
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2116

Session of
1988

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CALTAGIRONE, OLASZ, SALOOM, LETTERMAN, BURD, BOWLEY AND
LUCYK, JANUARY 26, 1988

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JANUARY 26, 1988

AN ACT

1 Regulating the repair of motor vehicles; establishing and
2 conferring powers and duties on the Motor Vehicle Repair
3 Industry Board; providing for and establishing fees for the
4 registration of motor vehicle repair dealers and mechanics;
5 providing for enforcement; and establishing penalties for
6 violations.

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19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 CHAPTER 1

22 PRELIMINARY PROVISIONS

23 Section 101. Short title.

24 This act shall be known and may be cited as the Motor Vehicle
25 Repair Act.

26 Section 102. Definitions.

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

30 "Board." The Motor Vehicle Repair Industry Board.

1 "Motor vehicle mechanic." Any person, whether self-employed
2 or employed by another, who, for compensation, engages in the
3 diagnosis or repair of malfunctions of motor vehicles and may be
4 classified as "intermediate" or "journeyman" as the terms are
5 commonly used in the motor vehicle repair industry.

6 "Motor vehicle mechanic apprentice." Any person who, for
7 compensation, engages in the diagnosis or repair of malfunctions
8 of motor vehicles under the supervision of a motor vehicle
9 mechanic.

10 "Motor vehicle mechanic helper." Any person who, for
11 compensation, engages in the diagnosis or repair of malfunctions
12 of motor vehicles under the supervision of a registered motor
13 vehicle mechanic.

14 "Motor vehicle repair dealer." Any person who is, or has in
15 his employ, a motor vehicle mechanic registered under this
16 chapter and who, for compensation, engages in the business of
17 diagnosing or repairing malfunctions of motor vehicles.

18 "Registered mechanic." A motor vehicle mechanic who has
19 registered in accordance with this act.

20 "Registered-certified mechanic." A motor vehicle mechanic
21 who has been registered and certified in accordance with this
22 act.

23 "Repair of motor vehicles." All maintenance of and repairs
24 to motor vehicles, except changing and repairing tires;
25 lubricating vehicles; installing light bulbs, batteries,
26 windshield wiper blades, and other minor accessories; cleaning,
27 adjusting and replacing spark plugs; replacing fan belts, oil
28 and air filters; and other minor services which the board by
29 regulation determines may be performed by persons without the
30 skills and knowledge required of motor vehicle mechanics and

1 apprentices. No service shall be designated as minor, for
2 purposes of this act, if the board finds that performance of the
3 service requires mechanical expertise or has given rise to a
4 high incidence of fraud or deceptive practices.

5 Section 103. Applicability.

6 This act does not apply to:

7 (1) Employees of the Federal, State or county
8 governments.

9 (2) Employees of a commercial or business enterprise who
10 engage in the repair of motor vehicles which are owned,
11 maintained and operated exclusively by such commercial or
12 business enterprise and which are not leased or rented to
13 others, provided that such employees may voluntarily register
14 pursuant to the provisions of this act.

15 CHAPTER 3

16 MOTOR VEHICLE REPAIR INDUSTRY BOARD

17 Section 301. Motor Vehicle Repair Industry Board.

18 There is hereby established within the Office of Attorney
19 General the Motor Vehicle Repair Industry Board.

20 (1) The board shall consist of seven members as follows:

21 (i) Three members connected with the motor vehicle
22 repair industry, at least two of whom shall be
23 registered-certified motor vehicle mechanics, except that
24 the initial appointees need not be registered, but shall
25 be persons who would qualify for registration.

26 (ii) Four members not connected with the motor
27 vehicle repair industry.

28 (2) All members shall be appointed by the Governor with
29 the advice and consent of a majority of the members elected
30 to the Senate.

1 (3) The board shall annually elect one of its members
2 chairman.

3 (4) Members of the board shall not receive compensation
4 for their services but shall be reimbursed for necessary
5 expenses incurred in the performance of their duties.

6 Section 302. Powers and duties of board.

7 In addition to other powers and duties established by this
8 act, the board shall:

9 (1) Establish such qualifications for the registration
10 of motor vehicle repair dealers and motor vehicle mechanics
11 as may be necessary for the welfare of the public and the
12 motor vehicle repair industry, provided that no person shall
13 be registered as a motor vehicle mechanic without first
14 receiving certification as provided by this act.

15 (2) Inquire into the practices and policies of the motor
16 vehicle repair industry and make such regulations with
17 respect to such practices and policies as may be deemed
18 important and necessary by the board for the welfare of the
19 public and the motor vehicle repair industry.

