
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 763

Session of
1983

INTRODUCED BY STAUFFER, STAPLETON, HOLL AND LINCOLN, MAY 25,
1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 7, 1983

AN ACT

1 Imposing regulations and licensing requirements on auctioneers,
2 apprentice auctioneers, auction houses and auction companies;
3 imposing powers and duties on the State Board of Auctioneer
4 Examiners; and making repeals.

5 TABLE OF CONTENTS

- 6 Section 1. Short title.
7 Section 2. Definitions.
8 Section 3. Auctioneer and apprentice auctioneer licenses.
9 Section 4. Status of existing licensees.
10 Section 5. Applications for initial and renewal licenses.
11 Section 6. License, examination and other fees.
12 Section 7. Special licensees to furnish bond.
13 Section 8. Authority to transact business not transferable.
14 Section 9. Auction house license.
15 Section 10. Auction company license.
16 Section 11. Nonresident licensees.
17 Section 12. Reciprocity with other states.

- 1 Section 13. Licensee to furnish bond.
- 2 Section 14. No other license required.
- 3 Section 15. List of licensees.
- 4 Section 16. Records of sales.
- 5 Section 17. Contracts for conduct of sale.
- 6 Section 18. Display of licenses.
- 7 ~~Section 19. Confidentiality of information.~~ <—
- 8 Section ~~20~~ 19. Revocation or suspension of license for violation <—
- 9 by employee.
- 10 Section ~~21~~ 20. Investigations and enforcement actions. <—
- 11 SECTION 21. ESCROW ACCOUNT. <—
- 12 Section ~~22-21~~ 22. Hearing on charges. <—
- 13 Section ~~23-22~~ 23. Administration and enforcement. <—
- 14 Section ~~24-23~~ 24. Injunctive relief. <—
- 15 Section ~~25-24~~ 25. Records of courts to be evidence before board. <—
- 16 Section ~~26-25~~ 26. Revocation or suspension of license. <—
- 17 Section ~~27-26~~ 27. Issuance of new license pending investigation <—
- 18 and decision.
- 19 Section ~~28-27~~ 28. Issuance of new license after revocation. <—
- 20 Section ~~29-28~~ 29. Penalties. <—
- 21 ~~Section 30. Witnesses and documentary evidence.~~ <—
- 22 Section ~~31-29~~ 30. Actions by unlicensed persons prohibited. <—
- 23 Section ~~32-30~~ 31. State Board of Auctioneer Examiners. <—
- 24 Section ~~33-31~~ 32. Rules and regulations. <—
- 25 Section ~~34-32~~ 33. Disposition of fees and fines. <—
- 26 SECTION 34. REESTABLISHMENT OF AGENCY. <—
- 27 Section ~~35-33~~ 35. Repeals. <—
- 28 Section ~~36-34~~ 36. Effective date. <—

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

1 Section 1. Short title.

2 This act shall be known and may be cited as the Auctioneer
3 and Auction Licensing Act.

4 Section 2. Definitions.

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

8 "Apprentice auctioneer." A person who is licensed under this
9 act as an apprentice auctioneer.

10 "Auction" or "sale at auction." The offer to sell property
11 by an auctioneer or apprentice auctioneer to the members of an
12 audience congregated for the purpose of making bids for the
13 purchase of the property in an effort by the auctioneer or
14 apprentice auctioneer to advance the amount of the bids to
15 obtain the highest or most favorable offer.

16 "Auction company." A company which, as part of its business,
17 arranges, manages, sponsors, advertises or carries out auctions.

18 "Auction house." An established place of business, including
19 but not limited to an auction barn, a sale barn and a sale
20 pavilion, where two or more auctions are held within any 12-
21 month period and where representations are regularly made that
22 property is sold at auction. The term does not include premises
23 where isolated sales are conducted by an auctioneer or
24 auctioneer apprentice and which are used primarily for purposes
25 other than auctions or sales at auction.

26 "Auctioneer." A person who sells or offers or attempts to
27 sell property at auction. The term includes any person who holds
28 himself out as engaged in the business of selling property at
29 auction.

30 "Board." The State Board of Auctioneer Examiners in the

1 Department of State.

2 "Commissioner." The Commissioner of Professional and
3 Occupational Affairs in the Department of State.

4 "Department." The Department of State.

5 "Licensee." A person licensed under this act including an
6 auctioneer, apprentice auctioneer, holder of a special license
7 and, in the case of an auction house or company, the person
8 required to obtain the license.

9 "Person." An individual, partnership, association or
10 corporation.

11 "Property." Real and personal property. The term includes, ←
12 BUT IS NOT LIMITED TO domestic animals and farm products.

13 "Qualified auctioneer." A currently licensed auctioneer.

14 Section 3. Auctioneer and apprentice auctioneer licenses.

15 (a) Requirement for license.--It is unlawful for any person
16 to engage in or carry on the profession of auctioneer, to
17 conduct a sale at auction, to hold himself out as an auctioneer
18 or as an apprentice auctioneer or to offer to conduct sales at
19 auction in this Commonwealth without first obtaining from the
20 board a license as an auctioneer or apprentice auctioneer. Any
21 member, officer or employee of a partnership, association or
22 corporation who attempts to sell at auction or who is actively
23 engaged in the auction profession must have a license as an
24 auctioneer or apprentice auctioneer.

25 (b) Issuance and supervision of licenses.--It is the duty of
26 the board, upon payment of the license fees required and upon
27 compliance with the requirements of this act, to issue a license
28 as an auctioneer or apprentice auctioneer to individuals or as
29 an auctioneer to partnerships, associations and corporations who
30 qualify under and comply with this act. The board shall

1 supervise and control all licenses issued under this act.

2 (c) Qualifications in general for license.--Licenses shall
3 be granted only to persons who have a good reputation for
4 honesty, truthfulness, integrity and competence to transact the
5 business of auctioneer or apprentice auctioneer in a manner as
6 to safeguard the interest of the public and only after
7 satisfactory proof of these qualifications has been presented to
8 the board as required by regulation.

9 (d) Qualifications for apprentice auctioneer license.--To
10 qualify for an apprentice auctioneer license, a person must be
11 sponsored and employed for compensation by a qualified
12 auctioneer who employs no more than one other apprentice
13 auctioneer.

14 (e) Qualifications for auctioneer license.--To qualify for
15 an auctioneer license, a person must have passed the prescribed
16 examination after having:

17 (1) served an apprenticeship as a licensed apprentice
18 auctioneer for a period of not less than two years in the
19 employ of a qualified auctioneer and participated for
20 compensation in no less than 30 auctions; or

21 (2) successfully completed a prescribed course of study
22 in auctioneering of at least 20 credit hours at a school
23 approved by the board.

