

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 TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, NOVEMBER 28, 2007

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 defining "off premise sale," "vehicle~~
5 ~~show" or "exhibition"; defining "recreational vehicle show";~~
6 ~~further providing for grounds for disciplinary proceedings;~~
7 ~~further providing for vehicle shows, off premise sales and~~
8 ~~exhibitions; providing for recreational vehicle shows, off-~~
9 ~~premise sales, exhibitions and rallies; and further providing~~
10 ~~for vehicle shows, off premise sales and exhibitions on~~
11 ~~Sundays.~~

12 AMENDING THE ACT OF DECEMBER 22, 1983 (P.L.306, NO.84), ENTITLED <—
13 "AN ACT PROVIDING FOR THE STATE BOARD OF VEHICLE
14 MANUFACTURERS, DEALERS AND SALESPERSONS; AND PROVIDING
15 PENALTIES," FURTHER PROVIDING FOR DEFINITIONS, FOR GROUNDS
16 FOR DISCIPLINARY PROCEEDINGS, FOR VEHICLE SHOWS, OFF-PREMISE
17 SALES AND EXHIBITIONS; PROVIDING FOR RECREATIONAL VEHICLE
18 SHOWS, OFF-PREMISE SALES, EXHIBITIONS AND RALLIES; AND
19 FURTHER PROVIDING FOR VEHICLE SHOWS, OFF-PREMISE SALES AND
20 EXHIBITIONS ON SUNDAYS.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 ~~Section 1. The definition of "off premise sale," "vehicle~~ <—
24 ~~show" or "exhibition" in section 2 of the act of December 22,~~
25 ~~1983 (P.L.306, No.84), known as the Board of Vehicles Act,~~
26 ~~amended April 19, 1996 (P.L.104, No.27), is amended and the~~

1 ~~section is amended by adding a definition to read:~~

2 ~~Section 2. Definitions.~~

3 ~~The following words and phrases when used in this act shall~~
4 ~~have the meanings given to them in this section unless the~~
5 ~~context clearly indicates otherwise:~~

6 * * *

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

14 * * *

15 ~~"Recreational vehicle shows, off premise sales, exhibitions~~
16 ~~and rallies." A sale, show, exhibition or rally, held by one or~~
17 ~~more recreational vehicle dealers, distributors, manufacturers~~
18 ~~or manufacturers' representatives who display, sell or attempt~~
19 ~~to sell recreational vehicles for a fixed and limited period of~~
20 ~~time, which shall not exceed ten days in a 30 day period, 20~~
21 ~~days in a 90 day period, and 60 days in a 365 day period. In~~
22 ~~computing these time limitations, set up and tear down days as~~
23 ~~well as days when the events are not open shall be excluded.~~

24 * * *

25 ~~Section 2. Section 19 of the act is amended by adding~~
26 ~~paragraphs to read:~~

27 ~~Section 19. Grounds for disciplinary proceedings.~~

28 ~~In addition to any criminal or civil penalties otherwise~~
29 ~~provided in this act, the board shall have the power to formally~~
30 ~~reprimand, suspend or revoke any license or refuse to issue or~~

1 ~~renew any license of an applicant or licensee or a person~~
2 ~~required to be licensed under this act, if after due notice of~~
3 ~~and hearing, the person charged is found in violation of or~~
4 ~~fails to carry out the acts and procedures set forth in this act~~
5 ~~or is found guilty of committing or attempting to commit any of~~
6 ~~the acts set forth in section 23 or any of the following acts:~~

7 * * *

8 ~~(39) Being a recreational vehicle dealer from another~~
9 ~~state or jurisdiction who, while buying, selling or~~
10 ~~exchanging recreational vehicles in this Commonwealth,~~
11 ~~violates any Pennsylvania law or regulations regarding the~~
12 ~~selling, titling, registering or financing of recreational~~
13 ~~vehicles.~~

