

AMENDMENTS TO SENATE BILL NO. 764

Sponsor: SENATOR GORDNER

Printer's No. 956

1 Amend Bill, page 2, line 15, by striking out "a definition"

2 and inserting

3 definitions

4 Amend Bill, page 2, by inserting between lines 20 and 21

5 "Fifth wheel trailer." A vehicle mounted on wheels designed
6 to provide temporary living quarters for recreational, camping
7 or travel use which is a size and weight which does not require
8 a special highway movement permit and is designed to be towed by
9 a motorized vehicle that contains a towing mechanism mounted
10 above or forward of the tow vehicle's rear axle.

11 * * *

12 "Folding camping trailer." A vehicle mounted on wheels and
13 constructed with collapsible side walls that fold for towing by
14 another vehicle and unfold at the campsite to provide temporary
15 living quarters for recreational, camping or travel use.

16 * * *

17 Amend Bill, page 2, line 25, by striking out "The unit must
18 contain" and inserting

19 containing

20 Amend Bill, page 3, line 27, by striking out "and" and

21 inserting a comma

22 Amend Bill, page 3, line 28, by striking out "The products
23 are" and inserting

24 and is

25 Amend Bill, page 4, by inserting between lines 13 and 14

26 "Recreational vehicle warrantor." An individual, firm,
27 corporation or business entity, including a manufacturer or
28 supplier that provides a written warranty to a consumer in
29 connection with a new recreational vehicle or a part, accessory
30 or component of a new recreational vehicle. The term does not

1 include service contracts, mechanical or other insurance or
2 extended warranties sold for separate consideration by a dealer
3 or other person not controlled by a manufacturer.

4 * * *

5 "Travel trailer." A vehicle mounted on wheels and towed by a
6 consumer's motorized vehicle designed to provide temporary
7 living quarters for recreational, camping or travel use of a
8 size and weight as to not require a special highway movement
9 permit when towed by a motorized vehicle.

10 "Truck camper." A vehicle designed to be placed in the bed
11 of a pickup truck to provide temporary living quarters for
12 recreational, camping or travel use.

13 * * *

14 Amend Bill, page 7, line 25, by striking out the bracket
15 before "act"

16 Amend Bill, page 7, line 25, by striking out "]" chapter"

17 Amend Bill, page 8, line 4, by striking out the bracket
18 before "act"

19 Amend Bill, page 8, line 4, by striking out "]" chapter"

20 Amend Bill, page 8, line 6, by striking out the bracket
21 before "act"

22 Amend Bill, page 8, line 6, by striking out "]" chapter"

23 Amend Bill, page 8, line 18, by striking out the bracket
24 before "act"

25 Amend Bill, page 8, line 18, by striking out "]" chapter"

26 Amend Bill, page 9, line 1, by striking out the bracket
27 before "act"

28 Amend Bill, page 9, line 1, by striking out "]" chapter"

29 Amend Bill, page 9, line 3, by striking out the bracket
30 before "act"

31 Amend Bill, page 9, line 3, by striking out "]" chapter"

1 Amend Bill, page 9, line 23, by striking out the bracket
2 before "act"

3 Amend Bill, page 9, lines 23 and 24, by striking out "]"
4 chapter"

5 Amend Bill, page 18, line 18, by striking out "and 32" and
6 inserting
7 , 32 and 32.1

8 Amend Bill, page 19, line 3, by striking out the bracket
9 before "act"

10 Amend Bill, page 19, lines 3 and 4, by striking out "]"
11 chapter"

12 Amend Bill, page 19, line 9, by striking out the bracket
13 before "act"

14 Amend Bill, page 19, line 9, by striking out "]" chapter"

15 Amend Bill, page 19, line 19, by striking out the bracket
16 before "act"

17 Amend Bill, page 19, line 19, by striking out "]" chapter"

18 Amend Bill, page 20, line 1, by inserting a bracket before
19 "good"

20 Amend Bill, page 20, line 1, by inserting after "good"

21] just

22 Amend Bill, page 20, line 3, by inserting a bracket before
23 "good"

24 Amend Bill, page 20, line 3, by inserting after "good"

25] just

26 Amend Bill, page 20, line 10, by inserting a bracket before
27 "good"

1 Amend Bill, page 20, line 10, by inserting after "good"

2] just

3 Amend Bill, page 21, line 27, by inserting a bracket before

4 "good"

5 Amend Bill, page 21, line 27, by inserting after "good"

6] just

7 Amend Bill, page 22, by inserting between lines 3 and 4

8 (e) Applicability.--The protest provisions of this section
9 apply to Chapter 5 activities and actions between RV dealers,
10 manufacturers, distributors and suppliers.