24 (f) Qualifications for license reissued after long
25 inactivity.--Any person to whom an auctioneer or apprentice
26 auctioneer license has been issued and who has been inactive as
27 an auctioneer or apprentice auctioneer for a period of seven
28 years without renewing the license issued to him shall be
29 required to submit to and pass an examination ~~conducted~~ APPROVED ←
30 by the board prior to having a license reissued to him.

1 (g) Designation of auctioneer-of-record.--If the applicant
2 for a license is a partnership, association or corporation, then
3 a member of the partnership or association or an officer of the
4 corporation, who is licensed in this Commonwealth as an
5 auctioneer, must be designated as the auctioneer-of-record. The
6 auctioneer-of-record is principally responsible for the conduct
7 of the auctions of the partnership, association or corporation
8 in accordance with this act. A partnership, association or
9 corporation auctioneer license becomes invalid if the license of
10 the auctioneer-of-record is not renewed or is suspended or
11 revoked.

12 (h) Sales exempt from license requirements.--The requirement
13 to obtain a license under this act does not apply to sales at
14 auction in the following circumstances:

15 (1) To a specified single sale per year conducted by the
16 owner of property if the owner is not engaged in the business
17 of selling the property and if the property is owned by the
18 person in an individual capacity.

19 (2) To a sale conducted by or on behalf of a charitable
20 organization if the person conducting the sale receives no
21 compensation therefor.

22 (3) To a sale conducted by or on behalf of a person
23 appointed by judicial order or decree.

24 (4) TO A SALE CONDUCTED IN THE SETTLEMENT OF ANY
25 DECEDENT'S ESTATE. ←

26 (5) TO A SALE CONDUCTED BY OR UNDER THE DIRECTION OF ANY
27 PUBLIC AUTHORITY.

28 (6) TO ANY SALE REQUIRED BY LAW TO BE AT AUCTION.

29 (7) TO A SALE CONDUCTED BY BROKERS OR SALESPERSONS
30 LICENSED UNDER THE ACT OF FEBRUARY 19, 1980 (P.L.15, NO.9),

1 KNOWN AS THE REAL ESTATE LICENSING AND REGISTRATION ACT.

2 (i) Special license to conduct auction.--An auctioneer
3 authorized to engage in auctioneering in another state shall,
4 upon application and payment of the license fee, be issued a
5 special license for each auction conducted by him. Applications
6 must be made 20 days in advance of the sale and must include the
7 name and address of the consignor or owner of all items to be
8 sold. All applications are subject to approval by the board and
9 shall include proof of authority to engage in auctioneering in
10 the other state.

11 Section 4. Status of existing licensees.

12 (a) Apprentice auctioneers.--An individual licensed as an
13 apprentice auctioneer on the effective date of this act shall
14 thereafter possess the same rights and privileges and be subject
15 to the same requirements pertaining to licensure as individuals
16 to whom licenses as an apprentice auctioneer are issued under
17 this act.

18 (b) Auctioneers.--A person licensed as an auctioneer on the
19 effective date of this act shall thereafter possess the same
20 rights and privileges as persons to whom licenses as an
21 auctioneer are issued under this act.

22 Section 5. Applications for initial and renewal licenses.

23 (a) Application for auctioneer license.--Applications for
24 license as an auctioneer shall be made to the board in writing
25 upon forms provided by the board which shall contain such
26 information as to the individual or, if the applicant is a
27 partnership, association or corporation, as to its members or
28 officers as the board requires. If the applicant is an
29 individual, the application shall be signed by that individual.
30 If the applicant is a partnership or an association, the

1 application shall be signed by a member. If the applicant is a
2 corporation, the application shall be signed by an officer. Each ←
3 ~~application shall be accompanied by two photographs of the~~
4 ~~individual applicant or of the member or officer of the~~
5 ~~partnership, association or corporation applicant.~~ An
6 application by a licensed apprentice auctioneer seeking to
7 qualify on the basis of an apprenticeship shall contain or be
8 accompanied by satisfactory evidence that the applicant was in
9 the employ of a sponsor for at least two years and participated
10 for compensation in not less than 30 auctions on the dates and
11 at the locations provided by the applicant. Upon the filing of
12 an application, the board shall investigate the allegations
13 contained in the application and if, upon investigation, it
14 finds the allegations untrue, it may refuse to examine or
15 license the applicant or may revoke any license issued to the
16 applicant on the basis of materially untrue allegations
17 contained in the application for a license. The board shall set
18 forth in writing its findings and reasons for its refusal or
19 revocation and furnish a copy to the applicant.

20 (b) Application for apprentice auctioneer license.--
21 Applications for license as an apprentice auctioneer shall be
22 made to the board in writing upon forms provided by the board
23 which shall contain such information as to the applicant as the
24 board requires. For license renewals, the licensee shall set
25 forth the period of time, if any, during which he was engaged in
26 the auction profession, stating the name of his present sponsor
27 and any former sponsor for the period of five years immediately
28 preceding the date of the renewal. If it becomes necessary to
29 change sponsors, the apprentice auctioneer must notify the board
30 by letter upon the termination of the sponsorship and submit a

1 transfer form, provided by the board, when a new sponsor is
2 obtained. An apprentice auctioneer license is invalid when there
3 is no sponsoring auctioneer and credit does not accrue during
4 that time. A license will be reissued when the apprentice
5 auctioneer submits a transfer form which informs the board that
6 he has secured a new sponsor.

7 (c) Examinations.--THE BOARD SHALL CONTRACT WITH A ←
8 PROFESSIONAL TESTING ORGANIZATION FOR THE PREPARATION AND
9 ADMINISTRATION OF THE EXAMINATION, IN ACCORDANCE WITH SECTION
10 812.1(A) OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS
11 THE ADMINISTRATIVE CODE OF 1929. No person may be issued an
12 auctioneer license unless the person passes an examination
13 approved by the board. The board shall hold examinations at
14 locations, times and dates prescribed by regulation of the
15 board.

16 (d) Issuance of new license after revocation.--In the event
17 the license of an auctioneer or an apprentice auctioneer is
18 revoked by the board subsequent to the effective date of this
19 act, no new license may be issued to that person until he
20 ~~complies~~ COMPLIES with all the provisions of this act. ←

21 (e) Expiration and renewal of license.--All licenses issued
22 by the board shall be for a maximum term of two years and shall
23 expire on the last day of February of each odd year. It is the
24 duty of all persons licensed to practice as an auctioneer or
25 apprentice auctioneer or to operate as an auction house or
26 auction company to renew the license biennially with the board
27 and to pay the license fee for each biennial license renewal.
28 Applications for renewals of licenses issued under this act
29 shall be made within 60 days prior to the expiration of the
30 license upon forms and in the manner provided by the board.

