Pennsylvania Association of Notaries

HERE'S HOW TO USE THE CONTENTS OF

PAN'S DEALER PACKET

DISCLAIMER: The forms and information contained in this document are intended to serve as a guide. This document is for your reference only and should not be construed as legal, financial or business advice. The Pennsylvania Association of Notaries does not represent or endorse the suitability, accuracy, reliability or completeness of any information in this document, and expressly disclaims all representations and warranties of any kind as to the results that may be obtained from the use of the information in this document. You agree that your access to, and use of, the information in this document is on an 'as-is', 'as available' basis and you acknowledge that any reliance upon any information in this document shall be at your sole risk.

Use this checklist to make sure you complete your application properly.	
	Date Done
Vehicle dealers are licensed by the Department of State, State Board of Vehicle Dealers, Manufacturers and Salespersons. • You must submit a correctly completed application and all required documents to the Board and pass a dealership facility inspection. • After passing the inspection, you must obtain a Dealer Identification Number (DIN) and authorization to issue plates from PennDOT.	
Order a PA State Police Criminal Record Check for each owner, partner or corporate officer of the business. • **From the State Police:** Complete Part I of Form SP4-164 and mail it to the State Police Central Repository. A response may take three weeks or longer. Fee is $22. **—OR—** **From PAN:** Complete PAN's Request for Criminal Record Check and mail or fax it to PAN. We will send a **response** ("no record" or "under review") by fax within 24 hours. Fee is $32. • You will send the **results** of the criminal record check(s) to PennDOT with your application.	
Order a $20,000 or $30,000 bond. ($30,000 bond required to issue plates.) • Complete the Universal Surety of America Easy Application for Bonds from PAN's insurance broker, E. R. Munro and Company. **Note:** If you have ever filed for personal or business bankruptcy, our underwriting requirements prohibit us from providing your bond. • $20,000 bond (no plates) - $90 for 1 year; $225 for 3 years $30,000 bond (issues plates) - $135 for 1 year; $337.50 for 3 years • Return the application and payment to E. R. Munro and Company. Munro will send you the completed bond, Form MV-375, to sign.	

Pennsylvania Association of Notaries
One Gateway Center, Suite 401
420 Fort Duquesne Boulevard
Pittsburgh, PA 15222-1498
800-944-8790 — www.notary.org

Use this checklist to make sure you complete your application properly.	
	Date Done
Read PennDOT's Publication 459 - Requirements On Becoming a Dealer • Read and follow "Requirements to Become a Dealer" on Page 3.	
To obtain dealer registration plates: • Follow the instructions on Form MV-349 – Application for Vehicle Dealer Registration Plates for Dealers Licensed by Department of State.	
If you want to issue temporary plates: • Read and follow the instructions on Pages 5-69 to apply for full agent authorization. • You must complete a PennDOT-certified Agent Services Training Course before you submit your full agent application to PennDOT.	
Complete the following steps if necessary: • Apply for an installment seller's license from the Department of Banking. • Register with the Department of Revenue to collect sales tax. • If you do business under a fictitious name, register the name with the Department of State, Corporation Bureau. • Apply for an Employer ID Number (EIN) from the Internal Revenue Service.	
Read and understand the following laws: • Pa. Code Title 49 Professional and Vocational Standards, Chapter 19 • Pa. Code Title 67 Transportation, Chapters 43, 53 • Pa. Statutes Title 63 Professions and Occupations, Chapter 22A • Pa.C.S. Title 12, Chapter 62 • Pa.C.S. Title 75 Vehicles, Chapters 11, 13, 23 • Pa.C.S. Title 75 Vehicles, Chapter 61, §6114	
Mail two copies of the application materials in one 9" by 12" envelope to: Commonwealth of Pennsylvania State Board of Vehicle Dealers, Manufacturers and Salespersons P.O. Box 2649 Harrisburg, PA 17105-2649	
Visit PennDOT's Dealer and Agent Forms, Publications and FAQs page. • https://www.dmv.pa.gov/_layouts/pa.penndot.formsandpubs/formsandpubs.aspx	

Thank you for choosing PAN.

Pennsylvania Association of Notaries
One Gateway Center, Suite 401
420 Fort Duquesne Boulevard
Pittsburgh, PA 15222-1498
800-944-8790 — www.notary.org

PAN'S CRIMINAL RECORD CHECK

PLEASE TYPE OR PRINT CLEARLY

CUSTOMER INFORMATION

Name of Person Requesting Record: _____

Business Name (if applicable): _____

PAN Customer Number (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

E-Mail Address: _____

Phone Number: _____ Fax Number: _____

Please send the results via: ☐ **Fax** ☐ **E-mail** ☐ **Mail**

SUBJECT INFORMATION

First, Middle, Last Name: _____

Social Security Number (optional): _____ - _____ - _____

Birth Date (MM / DD / YYYY): _____ / _____ / _____

Gender: (optional) ☐ Male ☐ Female Race: (optional) _____

Is this record check request for a PennDOT contract? ☐ Yes ☐ No

Cost is $32 ($22 State Police Fee and $10 PAN Service Fee)

PAYMENT INFORMATION

Type of Card (check one): ☐ VISA ☐ MasterCard ☐ Discover ☐ American Express

Name on Card: _____

Card Number: _____ Expiration Date: _____ *Security Code: _____

Billing Address: _____

City: _____ State: _____ Zip: _____

Cardholder's Signature: _____

*The security code is the three or four-digit number printed on the face or the signature panel of your credit card.

Upon completion, please submit this form to PAN via Mail, Fax or E-mail.
PAN will process your order and send a response back to you.

PAN
Pennsylvania Association of Notaries

One Gateway Center, Suite 401
420 Fort Duquesne Boulevard
Pittsburgh, PA 15222-1498

Phone: 800.944.8790
Fax: 800.707.7075
E-mail: PAN@notary.org

SP 4-164 (12-2020)

PENNSYLVANIA STATE POLICE

REQUEST FOR CRIMINAL RECORD CHECK

1-888-QUERYPA (1-888-783-7972)

This form is to be completed in ink by the requester – (information will be mailed to the requester only). If this form is not legible or not properly completed, it will be returned unprocessed to the requester.

TRY OUR WEBSITE FOR A QUICKER RESPONSE
https://epatch.pa.gov

REQUESTER NAME	
ADDRESS	
CITY/STATE/ ZIP CODE	
TELEPHONE NO. (AREA CODE)	

FOR CENTRAL REPOSITORY USE ONLY
CONTROL NUMBER

AFTER COMPLETION MAIL TO:

PENNSYLVANIA STATE POLICE
CENTRAL REPOSITORY – 164
1800 ELMERTON AVENUE
HARRISBURG, PA 17110-9758

DO NOT SEND CASH OR PERSONAL CHECK

CHECK ONE BLOCK

☐ INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY – ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF $22.00, PAYABLE TO: "*COMMONWEALTH OF PENNSYLVANIA*"
THE FEE IS NONREFUNDABLE

☐ NOTARIZED INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY – ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF $27.00, PAYABLE TO: "*COMMONWEALTH OF PENNSYLVANIA*"
THE FEE IS NONREFUNDABLE

☐ FEE EXEMPT-NONCRIMINAL JUSTICE AGENCY – NO FEE

SUBJECT OF RECORD CHECK

(FIRST)	(MIDDLE)	(LAST)		
MAIDEN NAME AND/OR ALIASES	SOCIAL SECURITY NUMBER	DATE OF BIRTH (MM/DD/YYYY)	SEX	RACE

The Pennsylvania State Police response will be based on the comparison of the data provided by the requester against the information *contained in the files of the Pennsylvania State Police Central Repository only.*

FEES FOR REQUESTS - $22.00. NOTARIZED FEE REQUESTS - $27.00.
******MAKE ALL MONEY ORDERS PAYABLE TO: COMMONWEALTH OF PENNSYLVANIA ******

REASON FOR REQUEST

◄◄◄◄◄◄CHECK THE BOX THAT MOST APPLIES TO THE PURPOSE OF THIS REQUEST►►►►►►

☐ **INTERNATIONAL ADOPTION -** INTERNATIONAL ADOPTION MUST BE NOTARIZED AND MAILED IN. ($27.00 FOR REQUEST)

☐ **ADOPTION (DOMESTIC)** ☐ **EMPLOYMENT** ☐ **VISA** ☐ **OTHER**

WARNING: 18 Pa.C.S. 4904(b) UNDER PENALTY OF LAW - MISIDENTIFICATION OR FALSE STATEMENTS OF IDENTITY TO OBTAIN CRIMINAL HISTORY INFORMATION OF ANOTHER IS PUNISHABLE AS AUTHORIZED BY LAW.

Homeland Security is Everyone's Responsibility - Pennsylvania Terrorism Tip Line 1-888-292-1919

E. R. MUNRO & COMPANY
bonds and insurance

One Gateway Center, Suite. 400 • 420 Fort Duquesne Boulevard • Pittsburgh, PA 15222-1460
Phone: 877.376.8676 • Fax: 412.281.6195 • E-mail: info@ermunro.com • Web site: www.ermunro.com

$20,000 DEALER BOND

Thank you for your inquiry regarding a $20,000 vehicle dealer bond. Please be advised that this bond covers a vehicle dealer's license only. ***You cannot sell registration plates with a $20,000 bond.***

Here is an application. Please complete it in detail and sign as indicated. Be sure to include social security numbers. **SHOW THE DEALERSHIP NAME EXACTLY AS IT IS, OR WILL BE, ON YOUR DEALER'S LICENSE. PLEASE NOTE THAT THE BONDING COMPANY DOES NOT ALLOW FOR A BOND TO BE ISSUED IN A FICTITIOUS NAME ONLY. All bonds must be written in the name of the legal business entity name (sole proprietor, partnership, corporation or LLC) and any DBA name that may apply.** If you already are a dealer, include your DIN (dealer identification number).

Please follow the signature instructions for the type of business entity you are; i.e., individual, partnership, corporation or LLC, as shown on the back of the application. Spouses must sign even if they are not involved in the business.

The cost of the bond is $90 for one year or $225 three years. Send us the completed application and your check payable to E. R. Munro and Company. **Approval of the bond is dependant upon the results of a credit review.**

To expedite your application, you may send it by fax to (412) 281-6195 or email to bonds@ermunro.com. Once the bond is approved, we can accept credit and debit card payments by phone. Or, you may also request an invoice by email or fax to submit payment using our online payment system.

If you have any questions, please give us a call. It is a pleasure to be of service.

Sincerely,

E. R. MUNRO AND COMPANY

Bond Department

Universal Surety of America – Application for Bonds

Agency: E R Munro and Company Agent's Code: 03-01327 Phone: 877-376-8676 Fax: 412-281-6195
One Gateway Center, Suite 400, 420 Fort Duquesne Blvd Pittsburgh, PA 15222-1460

Business/Corporate Name As it Should Appear on Bond (including any DBA name): _____

Business Address: _____ **County:** _____

Mailing Address: _____ **County:** _____

Telephone #: _____ **Fax #:** _____ **Email:** _____

Type of Bond (Choose One):	**Length of Bond Term (Choose One):**	**Is this a new business?** ☐ Yes ☐ No	**Business Type:** (Choose One)
☐ $20,000 Dealer Only ☐ $30,000 Full Agent Only ☐ $30,000 Dealer & Full Agent	☐ **1 Year** ☐ **3 Years** $90.00 - $20,000 Bond - $225.00 $135.00 - $30,000 Bond - $337.50 **Bond Effective Date:** _____	**If no, complete:** **Number of Years in Business:** _____ **Number of Years Licensed:** _____ **BMV/DIN License Number:** _____	☐ Individual ☐ Partnership ☐ Corporation ☐ LLC ☐ LLP

Applicant(s): Individual, partners, or corporate owner(s). List principal owner first. Attach additional applications and cross reference if more than three owners. **EACH OWNER AND SPOUSE MUST SIGN AT BOTTOM RIGHT.**

1. **Name:** _____ **Percent Ownership:** _____
   Residence Address: _____ **Telephone #:** _____
   Social Security Number: _____ **Does applicant own real estate:** ☐ Yes ☐ No
   ☐ **Single** ☐ **Married** (If married, spouse must sign application as indemnitor).

2. **Name:** _____ **Percent Ownership:** _____
   Residence Address: _____ **Telephone #:** _____
   Social Security Number: _____ **Does applicant own real estate:** ☐ Yes ☐ No
   ☐ **Single** ☐ **Married** (If married, spouse must sign application as indemnitor).

3. **Name:** _____ **Percent Ownership:** _____
   Residence Address: _____ **Telephone #:** _____
   Social Security Number: _____ **Does applicant own real estate:** ☐ Yes ☐ No
   ☐ **Single** ☐ **Married** (If married, spouse must sign application as indemnitor).

Has the business, or any other owner/applicant: (If any answers are yes, must provide details).

a. Ever been convicted of a crime? ☐ Yes ☐ No
b. Ever had their license suspended, revoked, or denied? ☐ Yes ☐ No
c. Ever been party to a surety bond claim? ☐ Yes ☐ No

INDEMNITY

The undersigned applicant and indemnitors hereby request Western Surety Company, Universal Surety of America, Surety Bonding Company of America and any affiliated company, their successors or assigns (with such company/companies referred to herein as the "Company") to become their surety. The undersigned hereby certify the truth of all statements in the application, authorize the Company to verify this information at the time of application and as needed, on an ongoing basis and to obtain additional information from any source, including obtaining credit reports at the time of application, in any review or renewal, at the time of any potential or actual claim, or for any other legitimate purposes as determined by the Company in its reasonable discretion, and jointly and severally agree:

(1) To pay premiums, including renewal premiums and any other charges, to the Company or its agents, when due.
(2) **To completely INDEMNIFY the Company from and against any liability, loss, cost, attorneys' fees and expenses whatsoever which the Company shall at any time sustain as surety or by reason of having been surety on this bond or any other bond issued for any applicant and or indemnitor, or for the enforcement of this agreement, or in obtaining a release or evidence of termination under such bonds, regardless of whether such liability, loss, costs, damages, attorneys' fees and expenses are caused, or alleged to be caused, by the negligence of the Company.**
(3) To furnish the Company with satisfactory and conclusive termination evidence that there is no further liability on this bond issued for applicant.
(4) Upon demand by the Company for any reason whatsoever, to deposit current funds with the Company in an amount sufficient to satisfy any claim against the Company by reason of such surety ship.
(5) That the Company shall have the right to handle or settle any claim or suit in good faith and the Company's decision shall be binding and conclusive on the undersigned. An itemized statement of loss and expense incurred by the Company, shall be prim a facie evidence of the fact and extent of the liability of the undersigned to the Company.
(6) That the Company may decline to become surety on any bond and may cancel or amend any bond without cause and without any liability which might arise therefrom.
(7) That the Company shall, without notice, have the right to alter the penalty, terms and conditions of any bond issued for undersigned, and this agreement shall apply to any such altered bond. The liability for the undersigned shall not be affected by the failure of the undersigned to sign any bond, nor any claim that other indemnity or security was obtained, nor by the release of any indemnity, nor the return or exchange of any collateral obtained and if any party signing this agreement is not bound for any reason, this agreement will still be binding on each and every other party.
(8) That if a contract or performance bond is issued hereunder, the undersigned hereby assign to the Company any monies now due or hereafter becoming due under the contract, including all deferred payments and retained percentage, supplies, tools, plants, equipment and materials due or used on the contract.
(9) At the Company's discretion, this indemnity agreement shall be governed in all respects by the laws of the State of South Dakota and the undersigned applicant and indemnitors consent to the jurisdiction of the courts of the State of South Dakota and the United States District Court for the District of South Dakota in all actions or proceedings arising from or relating to this Indemnity agreement.
(10) That this indemnity may be terminated by the undersigned, or any one or more parties so designated, upon written notice sent registered mail to the office of the Company at Sioux Falls, South Dakota 57104, of not less than twenty (20) days. In no event, shall any termination notice operate to modify, bar, discharge, limit, affect, or impair the liability of any party hereto, for any bonds, undertakings, and obligations executed prior to the date or the Company's receipt and notice of such termination.
(11) In the event of any payment by the Company, to pay the Company interest on such amounts at the highest legal rate from the date such payments are made.

Signed this _____ **day of** _____, _____.

_____
_____ **"Indemnitor"**
_____ **"Indemnitor"**
_____ **"Indemnitor"**
_____ **"Indemnitor"**

NOTE: Personal indemnitors should sign their names before the word "indemnitor". See Guidelines on additional page.

Entity requiring this bond (and address):
Commonwealth of Pennsylvania, Bureau of Motor Vehicles, Dealer Agent Services
1101 South Front St., Harrisburg, PA 17104

Agent's recommendation/additional comments:
_____
_____

Guidelines for Signing an Easy Application for Bonds

We have examples showing five ways to sign an application.

1. Individual or Sole Proprietorship.

Signed this 4th day of September, 2003

Signature & Business/Corporate Title

John Doe "Indemnitor"

Jane Doe "Indemnitor"

"Indemnitor"

NOTE: Personal indemnitors should sign their names before the word "indemnitor".

The individual or sole owner and spouse should sign at the bottom of the application before the word "Indemnitor".

2. Partnership.

Signed this 4th day of September, 2003

Signature & Business/Corporate Title

John Doe "Indemnitor"

James Doe "Indemnitor"

Jane Doe "Indemnitor"

Ann Doe, Indemnitor

NOTE: Personal indemnitors should sign their names before the word "indemnitor".

Each partner and his or her spouse should sign at the bottom of the application before the word "Indemnitor". If additional personal indemnity is required, the individual may sign their name and write the word "Indemnitor" after their name in their own handwriting.

3. Corporation.

Signed this 4th day of September, 2003

John Doe, President

Signature & Business/Corporate Title

John Doe "Indemnitor"

James Doe "Indemnitor"

* Jane Doe "Indemnitor"

* Ann Doe, Indemnitor

NOTE: Personal indemnitors should sign their names before the word "indemnitor".

* In most cases, the owners' spouses may also need to sign.

An officer should first sign on behalf of the corporation (indicating his/her corporate title) and then sign a second time as a personal indemnitor, before the word "Indemnitor". All other owners should also sign as personal indemnitors before the word "Indemnitor" on each line. In most cases, the owners' spouses also need to sign. If additional personal indemnity is required, the individual may sign their name and write the word "Indemnitor" after their name in their own handwriting.

4. Limited Liability Company or Partnership.

Signed this 4th day of September, 2003

John Doe, Manager

Signature & Business/Corporate Title

John Doe "Indemnitor"

James Doe "Indemnitor"

* Jane Doe "Indemnitor"

* Ann Doe, Indemnitor

NOTE: Personal indemnitors should sign their names before the word "indemnitor".

* In most cases, the members'/owners'/partners' spouses may also need to sign.

An authorized manager, member, or partner should first sign on behalf of the Limited Liability Company or Partnership (indicating his/her company/partnership title) and then sign a second time as a personal indemnitor, before the word "Indemnitor". All other members/owners/partners should also sign as personal indemnitors before the word "Indemnitor" on each line. In most cases the members'/owners'/partners' spouses also need to sign. If additional personal indemnity is required, the individual may sign their name and write the word "Indemnitor" after their name in their own handwriting.

5. Outside Indemnity (Relatives, Friends).

Signed this 4th day of September, 2003

Signature & Business/Corporate Title

John Doe "Indemnitor"

Jane Doe "Indemnitor"

John Henry "Indemnitor"

Joseph Smith, Indemnitor

NOTE: Personal indemnitors should sign their names before the word "indemnitor".

When outside indemnity is required, the proposed indemnitors should sign at the bottom of the application below the applicants' signatures before the word "Indemnitor". If additional personal indemnity is required, the individual may sign their name and write the word "Indemnitor" after their name in their own handwriting.

Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

E. R. MUNRO & COMPANY
bonds and insurance

One Gateway Center, Suite. 400 • 420 Fort Duquesne Boulevard • Pittsburgh, PA 15222-1460
Phone: 877.376.8676 • Fax: 412.281.6195 • E-mail: info@ermunro.com • Web site: www.ermunro.com

DEALER/ISSUING AGENT BOND

Thank you for your inquiry regarding a $30,000 vehicle dealer/issuing agent bond. If you are not going to sell registration plates, a $20,000 bond is sufficient.

Here is an application. Please complete it in detail and sign as indicated. Be sure to include social security numbers. **SHOW THE DEALERSHIP NAME EXACTLY AS IT IS, OR WILL BE, ON YOUR DEALER'S LICENSE. PLEASE NOTE THAT THE BONDING COMPANY DOES NOT ALLOW FOR A BOND TO BE ISSUED IN A FICTITIOUS NAME ONLY. All bonds must be written in the name of the legal business entity name (sole proprietor, partnership, corporation or LLC) and any DBA name that may apply.** If you already are a dealer, include your DIN (dealer identification number).

Please follow the signature instructions as shown on page 2 of the application for your type of business entity; i.e., sole proprietor, partnership, corporation. Spouses must sign even if they are not involved in the business.

The cost of the $30,000 bond is $135 for one year or $337.50 for 3 years. Send us the completed application and your check payable to E. R. Munro and Company. **Approval of the bond is dependant upon the results of a credit review.**

To expedite your application, you may send it by fax to (412) 281-6195 or email to bonds@ermunro.com. Once the bond is approved, we can accept credit and debit card payments by phone. Or, you may also request an invoice by email or fax to submit payment using our online payment system.

If you have any questions, please give us a call. It is a pleasure to be of service.

Sincerely,

E. R. MUNRO AND COMPANY

Bond Department

Universal Surety of America – Application for Bonds

Agency: E R Munro and Company Agent's Code: 03-01327 Phone: 877-376-8676 Fax: 412-281-6195
One Gateway Center, Suite 400, 420 Fort Duquesne Blvd Pittsburgh, PA 15222-1460

Business/Corporate Name As it Should Appear on Bond (including any DBA name): _____

Business Address: _____ **County:** _____

Mailing Address: _____ **County:** _____

Telephone #: _____ **Fax #:** _____ **Email:** _____

Type of Bond (Choose One):	**Length of Bond Term (Choose One):**	**Is this a new business?** ☐ Yes ☐ No	**Business Type:** (Choose One)
☐ $20,000 Dealer Only ☐ $30,000 Full Agent Only ☐ $30,000 Dealer & Full Agent	☐ **1 Year** ☐ **3 Years** $90.00 - $20,000 Bond - $225.00 $135.00 - $30,000 Bond - $337.50 **Bond Effective Date:** _____	**If no, complete:** **Number of Years in Business:** _____ **Number of Years Licensed:** _____ **BMV/DIN License Number:** _____	☐ Individual ☐ Partnership ☐ Corporation ☐ LLC ☐ LLP

Applicant(s): Individual, partners, or corporate owner(s). List principal owner first. Attach additional applications and cross reference if more than three owners. **EACH OWNER AND SPOUSE MUST SIGN AT BOTTOM RIGHT.**

1. **Name:** _____ **Percent Ownership:** _____
   Residence Address: _____ **Telephone #:** _____
   Social Security Number: _____ **Does applicant own real estate:** ☐ Yes ☐ No
   ☐ **Single** ☐ **Married** (If married, spouse must sign application as indemnitor).

2. **Name:** _____ **Percent Ownership:** _____
   Residence Address: _____ **Telephone #:** _____
   Social Security Number: _____ **Does applicant own real estate:** ☐ Yes ☐ No
   ☐ **Single** ☐ **Married** (If married, spouse must sign application as indemnitor).

3. **Name:** _____ **Percent Ownership:** _____
   Residence Address: _____ **Telephone #:** _____
   Social Security Number: _____ **Does applicant own real estate:** ☐ Yes ☐ No
   ☐ **Single** ☐ **Married** (If married, spouse must sign application as indemnitor).