11 Amend Bill, page 23, line 2, by striking out "manufacturers"
12 and inserting

13 recreational vehicle warrantors

14 Amend Bill, page 23, line 2, by striking out "of recreational
15 vehicles"

16 Amend Bill, page 24, line 24, by inserting a bracket before

17 "good"

18 Amend Bill, page 24, line 24, by inserting after "good"

19] just

20 Amend Bill, page 26, lines 14 through 16, by striking out all
21 of said lines

22 Amend Bill, page 37, line 8, by inserting a bracket before

23 "good"

24 Amend Bill, page 37, line 8, by inserting after "good"

25] just

26 Amend Bill, page 37, line 16, by inserting a bracket before

27 "good"

28 Amend Bill, page 37, line 16, by inserting after "good"

29] just

1 Amend Bill, page 41, line 24, by inserting a bracket before
2 "good"

3 Amend Bill, page 41, line 24, by inserting after "good"
4] just

5 Amend Bill, page 51, line 20, by inserting a bracket before
6 "good"

7 Amend Bill, page 51, line 20, by inserting after "good"
8] just

9 Amend Bill, page 52, line 10, by inserting a bracket before
10 "good"

11 Amend Bill, page 52, line 10, by inserting after "good"
12] just

13 Amend Bill, page 53, line 22, by inserting a bracket before
14 "good"

15 Amend Bill, page 53, line 22, by inserting after "good"
16] just

17 Amend Bill, page 74, line 18, by inserting a bracket before
18 "good"

19 Amend Bill, page 74, line 18, by inserting after "good"
20] just

21 Amend Bill, page 77, line 1, by inserting a bracket before
22 "good"

23 Amend Bill, page 77, line 1, by inserting after "good"
24] just

25 Amend Bill, page 77, line 4, by inserting a bracket before
26 "good"

27 Amend Bill, page 77, line 4, by inserting after "good"
28] just

Amend Bill, page 77, line 28, by inserting a bracket before
"good"

Amend Bill, page 77, line 28, by inserting after "good"
] just

Amend Bill, page 83, by inserting between lines 28 and 29
Section [32.1] 332.1. 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.--An out-of-
State 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 out-of-State recreational
vehicle dealer's intent to participate in this

1 Commonwealth in a recreational vehicle show, recreational
2 vehicle off-premise sale, recreational vehicle exhibition
3 or recreational vehicle rally.

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

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

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

16 (v) Payment of a participation fee.

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

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

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

26 (ii) order that the out-of-State recreational
27 vehicle dealer be denied access to all recreational
28 vehicle shows, recreational vehicle off-premise sales,
29 recreational vehicle exhibitions and recreational vehicle
30 rallies in this Commonwealth.

31 (3) An out-of-State recreational vehicle dealer licensed
32 in another state or jurisdiction or domiciled in a state or
33 jurisdiction that does not require licensure may participate
34 in this Commonwealth in a recreational vehicle show,
35 recreational vehicle off-premise sale, recreational vehicle
36 exhibition or recreational vehicle rally under the
37 circumstances set forth either in subparagraph (i) or (ii):

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

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

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

48 (C) The state in which the out-of-State
49 recreational vehicle dealer is licensed is contiguous
50 to this Commonwealth and permits recreational vehicle
51 dealers licensed in this Commonwealth to participate

1 in recreational vehicle shows in that state under
2 conditions substantially equivalent to the conditions
3 imposed upon dealers from that state to participate
4 in recreational vehicle shows in this Commonwealth.

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

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

14 (B) All of the participating dealers who are not
15 licensed in this Commonwealth are from a state
16 contiguous to this Commonwealth which permits
17 recreational vehicle dealers licensed in this
18 Commonwealth to participate in recreational vehicle
19 shows in that state under conditions substantially
20 equivalent to the conditions imposed upon dealers
21 from that state to participate in recreational
22 vehicle shows in this Commonwealth.