1 Section 6. License, examination and other fees.

2 ~~(a) General rule. The license, examination and other fees~~ <—
3 ~~to be paid to the board are as follows:~~

4 ~~(1) The examination fee for an auctioneer license shall~~
5 ~~be \$25 and for an apprentice auctioneer license shall be \$10.~~

6 ~~(2) The fee for the initial license and the renewal of~~
7 ~~an auctioneer license shall be \$50 for the specified two year~~
8 ~~term of the license. The fee for the initial license and the~~
9 ~~renewal of an apprentice auctioneer license shall be \$30 for~~
10 ~~the specified two year term of the license. There are no~~
11 ~~other license fees authorized for the licenses issued at any~~
12 ~~time during the two year term of the license.~~

13 ~~(3) The fee for the initial license and the renewal of a~~
14 ~~license issued to an auction house or auction company shall~~
15 ~~be \$50 for the specified two year term of the license. There~~
16 ~~are no other license fees authorized for licenses issued at~~
17 ~~any time during the two year term of the license.~~

18 ~~(4) The fee for a special license to conduct an auction~~
19 ~~shall be \$100.~~

20 ~~(5) The fee for the replacement of a lost or mislaid~~
21 ~~license is \$5.~~

22 ~~(6) For every copy of paper filed with the commissioner~~
23 ~~or board in any proceedings before the board, the board may~~
24 ~~by regulation charge a fee not exceeding 50¢ per page.~~

25 ~~(b) Method of payment. The payment of fees required under~~
26 ~~this act may be made to the board by personal check.~~

27 (A) SETTING OF FEES.--THE LICENSE AND EXAMINATION FEES AND <—
28 ALL OTHER FEES IMPOSED UNDER THE PROVISIONS OF THIS ACT SHALL BE
29 FIXED BY THE BOARD BY REGULATION AND SHALL BE SUBJECT TO REVIEW
30 IN ACCORDANCE WITH THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),

1 KNOWN AS THE REGULATORY REVIEW ACT. IF THE REVENUES GENERATED BY
2 FEES, FINES AND CIVIL PENALTIES IMPOSED IN ACCORDANCE WITH THE
3 PROVISIONS OF THIS ACT ARE NOT SUFFICIENT TO MATCH EXPENDITURES
4 OVER A TWO-YEAR PERIOD, THE BOARD SHALL INCREASE THOSE FEES BY
5 REGULATION, SUBJECT TO REVIEW IN ACCORDANCE WITH THE REGULATORY
6 REVIEW ACT, SUCH THAT THE PROJECTED REVENUES WILL MEET OR EXCEED
7 PROJECTED EXPENDITURES.

8 (B) CHANGING FEES.--IF THE BUREAU OF PROFESSIONAL AND
9 OCCUPATIONAL AFFAIRS DETERMINES THAT THE FEES ESTABLISHED BY THE
10 BOARD ARE INADEQUATE TO MEET THE MINIMUM ENFORCEMENT EFFORTS
11 REQUIRED, THEN THE BUREAU, AFTER CONSULTATION WITH THE BOARD,
12 SHALL INCREASE THE FEES BY REGULATION, SUBJECT TO REVIEW IN
13 ACCORDANCE WITH THE REGULATORY REVIEW ACT, SUCH THAT ADEQUATE
14 REVENUES ARE RAISED TO MEET THE REQUIRED ENFORCEMENT EFFORT.

15 Section 7. Special licensees to furnish bond.

16 (a) General rule.--A bond in the penal sum of \$5,000,~~or in~~ <—
17 ~~an amount the board by regulation prescribes from time to time,~~
18 shall accompany every application for a special license. The
19 bond shall be executed by a surety company authorized by the
20 laws of this Commonwealth to transact business in this
21 Commonwealth. The bond shall be for the use of the Commonwealth
22 and for any person or persons who may have a cause of action
23 against a licensee arising under this act.

24 (b) Conditions of bond.--The conditions of the bond shall be
25 that the licensee will comply with and abide by the provisions
26 of this act and will pay to the Commonwealth, the board or any
27 person or persons any and all money that may come due to the
28 Commonwealth, the board or the person or persons from a licensee
29 under and by virtue of this act.

30 (c) Action on bond.--If any person is aggrieved by the

1 misconduct of any special licensee and recovers judgment against
2 the licensee therefor, the person may on any execution issued
3 under the judgment maintain an action upon the bond of the
4 licensee in any court having jurisdiction of the amount claimed.

5 Section 8. Authority to transact business not transferable.

6 The authority to transact business as an auctioneer,
7 apprentice auctioneer, auction house or auction company under a
8 license issued by the board is restricted to the person named in
9 the license and may not be transferred to the benefit of any
10 other person. A partnership, association or corporation licensed
11 under this act is only permitted to transact auction business
12 through a member, officer or employee who is licensed under this
13 act.

14 Section 9. Auction house license.

15 (a) Requirement for license.--Every person, except an
16 individual who is licensed as an auctioneer, shall before
17 operating an auction house obtain a license from the board to
18 operate the auction house. Every partnership, association or
19 corporation must obtain a license even though a member or
20 officer is licensed as an auctioneer.

21 (b) Application for license.--Every person seeking a license
22 to operate an auction house shall file with the board an
23 application in writing upon forms provided by the board which
24 shall contain such information as to the individual or, if the
25 applicant is a partnership, association or corporation, as to
26 the members or officers as the board requires. A person must
27 file a separate application for each auction house to be
28 operated. The application shall be accompanied by the license
29 fee and surety bond required by this act.

30 (c) Investigation and refusal of license.--Upon the filing

1 of an application, the board shall investigate the allegations
2 contained in the application and, if upon investigation it finds
3 the allegations untrue, it may refuse to license the applicant
4 to operate an auction house.

5 (d) Information from auctioneer.--A licensed auctioneer, who
6 also operates an auction house, shall notify the board in
7 writing of the address of each auction house operated by him and
8 of the trade or business name by which each auction house is
9 known. The auctioneer shall notify the board in writing if the
10 operation of the auction house is sold or discontinued or if the
11 name or location of the auction house is changed.

12 Section 10. Auction company license.

13 (a) Requirement for license.--Every person, except an
14 individual who is licensed as an auctioneer or an individual who
15 is licensed to operate an auction house, shall before operating
16 an auction company obtain a license from the board to operate
17 the auction company. Every partnership, association or
18 corporation must obtain a license even though a member or
19 officer is licensed as an auctioneer.