14 ~~(40) Being a recreational vehicle dealer from another~~
15 ~~state or jurisdiction, who, while buying, selling or~~
16 ~~exchanging recreational vehicles in this Commonwealth,~~
17 ~~engages in conduct which would subject a Pennsylvania~~
18 ~~recreational vehicle dealer to sanction pursuant to the act.~~

19 ~~(41) Being a recreational vehicle dealer from another~~
20 ~~state or jurisdiction who, while buying, selling or~~
21 ~~exchanging recreational vehicles in this Commonwealth, is not~~
22 ~~in full compliance with the laws and regulations of the~~
23 ~~dealer's home state.~~

24 ~~(42) Being a recreational vehicle dealer from another~~
25 ~~state or jurisdiction who, while participating in a~~
26 ~~recreational vehicle show, off premise sale, exhibition or~~
27 ~~rally in this Commonwealth, employs a salesperson who~~
28 ~~represents another recreational vehicle dealer.~~

29 Section 3. Subsection (a) of section 32, renumbered and
30 amended April 19, 1996 (P.L.104, No.27), is amended, subsection

1 ~~(d) is repealed, and the section is amended by adding a~~
2 ~~subsection to read:~~

3 ~~Section 32. Vehicle shows, off premise sales and exhibitions.~~

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

12 ~~* * *~~

13 ~~[(d) Out of State recreational vehicle dealers.—~~

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

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

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

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

1 ~~vehicle shows in this Commonwealth.~~

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

18 * * *

19 ~~(f) Applicability. As provided in subsection (a), this~~
20 ~~section shall not apply to recreational vehicle dealers.~~

21 ~~Section 4. The act is amended by adding a section to read:~~
22 ~~Section 32.1. Recreational vehicle shows, off premise sales,~~
23 ~~exhibitions and rallies.~~

24 ~~(a) Participation. A recreational vehicle dealer,~~
25 ~~salesperson, distributor, manufacturer or manufacturer's~~
26 ~~representative licensed under this act may participate in~~
27 ~~recreational vehicle shows, off premise sales, exhibitions and~~
28 ~~rallies. A recreational vehicle dealer shall be permitted to~~
29 ~~conduct a vehicle show, exhibition or rally at its established~~
30 ~~place of business.~~

1 ~~(b) Bond required. Any person acting as a recreational~~
2 ~~vehicle dealer by engaging in buying, selling or exchanging~~
3 ~~recreational vehicles in this Commonwealth shall have posted a~~
4 ~~bond with the board in the amount of \$30,000, to ensure~~
5 ~~compliance with all Commonwealth laws and regulations. The bond~~
6 ~~shall be executed by a surety company authorized to transact~~
7 ~~business in this Commonwealth. The bond shall be security for~~
8 ~~any claim filed by an agencies of the Commonwealth, for moneys~~
9 ~~due, including, but not limited to, unpaid taxes, fees,~~
10 ~~licenses, payment of a criminal penalty or fine after conviction~~
11 ~~or payment of a civil penalty or monetary amount after the entry~~
12 ~~of judgment. The bond shall remain valid until cancelled in~~
13 ~~writing by the issuer. The board may refuse to accept the bond~~
14 ~~of a person it has sanctioned and who is not subject to its~~
15 ~~licensing requirements. This provision shall not limit the~~
16 ~~authority of any government agency or private individual to~~
17 ~~institute civil, criminal or disciplinary action against a~~
18 ~~person for a violation of Commonwealth laws or regulations.~~
19 ~~Recreational vehicle dealers who have a current bond in the~~
20 ~~amount of at least \$30,000 on file with the Department of~~
21 ~~Transportation shall not be required to post the above bond.~~

22 ~~(c) Out of State recreational vehicle dealers.—~~

23 ~~(1) A recreational vehicle dealer licensed in another~~
24 ~~state or domiciled in a state that does not require licensure~~
25 ~~may participate in recreational vehicle shows, off premise~~
26 ~~sales or exhibitions or rallies within this Commonwealth in~~
27 ~~which less than a total of 50 recreational vehicle dealers~~
28 ~~participate with permission of the dealer's licensed~~
29 ~~manufacturer if all of the following conditions exist:~~

