

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2493 Session of
1988

INTRODUCED BY ACOSTA, KOSINSKI, HAYDEN, JOSEPHS, KITCHEN,
ROEBUCK, WESTON, CARN, HARPER, LINTON AND RICHARDSON, MAY 24,
1988

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 24, 1988

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for use of dealer registration
3 plates, for use and suspension of "Miscellaneous Motor
4 Vehicle Business" registration plates, and for judicial
5 review of denial, suspension or revocation of registration.

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

8 Section 1. Sections 1336, 1337, 1374 and 1377 of Title 75 of
9 the Pennsylvania Consolidated Statutes are amended to read:

10 § 1336. Use of dealer registration plates.

11 (a) General rule.--Dealer registration plates may be used on
12 any vehicle owned or in possession of a dealer or manufacturer
13 [and operated by the dealer or manufacturer or their employees
14 only when the vehicle is], but only if the vehicle is being held
15 for sale, is unladen except for safety equipment, jumper cables
16 and similar items, or is being used for any of the following
17 purposes:

18 (1) [In the business of the registrant as a dealer or
19 manufacturer.

1 (2)] For the personal [pleasure or] use of the dealer or
2 members of his immediate family, or, when the dealer is a
3 corporation, for the personal [pleasure or] use of the
4 officers or members of their immediate families, or for the
5 personal use of the regular employees of the dealer.

6 [(3)] (2) For teaching students enrolled in an approved
7 driver education course how to operate a vehicle and for the
8 new driver to take an examination for a driver's license.

9 [(4)] (3) For testing vehicles in the possession of the
10 dealer or manufacturer.

11 [(5)] (4) For demonstrating vehicles in the possession
12 of the dealer or manufacturer.

13 [(6)] (5) For loaning to customers whose vehicles are
14 being repaired.

15 [(7)] (6) For loaning to prospective purchasers for a
16 period not exceeding five days for the purpose of
17 demonstrating vehicles.

18 (b) Records.--Records shall be kept by the dealer in a
19 manner prescribed by the department indicating which vehicles
20 have been used as provided in subsection [(a)(3), (6) and (7)]
21 (a)(2), (5) and (6). The records shall be open to inspection by
22 representatives of the department and police officers.

23 § 1337. Use of "Miscellaneous Motor Vehicle Business"
24 registration plates.

25 (a) General rule.--The department shall issue to owners of
26 miscellaneous motor vehicle businesses special registration
27 plates which may be displayed on vehicles operated on highways
28 in lieu of registering each vehicle individually. Registration
29 plates issued under this section may be used only [when the
30 vehicle is used for any of the following purposes:

(1) In the conduct of the miscellaneous motor vehicle business.

(2) For the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of their immediate family, or when the business is a corporation, for the pleasure or use of not more than three officers or members of their immediate families, or for the personal use of the regular employees of the business when operated by the employee.]

on a vehicle owned by another person which is in the process of being:

(1) Repaired or serviced.

(2) Remodeled, taken apart or rebuilt after it has been wrecked or abandoned.

(3) Transported on its own wheels by a transporter, as defined in this section.

(4) Repossessed.

(b) Application for registration.--Application for registration in any of the "Miscellaneous Motor Vehicle Business" classes shall be made upon a form provided by the department and shall set forth the full name and business address of the applicant and such other information as the department shall require. The application shall be verified by the oath or affirmation of the applicant or, if the applicant is a partnership or a corporation, by a partner or officer.

(c) Classes of "Miscellaneous Motor Vehicle Business".--

(1) Repair[,] or service [and towing].--Any person engaged in the repair[,] or service [or towing] of motor vehicles.

(2) Vehicle salvage dealer.--Any person who maintains an

1 established place of business and who is engaged in the
2 business of buying, selling or exchanging used, wrecked or
3 abandoned vehicles and junkers for the purpose of remodeling,
4 taking apart, or rebuilding the same, or buying or selling of
5 parts.

6 (3) Transporter.--A person regularly engaged in the
7 business of transporting [new vehicles or new and used
8 trailers on their own wheels,] on their own wheels new or
9 used vehicles owned by or in possession of a [registered]
10 manufacturer or dealer.

11 (4) Financier or collector-repossessor.--A person who is
12 duly authorized by the Department of Banking to do business
13 in this Commonwealth as a financier or collector-repossessor
14 and who is regularly engaged as an independent contractor in
15 the business of financing sales, making loans on the security
16 of vehicles or repossessing vehicles which are the subject of
17 installment sales contracts [as an independent contractor].

