRS ARE <—
22 TO BE PERFORMED AT NO CHARGE TO THE CUSTOMER UNDER A WARRANTY OR
23 PREPAID MAINTENANCE OR REPAIR AGREEMENT, EVERY registrant shall
24 prepare, at the time an electric appliance is presented by a
25 customer for repair AT THE REGISTRANT'S ESTABLISHED PLACE OF <—
26 BUSINESS, a standardized repair order as prescribed by the
27 Attorney General, of which a copy shall be given to the customer
28 and a copy to be retained by the registrant and shall contain
29 the following:

30 (1) A consecutive repair order serial number.

1 (2) The full business name, address and telephone number of
2 the registrant and the name of the person preparing the repair
3 order.

4 (3) The full name, address and business or residence
5 telephone number of the customer.

6 (4) The ~~model year~~, make, model, style and identification <—
7 ~~number if any~~ AND SERIAL NUMBERS, IF ANY, of the electric <—
8 appliance.

9 (5) A description of the repairs to be performed as
10 described in section 6.

11 (b) On completion of the repairs, WHEREVER EFFECTED, the <—
12 registrant shall present to the customer a completely itemized
13 bill containing, in addition to the information described in
14 subsection (a):

15 (1) A clear description of the repair operations performed
16 and the price for each operation or group of operations.

17 (2) A GENERIC description of each replacement part, TOGETHER <—
18 WITH ITS IDENTIFYING NUMBER, with notation if any part is used
19 or reconditioned, together with the price for each part.

20 (3) Subtotals of parts and labor prices, Pennsylvania sales
21 tax, and total price of repairs.

22 (4) Identification of all repairs, NOT TO INCLUDE REBUILDING <—
23 OF SUCH PARTS AS ARE CUSTOMARILY REBUILT BY SPECIALIZED REPAIR
24 FACILITIES OR MANUFACTURERS, sublet to other than the
25 registrant.

26 (5) A statement of the warranty, if any, extended by the
27 registrant on materials and workmanship.

28 (c) Upon payment of this bill by the customer, the
29 registrant shall receipt it and deliver a copy to the customer.

30 (d) Copies of all bills, estimates and authorizations

1 relating to electric appliance repair shall be kept at the
2 registrant's place of business for two years and shall be
3 available for inspection by the Attorney General or his
4 representative.

5 Section 6. Estimates and Authorization.--(a) When ~~the A~~ <—
6 repair order is written, AS PROVIDED IN SECTION 5, the <—
7 registrant shall provide the customer with one or more of the
8 options described below:

9 (1) Where possible the registrant shall record on the repair
10 order the estimated total price including Pennsylvania sales tax
11 of all repairs to be performed on the electric appliance and the
12 customer may then give his written authorization for those
13 repairs unless the customer elects the option in paragraph (3).

14 (2) If the price of all repairs cannot be ~~accurately~~ <—
15 IMMEDIATELY estimated, unless the customer elects the option in <—
16 paragraph (3), the repair order shall state the maximum charge
17 to be made for diagnosis, inspection and preparation of an
18 accurate estimate for which charge only the customer shall give
19 written authorization, and the repair order shall also record
20 whether ~~the customer requests~~; SUCH CHARGE SHALL BE CREDITED <—
21 AGAINST THE TOTAL REPAIR BILL IN THE EVENT THE CUSTOMER CHOOSES
22 TO AUTHORIZE COMPLETION OF ESTIMATED REPAIRS BY THE REGISTRANT
23 AND WHETHER THE CUSTOMER REQUESTS:

24 (i) an ~~accurate~~ estimate in writing from the registrant and <—
25 the customer's authorization for those repairs only in writing;
26 or

27 (ii) an ~~accurate~~ estimate from the registrant orally by <—
28 telephone and the customer's oral authorization; in which case
29 the registrant shall record on the repair order at the time the
30 authorization is given the date, time, phone number called and

1 the full name of the person giving such oral authorization; or
2 (iii) on submission of the estimate by the registrant, if
3 the customer elects not to have the repairs performed by the
4 registrant he shall be liable for payment of the charge for
5 diagnosis up to the maximum authorized on the repair order, and
6 the registrant shall return the electric appliance to the
7 customer in ~~the same condition~~ A CONDITION THE SAME AS OR <—
8 SIMILAR TO THAT in which it was presented for diagnosis, unless
9 otherwise agreed to by the customer.