30 ~~(i) The show has a minimum of ten recreational~~

1 ~~vehicle dealers licensed in this Commonwealth.~~

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

4 ~~(iii) The state is contiguous to this Commonwealth~~
5 ~~and permits Commonwealth licensed recreational vehicle~~
6 ~~dealers to participate in vehicle shows in that state~~
7 ~~under conditions substantially equivalent to the~~
8 ~~conditions which are imposed upon dealers from that state~~
9 ~~who participate in recreational vehicle shows in this~~
10 ~~Commonwealth.~~

11 ~~(iv) Any salesperson participating on behalf of a~~
12 ~~recreational vehicle dealer is licensed in his home state~~
13 ~~or domiciled in a state that does not require licensure.~~

14 ~~(2) A recreational vehicle dealer licensed in another~~
15 ~~state or domiciled in a state that does not require licensure~~
16 ~~may participate in a vehicle show, off premise sale,~~
17 ~~exhibition or rally, provided that, when it opens to the~~
18 ~~public, it has at least a total of 50 recreational vehicle~~
19 ~~dealers from this Commonwealth and outside this Commonwealth~~
20 ~~participating and all of the following conditions exist:~~

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

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

1 ~~recreational vehicle shows in this Commonwealth.~~

2 ~~(iii) Any salesperson participating on behalf of a~~
3 ~~recreational vehicle dealer is licensed in his home state~~
4 ~~or domiciled in a state that does not require licensure.~~

5 ~~(d) Additional penalties.~~

6 ~~(1) The board shall report any violation of Pennsylvania~~
7 ~~law to the home state of an out of State recreational vehicle~~
8 ~~dealer.~~

9 ~~(2) The board may impose a sanction upon any person it~~
10 ~~has not licensed by refusing to accept that person's bond.~~

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

13 ~~Section 33. Off premise sales, [vehicle shows or exhibits]~~
14 ~~shows, exhibitions or rallies on Sundays.~~

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

17 ~~(i) Off premise vehicles sales, shows and~~
18 ~~exhibitions.~~

19 ~~(ii) Recreational vehicle shows, off premise sales,~~
20 ~~exhibitions and rallies.~~

21 ~~(2) Normal vehicle business practices shall be allowed~~
22 ~~at off premise sales, vehicle shows or [exhibits] exhibitions~~
23 ~~on Sunday except that no final sales contract may be~~
24 ~~consummated on a Sunday.~~

25 ~~(3) Normal vehicle business practices shall be allowed~~
26 ~~at recreational vehicle shows, off premise sales, exhibitions~~
27 ~~and rallies. Recreational vehicle dealers are permitted to~~
28 ~~consummate final sales contracts on Sundays.~~

29 ~~(4) Manufactured housing [or recreational vehicle]~~
30 ~~dealers are permitted to consummate final sales contracts on~~

1 ~~Sundays.~~

2 ~~Section 6. This act shall take effect in 60 days.~~

3 SECTION 1. THE DEFINITIONS OF "OFF-PREMISE SALE," "VEHICLE
4 SHOW" OR "EXHIBITION" AND "RECREATIONAL VEHICLE" IN SECTION 2 OF
5 THE ACT OF DECEMBER 22, 1983 (P.L.306, NO.84), KNOWN AS THE
6 BOARD OF VEHICLES ACT, AMENDED APRIL 19, 1996 (P.L.104, NO.27),
7 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A DEFINITION TO
8 READ:

9 SECTION 2. DEFINITIONS.

10 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
11 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
12 CONTEXT CLEARLY INDICATES OTHERWISE:

13 * * *

14 "OFF-PREMISE SALE," "VEHICLE SHOW" OR "EXHIBITION." A SALE,
15 SHOW OR EXHIBITION OF ONE OR MORE VEHICLE DEALERS, DISTRIBUTORS,
16 MANUFACTURERS OR MANUFACTURERS' REPRESENTATIVES WHO DISPLAY,
17 SELL OR ATTEMPT TO SELL VEHICLES, MOBILE HOMES, MANUFACTURED
18 HOUSING, OR TRAILERS [OR], BUT NOT RECREATIONAL VEHICLES, FOR A
19 FIXED AND LIMITED PERIOD OF TIME HELD IN THE RELEVANT MARKET
20 AREA OF THE PARTICIPATING DEALERS OR DISTRIBUTORS.