Has the business, or any other owner/applicant: (If any answers are yes, must provide details).

a. Ever been convicted of a crime? ☐ Yes ☐ No
b. Ever had their license suspended, revoked, or denied? ☐ Yes ☐ No
c. Ever been party to a surety bond claim? ☐ Yes ☐ No

INDEMNITY

The undersigned applicant and indemnitors hereby request Western Surety Company, Universal Surety of America, Surety Bonding Company of America and any affiliated company, their successors or assigns (with such company/companies referred to herein as the "Company") to become their surety. The undersigned hereby certify the truth of all statements in the application, authorize the Company to verify this information at the time of application and as needed, on an ongoing basis and to obtain additional information from any source, including obtaining credit reports at the time of application, in any review or renewal, at the time of any potential or actual claim, or for any other legitimate purposes as determined by the Company in its reasonable discretion, and jointly and severally agree:

(1) To pay premiums, including renewal premiums and any other charges, to the Company or its agents, when due.
(2) **To completely INDEMNIFY the Company from and against any liability, loss, cost, attorneys' fees and expenses whatsoever which the Company shall at any time sustain as surety or by reason of having been surety on this bond or any other bond issued for any applicant and or indemnitor, or for the enforcement of this agreement, or in obtaining a release or evidence of termination under such bonds, regardless of whether such liability, loss, costs, damages, attorneys' fees and expenses are caused, or alleged to be caused, by the negligence of the Company.**
(3) To furnish the Company with satisfactory and conclusive termination evidence that there is no further liability on this bond issued for applicant.
(4) Upon demand by the Company for any reason whatsoever, to deposit current funds with the Company in an amount sufficient to satisfy any claim against the Company by reason of such surety ship.
(5) That the Company shall have the right to handle or settle any claim or suit in good faith and the Company's decision shall be binding and conclusive on the undersigned. An itemized statement of loss and expense incurred by the Company, shall be prim a facie evidence of the fact and extent of the liability of the undersigned to the Company.
(6) That the Company may decline to become surety on any bond and may cancel or amend any bond without cause and without any liability which might arise therefrom.
(7) That the Company shall, without notice, have the right to alter the penalty, terms and conditions of any bond issued for undersigned, and this agreement shall apply to any such altered bond. The liability for the undersigned shall not be affected by the failure of the undersigned to sign any bond, nor any claim that other indemnity or security was obtained, nor by the release of any indemnity, nor the return or exchange of any collateral obtained and if any party signing this agreement is not bound for any reason, this agreement will still be binding on each and every other party.
(8) That if a contract or performance bond is issued hereunder, the undersigned hereby assign to the Company any monies now due or hereafter becoming due under the contract, including all deferred payments and retained percentage, supplies, tools, plants, equipment and materials due or used on the contract.
(9) At the Company's discretion, this indemnity agreement shall be governed in all respects by the laws of the State of South Dakota and the undersigned applicant and indemnitors consent to the jurisdiction of the courts of the State of South Dakota and the United States District Court for the District of South Dakota in all actions or proceedings arising from or relating to this Indemnity agreement.
(10) That this indemnity may be terminated by the undersigned, or any one or more parties so designated, upon written notice sent registered mail to the office of the Company at Sioux Falls, South Dakota 57104, of not less than twenty (20) days. In no event, shall any termination notice operate to modify, bar, discharge, limit, affect, or impair the liability of any party hereto, for any bonds, undertakings, and obligations executed prior to the date or the Company's receipt and notice of such termination.
(11) In the event of any payment by the Company, to pay the Company interest on such amounts at the highest legal rate from the date such payments are made.

Signed this _____ **day of** _____, _____.

_____
_____ **"Indemnitor"**
_____ **"Indemnitor"**
_____ **"Indemnitor"**
_____ **"Indemnitor"**

NOTE: Personal indemnitors should sign their names before the word "indemnitor". See Guidelines on additional page.

Entity requiring this bond (and address):
Commonwealth of Pennsylvania, Bureau of Motor Vehicles, Dealer Agent Services
1101 South Front St., Harrisburg, PA 17104

Agent's recommendation/additional comments:
_____
_____

Guidelines for Signing an Easy Application for Bonds

We have examples showing five ways to sign an application.

1. Individual or Sole Proprietorship.

Signed this 4th day of September, 2003

Signature & Business/Corporate Title

John Doe "Indemnitor"

Jane Doe "Indemnitor"

"Indemnitor"

NOTE: Personal indemnitors should sign their names before the word "indemnitor".

The individual or sole owner and spouse should sign at the bottom of the application before the word "Indemnitor".

2. Partnership.

Signed this 4th day of September, 2003

Signature & Business/Corporate Title

John Doe "Indemnitor"

James Doe "Indemnitor"

Jane Doe "Indemnitor"

Ann Doe, Indemnitor

NOTE: Personal indemnitors should sign their names before the word "indemnitor".

Each partner and his or her spouse should sign at the bottom of the application before the word "Indemnitor". If additional personal indemnity is required, the individual may sign their name and write the word "Indemnitor" after their name in their own handwriting.

3. Corporation.

Signed this 4th day of September, 2003

John Doe, President

Signature & Business/Corporate Title

John Doe "Indemnitor"

James Doe "Indemnitor"

* Jane Doe "Indemnitor"

* Ann Doe, Indemnitor

NOTE: Personal indemnitors should sign their names before the word "indemnitor".

* In most cases, the owners' spouses may also need to sign.

An officer should first sign on behalf of the corporation (indicating his/her corporate title) and then sign a second time as a personal indemnitor, before the word "Indemnitor". All other owners should also sign as personal indemnitors before the word "Indemnitor" on each line. In most cases, the owners' spouses also need to sign. If additional personal indemnity is required, the individual may sign their name and write the word "Indemnitor" after their name in their own handwriting.

4. Limited Liability Company or Partnership.

Signed this 4th day of September, 2003

John Doe, Manager

Signature & Business/Corporate Title

John Doe "Indemnitor"

James Doe "Indemnitor"

* Jane Doe "Indemnitor"

* Ann Doe, Indemnitor

NOTE: Personal indemnitors should sign their names before the word "indemnitor".

* In most cases, the members'/owners'/partners' spouses may also need to sign.

An authorized manager, member, or partner should first sign on behalf of the Limited Liability Company or Partnership (indicating his/her company/partnership title) and then sign a second time as a personal indemnitor, before the word "Indemnitor". All other members/owners/partners should also sign as personal indemnitors before the word "Indemnitor" on each line. In most cases the members'/owners'/partners' spouses also need to sign. If additional personal indemnity is required, the individual may sign their name and write the word "Indemnitor" after their name in their own handwriting.

5. Outside Indemnity (Relatives, Friends).

Signed this 4th day of September, 2003

Signature & Business/Corporate Title

John Doe "Indemnitor"

Jane Doe "Indemnitor"

John Henry "Indemnitor"

Joseph Smith, Indemnitor

NOTE: Personal indemnitors should sign their names before the word "indemnitor".

When outside indemnity is required, the proposed indemnitors should sign at the bottom of the application below the applicants' signatures before the word "Indemnitor". If additional personal indemnity is required, the individual may sign their name and write the word "Indemnitor" after their name in their own handwriting.

Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

PENNSYLVANIA DEPARTMENT OF STATE
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS

☐ **Return document by mail to:** Name Address City State Zip Code ☐ **Return document by email to:** _____	Registration of Fictitious Name DSCB:54-311 (rev. 2/2017) 311

Read all instructions prior to completing. This form may be submitted online at https://www.corporations.pa.gov/.

Fee: $70 ☐ I qualify for a veteran/reservist-owned small business fee exemption (see instructions)

In compliance with the requirements of 54 Pa.C.S. § 311 (relating to registration), the undersigned entity(ies) desiring to register a fictitious name under 54 Pa.C.S. Ch. 3 (relating to fictitious names), hereby state(s) that:

1. The fictitious name is:

_____

2. A brief statement of the character or nature of the business or other activity to be carried on under or through the fictitious name is:

_____

3. The address, including number and street, if any, of the principal place of business (P.O. Box alone is **not** acceptable):

Number and street City State Zip County

4. The name and address, including number and street, if any, of each individual interested in the business is:

Name	Number and Street	City	State	Zip

5. Each entity, other than an individual, interested in such business is (are):

Name	Form of Organization	Organizing Jurisdiction
Principal Office Address		
PA Registered Office, if any		
Name	Form of Organization	Organizing Jurisdiction
Principal Office Address		
PA Registered Office, if any		

6. The applicant is familiar with the provisions of 54 Pa.C.S. § 332 (relating to effect of registration) and understands that filing under the Fictitious Names Act does not create any exclusive or other right in the fictitious name.

7. (Optional): The name(s) of the agent(s), if any, any one of whom is authorized to execute amendments to, withdrawals from or cancellation of this registration in behalf of all then existing parties to the registration, is (are):

IN TESTIMONY WHEREOF, the undersigned have caused this Application for Registration of Fictitious Name to be executed this

_____ day of _____, _____.

Individual Signature	Individual Signature
Individual Signature	Individual Signature
Entity Name	Entity Name
Signature	Signature
Title	Title

Pennsylvania Department of State
Bureau of Corporations and Charitable Organizations
P.O. Box 8722
Harrisburg, PA 17105-8722
(717) 787-1057
Website: www.dos.pa.gov/corps

Instructions for Completion of Form:

A. Typewritten is preferred. If handwritten, the form shall be legible and completed in black or blue-black ink in order to permit reproduction. The nonrefundable filing fee for this form is $70 made payable to the Department of State. Checks must contain a commercially pre-printed name and address. Filers requesting a veteran/reservist-owned small business fee exemption should attach proof of the veteran's or reservist's status to the Registration of Fictitious Name form when submitted. For more information on the fee exemption, see Fees and Payments.

   Enter the name and mailing address to which any correspondence regarding this filing should be sent. This field must be completed for the Bureau to return the filing. If the filing is to be returned by email, an email address must be provided. An email will be sent to address provided, containing a link and instructions on how a copy of the filed document or correspondence may be downloaded. Any email or mailing addresses provided on this form will become part of the filed document and therefore public record.

B. Under 15 Pa.C.S. § 135(c) (relating to addresses) an actual street or rural route box number must be used as an address, and the Department of State is required to refuse to receive or file any document that sets forth only a post office box address.

C. The following, in addition to the filing fee, shall accompany this form:
   (1) Any necessary copies of form DSCB:19-17.2 (Consent to Appropriation of Name).
   (2) Any necessary governmental approvals.

D. For general instructions relating to fictitious name registration see 19 Pa. Code Subch. 17C (relating to fictitious names). These instructions relate to such matters as voluntary and mandatory registration, general restrictions on name availability, use of corporate designators, agent for effecting amendments, etc., execution, official advertising when an individual is a party to the registration, and effect of registration and non-registration.

E. The name of a commercial registered office provider may not be used in Paragraph 3 in lieu of an address.

F. Insert in Paragraph 5 for each entity which is not an individual the following information: (i) the name of the entity and a statement of its form of organization, e.g., corporation, general partnership, limited partnership, business trust, (ii) the name of the jurisdiction under the laws of which it is organized, (iii) the address, including street and number, if any, of its principal office under the laws of its domiciliary jurisdiction and (iv) the address, including street and number, if any, of its registered office, if any, in this Commonwealth. If any of the entities has an association which has designated the name of a commercial registered office provider in lieu of a registered office address as permitted by 15 Pa.C.S. § 109, the name of the provider and the venue county should be inserted in the last column.

G. Every individual whose name appears in Paragraph 4 of the form **must sign** the form exactly as the name is set forth in Paragraph 4. The name of every other entity listed in Paragraph 5 shall be signed on its behalf by an officer, trustee or other authorized person. See 19 Pa. Code § 13.8(b) (relating to execution), which permits execution pursuant to power of attorney. A copy of the underlying power of attorney or other authorization should not be submitted to, and will not be received by or filed in, the Department.

H. An entity (which includes an individual) that registers a fictitious name is required by 54 Pa.C.S. § 311(g) to advertise its intention to file or the filing of an application for registration of fictitious name. Proofs of publication of such advertising should not be submitted to the Department, and will not be received by or filed in the Department, but should be kept with the permanent records of the business.

I. This form and all accompanying documents shall be mailed to the address stated above.

Form **SS-4**
(Rev. December 2023)
Department of the Treasury
Internal Revenue Service

Application for Employer Identification Number

(For use by employers, corporations, partnerships, trusts, estates, churches, government agencies, Indian tribal entities, certain individuals, and others.)
See separate instructions for each line. Keep a copy for your records.
Go to *www.irs.gov/FormSS4* for instructions and the latest information.

OMB No. 1545-0003

EIN

Type or print clearly.

1 Legal name of entity (or individual) for whom the EIN is being requested

2 Trade name of business (if different from name on line 1)

3 Executor, administrator, trustee, "care of" name

4a Mailing address (room, apt., suite no. and street, or P.O. box)

5a Street address (if different) (Don't enter a P.O. box.)

4b City, state, and ZIP code (if foreign, see instructions)

5b City, state, and ZIP code (if foreign, see instructions)

6 County and state where principal business is located

7a Name of responsible party

7b SSN, ITIN, or EIN

8a Is this application for a limited liability company (LLC) (or a foreign equivalent)? . . . . . ☐ Yes ☐ No

8b If 8a is "Yes," enter the number of LLC members . . . . . .

8c If 8a is "Yes," was the LLC organized in the United States? . . . . . ☐ Yes ☐ No

9a **Type of entity** (check only one box). **Caution:** If 8a is "Yes," see the instructions for the correct box to check.

☐ Sole proprietor (SSN) _____
☐ Partnership
☐ Corporation (enter form number to be filed) _____
☐ Personal service corporation
☐ Church or church-controlled organization
☐ Other nonprofit organization (specify) _____
☐ Other (specify)
☐ Estate (SSN of decedent) _____
☐ Plan administrator (TIN) _____
☐ Trust (TIN of grantor) _____
☐ Military/National Guard ☐ State/local government
☐ Farmers' cooperative ☐ Federal government
☐ REMIC ☐ Indian tribal governments/enterprises
Group Exemption Number (GEN) if any

9b If a corporation, name the state or foreign country (if applicable) where incorporated

State

Foreign country

10 **Reason for applying** (check only one box)

☐ Started new business (specify type) _____
☐ Hired employees (Check the box and see line 13.)
☐ Compliance with IRS withholding regulations
☐ Other (specify)
☐ Banking purpose (specify purpose) _____
☐ Changed type of organization (specify new type) _____
☐ Purchased going business
☐ Created a trust (specify type) _____
☐ Created a pension plan (specify type) _____

11 Date business started or acquired (month, day, year). See instructions.

12 Closing month of accounting year

13 Highest number of employees expected in the next 12 months (enter -0- if none). If no employees expected, skip line 14.

Agricultural	Household	Other

14 If you expect your employment tax liability to be $1,000 or less in a full calendar year **and** want to file Form 944 annually instead of Forms 941 quarterly, check here. (Your employment tax liability will generally be $1,000 or less if you expect to pay $5,000 or less, $6,536 or less if you're in a U.S. territory, in total wages.) If you don't check this box, you must file Form 941 for every quarter. ☐

15 First date wages or annuities were paid (month, day, year). **Note:** If applicant is a withholding agent, enter date income will first be paid to nonresident alien (month, day, year) . . . . . .

16 Check **one** box that best describes the principal activity of your business.

☐ Health care & social assistance ☐ Wholesale—agent/broker
☐ Construction ☐ Rental & leasing ☐ Transportation & warehousing ☐ Accommodation & food service ☐ Wholesale—other ☐ Retail
☐ Real estate ☐ Manufacturing ☐ Finance & insurance ☐ Other (specify)

17 Indicate principal line of merchandise sold, specific construction work done, products produced, or services provided.

18 Has the applicant entity shown on line 1 ever applied for and received an EIN? ☐ Yes ☐ No
If "Yes," write previous EIN here

Third Party Designee

Complete this section **only** if you want to authorize the named individual to receive the entity's EIN and answer questions about the completion of this form.

Designee's name

Designee's telephone number (include area code)

Address and ZIP code

Designee's fax number (include area code)

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

Name and title (type or print clearly)

Applicant's telephone number (include area code)

Applicant's fax number (include area code)

Signature

Date

For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 16055N

Form **SS-4** (Rev. 12-2023)

Do I Need an EIN?

File Form SS-4 if the applicant entity doesn't already have an EIN but is required to show an EIN on any return, statement, or other document.[1] See also the separate instructions for each line on Form SS-4.

IF the applicant...	AND...	THEN...
started a new business	doesn't currently have (nor expect to have) employees	complete lines 1, 2, 4a–8a, 8b–c (if applicable), 9a, 9b (if applicable), 10–14, and 16–18.
hired (or will hire) employees, including household employees	doesn't already have an EIN	complete lines 1, 2, 4a–6, 7a–b, 8a, 8b–c (if applicable), 9a, 9b (if applicable), and 10–18.
opened a bank account	needs an EIN for banking purposes only	complete lines 1–5b, 7a–b, 8a, 8b–c (if applicable), 9a, 9b (if applicable), 10, and 18.
changed type of organization	either the legal character of the organization or its ownership changed (for example, you incorporate a sole proprietorship or form a partnership)[2]	complete lines 1–18 (as applicable).
purchased a going business[3]	doesn't already have an EIN	complete lines 1–18 (as applicable).
created a trust	the trust is other than a grantor trust or an IRA trust[4]	complete lines 1–18 (as applicable).
created a pension plan as a plan administrator[5]	needs an EIN for reporting purposes	complete lines 1, 3, 4a–5b, 7a–b, 9a, 10, and 18.
is a foreign person needing an EIN to comply with IRS withholding regulations	needs an EIN to complete a Form W-8 (other than Form W-8ECI), avoid withholding on portfolio assets, or claim tax treaty benefits[6]	complete lines 1–5b, 7a–b (SSN or ITIN as applicable), 8a, 8b–c (if applicable), 9a, 9b (if applicable), 10, and 18.
is administering an estate	needs an EIN to report estate income on Form 1041	complete lines 1–7b, 9a, 10–12, 13–17 (if applicable), and 18.
is a withholding agent for taxes on nonwage income paid to an alien (that is, individual, corporation, or partnership, etc.)	is an agent, broker, fiduciary, manager, tenant, or spouse who is required to file Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons	complete lines 1, 2, 3 (if applicable), 4a–5b, 7a–b, 8a, 8b–c (if applicable), 9a, 9b (if applicable), 10, and 18.
is a state or local agency	serves as a tax reporting agent for public assistance recipients under Rev. Proc. 80-4, 1980-1 C.B. 581[7]	complete lines 1, 2, 4a–5b, 7a–b, 9a, 10, and 18.
is a single-member LLC (or similar single-member entity)	needs an EIN to file Form 8832, Entity Classification Election, for filing employment tax returns and excise tax returns, or for state reporting purposes[8], or is a foreign-owned U.S. disregarded entity and needs an EIN to file Form 5472, Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business	complete lines 1–18 (as applicable).
is an S corporation	needs an EIN to file Form 2553, Election by a Small Business Corporation[9]	complete lines 1–18 (as applicable).

[1] For example, a sole proprietorship or self-employed farmer who establishes a qualified retirement plan, or is required to file excise, employment, alcohol, tobacco, or firearms returns, must have an EIN. A partnership, corporation, REMIC (real estate mortgage investment conduit), nonprofit organization (church, club, etc.), or farmers' cooperative must use an EIN for any tax-related purpose even if the entity doesn't have employees.

[2] However, don't apply for a new EIN if the existing entity only (a) changed its business name, (b) elected on Form 8832 to change the way it is taxed (or is covered by the default rules), or (c) terminated its partnership status because at least 50% of the total interests in partnership capital and profits were sold or exchanged within a 12-month period. The EIN of the terminated partnership should continue to be used. See Regulations section 301.6109-1(d)(2)(iii).

[3] Don't use the EIN of the prior business unless you became the "owner" of a corporation by acquiring its stock.

[4] However, grantor trusts that don't file using Optional Method 1 and IRA trusts that are required to file Form 990-T, Exempt Organization Business Income Tax Return, must have an EIN. For more information on grantor trusts, see the Instructions for Form 1041.

[5] A plan administrator is the person or group of persons specified as the administrator by the instrument under which the plan is operated.

[6] Entities applying to be a Qualified Intermediary (QI) need a QI-EIN even if they already have an EIN. See Rev. Proc. 2000-12.

[7] See also *Household employer agent* in the instructions. **Note:** State or local agencies may need an EIN for other reasons, for example, hired employees.

[8] See *Disregarded entities* in the instructions for details on completing Form SS-4 for an LLC.

[9] An existing corporation that is electing or revoking S corporation status should use its previously assigned EIN.

Instructions for Form SS-4

(Rev. December 2023)

Application for Employer Identification Number (EIN)

Department of the Treasury
Internal Revenue Service

Section references are to the Internal Revenue Code unless otherwise noted.

General Instructions

Use these instructions to complete Form SS-4, Application for Employer Identification Number (EIN). Also, see *Do I Need an EIN?* on page 2 of Form SS-4.

Future Developments

For the latest information related to Form SS-4 and its instructions, such as legislation enacted after they were published, go to *IRS.gov/FormSS4*.

What's New

Line 14. Form SS-4, line 14, now reflects the ceiling for wages paid by employers in U.S. territories electing to file Form 944. This information has been available in the instructions for *Line 14*.

Indian tribal governments/enterprises. We added guidance to *Line 1* and *Line 9a*, later, for Indian tribal governments, and for certain tribal enterprises that are not recognized as separate entities for federal tax purposes, under Regulations section 301.7701-1(a)(3).

Forms SS-4 and SS-4(sp) absorb Form SS-4PR. Form SS-4PR, Solicitud de Número de Identificación Patronal, will no longer be available after 2023. Instead, if you are an employer in Puerto Rico, you will file Form SS-4. If you prefer your form and instructions in Spanish, you can file new Form SS-4 (sp), Solicitud de Número de Identificación del Empleador (EIN).

Pub. 51 and Pub. 80 rolled into Pub. 15, plus new Pub. 15(sp). Pub. 51, Agricultural Employer's Tax Guide, and Pub. 80, Federal Tax Guide for Employers in the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, will no longer be available after 2023. Instead, information specific to agricultural employers and employers in the U.S. territories will be included in Pub. 15, Employer's Tax Guide, beginning with the Pub. 15 for use in 2024. Beginning in 2024, there will be a new Pub. 15 (sp) that is a Spanish-language version of Pub. 15.

Purpose of Form

Use Form SS-4 to apply for an EIN. An EIN is a 9-digit number (for example, 12-3456789) assigned to sole proprietors, corporations, partnerships, estates, trusts, and other entities for tax filing and reporting purposes. The information you provide on this form will establish your business tax account.

TIP *See Form SS-4SP (Spanish) for the Spanish-language version of Form SS-4.*

CAUTION *An EIN is for use in connection with your business activities only. Don't use your EIN in place of your social security number (SSN) or individual taxpayer identification number (ITIN).*

Reminders

Apply for an EIN online. For applicants in the U.S. or U.S. territories, you can apply for and receive an EIN free of charge on IRS.gov. See *How To Apply for an EIN*, later.

Keep Form SS-4 information current. Use Form 8822-B to report changes to your responsible party, address or location. Changes in responsible parties must be reported to the IRS within 60 days.

File only one Form SS-4. Generally, a sole proprietor should file only one Form SS-4 and needs only one EIN, regardless of the number of businesses operated as a sole proprietorship or trade names under which a business operates. However, if a sole proprietorship incorporates or enters into a partnership, a new EIN is required. Also, each corporation in an affiliated group must have its own EIN.

EIN applied for, but not received. If you don't have an EIN by the time a return is due, write "Applied For" and the date you applied in the space shown for the number. Don't show your SSN as an EIN on returns. If you don't have an EIN by the time a tax deposit is due, send your payment to the Internal Revenue Service Center for your filing area as shown in the instructions for the form that you are filing. Make your check or money order payable to the "United States Treasury" and show your name (as shown on Form SS-4), address, type of tax, period covered, and date you applied for an EIN.