10 (3) The customer may authorize performance of any repairs to
11 the electric appliance necessary in the judgment of the
12 registrant in a specific functional area ~~by writing a statement~~ <—
13 ~~to that effect~~, AS DESCRIBED BY THE REGISTRANT OR HIS EMPLOYEE <—
14 on the repair order, ~~in his own handwriting and~~ affixing his <—
15 signature to ~~that statement~~. THE REPAIR ORDER. <—

16 (b) When one of the options above has been selected, the
17 registrant shall give a copy of the repair order to the
18 customer.

19 (c) When an estimate is given, either orally or in writing,
20 the customer shall not be liable for payment of any overrun in
21 excess of 10% of the total estimated price of repairs, including
22 Pennsylvania sales tax, unless the customer has given subsequent
23 authorization for such overrun in the same form in which the
24 customer gave assent to the original estimate.

25 (d) In no case shall the customer be liable for payment for
26 any repairs for which his authorization has not been obtained
27 prior to performance of the repairs.

28 (e) If, after providing an estimate under this section, the
29 registrant obtains authorization to proceed with repairs, the
30 registrant shall ~~credit~~ ITEMIZE AS LABOR any charge for the <—

1 estimate, as provided in subsection (a)(2), ~~against~~ WITHIN the <—
2 total of his bill for repairs AND SHALL CREDIT THAT AMOUNT <—
3 AGAINST SUCH TOTAL IF SO AGREED ON THE REPAIR ORDER OR AT THE
4 TIME THE CUSTOMER ORALLY AUTHORIZES COMPLETION OF THE REPAIRS.

5 (f) A sign or poster setting forth the requirements of this
6 section in ~~clear language as approved~~ A FORM PRESCRIBED by the <—
7 Attorney General shall be prominently displayed in each place of
8 business of the registrant.

9 Section 7. Disposition of Parts.--(a) All parts FOR WHOSE <—
10 REPLACEMENTS THE CUSTOMER IS TO PAY AND WHICH ARE removed from a
11 customer's electric appliance in the course of repair, EXCEPT <—
12 THOSE THE ATTORNEY GENERAL MAY DEEM HAZARDOUS TO THE CUSTOMER,
13 shall be tendered to the customer on completion of the repairs,
14 at which time the customer may authorize the registrant to
15 dispose of them.

16 (b) Those parts which are purchased on an exchange basis and
17 for which a core charge is levied by the parts supplier shall
18 ~~also be tendered to the customer for his inspection, after which~~ <—
19 ~~he may return them to the registrant or retain possession of~~
20 ~~them upon~~ UPON HIS payment of the core charge to the registrant, <—
21 for which payment a receipt shall be given by the registrant.

22 ~~(c) Those parts which are returned to the manufacturer or~~ <—
23 ~~distributor under a warranty arrangement shall be so identified~~
24 ~~on the receipt given to the customer with an explanation of what~~
25 ~~parts and/or service the customer receives in return and what~~
26 ~~the warranty or guarantee rights are on the exchanged part or~~
27 ~~parts.~~

28 Section 8. Suspension, Revocation or Refusal to Issue or
29 Renew a Certificate of Registration; Civil Penalty; Surrender of
30 Certificate of Registration.--(a) The Attorney General may deny

1 the application of any person for a certificate of registration
2 and may suspend or revoke a certificate of registration or
3 refuse to issue a renewal thereof if he determines that such
4 applicant or registrant:

5 (1) has, within three years prior to the issuance of the
6 certificate of registration then in force or while his current
7 certificate of registration is in force, pleaded guilty, entered
8 a plea of nolo contendere or has been found guilty in a court of
9 competent jurisdiction of this or any other state of forgery,
10 fraud, embezzlement, obtaining money under false pretenses,
11 extortion, conspiracy to defraud, bribery or any other crime
12 involving moral turpitude; or

