

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 814 Session of 2013

INTRODUCED BY GORDNER, SOLOBAY, COSTA, RAFFERTY, ERICKSON, BAKER, YUDICHAK, WAUGH AND BROWNE, APRIL 4, 2013

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, OCTOBER 23, 2013

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," defining "out-of-State recreational vehicle
5 dealer"; further defining "recreational vehicle show"; and
6 further providing for grounds for disciplinary proceedings
7 and for requirements for out-of-State recreational vehicle
8 dealers for recreational vehicle shows, recreational vehicle
9 off-premise sales, recreational exhibitions and recreational
10 vehicle rallies.

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

13 Section 1. The definition of "recreational vehicle show" in
14 section 2 of the act of December 22, 1983 (P.L.306, No.84),
15 known as the Board of Vehicles Act, added October 8, 2008
16 (P.L.1086, No.90), is amended and the section is amended by
17 adding a definition to read:

18 Section 2. Definitions.

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

1 \* \* \*

2 "Out-of-State recreational vehicle dealer." A new or used  
3 recreational vehicle dealer who is licensed in another state or  
4 jurisdiction contiguous to this Commonwealth, or is domiciled in  
5 another state or jurisdiction contiguous to this Commonwealth  
6 that does not require licensure and can demonstrate, upon  
7 direction of or investigation by the board or its agents, that  
8 at least four of the following activities have been engaged in  
9 within the state or jurisdiction contiguous to this Commonwealth  
10 where the dealer is licensed or domiciled AT ITS FACILITY: <--

11 (1) Accepting delivery of new recreational vehicles from  
12 the recreational vehicle dealer's manufacturer for which the  
13 recreational vehicle dealer possesses an agreement with the  
14 manufacturer to sell its new recreational vehicles.

15 (2) ~~Inventorying~~ MAINTAINING INVENTORY and offering for <--  
16 sale to the public recreational vehicles.

17 (3) Consummating and finalizing recreational vehicle  
18 sales.

19 (4) Servicing or repairing recreational vehicles.

20 (5) Delivering recreational vehicles to purchasers with  
21 recreational vehicle titling, registrations issued and taxes  
22 collected and paid to the dealer's appropriate home state  
23 agencies.

24 \* \* \*

25 "Recreational vehicle show," "recreational vehicle off-  
26 premise sale," "recreational vehicle exhibition" or  
27 "recreational vehicle rally." A sale, show, exhibition or  
28 rally, held by one or more recreational vehicle dealers,  
29 distributors, manufacturers or manufacturers' representatives  
30 who display, sell or attempt to sell recreational vehicles for a

1 fixed and limited period of time, which shall not exceed ten  
2 days in a [30-day period] calendar month, 20 days in [a 90-day  
3 period] three consecutive calendar months and 60 days in a [365-  
4 day period] calendar year. Set-up and tear-down days and days  
5 when the events are not open shall be excluded from the  
6 calculation of the applicable time period.

7 \* \* \*

8 Section 2. Section 19(39) of the act, added October 8, 2008  
9 (P.L.1086, No.90), is amended and the section is amended by  
10 adding a 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] an out-of-State recreational vehicle  
23 dealer from another state or jurisdiction who, while buying,  
24 selling, titling, registering, financing or exchanging  
25 recreational vehicles in this Commonwealth, violates a  
26 Pennsylvania law or regulation or a law or regulation of the  
27 state or jurisdiction of licensure or the state or  
28 jurisdiction of domicile regarding the buying, selling,  
29 titling, registering, financing or exchanging of recreational  
30 vehicles.

1       (40) Being an out-of-State recreational vehicle dealer  
2 who fails to demonstrate, upon direction of or investigation  
3 by the board or its agents, that at least four of the  
4 following activities have been engaged in within the state or  
5 jurisdiction contiguous to this Commonwealth where the dealer  
6 is licensed or domiciled AT ITS FACILITY: <--

7           (i) Accepting delivery of new recreational vehicles  
8 from the recreational vehicle dealer's manufacturer for  
9 which the recreational vehicle dealer possesses an  
10 agreement with the manufacturer to sell its new  
11 recreational vehicles.

12           (ii) ~~Inventorizing~~ MAINTAINING INVENTORY and offering <--  
13 for sale to the public recreational vehicles.

14           (iii) Consummating and finalizing recreational  
15 vehicle sales.

16           (iv) Servicing or repairing recreational vehicles.

17           (v) Delivering recreational vehicles to purchasers  
18 with recreational vehicle titling, registrations issued  
19 and taxes collected and paid to the dealer's appropriate  
20 home state agencies.

21       Section 3. Section 32.1(c) of the act, added October 8, 2008  
22 (P.L.1086, No.90), is amended to read:

23       Section 32.1. Recreational vehicle shows, recreational vehicle  
24           off-premise sales, recreational vehicle exhibitions  
25           and recreational vehicle rallies.

26       \* \* \*

27       (c) Out-of-State recreational vehicle dealers.--[A] An out-  
28 of-State recreational vehicle dealer [licensed in another state  
29 or jurisdiction or domiciled in another state or jurisdiction  
30 that does not require licensure] shall register with the board

1 on a form prescribed by the board before participating in this  
2 Commonwealth in a recreational vehicle show, recreational  
3 vehicle off-premise sale, recreational vehicle exhibition or  
4 recreational vehicle rally. The following apply:

5 (1) Registration shall include all of the following:

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

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

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

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

23 (v) Payment of a participation fee.

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

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

30 (i) refuse to accept the registration and

1 participation fee of the out-of-State recreational  
2 vehicle dealer permanently or for a fixed period; and

3 (ii) order that the out-of-State recreational  
4 vehicle dealer be denied access to all recreational  
5 vehicle shows, recreational vehicle off-premise sales,  
6 recreational vehicle exhibitions and recreational vehicle  
7 rallies in this Commonwealth.

8 (3) [A] An out-of-State recreational vehicle dealer  
9 [licensed in another state or jurisdiction or domiciled in a  
10 state or jurisdiction that does not require licensure] may  
11 participate in this Commonwealth in a recreational vehicle  
12 show, recreational vehicle off-premise sale, recreational  
13 vehicle exhibition or recreational vehicle rally under the  
14 circumstances set forth either in subparagraph (i) or (ii):

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

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

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

25 (C) The state in which the out-of-State  
26 recreational vehicle dealer is licensed is contiguous  
27 to this Commonwealth and permits recreational vehicle  
28 dealers licensed in this Commonwealth to participate  
29 in recreational vehicle shows in that state under  
30 conditions substantially equivalent to the conditions

1 imposed upon dealers from that state to participate  
2 in recreational vehicle shows in this Commonwealth.

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

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

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

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

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

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

30 Section 4. This act shall take effect ~~in 60 days~~

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1 IMMEDIATELY.

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