20 (3) Contract and cooperate with the Department of
21 Education in developing and administering the certification
22 program provided for in this act.

23 (4) Make, amend and repeal such regulations, not
24 inconsistent with this act, as the board deems appropriate
25 for effectuating the purpose of this act and for insuring the
26 welfare of the public.

27 (5) Enforce this act and regulations adopted pursuant to
28 this act.

29 Section 303. Executive secretary; other personnel.

30 The Attorney General may employ and remove such

1 administrative, clerical, investigative and auditing personnel
2 as the board may require and as may be necessary to carry out
3 this act. The Attorney General may prescribe the powers and
4 duties of such personnel.

5 (1) The Attorney General shall employ an executive
6 secretary of the board, who shall be employed with due regard
7 to his fitness, thorough administrative ability and knowledge
8 of and experience in the repair of motor vehicles.

9 (2) The executive secretary shall, under the supervision
10 of the board:

11 (i) Administer this act and the regulations and
12 orders established under this act and perform such other
13 duties as the board or this act may require.

14 (ii) Attend but not vote at all meetings of the
15 board.

16 (iii) Be in charge of the offices of the board and
17 be responsible to the board for the preparation of
18 reports and the collection and dissemination of data and
19 other public information relating to the motor vehicle
20 repair industry.

21 (3) The board may, by written order filed in its office,
22 delegate to the executive secretary such of its powers or
23 duties as it deems reasonable and proper for the effective
24 administration of this act, except the power to make
25 regulations. The delegated powers and duties shall be
26 exercised by the executive secretary in the name of the
27 board.

28 Section 304. Collection of evidence; complaints; spot checks.

29 The board shall, on its own initiative or in response to
30 complaints, investigate on a continuous basis and gather

1 evidence of violations of this act, and of any rule or
2 regulation adopted pursuant to this act, by any motor vehicle
3 repair dealer, mechanic or apprentice, whether registered or
4 not.

5 CHAPTER 5

6 LICENSURE

7 Section 501. Registration required.

8 Beginning two years after the effective date of this act, it
9 shall be unlawful for any person to engage in the repair of
10 motor vehicles for compensation without registering as a motor
11 vehicle repair dealer or motor vehicle mechanic in accordance
12 with this chapter.

13 Section 502. Powers to classify and limit registration.

14 (a) General rule.--The board shall adopt regulations
15 necessary to effect the classification of motor vehicle
16 mechanics in a manner consistent with the certification program
17 established by this act and shall limit the motor vehicle repair
18 activities of a registrant to those areas for which the
19 registrant is certified or registered.

20 (b) Multiple classifications.--An applicant may make
21 application for registration in more than one classification if
22 he is certified for each classification and otherwise meets the
23 qualification for registration as prescribed by the board. If
24 the applicant is registered for more than one classification, he
25 shall pay the registration fee but shall not be required to pay
26 any additional registration fee.

27 Section 503. Fees; biennial renewals.

28 (a) Amount.--The fees for each original biennial
29 registration and renewal thereof shall be as follows:

30 (1) Motor vehicle repair dealer, \$50.

1 (2) Motor vehicle mechanic, \$20.

2 (b) Operation.--

3 (1) Any motor vehicle repair dealer maintaining more
4 than one motor vehicle repair facility shall separately
5 register each repair facility and pay a fee for each
6 facility.

7 (2) The renewal fee shall be paid to the board on or
8 before June 30 of each even-numbered year. Failure, neglect
9 or refusal of any registrant to pay the biennial renewal fee
10 before such date shall constitute a forfeiture of the
11 registration. A forfeited registration may be restored upon
12 written application within one year and payment of the
13 required fee plus a penalty of 50% of the fee.

14 Section 504. Certified repair dealer.

15 A dealer qualifies as a registered and certified motor
16 vehicle repair dealer if not less than 50% of the mechanics
17 employed by him on a full-time basis are registered-certified
18 mechanics.

19 Section 505. Certification program.

20 The board shall develop and administer a certification
21 program for motor vehicle mechanics. Every mechanic applying for
22 registration shall have passed the appropriate certification
23 test provided for in this section.

24 (1) The certification program shall provide for issuing
25 a certificate to mechanics generally skilled in the repair of
26 motor vehicles and to mechanics who specialize in certain
27 areas of motor vehicle repair.

28 (i) A person may be certified as being generally
29 skilled in the repair of motor vehicles, specially
30 skilled in one or more areas of motor vehicle repair, or

1 both generally and specially skilled. Each area shall be
2 separately tested and certified.

