

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 908 Session of 2007

INTRODUCED BY WONDERLING, CORMAN, GREENLEAF, EARLL, PICCOLA, WASHINGTON, LAVALLE, VANCE, FOLMER, PUNT AND FERLO, JUNE 1, 2007

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, SEPTEMBER 17, 2008

AN ACT

1 Amending the act of December 22, 1983 (P.L.327, No.85), entitled
2 "An act imposing regulations and licensing requirements on
3 auctioneers, apprentice auctioneers, auction houses and
4 auction companies; imposing powers and duties on the State
5 Board of Auctioneer Examiners; and making repeals," further
6 providing for auctioneer and apprentice auctioneer licenses.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of December 22, 1983 (P.L.327, No.85), <—
10 known as the Auctioneer and Auction Licensing Act, is amended by
11 adding a paragraph to read:

12 Section 3. Auctioneer and apprentice auctioneer licenses.

13 * * *

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

17 * * *

18 (7) To a sale conducted through a trading platform based
19 on the Internet.

1 * * *

2 "ONLINE INTERNET BIDDING PLATFORM." HARDWARE OR SOFTWARE
3 ARCHITECTURE THAT PROVIDES OR ENABLES COMPUTER ACCESS BY
4 MULTIPLE USERS TO AN INTERACTIVE COMPUTER SERVER FOR THE PURPOSE
5 OF ALLOWING USERS TO OFFER PROPERTY FOR SALE AND THAT DOES NOT
6 EXAMINE, SET THE PRICE OR PREPARE THE DESCRIPTION OF THE
7 PROPERTY TO BE OFFERED.

8 * * *

9 "PERSON." AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION [OR],
10 CORPORATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY.

11 * * *

12 "REGISTRANT." A PERSON REGISTERED UNDER THIS ACT AS A
13 TRADING ASSISTANT.

14 "TRADING ASSISTANT." AN INDIVIDUAL WHO, FOR A COMMISSION OR
15 FEE, CONDUCTS OR INTENDS TO CONDUCT A BUSINESS WITHIN THIS
16 COMMONWEALTH OF ACCEPTING PERSONAL PROPERTY TO SELL ON BEHALF OF
17 ANOTHER THROUGH AN ONLINE INTERNET BIDDING PLATFORM.

18 SECTION 3. SECTION 3(A) OF THE ACT IS AMENDED TO READ:
19 SECTION 3. AUCTIONEER AND APPRENTICE AUCTIONEER LICENSES.

20 (A) REQUIREMENT FOR LICENSE.--[IT] NOTWITHSTANDING SECTION
21 10.1, IT IS UNLAWFUL FOR ANY PERSON TO ENGAGE IN OR CARRY ON THE
22 PROFESSION OF AUCTIONEER, TO CONDUCT A SALE AT AUCTION, TO HOLD
23 HIMSELF OUT AS AN AUCTIONEER OR AS AN APPRENTICE AUCTIONEER OR
24 TO OFFER TO CONDUCT SALES AT AUCTION IN THIS COMMONWEALTH
25 WITHOUT FIRST OBTAINING FROM THE BOARD A LICENSE AS AN
26 AUCTIONEER OR APPRENTICE AUCTIONEER. ANY MEMBER, OFFICER OR
27 EMPLOYEE OF A PARTNERSHIP, ASSOCIATION OR CORPORATION WHO
28 ATTEMPTS TO SELL AT AUCTION OR WHO IS ACTIVELY ENGAGED IN THE
29 AUCTION PROFESSION MUST HAVE A LICENSE AS AN AUCTIONEER OR
30 APPRENTICE AUCTIONEER.

1 * * *

2 SECTION 4. SECTION 5 OF THE ACT IS AMENDED BY ADDING A
3 SUBSECTION TO READ:

4 SECTION 5. APPLICATIONS FOR INITIAL AND RENEWAL LICENSES.

5 * * *

6 (F) INTERNET SALES.--AN APPLICANT OR LICENSEE RENEWING A
7 LICENSE UNDER THIS SECTION MUST INDICATE TO THE BOARD WHETHER OR
8 NOT SALES WILL BE CONDUCTED VIA AN ONLINE INTERNET BIDDING
9 PLATFORM.