TIP *For information about EINs and federal tax deposits, see Pub. 15.*

CAUTION *To ensure fair and equitable treatment for all taxpayers, EIN issuances are limited to one per responsible party, per day. For trusts, the limitation is applied to the grantor, owner, or trustor. For estates, the limitation is applied to the decedent (decedent estate) or the debtor (bankruptcy estate). This limitation is applicable to all requests for EINs whether online, telephone, fax, or mail.*

How To Apply for an EIN

You can apply for an EIN online (only for applicants in the U.S. or U.S. territories), by telephone (only for applicants outside of the U.S. or U.S. territories), by fax, or by mail, depending on how soon you need to use the EIN. Use only one method for each entity so you don't receive more than one EIN for an entity.

Apply for an EIN online. If you have a legal residence, principal place of business, or principal office or agency in the U.S. or U.S. territories, you can receive an EIN online and use it immediately to file a return or make a payment. Go to the IRS website at *IRS.gov/EIN*.

The principal officer, general partner, grantor, owner, trustor, etc., must have a valid taxpayer identification number (SSN, EIN, or ITIN) in order to use the online application. Taxpayers who apply online have an option to view, print, and save their EIN assignment notice at the end of the session. Authorized third-party designees, see *Line 18*, later.

CAUTION *If you have NO legal residence, principal place of business, or principal office or agency in the U.S. or U.S. territories, you can't use the online application to obtain an EIN. Please use one of the other methods to apply.*

Apply by telephone—option available to international applicants only. If you have NO legal residence, principal place of business, or principal office or agency in the U.S. or U.S. territories, you may call 267-941-1099 (not a toll-free number), 6:00 a.m. to 11:00 p.m. (Eastern time), Monday through Friday, to obtain an EIN.

The person making the call must be authorized to receive the EIN and answer questions concerning Form SS-4. Complete the Third Party Designee section only if you want to authorize the named

individual to receive the entity's EIN and answer questions about the completion of Form SS-4. The designee's authority terminates at the time the EIN is assigned and released to the designee. You must complete the signature area for the authorization to be valid.

Note. It will be helpful to complete Form SS-4 before contacting the IRS. An IRS representative will use the information from Form SS-4 to establish your account and assign you an EIN. Write the number you're given on the upper right corner of the form and sign and date it. Keep this copy for your records.

If requested by an IRS representative, mail or fax the signed Form SS-4 (including any third-party designee authorization) within 24 hours to the IRS address provided by the IRS representative.

CAUTION *The IRS no longer issues EINs by telephone for domestic taxpayers. Only international applicants can receive an EIN by telephone.*

Apply by fax. Under the Fax-TIN program, you can receive your EIN by fax generally within 4 business days. Complete and fax Form SS-4 to the IRS using the appropriate fax number listed in *Where To File or Fax*, later. A long-distance charge to callers outside of the local calling area will apply. Fax-TIN numbers can only be used to apply for an EIN. The numbers may change without notice. Fax-TIN is available 24 hours a day, 7 days a week.

Be sure to provide your fax number so the IRS can fax the EIN back to you.

Apply by mail. Complete Form SS-4 at least 4 to 5 weeks before you will need an EIN. Sign and date the application and mail it to the appropriate address listed in *Where To File or Fax*, later. You will receive your EIN in the mail in approximately 4 weeks. Also, see *Third-Party Designee*, later.

Call 800-829-4933 to verify a number or to ask about the status of an application by mail.

TIP *Form SS-4 downloaded from IRS.gov is a fillable form and, when completed, is suitable for faxing or mailing to the IRS.*

Where To File or Fax

If you have a principal place of business, office or agency, or legal residence in the case of an individual, located in:	File or fax to:
One of the 50 states or the District of Columbia	Internal Revenue Service Attn: EIN Operation Cincinnati, OH 45999 Fax: 855-641-6935
If you have no legal residence, principal office, or principal agency in any state or the District of Columbia (international/U.S. territories)	Internal Revenue Service Attn: EIN International Operation Cincinnati, OH 45999 Fax: 855-215-1627 (within the U.S.) Fax: 304-707-9471 (outside the U.S.)

How To Get Tax Help, Forms, and Publications

TIP *Tax help for your business is available at IRS.gov/Businesses.*

You can download or print all of the forms and publications you may need on *IRS.gov/FormsPubs*. Otherwise, you can go to *IRS.gov/OrderForms* to place an order and have forms mailed to you. You should receive your order within 15 business days if the items are available.

Related Forms and Publications

The following forms and instructions may be useful to filers of Form SS-4.

- Form 11-C, Occupational Tax and Registration Return for Wagering.
- Form 637, Application for Registration (For Certain Excise Tax Activities).
- Form 720, Quarterly Federal Excise Tax Return.
- Form 730, Monthly Tax Return for Wagers.
- Form 941, Employer's QUARTERLY Federal Tax Return.
- Form 944, Employer's ANNUAL Federal Tax Return.
- Form 990-T, Exempt Organization Business Income Tax Return (and Proxy Tax Under Section 6033(e)).
- Instructions for Form 990-T, Exempt Organization Business Income Tax Return.
- Form 1023, Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code.
- Form 1024, Application for Recognition of Exemption Under Section 501(a).
- Schedule C (Form 1040), Profit or Loss From Business (Sole Proprietorship).
- Schedule F (Form 1040), Profit or Loss From Farming.
- Instructions for Form 1041 and Schedules A, B, G, J, and K-1, U.S. Income Tax Return for Estates and Trusts.
- Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons.
- Form 1042-S, Foreign Person's U.S. Source Income Subject to Withholding.
- Instructions for Form 1065, U.S. Return of Partnership Income.
- Instructions for Form 1066, U.S. Real Estate Mortgage Investment Conduit (REMIC) Income Tax Return.
- Instructions for Form 1120, U.S. Corporation Income Tax Return.
- Form 1120-S, U.S. Income Tax Return for an S Corporation.
- Form 2290, Heavy Highway Vehicle Use Tax Return.
- Form 2553, Election by a Small Business Corporation.
- Form 2848, Power of Attorney and Declaration of Representative.
- Form 8821, Tax Information Authorization.
- Form 8822-B, Change of Address or Responsible Party — Business.
- Form 8832, Entity Classification Election.
- Form 8849, Claim for Refund of Excise Taxes.

For more information about filing Form SS-4 and related issues, see:

- Pub. 15, Employer's Tax Guide.
- Pub. 538, Accounting Periods and Methods.
- Pub. 542, Corporations.
- Pub. 557, Tax-Exempt Status for Your Organization.
- Pub. 583, Starting a Business and Keeping Records.
- Pub. 966, Electronic Choices to Pay All Your Federal Taxes.
- Pub. 1635, Understanding Your EIN.

Specific Instructions

Follow the instructions for each line to expedite processing and to avoid unnecessary IRS requests for additional information. Generally, enter "N/A" on the lines that don't apply.

Line 1. Legal name of entity (or individual) for whom the EIN is being requested. Enter the legal name of the entity (or individual) applying for the EIN exactly as it appears on the social security card, charter, or other applicable legal document. An entry is required.

Individuals. Enter your first name, middle initial, and last name. If you're a sole proprietor, enter your individual name, not your business name. Enter your business name on line 2. Don't use abbreviations or nicknames on line 1.

Trusts. Enter the name of the trust as it appears on the trust instrument.

Estate of a decedent. Enter the name of the estate. For an estate that has no legal name, enter the name of the decedent followed by "Estate."

Partnerships. Enter the legal name of the partnership as it appears in the partnership agreement.

Corporations. Enter the corporate name as it appears in the corporate charter or other legal document creating it.

Plan administrators. Enter the name of the plan administrator. A plan administrator who already has an EIN should use that number.

Indian tribal governments/enterprises. Enter the legal name of the Indian tribal government or tribal enterprise applying for the EIN.

Line 2. Trade name of business. Enter the trade name of the business if different from the legal name. The trade name is the "doing business as" (DBA) name.

CAUTION *Use the full legal name shown on line 1 on all tax returns filed for the entity. (However, if you enter a trade name on line 2 and choose to use the trade name instead of the legal name, enter the trade name on all returns you file.) To prevent processing delays and errors, use only the legal name (or the trade name) on all tax returns.*

Line 3. Executor, administrator, trustee, "care of" name. For trusts, enter the name of the trustee. For estates, enter the name of the executor, administrator, personal representative, or other fiduciary. If the entity applying has a designated person to receive tax information, enter that person's name as the "care of" person. Enter the individual's first name, middle initial, and last name.

Lines 4a–4b. Mailing address. Enter the mailing address for the entity's correspondence. If the entity's address is outside the United States or its territories, you must enter the city, province or state, postal code, and the name of the country. Don't abbreviate the country name. If line 3 is completed, enter the address for the executor, trustee, or "care of" person. Generally, this address will be used on all tax returns.

If the entity is filing Form SS-4 only to obtain an EIN for Form 8832, use the same address where you would like to have the acceptance or nonacceptance letter sent.

TIP *File Form 8822-B to report any subsequent changes to the entity's mailing address.*

Lines 5a–5b. Street address. Provide the entity's physical address only if different from its mailing address shown on lines 4a–4b. Don't enter a P.O. box number here. If the entity's address is outside the United States or its territories, you must enter the city, province or state, postal code, and the name of the country. Don't abbreviate the country name.

Line 6. County and state where principal business is located. Enter the entity's primary physical location.

Lines 7a–7b. Name of responsible party. Enter the full name (first name, middle initial, last name, if applicable) and SSN, ITIN, or EIN of the entity's responsible party.

Responsible party defined. The "responsible party" is the person who ultimately owns or controls the entity or who exercises ultimate effective control over the entity. The person identified as the responsible party should have a level of control over, or entitlement to, the funds or assets in the entity that, as a practical matter, enables the person, directly or indirectly, to control, manage, or direct the entity and the disposition of its funds and assets. **Unless the applicant is a government entity, the responsible party must be an individual (that is, a natural person), not an entity**.

- For entities with shares or interests traded on a public exchange, or which are registered with the Securities and Exchange Commission, "responsible party" is (a) the principal officer, if the entity is a corporation; or (b) a general partner, if a partnership. The general requirement that the responsible party be an individual applies to these entities. For example, if a corporation is the general partner of a publicly traded partnership for which Form SS-4 is filed, then the responsible party of the partnership is the principal officer of the corporation.
- For tax-exempt organizations, the responsible party is generally the same as the "principal officer" as defined in the Form 990 instructions.
- For government entities, the responsible party is generally the agency or agency representative in a position to legally bind the particular government entity.
- For trusts, the responsible party is a grantor, owner, or trustor.
- For decedent estates, the responsible party is the executor, administrator, personal representative, or other fiduciary.

TIP *File Form 8822-B to report any subsequent changes to responsible party information.*

If you're applying for an EIN for a government entity, you may enter an EIN for the responsible party on line 7b. Otherwise, you must enter an SSN or ITIN on line 7b. But, leave line 7b blank or enter "N/A," "foreign," or similar language, if the responsible party doesn't have and is ineligible to obtain an SSN or ITIN.

Lines 8a–8c. Limited liability company (LLC) information. An LLC is an entity organized under the laws of a state or foreign country as a limited liability company. For federal tax purposes, an LLC may be treated as a partnership or corporation or be disregarded as an entity separate from its owner.

By default, a domestic LLC with only one member is disregarded as an entity separate from its owner and must include all of its income and expenses on the owner's tax return (for example, Schedule C (Form 1040)). For more information on single-member LLCs, see *Disregarded entities*, later.

Also, by default, a domestic LLC with two or more members is treated as a partnership. A domestic LLC may file Form 8832 to avoid either default classification and elect to be classified as an association taxable as a corporation. For more information on entity classifications (including the rules for foreign entities), see Form 8832 and its instructions.

If the answer to line 8a is "Yes," enter the number of LLC members. If the LLC is owned solely by an individual and his or her spouse in a community property state and they choose to treat the entity as a disregarded entity, enter "1" on line 8b.

CAUTION *Don't file Form 8832 if the LLC accepts the default classifications above. If the LLC timely files Form 2553, it will be treated as a corporation as of the effective date of the S corporation election as long as it meets all other requirements to qualify as an S corporation. The LLC doesn't need to file Form 8832 in addition to Form 2553. See the Instructions for Form 2553.*

Line 9a. Type of entity. Check the box that best describes the type of entity applying for the EIN. If you're an alien individual with an ITIN previously assigned to you, enter the ITIN in place of a requested SSN.

CAUTION *This isn't an election for a tax classification of an entity. See* Disregarded entities*, later.*

Sole proprietor. Check this box if you file Schedule C or Schedule F (Form 1040) and have a qualified plan, or are required to file excise, employment, alcohol, tobacco, or firearms returns, or are a payer of gambling winnings. Enter your SSN or ITIN in the space provided. If you're a nonresident alien with no effectively connected income from sources within the United States, enter "N/A." You don't need to enter an SSN or ITIN.

Corporation. This box is for any corporation other than a personal service corporation. If you check this box, enter the income tax form number to be filed by the entity in the space provided.

TIP *Unless you are a church, or church-controlled organization, if you are a corporation that is a nonprofit entity, check the "other nonprofit organization" box, and specify the purpose. See* Other nonprofit organization*, later.*

CAUTION *If you entered "1120-S" after the* Corporation *checkbox, the corporation must file Form 2553 no later than the 15th day of the 3rd month of the tax year the election is to take effect. Until Form 2553 has been received and approved, you will be considered a Form 1120 filer. See the Instructions for Form 2553.*

Personal service corporation. Check this box if the entity is a personal service corporation. An entity is a personal service corporation for a tax year only if:

- The principal activity of the entity during the testing period (generally the prior tax year) for the tax year is the performance of personal services substantially by employee-owners, and
- The employee-owners own at least 10% of the fair market value of the outstanding stock in the entity on the last day of the testing period.

Personal services include performance of services in such fields as accounting, actuarial science, architecture, consulting, engineering, health (including veterinary services), law, and the performing arts. For more information about personal service corporations, see the Instructions for Form 1120 and Pub. 542.

CAUTION *If the corporation is recently formed, the testing period begins on the first day of its tax year and ends on the earlier of the last day of its tax year, or the last day of the calendar year in which its tax year begins.*

Other nonprofit organization. Check the *Other nonprofit organization* box if the nonprofit organization is other than a church or church-controlled organization and specify the type of nonprofit organization (for example, an educational organization).

CAUTION *If the organization also seeks tax-exempt status, you must file either Form 1023 (or Form 1023-EZ) or Form 1024. See Pub. 557 for more information.*

If the organization is covered by a group exemption letter, enter the four-digit group exemption number (GEN) in the last entry. (Don't confuse the GEN with the 9-digit EIN.) If you don't know the GEN, contact the parent organization. See Pub. 557 for more information about group exemption letters.

If the organization is a section 527 political organization, check the *Other nonprofit organization* box and specify "Section 527 organization" in the space to the right. To be recognized as exempt from tax, a section 527 political organization must electronically file Form 8871, Political Organization Notice of Section 527 Status, within 24 hours of the date on which the organization was established. The organization may also have to file Form 8872, Political Organization Report of Contributions and Expenditures. Form 8872 must be filed electronically. Go to *IRS.gov/PolOrgs* for more information.

Estate. An estate is a legal entity created as a result of a person's death. Enter the SSN or ITIN of the deceased person in the space provided.

Plan administrator. If the plan administrator is an individual, enter the plan administrator's taxpayer identification number (TIN) in the space provided.

REMIC. Check this box if the entity has elected to be treated as a real estate mortgage investment conduit (REMIC). See the Instructions for Form 1066 for more information.

State/local government. State and local governments generally have the characteristics of a government, such as powers of taxation, law enforcement, and civil authority. If you're unsure whether or not your organization is a government, search "What are government entities?" at IRS.gov for clarification.

Federal government. The federal government is made up of the Executive, Legislative, and Judicial branches, as well as independent federal agencies. Unions, Veterans of Foreign Wars (VFW) organizations, and political organizations aren't federal agencies.

Indian tribal government/enterprise. Check the box for Indian tribal governments/enterprises for a governing body of any tribe, band, community, village, or group of Indians, or (if applicable) Alaska Natives, but only if the Secretary of the Treasury (after consultation with the Secretary of the Interior) determines that the governing body exercises governmental functions.

Similarly, check this box if you are requesting an EIN for a tribal enterprise that is not recognized as a separate entity for federal income tax purposes, for example, a corporation under Section 17 of the Indian Reorganization Act of 1934, or Section 3 of the Oklahoma Indian Welfare Act.

For more information, see Regulations section 301.7701-1(a)(3), Rev. Rul. 94-16, 1994-1 C.B. 19, available at *IRS.gov/pub/irs-tege/rr94_16.pdf*, and Rev. Rul. 94-65, 1994-2 C.B. 14, available at *IRS.gov/pub/irs-tege/rr94_65.pdf*.

Other. If not specifically listed, check the *Other* box and enter the type of entity and the type of return, if any, that will be filed (for example, "Common trust fund, Form 1065" or "Created a pension plan"). Don't enter "N/A." If you're an alien individual applying for an EIN, see *Lines 7a-7b*, earlier.

- **Household employer.** If you're an individual that will employ someone to provide services in your household, check the *Other* box and enter "Household employer" and your SSN. If you're a trust that qualifies as a household employer, you don't need a separate EIN for reporting tax information relating to household employees; use the EIN of the trust.
- **Household employer agent.** If you're an agent of a household employer that is a disabled individual or other welfare recipient receiving home care services through a state or local program, check the *Other* box and enter "Household employer agent." For more information, see Rev. Proc. 84-33 and Rev. Proc. 2013-39. If you're a state or local government, also check the state/local government box.
- **QSub.** For a qualified subchapter S subsidiary (QSub) check the *Other* box and specify "QSub." See Rev. Rul. 2008-18, 2008-13 I.R.B. 674, if the QSub election is made pursuant to a reorganization under section 368(a)(1)(F), and *Disregarded entities* below.
- **Withholding agent.** If you're a withholding agent required to file Form 1042, check the *Other* box and enter "Withholding agent."

Disregarded entities. A disregarded entity is an eligible entity that is treated as an entity not separate from its single owner for income tax purposes. Disregarded entities include single-member limited liability companies (LLCs) and certain qualified foreign entities. See the instructions for Forms 8832 and 8869, and Regulations section 301.7701-3 for more information on domestic and foreign disregarded entities.

The disregarded entity is required to use its name and EIN for reporting and payment of employment taxes; to register for excise tax activities on Form 637; to pay and report excise taxes reported on Forms 720, 730, 2290, and 11-C; to claim any refunds, credits, and payments on Form 8849; and where a U.S. disregarded entity is wholly owned by a foreign person, to file information returns on Form 5472. See the instructions for the employment and excise tax returns and Form 5472 for more information.

Complete Form SS-4 for disregarded entities as follows.

- If a disregarded entity is filing Form SS-4 to obtain an EIN because it is required to report and pay employment and excise taxes, or for non-federal purposes such as a state requirement, check the *Other* box for line 9a and write "Disregarded entity" (or "Disregarded entity-sole proprietorship" if the owner of the disregarded entity is an individual).
- If the disregarded entity is requesting an EIN for purposes of filing Form 5472, as required under section 6038A for a U.S. disregarded entity that is wholly owned by a foreign person, check the *Other* box for line 9a and write "Foreign-owned U.S. disregarded entity-Form 5472."
- If the disregarded entity is requesting an EIN for purposes of filing Form 8832 to elect classification as an association taxable as a corporation, or Form 2553 to elect S corporation status, check the *Corporation* box for line 9a and write "Single-member" and the form number of the return that will be filed (Form 1120 or 1120-S).
- If the disregarded entity is requesting an EIN because it has acquired one or more additional owners and its classification has changed to partnership under the default rules of Regulations section 301.7701-3(f), check the *Partnership* box for line 9a.
- If a foreign eligible entity is requesting an EIN for purposes of filing Form 8832 to elect classification as a disregarded entity, check the *Other* box for line 9a and write "foreign disregarded entity."

Line 10. Reason for applying. Check only one box. Don't enter "N/A." A selection is required.

Started new business. Check this box if you're starting a new business that requires an EIN. If you check this box, enter the type of business being started. Don't apply if you already have an EIN and are only adding another place of business.

Hired employees. Check this box if the existing business is requesting an EIN because it has hired or is hiring employees and is therefore required to file employment tax returns. Don't apply if you already have an EIN and are only hiring employees. For information on employment taxes (for example, for family members), see Pub. 15.

CAUTION *You must make electronic deposits of all depository taxes (such as employment tax, excise tax, and corporate income tax) using EFTPS. See Pub. 15 and Pub. 966.*

Banking purpose. Check this box if you're requesting an EIN for banking purposes only, and enter the banking purpose (for example, a bowling league for depositing dues or an investment club for dividend and interest reporting).

Changed type of organization. Check this box if the business is changing its type of organization. For example, the business was a sole proprietorship and has been incorporated or has become a partnership. If you check this box, specify in the space provided (including available space immediately below) the type of change made. For example, "From sole proprietorship to partnership."

Purchased going business. Check this box if you purchased an existing business. Don't use the former owner's EIN unless you became the "owner" of a corporation by acquiring its stock.

Created a trust. Check this box if you created a trust, and enter the type of trust created. For example, indicate if the trust is a nonexempt charitable trust or a split-interest trust.

Exception. Don't file this form for certain grantor-type trusts. The trustee doesn't need an EIN for the trust if the trustee furnishes the name and TIN of the grantor/owner and the address of the trust to all payers. However, grantor trusts that don't file using Optional Method 1 and IRA trusts that are required to file Form 990-T must have an EIN. For more information on grantor trusts, see the Instructions for Form 1041.

TIP *Don't check this box if you're applying for a trust EIN when a new pension plan is established. Check the* Created a pension plan *box.*

Created a pension plan. Check this box if you have created a pension plan and need an EIN for reporting purposes. Also, enter the type of plan in the space provided. For more information about pension plans, visit IRS.gov and enter "Types of retirement plans" in the search box.

TIP *Check this box if you're applying for a trust EIN when a new pension plan is established. In addition, check the* Other *box on line 9a and write "Created a pension plan" in the space provided.*

Other. Check this box if you're requesting an EIN for any other reason, and enter the reason. For example, a newly formed state government entity should enter "Newly formed state government entity" in the space provided. A foreign-owned U.S. disregarded entity required to file Form 5472 should enter "Foreign-owned U.S. disregarded entity filing Form 5472" in the space provided.

Line 11. Date business started or acquired. If you're starting a new business, enter the starting date of the business. If the business you acquired is already operating, enter the date you acquired the business. For foreign applicants, this is the date you began or acquired a business in the United States. If you're changing the form of ownership of your business, enter the date the new ownership entity began. Trusts should enter the date the trust was funded or the date that the trust was required to obtain an EIN under Regulations section 301.6109-1(a)(2). Estates should enter the date of death of the decedent whose name appears on line 1 or the date when the estate was legally funded.

Line 12. Closing month of accounting year. Enter the last month of your accounting year or tax year. An accounting or tax year is usually 12 consecutive months, either a calendar year or a fiscal year (including a period of 52 or 53 weeks). A calendar year is 12 consecutive months ending on December 31. A fiscal year is either 12 consecutive months ending on the last day of any month other than December or a 52-53 week year. For more information on accounting periods, see Pub. 538.

Individuals. Your tax year will generally be a calendar year.

Partnerships. Partnerships must adopt one of the following tax years.

- The tax year of the majority of its partners.
- The tax year common to all of its principal partners.
- The tax year that results in the least aggregate deferral of income.
- In certain cases, some other tax year.

See the Instructions for Form 1065 for more information.