3 (ii) The program shall provide for apprenticeship
4 leading to certification as a mechanic.

5 (iii) Nothing in this act shall prevent a student in
6 a course leading to certification from repairing motor
7 vehicles under the supervision of a registered-certified
8 mechanic.

9 (2) The certification test shall include both a written
10 test and a performance test.

11 (i) The written test shall be given orally upon the
12 request of the person being tested.

13 (ii) Each application for certification shall be
14 accompanied by a nonrefundable testing fee of \$10.

15 (3) The certification program shall be implemented
16 within one year of the effective date of this act. There
17 shall be no limit on the number of times a person may apply
18 for certification, provided that any person failing the
19 examination must wait 30 days before retaking the test.

20 (4) All persons who take and pass the certification test
21 shall be awarded a certificate, which shall be posted in a
22 prominent place at their places of business or employment,
23 and a patch which may be worn on clothing apparel.

24 CHAPTER 7

25 GENERAL REGULATION

26 Section 701. Invoices; supplying used parts; customer's copy.

27 All work done by a motor vehicle repair dealer, mechanic or
28 apprentice, including all warranty work, shall be recorded on an
29 invoice and shall describe all service work done and parts
30 supplied. Service work and parts shall be listed separately on

1 the invoice, which shall also state separately the subtotal
2 prices for service work and for parts, and shall state
3 separately the tax, if any, applicable to parts and service
4 work.

5 (1) If any used, rebuilt or reconditioned parts are
6 supplied, the invoice shall clearly state that fact.

7 (2) If a part of a component system is composed of new
8 and used, rebuilt or reconditioned parts, the invoice shall
9 clearly state that fact.

10 (3) One copy of the invoice shall be given to the
11 customer and one copy shall be retained by the motor vehicle
12 repair dealer.

13 Section 702. Return of replaced parts; exceptions.

14 Upon request of the customer at the time the work order is
15 taken, the motor vehicle repair dealer, mechanic or apprentice
16 shall return replaced parts to the customer at the time of the
17 completion of the work, excepting such parts as may be exempt
18 from this requirement by rule of the board because of size,
19 weight, or other similar factors, and excepting parts that the
20 motor vehicle repair dealer, mechanic or apprentice is required
21 to return to the manufacturer or distributor under a warranty
22 arrangement. If parts must be returned to the manufacturer or
23 distributor, the dealer, mechanic or apprentice at the time the
24 work order is taken shall offer to show and, upon acceptance of
25 the offer, shall show the parts to the customer upon completion
26 of the work, except that the dealer shall not be required to
27 show a replaced part when no charge is being made for the
28 replacement part.

29 Section 703. Estimate for labor and parts.

30 The motor vehicle repair dealer, mechanic or apprentice shall

1 give the customer a written estimated price for labor and parts
2 necessary for a specific job prior to commencement of the job,
3 except that a written estimated price need not be given if
4 waived in writing by the customer. No charge in excess of 15% of
5 the estimated price, if the estimated price is less than \$100,
6 or 10% of the estimated price, if the estimated price is in
7 excess of \$100, shall be charged for parts and labor supplied in
8 excess of the estimated price, without the prior written or oral
9 consent of the customer. Such consent shall be obtained after it
10 is determined that the estimated price is insufficient and
11 before the labor not estimated is performed or the parts not
12 estimated are supplied. This provision may be waived in writing
13 by the customer, provided that the waiver by its terms is
14 effective only after the dealer or mechanic has made reasonable
15 efforts to contact the customer. The form and content of any
16 waiver shall be as prescribed by rule of the board. Nothing in
17 this section shall be construed as requiring a motor vehicle
18 repair dealer, mechanic or apprentice to give a written
19 estimated price if the dealer, mechanic or apprentice does not
20 agree to perform the requested service. A reasonable fee may be
21 charged for making the estimate.

22 Section 704. Records required; inspection.

23 Each motor vehicle repair dealer shall maintain such records
24 as are required by regulations adopted by the board. The records
25 shall be open for reasonable inspection by the board or other
26 law enforcement officials. All such records shall be maintained
27 for at least two years.

28 Section 705. Sign required concerning board; notice to
29 customer.

30 The board shall design and approve a sign which shall be

1 placed in all motor vehicle repair dealer locations in a place
2 and manner conspicuous to the public to give notice that
3 inquiries concerning service may be made to the board. The sign
4 shall contain the telephone number of the board and shall give
5 notice that the customer is entitled to a return of replaced
6 parts upon his request at the time the work order is taken.