13 (2) has knowingly failed or refused to account for or to pay
14 over moneys or other valuables belonging to others which have
15 come into his possession arising out of the repair of electric
16 appliances; or

17 (3) has engaged in false, deceptive or misleading
18 advertising of electric appliance repairs; or

19 (4) has committed any act or engaged in conduct in
20 connection with the repair of electric appliances which clearly
21 demonstrated incompetency by accepted industry standards; or

22 (5) has made a material misstatement or concealed a material
23 fact in the application for a certificate of registration; or

24 (6) has grossly overcharged any person for repairs to an
25 electric appliance; or

26 (7) has misrepresented necessary repairs to a customer, or
27 has defrauded any customer by performing unnecessary repairs; or

28 (8) has refused to give a customer a copy of any document
29 requiring his signature as soon as the customer signs such
30 document; or

1 (9) has in the repair of electric appliances performed any
2 act which constitutes a departure from or disregard of accepted
3 trade standards of good workmanlike repairs in any material
4 respect, which action is prejudicial to the owner of the
5 electric appliance and which would be known as such a departure
6 or disregard by any reasonable dealer or repairman in the trade;
7 or

8 (10) has knowingly made a false promise of a character likely
9 to influence, persuade or induce a consumer to authorize the
10 repair of an electric appliance; or

11 (11) has attempted to enter into or entered into any
12 contract or obligation for the repair of an electric appliance
13 which shall contain a provision by which a consumer:

14 (i) waives any right of action against the dealer or other
15 person acting in the dealer's behalf for any unlawful act
16 committed by the dealer or his agents; or

17 (ii) relieves the dealer from any liability for any legal
18 remedies which the consumer may have against the dealer; or

19 (12) was the former holder of a certificate of registration
20 issued hereunder which was revoked or suspended by the Attorney
21 General; or

22 (13) is or was an officer, director, partner or stockholder
23 holding more than 10% of the outstanding stock in a corporation
24 or partnership which was the former holder of a certificate of
25 registration issued hereunder which was revoked or suspended by
26 the Attorney General; or

27 (14) has failed to furnish satisfactory evidence of good
28 character, reputation and fitness; or

29 (15) does not have a place of business as required by this
30 act; or

1 (16) is not the true owner of the repair shop, except where
2 the Attorney General has issued a certificate of registration to
3 a franchise holder or person actually conducting the electric
4 appliance repair business pursuant to the provisions of section
5 4(d)(2); or

6 (17) has failed to comply with any of the provisions of the
7 act of December 17, 1968 (P.L.1224, No.387), known as the
8 "Unfair Trade Practices and Consumer Protection Law"; or

9 (18) has failed to comply with the rules and regulations
10 promulgated by the Attorney General or any of the provisions of
11 this act.

12 (b) The Attorney General in addition to, or in lieu of
13 revoking or suspending the certificate of registration of a
14 registrant in accordance with the provisions of this act, may,
15 in any one proceeding, order the registrant to pay to the
16 Commonwealth a penalty in a sum not exceeding \$100 for each
17 violation, and not exceeding \$500 in the aggregate for all
18 violations, and upon the failure of such registrant to pay such
19 penalty within 20 days of the receipt by the registrant of such
20 order, postage prepaid, registered, and addressed to the last
21 known place of business of such registrant, unless such order is
22 stayed by an order of a court of competent jurisdiction, may
23 revoke the certificate of registration of such registrant or may
24 suspend the same for such period as he may determine. The
25 penalty provided in this section may be recovered by an action
26 brought by the Attorney General in any court of competent
27 jurisdiction.

28 (c) Any registrant holding or possessing a certificate of
29 registration which has been suspended or revoked pursuant to
30 this act, who fails to deliver the same to the suspending or

1 revoking officer or to any peace officer directed by the
2 Attorney General to secure possession thereof, is guilty of a
3 misdemeanor of the third degree.

