

No. 2014-146

AN ACT

SB 814

Amending the act of December 22, 1983 (P.L.306, No.84), entitled "An act providing for the State Board of Vehicle Manufacturers, Dealers and Salespersons; and providing penalties," defining "out-of-State recreational vehicle dealer"; further defining "recreational vehicle show"; and further providing for grounds for disciplinary proceedings and for requirements for out-of-State recreational vehicle dealers for recreational vehicle shows, recreational vehicle off-premise sales, recreational exhibitions and recreational vehicle rallies.

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

Section 1. The definition of "recreational vehicle show," "recreational vehicle off-premise sale," "recreational vehicle exhibition" or "recreational vehicle rally" in section 2 of the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, added October 8, 2008 (P.L.1086, No.90), is amended to read:

Section 2. Definitions.

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

* * *

"Recreational vehicle show," "recreational vehicle off-premise sale," "recreational vehicle exhibition" or "recreational vehicle rally." A sale, show, exhibition or rally, held by one or more recreational vehicle dealers, distributors, manufacturers or manufacturers' representatives who display, sell or attempt to sell recreational vehicles for a fixed and limited period of time, which shall not exceed ten days in a **[30-day period] calendar month**, 20 days in **[a 90-day period] three consecutive calendar months** and 60 days in a **[365-day period] calendar year**. Set-up and tear-down days and days when the events are not open shall be excluded from the calculation of the applicable time period.

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Section 2. Section 19(39) of the act, added October 8, 2008 (P.L.1086, No.90), is amended and the section is amended by adding a paragraph to read:

Section 19. Grounds for disciplinary proceedings.

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

¹"The definition of 'recreational vehicle show'" in enrolled bill.

attempting to commit any of the acts set forth in section 23 or any of the following acts:

* * *

(39) Being [a] *an out-of-State* recreational vehicle dealer [from another state or jurisdiction] who, while buying, selling, titling, registering, financing or exchanging recreational vehicles in this Commonwealth, violates a Pennsylvania law or regulation or a law or regulation of the state or jurisdiction of licensure or the state or jurisdiction of domicile regarding the buying, selling, titling, registering, financing or exchanging of recreational vehicles.

(40) *Being an out-of-State recreational vehicle dealer who fails to demonstrate, upon direction of or investigation by the board or its agents, that the out-of-State recreational vehicle dealer satisfies the provisions of section 32.1(c) regarding participation in this Commonwealth in a recreational vehicle show, recreational vehicle off-premise sale, recreational vehicle exhibition or recreational vehicle rally.*

Section 3. Section 32.1(c) of the act, added October 8, 2008 (P.L.1086, No.90), is amended to read:

Section 32.1. Recreational vehicle shows, recreational vehicle off-premise sales, recreational vehicle exhibitions and recreational vehicle rallies.

* * *

(c) Out-of-State recreational vehicle dealers.—[A] *An out-of-State* recreational vehicle dealer licensed in another state or jurisdiction or domiciled in another state or jurisdiction that does not require licensure shall register with the board on a form prescribed by the board before participating in this Commonwealth in a recreational vehicle show, recreational vehicle off-premise sale, recreational vehicle exhibition or recreational vehicle rally. The following apply:

(1) Registration shall include all of the following:

(i) Notification of the *out-of-State* recreational vehicle dealer's intent to participate in this Commonwealth in a recreational vehicle show, recreational vehicle off-premise sale, recreational vehicle exhibition or recreational vehicle rally.

(ii) Agreement to comply with all Federal and State laws and regulations relating to the buying, selling, exchanging, titling, registration or financing of recreational vehicles.

(iii) Agreement by the out-of-State recreational vehicle dealer to submit to the jurisdiction of the Commonwealth for purposes of disciplinary action of imposition of a civil or criminal penalty or assessment under subsection (b) resulting from a violation under subparagraph (ii).

(iv) Evidence of the posting of a bond under subsection (b).

(v) Payment of a participation fee.

(vi) A list of all individuals engaged as sales people for the out-of-State recreational vehicle dealer while operating in this Commonwealth.

(2) If the board has taken action within the last five years to sanction an out-of-State recreational vehicle dealer, the board may:

(i) refuse to accept the registration and participation fee of the out-of-State recreational vehicle dealer permanently or for a fixed period; and

(ii) order that the *out-of-State recreational vehicle* dealer be denied access to all recreational vehicle shows, recreational vehicle off-premise sales, recreational vehicle exhibitions and recreational vehicle rallies in this Commonwealth.

(3) [A] *An out-of-State* recreational vehicle dealer licensed in another state or jurisdiction or domiciled in a state or jurisdiction that does not require licensure may participate in this Commonwealth in a recreational vehicle show, recreational vehicle off-premise sale, recreational vehicle exhibition or recreational vehicle rally under the circumstances set forth either in subparagraph (i) or (ii):

(i) When the show, sale, exhibition or rally has less than a total of 50 recreational vehicle dealers participating with permission of the dealer's licensed manufacturer and meets all of the following requirements:

(A) A minimum of ten recreational vehicle dealers at the show are licensed in this Commonwealth.

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

(C) The state in which the *out-of-State recreational vehicle* dealer is licensed is contiguous to this Commonwealth and permits recreational vehicle dealers licensed in this Commonwealth to participate in recreational vehicle shows in that state under conditions substantially equivalent to the conditions imposed upon dealers from that state to participate in recreational vehicle shows in this Commonwealth.

(ii) When the recreational vehicle show, sale, exhibition or rally opens to the public, it has a total of at least 50 recreational vehicle dealers from this Commonwealth and from another state participating with permission of the dealer's licensed manufacturer and meets all of the following requirements:

(A) The show, sale, exhibition or rally is trade oriented and predominantly funded by recreational vehicle manufacturers.

(B) All of the participating dealers who are not licensed in this Commonwealth are from a state contiguous to this Commonwealth which permits recreational vehicle dealers licensed in this Commonwealth to participate in recreational vehicle shows in that state under conditions substantially equivalent to the conditions imposed upon dealers from that state to participate in recreational vehicle shows in this Commonwealth.

(4) The board shall report a violation of Pennsylvania law or regulation to the state or jurisdiction in which the out-of-State recreational vehicle dealer is licensed or domiciled.

(5) Forms for out-of-State recreational vehicle dealers shall be published in the Pennsylvania Bulletin and shall be maintained on the board's Internet website.

(6) The board may accept registration information and payment electronically.

(7) An out-of-State recreational vehicle dealer may not participate in a recreational vehicle show, recreational vehicle off-premise sale, recreational vehicle exhibition or recreational vehicle rally in this Commonwealth, unless the out-of-State recreational vehicle dealer satisfies at least four of the listed activities at its facility in the contiguous state in which it is licensed or domiciled that does not require licensure:

(i) Accepting delivery of new recreational vehicles from the recreational vehicle dealer's manufacturer for which the recreational vehicle dealer possesses an agreement with the manufacturer to sell its new recreational vehicles.

(ii) Maintaining inventory and offering recreational vehicles for sale to the public.

(iii) Consummating and finalizing recreational vehicle sales.

(iv) Servicing or repairing recreational vehicles.

(v) Delivering recreational vehicles to purchasers with recreational vehicle titling, registrations issued and taxes collected and paid to the dealer's appropriate home state agencies.

Section 4. This act shall take effect immediately.

APPROVED—The 14th day of October, A.D. 2014

TOM CORBETT