7 Section 706. Procedures for accepting complaint.

8 The board shall establish procedures for accepting complaints
9 from the public against any registrant.

10 Section 707. Jurisdiction of court; procedure.

11 The court of common pleas of the county in which any person
12 carries on, or attempts to carry on, business as a motor vehicle
13 repair dealer or act or holds himself out as a motor vehicle
14 mechanic or motor vehicle mechanic apprentice in violation of
15 this chapter, or any regulation made pursuant to this chapter,
16 shall, on application of the board, issue an injunction or other
17 appropriate order restraining such conduct. The board shall not
18 be required to allege facts necessary to show or tending to show
19 lack of an adequate remedy at law or irreparable injury.

20 Section 708. Registration condition precedent to lien.

21 No person required to register under this chapter shall have
22 the benefit of any lien for labor or materials or the right to
23 sue on a contract for motor vehicle repairs done by him unless
24 he was registered at the time he performed the contract.

25 Section 709. Prohibited practices.

26 The following acts or omissions related to the repair of
27 motor vehicles shall be grounds for invoking the enforcement
28 procedures of this chapter:

29 (1) Making or authorizing in any manner or by any means
30 whatever any statement, written or oral, which is untrue or

misleading and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(2) Causing or allowing a customer to sign any work order which does not state the repairs requested by the customer and does not state the automobile's odometer reading at the time of repair.

(3) Failing or refusing to give to a customer a copy of any document requiring his signature, as soon as the customer signs the document.

(4) Any other conduct which constitutes fraud.

(5) Conduct constituting gross negligence.

(6) Failing to comply with this chapter or regulations adopted pursuant thereto.

(7) Any willful departure from or disregard of accepted practices or workmanship.

(8) Making false promises of a character likely to influence, persuade or induce a customer to authorize the repair, service or maintenance of a motor vehicle.

(9) Having repair work subcontracted without the knowledge or consent of the customer unless the motor vehicle repair dealer, mechanic or apprentice demonstrates that the customer could not reasonably have been notified.

(10) Conducting the business of motor vehicle repair in a place other than stated on the registration, except that mobile repair facilities may be permitted if the registration so indicates.

Section 710. Penalties; enforcement.

(a) General rule.--The board may levy a civil penalty or suspend, revoke or refuse to renew the registration of a motor vehicle repair dealer or mechanic for any violation of this

1 chapter or regulations adopted pursuant thereto. The board may
2 also order restitution as provided in subsection (c).

3 (b) Civil penalties.--Civil penalties shall be levied as
4 follows:

5 (1) For a first offense, \$75.

6 (2) For a second offense, \$150.

7 (3) For subsequent offenses, \$300 to \$1,000.

8 (c) Restitution.--In lieu of or in addition to the fine
9 imposed under this section, the board may order the motor
10 vehicle repair dealer or mechanic to make restitution to the
11 customer. Restitution may be imposed in lieu of a fine even
12 though the amount may exceed the fine schedule set forth in
13 subsection (b).

14 (d) Multiple facilities.--If a motor vehicle repair dealer
15 operates more than one motor vehicle repair facility in this
16 Commonwealth, the board, pursuant to subsection (a), may revoke,
17 suspend or refuse to renew the registration of only the specific
18 motor vehicle repair facility which has violated this chapter.
19 Such violation, or such action by the board, shall not affect in
20 any manner the right of the motor vehicle repair dealer to
21 operate his other motor vehicle repair facilities; but, the
22 board may suspend, revoke or refuse to renew the registration
23 for all motor vehicle repair facilities operated in this
24 Commonwealth by a motor vehicle repair dealer upon a finding
25 that the motor vehicle repair dealer has, or is, engaged in a
26 course of repeated and willful violations of this chapter, or
27 regulations adopted pursuant thereto.

28 (e) Expiration of registration.--The expiration of a valid
29 registration shall not deprive the board of jurisdiction to
30 proceed with any investigation or disciplinary proceeding

1 against a motor vehicle repair dealer or mechanic or to render a
2 decision suspending, revoking, or refusing to renew a
3 registration.

4 Section 711. Civil action.

5 Nothing in this chapter shall prohibit the bringing of a
6 civil action against a motor vehicle repair dealer, mechanic or
7 apprentice by an individual or by the Bureau of Consumer
8 Protection.

9 Section 712. Failure to comply with chapter; misdemeanor.

10 Any person who fails to comply with the provisions of this
11 chapter commits a misdemeanor of the third degree.

12 Section 713. Effective date.

13 This act shall take effect in 60 days.