REMICs. REMICs must have a calendar year as their tax year.

Personal service corporations. A personal service corporation must generally adopt a calendar year unless it meets one of the following requirements.

- It can establish a business purpose for having a different tax year.
- It elects under section 444 to have a tax year other than a calendar year.

Trusts. Generally, a trust must adopt a calendar year except for the following trusts.

- Tax-exempt trusts.
- Charitable trusts.
- Grantor-owned trusts.

Line 13. Highest number of employees expected in the next 12 months. Complete each box by entering the number (including zero (-0-)) of *Agricultural*, *Household*, or *Other* employees expected by the applicant in the next 12 months.

If no employees are expected, skip line 14.

Line 14. Do you want to file Form 944? If you expect your employment tax liability to be $1,000 or less in a full calendar year, you're eligible to file Form 944 annually (once each year) instead of filing Form 941 quarterly (every 3 months). Your employment tax liability will generally be $1,000 or less if you expect to pay $5,000 or less in total wages subject to social security and Medicare taxes and federal income tax withholding. For employers in the U.S. territories, generally, if you pay $6,536 or less in wages subject to social security and Medicare taxes, you're likely to pay $1,000 or less in employment taxes. If you qualify and want to file Form 944 instead of Forms 941, check the box on line 14. If you don't check the box, then you must file Form 941 for every quarter.

CAUTION *Once you check the box, you must continue to file Form 944, regardless of the amount of tax shown on your return, until the IRS instructs you to file Form 941.*

For more information on employment taxes, see Pub. 15.

Line 15. First date wages or annuities were paid. If the business has employees, enter the date on which the business began to pay wages or annuities. For foreign applicants, this is the date you began to pay wages in the United States. If the business doesn't plan to have employees, enter "N/A."

Withholding agent. Enter the date you began or will begin to pay income (including annuities) to a nonresident alien. This also applies to individuals who are required to file Form 1042 to report alimony paid to a nonresident alien. For foreign applicants, this is the date you began or will begin to pay income (including annuities) to a nonresident alien in the United States.

Line 16. Check the one box on line 16 that best describes the principal activity of the applicant's business. Check the *Other* box (and specify the applicant's principal activity) if none of the listed boxes applies. You must check a box.

Construction. Check this box if the applicant is engaged in erecting buildings or engineering projects (for example, streets, highways, bridges, and tunnels). The term "construction" also includes special trade contractors (for example, plumbing, HVAC, electrical, carpentry, concrete, excavation, etc., contractors).

Real estate. Check this box if the applicant is engaged in renting or leasing real estate to others; managing, selling, buying, or renting

real estate for others; or providing related real estate services (for example, appraisal services). Also, check this box for mortgage real estate investment trusts (REITs). Mortgage REITs are engaged in issuing shares of funds consisting primarily of portfolios of real estate mortgage assets with gross income of the trust solely derived from interest earned.

Rental & leasing. Check this box if the applicant is engaged in providing tangible goods such as autos, computers, consumer goods, or industrial machinery and equipment to customers in return for a periodic rental or lease payment. Also, check this box for equity real estate investment trusts (REITs). Equity REITs are engaged in issuing shares of funds consisting primarily of portfolios of real estate assets with gross income of the trust derived from renting real property.

Manufacturing. Check this box if the applicant is engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products. The assembling of component parts of manufactured products is also considered to be manufacturing.

Transportation & warehousing. Check this box if the applicant provides transportation of passengers or cargo; warehousing or storage of goods; scenic or sight seeing transportation; or support activities related to transportation.

Finance & insurance. Check this box if the applicant is engaged in transactions involving the creation, liquidation, or change of ownership of financial assets and/or facilitating such financial transactions; underwriting annuities/insurance policies; facilitating such underwriting by selling insurance policies or in providing other insurance or employee-benefit related services.

Health care & social assistance. Check this box if the applicant is engaged in providing physical, medical, or psychiatric care; or in providing social assistance activities, such as youth centers, adoption agencies, individual/family services, temporary shelters, daycare, etc.

Accommodation & food services. Check this box if the applicant is engaged in providing customers with lodging, meal preparation, snacks, or beverages for immediate consumption.

Wholesale-agent/broker. Check this box if the applicant is engaged in arranging for the purchase or sale of goods owned by others or purchasing goods on a commission basis for goods traded in the wholesale market, usually between businesses.

Wholesale-other. Check this box if the applicant is engaged in selling goods in the wholesale market generally to other businesses for resale on their own account, goods used in production, or capital or durable nonconsumer goods.

Retail. Check this box if the applicant is engaged in selling merchandise to the general public from a fixed store; by direct, mail-order, or electronic sales; or by using vending machines.

Other. Check this box if the applicant is engaged in an activity not described above. Describe the applicant's principal business activity in the space provided.

Line 17. Use line 17 to describe the applicant's principal line of business in more detail. For example, if you checked the *Construction* box on line 16, enter additional detail such as "General contractor for residential buildings" on line 17. An entry is required. For mortgage REITs, indicate mortgage REIT; and for equity REITs, indicate what type of real property is the principal type (residential REIT, nonresidential REIT, miniwarehouse REIT, etc.).

Line 18. Check the applicable box to indicate whether or not the applicant entity applying for an EIN was issued one previously.

Third-Party Designee. Complete this section only if you want to authorize the named individual to answer questions about the completion of Form SS-4 and receive the entity's newly assigned EIN. You must complete the signature area for the authorization to be valid. The designee's authority terminates at the time the EIN is assigned and released to the designee. EINs are released to authorized third-party designees by the method they used to obtain the EIN (online, telephone, or fax); however, the EIN notice will be mailed to the taxpayer.

CAUTION *If the third-party designee's address or telephone number matches the address or telephone number of the taxpayer, the application must be mailed or faxed.*

Signature. When required, the application must be signed by (a) the individual, if the applicant is an individual; (b) the president, vice president, or other principal officer, if the applicant is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the applicant is a partnership, government entity, or other unincorporated organization; or (d) the fiduciary, if the applicant is a trust or an estate. Foreign applicants may have any duly authorized person (for example, division manager) sign Form SS-4.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. We need it to comply with section 6109 and the regulations thereunder, which generally require the inclusion of an employer identification number (EIN) on certain returns, statements, or other documents filed with the Internal Revenue Service. If your entity is required to obtain an EIN, you're required to provide all of the information requested on this form. Information on this form may be used to determine which federal tax returns you're required to file and to provide you with related forms and publications.

We disclose this form to the Social Security Administration (SSA) for their use in determining compliance with applicable laws. We may give this information to the Department of Justice for use in civil and/or criminal litigation, and to cities, states, the District of Columbia, and U.S. commonwealths and territories for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, and to federal law enforcement and intelligence agencies to combat terrorism.

We will be unable to issue an EIN to you unless you provide all of the requested information that applies to your entity. Providing false information could subject you to penalties.

You're not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

Recordkeeping	8 hr., 36 min.
Learning about the law or the form	42 min.
Preparing, copying, assembling, and sending the form to the IRS	52 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can send us comments at *IRS.gov/FormComments*. Or you can write to the Internal Revenue Service, Tax Forms and Publications Division, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Don't send Form SS-4 to this address. Instead, see *Where To File or Fax*, earlier.

FACT SHEET

Insurance Verification Responsibilities of an Issuing Agent

PURPOSE

This fact sheet explains Issuing Agents' responsibilities in verifying proof of vehicle insurance when issuing vehicle registration in the Commonwealth of Pennsylvania. It describes the documents that must be used by a vehicle owner to serve as acceptable proof of insurance.

REQUIREMENTS

Pennsylvania's financial responsibility law requires that one of the following items must be used to serve as acceptable proof of insurance. No other forms or receipts are acceptable as proof of insurance.

1. An insurance identification card issued by an insurance carrier or by a self-insured. The Department of Transportation issues a certificate to self-insureds who are then authorized to produce an insurance I.D. card; or,
2. The declaration page of an insurance policy or a copy thereof; or,
3. A copy of a valid binder of insurance which contains all of the information required to appear on the I.D. card, excluding the policy number, and is signed by a licensed insurance agent or broker; or,
4. A valid copy of an application for insurance to the Pennsylvania Assigned Risk Plan which contains all of the information required to appear on the I.D. card, excluding the policy number, and is signed by a licensed producer (insurance agent).

NOTE: A computer generated copy of the vehicle insurance application signed by the insurance agent is acceptable when the signature of the insurance agent is an original, in lieu of the carbon copy of a valid binder of insurance or application for insurance to the Pennsylvania Assigned Risk Plan (numbers 3 and 4 above). A legible photocopy, facsimile or printout of an electronic transmission of a document listed above (numbers 1 through 4) are acceptable provided the issuing agent receives the photocopy, facsimile or printout directly from a licensed insurance company or licensed insurance agency. The photocopy, facsimile or printout must be on the letterhead of the company or the agency or with a letter written upon the insurance company's or agency's letterhead. The letterhead photocopy, facsimile or printout of the proof of insurance document or letter on company/agency letterhead document must specifically reference the proof of financial responsibility by the insured's name and address, vehicle make, model and Vehicle Identification Number (VIN) of the insured vehicle. An issuing agent may not accept a photocopy, facsimile or printout of an electronic transmission as proof of financial responsibility when the issuing agent is also acting as an insurance agent for the licensed insurance company or agency.

NOTE: Hand printed identification cards, issued by a Pennsylvania licensed insurance company or agency, are unacceptable.

Each of the documents listed above should be in the customer's name. According to the Pennsylvania Insurance Department, most policies written in Pennsylvania cover the insured person listed on the card and any immediate family members dwelling in the same household.

However, not all policies have the blanket coverage. Therefore, if the customer states that they are covered on the policy and the provided documentation is in the name of another family member, the issuing agent must request further proof of coverage such as the declaration page of the insurance policy with one exception.

When an agent is transferring a registration plate and is presented with one of the items listed on the front

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page as proof of insurance in a name that differs from the name shown on the transferred vehicle's registration card, the plate may be transferred and the proof of insurance is acceptable if both the old registration card and the proof of insurance have the same vehicle identification number listed.

The Insurance Department has determined that an issuing agent may accept as proof of insurance for a newly purchased vehicle, any of the items listed on the front of this fact sheet covering a vehicle being traded or another vehicle being driven by the applicant at the time they acquire the new vehicle and the names remain the same. It is the applicant's responsibility to contact their insurance agent or broker to extend their coverage to the newly purchased vehicle. (Items may be listed with the newly purchased vehicle's description.)

Insurance identification cards must contain the words "Financial Responsibility Identification Card," name and address of the insured, vehicle make, model year and vehicle identification number. In addition, the card must contain the insurance company name, company code, policy number or self-insurance certificate number, effective and expiration dates.

Each vehicle belonging to a fleet must have an individual insurance I.D. card or an insurance I.D. card that contains a statement, such as, "insurance coverage provided on all vehicles of fleet." Fleet I.D. cards should list the name and address of the insured, insurance company name, company code number, policy number, effective and expiration dates. In addition, a separate document should be provided by the fleet owner and carried in the vehicle that specifically identifies the insured vehicles by vehicle make, model year and vehicle identification number.

The binder of insurance is an application that becomes a legitimate binder when signed and dated by the insurance agent or broker and dated. If the binder is presented as proof of insurance, check carefully for the agent or broker signature and date. A binder of insurance or an application to the Pennsylvania Assigned Risk Plan, signed and dated by a licensed producer (insurance agent), is valid until replaced by a policy.

Telephone calls to insurance agents for insurance verification purposes may not be made by issuing agents. The Vehicle Code provides that proof of financial responsibility be verified by issuing agents examining one of the acceptable items listed on the front of this fact sheet. However, issuing agents may telephone an insurance agent to request that a photocopy, facsimile or printout of an acceptable proof of insurance be provided. Photocopy, facsimile (FAX) or printout copies of an acceptable proof of insurance document may be accepted by an issuing agent when sent by the vehicle owner's insurance company or agency directly to the issuing agent's office for verification purposes. **NOTE:** Vehicle owners may not deliver the above copies to the issuing agent's office. Photocopies, facsimile (FAX) or printout copies of proof of insurance documents must be provided to the issuing agent on the letterhead of the company or agency, or with a letter written upon the company's or agency's letterhead and must specifically reference the proof of financial responsibility by the insured's name and address, the make, model and vehicle identification number (VIN) of the insured vehicle.

The Vehicle Code prohibits an issuing agent acting as an insurance agent for a licensed insurance company or agency from accepting an electronically transmitted proof of financial responsibility document.

In order for the issuing agent to show evidence that supports the agent's compliance with verifying proof of insurance documents, Department regulations require the agent to maintain copies of the documents used for insurance verification. The agent's copy of the temporary registration card (yellow copies of Form MV-1, MV-4ST an MV-120), copies of related documents and copies of the insurance documents must be retained at the place of business of the issuing agent for at least 3 years. Copies of these documents must be available for inspection by police and authorized representatives of PennDOT when conducting audits of the issuing agent's files to verify compliance with Departmental regulations.

Only an authorized online agent may issue temporary vehicle registration to transport a vehicle to another state. The authorized agent must ascertain that the applicant is an out-of-state resident by examining the applicant's out-of-state driver's license. When a person from another state has moved to Pennsylvania and is applying for a Pennsylvania Certificate of Title and registration, the issuing agent cannot accept out-of-state insurance documents as proof of insurance unless the insurance company is authorized to sell motor vehicle insurance in Pennsylvania. To determine whether or not the out-of-state insurance

company is authorized to provide vehicle insurance in Pennsylvania, the issuing agent must contact the Insurance Department at (717) 787-2317. The Insurance Department service representative will verify whether or not the insurance company is licensed to write vehicle insurance in Pennsylvania and provide the issuing agent a telephone number for the out-of-state insurance company. The issuing agent must then contact the out-of-state insurance company and request written proof that satisfactorily shows the company is licensed in Pennsylvania to sell vehicle insurance and the liability insurance coverage provided is in compliance with Pennsylvania's insurance laws and that the applicant is currently covered. The issuing agent must instruct the applicant to obtain an acceptable proof of insurance document issued by an insurance company licensed in Pennsylvania to sell vehicle insurance. **NOTE:** Handwritten insurance I.D. cards are not permitted to be issued by Pennsylvania licensed insurance companies or agents. However, if the handwritten proof of financial responsibility is acceptable proof of insurance in the state where the vehicle is to be registered, for intransit tag issuance, the issuing agent is authorized to accept a handwritten insurance card as proof, provided the issuing agent receives written confirmation from the applicable state, insurance company or insurance agency that handwritten proof is acceptable in that state.

Other insurance verification information is available to issuing agents from the Bureau. A "Proof of Insurance" poster and "Insurance Verification Responsibilities of an Issuing Agent Questions and Answers" handout are available upon request and may be obtained by sending a request to the Bureau using the address listed at the bottom of the front page of this fact sheet.

Insurance Verification Responsibilities of an Issuing Agent
Questions and Answers

Listed below are the most frequently asked questions and answers concerning proof of insurance.

Q1. What items must be used by a vehicle owner to serve as acceptable proof of insurance?

A1.

1. An insurance identification card issued by an insurance carrier or by a self-insured motorist. (PennDOT issues a self-insured certificate to motorists who are then authorized to produce an insurance ID card); or,
2. The declaration page of an insurance policy or a copy thereof; or
3. A copy of a valid binder of insurance, which contains all the information required to appear on the ID card, excluding the policy number, and is signed and dated by a licensed insurance agent or broker; or,
4. A valid copy of an application for insurance to the Pennsylvania Assigned Risk Plan, which contains all of the information required to appear on the ID card, excluding the policy number, and is signed and dated by a licensed producer (insurance agent).

NOTE: A computer generated copy of the vehicle insurance application signed by the insurance agent is acceptable when the signature of the insurance agent is an original, in lieu of the carbon copy of a valid binder of insurance or application for insurance to the Pennsylvania Assigned Risk Plan (number 3 and 4 above). A legible photocopy, facsimile (FAX) or printout of an electronic transmission of a document listed above (numbers 1 through 4) are acceptable provided the issuing agent receives the photocopy, facsimile (FAX) or printout directly from a licensed insurance company or licensed insurance agency. The photocopy, facsimile (FAX) or printout must be on the letterhead of the company or the agency or with a letter written upon the insurance company's or agency's letterhead. The letterhead photocopy, facsimile (FAX) or printout of the proof of insurance document or letter on company/agency letterhead document must specifically reference the proof of financial responsibility by the insured's name and address, vehicle make, model and vehicle identification number (VIN) of the insured vehicle. An issuing agent may not accept a photocopy, facsimile (FAX) or printout of an electronic transmission as proof of financial responsibility when the issuing agent is also acting as an insurance agent for the licensed insurance company or agency.

NOTE: Hand-printed identification cards, issued by a Pennsylvania licensed insurance company or agency, are unacceptable.

Q2. What is required to be printed on a financial responsibility (insurance) ID card?

A2. The Pennsylvania Vehicle Code, Section 1782(d) and Insurance Department Regulations, Chapter 67.21, require insurers to issue financial responsibility (insurance) ID cards containing the following:

NOTE: Vehicle owners may not deliver the faxed copies to an issuing agent's office.

1. Title of card, "Financial Responsibility Identification Card."
2. NAIC number of the insurer or self-insurance certificate number.
3. Name of the insurer or self-insurer.

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4. Name and address of the named insured or motor vehicle registrant when the vehicle is self-insured.
5. Description of Vehicle - Year, make and vehicle identification number (VIN). The model of the vehicle may be used as the make. All digits of the VIN must appear on the ID card.
6. Policy number where applicable.
7. Effective date - month, day and year of the policy must be shown.
8. Policy expiration date or the following inscription below the effective date: "Not valid for more than one year from effective date."

NOTE: When a policy holder or self-insurer has five or more vehicles registered in the Commonwealth of Pennsylvania, the insurer or self-insurer may use the statement "all owned vehicles" or "all owned and leased vehicles" instead of a specific vehicle description on each ID card. However, each vehicle must have an ID card issued for it. In addition, a separate document should be provided by a fleet owner and carried in the vehicle that specifically identifies the insured vehicles by vehicle identification number, make and body style.

Q3. May verification of insurance information be made by telephoning the applicant's insurance agent?

A3. No. The Pennsylvania Vehicle Code requires that proof of financial responsibility be verified by issuing agents examining one of the acceptable items listed under Question #1. Therefore, telephone calls to insurance agents for insurance verification purposes may not be made by issuing agents. However, issuing agents may telephone an insurance agent to request that a photocopy, facsimile (FAX) or printout of an acceptable proof of insurance document be provided.

Q4. May an agent accept a valid identification card on a customer's electronic device (i.e., cell phone)?

A4. Yes, Act 132 of 2013 allows for electronic proof of financial responsibility. It amends Section 1782(d) of the Pennsylvania Vehicle Code to allow insurers to issue the identification card solely in electronic format if both the insured and the insurer agree to that format.

It does not change PennDOT procedural requirements with respect to an agent's responsibility to retain copies of supporting documents for vehicle transactions. An agent service may accept and verify the electronic financial responsibility identification card as proof of insurance for the purpose of registering a motor vehicle in Pennsylvania. However, agent services are still required by Chapter 43 of Department regulations to keep a file copy of the proof of financial responsibility for a minimum of three years.

If the insured is unable to provide a screen print or email of the valid insurance identification card, the customer must provide:

- A paper financial responsibility identification card received from their insurance company; or,
- The agent must receive a legible photocopy, facsimile or printout of acceptable proof of financial responsibility directly from an insurance company or insurance agent before registration may be issued.

Q5. How do I as an agent obtain a copy of the verified identification card?

A5. After the agent has verified the valid identification card on the insured's electronic device, the agent may do one of the following to obtain a copy of the verified identification card:

- request the insured to email the agent a screen print of the identification card from the insured's electronic device; or,
- request the insured to email the agent a copy of their insurance identification card from their insurance company's website. (**NOTE**: Customers may do this from their

electronic device while in your place of business or you may offer customers use of a computer in your place of business if you so choose.)

The agent must receive and print the electronic copy of the identification card they verified, to retain in their files or submit to PennDOT if PennDOT is issuing the registration plate, prior to completing the application.

Q6. May photocopy, facsimile (FAX) or printout copies of insurance documents be accepted as proof of insurance?

A6. Photocopy, facsimile (FAX) or printout copies of an acceptable proof of insurance document may be accepted by an issuing agent when sent by the vehicle owner's insurance company or agency directly to the issuing agent's office for verification purposes. **NOTE**: Vehicle owners may not deliver the above copies to the issuing agent's office.

Q7. Why aren't photocopies, facsimile (FAX) or printout copies of insurance documents allowed to be delivered to the issuing agent by the vehicle owner?

A7. The Pennsylvania Vehicle Code requires the information listed on photocopies, facsimile (FAX) or printout copies to be delivered directly from the licensed insurance company or licensed insurance agency to the issuing agent.

Q8. How must photocopies, facsimile (FAX) or printout copies of proof of insurance documents be presented to the issuing agent?

A8. Photocopies, facsimile (FAX) or printout copies of proof of insurance documents must be provided to the issuing agent on the letterhead of the company or agency, or with a letter written upon the company's or agency's letterhead and must specifically reference the proof of financial responsibility by the insured's name and address, the make, model and vehicle identification number (VIN) of the insured vehicle.

Q9. May an issuing agent acting as an insurance agent for the licensed insurance company or licensed insurance agency accept a photocopy, facsimile (FAX) or printout of an electronic transmission as proof of financial responsibility for an insured?

A9. No. The Pennsylvania Vehicle Code prohibits an issuing agent acting as an insurance agent for a licensed insurance company or agency from accepting an electronically transmitted proof of financial responsibility document.

Q10. Are "Auto Binder Receipt" or "Auto Policy Status" forms acceptable as proof of insurance?

A10. No. Pennsylvania's financial responsibility law requires that only those items listed under Question #1 be used to serve as acceptable proof of insurance.

Q11. Are "Temporary Financial Responsibility Cards" acceptable as proof of insurance?

A11. Yes. On the expiration date of the ID cards, a letter is generated and mailed to the vehicle owner requesting verification of a permanent ID card.

Q12. Are hand typed insurance I.D. cards acceptable as proof of insurance?

A12. Yes, as long as the issuing agent has no reason to believe the information provided is fraudulent or the insurance agent or vehicle owner falsified the information listed on the ID card. If an issuing agent has reason to believe the information provided is false or fraudulent, the issuing agent may ask the vehicle owner to provide further proof of insurance by asking to see the declaration page of the insurance policy or the binder accompanied by a letter on the licensed insurance company or agency letterhead issued by the insurance agent.

Q13. Are handwritten insurance ID cards acceptable as proof of insurance?

A13. According to the Pennsylvania Insurance Department, handwritten insurance ID cards are not permitted to be issued by Pennsylvania licensed insurance companies or agents. However, if the handwritten proof of financial responsibility is acceptable proof of insurance in the state where the vehicle is to be registered, for intransit tag issuance, the issuing agent is authorized to accept a handwritten insurance card as proof, provided the issuing agent receives written confirmation from the applicable state, insurance company or insurance agency that handwritten proof is acceptable in that state.

Q14. Are all insurance binders valid for only 30 days?

A14. No. As a general rule, a binder is valid until an insurance policy is issued. However, some binders stipulate when it expires, i.e., 15 days, 30 days, 45 days, etc.

Q15. If an applicant brings an expired insurance ID card in error to an issuing agent, must the applicant be sent home to get their current card or can the issuing agent telephone the insurance agent?

A15. The issuing agent may telephone the applicant's insurance agent to request the insurance agent to provide a photocopy, facsimile (FAX) or printout copy of an acceptable proof of insurance document accompanied by a letter on the insurance company or agency letterhead to the issuing agent's office for verification purposes. Issuing agents may not telephone insurance agents to verify an applicant's insurance information in lieu of examining an acceptable proof of insurance document.

