
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1019 Session of
2007

INTRODUCED BY GORDNER, CORMAN, ERICKSON, TARTAGLIONE, BAKER,
WAUGH, WOZNIAK, KASUNIC, MADIGAN, WONDERLING, MUSTO, LOGAN
AND FERLO, JULY 3, 2007

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JULY 3, 2007

AN ACT

1 Amending the act of December 22, 1983 (P.L.306, No.84), entitled
2 "An act providing for the State Board of Vehicle
3 Manufacturers, Dealers and Salespersons; and providing
4 penalties," further defining "off-premise sale," "vehicle
5 show" or "exhibition"; defining "recreational vehicle show";
6 further providing for grounds for disciplinary proceedings;
7 further providing for vehicle shows, off-premise sales and
8 exhibitions; providing for recreational vehicle shows, off-
9 premise sales, exhibitions and rallies; and further providing
10 for vehicle shows, off-premise sales and exhibitions on
11 Sundays.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The definition of "off-premise sale," "vehicle
15 show" or "exhibition" in section 2 of the act of December 22,
16 1983 (P.L.306, No.84), known as the Board of Vehicles Act,
17 amended April 19, 1996 (P.L.104, No.27), is amended and the
18 section is amended by adding a definition to read:

19 Section 2. Definitions.

20 The following words and phrases when used in this act shall
21 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Off-premise sale," "vehicle show" or "exhibition." A sale,
4 show or exhibition of one or more vehicle dealers, distributors,
5 manufacturers or manufacturers' representatives who display,
6 sell or attempt to sell vehicles, mobile homes, manufactured
7 housing, or trailers [or], but not recreational vehicles, for a
8 fixed and limited period of time held in the relevant market
9 area of the participating dealers or distributors.

10 * * *

11 "Recreational vehicle shows, off-premise sales, exhibitions
12 and rallies." A sale, show, exhibition or rally, held by one or
13 more recreational vehicle dealers, distributors, manufacturers
14 or manufacturers' representatives who display, sell or attempt
15 to sell recreational vehicles for a fixed and limited period of
16 time, which shall not exceed ten days in a 30-day period, 20
17 days in a 90-day period, and 60 days in a 365-day period. In
18 computing these time limitations, set-up and tear-down days as
19 well as days when the events are not open shall be excluded.

20 * * *

21 Section 2. Section 19 of the act is amended by adding
22 paragraphs to read:

23 Section 19. Grounds for disciplinary proceedings.

24 In addition to any criminal or civil penalties otherwise
25 provided in this act, the board shall have the power to formally
26 reprimand, suspend or revoke any license or refuse to issue or
27 renew any license of an applicant or licensee or a person
28 required to be licensed under this act, if after due notice of
29 and hearing, the person charged is found in violation of or
30 fails to carry out the acts and procedures set forth in this act

1 or is found guilty of committing or attempting to commit any of
2 the acts set forth in section 23 or any of the following acts:

3 * * *

4 (39) Being a recreational vehicle dealer from another
5 state or jurisdiction who, while buying, selling or
6 exchanging recreational vehicles in this Commonwealth,
7 violates any Pennsylvania law or regulations regarding the
8 selling, titling, registering or financing of recreational
9 vehicles.

10 (40) Being a recreational vehicle dealer from another
11 state or jurisdiction, who, while buying, selling or
12 exchanging recreational vehicles in this Commonwealth,
13 engages in conduct which would subject a Pennsylvania
14 recreational vehicle dealer to sanction pursuant to the act.

15 (41) Being a recreational vehicle dealer from another
16 state or jurisdiction who, while buying, selling or
17 exchanging recreational vehicles in this Commonwealth, is not
18 in full compliance with the laws and regulations of the
19 dealer's home state.

20 (42) Being a recreational vehicle dealer from another
21 state or jurisdiction who, while participating in a
22 recreational vehicle show, off-premise sale, exhibition or
23 rally in this Commonwealth, employs a salesperson who
24 represents another recreational vehicle dealer.

25 Section 3. Subsection (a) of section 32, renumbered and
26 amended April 19, 1996 (P.L.104, No.27), is amended, subsection
27 (d) is repealed, and the section is amended by adding a
28 subsection to read:

29 Section 32. Vehicle shows, off-premise sales and exhibitions.

30 (a) Participation.--Any licensed dealer[,] other than a

1 recreational vehicle dealer and any distributor or manufacturer
2 may participate in public vehicle shows, off-premise sales and
3 exhibitions, provided that a dealer shall participate only in
4 shows, off-premise sales and exhibitions held within the
5 dealer's relevant market area. A dealer shall be permitted to
6 conduct a vehicle show or exhibition at its established place of
7 business.

8 * * *

9 [(d) Out-of-State recreational vehicle dealers.--

10 (1) A recreational vehicle dealer licensed in another
11 state or jurisdiction may participate in vehicle shows or
12 exhibits with recreational vehicles within this Commonwealth
13 in which less than a total of 50 dealers participate as
14 exhibitors with permission of the dealer's licensed
15 manufacturer if all of the following conditions exist:

16 (i) The show has a minimum of ten recreational
17 vehicle dealers licensed in this Commonwealth.

18 (ii) More than 50% of the participating recreational
19 vehicle dealers are licensed in this Commonwealth.

20 (iii) The state in which the recreational vehicle
21 dealer is licensed is a state contiguous to this
22 Commonwealth and that state permits Commonwealth-licensed
23 recreational vehicle dealers to participate in vehicle
24 shows in that state under conditions substantially
25 equivalent to the conditions which are imposed upon
26 dealers from that state who participate in recreational
27 vehicle shows in this Commonwealth.