20 (b) Application for license.--Every person seeking a license
21 to operate an auction company shall file with the board an
22 application in writing upon forms provided by the board which
23 shall contain such information as to the individual or, if the
24 applicant is a partnership, association or corporation, as to
25 the members or officers as the board requires. Each application
26 shall be accompanied by the license fee and surety bond required
27 by this act.

28 (c) Investigation and refusal of license.--Upon the filing
29 of an application, the board shall investigate the allegations
30 contained in the application and, if upon investigation it finds

1 the allegations untrue, it may refuse to license the applicant
2 to operate an auction company.

3 (d) Information from auctioneer or auction house.--A
4 licensed auctioneer or an individual licensed to operate an
5 auction house, who also operates an auction company, shall
6 notify the board in writing that he is operating an auction
7 company and shall specify the trade or business name and the
8 address of the principal place of business of each auction
9 company which he operates. The individual who is licensed as an
10 auctioneer or to operate as an auction house shall notify the
11 board in writing if the operation of the auction company is sold
12 or discontinued or if the name or location of the auction
13 company is changed.

14 Section 11. Nonresident licensees.

15 (a) General rule.--A nonresident of this Commonwealth may be
16 licensed as an auctioneer or apprentice auctioneer or to operate
17 an auction house or auction company upon complying with all the
18 provisions and conditions of this act required of residents of
19 this Commonwealth.

20 (b) Waiver of certain requirements.--The board may waive the
21 requirement for serving an apprenticeship or completing a course
22 of study in auctioneering if the nonresident was:

- 23 (1) licensed by another state for at least two years; or
24 (2) established in the business of auctioneering for at
25 least two years and, in the case of states that do not
26 require a license, the board reviews the application to
27 determine the qualifications of the applicant.

28 (c) Limitation on type of property sold.--The nonresident
29 auctioneer or apprentice auctioneer is only permitted to sell at
30 auction in this Commonwealth whatever property the laws of his

1 state permit nonresident auctioneers and apprentice auctioneers
2 to sell at auction.

3 (d) Ineligibility to sponsor apprentices.--A nonresident
4 auctioneer is not a qualified auctioneer for the purpose of
5 sponsoring or employing an apprentice auctioneer.

6 Section 12. Reciprocity with other states.

7 (a) General rule.--A nonresident of this Commonwealth who
8 applies for a license as an auctioneer or apprentice auctioneer
9 may be granted a license for which he applies if he is licensed
10 as an auctioneer or apprentice auctioneer by the proper
11 authority of the state of his domicile upon the payment by the
12 applicant of the proper license fee and the filing with the
13 board of a properly certified copy of the license issued to the
14 applicant by the state of his domicile subject to the following
15 limitations:

16 (1) The auctioneer licensing laws of the nonresident
17 state must extend to licensed auctioneers and apprentice
18 auctioneers of this Commonwealth the same rights and
19 privileges and the same authority to conduct auction sales in
20 that state as this act extends to nonresidents of this
21 Commonwealth without the necessity of the licensed
22 auctioneers and apprentice auctioneers of this Commonwealth
23 to obtain additional or further licenses or authority from
24 any political subdivision of that state to conduct an auction
25 sale.

26 (2) The nonresident auctioneer or apprentice auctioneer
27 is only permitted to sell at auction in this Commonwealth
28 whatever property the laws of his state permit nonresident
29 auctioneers and apprentice auctioneers to sell at auction.

30 (b) Bond.--The bond required by this act shall accompany the

1 application.

2 (c) Change of nonresident status.--The movement from another
3 state or jurisdiction to domicile in this Commonwealth
4 eliminates the possibility of reciprocal licensing set forth in
5 this section and the individual must qualify for a license under
6 terms of this act which are applicable to residents of this
7 Commonwealth.

8 Section 13. Licensee to furnish bond.

9 (a) General rule.--An auctioneer, apprentice auctioneer,
10 auction company or auction house license shall not be granted or
11 issued to any individual, partnership, association or
12 corporation until the applicant has filed with the board an
13 approved bond payable to the Commonwealth in the amount of
14 \$5,000 ~~or in an amount as the board by regulation prescribes.~~ ←

15 The bond shall be executed by a surety company authorized by the
16 laws of this Commonwealth to transact business in this
17 Commonwealth. The bond shall be for the use of the Commonwealth
18 and for any person or persons who may have a cause of action
19 against a licensee under this act.

20 (b) Conditions of bond.--The condition of the bond shall be
21 that the licensee will comply with and abide by the provisions
22 of this act and will pay to the Commonwealth, the board or any
23 person or persons any and all money that may come due the
24 Commonwealth, the board or the person or persons from a licensee
25 under and by virtue of this act.

26 (c) Action on bond.--If any person is aggrieved by the
27 misconduct of any licensee and recovers judgment against the
28 licensee therefor, the person may on any execution issued under
29 the judgment maintain an action upon the bond of the licensee in
30 any court having jurisdiction of the amount claimed.

1 Section 14. No other license required.

2 No political subdivision of this Commonwealth shall have the
3 power or authority to levy or collect any license tax or fee
4 which is either a regulatory or a revenue measure upon or from
5 any auctioneer or apprentice auctioneer licensed under this act
6 nor to require any auctioneer or apprentice auctioneer to be
7 licensed by the political subdivision in order to carry on the
8 business of auctioneer or to conduct a sale at auction.

9 Section 15. List of licensees.

10 The board shall maintain a current list of the individuals,
11 partnerships, associations and corporations licensed by the
12 board. The list shall be open to public inspection during the
13 business hours of the department. Copies of the list are to be
14 available to the public at cost.

15 Section 16. Records of sales.

16 (a) General rule.--Every auctioneer, whether acting in his
17 own behalf or as the officer, agent or representative of
18 another, after the receipt or acceptance by him of any property
19 for sale at auction, shall maintain a written record which shall
20 contain the following information:

21 (1) The name and address of the person who employed him
22 to conduct the sale at auction and of the owner, the owner's
23 authorized agent or consignor of the property to be sold at
24 auction.

25 (2) A copy of the written contract authorizing the sale
26 at auction containing the terms and conditions of the
27 auctioneer's employment or a copy of the receiving invoice.

28 (3) A written record of the sale at auction.

29 (b) Inspection of records.--The records referred to in
30 subsection (a) shall be open at all reasonable times for

1 inspection by the board or any person who is authorized in
2 writing for that purpose by the board and who exhibits the
3 written authorization to the auctioneer before making an
4 inspection. ~~This subsection applies only if a complaint against~~ ←
5 ~~the auctioneer has been filed with the board and the identity of~~
6 ~~the complainant is disclosed to the auctioneer.~~

7 (c) Retention of records.--The written records shall be kept
8 on file in the office of the auctioneer for a period of at least
9 two years and, if the auctioneer is notified of a complaint
10 against him, the records shall be maintained by the auctioneer
11 until the complaint is finally resolved.

