

BOARD OF VEHICLES ACT - OMNIBUS AMENDMENTS

Act of Oct. 8, 2008, P.L. 1086, No. 90

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Session of 2008

No. 2008-90

SB 1019

AN ACT

Amending the act of December 22, 1983 (P.L.306, No.84), entitled "An act providing for the State Board of Vehicle Manufacturers, Dealers and Salespersons; and providing penalties," further providing for definitions, for grounds for disciplinary proceedings, for vehicle shows, off-premise sales and exhibitions; providing for recreational vehicle shows, recreational vehicle off-premise sales, recreational vehicle exhibitions and recreational vehicle rallies; and further providing for vehicle shows, off-premise sales and exhibitions on Sundays.

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

Section 1. The definitions of "off-premise sale," "vehicle show" or "exhibition" and "recreational vehicle" in section 2 of the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, amended April 19, 1996 (P.L.104, No.27), are amended and the section is amended by adding a definition to read: Section 2. Definitions.

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

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

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"Recreational vehicle." A vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own [motive] power or is mounted on or drawn by another vehicle. The term includes a travel trailer, **recreational vehicle** park [model] trailer, slide-in camper, camping trailer and motor home.

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"Recreational vehicle show," "recreational vehicle off-premise sale," "recreational vehicle exhibition" or "recreational vehicle rally." A sale, show, exhibition or rally, held by one or more recreational vehicle dealers, distributors, manufacturers or manufacturers' representatives who display, sell or attempt to sell recreational vehicles for a fixed and limited period of time, which shall not exceed ten days in a 30-day period, 20 days in a 90-day period and 60 days in a 365-day period. Set-up and tear-down days and days when the events are not open shall be excluded from the calculation of the applicable time period.

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Section 2. Section 19 of the act is amended by adding a paragraph to read:

Section 19. Grounds for disciplinary proceedings.

In addition to any criminal or civil penalties otherwise provided in this act, the board shall have the power to formally reprimand, suspend or revoke any license or refuse to issue or renew any license of an applicant or licensee or a person required to be licensed under this act, if after due notice of and hearing, the person charged is found in violation of or fails to carry out the acts and procedures set forth in this act or is found guilty of committing or attempting to commit any of the acts set forth in section 23 or any of the following acts:

* * *

(39) Being a recreational vehicle dealer from another state or jurisdiction who, while buying, selling, titling, registering, financing or exchanging recreational vehicles in this Commonwealth, violates a Pennsylvania law or regulation or a law or regulation of the state or jurisdiction of licensure or the state or jurisdiction of domicile regarding the buying, selling, titling, registering, financing or exchanging of recreational vehicles.

Section 3. Section 32(d) of the act, renumbered and amended April 19, 1996 (P.L.104, No.27), is repealed, and the section is amended by adding a subsection to read:

Section 32. Vehicle shows, off-premise sales and exhibitions.

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[(d) Out-of-State recreational vehicle dealers.--

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

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

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

(iii) The state in which the recreational vehicle dealer is licensed is a state contiguous to this Commonwealth and that state permits Commonwealth-licensed recreational vehicle dealers to participate in vehicle shows in that state under conditions substantially equivalent to the conditions which are imposed upon dealers from that state who participate in recreational vehicle shows in this Commonwealth.

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

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(f) Applicability.-- This section shall not apply to recreational vehicle dealers.

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

(a) Participation.--A recreational vehicle dealer, salesperson, distributor, manufacturer or manufacturer's representative licensed under this act may participate in a recreational vehicle show, recreational vehicle off-premise sale, recreational vehicle exhibition or recreational vehicle rally. A recreational vehicle dealer shall be permitted to conduct a recreational vehicle show, recreational vehicle exhibition or recreational vehicle rally at its established place of business.

(b) Bond required.--Any person acting as a recreational vehicle dealer in this Commonwealth shall have posted a bond payable to the Commonwealth in the amount of \$30,000 to ensure compliance with all Commonwealth laws and regulations. The bond shall be executed by a surety company authorized to transact business in this Commonwealth. The bond shall be security for any claim filed by an agency of the Commonwealth, for moneys due, including unpaid taxes, fees, licenses, payment of a criminal penalty or fine after conviction or payment of a civil penalty or monetary amount after the entry of judgment. The bond shall remain valid until canceled in writing by the issuer. This provision shall not limit the authority of any government agency or private individual to institute civil, criminal or disciplinary action against a person for a violation of a Commonwealth law or regulation. A recreational vehicle dealer who has a current bond in the amount of at least \$30,000 on file with the Department of Transportation shall not be required to post a bond under this subsection.