10 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

11 SECTION 10.1. TRADING ASSISTANT REGISTRATION.

12 (A) REQUIREMENT FOR REGISTRATION.--IT SHALL BE UNLAWFUL FOR
13 ANY INDIVIDUAL TO ACT AS A TRADING ASSISTANT FOR A SALE
14 CONDUCTED BY COMPETITIVE BIDDING WITHOUT EITHER FIRST
15 REGISTERING WITH OR OBTAINING LICENSURE FROM THE BOARD.
16 REGISTRATION IS REQUIRED ON A BIENNIAL BASIS.

17 (B) APPLICATION.--APPLICATION FOR REGISTRATION UNDER THIS
18 SECTION SHALL INCLUDE THE FOLLOWING:

19 (1) NAME OF THE APPLICANT, THE BUSINESS AND THE PHYSICAL
20 LOCATION WHERE THE BUSINESS WILL BE CONDUCTED.

21 (2) DATE THE APPLICANT WILL BEGIN ACCEPTING GOODS FOR
22 SALE THROUGH AN ONLINE INTERNET BIDDING PLATFORM.

23 (3) PENNSYLVANIA TAX IDENTIFICATION NUMBER.

24 (4) E-MAIL ADDRESS.

25 (C) FEE.--A REGISTRATION FEE OF \$100 SHALL BE INCLUDED WITH
26 EACH APPLICATION FOR REGISTRATION.

27 SECTION 6. SECTIONS 13, 14, 15, 16, 17, 21, 26, 27, 28, 29
28 AND 31(A) OF THE ACT ARE AMENDED TO READ:

29 SECTION 13. LICENSEE AND REGISTRANT TO FURNISH BOND.

30 (A) GENERAL RULE.--AN AUCTIONEER, APPRENTICE AUCTIONEER,

1 AUCTION COMPANY OR AUCTION HOUSE LICENSE OR TRADING ASSISTANT
2 REGISTRATION SHALL NOT BE GRANTED OR ISSUED TO ANY [INDIVIDUAL,
3 PARTNERSHIP, ASSOCIATION OR CORPORATION] PERSON UNTIL THE
4 APPLICANT HAS FILED WITH THE BOARD AN APPROVED BOND PAYABLE TO
5 THE COMMONWEALTH IN THE AMOUNT OF \$5,000. THE BOND SHALL BE
6 EXECUTED BY A SURETY COMPANY AUTHORIZED BY THE LAWS OF THIS
7 COMMONWEALTH TO TRANSACT BUSINESS IN THIS COMMONWEALTH. THE BOND
8 SHALL BE FOR THE USE OF THE COMMONWEALTH AND FOR ANY PERSON OR
9 PERSONS WHO MAY HAVE A CAUSE OF ACTION AGAINST A LICENSEE OR
10 REGISTRANT UNDER THIS ACT.

11 (B) CONDITIONS OF BOND.--THE CONDITION OF THE BOND SHALL BE
12 THAT THE LICENSEE OR REGISTRANT WILL COMPLY WITH AND ABIDE BY
13 THE PROVISIONS OF THIS ACT AND WILL PAY TO THE COMMONWEALTH, THE
14 BOARD OR ANY PERSON OR PERSONS ANY AND ALL MONEY THAT MAY COME
15 DUE THE COMMONWEALTH, THE BOARD OR THE PERSON OR PERSONS FROM A
16 LICENSEE OR REGISTRANT UNDER AND BY VIRTUE OF THIS ACT.

17 (C) ACTION ON BOND.--IF ANY PERSON IS AGGRIEVED BY THE
18 MISCONDUCT OF ANY LICENSEE OR REGISTRANT AND RECOVERS JUDGMENT
19 AGAINST THE LICENSEE OR REGISTRANT THEREFOR, THE PERSON MAY, ON
20 ANY EXECUTION ISSUED UNDER THE JUDGMENT, MAINTAIN AN ACTION UPON
21 THE BOND OF THE LICENSEE OR REGISTRANT IN ANY COURT HAVING
22 JURISDICTION OF THE AMOUNT CLAIMED.