21 * * *

22 "RECREATIONAL VEHICLE." A VEHICLE PRIMARILY DESIGNED AS
23 TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING OR TRAVEL
24 USE, WHICH EITHER HAS ITS OWN [MOTIVE] POWER OR IS MOUNTED ON OR
25 DRAWN BY ANOTHER VEHICLE. THE TERM INCLUDES A TRAVEL TRAILER,
26 RECREATIONAL VEHICLE PARK [MODEL] TRAILER, SLIDE-IN CAMPER,
27 CAMPING TRAILER AND MOTOR HOME.

28 * * *

29 "RECREATIONAL VEHICLE SHOWS, OFF-PREMISE SALES, EXHIBITIONS
30 AND RALLIES." A SALE, SHOW, EXHIBITION OR RALLY, HELD BY ONE OR

1 MORE RECREATIONAL VEHICLE DEALERS, DISTRIBUTORS, MANUFACTURERS
2 OR MANUFACTURERS' REPRESENTATIVES WHO DISPLAY, SELL OR ATTEMPT
3 TO SELL RECREATIONAL VEHICLES FOR A FIXED AND LIMITED PERIOD OF
4 TIME, WHICH SHALL NOT EXCEED TEN DAYS IN A 30-DAY PERIOD, 20
5 DAYS IN A 90-DAY PERIOD, AND 60 DAYS IN A 365-DAY PERIOD. IN
6 COMPUTING THESE TIME LIMITATIONS, SET-UP AND TEAR-DOWN DAYS AS
7 WELL AS DAYS WHEN THE EVENTS ARE NOT OPEN SHALL BE EXCLUDED.

8 * * *

9 SECTION 2. SECTION 19 OF THE ACT IS AMENDED BY ADDING A
10 PARAGRAPH TO READ:

11 SECTION 19. GROUNDS FOR DISCIPLINARY PROCEEDINGS.

12 IN ADDITION TO ANY CRIMINAL OR CIVIL PENALTIES OTHERWISE
13 PROVIDED IN THIS ACT, THE BOARD SHALL HAVE THE POWER TO FORMALLY
14 REPRIMAND, SUSPEND OR REVOKE ANY LICENSE OR REFUSE TO ISSUE OR
15 RENEW ANY LICENSE OF AN APPLICANT OR LICENSEE OR A PERSON
16 REQUIRED TO BE LICENSED UNDER THIS ACT, IF AFTER DUE NOTICE OF
17 AND HEARING, THE PERSON CHARGED IS FOUND IN VIOLATION OF OR
18 FAILS TO CARRY OUT THE ACTS AND PROCEDURES SET FORTH IN THIS ACT
19 OR IS FOUND GUILTY OF COMMITTING OR ATTEMPTING TO COMMIT ANY OF
20 THE ACTS SET FORTH IN SECTION 23 OR ANY OF THE FOLLOWING ACTS:

21 * * *

22 (39) BEING A RECREATIONAL VEHICLE DEALER FROM ANOTHER
23 STATE OR JURISDICTION WHO, WHILE BUYING, SELLING OR
24 EXCHANGING RECREATIONAL VEHICLES IN THIS COMMONWEALTH,
25 VIOLATES ANY PENNSYLVANIA LAW OR REGULATIONS REGARDING THE
26 SELLING, TITLING, REGISTERING OR FINANCING OF RECREATIONAL
27 VEHICLES OR IS NOT IN COMPLIANCE WITH THE LAWS AND
28 REGULATIONS REGARDING THE SELLING, TITLING, REGISTERING OR
29 FINANCING OF RECREATIONAL VEHICLES OF THE OUT-OF-STATE
30 DEALER'S DOMICILE STATE.