12 Section 17. Contracts for conduct of sale.

13 (a) General rule.--Prior to conducting an auction sale, an
14 auctioneer shall enter into a written contract in duplicate with
15 the owner or consignor of the property to be sold, containing
16 the terms and conditions upon which the licensee agrees to
17 conduct the auction sale. The contracts shall be kept on file in
18 the office of the auctioneer and shall be open to inspection as
19 provided in this act. It is unlawful for a person to advertise
20 an auction or sale at auction without including in the
21 advertisement or notice of sale the name and license number of
22 the auctioneer, auction house or auction company conducting the
23 sale.

24 (b) Penalty.--A person who violates subsection (a) commits a
25 summary offense and shall, upon conviction, be sentenced to pay
26 a fine not less than \$50.

27 Section 18. Display of licenses.

28 (a) General rule.--Every individual, partnership,
29 association or corporation licensed as an auctioneer under this
30 act shall prominently display the license certificate in their

1 office and the current renewal card or any facsimile thereof
2 shall be shown on demand of any person at all sales at auction
3 conducted by any licensee.

4 (b) Apprentice auctioneers.--All auctioneers shall
5 prominently display in their office the license certificate of
6 any apprentice auctioneer employed by them and the current
7 renewal card or any facsimile thereof of any apprentice
8 auctioneer employed by them shall be available on demand at any
9 sale in which an apprentice is employed. A license issued to an
10 apprentice auctioneer shall designate his sponsor by name.
11 Prompt notice in writing within ten days shall be given to the
12 board by the apprentice auctioneer of any change of sponsor and
13 of the name of the new sponsor into whose service the apprentice
14 auctioneer is about to enter or has entered. A new license shall
15 be issued without charge by the board to the apprentice
16 auctioneer for the unexpired term of the original license. The
17 new sponsor shall be a qualified auctioneer. The change of
18 sponsor or employment by any licensed apprentice auctioneer
19 without notice to the board shall automatically cancel the
20 license issued to him. It is the duty of the sponsor named in
21 the license to notify the board within ten days of any change in
22 status of an apprentice licensed under him. It is unlawful for
23 an apprentice auctioneer to pay compensation to an auctioneer
24 for the sole purpose of listing the apprentice as an employee.

25 (c) Suspension or revocation of license for violation.--The
26 violation of this section by any licensee is sufficient cause
27 for the suspension or revocation of his license at the
28 discretion of the board after a hearing in accordance with this
29 act.

30 ~~Section 19. Confidentiality of information.~~

<—

1 ~~(a) General rule. Neither the board nor the commissioner or~~
2 ~~a representative, clerk or other employee of the board shall,~~
3 ~~directly or indirectly, willfully exhibit, publish, divulge or~~
4 ~~make known to any person or persons any record, report,~~
5 ~~statement, letter or any other matter, fact or thing contained~~
6 ~~among the papers, documents or records of the board, or~~
7 ~~ascertain from any of them or from any investigation or~~
8 ~~proceedings made or held by or before the board or any of its~~
9 ~~members or the commissioner or secretary or a representative,~~
10 ~~except:~~

11 ~~(1) In the manner expressly authorized by this act.~~

12 ~~(2) In accordance with the laws of this Commonwealth~~
13 ~~dealing with the public's right to access to Commonwealth~~
14 ~~records.~~

15 ~~(3) When the production of any information in a~~
16 ~~proceeding in any court is duly required by subpoena issued~~
17 ~~by special order of the court or other regular process.~~

18 ~~(b) Final rulings or decisions. This section does not apply~~
19 ~~to any final ruling or decision of the board, with the record~~
20 ~~relative thereto and upon which the ruling or decision was~~
21 ~~founded, made and entered after investigation and hearing. The~~
22 ~~records shall, immediately upon the entry of any final ruling or~~
23 ~~decision, become public records of the board subject to~~
24 ~~inspection by any person interested.~~

25 ~~(c) Penalty. A person who violates this section commits a~~
26 ~~misdemeanor of the third degree and shall, upon conviction, be~~
27 ~~sentenced to pay a fine not exceeding \$1,000.~~

28 Section ~~20~~ 19. Revocation or suspension of license for violation ←
29 by employee.

30 A violation of this act by an apprentice auctioneer or other

1 employee of a licensed auctioneer shall not be grounds for the
2 revocation or suspension of the license of the sponsor of the
3 apprentice auctioneer or employee unless it appears at the
4 hearing that the sponsor had knowledge of the violation. A
5 course of dealing shown to have been consistently followed by an
6 apprentice auctioneer or employee constitutes prima facie
7 evidence of knowledge upon the part of the sponsor.

8 Section ~~21~~ 20. Investigations and enforcement actions. <—

9 (a) General rule.--The board may, upon its own motion, and
10 shall, promptly upon the verified complaint in writing of any
11 person setting forth specifically the wrongful act or acts
12 complained of, investigate any action or business transaction of
13 any person licensed by the board and may temporarily suspend or
14 permanently revoke licenses issued by the board or impose a
15 civil penalty not exceeding ~~\$500~~ \$1,000 at any time when, after <—
16 due proceedings provided in this act, it finds the ~~holder~~ <—
17 LICENSEE to have been guilty in the performance or attempt to <—
18 perform any of the acts prohibited to others than licensees
19 under this act as follows:

20 (1) Knowingly making any substantial misrepresentation.

21 (2) Knowingly making any false promise of a character
22 likely to influence, persuade or induce.

23 (3) A continued or flagrant course of misrepresentation
24 or making false promises through agents OR APPRENTICE <—
25 AUCTIONEERS.

26 (4) Within five years prior to the issuance of the
27 license then in force, conviction in a court of competent
28 jurisdiction in this or any other state OR IN FEDERAL COURT <—
29 of forgery, embezzlement, obtaining money under false
30 pretenses, extortion, conspiracy to defraud or other like

1 offense or offenses.

2 (5) Any failure to account for or to pay over moneys
3 belonging to others which have come into his or its
4 possession arising out of a sales transaction within a
5 reasonable time.

6 (6) Any misleading or untruthful advertising.

7 (7) Any act or conduct in connection with a sales
8 transaction which demonstrates incompetency, bad faith or
9 dishonesty.

10 (8) Knowingly using false bidders, cappers or puffers.