23 SECTION 14. NO OTHER LICENSE OR REGISTRATION REQUIRED.

24 NO POLITICAL SUBDIVISION OF THIS COMMONWEALTH SHALL HAVE THE
25 POWER OR AUTHORITY TO LEVY OR COLLECT ANY LICENSE TAX OR FEE
26 WHICH IS EITHER A REGULATORY OR A REVENUE MEASURE UPON OR FROM
27 ANY AUCTIONEER OR APPRENTICE AUCTIONEER [LICENSED] OR TRADING
28 ASSISTANT LICENSED OR REGISTERED UNDER THIS ACT NOR TO REQUIRE
29 ANY AUCTIONEER OR APPRENTICE AUCTIONEER TO BE LICENSED BY THE
30 POLITICAL SUBDIVISION IN ORDER TO CARRY ON THE BUSINESS OF

1 AUCTIONEER OR TO CONDUCT A SALE AT AUCTION.

2 SECTION 15. LIST OF LICENSEES[.] AND REGISTRANTS.

3 THE BOARD SHALL MAINTAIN A CURRENT LIST OF [THE INDIVIDUALS,
4 PARTNERSHIPS, ASSOCIATIONS AND CORPORATIONS] ANY PERSON LICENSED
5 BY OR REGISTERED WITH THE BOARD. THE LIST SHALL BE POSTED ON THE
6 DEPARTMENT'S INTERNET WEBSITE AND [BE OPEN TO PUBLIC INSPECTION
7 DURING THE BUSINESS HOURS OF THE DEPARTMENT. COPIES OF THE LIST
8 ARE TO BE AVAILABLE TO THE PUBLIC AT COST.] SHALL BE SUBJECT TO
9 THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-
10 TO-KNOW LAW.

11 SECTION 16. RECORDS OF SALES.

12 (A) GENERAL RULE.--EVERY AUCTIONEER OR TRADING ASSISTANT,
13 WHETHER ACTING IN HIS OWN BEHALF OR AS THE OFFICER, AGENT OR
14 REPRESENTATIVE OF ANOTHER, AFTER THE RECEIPT OR ACCEPTANCE BY
15 HIM OF ANY PROPERTY FOR SALE AT AUCTION OR SALE THROUGH AN
16 ONLINE INTERNET BIDDING PLATFORM, SHALL MAINTAIN A WRITTEN
17 RECORD WHICH SHALL CONTAIN THE FOLLOWING INFORMATION:

18 (1) THE NAME AND ADDRESS OF THE PERSON WHO EMPLOYED HIM
19 TO CONDUCT THE [SALE AT AUCTION] TRANSACTION AND OF THE
20 OWNER, THE OWNER'S AUTHORIZED AGENT OR CONSIGNOR OF THE
21 PROPERTY TO BE SOLD [AT AUCTION].

22 (2) A COPY OF THE WRITTEN CONTRACT AUTHORIZING THE [SALE
23 AT AUCTION] TRANSACTION CONTAINING THE TERMS AND CONDITIONS
24 OF THE [AUCTIONEER'S EMPLOYMENT] TRANSACTION OR A COPY OF THE
25 RECEIVING INVOICE.

26 (3) A WRITTEN RECORD OF THE [SALE AT AUCTION]
27 TRANSACTION.

28 (B) INSPECTION OF RECORDS.--THE RECORDS REFERRED TO IN
29 SUBSECTION (A) SHALL BE OPEN AT ALL REASONABLE TIMES FOR
30 INSPECTION BY THE BOARD OR ANY PERSON WHO IS AUTHORIZED IN

1 WRITING FOR THAT PURPOSE BY THE BOARD AND WHO EXHIBITS THE
2 WRITTEN AUTHORIZATION TO THE AUCTIONEER OR TRADING ASSISTANT
3 BEFORE MAKING AN INSPECTION.

4 (C) RETENTION OF RECORDS.--THE WRITTEN RECORDS SHALL BE KEPT
5 ON FILE IN THE OFFICE OF THE AUCTIONEER OR TRADING ASSISTANT FOR
6 A PERIOD OF AT LEAST TWO YEARS AND, IF THE AUCTIONEER OR TRADING
7 ASSISTANT IS NOTIFIED OF A COMPLAINT AGAINST HIM, THE RECORDS
8 SHALL BE MAINTAINED BY THE AUCTIONEER OR TRADING ASSISTANT UNTIL
9 THE COMPLAINT IS FINALLY RESOLVED.

10 (D) RECEIPTS.--EVERY AUCTIONEER OR TRADING ASSISTANT MUST
11 PROVIDE A WRITTEN RECEIPT FOR ALL TRANSACTIONS. A RECEIPT MAY BE
12 PROVIDED ELECTRONICALLY. RECEIPTS MUST BE RETAINED FOR AT LEAST
13 TWO YEARS.

