

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2787 Session of
1980

INTRODUCED BY POLITE, JUNE 24, 1980

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 24, 1980

AN ACT

1 Amending the act of September 9, 1965 (P.L.499, No.254),
2 entitled, as amended, "An act providing for and regulating
3 the registration and licensing of motor vehicle and
4 mobilehome manufacturers, dealers and salesmen, fixing fees,
5 creating the State Board of Motor Vehicle Salesmen, imposing
6 powers and duties on the Department of State, the
7 Commissioner of Professional and Occupational Affairs and the
8 board and prescribing unlawful acts and penalties and making
9 an appropriation," providing for hearing examiners.

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

12 Section 1. Section 5, act of September 9, 1965 (P.L.499,
13 No.254), known as the "Motor Vehicle Manufacturer's, Dealer's
14 and Salesmen's License Act," reenacted and amended December 21,
15 1973 (P.L.408, No.144), is amended by adding a clause to read:

16 Section 5. Powers and Duties of the State Board of Motor
17 Vehicle Manufacturers, Dealers and Salesmen.--The board shall
18 have power and its duty shall be:

19 * * *

20 (2.1) To appoint, with the approval of the Governor, such
21 hearing examiners as shall be necessary to conduct hearings

relating to suspension or revocation of licenses. The board shall have the power to adopt and promulgate rules and regulations setting forth the functions, powers, standards and duties to be followed by the hearing examiners. The hearing examiners shall have the power to conduct hearings in accordance with the regulations of the board, and to issue subpoenas requiring the attendance and testimony of individuals or the production of, pertinent books, records, documents and papers by persons whom they believe to have information relevant to any matter pending before the examiner. Such examiner shall also have the power to administer oaths. The hearing examiner shall hear evidence submitted and arguments of counsel, if any, with reasonable dispatch, and shall promptly record his decision, supported by findings of fact, and a copy thereof shall immediately be sent to the board and to counsel of record, or the parties, if not represented. If application for review is made to the board within twenty days from the date of any decision made as a result of a hearing held by a hearing examiner, the board shall review the evidence, and if deemed advisable by the board, hear argument and additional evidence. As soon as practicable, the board shall make a decision and shall file the same with its finding of the facts on which it is based and send a copy thereof to each of the parties in dispute.

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