1 SECTION 3. SUBSECTION (A) OF SECTION 32, RENUMBERED AND
2 AMENDED APRIL 19, 1996 (P.L.104, NO.27), IS AMENDED, SUBSECTION
3 (D) IS REPEALED, AND THE SECTION IS AMENDED BY ADDING A
4 SUBSECTION TO READ:

5 SECTION 32. VEHICLE SHOWS, OFF-PREMISE SALES AND EXHIBITIONS.

6 (A) PARTICIPATION.--ANY LICENSED DEALER, DISTRIBUTOR OR
7 MANUFACTURER, OTHER THAN A RECREATIONAL VEHICLE DEALER,
8 DISTRIBUTOR OR MANUFACTURER, MAY PARTICIPATE IN PUBLIC VEHICLE
9 SHOWS, OFF-PREMISE SALES AND EXHIBITIONS, PROVIDED THAT A DEALER
10 SHALL PARTICIPATE ONLY IN SHOWS, OFF-PREMISE SALES AND
11 EXHIBITIONS HELD WITHIN THE DEALER'S RELEVANT MARKET AREA. A
12 DEALER SHALL BE PERMITTED TO CONDUCT A VEHICLE SHOW OR
13 EXHIBITION AT ITS ESTABLISHED PLACE OF BUSINESS.

14 * * *

15 [(D) OUT-OF-STATE RECREATIONAL VEHICLE DEALERS.--

16 (1) A RECREATIONAL VEHICLE DEALER LICENSED IN ANOTHER
17 STATE OR JURISDICTION MAY PARTICIPATE IN VEHICLE SHOWS OR
18 EXHIBITS WITH RECREATIONAL VEHICLES WITHIN THIS COMMONWEALTH
19 IN WHICH LESS THAN A TOTAL OF 50 DEALERS PARTICIPATE AS
20 EXHIBITORS WITH PERMISSION OF THE DEALER'S LICENSED
21 MANUFACTURER IF ALL OF THE FOLLOWING CONDITIONS EXIST:

22 (I) THE SHOW HAS A MINIMUM OF TEN RECREATIONAL
23 VEHICLE DEALERS LICENSED IN THIS COMMONWEALTH.

24 (II) MORE THAN 50% OF THE PARTICIPATING RECREATIONAL
25 VEHICLE DEALERS ARE LICENSED IN THIS COMMONWEALTH.

26 (III) THE STATE IN WHICH THE RECREATIONAL VEHICLE
27 DEALER IS LICENSED IS A STATE CONTIGUOUS TO THIS
28 COMMONWEALTH AND THAT STATE PERMITS COMMONWEALTH-LICENSED
29 RECREATIONAL VEHICLE DEALERS TO PARTICIPATE IN VEHICLE
30 SHOWS IN THAT STATE UNDER CONDITIONS SUBSTANTIALLY

1 EQUIVALENT TO THE CONDITIONS WHICH ARE IMPOSED UPON
2 DEALERS FROM THAT STATE WHO PARTICIPATE IN RECREATIONAL
3 VEHICLE SHOWS IN THIS COMMONWEALTH.

4 (2) A RECREATIONAL VEHICLE DEALER LICENSED IN ANOTHER
5 STATE OR JURISDICTION MAY PARTICIPATE IN A VEHICLE SHOW OR
6 EXHIBIT WHICH HAS, WHEN IT OPENS TO THE PUBLIC, AT LEAST A
7 TOTAL OF 50 DEALERS FROM BOTH THIS COMMONWEALTH AND OUTSIDE
8 THIS COMMONWEALTH MANNING RECREATIONAL VEHICLE MANUFACTURER
9 DISPLAYS IF THE SHOW OR EXHIBIT IS TRADE-ORIENTED AND IS
10 PREDOMINANTLY FUNDED BY RECREATIONAL VEHICLE MANUFACTURERS.
11 ALL OF THE PARTICIPATING DEALERS WHO ARE NOT LICENSED BY THIS
12 COMMONWEALTH MUST BE FROM A STATE CONTIGUOUS TO THIS
13 COMMONWEALTH WHICH PERMITS COMMONWEALTH-LICENSED RECREATIONAL
14 VEHICLE DEALERS TO PARTICIPATE IN VEHICLE SHOWS IN THAT STATE
15 UNDER CONDITIONS SUBSTANTIALLY EQUIVALENT TO THE CONDITIONS
16 WHICH ARE IMPOSED UPON DEALERS FROM THAT STATE WHO
17 PARTICIPATE IN RECREATIONAL VEHICLE SHOWS IN THIS
18 COMMONWEALTH AND ARE DULY LICENSED AND AUTHORIZED BY THEIR
19 STATE OF RESIDENCE TO SELL RECREATIONAL VEHICLES.]