4 Section 9. Non-registered Service Dealers.--Any service
5 dealer who is not registered is guilty of a summary offense, and
6 upon conviction thereof, shall be sentenced to pay a fine of
7 \$100 for the first offense and of \$500 for the second or
8 subsequent offense, and the Attorney General or his
9 representative may seek appropriate civil remedies against a
10 second or subsequent offender.

11 Section 10. Removal of Electric Appliance from Premises;
12 Receipt; Contents.--Any person who for the purpose of repairing
13 a television, radio, phonograph, tape recorder set or electric
14 appliance removes the set or appliance from the premises of the
15 owner shall furnish the owner at the time of such removal with a
16 receipt containing all the information required by sections 5
17 and 6.

18 Section 11. Hearings; Judicial Review.--(a) No certificate
19 of registration shall be suspended or revoked or penalty imposed
20 until after a hearing, upon written notice to the registrant,
21 before an officer or employee designated by the Attorney
22 General: Provided, however, That where a notice of hearing is
23 mailed to a registrant at the address shown in the records of
24 the Attorney General and such registrant fails to attend such
25 hearing, the Attorney General may suspend his certificate of
26 registration without a hearing. Upon the denial of an
27 application for a certificate of registration the Attorney
28 General shall grant a hearing to an applicant therefor upon
29 receipt of a request for such a hearing made within 30 days
30 after the applicant is notified of such denial. In the event a

1 certificate of registration is revoked or an application is
2 denied, no certificate of registration shall be issued to such
3 former registrant or applicant for at least six months or
4 thereafter, except in the discretion of the Attorney General.
5 The applicant or registrant may be heard in person or by
6 counsel. Such hearings shall be at such time and place as the
7 Attorney General shall prescribe. The Attorney General, or his
8 designate, shall have the power of subpoena and may bring before
9 him or his designate, any person in this Commonwealth or
10 document, record or other relevant evidence. He shall have the
11 power to administer oaths and take the testimony of any such
12 person or cause his deposition to be taken. A subpoena issued
13 under this act shall be regulated by the Pennsylvania Rules of
14 Civil Procedure.

15 (b) All actions of the Attorney General shall be taken
16 subject to the right of notice, hearing and adjudication and the
17 right of appeal therefrom, in accordance with the provisions of
18 the act of June 4, 1945 (P.L.1388, No.442), known as the
19 "Administrative Agency Law," or any amendments or reenactment
20 thereof, relating to adjudication procedure.

21 Section 12. Regulations.--The Attorney General may adopt
22 such rules and regulations as may be necessary for the
23 enforcement and administration of this act. Such rules and
24 regulations when promulgated pursuant to the act of July 31,
25 1968 (P.L.769, No.240), known as the "Commonwealth Documents
26 Law," shall have the force and effect of law.

27 Section 13. Personnel.--The Attorney General may appoint and
28 fix the compensation of such clerical, inspection, attorneys,
29 investigation, and auditing personnel as may be necessary to
30 carry out the provisions of this act.

1 Section 14. Investigations.--The Attorney General or his
2 representative shall investigate violations of this act and of
3 any regulation established hereunder, by any service dealer,
4 whether registered or not, and by any employee, partner,
5 officer, or member of any service dealer. The Attorney General
6 or his representative shall, on his own initiative, conduct spot
7 check investigations of service dealers throughout the
8 Commonwealth on a continuous basis.

9 Section 15. Advisory Council.--There is hereby created an
10 advisory council, which shall advise the Attorney General in
11 administering this act. The council shall consist of eight
12 individuals appointed by the Governor, four of whom shall be
13 service dealers registered under this act with at least five
14 years' experience in the Commonwealth, one of whom shall be
15 employed by a service dealer registered under this act with at
16 least three years' experience in the Commonwealth. The remaining
17 three members shall be chosen from the public at large and
18 represent the interest of the general public.

19 The terms of office of members of the council shall be three
20 years or until their successors are qualified. Any vacancy of
21 the council shall be filled for the remainder of the unexpired
22 term, in the same manner as the original appointments.

23 THE MEMBERS OF THE ADVISORY COUNCIL SHALL ELECT FROM AMONG
24 THEIR MEMBERS A CHAIRMAN, WHO SHALL CALL MEETINGS TO BE HELD AT
25 SUCH TIMES AND PLACES AS HE SHALL DIRECT, NOT LESS THAN TWICE A
26 YEAR.