11 (9) Violating any of the provisions of this act.

12 (10) Violating any regulation of the board.

13 (11) Having his license to engage in the auction
14 profession revoked or suspended or having other disciplinary
15 action taken or his application for licensure refused,
16 revoked or suspended by the proper licensing authority of
17 another state.

18 (12) FAILING TO ESTABLISH OR MAINTAIN AN ESCROW ACCOUNT. <—

19 (13) FOR ANY LICENSED AUCTIONEER OR APPRENTICE
20 AUCTIONEER TO BID AND BUY FOR HIMSELF AT ANY AUCTION HE IS
21 CONDUCTING.

22 (14) FOR ANY LICENSED AUCTIONEER OR APPRENTICE
23 AUCTIONEER TO PAY ANY COMPENSATION IN MONEY OR OTHER VALUABLE
24 THING TO ANY PERSON OTHER THAN A LICENSED AUCTIONEER OR
25 APPRENTICE AUCTIONEER FOR THE RENDERING OF ANY SERVICE OR THE
26 DOING OF ANY OF THE ACTS BY THIS ACT FORBIDDEN TO BE RENDERED
27 OR PERFORMED BY OTHER THAN LICENSEES.

28 (b) Notice of charges.--Before refusing, suspending or
29 revoking any license, the board shall, in writing, notify the
30 applicant or licensee of the charges against him, accompanying

1 the notice with a copy of the complaint filed, if any, and the
2 board shall accord the applicant or licensee ample opportunity
3 to be heard in person or by counsel.

4 ~~(c) Escrow account. Every auctioneer shall immediately~~ <—

5 SECTION 21. ESCROW ACCOUNT. <—

6 EVERY AUCTIONEER SHALL IMMEDIATELY deposit moneys, received
7 from the sale of property, belonging to others, in a separate
8 custodial or trust fund account maintained by the auctioneer
9 until the transaction involved is terminated, at which time the
10 auctioneer shall account for the full amount received.

11 Section ~~22-21~~ 22. Hearing on charges. <—

12 (a) General rule.--If the applicant or licensee desires, the
13 board shall grant a hearing upon the charges ~~to be held on not~~ <—
14 ~~less than ten days' prior written notice to the applicant or~~
15 ~~licensee. At the hearing, the applicant or licensee may examine,~~
16 ~~either in person or by counsel, any and all persons complaining~~
17 ~~against him and as well all other witnesses whose testimony is~~
18 ~~relied upon to substantiate the charges made. He shall also be~~
19 ~~entitled to present any evidence, oral and written, as he sees~~
20 ~~fit and as may be pertinent to the inquiry. The hearings may be~~
21 ~~held by the board, or any member thereof, or by any other person~~
22 ~~authorized by the board for that purpose in any particular case,~~
23 ~~and they shall be held in Harrisburg, Pennsylvania, or at any~~
24 ~~other place as the board may direct. At the hearings, all~~
25 ~~witnesses shall be sworn by the authorized representative before~~
26 ~~whom the hearing is held and stenographic notes of the~~
27 ~~proceedings shall be taken and filed as part of the record in~~
28 ~~the case.~~ THE SAID HEARINGS MAY BE HELD BY THE BOARD OR ANY <—
29 MEMBER THEREOF OR BY ANY OTHER PERSON DULY AUTHORIZED BY THE
30 BOARD FOR SUCH PURPOSE IN ANY PARTICULAR CASE.

1 (b) Report of hearing officer.--If the hearing is held by a
2 member of the board or by a person authorized by the board, a
3 written report of the hearing shall be made to the board.

4 (c) Action on report of hearing officer.--The board may
5 adopt the findings in the report or may, with or without
6 additional testimony, either return the report for any further
7 consideration the board deems necessary or make additional or
8 other findings of fact on the basis of all the legally probative
9 evidence in the record and enter its findings of fact and
10 conclusions of law and order in accordance with the requirements
11 for the issuance of an adjudication under Title 2 of the
12 Pennsylvania Consolidated Statutes (relating to administrative
13 law and procedure).

14 Section ~~23-22~~ 23. Administration and enforcement. ←

15 The board shall administer and enforce this act.

16 Section ~~24-23~~ 24. Injunctive relief. ←

17 The board may authorize its agents to make application to the
18 appropriate court for an order enjoining the acts or practices
19 which constitute or will constitute a violation of this act.

20 Section ~~25-24~~ 25. Records of courts to be evidence before board. ←

21 In proceedings before the board and in all proceedings upon
22 appeal from any of its decisions, the record, or a duly
23 certified or exemplified copy, in any proceedings at law or in
24 equity in any court of competent jurisdiction in this or any
25 other state in which the applicant or licensee charged or under
26 investigation was a party shall be admissible where the issue of
27 fact involved in the proceedings are pertinent to the inquiry
28 before the board. The verdict of the jury or judgment of the
29 court in any action at law or the decree of the court in any
30 proceeding in equity shall be prima facie as to the facts at

1 issue in the proceedings and necessarily adjudicated therein.

2 The verdict ~~of the jury~~ in any criminal prosecution in a court <—
3 of record in this or any other state in which the applicant or
4 licensee charged was the defendant shall be conclusive as to the
5 facts charged and at issue in the prosecution.

6 Section ~~26-25~~ 26. Revocation or suspension of license. <—

7 (a) Revocation or suspension of license for committing
8 crime.--Where, during the term of any license issued by the
9 board, the licensee is convicted in a court of competent
10 jurisdiction in this or any other state of forgery,
11 embezzlement, obtaining money under false pretenses, extortion,
12 criminal conspiracy to defraud or other like offense and a duly
13 certified or exemplified copy of the record in the proceeding is
14 filed with the board, the board ~~may~~ SHALL revoke or suspend the <—
15 license issued to the licensee.

16 (b) Suspension of license pending trial of crime.--In the
17 event any licensee is indicted in this or any other state of
18 forgery, embezzlement, obtaining money under false pretenses,
19 extortion, criminal conspiracy to defraud or other offense or
20 offenses and a certified copy of the indictment is filed with
21 the board or other proper evidence is given to it, the board
22 may, in its discretion, suspend the license issued to the
23 licensee pending trial of the charges.

24 (c) Revocation of license of entity for violation by member
25 or officer.--In the event of the revocation or suspension of the
26 license issued to any member of a partnership or to any officer
27 of an association or corporation, the license issued to the
28 partnership, association or corporation shall be revoked by the
29 board unless, within a time fixed by the board, the connection
30 of the member of the partnership is severed and his interest in

1 the partnership and his share in its activities brought to an
2 end or the officer of the association or corporation is
3 discharged and has no further participation in its activities.