14 SECTION 17. CONTRACTS FOR CONDUCT OF [SALE] TRANSACTION.

15 (A) GENERAL RULE.--PRIOR TO CONDUCTING [AN AUCTION SALE] A
16 TRANSACTION, AN AUCTIONEER OR TRADING ASSISTANT SHALL ENTER INTO
17 A WRITTEN CONTRACT, IN DUPLICATE, WITH THE OWNER OR CONSIGNOR OF
18 THE PROPERTY TO BE SOLD, CONTAINING THE TERMS AND CONDITIONS
19 UPON WHICH THE LICENSEE OR REGISTRANT AGREES TO CONDUCT THE
20 [AUCTION] SALE. THE CONTRACT MAY BE ENTERED INTO ELECTRONICALLY.
21 THE CONTRACTS SHALL BE KEPT ON FILE IN THE OFFICE OF THE
22 AUCTIONEER OR TRADING ASSISTANT AND SHALL BE OPEN TO INSPECTION
23 AS PROVIDED IN THIS ACT. IT IS UNLAWFUL FOR A PERSON TO
24 ADVERTISE AN AUCTION OR SALE AT AUCTION OR A SALE THROUGH AN
25 ONLINE INTERNET BIDDING PLATFORM WITHOUT INCLUDING IN THE
26 ADVERTISEMENT OR NOTICE OF SALE THE NAME AND LICENSE NUMBER OF
27 THE AUCTIONEER, AUCTION HOUSE OR AUCTION COMPANY OR THE
28 REGISTRATION NUMBER OF THE TRADING ASSISTANT CONDUCTING THE
29 [SALE] TRANSACTION.

30 (B) PENALTY.--A PERSON WHO VIOLATES SUBSECTION (A) COMMITS A

1 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
2 A FINE NOT LESS THAN \$50.

3 SECTION 21. ESCROW ACCOUNT.

4 EVERY AUCTIONEER AND REGISTRANT SHALL IMMEDIATELY DEPOSIT
5 MONEYS, RECEIVED FROM THE SALE OF PROPERTY, BELONGING TO OTHERS
6 IN A SEPARATE CUSTODIAL OR TRUST FUND ACCOUNT MAINTAINED BY THE
7 AUCTIONEER OR TRADING ASSISTANT UNTIL THE TRANSACTION INVOLVED
8 IS TERMINATED, AT WHICH TIME THE AUCTIONEER OR TRADING ASSISTANT
9 SHALL ACCOUNT FOR THE FULL AMOUNT RECEIVED.

10 SECTION 26. REVOCATION OR SUSPENSION OF LICENSE OR
11 REGISTRATION.

12 (A) REVOCATION OR SUSPENSION OF LICENSE OR REGISTRATION FOR
13 COMMITTING CRIME.--WHERE, DURING THE TERM OF ANY LICENSE OR
14 REGISTRATION ISSUED BY THE BOARD, THE LICENSEE OR REGISTRANT IS
15 CONVICTED IN A COURT OF COMPETENT JURISDICTION IN THIS OR ANY
16 OTHER STATE OF FORGERY, EMBEZZLEMENT, OBTAINING MONEY UNDER
17 FALSE PRETENSES, EXTORTION, CRIMINAL CONSPIRACY TO DEFRAUD OR
18 OTHER LIKE OFFENSE AND A DULY CERTIFIED OR EXEMPLIFIED COPY OF
19 THE RECORD IN THE PROCEEDING IS FILED WITH THE BOARD, THE BOARD
20 SHALL REVOKE OR SUSPEND THE LICENSE ISSUED TO THE LICENSEE OR
21 REGISTRATION ISSUED TO THE REGISTRANT.

22 (B) SUSPENSION OF LICENSE OR REGISTRATION PENDING TRIAL OF
23 CRIME.--IN THE EVENT ANY LICENSEE OR REGISTRANT IS INDICTED IN
24 THIS OR ANY OTHER STATE OF FORGERY, EMBEZZLEMENT, OBTAINING
25 MONEY UNDER FALSE PRETENSES, EXTORTION, CRIMINAL CONSPIRACY TO
26 DEFRAUD OR OTHER OFFENSE OR OFFENSES AND A CERTIFIED COPY OF THE
27 INDICTMENT IS FILED WITH THE BOARD OR OTHER PROPER EVIDENCE IS
28 GIVEN TO IT, THE BOARD MAY, IN ITS DISCRETION, SUSPEND THE
29 LICENSE ISSUED TO THE LICENSEE OR REGISTRATION ISSUED TO THE
30 REGISTRANT PENDING TRIAL OF THE CHARGES.

