

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1441 Session of
1991

INTRODUCED BY GREENLEAF, FISHER, BELAN, TILGHMAN, STAPLETON,
RHOADES AND ANDREZESKI, NOVEMBER 20, 1991

REFERRED TO TRANSPORTATION, NOVEMBER 20, 1991

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for miscellaneous motor vehicle
3 business registration plates.

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

6 Section 1. Sections 1337 and 1374 of Title 75 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 1337. Use of "Miscellaneous Motor Vehicle Business"
9 registration plates.

10 (a) General rule.--An owner of any miscellaneous motor
11 vehicle business operating in Pennsylvania shall make
12 application for registration and register as a miscellaneous
13 motor vehicle business in order to conduct the business. The
14 department shall issue to owners of miscellaneous motor vehicle
15 businesses special registration plates which [may] must be
16 displayed on vehicles operated on highways in lieu of
17 registering each vehicle individually. Registration plates
18 issued under this section [may] shall be used only when the

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.

(b) Registration under correct class.--An owner of any miscellaneous motor vehicle business shall make application for registration under the proper class of miscellaneous motor vehicle business. The department may require the owner to verify that application has been made under the correct class of miscellaneous motor vehicle business. An applicant for registration who owns a vehicle that is titled in this Commonwealth and used in the conduct of a miscellaneous motor vehicle business must apply for a registration plate under the correct class of miscellaneous motor vehicle business. The owner of a miscellaneous motor vehicle business must display miscellaneous motor vehicle business registration plates on all vehicles used in the conduct of the business.

~~[(b)]~~ (c) Application for registration.--

(1) 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.]

following:

1 (i) The applicant's sales tax number, if applicable.

2 (ii) The name and address of each owner or partner
3 and, if a corporation, the names of the officers and
4 directors, and shareholders owning 10% or more of the
5 outstanding stock of the corporation.

6 (iii) A statement of whether the applicant has
7 previously been convicted of a felony.

8 (iv) A statement of whether the applicant has
9 previously applied for registration or a registration
10 plate under this chapter and the result of the
11 application. The applicant shall further state whether he
12 has ever been the holder of a registration or
13 registration plates issued under this chapter that were
14 revoked or suspended.

15 (v) If the applicant is a partnership or a
16 corporation, a statement of whether any of the partners
17 or officers, directors or shareholders owning 10% or more
18 of the outstanding stock of the corporation have ever
19 been refused registration or registration plates under
20 this chapter.

21 (vi) Any additional information that the department
22 may require.

23 (2) The application shall be verified by the oath or
24 affirmation of the applicant or, if the applicant is a
25 partnership or a corporation, by a partner or officer.

26 ~~[(c)]~~ (d) Classes of "Miscellaneous Motor Vehicle
27 Business".--

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

30 (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, owned by or in possession of a
9 registered dealer.

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

17 § 1374. Suspension [or], revocation [of] or refusal to issue
18 vehicle business registration or registration plates.

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

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

30 (2) The applicant or registrant has made or permitted to

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

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

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

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

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

17 (7) Any fee payable to the Commonwealth in connection
18 with the operation of the business of the applicant or
19 registrant has not been paid.

20 (8) The applicant or registrant has been convicted of a
21 violation of a Federal or State law involving vehicle theft
22 or has been convicted of a violation of any of the provisions
23 of Chapter 71 (relating to vehicle theft and related
24 provisions) or similar laws of other states within the
25 preceding ten years.

26 (9) The applicant or registrant has been convicted of a
27 felony within the preceding ten years.

28 (10) The applicant or registrant has no established
29 place of business.

30 (11) The applicant or registrant has, within 12 months

1 prior to the application, been denied registration or
2 registration plates under paragraph (2), (3), (6), (8) or
3 (9).

4 (a.1) Corporations and partnerships.--If the applicant,
5 dealer or member of "Miscellaneous Motor Vehicle Business" class
6 is a corporation or partnership, the department may suspend,
7 revoke or refuse to issue a registration or registration plate
8 if any officer or director, or shareholder owning 10% or more of
9 the outstanding corporation stock or partner of the applicant,
10 dealer or member has been guilty of any act or omission which
11 would be cause for suspending, revoking or refusing a
12 registration or registration plate if the registration or
13 registration plate had been issued to an individual. The
14 department's findings may be based upon facts contained in the
15 application or upon any other information obtained by the
16 department.

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

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

28 (2) If the Pennsylvania State Police shall certify that
29 the applicant, dealer, manufacturer or member of the
30 "Miscellaneous Motor Vehicle Business" class is no longer in

1 business.

2 (c) Recommended action by State licensing board.--The
3 department may also audit and investigate dealers and
4 manufacturers registered by the State Board of Vehicle
5 Manufacturers, Dealers and Salespersons to determine whether any
6 dealer or manufacturer has violated any provision of this title
7 pertaining to dealers or manufacturers or any regulation
8 promulgated by the department. The department may recommend that
9 the State Board of Vehicle Manufacturers, Dealers and
10 Salespersons suspend the license of any dealer or manufacturer
11 which it finds has committed a violation and the board shall
12 take prompt action on any such recommendations under the act of
13 December 22, 1983 (P.L.306, No.84), known as the Board of
14 Vehicles Act.

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