27 Members of the council shall receive no compensation, but
28 shall be entitled to reimbursement for actual expenses incurred
29 in the performance of duties under this act.

30 Section 16. Waiver of Provisions.--A waiver by the customer

1 of any of the provisions of this act shall be deemed contrary to
2 public policy and shall be void and unenforceable.

3 Section 17. Unlawful Method; Act or Practice.--Any method,
4 act or practice which violates any of the provisions of this act
5 is hereby declared unlawful.

6 Section 18. Restraining Prohibited Acts.--Whenever the
7 Attorney General, or a district attorney, or the solicitor of
8 any county or city of the first or second class has reason to
9 believe that any person is using or is about to use any method,
10 act or practice declared by this act to be unlawful, and that
11 proceedings would be in the public interest, he may bring an
12 action in the name of the Commonwealth against such person to
13 restrain by temporary or permanent injunction the use of such
14 method, act or practice. The action may be brought in the court
15 of common pleas of the county in which such person resides, has
16 his principal place of business, or is doing business, or may be
17 brought in the Commonwealth Court. The said courts are
18 authorized to issue temporary or permanent injunctions to
19 restrain and prevent violations of this act, and such
20 injunctions shall be issued without bond.

21 Section 19. Assurances of Voluntary Compliance.--In the
22 administration of this act, the Attorney General may accept an
23 assurance of voluntary compliance with respect to any method,
24 act or practice deemed to be violative of the act from any
25 person who has engaged or was about to engage in such method,
26 act or practice. Such assurance may include a stipulation for
27 voluntary payment by the alleged violator providing for the
28 restitution by the alleged violator to consumers, of money,
29 property or other things received from them in connection with a
30 violation of this act. Any such assurance shall be in writing

1 and be filed with the court of common pleas in which the alleged
2 violator resides, has his principal place of business, or is
3 doing business, or the Commonwealth Court. Such assurance of
4 voluntary compliance shall not be considered an admission of
5 violation for any purpose. Matters thus closed may at any time
6 be reopened by the Attorney General for further proceedings in
7 the public interest, pursuant to this act.

8 Section 20. Civil Penalties.--Any person who violates the
9 terms of an injunction issued under this act or any of the terms
10 of an assurance of voluntary compliance duly filed in court
11 under this act shall forfeit and pay to the Commonwealth a civil
12 penalty of not more than \$5,000 for each violation. For the
13 purposes of this section, the court issuing an injunction or in
14 which an assurance of voluntary compliance is filed shall retain
15 jurisdiction, and the cause shall be continued, and, in such
16 cases, the Attorney General, the appropriate district attorney,
17 or solicitor acting in the name of the Commonwealth of
18 Pennsylvania, may petition for recovery of civil penalties and
19 any other equitable relief deemed needed or proper.

20 SECTION 21. DISPOSITION OF CUSTOMERS' GOODS ON REGISTRANT'S
21 CESSATION OF BUSINESS.--A REGISTRANT SHALL, AT LEAST 30 DAYS
22 PRIOR TO VACATING, CLOSING, SELLING, OR CONVERTING TO ANOTHER
23 USE AN ESTABLISHED PLACE OF BUSINESS, NOTIFY IN WRITING EACH
24 CUSTOMER WHOSE GOODS REMAIN THEREIN, OF THE DATE OF CESSATION OF
25 BUSINESS AND ADVISE THE CUSTOMER TO RECLAIM HIS GOODS BY THAT
26 DATE.

27 Section ~~21~~ 22. Appropriation.--(a) The sum of \$200,000, or
28 as much thereof as may be necessary, is hereby appropriated to
29 the Attorney General for use in carrying out the provisions of
30 this act.

1 (b) The total appropriation to the Attorney General for the
2 purpose of carrying out the provisions of this act may not
3 exceed the total amount of revenue collected by the registration
4 fees as provided by this act.

5 Section ~~22~~ 23. Effective Date.--This act shall take effect <—
6 immediately.