1 (C) REVOCATION OF LICENSE OF ENTITY FOR VIOLATION BY MEMBER
2 OR OFFICER.--IN THE EVENT OF THE REVOCATION OR SUSPENSION OF THE
3 LICENSE ISSUED TO ANY MEMBER OF A PARTNERSHIP OR TO ANY OFFICER
4 OF AN ASSOCIATION OR CORPORATION, THE LICENSE ISSUED TO THE
5 PARTNERSHIP, ASSOCIATION OR CORPORATION SHALL BE REVOKED BY THE
6 BOARD UNLESS, WITHIN A TIME FIXED BY THE BOARD, THE CONNECTION
7 OF THE MEMBER OF THE PARTNERSHIP IS SEVERED AND HIS INTEREST IN
8 THE PARTNERSHIP AND HIS SHARE IN ITS ACTIVITIES BROUGHT TO AN
9 END OR THE OFFICER OF THE ASSOCIATION OR CORPORATION IS
10 DISCHARGED AND HAS NO FURTHER PARTICIPATION IN ITS ACTIVITIES.

11 SECTION 27. ISSUANCE OF NEW LICENSE OR REGISTRATION PENDING
12 INVESTIGATION AND DECISION.

13 PENDING AN INVESTIGATION OR PROCEEDING BEFORE THE BOARD
14 AFFECTING ANY LICENSEE OR REGISTRANT AND PENDING FINAL DECISION
15 UPON ANY APPEAL TAKEN BY A LICENSEE OR REGISTRANT FROM THE
16 RULING OF THE BOARD, NO NEW REGISTRATION MAY BE ISSUED OR
17 LICENSE MAY BE ISSUED TO A LICENSEE OR TO A PARTNERSHIP OF WHICH
18 HE IS A MEMBER OR EMPLOYEE OR TO AN ASSOCIATION OR CORPORATION
19 OF WHICH HE IS AN OFFICER OR EMPLOYEE EXCEPT FOR THE PERIOD OF
20 THE INVESTIGATION OR PROCEEDING AND SUBJECT TO THE ACTION OF THE
21 BOARD.

22 SECTION 28. ISSUANCE OF NEW LICENSE OR REGISTRATION AFTER
23 REVOCATION.

24 (A) GENERAL RULE.--AFTER THE REVOCATION OF ANY LICENSE OR
25 REGISTRATION, NO NEW LICENSE OR REGISTRATION MAY BE ISSUED TO
26 THE SAME LICENSEE OR REGISTRANT WITHIN A PERIOD OF AT LEAST ONE
27 YEAR FROM THE DATE OF THE REVOCATION NOR, EXCEPT IN THE SOLE
28 DISCRETION OF THE BOARD AND SUBJECT TO THE CONDITIONS OF THIS
29 ACT, AT ANY TIME THEREAFTER.

30 (B) CRIMINAL CONDUCT.--NO LICENSE OR REGISTRATION SHALL BE

1 ISSUED BY THE BOARD TO ANY PERSON KNOWN BY IT TO HAVE BEEN,
2 WITHIN FIVE YEARS, CONVICTED OF FORGERY, EMBEZZLEMENT, OBTAINING
3 MONEY UNDER FALSE PRETENSES, EXTORTION, CRIMINAL CONSPIRACY TO
4 DEFRAUD OR OTHER LIKE OFFENSE, OR TO ANY COPARTNERSHIP OF WHICH
5 ANY PERSON IS A MEMBER OR TO ANY ASSOCIATION OR CORPORATION OF
6 WHICH ANY PERSON IS AN OFFICER OR EMPLOYEE OR IN WHICH AS A
7 STOCKHOLDER ANY PERSON HAS OR EXERCISES A CONTROLLING INTEREST
8 EITHER DIRECTLY OR INDIRECTLY.