20 * * *

21 (F) APPLICABILITY.--AS PROVIDED IN SUBSECTION (A), THIS
22 SECTION SHALL NOT APPLY TO RECREATIONAL VEHICLE DEALERS.

23 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
24 SECTION 32.1. RECREATIONAL VEHICLE SHOWS, OFF-PREMISE SALES,
25 EXHIBITIONS AND RALLIES.

26 (A) PARTICIPATION.--A RECREATIONAL VEHICLE DEALER,
27 SALESPERSON, DISTRIBUTOR, MANUFACTURER OR MANUFACTURER'S
28 REPRESENTATIVE LICENSED UNDER THIS ACT MAY PARTICIPATE IN
29 RECREATIONAL VEHICLE SHOWS, OFF-PREMISE SALES, EXHIBITIONS AND
30 RALLIES. A RECREATIONAL VEHICLE DEALER SHALL BE PERMITTED TO

1 CONDUCT A VEHICLE SHOW, EXHIBITION OR RALLY AT ITS ESTABLISHED
2 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 OF THE COMMONWEALTH,
11 FOR MONEYS DUE, INCLUDING, BUT NOT LIMITED TO, UNPAID TAXES,
12 FEES, LICENSES, PAYMENT OF A CRIMINAL PENALTY OR FINE AFTER
13 CONVICTION OR PAYMENT OF A CIVIL PENALTY OR MONETARY AMOUNT
14 AFTER THE ENTRY OF JUDGMENT. THE BOND SHALL REMAIN VALID UNTIL
15 CANCELED IN WRITING BY THE ISSUER. THIS PROVISION SHALL NOT
16 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 OR
19 REGULATIONS. RECREATIONAL VEHICLE DEALERS WHO HAVE A CURRENT
20 BOND IN THE AMOUNT OF AT LEAST \$30,000 ON FILE WITH THE
21 DEPARTMENT OF TRANSPORTATION SHALL NOT BE REQUIRED TO POST THE
22 ABOVE BOND.

23 (C) OUT-OF-STATE RECREATIONAL VEHICLE DEALERS.--

24 (1) ALL RECREATIONAL VEHICLE DEALERS LICENSED IN ANOTHER
25 STATE OR DOMICILED IN A STATE THAT DOES NOT REQUIRE LICENSURE
26 ARE REQUIRED TO REGISTER WITH THE BOARD, ON A FORM PROVIDED
27 BY THE BOARD AND PUBLISHED IN THE PENNSYLVANIA BULLETIN,
28 BEFORE PARTICIPATING IN RECREATIONAL VEHICLE SHOWS, OFF-
29 PREMISE SALES, EXHIBITIONS AND RALLIES WITHIN THIS
30 COMMONWEALTH.

1 (I) IN REGISTERING WITH THE BOARD, THE RECREATIONAL
2 VEHICLE DEALER SHALL:

3 (A) NOTIFY THE BOARD OF THE RECREATIONAL VEHICLE
4 DEALER'S INTENT TO PARTICIPATE IN A RECREATIONAL
5 VEHICLE SHOW, OFF-PREMISE SALE, EXHIBITION OR RALLY
6 WITHIN THIS COMMONWEALTH;