Q16. Must every insurance ID card list all the names covered by an insurance policy before an issuing agent can issue a temporary plate or complete a transfer of registration plates?

A16. No. The issuing agent may ask the applicant to provide the declaration page of the insurance policy to verify if an applicant is covered by a policy.

Q17. Can an issuing agent accept an insurance ID card on May 29, 20XX with an expiration date of May 31, 20XX to issue a temporary plate or transfer a registration plate?

A17. Yes. The proof of insurance document verified by the issuing agent was valid on the date the temporary plate was issued or the registration plate was transferred.

Q18. May a vehicle owner present an insurance card in a company's name to use as proof of insurance for a vehicle that is being titled in the individual owner's name?

A18. NO. The issuing agent must request written documentation from the insurance company that states the individual owner's vehicle is covered by the business policy. The written documentation, in addition to the insurance ID card, declaration page or binder would be acceptable as proof of insurance.

Q19. Must the issuing agent maintain copies of the proof of insurance document used for insurance verification?

A19. Yes. The issuing agent is required to maintain legible copies of the documents used for insurance verification for at least three years. These copies must be kept at the issuing agent's established place of business.

Q20. Is an insurance ID card issued to an individual acceptable as proof of insurance to title and issue a temporary registration plate in the name of a company?

A20. No. The insurance ID card is unacceptable as proof of insurance. If the individual is the sole owner of the company, the issuing agent must see the declaration page of the applicant's insurance policy. If upon review of the policy, the issuing agent determines that other vehicles titled in the company name are covered by that policy, a temporary registration plate may be

issued. If no other company vehicles are listed on the applicant's declaration page, temporary registration plates may not be issued using that document as proof of insurance. If the individual is not the sole owner of the company, written documentation from the company and the applicant's insurance agent is required in addition to the document submitted as proof of insurance.

Q21. When a vehicle is "titled only" in excess of 14 days and the vehicle owner now wants to obtain a registration plate, may the vehicle owner present a proof of insurance document for another vehicle currently in the registrant's name?

A21. No. Insurance policies state that a vehicle owner has 14 days from purchase of a vehicle to report additional/substitute vehicles to an existing policy. The vehicle owner is required to obtain a binder for the vehicle before the issuing agent can issue a temporary plate.

Q22. May an issuing agent accept proof of insurance in a husband's name only for a vehicle being titled and registered in a wife's name only?

A22. Yes. As long as the wife currently is in possession of a vehicle and the registration card and the proof of insurance have the same vehicle identification number (VIN) listed. Otherwise, the issuing agent must request the applicant to present the declaration page of the existing insurance policy to verify coverage for the wife. If the wife's name is not listed on the declaration policy, a binder of insurance in the wife's name would be required.

Q23. If a vehicle is being titled in both a husband and wife's names, can an issuing agent accept the current insurance ID card in one name and issue a temporary registration plate or complete a temporary transfer of plate?

A23. Yes. It would be the responsibility of the insured to report the purchase of the new vehicle and any other changes to the existing insurance policy to the insurance agent.

Q24. When a vehicle owner has died and the vehicle is being transferred to the surviving spouse, may the insurance ID card in only the deceased spouse's name be used as proof of insurance to transfer the registration plate?

A24. No. The insurance ID card would be unacceptable as proof of insurance. The issuing agent must request the surviving spouse to present the declaration page of the existing insurance policy or obtain a copy of a binder of insurance in their name. The declaration page of the existing policy may have the surviving spouse's name listed, wherein the issuing agent could transfer the plate. The surviving spouse must contact the insurance agent and make the appropriate changes to the policy.

Q25. If a vehicle is being titled in two unrelated individual names, must an issuing agent see both names on the insurance ID card as proof of insurance?

A25. No. A valid insurance ID card in one of the co-owner's names is acceptable as proof of insurance.

Q26. If a vehicle is being titled in two names and one of the co-owners is a non-driver, must an issuing agent see both names on the insurance ID card as proof of insurance?

A26. No. As long as one of the co-owner's names appears on the ID card, it is acceptable.

Q27. When an issuing agent is transferring a registration plate and is presented with one of the acceptable proof of insurance items in a name that differs from the name shown on the transferred vehicle's registration card, may the plate be transferred?

A27. The plate may be transferred and the proof of insurance is acceptable if the old registration card and proof of insurance have the same vehicle identification number (VIN) listed.

Q28. Must a 16 year old son who wants to register a vehicle in his name have his own policy or may he be a driver listed on his parent's policy?

A28. The son may own a vehicle and be covered by a parent's policy if the son's name is listed on the declaration page of the parent's policy, and the son's vehicle identification number (VIN) is shown on the policy. The son may also have a policy for the vehicle issued in his own name.

Q29. A vehicle is titled in the father's name only. The father is transferring ownership to his son. The son presents a declaration page from his father's policy. The son does not have his own policy. May an issuing agent accept the declaration page from his father's policy as proof of insurance and issue a temporary plate?

A29. Yes. The son's name must be listed on the declaration page of the parent's policy and the son's vehicle identification number (VIN) must be shown on the policy.

Q30. May an issuing agent accept a proof of insurance document, which lists information for a passenger vehicle, to issue a registration plate to a motorcycle?

A30. Yes. The issuing agent may accept proof of insurance, which lists information for another vehicle that an individual owns as proof to issue a temporary plate on a motorcycle as long as the individual's insurance agent or broker provides documentation that coverage from the original policy will be extended to the recently purchased motorcycle. If the coverage cannot be extended, the individual must get a new binder for the motorcycle from the insurance agent/broker prior to the issuing agent issuing a motorcycle registration plate.

Q31. Is a valid insurance ID card issued by an insurance company located in another state acceptable as proof of insurance to issue temporary registration plates when an applicant has moved to Pennsylvania?

A31. Approximately 500 insurance companies are currently licensed to provide vehicle insurance in Pennsylvania. Some of these companies are located outside the Commonwealth of Pennsylvania. An ID card issued from an authorized insurance company located outside of Pennsylvania would be acceptable proof of insurance. To determine whether the out-of-state insurance company is authorized to provide vehicle insurance in Pennsylvania, the issuing agent must contact the Insurance Department at (717) 787-2317. The Insurance Department service representative will verify whether or not the insurance company is licensed to write vehicle insurance in Pennsylvania and provide the issuing agent a telephone number for the out-of-state insurance company. The issuing agent must then contact the out-of-state insurance company and request written proof that satisfactorily shows the company is licensed in Pennsylvania to sell vehicle insurance, the liability insurance coverage provided is in compliance with Pennsylvania's insurance laws and that the applicant is currently covered.

Q32. Is other insurance verification information available to issuing agents from the Bureau of Motor Vehicles?

A32. Yes. Pennsylvania offers a fact sheet titled, "Insurance Verification Responsibilities of an Issuing Agent" and a "Proof of Insurance" posted on its Driver and Vehicle Services Web site at www.dmv.pa.gov.

Please Note: Authorized agents are under contract to PennDOT and may charge a market driven service (delivery) fee; these are in addition to any PennDOT statutory fees for temporary, or in some cases, permanent motor vehicle registration plates and cards or other related products and services offered by the agent. The agent's service (delivery) fees are market driven, and vary by agent. To compare service (delivery) fees, you are encouraged to contact the authorized agents in your area for the applicable service (delivery) fees charged.

FACT SHEET

Verification of Signature in Lieu of Notarization Procedures

PURPOSE

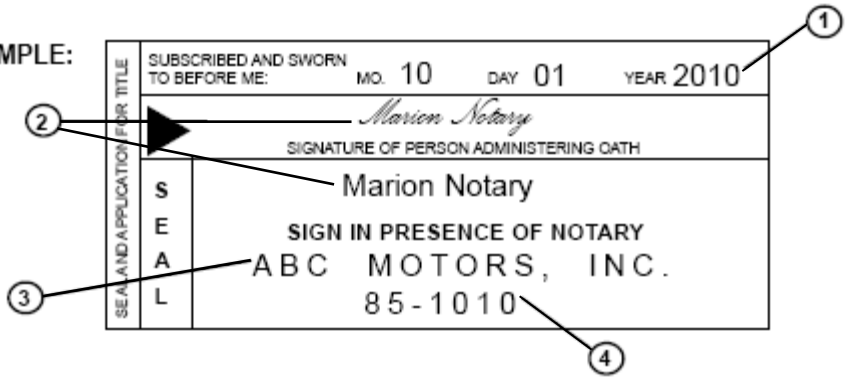
This fact sheet explains the procedures for issuing agents who are also dealers licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employees, for verification of a person's signature in lieu of notarization on any documents required to be submitted with the application for certificate of title.

GENERAL INFORMATION

Section 1103.1 (g.1) of the Pennsylvania Vehicle Code permits a wholesale vehicle auction that is licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons or its employee or an issuing agent who is licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons or their employee, to verify a person's signature on any documents required to be submitted to PennDOT with an application for certificate of title. An "issuing agent" is "a full agent or card agent, or a dealer or manufacturer, who has been authorized by PennDOT to issue temporary registration cards and plates" (67 Pa. Code §43.2). Additionally, a "licensed dealer" is "a dealer licensed by the State Board of Vehicle Manufacturers, Dealers or Salespersons" (67 Pa. Code §53.2). Therefore, only an issuing agent who is licensed as a dealer and who, is authorized to issue temporary registration plates and who complies with the above definitions is permitted to verify signatures in lieu of notarization on documents required to be submitted to PennDOT with an application for certificate of title. **(NOTE: Motor vehicle auctions that are authorized to issue temporary registration plates are also included in the above definition.)** The issuing agent/licensed dealer or the issuing agent/licensed dealer's employee must neatly and legibly list the following information in the space provided for notarization:

1. Date of verification. (The date may be listed in the spaces provided for the date in the notarization block.)
2. The signature and printed name of the issuing agent or the issuing agent's employee.
3. The name of the issuing agent/licensed dealership.
4. The issuing agent's Dealer Identification Number (DIN).

EXAMPLE:



The signature of the issuing agent/licensed dealer or the issuing agent/licensed dealer's employee may not be stamped or reproduced, but must be written legibly. **NOTE: AN ISSUING AGENT OR THE ISSUING AGENT'S EMPLOYEE IS NOT PERMITTED TO VERIFY THEIR OWN SIGNATURE.** This procedure is permitted for private, wholesale and retail certificate of title applications done by a qualified

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issuing agent/licensed dealer as described above. Private individuals may have an issuing agent/licensed dealer complete title applications for vehicles that the issuing agent/licensed dealer did not sell.

This procedure applies to any documents required to be submitted with the application for certificate of title. Certificate of title applications that are being assigned to persons for titling in another jurisdiction may still require notarization of signatures.

The issuing agent or their employee shall verify a person's identity by using at least one form of government-issued photo identification. A copy of the form of identification used shall be maintained by the issuing agent for a period of three years from the date of the verification.

Issuing agents/licensed dealers may include a charge for the verification of signatures as long as it remains within the acceptable documentary fees charged to the customer. In addition, issuing agents/licensed dealers may continue to notarize certificate of title applications if they choose to do so.

REMEMBER: VERIFICATION IN LIEU OF NOTARIZATION MAY ONLY BE USED BY ISSUING AGENTS, NOTARIZE LICENSED AS A DEALER AND WHO ARE AUTHORIZED TO ISSUE TEMPORARY REGISTRATION PLATES. ALL OTHER ISSUING AGENTS MUST CONTINUE TO NOTARIZE DOCUMENTS.

PENALTIES

Any person who falsely verifies a signature or verifies a signature without being authorized commits a summary offense punishable by a fine of $300. If an issuing agent licensed as a dealer or its employee falsely verifies a person's signature, PennDOT shall suspend the issuing agent/licensed dealer's authority to issue temporary registration plates and cards for not less than 30 days.

FACT SHEET

Agent Service Training

PURPOSE

This fact sheet explains the requirement for all authorized agent services and card agents to enter into contract with PennDOT. These contracts require certain personnel to attend a PennDOT-certified Agent Services Training Course. The purpose of this fact sheet is to provide specifics as to training requirements for agent services and card agents and any business or association interested in being certified to provide training.

WHO NEEDS TRAINING

DEFINITION:

- **Agent Service -** Any person who primarily is involved in completing motor vehicle transactions (Forms MV-1, MV-4ST and MV-120) and is responsible for accuracy of motor vehicle applications.
- **Card agent** - A notary public, commissioned by the Department of State, Bureau of Legislation, Commissions and Elections, who is approved by PennDOT to issue temporary registration cards in conjunction with applications for transfer of registration plates. A notary public from another state may also serve as a card agent and may issue a temporary registration card to a commonwealth registrant who has purchased a vehicle in the state and who wishes to apply for transfer of a commonwealth registration plate. The notary shall be commissioned or licensed as a notary by a governmental agency of the state.

Persons required to attend a PennDOT-certified Agent Services Training Course are determined by the agent service or card agent and include, but are not limited to, business owners, corporate officers, title clerks, finance and insurance personnel and office managers. Through the course of any routine audit or investigation, should PennDOT determine an employee of an agent service falls within the definition above, PennDOT will require the agent service or card agent to obtain the requested training for that individual within an established time period.

Any agent service or card agent found out of compliance with any portion of their contract may be directed to send any or all of their employees to attend a PennDOT-certified Agent Services Training Course.

ENFORCEMENT OF TRAINING REQUIREMENT

During an audit or investigation, commonwealth personnel may request proof that employees who require training based on the definition above have attended a PennDOT-certified Agent Services Training course. The request for proof of completion of a PennDOT-certified Agent Services Training Course may also be made at any time when an agent service or card agent is not in full compliance with their contract.

ATTENDANCE/RECOGNITION

Attendees must provide government-issued photo identification to enter a PennDOT-certified Agent Services Training Course. Upon completion of any PennDOT-certified Agent Services Training Course, certified trainers must present each attendee with a document or certificate, which must include the individual's name, the name of the training class, the certified training business or association's name,

and the date and location of the training class. This information must be provided to PennDOT and retained electronically by the certified trainer for a period of three years.

The original document or certificate should be retained by the attendee. The agent service or card agent employer must retain a copy on file at the place of business for audit purposes.

TIMEFRAME FOR TRAINING

Applicants for an Agent Services or Card Agent Agreement shall complete and ensure that each employee involved in providing agent services completes the PennDOT-certified Agent Services Basic Title and Registration Training Course prior to the applicant or it's employee's involvement in provisions of service.

Agent service or card agent employees with more than one year of experience as an employee of an agent service or card agent, whose direct responsibilities fall within the definition of those requiring training, and who have no history of sanctions or contractual non-compliance are required to take a PennDOT-certified Agent Services Training Course not more than one year from entering into a contract or date of hire. This PennDOT-certified Agent Service Training Course may be either the Basic Title and Registration Training Course or the Advanced Refresher Agent Services Training Course.

All employees are required to attend a PennDOT-certified Advanced Refresher Agent Services Training Course at least every two years.

WEB TRAINING

PennDOT acknowledges and agrees that the use of PennDOT-certified web-based training will be recognized as an acceptable means to administer training. While the training content will be identical to that of classroom courses, the web-based course must be reviewed and approved by PennDOT prior to the course being offered to agent services and card agents.

BECOMING A PENNDOT CERTIFIED AGENT SERVICES TRAINER

Any business or association interested in providing a PennDOT-certified Agent Services Training Course should contact PennDOT for additional information. Inquiries should be directed to:

Bureau of Motor Vehicles
Attn: BMV Training Coordinator
Research and Support Operations Section, Third Floor
1101 S. Front Street
Harrisburg, PA 17104

A list of PennDOT-certified Agent Services Training Course businesses and associations can be obtained on PennDOT's Driver and Vehicle Services website, www.dmv.pa.gov, by clicking the Business Partners link in the left-hand navigation bar and selecting the Certified Trainers for Messenger and Agent Seminars link.

Please Note: Authorized agents are under contract to PennDOT and may charge a market driven service (delivery) fee; these are in addition to any PennDOT statutory fees for temporary, or in some cases, permanent motor vehicle registration plates and cards or other related products and services offered by the agent. The agent's service (delivery) fees are market driven, and vary by agent. To compare service (delivery) fees, you are encouraged to contact the authorized agents in your area for the applicable service (delivery) fees charged.

MV-349 (7-19)

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APPLICATION FOR VEHICLE DEALER REGISTRATION PLATES FOR DEALERS LICENSED BY DEPARTMENT OF STATE

FOR DEPARTMENT USE ONLY
Bureau of Motor Vehicles • P.O. Box 68283 • Harrisburg, PA 17106-8283

CHECK (✔) ALL APPLICABLE:

❑ New Application ❑ Change of Name ❑ Add Branch Lot ❑ 911 Address Change
❑ Change of Address ❑ Change in Officers ❑ Change of Owner

Dept. of State Use Only (VD #)

TYPE OF DEALERSHIP YOU ARE APPLYING FOR:

❑ Manufacturer ❑ New Vehicle ❑ Used Vehicle ❑ Motorcycle ❑ New Trailer Dealer ❑ Mobile Home Dealer
(NOTE: Request for Dealer/Business Partner ID# Only.)

NOTE: See instructions for documents that must accompany this application.

A NAME AND ADDRESS OF BUSINESS - Exactly as registration is to be issued.

Name	Federal ID#	State Sales Tax #
Street Address (Principal Place of Business)		List DIN/Bus. Partner ID#
City	County	State / Zip Code
Business Phone Number	Home Phone # of President or Controlling Partner	

B TYPE OF BUSINESS - Check (✔) One.

❑ Sole Proprietorship ❑ Partnership ❑ Corporation

This Location is - Check (✔) One.

❑ Owned ❑ Leased

C LIST ALL OWNERS, PARTNERS OR CORPORATE OFFICERS (Home Address)

1. Name	Date of Birth	Title	Driver's License #	
Email Address	Phone Number		Fax Number	
Street Address	City		State	Zip Code
2. Name	Date of Birth	Title	Driver's License #	
Email Address	Phone Number		Fax Number	
Street Address	City		State	Zip Code
3. Name	Date of Birth	Title	Driver's License #	
Email Address	Phone Number		Fax Number	
Street Address	City		State	Zip Code

D LIST OTHER BUSINESSES AT THIS LOCATION

E INDICATE NUMBER OF REGISTRATION PLATES YOU ARE APPLYING FOR IN THE SPACE PROVIDED BESIDE THE APPROPRIATE CLASSIFICATION

Manufacturer, New and Used Vehicle, Trailer, Special Purpose Dealer: One Year Registration Fee - $56 per registration plate; Two Year Registration Fee - $112 per registration plate. Motorcycle Dealer: One Year Registration Fee - $28 per registration plate; Two Year Registration Fee - $56 per registration plate.

Registration Plates							Registration Cards				
Registration Plate Type	# of Plates Requested		Registration Fee		Plates Subtotal		# of Duplicates Requested		Fee		Reg. Cards Subtotal
Manufacturer Plates (MFG)		X		=	$	+		X	$2.00	=	$
Motorcycle Dealer Plates (MCD)		X		=	$	+		X	$2.00	=	$
New Trailer Dealer Plates (ND)		X		=	$	+		X	$2.00	=	$
New Vehicle Dealer Plates (ND)		X		=	$	+		X	$2.00	=	$
Special Purpose Dealer Plates (SP)		X		=	$	+		X	$2.00	=	$
Used Vehicle Dealer Plates (UD)		X		=	$	+		X	$2.00	=	$

Registration Plates Subtotal: $
+ Reg. Cards Subtotal: $
= Total Fees Due: $

NOTE: Dealer registration plates may be renewed for one or two year periods.
All dealer registration plates listed must have the same expiration date.

Provide explanation below on how each of these registration plates will be used.

_____

_____

_____

_____

_____

F **PLEASE LIST THE TYPE OF VEHICLES YOU INTEND TO SELL -** Cars, Trucks, Motorcycles, Trailers (over 3,000 lbs.), Mobile Homes, etc. **Please indicate new or used.**

G **INSURANCE INFORMATION -** Refer to #5 in instructions for required proof of insurance.

Insurance Company Name: _____

Agent Name: _____ Agent Phone Number: _____

NAIC Number: _____ Policy Number: _____

Effective Date: _____ Expiration Date: _____

H **AGENT SERVICES REQUIREMENTS**

Do you want to issue temporary registration plates?

❑ YES ❑ NO If yes, see agent service application requirements located in Pub 459, "Requirements on Becoming a Dealer." Pub 459 can be found on our website at www.dmv.pa.gov.

I **ADDITIONAL INFORMATION**

1. Is this application a change of ownership or was this location previously a vehicle dealership?
   ❑ YES ❑ NO If yes, explain and list name of dealership and Dealer/Business Partner Identification Number if known.

   _____

   _____

   Please list DIN/Business Partner Identification Number: _____

2. Has this business or the owners, partners or officers thereof ever been registered as a dealer, miscellaneous motor vehicle business or issuing agent in this or any other state?
   ❑ YES ❑ NO If yes, list name(s), location(s), and Dealer/Business Partner Identification Number(s).

   _____

   _____

3. Have any owners, partners or corporate officers of this business ever been affiliated with a dealership, miscellaneous motor vehicle business, messenger service or full agent whose registration was suspended, cancelled or revoked or is currently under investigation or notice to attend a departmental or court hearing or is awaiting a decision by a hearing officer of a court?
   ❑ YES ❑ NO If yes, explain: _____

   _____

4. Do any owners, partner, corporate officer or any business with which they were previously affiliated, have any outstanding liabilities which are due and owing to the commonwealth including but not limited to taxes, fees, monetary penalties or outstanding registration plates or paperwork?
   ❑ YES ❑ NO If yes, explain: _____

   _____

5. Have any owners, partners or corporate officers of this business ever been convicted or administratively sanctioned for violations of department regulations or Chapters 11, 13 or 23 of the Pennsylvania Vehicle Code or Title 18 of the Crimes Code?

❑ YES ❑ NO If yes, explain: _____

6. Have any owners, partners or corporate officers of this business ever been convicted of a felony or misdemeanor?

❑ YES ❑ NO If yes, explain: _____

7. Have any owners, partners or corporate officers of this business ever remitted uncollectible checks payable to any agency of the Commonwealth of Pennsylvania?

❑ YES ❑ NO If yes, explain: _____

8. Have any owners, partners or corporate officers filed bankruptcy within the past 7 years?

❑ YES ❑ NO If yes, explain: _____

J MISCELLANEOUS INFORMATION

1. Does your business location meet all local zoning and land use ordinances and building codes? ❑ YES ❑ NO
2. Does your business meet ADA accessibility requirements? ❑ YES ❑ NO
3. Have all owners, partners and officers read and understood Chapter 53 of Title 67 (Manufacturer, Dealer and Motor Vehicle Business Registration Plates) and Chapters 11, 13 and 23 of the Vehicle Code? ❑ YES ❑ NO

K NOTARIZATION

I/We certify under penalty of law that the information contained herein is TRUE and CORRECT. **WARNING:** Misstatement of fact is a misdemeanor of the third degree punishable by a fine of up to $2,500 and/or imprisonment up to 1 year [18 Pa.C.S. Section 4904(b)] in addition to any sanction imposed by PennDOT.

Printed Name of Authorized Signee	Title	Authorized Signature	Date
Printed Name of Authorized Signee	Title	Authorized Signature	Date
Printed Name of Authorized Signee	Title	Authorized Signature	Date

NOTE: When business is discontinued, dealer registration plates and registration cards must be returned to PennDOT within 5 days. If business is moved to another location, PennDOT must be notified within 10 days of the change. A completed Form MV-349 and a new agent service application requirement, if appropriate, photographs of new location, and a rider to the bond showing change of address must accompany this notification.