28 (2) A recreational vehicle dealer licensed in another
29 state or jurisdiction may participate in a vehicle show or
30 exhibit which has, when it opens to the public, at least a

1 total of 50 dealers from both this Commonwealth and outside
2 this Commonwealth manning recreational vehicle manufacturer
3 displays if the show or exhibit is trade-oriented and is
4 predominantly funded by recreational vehicle manufacturers.
5 All of the participating dealers who are not licensed by this
6 Commonwealth must be from a state contiguous to this
7 Commonwealth which permits Commonwealth-licensed recreational
8 vehicle dealers to participate in vehicle shows in that state
9 under conditions substantially equivalent to the conditions
10 which are imposed upon dealers from that state who
11 participate in recreational vehicle shows in this
12 Commonwealth and are duly licensed and authorized by their
13 state of residence to sell recreational vehicles.]

14 * * *

15 (f) Applicability.--As provided in subsection (a), this
16 section shall not apply to recreational vehicle dealers.

17 Section 4. The act is amended by adding a section to read:
18 Section 32.1. Recreational vehicle shows, off-premise sales,
19 exhibitions and rallies.

20 (a) Participation.--A recreational vehicle dealer,
21 salesperson, distributor, manufacturer or manufacturer's
22 representative licensed under this act may participate in
23 recreational vehicle shows, off-premise sales, exhibitions and
24 rallies. A recreational vehicle dealer shall be permitted to
25 conduct a vehicle show, exhibition or rally at its established
26 place of business.

27 (b) Bond required.--Any person acting as a recreational
28 vehicle dealer by engaging in buying, selling or exchanging
29 recreational vehicles in this Commonwealth shall have posted a
30 bond with the board in the amount of \$30,000, to ensure

1 compliance with all Commonwealth laws and regulations. The bond
2 shall be executed by a surety company authorized to transact
3 business in this Commonwealth. The bond shall be security for
4 any claim filed by an agencies of the Commonwealth, for moneys
5 due, including, but not limited to, unpaid taxes, fees,
6 licenses, payment of a criminal penalty or fine after conviction
7 or payment of a civil penalty or monetary amount after the entry
8 of judgment. The bond shall remain valid until cancelled in
9 writing by the issuer. The board may refuse to accept the bond
10 of a person it has sanctioned and who is not subject to its
11 licensing requirements. This provision shall not limit the
12 authority of any government agency or private individual to
13 institute civil, criminal or disciplinary action against a
14 person for a violation of Commonwealth laws or regulations.
15 Recreational vehicle dealers who have a current bond in the
16 amount of at least \$30,000 on file with the Department of
17 Transportation shall not be required to post the above bond.

18 (c) Out-of-State recreational vehicle dealers.--

19 (1) A recreational vehicle dealer licensed in another
20 state or domiciled in a state that does not require licensure
21 may participate in recreational vehicle shows, off-premise
22 sales or exhibitions or rallies within this Commonwealth in
23 which less than a total of 50 recreational vehicle dealers
24 participate with permission of the dealer's licensed
25 manufacturer if all of the following conditions exist:

26 (i) The show has a minimum of ten recreational
27 vehicle dealers licensed in this Commonwealth.

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

30 (iii) The state is contiguous to this Commonwealth

1 and permits Commonwealth-licensed recreational vehicle
2 dealers to participate in vehicle shows in that state
3 under conditions substantially equivalent to the
4 conditions which are imposed upon dealers from that state
5 who participate in recreational vehicle shows in this
6 Commonwealth.

7 (iv) Any salesperson participating on behalf of a
8 recreational vehicle dealer is licensed in his home state
9 or domiciled in a state that does not require licensure.

10 (2) A recreational vehicle dealer licensed in another
11 state or domiciled in a state that does not require licensure
12 may participate in a vehicle show, off-premise sale,
13 exhibition or rally, provided that, when it opens to the
14 public, it has at least a total of 50 recreational vehicle
15 dealers from this Commonwealth and outside this Commonwealth
16 participating and all of the following conditions exist:

17 (i) The show, sale, exhibition or rally is trade-
18 oriented and is predominantly funded by recreational
19 vehicle manufacturers.

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

28 (iii) Any salesperson participating on behalf of a
29 recreational vehicle dealer is licensed in his home state
30 or domiciled in a state that does not require licensure.

1 (d) Additional penalties.--

2 (1) The board shall report any violation of Pennsylvania
3 law to the home state of an out-of-State recreational vehicle
4 dealer.

5 (2) The board may impose a sanction upon any person it
6 has not licensed by refusing to accept that person's bond.

7 Section 5. Section 33 of the act, renumbered and amended
8 April 19, 1996 (P.L.104, No.27), is amended to read:

9 Section 33. Off-premise sales, [vehicle shows or exhibits]
10 shows, exhibitions or rallies on Sundays.

11 (1) [Off-premise sales, vehicle shows or exhibits] The
12 following shall be permitted to be open on Sundays[.]:

13 (i) Off-premise vehicles sales, shows and
14 exhibitions.

15 (ii) Recreational vehicle shows, off-premise sales,
16 exhibitions and rallies.

17 (2) Normal vehicle business practices shall be allowed
18 at off-premise sales, vehicle shows or [exhibits] exhibitions
19 on Sunday except that no final sales contract may be
20 consummated on a Sunday.

21 (3) Normal vehicle business practices shall be allowed
22 at recreational vehicle shows, off-premise sales, exhibitions
23 and rallies. Recreational vehicle dealers are permitted to
24 consummate final sales contracts on Sundays.

25 (4) Manufactured housing [or recreational vehicle]
26 dealers are permitted to consummate final sales contracts on
27 Sundays.

28 Section 6. This act shall take effect in 60 days.