

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, APPROPRIATIONS, RE-REPORTED AS AMENDED, DECEMBER 3, 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) Maintaining inventory and offering for sale to the~~
16 ~~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 <--
24 buying, selling, titling, registering, financing or
25 exchanging recreational vehicles in this Commonwealth,
26 violates a Pennsylvania law or regulation or a law or
27 regulation of the state or jurisdiction of licensure or the
28 state or jurisdiction of domicile regarding the buying,
29 selling, titling, registering, financing or exchanging of
30 recreational 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) Maintaining inventory and offering for sale to
13 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. THE OUT-OF-STATE RECREATIONAL <--

21 VEHICLE DEALER SATISFIES THE PROVISIONS OF SECTION
22 32.1(C) REGARDING PARTICIPATION IN THIS COMMONWEALTH IN A
23 RECREATIONAL VEHICLE SHOW, RECREATIONAL VEHICLE OFF-
24 PREMISE SALE, RECREATIONAL VEHICLE EXHIBITION OR
25 RECREATIONAL VEHICLE RALLY.

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

28 Section 32.1. Recreational vehicle shows, recreational vehicle
29 off-premise sales, recreational vehicle exhibitions
30 and recreational vehicle rallies.

1 * * *

2 (c) Out-of-State recreational vehicle dealers.--[A] An out-
3 of-State recreational vehicle dealer ~~f~~licensed in another state <--
4 or jurisdiction or domiciled in another state or jurisdiction
5 that does not require licensure~~+~~ shall register with the board <--
6 on a form prescribed by the board before participating in this
7 Commonwealth in a recreational vehicle show, recreational
8 vehicle off-premise sale, recreational vehicle exhibition or
9 recreational vehicle rally. The following apply:

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

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

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

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

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

28 (v) Payment of a participation fee.

29 (vi) A list of all individuals engaged as sales
30 people for the out-of-State recreational vehicle dealer

1 while operating in this Commonwealth.

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

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

8 (ii) order that the out-of-State recreational
9 vehicle dealer be denied access to all recreational
10 vehicle shows, recreational vehicle off-premise sales,
11 recreational vehicle exhibitions and recreational vehicle
12 rallies in this Commonwealth.

13 (3) [A] An out-of-State recreational vehicle dealer
14 ~~licensed~~ in another state or jurisdiction or domiciled in a <--
15 state or jurisdiction that does not require licensure~~+~~ may <--
16 participate in this Commonwealth in a recreational vehicle
17 show, recreational vehicle off-premise sale, recreational
18 vehicle exhibition or recreational vehicle rally under the
19 circumstances set forth either in subparagraph (i) or (ii):

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

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

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

30 (C) The state in which the out-of-State

1 recreational vehicle dealer is licensed is contiguous
2 to this Commonwealth and permits recreational vehicle
3 dealers licensed in this Commonwealth to participate
4 in recreational vehicle shows in that state under
5 conditions substantially equivalent to the conditions
6 imposed upon dealers from that state to participate
7 in recreational vehicle shows in this Commonwealth.

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

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

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

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

30 (5) Forms for out-of-State recreational vehicle dealers

1 shall be published in the Pennsylvania Bulletin and shall be
2 maintained on the board's Internet website.

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

5 (7) AN OUT-OF-STATE RECREATIONAL VEHICLE DEALER MAY NOT <--
6 PARTICIPATE IN A RECREATIONAL VEHICLE SHOW, RECREATIONAL
7 VEHICLE OFF-PREMISE SALE, RECREATIONAL VEHICLE EXHIBITION OR
8 RECREATIONAL VEHICLE RALLY IN THIS COMMONWEALTH, UNLESS THE
9 OUT-OF-STATE RECREATIONAL VEHICLE DEALER SATISFIES AT LEAST
10 FOUR OF THE LISTED ACTIVITIES AT ITS FACILITY IN THE
11 CONTIGUOUS STATE IN WHICH IT IS LICENSED OR DOMICILED THAT
12 DOES NOT REQUIRE LICENSURE:

13 (I) ACCEPTING DELIVERY OF NEW RECREATIONAL VEHICLES
14 FROM THE RECREATIONAL VEHICLE DEALER'S MANUFACTURER FOR
15 WHICH THE RECREATIONAL VEHICLE DEALER POSSESSES AN
16 AGREEMENT WITH THE MANUFACTURER TO SELL ITS NEW
17 RECREATIONAL VEHICLES.

18 (II) MAINTAINING INVENTORY AND OFFERING RECREATIONAL
19 VEHICLES FOR SALE TO THE PUBLIC.

20 (III) CONSUMMATING AND FINALIZING RECREATIONAL
21 VEHICLE SALES.

22 (IV) SERVICING OR REPAIRING RECREATIONAL VEHICLES.

23 (V) DELIVERING RECREATIONAL VEHICLES TO PURCHASERS
24 WITH RECREATIONAL VEHICLE TITLING, REGISTRATIONS ISSUED
25 AND TAXES COLLECTED AND PAID TO THE DEALER'S APPROPRIATE
26 HOME STATE AGENCIES.

27 Section 4. This act shall take effect immediately.