SUBSCRIBED AND SWORN TO BEFORE ME: MONTH DAY YEAR

SIGNATURE OF PERSON ADMINISTERING OATH

S T A M P

SIGN IN PRESENCE OF NOTARY

Application for Vehicle Dealer Registration Plates

INSTRUCTIONS FOR COMPLETING MV-349

1. All information must be typed in full. List name of business exactly as dealer registration is to be issued. Address must be the physical street address. A Post Office Box may be used in addition to the street address. Include business phone and home phone numbers. The license issued will be valid only at the business address listed on this application.
2. Check appropriate box for type of business and if location is owned or leased.
3. List all owners, partners or corporate officers and their titles. Additional sheets of paper may be used, if necessary.
4. List other businesses at the same location.
5. Sign, date and have form notarized in Section K.
6. Dealer registration plates may be personalized. Should you choose to personalize your dealer registration plate, please complete and attach Form MV-904D, "Application for Personalized Dealer Registration Plate," to this application. **NOTE:** There is an additional $108 fee required with personalization requests.

DOCUMENTS THAT MUST ACCOMPANY THIS APPLICATION

1. The bond prescribed by Title 75, Section 1335, on PennDOT Form MV-375, does not apply to applications for Mobile Home Dealers who are requesting Dealer Identification Numbers only.
2. Include an original criminal history record (SP 4-164) obtained from the Pennsylvania State Police (not a copy) for each owner, partner or corporate officer.
3. A check made payable to the Commonwealth of Pennsylvania in the amount of $60 for payment of the Motor Vehicle Transaction Recovery Fund fee. This does not apply to applications for Mobile Home Dealers who are requesting Dealer Identification Numbers only.
4. A copy of the front and back of a government issued photo identification credential for each owner, partner or corporate officer.
5. When PennDOT issues a dealer registration plate, a copy of one of the following acceptable proofs of insurance must be submitted. In addition, Title 67, Chapter 53.3(b)(iii) requires a certificate of insurance or a statement from an insurance carrier authorized to do business in this commonwealth, on its letterhead, that indicates the applicant has sufficient liability insurance to cover as many vehicles as the number of registration plates applied for.
   A. An insurance identification card;
   B. The declaration page of insurance policy or a copy thereof;
   C. A copy of a valid binder of insurance which contains all of the information required to appear on the I.D. card, excluding the policy number, and is signed by a licensed insurance agent or broker; or,
   D. A copy of application for insurance to the Pennsylvania Automobile Insurance Plan (PAIP) which contains all of the information required to appear on the I.D. card, excluding the policy number, and is signed by a licensed insurance agent or broker.
6. Appropriate fee for number of dealer registration plates requested. Payment is to be made by check or money order payable to Commonwealth of Pennsylvania. **DO NOT SEND CASH**.
7. Copy of deed/lease or rental agreement.

Mail all completed forms to: PennDOT, Bureau of Motor Vehicles, P.O. Box 68283, Harrisburg, PA 17106-8283.

MV-511B (4-19)

pennsylvania
DEPARTMENT OF TRANSPORTATION
www.dmv.pa.gov

DATE: _____
For Department Use Only

REQUISITION FOR MOTOR VEHICLE FORMS

Bureau of Motor Vehicles • 1101 South Front Street • Harrisburg, PA 17104

1. List quantity for each form/pub needed. Please assess your form needs carefully. Over ordering results in increased costs to the commonwealth.
2. To obtain Forms MV-1, MV-4ST & MV-120, authorized agents are required to place their Dealer/Business Partner/Agent Identification Number, authorized agents notary stamp and signature or verification information in the space provided on this form. (**NOTE:** Verification information is only valid for dealers that are authorized to issue temporary registration plates. All other authorized agents must place a notary stamp and signature where indicated.) **AN AUTHORIZED AGENT IS AN AGENT UNDER CONTRACT WITH PENNDOT. To obtain Form MV-355, dealers are required to list their Dealer/Business Partner/Agent Identification Number.**
3. Print or type name and address to which forms are to be mailed in the space provided. Be certain that the address is clear and complete.
   NOTE: You must have a street address. P.O. Box only addresses are not accepted.

MOTOR VEHICLE FORMS

FORM NO.	FORM TITLE	QUANTITY	UNIT OF ISSUE
MV-1	Application for Certificate of Title **(Only An Authorized Agent May Obtain)**		PACK (200) **2 Pack Limit**
MV-4ST	Vehicle Sales and Use Tax Return/Application for Registration **(Only An Authorized Agent May Obtain)**		PACK (200) **2 Pack Limit**
MV-120	Temporary Registration Plate or Temporary Registration Transfer Card **(Only An Authorized Agent May Obtain)**		PACK (200) **2 Pack Limit**
MV-355	Dealer Registration Permit		PACK (200) **2 Pack Limit**
Total Packs of Forms Ordered			

NOTE: Orders for Forms MV-1, MV-4ST, and MV-120 will not be filled without Dealer/Business Partner/Agent Identification Number, authorized agents notary stamp and signature or verification information.

NOTE: Orders for Form MV-355 will not be filled without Dealer/Business Partner/Agent Identification Number.

PLACE NOTARY STAMP HERE

SHIPPING AND HANDLING FEE INFORMATION

Shipping and handling fees are required. Fees are calculated per pack of forms ordered and mailed. If the order will be carried through and picked up by a messenger service, no shipping and handling fee is due.

Up to 2 total packs ordered = $ 5
3 to 4 total packs ordered = $10
5 or more total packs ordered = $15

Please be sure to include the shipping and handling fee with your request. If no fee is included, your request will not be filled.

MAILING ADDRESS AND AGENT VERIFICATION INFORMATION

DEALER/BUS. PARTNER/AGENT ID# TELEPHONE NUMBER

BUSINESS NAME

ADDRESS

ADDRESS

CITY STATE ZIP

SIGNATURE PRINTED NAME

Total Packs Ordered: _____

Amt. of Check Enclosed: $ _____

Requirements on Becoming a Dealer

pennsylvania
DEPARTMENT OF TRANSPORTATION
www.dmv.pa.gov

PUB 459 (2-21)

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REQUIREMENTS TO BECOME A DEALER

1. Follow instructions on Form MV-349, “Application for Vehicle Dealer Registration Plates for Dealers Licensed by Department of State.”
2. If you desire to issue Temporary Registration Plates, follow requirements for PUB 457, “Agent Service Handbook."
3. Complete Form MV-375 for bond for each place of business of Manufacturer/Dealer (ORIGINAL FORM MUST BE SUBMITTED).
4. Vehicle dealership lot license issued by Department of State.
5. Obtain an original criminal history record on Form SP 4-164 from the State Policy (NOT A COPY), for each owner, partner or corporate officer.
6. Read and become familiar with Chapter 13 of the Pennsylvania Vehicle Code, Title 75.
7. Read and become familiar with the Title 67 relating to the “Issuance and Use of Dealer and Miscellaneous Dealer Motor Vehicle Business Plates,” Chapter 53.

Enclosed is the requirements packet to enter into contract for all agent services. The packet includes information, samples and frequently asked questions. Once these requirements are met, a contract between you and PennDOT will be executed.

Contract requirements can be mailed to:

Bureau of Motor Vehicles
Regulated Client Services Section
1101 S. Front Street
Harrisburg, PA 17104

Requirements may also be submitted through the Dealer Services counter area.

AGENT SERVICES CHECKLIST

Business Name: _____

Federal ID# (FEIN): _____

DIN# (if already assigned): _____

******Please note, items that are bold, italicized and underlined are new requirements for the new 5-year contract.******

Check (✔) if YES:

- ❏ Do you have two copies of the requirements attached?
- ❏ Is your business name and address listed on the requirements?
- ❏ If you are an existing agent, is the agent number listed on the requirements?
- ❏ Do you have a list of all owners/corporate officers attached?
- ❏ Do you have a list of all employees and job titles attached?
- ❏ ***Do you have job descriptions attached for each owner/employee?***
- ❏ ***Is the home address listed for each owner/employee?***
- ❏ Do you have your phone number listed?
- ❏ Do you have your fax number listed?
- ❏ ***Do you have your email address listed? (Please check if email still valid)***
- ❏ Do you have a notary seal and or stamp, signed/dated, on the application for each person issuing tags?
- ❏ Do you have a copy the Notary Commission certificate(s) attached?
- ❏ Do you have a statement of no prior violations for all owners/corporate officers and employees issuing tags attached?
- ❏ Do you have a criminal record check for all owners/corporate officers and employees issuing tags attached?
- ❏ Do you have a security plan written/typed and attached?
- ❏ Do you have your $30,000 bond in place and original attached?
- ❏ *Do you have $60.00 recovery fund fee attached? (Waived for new agents and dealers)*
- ❏ Do you have a notarized statement of no monies owed to the Commonwealth for each owner and corporate officer attached?
- ❏ Do you have a credit reference from the bank attached?
- ❏ Do you have THREE letters of character reference for each owner/corporate officer attached?

DID YOU PROVIDE (2) PHOTOGRAPHS OF THE FOLLOWING?

Check (✔) if YES:

- ❏ Main Entrance
- ❏ Posted Business Hours
- ❏ Completed schedule of fees/charges relating to the issuance of temporary cards and plates
- ❏ Phone and Desk Area including shredder
- ❏ Secure area for storage of temporary cards and plates
- ❏ ***Full Picture of Solid door constructions (with secure hinges), ceiling, walls and dead bolt lock***
- ❏ Exterior Signs
- ❏ Fraud Hotline notice

*****Please allow a minimum of 30 days to fully execute the contract, once all requirements are provided*****

SAMPLE DOCUMENT

Cover page of Requirement Packet

John Q. Customers Issuing Agent Service, Inc.
1101 S. Front Street
Harrisburg, PA 17104
Agent # 00000000
(717) 999-9999
Fax #: (717)111-1111
E-mail address: johnqcustomer@xxx.com
Federal ID #: 123456789

P A G E B R E A K

Requirements

Experience

John Q. Customers Issuing Agent Service, Inc. located at 1101 S. Front Street has been an issuing agent for the past five years.

The owner of the corporation is John Q. Customer, Vice President is Joan A. Customer, Secretary is Mary B. Customer and Treasurer is Joe C. Customer.

The support staff consists of (place name of each employee who will be involved in the agent service and indicate their responsibilities within the service).

Neither John Q. Customer Agent Service, nor any of its employees are under sanction or have ever been sanctioned by PennDOT for violations under 75 Pa.C.S. or Departmental regulations.

P A G E B R E A K

Attach your letter of reference from a bank or financial institution. Please make sure your letter indicates that accounts are handled in a satisfactory manner consistent with standard banking practices.

P A G E B R E A K

Attach three letters of reference from business concerns on business stationery, attesting to the character of the applicant.

P A G E B R E A K

Attach a notarized statement that no monies are due and owed to the Commonwealth of PA by the applicant business or by the owners and officers of the business.

P A G E B R E A K

Facilities

Attach photographs of the interior and exterior of the place of business. The photographs of the exterior must show the entranceway and signs and business hours. The interior photographs must show the desk, phone, secure area (reference Facility Requirement 2.3) for storage of products and forms, and a complete schedule of fees and charges for Motor Vehicles/Driver Licensing and the contractor fees.

P A G E B R E A K

Notary Requirements

Attach the name, address, signature and impression of the notary stamp of all notaries who will be employed during the hours of operation of the agent service. The owner of the agent service may be the notary. If verification of signature in lieu of notarization, then a notary is not required for agents with a 85, 86 or 87 Dealer ID Number. All other authorized agents must continue to notarize documents. If verification in lieu of notarization is used, please state this process is used.

P A G E B R E A K

Criminal Background Check

Attach a criminal background check, obtained from the Pennsylvania State Police for each owner or corporate officer and every employee engaged in the authorized agent service. If a conviction exists, the issuing agent service must furnish the facts of the offense and secure Department approval before hiring or retaining employee.

P A G E B R E A K

Security Plan

Attach the authorized agent's proposal for the method of security, which it intends to use for safeguarding all supplies, products and applications.

P A G E B R E A K

Bond

Attach your bond information (MV-375 or Rider to the bond). Each authorized agent must file and maintain a bond in the amount of $30,000 for each approved authorized agent.

PENNSYLVANIA AGENT ADA CHECKLIST
AMERICANS WITH DISABILITIES ACT

As a provider of a public service, you are required to ensure that the areas of your facility used for customer transactions involving Department of Transportation documents meet the accessibility requirements of Title II of the Americans with Disabilities Act (ADA). If you answer "no" to questions 2, 3, 4, 6, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21 or 22, your facility does not meet the ADA accessibility requirements.

EXTERIOR

1. Does your place of business provide parking spaces for the general public? YES NO

   If no, skip to Question 4.

2. Are there designated persons with disability parking spaces? YES NO

   If no, skip to Question 4.

3. Are there signs designating person with disability parking space(s)? YES NO

4. Is there a clear unobstructed path of travel at least 36 inches from where your customers park to your door? YES NO

5. Are curb cuts necessary for access? YES NO

   If no, skip to Question 9.

6. Have the curb cuts been installed? YES NO

   If no, skip to Question 9.

7. Is the length of the curb cut at least one foot for every inch of curb height? YES NO

8. Is the width of the curb cut at least 36 inches? YES NO

9. Are ramps necessary for access? YES NO

   If no, skip to Question 14.

10. Have the ramps been installed? YES NO

11. Is the height of the ramp such to reach the level of the entrance? YES NO

12. Is the length of the ramp at least one foot long for energy inch of height? YES NO

13. Is the width of the ramp at least 36 inches? YES NO

ENTRY:

14. Does your entrance door provide a minimum of 32 inches of clearance? YES NO

15. Is your entrance door's threshold less than one-half inch high? YES NO
NOTE: Thresholds at doorways should not exceed ¾ inch in height for exterior sliding doors of ½ inch for other types of doors.

16. Is your entrance door's threshold beveled or slanted on both ends? YES NO

17. Is your door handle 48 inches high or less? YES NO

18. Can the door be easily opened using a close fist? YES NO

19. Is there an interior door? YES NO

    If no, skip to Question 21.

20. Does the interior door meet the same specifications of the entry door as described above? YES NO

INTERIOR:

21. Is the route to where PennDOT customer services are provided 36 inches wide? YES NO

22. Are the counters where PennDOT customer services are provided no more than 36 inches high and at least 36 inches? YES NO

ATTACHED IS A SAMPLE CONTRACT

THE CONTRACT HAS NO VAILIDTY UNTIL:

ALL REQUIREMENTS ARE MET
AND
ALL SIGNATURES ARE OBTAINED
AND
A COMPLETELY EXECUTED CONTRACT IS RETURNED TO YOU

This sample is being provided for your review. Should you meet all the requirements and enter into contract with the Department, you will become bound by this contract. Once again, this is only a SAMPLE for information and does not guarantee that a contract will be offered.

THANK YOU.

Effective Date: _____ **Contract #:** _____
(The Department will Enter) **Federal ID #:** _____

AGENT SERVICES AGREEMENT

This Agreement, made and entered into by and between the Commonwealth of Pennsylvania, acting through the Department of Transportation (Department),

a n d

John Doe Tag Agency **(Provider)**,

1101 South Front Street
Harrisburg, PA 17104

E-mail: _____

The Department and Provider are collectively referred to in this Agreement as the "parties."

W I T N E S S E T H:

WHEREAS, Act 152 of 2002 requires the Department to enter into contracts with individuals and business entities intending to provide agent services for the issuance and processing of vehicle registration documents and fees (the "Agreement"); and,

WHEREAS, "agent services" and the responsibilities of an "agent" as that term is used herein are further defined by the Vehicle Code, including particularly its Chapter 75, 75 Pa.C.S. § 7501 *et seq.*; the Department's regulations; the Department's policies; and this Agreement; and,

WHEREAS, Provider desires to enter into this Agreement to provide agent services to vehicle owners and operators in the Commonwealth and to that end, submitted an application, which is attached hereto as Exhibit "A" and incorporated as a material part of this Agreement; and,

WHEREAS, upon full execution of this Agreement, Provider shall receive a certificate of authorization to provide agent services, which will be issued, subject to full compliance with the terms and conditions of this Agreement; and,

SAMPLE

WHEREAS, the Department has determined that Provider is not an official or employee of the Commonwealth and is otherwise qualified and eligible to provide the agent services and is entering into this Agreement for the purpose of establishing and defining the parties' duties, responsibilities and obligations; and to set forth the terms and conditions applicable to the certificate of authority.

NOW THEREFORE, the parties agree, with the intention of being legally bound, to the following:

1. The above recitals are incorporated herein by reference as though set forth at length.

2. The following terms as used in the Agreement shall have the following meaning:

Agent and ***Agent Services***—the responsibilities of an "agent" to provide "agent services" are further defined by the Vehicle Code, particularly Chapter 75, 75 Pa.C.S. § 7501 *et seq.*; this Agreement and its attachments; the Department's regulations; and the Department's training manuals or publications containing official Department policies.

Established Place of Business—the premises, notary, staff, hours of operation, and training requirements of an Agent Service as prescribed by the Vehicle Code, Department Regulations, this agreement and any addendum or attachment to this agreement, including Department Bulletins, training materials and online resources.

Products— Temporary or permanent registration cards, plates, permits, or other official Department documentation, so designated by the Department, that can be issued by a Provider under this Agreement.

Proof of Identification— a current, government-issued identification document, as approved by the Department.

Program Requirements—Exhibit "B" to this Agreement, which may be amended from time to time, as more fully explained below; and the Department's Driver and Vehicle Services Update Bulletins, Agent Services Basic Title and Registration Course; Advanced Refresher Training Manual; and such other official updates, publications or policy documents developed by the Department.

SAMPLE

Provider—A holder of a certificate of authorization; or the owner, officer, director, employee or affiliate of any natural person or entity providing agent services in the Commonwealth of Pennsylvania under a certificate of authorization.

Registration Card—a registration card, including both temporary and permanent, issued by a Provider under this Agreement.

Registration Plate —a registration plate, including both temporary or permanent, issued by a Provider under this Agreement.

Responsible (and Responsibly)—Possession and demonstration of the capability, skill and/or competence to fully perform this Agreement and its Program Requirements in all respects, and the integrity and reliability to assure good faith performance of this Agreement and its Program Requirements.

Revocation—A sanction which permanently withdraws Provider's certificate of authorization.

Suspension—A sanction which temporarily withdraws Provider's certificate of authorization to provide agent services.

3. Upon submission and full execution of this Agreement, the Department will issue Provider with a certificate of authorization; and Products designated by the Department as necessary to allow Provider to ***responsibly*** offer agent services to consumers in the Commonwealth, in a customer friendly manner, and in strict compliance with the terms and conditions of this Agreement and the Program Requirements.

4. The Department will recognize Products designated by the Department, including but not limited to temporary or permanent registration cards, plates and permits, valid upon issuance, in accordance with this Agreement.

5. Provider may charge a reasonable service fee, in addition to Department fees, for the processing and issuance of registration cards, registration plates, permits or other products designated by the Department. It is understood that the Department will make no payment to the Provider; payment for any services rendered shall be billed by the Provider to the public users of its services.

SAMPLE

6. Provider acknowledges that the agent services it will provide consumers under this Agreement shall include but not be limited to processing vehicle transfers, assisting customers to complete title applications and registration applications, issuing registration plates, processing registration plate transfers, collecting sales taxes and fees and forwarding vehicle transfer, title and registration applications and all sales taxes and fees collected to the Department in a timely manner.

7. Provider shall provide agent services in accordance with this Agreement and the Program Requirements, as may be amended from time to time. The current version of Exhibit "B" is incorporated herein by reference as though set forth at length. The Department reserves the right to amend the Program Requirements as set forth below. Provider's authority to provide agent services is conditioned upon its strict compliance with the Program Requirements.

8. Provider shall responsibly perform agent services in accordance with 75 Pa.C.S. Chapters 11 (relating to certificate of title and security interests); 13 (relating to registration of vehicles); and 75 (relating to authorization of agent and messenger services). Furthermore, Provider shall comply with 75 Pa.C.S. § 6114 (relating to limitation on sale, publication and disclosure of records) and shall make all statutorily required payments that are prerequisite to performance of the agent services to be provided under this Agreement, including but not limited to payments to the Motor Vehicle Transaction Recovery Fund. See, *e.g.* 75 Pa.C.S. § 2302. Provider shall also comply with 67 Pa. Code Chapter 43 (including but not limited to those portions pertaining to cards and plates). Where this Agreement or other written policies of the Department provide a more stringent standard of Provider performance and conduct than existing statutes or regulations, this Agreement and its Program Requirements shall apply.

9. Provider shall require that each applicant for title or registration provide, at the time of making application, proof of identification that complies with the Department's proof of identification policies, and shall verify the authenticity of each applicant's proof of identification document in the manner prescribed by the Program Requirements and Exhibit "B."

10. The Department reserves the right to revise the Program Requirements as circumstances, in its sole judgment, may warrant. Provider agrees that the Department may deliver notice of the revisions electronically to the e-mail address set forth in Provider's application (Exhibit A). The Department's notice shall be effective upon issuance, and Provider agrees that it will be deemed to have accepted the revisions and that it will comply

SAMPLE

with such revisions unless it exercises its option to terminate the Agreement by giving the Department 30 days' notice as provided below.

11. Provider shall at all times maintain the highest degree of security over and confidentiality of information furnished by the Department and its customers and shall take all necessary steps to prevent the divulgence or use of such information in any form or manner not expressly permitted by this Agreement.

12. Provider agrees that the Department may impose the following sanctions for Provider's failure to comply with this Agreement and the Program Requirements, the Vehicle Code, and the Departments regulations:

a. Suspend Provider's certificate of authority for the acts and omissions listed and for the periods specified in Paragraph 17;

b. Suspend Provider's certificate of authority indefinitely as provided in Paragraph 18, or for failure to comply with this Agreement and the Program Requirements, the Vehicle Code, and the Departments regulations, until Provider is in compliance; or

c. Revoke Provider's certificate of authority for the acts and omissions listed in Paragraph 19.

13. The Department may also terminate this Agreement for good cause shown, including, but not be limited to--

a. Revocation of Provider's certificate of authority;

b. Failure to comply after an indefinite suspension has lasted for more than 60 days;

c. Culpable conduct in the performance of this Agreement or conviction of a crime of such a nature that continuation of the contractual relationship is inimical to the interests of the Department; or

d. Misrepresentation or fraud on the part of Provider in entering into or administering the terms of this Agreement.

14. Provider agrees that its remedies for suspension, revocation, or termination are limited to an appeal under 2 Pa.C.S. §§ 501—508 (relating to general rules of administrative practice and procedure of administrative agencies); 1 Pa. Code Part II (relating to general

SAMPLE

rules of administrative practice and procedure); and 67 Pa. Code Chapter 491 (relating to administrative practice and procedure), which shall be initiated by filing a written request for a hearing within 30 days of the date of the notice provided by the Department.

15. Provider agrees that the Department reserves the right to suspend Provider's operations under this Agreement on an interim basis prior to a hearing, where it determines that Provider's conduct presents an immediate and substantial threat of serious harm to the public or the Department's interests. Any such interim suspension shall be subject to review as provided in 67 Pa. Code Chapter 491 (relating to administrative practice and procedure).

16. In the case of multiple instances of prohibited acts or omissions arising out of the same facts and circumstances, the Department may impose separate sanctions for each prohibited act or omission under the schedule set forth below. The Department may also direct that suspensions be served concurrently or consecutively and the Department reserves the right to impose sanctions of lesser duration than those set forth above, as it may deem appropriate. Acts or omissions of the same nature as prior acts and omissions may warrant imposition of a sanction in excess of those set forth below, as deemed necessary and appropriate by the Department.