4 Section ~~27-26~~ 27. Issuance of new license pending investigation and <—
5 decision.

6 Pending an investigation or proceeding before the board
7 affecting any licensee and pending final decision upon any
8 appeal taken by a licensee from the ruling of the board, no new
9 license may be issued to a licensee or to a partnership of which
10 he is a member or employee or to an association or corporation
11 of which he is an officer or employee except for the period of
12 the investigation or proceeding and subject to the action of the
13 board.

14 Section ~~28-27~~ 28. Issuance of new license after revocation. <—

15 (A) GENERAL RULE.--After the revocation of any license, no <—
16 new license may be issued to the same licensee within a period
17 of at least one year from the date of the revocation nor, except
18 in the sole discretion of the board and subject to the
19 conditions of this act, at any time thereafter.

20 (B) CRIMINAL CONDUCT.--NO LICENSE SHALL BE ISSUED BY THE <—
21 BOARD TO ANY PERSON KNOWN BY IT TO HAVE BEEN WITHIN FIVE YEARS
22 CONVICTED OF FORGERY, EMBEZZLEMENT, OBTAINING MONEY UNDER FALSE
23 PRETENSES, EXTORTION, CRIMINAL CONSPIRACY TO DEFRAUD OR OTHER
24 LIKE OFFENSE, OR TO ANY COPARTNERSHIP OF WHICH ANY PERSON IS A
25 MEMBER OR TO ANY ASSOCIATION OR CORPORATION OF WHICH ANY PERSON
26 IS AN OFFICER OR EMPLOYEE OR IN WHICH AS A STOCKHOLDER ANY
27 PERSON HAS OR EXERCISES A CONTROLLING INTEREST EITHER DIRECTLY
28 OR INDIRECTLY.

29 Section ~~29-28~~ 29. Penalties. <—

30 (A) CRIMINAL PENALTIES.--Any individual, partnership, <—

1 association or corporation who engages in or carries on the
2 profession or acts in the capacity of an auctioneer, apprentice
3 auctioneer, auction house or auction company in this
4 Commonwealth without a current license or who employs any person
5 without a current license as an apprentice auctioneer:

6 (1) For a first offense, commits a summary offense and
7 shall, upon conviction, be sentenced to pay a fine not
8 exceeding \$500 or to imprisonment not exceeding three months,
9 or both.

10 (2) For a second or subsequent offense, commits a
11 misdemeanor of the third degree and shall, upon conviction,
12 be sentenced to pay a fine of not less than \$2,000 but not
13 more than \$5,000 or to imprisonment for not less than one
14 year but not more than two years, or both.

15 (B) CIVIL PENALTY.--IN ADDITION TO ANY OTHER CIVIL REMEDY OR <—
16 CRIMINAL PENALTY PROVIDED FOR IN THIS ACT, THE BOARD, BY A VOTE <—
17 OF THE MAJORITY OF THE MAXIMUM NUMBER OF THE AUTHORIZED
18 MEMBERSHIP OF THE BOARD AS PROVIDED BY LAW, OR BY A VOTE OF THE
19 MAJORITY OF THE DULY QUALIFIED AND CONFIRMED MEMBERSHIP OR A
20 MINIMUM OF FOUR MEMBERS, WHICHEVER IS GREATER, MAY LEVY A CIVIL
21 PENALTY OF UP TO \$1,000 ON ANY PERSON WHO ENGAGES IN THE
22 PRACTICE OF AUCTIONEERING WITHOUT BEING PROPERLY LICENSED TO DO
23 SO UNDER THIS ACT. THE BOARD SHALL LEVY THIS PENALTY ONLY AFTER
24 AFFORDING THE ACCUSED PARTY THE OPPORTUNITY FOR A HEARING, AS
25 PROVIDED IN TITLE 2 OF THE PENNSYLVANIA CONSOLIDATED STATUTES
26 (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

27 ~~Section 30. Witnesses and documentary evidence.~~ <—

28 ~~(a) General rule. The board and each of its authorized~~
29 ~~representatives and any special representative appointed by it~~
30 ~~to hold a hearing in any particular case may require the~~

1 ~~attendance of witnesses and the production of books and papers.~~

2 ~~(b) Service of process. In any hearing, the process issued~~
3 ~~by the board shall extend to all parts of this Commonwealth and~~
4 ~~the process may be served either in the manner that subpoenas in~~
5 ~~the court of common pleas are served or by any person designated~~
6 ~~by the board for that purpose. The person serving the process~~
7 ~~shall receive such compensation as may be allowed by the board~~
8 ~~not to exceed the fee prescribed by law for similar services in~~
9 ~~the court of common pleas and the fees shall be paid in the same~~
10 ~~manner as provided in this act for the fees of witnesses~~
11 ~~subpoenaed at the instance of the board.~~

12 ~~(c) Enforcement of subpoenas. Where, in any proceeding~~
13 ~~before the board, any witness fails or refuses to attend upon~~
14 ~~subpoena issued by the board or any of its representatives or,~~
15 ~~appearing, refuses to testify or produce any books and papers~~
16 ~~the production of which is required by the subpoena, the~~
17 ~~attendance of the witness, the giving of testimony and the~~
18 ~~production of the books and papers required shall be enforced by~~
19 ~~any court.~~

20 Section ~~31-29~~ 30. Actions by unlicensed persons prohibited. <—

21 No action or proceeding may be instituted and no recovery may
22 be had in any court of this Commonwealth by any individual,
23 partnership, association or corporation for compensation for any
24 act done or services rendered the doing or rendering of which is
25 prohibited under this act to other than persons licensed by the
26 board unless the individual, partnership, association or
27 corporation was licensed at the time of doing the act or
28 rendering of service.

29 Section ~~32-30~~ 31. State Board of Auctioneer Examiners. <—

30 (a) Representation.--The State Board of Auctioneer Examiners

1 shall consist of the Commissioner of Professional and
2 Occupational Affairs, ~~ex officio, two members~~ THE DIRECTOR OF <—
3 THE BUREAU OF CONSUMER PROTECTION IN THE OFFICE OF ATTORNEY
4 GENERAL, OR HIS DESIGNEE, TWO MEMBERS APPOINTED BY THE GOVERNOR
5 WITH THE ADVICE AND CONSENT OF THE SENATE who shall be persons
6 representing the public at large, and five members APPOINTED BY <—
7 THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE who shall
8 be licensed auctioneers, have served as licensed auctioneers for
9 ten years or more and have conducted at least 50 auctions each
10 year.