7 (B) AGREE TO COMPLY WITH ALL FEDERAL AND STATE
8 LAWS AND REGULATIONS APPLICABLE TO THE
9 BUYING,SELLING, EXCHANGING, TITLING, REGISTERING OR
10 FINANCING OF RECREATIONAL VEHICLES;

11 (C) AGREE TO SUBMIT TO THE COMMONWEALTH'S
12 JURISDICTION OVER THE OUT-OF-STATE RECREATIONAL
13 VEHICLE DEALER IF IT IS NECESSARY TO BRING
14 DISCIPLINARY PROCEEDINGS OR TO IMPOSE ANY CIVIL OR
15 CRIMINAL PENALTY OR ANY OTHER ASSESSMENT AS DESCRIBED
16 IN SUBSECTION (B) RESULTING FROM A VIOLATION OF ANY
17 FEDERAL OR STATE LAW OR REGULATION REGARDING THE
18 BUYING, SELLING, EXCHANGING, TITLING, REGISTERING OR
19 FINANCING OF RECREATIONAL VEHICLES;

20 (D) POST A BOND AS DESCRIBED IN SUBSECTION (B);

21 (E) PAY A PARTICIPATION FEE TO THE BOARD; AND

22 (F) LIST THE PERSONS ENGAGING AS SALESPEOPLE FOR
23 THE OUT-OF-STATE RECREATIONAL VEHICLE DEALER WHILE IN
24 THE COMMONWEALTH.

25 (II) IF THE BOARD HAS TAKEN PRIOR ACTION WITHIN THE
26 LAST FIVE YEARS TO SANCTION AN OUT-OF-STATE RECREATIONAL
27 VEHICLE DEALER, THE BOARD MAY PERMANENTLY, OR FOR A FIXED
28 PERIOD, REFUSE TO ACCEPT THE REGISTRATION AND
29 PARTICIPATION FEE OF THE OUT-OF-STATE RECREATIONAL
30 VEHICLE DEALER, AND ORDER THAT THE DEALER BE DENIED

1 ACCESS TO A RECREATIONAL VEHICLE SHOW, OFF-PREMISE SALE,
2 EXHIBITION OR RALLY WITHIN THIS COMMONWEALTH.

3 (III) THE BOARD SHALL BE AUTHORIZED TO ACCEPT
4 REGISTRATION INFORMATION AND PAYMENT ELECTRONICALLY
5 THROUGH THE BOARD'S INTERNET WEBSITE.

6 (2) A RECREATIONAL VEHICLE DEALER LICENSED IN ANOTHER
7 STATE OR DOMICILED IN A STATE THAT DOES NOT REQUIRE LICENSURE
8 MAY PARTICIPATE IN RECREATIONAL VEHICLE SHOWS, OFF-PREMISE
9 SALES, EXHIBITIONS OR RALLIES WITHIN THIS COMMONWEALTH IN
10 WHICH LESS THAN A TOTAL OF 50 RECREATIONAL VEHICLE DEALERS
11 PARTICIPATE WITH PERMISSION OF THE DEALER'S LICENSED
12 MANUFACTURER IF ALL OF THE FOLLOWING CONDITIONS EXIST:

13 (I) THE SHOW HAS A MINIMUM OF TEN RECREATIONAL
14 VEHICLE DEALERS LICENSED IN THIS COMMONWEALTH.

15 (II) MORE THAN 50% OF THE PARTICIPATING RECREATIONAL
16 VEHICLE DEALERS ARE LICENSED IN THIS COMMONWEALTH.

17 (III) THE STATE IS CONTIGUOUS TO THIS COMMONWEALTH
18 AND PERMITS COMMONWEALTH-LICENSED RECREATIONAL VEHICLE
19 DEALERS TO PARTICIPATE IN VEHICLE SHOWS IN THAT STATE
20 UNDER CONDITIONS SUBSTANTIALLY EQUIVALENT TO THE
21 CONDITIONS WHICH ARE IMPOSED UPON DEALERS FROM THAT STATE
22 WHO PARTICIPATE IN RECREATIONAL VEHICLE SHOWS IN THIS
23 COMMONWEALTH.