9 SECTION 29. PENALTIES.

10 (A) CRIMINAL PENALTIES.--ANY [INDIVIDUAL, PARTNERSHIP,
11 ASSOCIATION OR CORPORATION] PERSON WHO ENGAGES IN OR CARRIES ON
12 THE PROFESSION OR ACTS IN THE CAPACITY OF AN AUCTIONEER,
13 APPRENTICE AUCTIONEER, AUCTION HOUSE [OR] AUCTION COMPANY OR
14 TRADING ASSISTANT IN THIS COMMONWEALTH WITHOUT A CURRENT LICENSE
15 OR REGISTRATION OR WHO EMPLOYS ANY PERSON WITHOUT A CURRENT
16 LICENSE AS AN APPRENTICE AUCTIONEER:

17 (1) FOR A FIRST OFFENSE, COMMITS A SUMMARY OFFENSE AND
18 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE NOT
19 EXCEEDING \$500 OR TO IMPRISONMENT NOT EXCEEDING THREE MONTHS,
20 OR BOTH.

21 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, COMMITS A
22 MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON CONVICTION,
23 BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$2,000 BUT NOT
24 MORE THAN \$5,000 OR TO IMPRISONMENT FOR NOT LESS THAN ONE
25 YEAR BUT NOT MORE THAN TWO YEARS, OR BOTH.

26 (B) CIVIL PENALTY.--IN ADDITION TO ANY OTHER CIVIL REMEDY OR
27 CRIMINAL PENALTY PROVIDED FOR IN THIS ACT, THE BOARD, BY A VOTE
28 OF THE MAJORITY OF THE MAXIMUM NUMBER OF THE AUTHORIZED
29 MEMBERSHIP OF THE BOARD AS PROVIDED BY LAW OR BY A VOTE OF THE
30 MAJORITY OF THE DULY QUALIFIED AND CONFIRMED MEMBERSHIP OR A

1 MINIMUM OF FOUR MEMBERS, WHICHEVER IS GREATER, MAY LEVY A CIVIL
2 PENALTY OF UP TO \$1,000 ON ANY PERSON WHO ENGAGES IN THE
3 PRACTICE OF AUCTIONEERING WITHOUT BEING PROPERLY LICENSED TO DO
4 SO UNDER THIS ACT. THE BOARD SHALL LEVY THIS PENALTY ONLY AFTER
5 AFFORDING THE ACCUSED PARTY THE OPPORTUNITY FOR A HEARING, AS
6 PROVIDED IN TITLE 2 OF THE PENNSYLVANIA CONSOLIDATED STATUTES
7 (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

8 (C) FAILURE TO REGISTER.--ANY INDIVIDUAL WHO FAILS TO
9 REGISTER UNDER SECTION 10.1 MAY BE SUBJECT TO A PENALTY OF UP TO
10 \$500 LEVIED BY THE COMMISSIONER. THE INDIVIDUAL MAY REQUEST A
11 HEARING BEFORE THE BOARD, WHICH SHALL BE CONDUCTED IN ACCORDANCE
12 WITH 2 PA.C.S (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).
13 SECTION 31. STATE BOARD OF AUCTIONEER EXAMINERS.

14 (A) REPRESENTATION.--THE STATE BOARD OF AUCTIONEER EXAMINERS
15 SHALL CONSIST OF THE COMMISSIONER OF PROFESSIONAL AND
16 OCCUPATIONAL AFFAIRS, THE DIRECTOR OF THE BUREAU OF CONSUMER
17 PROTECTION IN THE OFFICE OF ATTORNEY GENERAL, OR HIS DESIGNEE,
18 TWO MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND
19 CONSENT OF THE SENATE, WHO SHALL BE PERSONS REPRESENTING THE
20 PUBLIC AT LARGE, [AND FIVE] ONE MEMBER APPOINTED BY THE GOVERNOR
21 WITH THE ADVICE AND CONSENT OF THE SENATE, WHO SHALL BE A
22 REGISTERED TRADING ASSISTANT, AND FOUR MEMBERS APPOINTED BY THE
23 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, WHO SHALL BE
24 LICENSED AUCTIONEERS, HAVE SERVED AS LICENSED AUCTIONEERS FOR
25 TEN YEARS OR MORE AND HAVE CONDUCTED AT LEAST 50 AUCTIONS EACH
26 YEAR.

27 * * *

28 SECTION 7. THE BOARD SHALL NOT PROMULGATE REGULATIONS
29 PERTAINING TO SECTION 10.1 OF THE ACT AND REGISTRATIONS PURSUANT
30 TO SECTION 10.1 OF THE ACT SHALL BE ACCEPTED BY THE BOARD UPON

1 THE EFFECTIVE DATE OF THIS SECTION.

2 SECTION 8. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.