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

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

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

32 (7) An out-of-State recreational vehicle dealer may not
33 participate in a recreational vehicle show, recreational
34 vehicle off-premise sale, recreational vehicle exhibition or
35 recreational vehicle rally in this Commonwealth, unless the
36 out-of-State recreational vehicle dealer satisfies at least
37 four of the listed activities at its facility in the
38 contiguous state in which it is licensed or domiciled that
39 does not require licensure:

40 (i) Accepting delivery of new recreational vehicles
41 from the recreational vehicle dealer's manufacturer for
42 which the recreational vehicle dealer possesses an
43 agreement with the manufacturer to sell its new
44 recreational vehicles.

45 (ii) Maintaining inventory and offering recreational
46 vehicles for sale to the public.

47 (iii) Consummating and finalizing recreational
48 vehicle sales.

49 (iv) Servicing or repairing recreational vehicles.

50 (v) Delivering recreational vehicles to purchasers
51 with recreational vehicle titling, registrations issued

1 and taxes collected and paid to the dealer's appropriate
2 home state agencies.

3 Amend Bill, page 84, lines 11 and 12, by striking out all of
4 said lines

5 Amend Bill, page 84, line 13, by striking out the bracket
6 before "paragraphs"

7 Amend Bill, page 84, line 13, by striking out "] paragraph"

8 Amend Bill, page 84, line 21, by inserting a bracket before
9 "recreational" where it occurs the second time

10 Amend Bill, page 84, line 21, by inserting after
11 "recreational" where it occurs the second time

12] Recreational

13 Amend Bill, page 85, line 15, by striking out "this chapter"
14 and inserting

15 Chapter 3

16 Amend Bill, page 85, lines 25 through 30; page 86, lines 1
17 through 4; by striking out all of said lines on said pages

18 Amend Bill, page 87, lines 6 through 12, by striking out all
19 of said lines

20 Amend Bill, page 88, lines 16 through 24, by striking out
21 "good cause." in line 16 and all of lines 17 through 24 and
22 inserting

23 just cause. Section 506 shall not apply to this section.

24 Amend Bill, page 88, line 26, by striking out "good" and
25 inserting

26 just

27 Amend Bill, page 88, line 28, by striking out "good" and
28 inserting

29 just

1 Amend Bill, page 89, line 1, by inserting after
2 "responsibility"
3 compared to other similarly situated dealers and market
4 conditions
5 Amend Bill, page 89, line 19, by striking out "good" and
6 inserting
7 just
8 Amend Bill, page 90, line 9, by striking out "good" and
9 inserting
10 just
11 Amend Bill, page 91, line 3, by striking out "good" and
12 inserting
13 just
14 Amend Bill, page 91, line 4, by striking out "good" and
15 inserting
16 just
17 Amend Bill, page 91, line 19, by striking out "Good" and
18 inserting
19 Just
20 Amend Bill, page 91, line 20, by striking out "good" and
21 inserting
22 just
23 Amend Bill, page 91, line 23, by striking out "good" and
24 inserting
25 just
26 Amend Bill, page 91, line 25, by striking out "good" and
27 inserting
28 just
29 Amend Bill, page 91, line 26, by striking out "good" and
30 inserting
31 just

1 Amend Bill, page 92, lines 14 through 19, by striking out
2 "manufacturer or" in line 14, all of lines 15 through 18 and
3 "section 505(a)(2)," in line 19 and inserting
4 dealer for just cause as described in section 505(b) and the
5 manufacturer fails to provide notice or cure the claimed
6 deficiencies as provided in section 505(a),

7 Amend Bill, page 94, line 7, by striking out "15" and
8 inserting
9 30

10 Amend Bill, page 96, line 25, by striking out "lowest retail"
11 and inserting
12 posted

13 Amend Bill, page 97, lines 11 through 14, by striking out all
14 of said lines and inserting

15 (f) Warrantor notification.--If a dealer receives a written
16 or verbal complaint from a consumer relative to a warranty
17 repair, the dealer must notify the warrantor about the complaint
18 in writing within 10 days of receiving the complaint if the
19 dealer cannot satisfy the consumer's complaint.

20 Amend Bill, page 102, line 26, by striking out "good" and
21 inserting
22 just

23 Amend Bill, page 103, lines 1 through 30; page 104, lines 1
24 through 27; by striking out all of said lines on said pages and
25 inserting

26 Section 512. Applicability.

27 To the extent the provisions of this chapter are inconsistent
28 with any other provisions of this act as applied to an RV
29 dealer, manufacturer, distributor or supplier this chapter
30 controls. Unless inconsistent with the provisions in this
31 chapter or expressly excluded, the provisions of this act apply
32 to RV dealers, manufacturers, distributors and suppliers.