

No. 2015-78

## AN ACT

HB 1161

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," further providing for definitions and for license to engage in business.

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

Section 1. Section 2 of the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, is amended by adding a definition 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:

\* \* \*

***"Common ownership." Exists when a person is an owner of two or more licensed dealerships, regardless of:***

- (1) the location of each dealership;***
- (2) the person's percentage of ownership at each dealership; or***
- (3) the corporate structure of each dealership.***

\* \* \*

Section 2. Section 5(c)(2) of the act, amended April 19, 1996 (P.L.104, No.27), is amended to read:

Section 5. License to engage in business.

\* \* \*

(c) Salespersons to be employed.—It shall be unlawful for any salesperson who has not been issued a salesperson's license number by the board to engage in any activity related to the buying, selling or exchanging of a vehicle for a commission, compensation or other consideration. Any sale must be conducted pursuant to and as part of the normal business activities of the dealer by a person who is a licensed salesperson of the dealer, unless that person is the dealer. The salesperson shall be presently employed by the currently licensed vehicle dealer for whom the salesperson is buying, selling or exchanging.

\* \* \*

(2) A licensed salesperson who is employed by a dealer who holds a dealer license in more than one category or at more than one facility may sell for each such dealer or at each such facility, provided **[that each facility has the same owners] there is common ownership.**

\* \* \*

Section 3. This act shall take effect in 60 days.

APPROVED—The 17th day of December, A.D. 2015

TOM WOLF