(c) Out-of-State recreational vehicle dealers.--A recreational vehicle dealer licensed in another state or jurisdiction or domiciled in another state or jurisdiction that does not require licensure shall register with the board on a form prescribed by the board before participating in this Commonwealth in a recreational vehicle show, recreational vehicle off-premise sale, recreational vehicle exhibition or recreational vehicle rally. The following apply:

(1) Registration shall include all of the following:

(i) Notification of the recreational vehicle dealer's intent to participate in this Commonwealth in a recreational vehicle show, recreational vehicle off-premise sale, recreational vehicle exhibition or recreational vehicle rally.

(ii) Agreement to comply with all Federal and State laws and regulations relating to the buying, selling, exchanging, titling, registration or financing of recreational vehicles.

(iii) Agreement by the out-of-State recreational vehicle dealer to submit to the jurisdiction of the Commonwealth for purposes of disciplinary action or imposition of a civil or criminal penalty or assessment under subsection (b) resulting from a violation under subparagraph (ii).

(iv) Evidence of the posting of a bond under subsection (b).

(v) Payment of a participation fee.

(vi) A list of all individuals engaged as sales people for the out-of-State recreational vehicle dealer while operating in this Commonwealth.

(2) If the board has taken action within the last five years to sanction an out-of-State recreational vehicle dealer, the board may:

(i) refuse to accept the registration and participation fee of the out-of-State recreational vehicle dealer permanently or for a fixed period; and

(ii) order that the dealer be denied access to all recreational vehicle shows, recreational vehicle off-premise sales, recreational vehicle exhibitions and recreational vehicle rallies in this Commonwealth.

(3) A recreational vehicle dealer licensed in another state or jurisdiction or domiciled in a state or jurisdiction that does not require licensure may participate in this Commonwealth in a recreational vehicle show, recreational vehicle off-premise sale, recreational vehicle exhibition or recreational vehicle rally under the circumstances set forth either in subparagraph (i) or (ii):

(i) When the show, sale, exhibition or rally has less than a total of 50 recreational vehicle dealers participating with permission of the dealer's licensed manufacturer and meets all of the following requirements:

(A) A minimum of ten recreational vehicle dealers at the show are licensed in this Commonwealth.

(B) More than 50% of the participating recreational vehicle dealers are licensed in this Commonwealth.

(C) The state in which the dealer is licensed is contiguous to this Commonwealth and permits recreational vehicle dealers licensed in this Commonwealth to participate in recreational vehicle shows in that state under conditions substantially equivalent to the conditions imposed upon dealers from that state to participate in recreational vehicle shows in this Commonwealth.

(ii) When the recreational vehicle show, sale, exhibition or rally opens to the public, it has a total of at least 50 recreational vehicle dealers from this Commonwealth and from another state participating with permission of the dealer's licensed manufacturer and meets all of the following requirements:

(A) The show, sale, exhibition or rally is trade oriented and predominantly funded by recreational vehicle manufacturers.

(B) All of the participating dealers who are not licensed in this Commonwealth are from a state contiguous to this Commonwealth which permits recreational vehicle dealers licensed in this Commonwealth to participate in recreational vehicle shows in that state under conditions substantially equivalent to the conditions imposed upon dealers from that state to participate in recreational vehicle shows in this Commonwealth.

(4) The board shall report a violation of Pennsylvania law or regulation to the state or jurisdiction in which the out-of-State recreational vehicle dealer is licensed or domiciled.

(5) Forms for out-of-State recreational vehicle dealers shall be published in the Pennsylvania Bulletin and shall be maintained on the board's Internet website.

(6) The board may accept registration information and payment electronically.

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

Section 33. Off-premise sales, [vehicle shows or exhibits] **shows, exhibitions or rallies** on Sundays.

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

(i) **Off-premise vehicle sales, shows and exhibitions.**

(ii) **Recreational vehicle shows, recreational vehicle off-premise sales, recreational vehicle exhibitions and recreational vehicle rallies.**

(2) [Normal] **Except as provided in paragraphs (3) and (4), normal** vehicle business practices shall be allowed at off-premise sales, vehicle shows or [exhibits] **exhibitions** on Sunday except that no final sales contract may be consummated on a Sunday.

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

(4) **Manufactured housing [or recreational vehicle] dealers are permitted to consummate final sales contracts on Sundays.**
Section 6. This act shall take effect in 60 days.

APPROVED--The 8th day of October, A. D. 2008.

EDWARD G. RENDELL