17. Provider agrees that the following acts or omissions are prohibited and if Provider engages in any of the following acts or omissions, any such act or omission, alone, or combined with other similar acts or omissions, shall be considered sufficient grounds for suspension of Provider's certificate of authorization in accordance with the following schedule:

Prohibited Act or Omission	**Period of Suspension of Certificate of Authorization**
(1) The Provider has failed to allow inspection of documents or plates in the possession of the agent service by authorized Common-wealth employees or law enforcement — ***first violation.***	Certificate of Authorization suspended until the documents, plates, or both, are made available, plus one (1) month.
(2) The Provider has given, loaned or sold a plate or product including forms MV-1, MV-4ST and MV-120 to an issuing Provider, notary or other person — ***first violation.***	Certificate of Authorization suspended for three (3) months.
(3) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 30 days of issuance. — ***first violation.***	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus one (1) month. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).

SAMPLE

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(4) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 30 days of issuance. — ***second violation.***	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus three (3) months. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
(5) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 60 days of issuance. — ***first violation.***	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus three (3) months. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
(6) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 60 days of issuance. — ***second violation.***	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus six (6) months. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
(7) The Provider has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the Provider— ***first violation.***	Written warning and Certificate of Authorization suspended until the uncollectible checks, protest fees and collection charges are paid.
(8) The Provider has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the Provider — ***second violation.***	Certificate of Authorization suspended until uncollectible checks, protest fees and collection charges are paid, plus one (1) month.
(9) The Provider has failed to comply with an order from the Department to submit certified checks, postal or other money orders with a document to the Department for processing — ***first violation.***	Certificate of Authorization suspended for one (1) month.
(10) The Provider has failed to provide the Department with an inventory report within 30 days, as required by Department regulations — ***first violation.***	Certificate of Authorization suspended until report is provided.
(11) The Provider has charged a fee in excess of the fee allowed for providing an applicant with a temporary plate under Department regulations — ***first violation.***	Certificate of Authorization suspended for three (3) months.

SAMPLE

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(4) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 30 days of issuance. — ***second violation.***	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus three (3) months. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
(5) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 60 days of issuance. — ***first violation.***	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus three (3) months. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
(6) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 60 days of issuance. — ***second violation.***	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus six (6) months. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
(7) The Provider has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the Provider— ***first violation.***	Written warning and Certificate of Authorization suspended until the uncollectible checks, protest fees and collection charges are paid.
(8) The Provider has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the Provider — ***second violation.***	Certificate of Authorization suspended until uncollectible checks, protest fees and collection charges are paid, plus one (1) month.
(9) The Provider has failed to comply with an order from the Department to submit certified checks, postal or other money orders with a document to the Department for processing — ***first violation.***	Certificate of Authorization suspended for one (1) month.
(10) The Provider has failed to provide the Department with an inventory report within 30 days, as required by Department regulations — ***first violation.***	Certificate of Authorization suspended until report is provided.
(11) The Provider has charged a fee in excess of the fee allowed for providing an applicant with a temporary plate under Department regulations — ***first violation.***	Certificate of Authorization suspended for three (3) months.

SAMPLE

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(12) The Provider has issued products at a location not approved by the Department — ***first violation.***	Certificate of Authorization suspended for three (3) months and operation suspended at unapproved location until approved by Department or closed by the Provider.
(13) The Provider has not listed or obtained proper insurance information as required by 75 Pa.C.S § 1318(b) — ***first violation.***	Certificate of Authorization suspended for three (3) months.
(14) The Provider has reissued a temporary registration card without written authorization from the Department — ***first violation.***	Certificate of Authorization suspended for three (3) months.).
(15) The Provider has reissued a temporary registration card without written authorization from the Department — ***second violation.***	Certificate of Authorization suspended for six (6) months.
(16) The Provider has charged a fee for issuance of a temporary registration card in violation of 75 Pa.C.S. § 1310(c) — ***first violation.***	Written warning.
(17) The Provider has charged a fee for issuance of a temporary registration card in violation of 75 Pa.C.S. § 1310(c) — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(18) The Provider has failed to maintain the established place of business in accordance with contract requirements — ***first violation.***	Certificate of Authorization suspended until the established place of business is brought into compliance with contract requirements.
(19) The Provider has not issued registration plates in consecutive order, beginning with the lowest number in each series — ***first violation.***	Written warning.
(20) The Provider has not issued registration plates in consecutive order, beginning with the lowest number in each series — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(21) The Provider has not listed the date of the issuance of the registration cards, plates, permits or other products designated by the Department — ***first violation.***	Certificate of Authorization suspended for one (1) month.
(22) The Provider has not listed the date of the issuance of the registration cards, plates, permits or other products designated by the Department — ***second violation.***	Certificate of Authorization suspended for three (3) months.

SAMPLE

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(23) The Provider has failed to notify the Department of a change in ownership, location, e-mail address, staff engaged in the provision of agent services, or duly authorized and currently licensed notary on staff, before or within 10 days after the change — ***first violation.***	Certificate of Authorization suspended until an application related to the change in location has been submitted and approved
(24) The Provider has failed to keep the registration card or documents related to an application for title or registration in strict confidence — ***first violation.***	Certificate of Authorization suspended for three (3) months.
(25) The Provider has failed to keep the registration card or documents related to an application for title or registration in strict confidence — ***second violation.***	Certificate of Authorization suspended for six (6) months.
(26) The Provider has issued plates for a vehicle for which a title has already been issued, unless permitted under Department regulations — ***first violation.***	Written warning.
(27) The Provider has issued plates for a vehicle for which a title has already been issued, unless permitted under Department regulations — ***second violation.***	Certificate of Authorization suspended for three (3) months
(28) The Provider has issued a metal plate for transporting a vehicle out of State — ***first violation.***	Certificate of Authorization suspended for one (1) month.
(29) The Provider has issued a metal plate for transporting a vehicle out of State — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(30) The Provider has not listed its name and identification number on two or more applications and checks submitted to the Department — ***first violation.***	Certificate of Authorization suspended for one (1) month.
(31) The Provider has not listed its name and identification number on two or more applications and checks submitted to the Department — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(32) The Provider has issued a metal plate for a vehicle for which a certificate of salvage has been issued — ***first violation.***	Certificate of Authorization suspended for one (1) month.
(33) The Provider has issued a metal plate for a vehicle for which a certificate of salvage has been issued — ***second violation.***	Certificate of Authorization suspended for three (3) months.

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Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(34) The Provider has issued the incorrect type of plate for a particular vehicle — ***first violation.***	Written warning.
(35) The Provider has issued the incorrect type of plate for a particular vehicle — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(36) The Provider has failed to post fees, hours of operation, or certificate of authorization as required by this Agreement — ***first violation.***	Written warning.
(37) The Provider has failed to post fees, hours of operation, or certificate of authorization as required by this Agreement — ***second violation.***	Certificate of Authorization suspended for one (1) month.
(38) The Provider has failed, on more than two occasions, to be open during posted business hours — ***first violation.***	Written warning
(39) The Provider has failed, on more than two occasions, to be open during posted business hours — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(40) The Provider has refused to accept or service a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth — ***first violation.***	Written warning.
(41) The Provider has refused to accept or service a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(42) The Provider has failed to provide proper security for registration cards and plates — ***first violation.***	Certificate of Authorization suspended for one (1) month.
(43) The Provider has failed to provide proper security for registration cards and plates — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(44) The Provider has refused to issue, upon request, a registration card to an owner or lessee of a vehicle who has proper documentation — ***first violation.***	Written warning.
(45) The Provider has refused to issue, upon request, a registration card to an owner or lessee of a vehicle who has proper documentation — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(46) The Provider has failed to maintain a schedule of business hours which conforms to the requirements of this Agreement — ***first violation.***	Written warning.

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Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(47) The Provider has failed to maintain a schedule of business hours which conforms to the requirements of this Agreement — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(48) The Provider has issued an in-transit tag without verification that the vehicle will be transported to another state for registration — ***first violation.***	Certificate of Authorization suspended for one (1) month.
(49) The Provider has issued an in-transit tag without verification that the vehicle will be transported to another state for registration — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(50) The Provider has failed to furnish receipts as required or failed to retain duplicate copies of receipts for three (3) years — ***first violation.***	Written warning.
(51) The Provider has failed to furnish receipts as required or failed to retain duplicate copies of receipts for three (3) years — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(52) The Provider has issued a registration card or plate to an applicant without receiving proper proof of ownership documentation — ***first violation.***	Certificate of Authorization suspended for one (1) month.
(53) The Provider has issued a registration card or plate to an applicant without receiving proper proof of ownership documentation — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(54) The Provider has failed to file and retain required records under this Agreement — ***first violation.***	Written warning.
(55) The Provider has failed to file and retain required records under this Agreement — ***second violation.***	Certificate of Authorization suspended for three (3) months.
(56) The Provider has on more than one occasion failed to comply with any provision of the Vehicle Code or Department regulations not specifically noted elsewhere in this Agreement — ***first violation.***	Certificate of Authorization suspended for one (1) month.
(57) The Provider has on more than one occasion failed to comply with any provision of the Vehicle Code or Department regulations not specifically noted elsewhere in this Agreement — ***second violation.***	Certificate of Authorization suspended for three (3) months.

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Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(58) An owner, officer or employee of Provider has been convicted of a summary offense related to the titling, registration or payment of sales tax for a vehicle, which was committed in connection with the Provider and its business— ***first violation.***	Certificate of Authorization suspended for three (3) months.
(59) The Provider has failed to meet the training requirements pursuant to this Agreement – ***first violation.***	Certificate of Authorization suspended until Provider and/or employees attend the required training courses.
(60) The Provider has failed to meet the training requirements pursuant to this Agreement – ***second or subsequent violation.***	Certificate of Authorization suspended until Provider and/or employees attend the required training courses, plus one (1) month.
(61) The Provider has processed an application containing an address/addresses which do not correspond to the address/addresses displayed on the approved Pennsylvania proof of identification submitted with that application. – ***first violation.***	Certificate of Authorization suspended for one (1) month.
(62) The Provider has processed an application containing an address/addresses which do not correspond to the address/addresses displayed on the approved Pennsylvania proof of identification submitted with that application. – ***second violation.***	Certificate of Authorization suspended for three (3) months.
(63) The Provider has failed to request and retain State Police criminal background checks as required by this Agreement – ***first violation.***	Certificate of Authorization suspended until Provider comes into compliance with applicable sections of this Agreement.
(64) The Provider has failed to enter required information into the in-transit plate online tracking system at the time of issuance of an in-transit plate – ***first violation.***	Certificate of Authorization suspended for one (1) month.
(65) The Provider has failed to enter required information into the in-transit plate online tracking system at the time of issuance of an in-transit plate – ***second violation.***	Certificate of Authorization suspended for three (3) months.
(66) The Provider has issued an in-transit plate for a vehicle that has been issued a certificate of salvage or non-repairable certificate – ***first violation.***	Certificate of Authorization suspended for one (1) month.
(67) The Provider has issued an in-transit plate for a vehicle that has been issued a certificate of salvage or non-repairable certificate – ***second violation.***	Certificate of Authorization suspended for three (3) months.

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Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(68) The Provider, its owner, or employee has processed an application for title or registration but failed to verify the public Vehicle Identification Number of the vehicle as required by this Agreement applicable laws and regulations – ***first violation.***	Certificate of Authorization suspended for one (1) month.
(69) The Provider, its owner, or employee has processed an application for title or registration but failed to verify the public Vehicle Identification Number of the vehicle as required by this Agreement applicable laws and regulations – ***second violation.***	Certificate of Authorization suspended for three (3) months.
(70) An unauthorized employee or individual has issued a registration card or plate assigned to the Provider – ***first violation.***	Certificate of Authorization suspended for one (1) month.
(71) An unauthorized employee or individual has issued a registration card or plate assigned to the Provider – ***second violation.***	Certificate of Authorization suspended for three (3) months.
(72) Provider has issued registration cards or plates but has delivered documents that are incomplete, invalid or otherwise defective. – ***first violation.***	Certificate of Authorization suspended for one (1) month.
(73) Provider has issued registration cards or plates but has delivered documents that are incomplete, invalid or otherwise defective. – ***second violation.***	Certificate of Authorization suspended for three (3) months.
(74) Provider has failed to comply with any Department policy or procedure not otherwise mentioned above – ***first violation.***	Certificate of Authorization suspended for three (3) months.
(75) Provider has failed to comply with any Department policy or procedure not otherwise mentioned above – ***second violation.***	Certificate of Authorization suspended for six (6) months.

18. Notwithstanding any suspension period stated above, if Provider has not remedied the act or omission resulting in suspension at the end of any suspension period, the suspension shall continue beyond the suspension period stated above (or in the Department's written notice) until the act or omission is fully remedied to the satisfaction of the Department.

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19. Provider agrees that the following acts or omissions are prohibited and if Provider engages in any of the following acts or omissions, any such act or omission, alone, or combined with other similar acts or omissions, shall be considered sufficient grounds for revocation of Provider's certificate of authorization in accordance with the following schedule:

(1) The Provider has issued a registration card or plate containing a misstatement of fact or other false information which the Provider knew or should have known to be false – ***first violation***.

(2) The Provider has accepted proof of identification documents which fail to conform to Department guidelines in connection with issuance of the registration cards or plates – ***first violation.***

(3) The Provider has re-issued a temporary registration card without written authorization from the Department – ***third violation.***

(4) The Provider has processed applications or issued registration cards or plates without proper documentation as required by the Department – ***first violation.***

(5) The Provider has failed to allow inspection of documents or plates in the possession of the Provider by authorized Commonwealth employees or law enforcement – ***second violation.***

(6) The Provider has consigned or transferred plates to other issuing Providers, notaries or persons – ***second violation.***

(7) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 30 days of issuance – ***third violation.*** The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).

(8) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 60 days of issuance – ***third violation.*** The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).

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(9) The Provider has issued registration cards or plates but has failed to deliver proper documents, fees or taxes to the Department within 90 days of issuance – ***first violation.*** The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).

(10) The Provider has been convicted of a felony or misdemeanor relating to the titling, registration or collection of sales tax and fees for a vehicle or an owner, officer or employee has been convicted of any felony relating to motor vehicles within the last 10 years – ***first violation.***

(11) The Provider has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the Provider – ***third violation.***

(12) The Provider has failed to comply with an order from the Department to submit certified checks, postal or other money orders with a document to the Department for processing – ***second violation.***

(13) The Provider has failed to provide the Department with an inventory report within 30 days, as required by Department regulations – ***second violation.***

(14) The Provider has charged a fee in excess of the fee allowed for providing an applicant with a temporary plate under Department regulations – ***second violation.***

(15) The Provider has offered or delivered money, gifts or other items of substantial value to a Commonwealth employee – ***first violation.***

(16) The Provider has operated an additional location without notifying the Department – ***second violation.***

(17) The Provider has failed to disclose material information or has made a materially false statement on the application for certificate of authorization, and which would have been a basis for denial of the certificate of authorization – ***first violation.***

(18) The Provider has not listed or obtained proper insurance information as required by 75 Pa.C.S. § 1318(b) – ***second violation.***

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(19) The Provider has charged a fee for the issuance of a temporary registration card in violation of 75 Pa.C.S. § 1310(c) – ***third violation.***

(20) The Provider has failed to maintain the established place of business in accordance with contract requirements – ***second violation.***

(21) The Provider has not issued registration plates in consecutive order, beginning with the lowest number in each series – ***third violation.***

(22) The Provider has not listed the date of the issuance of the registration cards, plates, permits or other products designated by the Department – ***third violation.***

(23) The Provider has failed to notify the Department of a change in ownership, location, e-mail address, staff engaged in the provision of agent services, or duly authorized and currently licensed notary on staff, before or within 10 days after the change – ***second violation.***

(24) The Provider has failed to keep the registration card and documents related to the application for title or registration, or both, in strict confidence – ***third violation.***

(25) The Provider has issued registration plates for a vehicle for which a title has already been issued, unless permitted under Department regulations – ***third violation.***

(26) The Provider has issued a metal plate for transporting a vehicle out-of-State – ***third violation.***

(27) The Provider has not listed its name and identification number, as required, on two or more applications and checks submitted to the Department– ***third violation.***

(28) The Provider has issued a metal plate for a vehicle for which a certificate of salvage has been issued– ***third violation.***

(29) The Provider has issued the incorrect type of plate for a particular vehicle – ***third violation.***

(30) The Provider has failed to post fees, hours of operation, or certificate of authorization as required by this Agreement– ***third violation.***

(31) The Provider has failed on two or more occasions to open during posted business hours – ***third violation.***

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(32) The Provider has refused to accept a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth – ***third violation.***

(33) The Provider has failed to provide proper security for registration cards and plates – ***third violation.***

(34) The Provider has refused to issue, upon request, a registration card to an owner or lessee of a vehicle who possesses proper documentation – ***third violation.***

(35) The Provider has failed to maintain an adequate schedule of business hours – ***third violation.***

(36) The Provider has issued an in-transit plate without verification that the vehicle will be transported to another state for registration – ***third violation.***

(37) The Provider has failed to furnish receipts as required or failed to retain duplicate copies of receipts for three (3) years – ***third violation.***

(38) The Provider has issued a registration card or plate to an applicant without proper proof of ownership documentation – ***third violation.***

(39) The Provider has failed to file and retain required records under this agreement – ***third violation.***

(40) The Provider has on more than one occasion failed to comply with any provision of the Vehicle Code or Department regulations not specifically noted elsewhere in this Agreement – ***third violation.***

(41) The Provider has been convicted of a summary offense, relating to the titling, registration or payment of sales tax for a vehicle, which was committed in connection with the agent services provided under this Agreement – ***second violation.***

(42) The Provider has processed an application containing an address/addresses which do not correspond to the address/addresses displayed on the approved Pennsylvania proof of identification submitted with that application – ***third violation.***

(43) The Provider has failed to enter required information into the in-transit plate online tracking system at the time of issuance of an in-transit plate – ***third violation.***

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(44) The Provider has issued an in-transit plate for a vehicle that has been issued a certificate of salvage or non-repairable certificate – ***third violation.***

(45) The Provider has processed an application for title or registration but failed to verify the public Vehicle Identification Number of the vehicle as required by this agreement applicable laws and regulations – ***third violation.***

(46) An unauthorized employee or individual has issued a registration card or plate assigned to the Provider – ***third violation.***

(47) Provider has issued registration plates but has delivered documents that are incomplete, invalid or otherwise defective – ***third violation.***

(48) Provider has failed to comply with any Department policy or procedure not otherwise mentioned above – ***third violation.***

20. Provider agrees that it shall immediately surrender its certificate of authorization and Department Products, including but not limited to registration cards and plates, title and registration materials, for the duration of any such period of suspension or revocation, or upon termination of this Agreement.

21. Termination of the Agreement (or an expression of an intent not to renew the Agreement) by either party does not relieve Provider of its obligation to comply with this Agreement, its attachments and the Program Requirements, all of which shall survive termination or nonrenewal and remain in full force and effect during any suspension or revocation of a certificate of authorization. Provider may terminate this Agreement or not renew it upon 30 days' written notice to the Department, and upon providing such notice of termination or nonrenewal, shall upon the effective date of such termination or nonrenewal, *immediately*, return all unissued Products and related materials to the Department. Following termination or nonrenewal, any Provider intending to enter into a new agreement with the Department to provide agent services shall resubmit a full application to the Department, unless otherwise agreed between the parties.

22. Provider shall file and maintain with the Department a bond in the amount of $30,000.00 for each of Provider's approved business locations, so as to secure the faithful performance of this Agreement and its Program Requirements. The bonds shall be executed by a surety company authorized by law to transact business in this Commonwealth and shall be for the use and benefit of the Commonwealth and persons who have sustained a

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monetary loss attributable to the intentional or negligent conduct of the Provider or Provider's employees, including but not limited to losses incurred in negotiating checks or other instruments drawn by the Provider, in accordance with 67 Pa. Code §43.9(d). If the amount available under the bond is decreased, or if there is a final judgment outstanding on the bond, the Department reserves the right to suspend or revoke Provider's certificate of authorization until steps are taken, satisfactory to the Department, to restore the original amount of the bond, provide an additional bond or satisfy the outstanding judgment. If the bond is terminated or becomes unsatisfactory for any reason, the Provider's certificate of authorization shall be suspended until the Provider furnishes the Commonwealth with a satisfactory substitute bond in the amount required by the Department. The Department reserves the right to increase the amount of financial security to be furnished under this section and the Department reserves the right to accept other forms of financial security (other than bonds), if approved in writing by the Department.

23. The Provider agrees to be bound by the current versions of the Commonwealth's Provisions Concerning the Americans With Disabilities Act, Nondiscrimination/Sexual Harassment Clause, the Contractor Integrity Provisions, Contractor Responsibility Provisions and the Right-to-Know Law Provisions, which are attached hereto as Exhibits "C," "D," "E," "F" and "G," respectively and incorporated herein by reference as though set forth at length. The term "contractor" as used in these provisions shall mean "Provider."

24. The Provider shall comply with all applicable federal laws, state laws, applicable regulations and local ordinances in carrying out its obligations under this Agreement, which now exist or may be enacted, promulgated or implemented in the future.

25. The Provider agrees to save harmless, indemnify and, if requested, defend the Commonwealth of Pennsylvania, the Department, their officers, employees or agents from and against all claims, suits or actions for damages, costs or expenses arising, or alleged to have arisen, from death or injury to person or property, or other damage as a result of any act or omission of the Provider in performing this Agreement and agent services.

26. The laws of the Commonwealth of Pennsylvania shall apply to this Agreement and be used in the interpretation of this Agreement.

27. This Agreement, Program Requirements and the attachments hereto constitute the entire agreement between the parties.

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28. This Agreement shall be for an initial term of five years commencing on the effective date. After the initial term, the Agreement shall renew automatically for five additional periods of one year each, except upon 30 days' written notice of either party's intent not to renew the Agreement.

29. Except as specifically addressed above (i.e., amendments to the Program Requirements by way of e-mail notice), this Agreement may be amended at any time by the exchange of a letter, mutually executed by both parties' authorized signatories, and the Department's Office of Chief Counsel.

30. This Agreement will not be effective until fully executed by all required Commonwealth signatories, and the effective date to be entered at the top of page one will be the date upon which the last required Commonwealth signatory executes this Agreement.

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IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

ATTEST

BY_____
Title: DATE

PROVIDER

BY_____
Title: DATE

If a Corporation, only the Chairman, President, Vice-President, Senior Vice-President, Executive Vice-President, Assistant Vice-President, Chief Executive Officer or Chief Operating Officer must sign; if a sole proprietorship, only the owner must sign; if a partnership, only one partner need sign; if a limited partnership; only the general partner may sign; if a limited liability company, only a member or managing member may sign. If another type of entity, please attach a resolution.

DO NOT WRITE BELOW THIS LINE – FOR COMMONWEALTH USE ONLY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY_____
Deputy Secretary, DATE
Driver & Vehicle Services or Designee

APPROVED AS TO LEGALITY
AND FORM

BY _____
for Chief Counsel Date

Preapproved Form:
OGC No. 18-FA-67.0
Approved OAG 3/5/2014

SAMPLE

EXHIBIT "B"

PROGRAM REQUIREMENTS

0.0 APPLICATION REQUIREMENTS

0.1 An Applicant to be a Provider, certifies that it or any of its owners, managers or employees, is not under sanction or investigation by the Department or that it or any of its owners, managers or employee, has not previously been sanctioned by the Department for violations of the Vehicle Code (75 Pa.C.S. 101 et seq.), Department Regulations, or any existing agreement with the Department of Transportation. Sanctions may not necessarily bar an agent from becoming a Provider, as the Department will consider each case on its own merits; however, such information could certainly preclude one from being a Provider, when in the best interests of the Department.

0.2 Applicants shall provide the business name, address, phone number, fax number, email address, Federal ID number and all other information requested by the Department.

0.3 An Applicant shall provide the name and home address of all employees who will be involved in ownership, management and conducting the agent services and indicate the responsibilities each will have within the service.

0.4 An Applicant shall provide a letter or letters of reference from a bank or other financial institution(s) indicating that accounts of the applicant are handled in a satisfactory manner that is consistent with standard banking practices.