24 (3) A RECREATIONAL VEHICLE DEALER LICENSED IN ANOTHER
25 STATE OR DOMICILED IN A STATE THAT DOES NOT REQUIRE LICENSURE
26 MAY PARTICIPATE IN A VEHICLE SHOW, OFF-PREMISE SALE,
27 EXHIBITION OR RALLY, PROVIDED THAT, WHEN IT OPENS TO THE
28 PUBLIC, IT HAS AT LEAST A TOTAL OF 50 RECREATIONAL VEHICLE
29 DEALERS FROM THIS COMMONWEALTH AND OUTSIDE THIS COMMONWEALTH
30 PARTICIPATING WITH PERMISSION OF THE DEALER'S LICENSED

1 MANUFACTURER AND ALL OF THE FOLLOWING CONDITIONS EXIST:

2 (I) THE SHOW, SALE, EXHIBITION OR RALLY IS TRADE-
3 ORIENTED AND IS PREDOMINANTLY FUNDED BY RECREATIONAL
4 VEHICLE MANUFACTURERS.

5 (II) ALL OF THE PARTICIPATING DEALERS WHO ARE NOT
6 LICENSED BY THIS COMMONWEALTH ARE FROM A STATE CONTIGUOUS
7 TO THIS COMMONWEALTH WHICH PERMITS COMMONWEALTH-LICENSED
8 RECREATIONAL VEHICLE DEALERS TO PARTICIPATE IN
9 RECREATIONAL VEHICLE SHOWS IN THAT STATE UNDER CONDITIONS
10 SUBSTANTIALLY EQUIVALENT TO THE CONDITIONS WHICH ARE
11 IMPOSED UPON DEALERS FROM THAT STATE WHO PARTICIPATE IN
12 RECREATIONAL VEHICLE SHOWS IN THIS COMMONWEALTH.

13 (D) ADDITIONAL PENALTIES.--THE BOARD SHALL REPORT ANY
14 VIOLATION OF PENNSYLVANIA LAW TO THE HOME STATE OF AN OUT-OF-
15 STATE RECREATIONAL VEHICLE DEALER.

16 SECTION 5. SECTION 33 OF THE ACT, RENUMBERED AND AMENDED
17 APRIL 19, 1996 (P.L.104, NO.27), IS AMENDED TO READ:

18 SECTION 33. OFF-PREMISE SALES, [VEHICLE SHOWS OR EXHIBITS]
19 SHOWS, EXHIBITIONS OR RALLIES ON SUNDAYS.

20 (1) [OFF-PREMISE SALES, VEHICLE SHOWS OR EXHIBITS] THE
21 FOLLOWING SHALL BE PERMITTED TO BE OPEN ON SUNDAYS[.]:

22 (I) OFF-PREMISE VEHICLES SALES, SHOWS AND
23 EXHIBITIONS.

24 (II) RECREATIONAL VEHICLE SHOWS, OFF-PREMISE SALES,
25 EXHIBITIONS AND RALLIES.

26 (2) [NORMAL] EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND
27 (4), NORMAL VEHICLE BUSINESS PRACTICES SHALL BE ALLOWED AT
28 OFF-PREMISE SALES, VEHICLE SHOWS OR [EXHIBITS] EXHIBITIONS ON
29 SUNDAY EXCEPT THAT NO FINAL SALES CONTRACT MAY BE CONSUMMATED
30 ON A SUNDAY.

1 (3) NORMAL VEHICLE BUSINESS PRACTICES SHALL BE ALLOWED
2 AT RECREATIONAL VEHICLE SHOWS, OFF-PREMISE SALES, EXHIBITIONS
3 AND RALLIES. RECREATIONAL VEHICLE DEALERS ARE PERMITTED TO
4 CONSUMMATE FINAL SALES CONTRACTS ON SUNDAYS.

5 (4) MANUFACTURED HOUSING [OR RECREATIONAL VEHICLE]
6 DEALERS ARE PERMITTED TO CONSUMMATE FINAL SALES CONTRACTS ON
7 SUNDAYS.

8 SECTION 6. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.