11 (B) TERMS.--EACH MEMBER OF THE BOARD ON THE EFFECTIVE DATE <—
12 OF THIS ACT SHALL CONTINUE IN OFFICE UNTIL HIS TERM EXPIRES, OR
13 UNTIL HIS SUCCESSOR HAS BEEN APPOINTED AND QUALIFIED, BUT NO
14 LONGER THAN SIX MONTHS BEYOND THE EXPIRATION OF HIS TERM.
15 THEREAFTER THE TERM OF OFFICE OF EACH OF SAID MEMBERS SHALL BE
16 THREE YEARS FROM HIS APPOINTMENT, OR UNTIL HIS SUCCESSOR HAS
17 BEEN APPOINTED AND QUALIFIED, BUT NO LONGER THAN SIX MONTHS
18 BEYOND THE THREE-YEAR PERIOD. IN THE EVENT THAT ANY OF SAID
19 MEMBERS SHALL DIE OR RESIGN DURING HIS TERM OF OFFICE, HIS
20 SUCCESSOR SHALL BE APPOINTED IN THE SAME WAY AND WITH THE SAME
21 QUALIFICATIONS AS ABOVE SET FORTH AND SHALL HOLD OFFICE FOR THE
22 UNEXPIRED TERM.

23 ~~(b)~~ (C) Quorum.--~~Four~~ FIVE members of the board shall <—
24 constitute a quorum.

25 ~~(c)~~ (D) Chairman AND SECRETARY.--The board shall select a <—
26 chairman AND SECRETARY from among its members ~~and shall elect a~~ <—
27 ~~secretary who need not be a member of the board.~~

28 ~~(d)~~ (E) Per diem.--The members of the board, other than the <—
29 Commissioner of Professional and Occupational Affairs AND THE <—
30 DIRECTOR OF THE BUREAU OF CONSUMER PROTECTION IN THE OFFICE OF

1 ATTORNEY GENERAL, OR HIS DESIGNEE, shall receive ~~35~~ \$60 per <—
2 diem, when actually engaged in the transaction of official
3 business, ~~and the secretary shall receive such reasonable~~ <—
4 ~~compensation as shall be determined by the board, with the~~
5 ~~approval of the Secretary of the Commonwealth.~~ MEMBERS SHALL <—
6 RECEIVE, IN ADDITION, THE AMOUNT OF ACTUAL TRAVEL, HOTEL AND
7 OTHER NECESSARY EXPENSES INCURRED IN PERFORMING THEIR DUTIES FOR
8 THE BOARD.

9 ~~(e)~~ (F) Sunset.--The board is subject to evaluation, review <—
10 and termination within the time and in the manner provided in
11 the act of December 22, 1981 (P.L.508, No.142), known as the
12 Sunset Act.

13 ~~(f)~~ (G) Attendance.--A member of the board who fails to <—
14 attend three consecutive meetings shall ~~be subject to removal.~~ <—
15 FORFEIT HIS SEAT UNLESS THE COMMISSIONER OF PROFESSIONAL AND <—
16 OCCUPATIONAL AFFAIRS, UPON WRITTEN REQUEST FROM THE MEMBER,
17 FINDS THAT THE MEMBER SHOULD BE EXCUSED FROM A MEETING BECAUSE
18 OF ILLNESS OR THE DEATH OF AN IMMEDIATE FAMILY MEMBER.

19 ~~(g)~~ (H) Excuse from attendance.--A board member shall be <—
20 excused from meetings due to illness or death of an immediate
21 family member.

22 (I) REPORTS.-- <—

23 (1) THE BOARD SHALL SUBMIT ANNUALLY A REPORT TO THE
24 PROFESSIONAL LICENSURE COMMITTEE OF THE HOUSE OF
25 REPRESENTATIVES AND TO THE CONSUMER PROTECTION AND
26 PROFESSIONAL LICENSURE COMMITTEE OF THE SENATE A DESCRIPTION
27 OF THE TYPES OF COMPLAINTS RECEIVED, STATUS OF CASES, BOARD
28 ACTION WHICH HAS BEEN TAKEN AND LENGTH OF TIME FROM THE
29 INITIAL COMPLAINT TO FINAL BOARD RESOLUTION.

30 (2) THE BOARD SHALL ALSO SUBMIT ANNUALLY TO THE HOUSE OF

1 REPRESENTATIVES AND THE SENATE APPROPRIATION COMMITTEES, 15
2 DAYS AFTER THE GOVERNOR HAS SUBMITTED HIS BUDGET TO THE
3 GENERAL ASSEMBLY, A COPY OF THE BUDGET REQUEST FOR THE
4 UPCOMING FISCAL YEAR WHICH THE BOARD PREVIOUSLY SUBMITTED TO
5 THE COMMISSIONER.

6 Section ~~33-31~~ 32. Rules and regulations. <—

7 The board may adopt rules and regulations necessary for the
8 proper administration and enforcement of this act.

9 Section ~~34-32~~ 33. Disposition of fees and fines. <—

10 All fees paid to the board and all fines collected for
11 violations of this act shall be paid into the State Treasury for
12 the use of the board to aid in the administration and
13 enforcement of this act.

14 SECTION ~~33~~ 34. REESTABLISHMENT OF AGENCY. <—

15 THIS ACT, WITH RESPECT TO THE STATE BOARD OF AUCTIONEER
16 EXAMINERS, SHALL CONSTITUTE THE LEGISLATION REQUIRED TO
17 REESTABLISH AN AGENCY UNDER THE ACT OF DECEMBER 22, 1981
18 (P.L.508, NO.142), KNOWN AS THE SUNSET ACT.

19 Section ~~35-34~~ 35. Repeals. <—

20 (a) Absolute repeals.--The following acts and parts of acts
21 are repealed:

22 Section 476 of the act of April 9, 1929 (P.L.177, No.175),
23 known as the Administrative Code of 1929.

24 Act of September 29, 1961 (P.L.1745, No.708), known as The
25 Auctioneers' License Act.

26 (b) Inconsistent repeals.--The following ~~acts or parts of~~ <—
27 ~~acts are~~ ACT OR PART OF AN ACT IS repealed insofar as ~~they are~~ <—
28 IT IS inconsistent with this act: <—

29 ~~Section 812.1 of the act of April 9, 1929 (P.L.177, No.175),~~ <—
30 ~~known as The Administrative Code of 1929.~~

1 Act of July 1, 1978 (P.L.700, No.124), known as the Bureau of
2 Professional and Occupational Affairs Fee Act.

3 (c) General repeal.--All other acts or parts of acts are
4 repealed insofar as they are inconsistent with this act.

5 Section ~~36-35~~ 36. Effective date. <—

6 This act shall take effect ~~in 60 days~~ JANUARY 1, 1984. <—