18 § 1374. Suspension or revocation of vehicle business
19 registration plates.

20 (a) [General rule] Suspension or revocation after
21 opportunity for hearing.--The department may suspend or revoke
22 registration plates [for] of dealers, manufacturers or members
23 of the "Miscellaneous Motor Vehicle Business" class after
24 providing opportunity for a hearing in any of the following
25 cases when the department finds upon sufficient evidence that:

26 (1) [The] Except as provided in subsection (b)(1), the
27 registrant is no longer entitled to licensing as a dealer or
28 manufacturer or to registration in the "Miscellaneous Motor
29 Vehicle Business" class.

30 (2) The registrant has made or permitted to be made any

1 unlawful use of the vehicle or registration plate or plates
2 or registration card or permitted the use by a person not
3 entitled thereto.

4 (3) The registrant has knowingly made a false statement
5 or knowingly concealed a material fact or otherwise committed
6 a fraud in any application.

7 (4) The registrant has failed to give notice of transfer
8 of ownership or of the destruction or junking of any vehicle
9 when and as required by this title.

10 (5) The registrant has failed to deliver to a transferee
11 lawfully entitled thereto or to the department, when and as
12 required by this title, a properly assigned certificate of
13 title.

14 (6) The registrant has repeatedly violated any of the
15 provisions of this title.

16 [(7) Any fee payable to the Commonwealth in connection
17 with the operation of the business of the registrant has not
18 been paid.]

19 (b) Suspension without hearing.--The department may suspend
20 or revoke registration plates of dealers, manufacturers or
21 members of the "Miscellaneous Motor Vehicle Business" class
22 without providing the opportunity for a hearing in any of the
23 following cases:

24 (1) If the registrant's license as a dealer or
25 manufacturer is suspended or revoked by the State Board of
26 Vehicle Manufacturers, Dealers and Salespersons or the board
27 determines that the registrant is not entitled to such a
28 license.

29 (2) If the Pennsylvania State Police certify that the
30 dealer, manufacturer or member of the "Miscellaneous Motor

1 Vehicle Business" class is no longer in business.

2 (3) If any fee payable to the Commonwealth in connection
3 with the operation of the business of the registrant has not
4 been paid.

5 [(b)] (c) Recommended action by State licensing board.--The
6 department may also audit and investigate dealers and
7 manufacturers registered by the State Board of [Motor] Vehicle
8 Manufacturers, Dealers and [Salesmen] Salespersons to determine
9 whether any dealer or manufacturer has violated any provision of
10 this title pertaining to dealers or manufacturers or any
11 regulation promulgated by the department. The department may
12 recommend that the State Board of [Motor] Vehicle Manufacturers,
13 Dealers and [Salesmen] Salespersons suspend the license of any
14 dealer or manufacturer which it finds has committed a violation
15 and the board shall take prompt action on any such
16 recommendations under the act of [September 9, 1965 (P.L.499,
17 No.254), known as the "Motor Vehicle Manufacturer's, Dealer's
18 and Salesmen's License Act."] December 22, 1983 (P.L.306,
19 No.84), known as the Board of Vehicles Act.

20 § 1377. Judicial review of denial [or suspension], suspension
21 or revocation of registration.

22 Any person whose registration has been denied [or suspended],
23 suspended or revoked by the department and any person whose
24 privilege of issuing temporary registration cards or plates or
25 other documents on behalf of the department has been denied,
26 suspended or revoked shall have the right to appeal to the court
27 vested with jurisdiction of such appeals by or pursuant to Title
28 42 (relating to judiciary and judicial procedure). The filing of
29 the appeal shall act as a supersedeas [and the suspension of
30 registration shall not be imposed] until determination of the

1 matter [as provided in this section.] by the court vested with
2 the jurisdiction of such appeals. Further review by another
3 court shall not operate as a supersedeas unless a court of
4 competent jurisdiction determines otherwise. The court shall set
5 the matter down for hearing upon [30] 60 days written notice to
6 the department, and thereupon take testimony and examine into
7 the facts of the case and determine whether the [petitioner is
8 entitled to registration or subject to suspension of
9 registration under the provisions of this title] department
10 acted properly under the circumstances.

11 Section 2. This act shall take effect in 60 days.