0.5 Applicant shall provide three letters of reference from business concerns, on business stationery, attesting to the character of the Applicant.

0.6 Applicant shall provide a notarized statement that no monies are due and owing the Commonwealth of Pennsylvania by the Applicant, the Applicant's business entity or by the owners and officers of the business.

1.0 GENERAL REQUIREMENTS

1.1 Provider shall be a, or employ at least one, notary public, licensed by the Department of State, Bureau of Commissions, Elections and Legislation, to be present at the premises during all hours of operation, unless Provider is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons.

1.2 Provider shall provide the name, address, signature and the notary stamp of a notary public who will be engaged in or employed during the hours of operation of the notary service. A copy of the Notary Commission must also be provided. If verification in lieu of notarization is used, then a notary is not required for agents with an 85, 86 or 87 Dealer ID Number. If verification in lieu of notarization is used, Provider must submit a written statement that this process will be used and provide the stamp indicating the dealer name and dealer ID number.

1.3 Provider must pay an assessment of $60.00 to the Motor Vehicle Transaction Recovery Fund, in addition to any other license fees which may be required by the Department or law.

1.4 Provider shall be responsible for all costs and fees associated with the operation of its business, including costs and fees associated with maintaining a bond in favor of the Department or otherwise complying with requirements imposed by the Department from time to time by way of amendments to these Program Requirements.

1.5 No official or employee of the Commonwealth shall be eligible to enter into a contract with the Department to own or operate an agent or messenger service nor shall an agent or messenger employ an official or employee of the Commonwealth.

1.6 Provider shall enter all vehicle owner, vehicle, insurance, and driver information into the Department's online in-transit plate tracking system at the same time an in-transit plate is issued, so long as the Provider has taken the steps necessary to issue in-transit plates. In order to be authorized to issue temporary in-transit plates (as currently described in 67 PA. CODE § 43.5(d)(2)(c), or such other applicable regulation), Provider shall: 1) apply and be approved, via contract, as an Online Messenger; or 2) be a participant in the Online Registration Program by entering into a contract with an approved integrator under the Online Registration Program; however, if Provider's certificate of authorization is suspended or revoked in accordance with the Agent Services Agreement of which these Program Requirements are a part (hereinafter "Agreement"), or the Agreement is terminated, the Provider agrees that it will be ineligible to participate in the Online Registration Program or as an Online Messenger for the duration of any such suspension, revocation or termination.

1.7 Provider shall require that each applicant for title and registration provide, at the time of making application, valid proof of identification to verify the identity of a person when completing/processing the application for title and registration. The acceptable copies are:

1.7.1 A valid Pennsylvania Photo Driver's License;

1.7.2 A valid Pennsylvania Photo Identification Card;

1.7.3 A valid Pennsylvania Photo Exempt Driver's License;

1.7.4 A valid Pennsylvania Photo Exempt Identification Card;

1.7.5 A valid Pennsylvania 15-day temporary internet driver's license or identification card renewal credential and expired DL/ID;

1.7.6 A valid Pennsylvania Camera Card and Expired Pennsylvania Identification Credential; or

1.7.7 A valid U.S. Armed Forces Common Access Card – Dependents of Armed Forces personnel must provide a valid United States Uniformed Service Identification and Privilege Card (DD Form 1173);

Each of the above documents must be in the same name as the name listed on the motor vehicle application. In addition, the address must be listed on the application as it appears on the above proof of ownership document.

1.8 Provider shall provide agent services in accordance with the Department's policies and procedures as specified by the Department's web site, Driver and Vehicle Services Update Bulletins, Agent Services Basic Title and Registration Course and Advanced Refresher Training Manual, which are hereby incorporated by reference as though attached as a material part of the Agreement and these Program Requirements, and Provider, including its owners, operators and employees, acknowledges receiving, reviewing and understanding these documents, which may be amended from time to time.

1.9 Provider, if participating in the Online Registration Program, shall also engage in the provision of such services and processing of motor vehicle title and registration applications in accordance with the Department's policies and procedures as specified by the Department's web site, Driver and Vehicle Services Update Bulletins, Agent Services Basic Title and Registration Course and Advanced Refresher Training Manual, and Program Requirements.

2.0 FACILITY REQUIREMENTS

2.1 Provider shall at all times maintain a facility which is acceptable in appearance to the Department and is in compliance with all applicable federal, state and local laws, including local zoning ordinances and building codes, as well as all provisions of the Agreement and these Program Requirements. The Provider must ensure that each location meets all such requirements and must request the Department's approval prior to opening any additional location that Provider seeks to operate the Agent Service pursuant to this Agreement.

2.2 Each Agent Service facility shall have adequate parking to accommodate the anticipated volume of business and shall provide specified parking for persons with disabilities, in accordance with applicable standards promulgated by the Department of Labor and Industry, including but not limited to those standards set forth at 34 Pa. Code, Chapter 47.

2.3 Each of Provider's facilities shall include secure storage for temporary registration cards, license plates, permits and other products (collectively "product stock") designated by the Department and shall be approved by the Department. Each of Provider's facilities shall provide a storage facility with solid door construction, secured hinges, secured ceiling and walls, deadbolt lock and interior construction adequate to store all documents to be submitted to the Department and all product stock. Adjustments may be made in storage requirements if deemed desirable by the Department and justified by the applicant by way of amending these Program Requirements.

2.4 Each Agent Service facility shall have active telephone service, a working fax machine, a working copy machine, an office shredder and an active electronic mail (email) account which the Provider shall check on a regular basis. The Department, at its discretion, may require the Provider to also have on-site a connection through a personal computer to the Internet, or may require other technology the Department may deem appropriate for the provision of agent services by way of the mechanism set forth in the Agreement in which notice of such changes shall be sent by e-mail. If the Provider issues temporary in-transit plates, then the Provider shall maintain necessary connections consistent with the Online Messenger Agreement or Online Registration Program requirements. Official communications from the Bureau of Motor Vehicles to Providers may come via the Provider's registered e-mail address, as it appears on Page 1 of the Agent Service Agreement. Changes to Provider's e-mail address must be submitted in writing to the Department of Transportation, care of the Regulated Client Services Section, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104.

2.5 Provider must submit photographs of the interior and exterior of the proposed place of business. The photographs must show the entrance way, exterior signs, phone and desk area, secure area for storage and display of fees and charges relating to the issuance of temporary cards and plates.

2.6 The Agreement executed by Provider shall apply to all approved agent services locations operated by Provider; however, prior to a change in the location of or establishment of any agent services business location, Provider agrees to submit to the Department all facility-related information required as though the Provider were making an initial application to provide agent services. The Department reserves the right to approve or deny any relocation in its discretion.

2.7 The Provider shall submit notice to the Department of any change in ownership, location, e-mail, staff engaged in the provision of services under the Agreement, or duly authorized and currently licensed notary on staff, before or within 10 days of such change. Changes must be submitted in writing to the Department of Transportation, care of the Regulated Client Services Section, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104.

2.8 Consistent with 67 Pa. Code § 43.6(b) or such other applicable regulation, the Department may provide temporary written authorization for a Provider to issue temporary registration plates at a location other than the approved locations of the Provider for a period not to exceed one (1) year by way of issuing a certificate of authorization. The privilege to issue temporary registration plates from a location other than the Provider's approved locations is revocable if the Department finds that the dealer, manufacturer or Provider has violated applicable provisions of the law, regulations or this Agreement, which provides such written authorization.

3.0 HOURS OF OPERATION

Each Agent Service facility shall be open to the public for business a minimum of 20 hours per week between the hours of 7:00 AM and 9:00 PM, or open to the public 10 hours per week with an additional 10 hours per week between the hours of 7:00 AM and 9:00 PM during which consumers may schedule an appointment. The facility may be closed for reasonable periods of time due to vacation or illness, subject to the signage requirements set forth below.

4.0 PROVIDER/STAFFING REQUIREMENTS

4.1 Provider shall ensure that all employees involved in providing agent services be familiar with all information and policies pertaining to the provision of agent services available in the Department's Driver and Vehicle Services Update bulletins, as well as any and all information and policies published on the Departments' web site; contained in the Department's Agent Services Basic Title and Registration Course and Advanced Refresher Training Manual. The foregoing documents are hereby incorporated by reference as part of this Exhibit. Each individual engaged in the provision of service pursuant to the Agreement and Program Requirements shall do so in the manner prescribed in each of these documents.

4.2 Provider shall complete, and shall ensure that each employee involved in providing agent services completes, the Agent Services Basic Title and Registration training course prior to the Provider's or its employee's involvement in provision of services under the Agreement and Program Requirements. Provider shall keep on file all certificates of completion of the required training courses for the duration of the Agreement.

4.3 Provider shall complete, and shall ensure that each employee involved in providing agent services completes, the Agent Services Advanced Refresher training course at least once every two years following completion of the Agent Services Basic Title and Registration training course. Provider shall keep on file all certificates of completion of the required training courses for the duration of the Agreement.

4.4 Provider shall, at the time of application, and annually thereafter, obtain a criminal record check from the Pennsylvania State Police for all owners and operators, and at the time of hiring, and annually thereafter, for each of Provider's employees, who are involved in providing agent services. If an individual owner, officer or employee is a resident of a state other than Pennsylvania, then a criminal background check from their state of residence shall also be provided. All backgrounds checks shall be kept on file and Provider shall make such criminal record checks available to the Department upon request. The Provider shall submit the criminal record check(s) for each prospective employee to the Department prior to the employee engaging in provision of services pursuant to this Agreement. If a prior criminal conviction of any type or grade exists, the agent service must furnish the facts of the offense, and secure Department approval before hiring or utilizing the person involved. The criminal record check must be no less than one year old at the time an application is submitted. Provider shall also comply with any additional background checks as specified herein, or as may be required.

4.5 No official or employee of the Commonwealth shall be eligible to enter into a contract with the Department to own or operate an agent service nor shall an agent service employ an official or employee of the Commonwealth.

4.6 The Department may deem any individual who has engaged in conduct harmful to the Department, as described herein or in the Agent Services Agreement, ineligible to participate in the provision of services under any agreement with the Department.

4.7 Provider shall, at the time of application, and annually thereafter, secure an affidavit from each person involved in providing the agent service that the person has read and understood: the Agent Services Agreement and its attachments (including but not limited to its Exhibit B, Program Requirements, that may be amended from time to time); the provisions of 75 Pa.C.S. Chapters 11 (relating to certificate of title and security interests), 13 (relating to registration of vehicles), 23 (relating to motor vehicle transaction recovery fund), and 75 (relating to authorization of agent and messenger services); 75 Pa.C.S. § 6114 (relating to limitation on sale, publication and disclosure of records); and 67 Pa. Code Chapter 43 (relating to temporary cards and plates). Provider shall retain the affidavit(s) on file, at all times, for inspection upon request by the Department.

4.8 Individuals who have engaged in the following activities shall not be eligible to serve as an owner, manager, officer or employee providing agent services:

4.8.1 Misrepresentation, misstatement or fraud in the Provider's application to provide agent services;

4.8.2 Conviction of a felony involving dishonesty or breach of trust;

4.8.3 Having had an agent, card agent, messenger service, or on-line messenger agreement terminated or revoked by the Department in the past;

4.8.4 Conduct harmful to the Department, as described herein or in the Agent Services Agreement;

4.8.5 Conviction of a felony or misdemeanor relating to the titling, registration or collection of sales tax and fees for a vehicle, or conviction any other felony relating to motor vehicles;

4.8.6 Having been found to have engaged in odometer or Vehicle Identification Number (VIN) tampering; or

4.8.7 Conviction of a crime under Title 18 of the Pennsylvania Consolidated Statutes, Annotated, or the criminal laws of the United States, where the crime violates any term or condition of the Agreement or is of a nature that adversely impacts the Provider's ability to fully perform the Agreement or provide agent services in a secure manner.

5.0 SIGNAGE AND MATERIALS

5.1 Provider shall at all times prominently display the hours of operation during which the Provider's service is provided. If the facility is closed due to vacation or illness, the closure will be prominently posted at the entrance to the facility.

5.2 Provider will conspicuously post a schedule of Department motor vehicle fees and fees charged by Provider for the five (5) most common transactions for which services are provided on a sign at least 3 square feet in size (approximately 22" x 20") with lettering at least ¼ inch high.

5.3 Provider will prominently post the certificate of authorization for the agent service at the place of business.

5.4 The Department reserves the right, in its discretion, to request the removal of any agent advertising or website information that is inaccurate, offensive or deceptive.

5.5 Provider will prominently post the Fraud Tip Hotline information notice at the Provider's place of business in clear view for the customers. The notice must contain the following wording: PennDOT WANTS TO HEAR FROM YOU! Agents are private businesses under contract with PennDOT. If you witness, suspect or know of improper or suspicious activity or have concerns regarding motor vehicle or driver licensing paperwork, please contact PennDOT at PennDOTTip@state.pa.us. All reports will be kept confidential. When you contact us, please provide as much detail as possible. Please include your contact information as PennDOT may need to contact you for additional information.

6.0 RECORD RETENTION

Provider must maintain the agent's copy of the temporary registration card or applicant summary sheet, copies of related documents including but not limited to bills of sale when the agent is also the dealer and a copy of the proof of identification (front and back) that complies with the Department's proof of identification policies set forth in the

Agreement, a copy of the proof of ownership document (front and back) and a copy of the document(s) used to verify financial responsibility, which complies with Chapter 1318 of the Pennsylvania Vehicle Code. These records must be retained for three (3) years at the authorized place of business and be made available for inspection by law enforcement or an authorized representative of the Department. If Provider elects to retain required records in an electronic format, Provider must comply with the "Document Imaging System Requirements" attached hereto. At the end of the three (3) years' period, the Provider shall shred all personal customer information prior to disposal in a garbage receptacle, including but not limited to any document containing customer addresses, vehicle and driver information, employee notes that contain personal customer information and all copies of completed forms and documents that are being discarded. Alternatives to on-site shredding of documents can be discussed and approved only by the Department, in its discretion, but in no event shall personal customer information be discarded without appropriate security measures.

7.0 SUBMISSION OF APPLICATIONS

7.1 The Department, in its sole discretion, may require Provider to participate in the Online Registration Program (OLRP) or to process and submit any transaction to the Department electronically.

7.2 Completed applications and fees for vehicle registration shall be submitted by Provider to the Department as soon as practicable, but must be submitted within 20 calendar days of issuance of the temporary registration card, plate or other product designated by the Department, either by authorized messenger service or by mail. If the Provider has also contracted with the Department as a Messenger Service, in lieu of the foregoing 20 calendar days' requirement, Provider must submit completed applications and fees within five (5) calendar days in accordance with the requirements of the Messenger Service Agreement. Participants in the Online Registration Program must process and input all transactions associated with vehicle titling transactions to the Department using the applicable online Interface no later than the close of business 15 days following the date of the transaction.

7.3 The Department, in its sole discretion, may require Provider to submit source documents and fees to the Department utilizing digital imaging technology or electronically in a manner prescribed by the Department.

8.0 SECURITY

8.1 At the close of the hours of operation of the Provider service, Provider shall place all temporary cards, plates, permits or other products designated by the Department in the place of secured storage approved by the Department.

8.2 Supplies of temporary cards, plates, permits or other products designated by the Department shall not be held or placed at any time on any workstation area within the grasp of the public. Individual temporary cards, plates, permits or other Products designated by the Department shall at no time be left unattended on any workstation area within the grasp of the public.

8.3 If temporary cards, registration plates, permits or other products designated by the Department are lost or stolen, the Provider must notify the Department of the loss or theft immediately after discovery of the loss. This notice shall be in the form of an affidavit and shall give complete details of the loss or theft of the materials. In the event of theft, the theft shall be reported to appropriate police officials immediately upon discovery of the theft and a police report shall be submitted to the Department within 10 days of the theft. Failure to comply with the loss or theft of materials reporting requirement of this paragraph shall be a ground for suspension of the Provider's certificate of authorization for a period of four (4) months.

9.0 AUDITS

9.1 The Department reserves the right to make unannounced visits to audit, observe and inspect Provider's agent service operations. Temporary registration plates and related documents shall be available for inspection, with or without notice, by authorized Commonwealth employees or designees, including law enforcement officers or officials.

9.2 Records required by the Department to be maintained by the Provider in carrying out the duties, responsibilities and obligations under this Agreement shall be subject to periodic inspection by authorized representatives of the Commonwealth or designated personnel under the following conditions:

(1) Place – The inspection may be conducted at the Provider's place of business.

(2) Time – The inspection may be conducted during regular business hours.

(3) Scope – The inspection may include but not be limited to examination of the records (including all applications for titles and registrations and required supporting documents), plates, permit or other Products designated by the Department; or any inventory which is subject to the record keeping requirements of this Agreement and Department regulations. Based on initial findings, the inspection may be expanded to include investigation of other violations of the Agreement or any other Department agreement, laws, regulations or policies.

Program Requirements for Out of State Agents

10.0 APPLICATION REQUIREMENTS

10.1 To be a Provider an Applicant must self-certify that neither it nor any of its owners, managers or employees, is under sanction or investigation by the Pennsylvania Department of Transportation (Department) and that neither it nor any of its owners, managers or employees, has previously been sanctioned by the Department for violations of the Vehicle Code (75 Pa.C. S. 101 et seq.), Department Regulations, or any existing agreement with the Department of Transportation. In addition, an Applicant must self-certify that neither it nor any of its owners, managers and employees are under sanction or investigation, and that neither it nor any of its owners, managers or employees has been previously sanctioned or investigated, by the Jurisdiction in which the business is located. If any of its owners, managers or employees have been sanctioned or investigated, or is currently subject to sanctions or investigations, describe the

circumstances giving rise to the sanction or investigation and the nature of any sanction imposed. Sanctions may not necessarily bar an applicant from becoming a Provider, as the Department will consider each case on its own merits; however, such information could certainly preclude an Applicant from being a Provider, when in the best interests of the Department.

10.2 Applicants shall provide the business name, address, phone number, fax number, email address, Federal ID number and all other information requested by the Department.

10.3 An Applicant shall provide the name and home address of all employees who will be involved in ownership, management and conducting the agent services and indicate the responsibilities each will have within the service.

10.4 An Applicant shall provide a letter or letters of reference from a bank or other financial institution(s) indicating that accounts of the applicant are handled in a satisfactory manner that is consistent with standard banking practices.

10.5 Applicant shall provide three letters of reference from business(s) with which it has conducted business, on business stationery, attesting to the character of the Applicant.

10.6 Applicant shall provide a notarized statement that no monies are due and owing the Commonwealth of Pennsylvania by the Applicant, the Applicant's business entity or by the owners and officers of the business.

11.0 GENERAL REQUIREMENTS

11.1 Provider shall be a, or employ at least one, notary public, licensed within its Jurisdiction, to be present at the premises during all hours of operation. Provider shall provide the name, address, signature and the notary stamp of a notary public who will be engaged in or employed during the hours of operation of the notary service. A copy of the Notary Commission must also be provided.

11.2 Provider must pay an assessment of $60.00 to the Motor Vehicle Transaction Recovery Fund, in addition to any other license fees which may be required by the Department or law.

11.3 Provider shall be responsible for all costs and fees associated with the operation of its business, including costs and fees associated with maintaining a bond in favor of the Department or otherwise complying with requirements imposed by the Department from time to time by way of amendments to these Program Requirements.

11.4 No official or employee of the Jurisdiction shall be eligible to enter into a contract with the Department to own or operate an agent or messenger service nor shall an agent or messenger employ an official or employee of the Jurisdiction or officials and employees of the Provider's home Jurisdiction as well.

11.5 Provider shall require that each applicant for title and registration provide, at the time of making application, valid proof of identification to verify the identity of a person when completing/processing the application for title and registration. The following are acceptable as valid proof of identification:

11.5.1.1 A valid Pennsylvania Photo Driver's License;

11.5.1.2 A valid Pennsylvania Photo Identification Card;

11.5.1.3 A valid Pennsylvania Photo Exempt Driver's License;

11.5.1.4 A valid Pennsylvania Photo Exempt Identification Card; or

11.5.1.5 A valid Pennsylvania 15-day temporary internet driver's license or identification card renewal credential and expired DL/ID;

11.5.1.6 A valid Pennsylvania Camera Card and Expired Pennsylvania Identification Credential; or

11.5.1.7 A valid U.S. Armed Forces Common Access Card – Dependents of Armed Forces personnel must provide a Valid United States Uniformed Service Identification and Privilege Card (DD Form 1173);

Each of the above documents must be in the same name as the name listed on the motor vehicle application. In addition, the address must be listed on the application as it appears on the above proof of ownership document.

12.0 FACILITY REQUIREMENTS

12.1 Provider shall at all times maintain a facility which is acceptable in appearance to the Department and is in compliance with all applicable federal, state and local laws, including local zoning ordinances and building codes, as well as all provisions of the Agreement and these Program Requirements. The Provider must ensure that each location meets all such requirements and must request the Department's approval prior to opening any additional location that Provider seeks to operate the Agent Service pursuant to this Agreement.

12.2 Each of Provider's facilities shall include secure storage for temporary registration cards, license plates, permits and other products (collectively "product stock") designated by the Department and shall be approved by the Department. Each of Provider's facilities shall provide a storage facility with solid door construction, secured hinges, secured ceiling and walls, deadbolt lock and interior construction adequate to store all documents to be submitted to the Department and all product stock. Adjustments may be made in storage requirements if deemed desirable by the Department and justified by the applicant by way of amending these Program Requirements.

12.3 Each of Provider's facilities shall have active telephone service, a working fax machine, a working copy machine, an office shredder and an active electronic mail (email) account which the Provider shall check on a regular basis. The Provider must have on-site a connection through a personal computer to the Internet, or may require other technology the Department may deem appropri ate for the provision of agent services by way of the mechanism set forth in the Agreement in which notice of such changes shall be sent by e-mail. Official communications from the Bureau of Motor Vehicles to Providers may come via the Provider's registered e-mail address, as it appears on Page 1 of the Agent Service Agreement. Changes to Provider's e-mail address must be submitted in writing to the Department of Transportation, care of the Regulated Client Services Section, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104.

12.4 Provider must submit photographs of the interior and exterior of the proposed place of business. The photographs must show the entrance way, exterior signs, phone and desk area, secure area for storage and display of fees and charges relating to the issuance of temporary cards and plates.

12.5 The Agreement executed by Provider shall apply to all approved agent services locations operated by Provider; however, prior to a change in the location of or

establishment of any agent services business location, Provider agrees to submit to the Department all facility-related information required as though the Provider were making an initial application to provide agent services. The Department reserves the right to approve or deny any relocation in its discretion.

12.6 The Provider shall submit notice to the Department of any change in ownership, location, e-mail, staff engaged in the provision of services under the Agreement, or duly authorized and currently licensed notary on staff, before or within 10 days of such change. Changes must be submitted in writing to the Department of Transportation, care of the Regulated Client Services Section, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104.

13.0 PROVIDER/ STAFFING REQUIREMENTS

13.1 Provider shall ensure that all employees involved in providing agent services be familiar with all information and policies pertaining to the provision of agent services available in the Department's Driver and Vehicle Services Update bulletins, as well as any and all information and policies published on the Departments' website; contained in the Department's Agent Services Basic Title and Registration Course and Advanced Refresher Training Manual. The foregoing documents are hereby incorporated by reference as part of this Exhibit. Each individual engaged in the provision of service pursuant to the Agreement and Program Requirements shall do so in the manner prescribed in each of these documents.

13.2 Provider shall complete, and shall ensure that each employee involved in providing agent services completes, the Agent Services Basic Title and Registration training course prior to the Provider's or its employee's involvement in provision of services under the Agreement and Program Requirements. Provider shall keep on file all certificates of completion of the required training courses for the duration of the Agreement.

13.3 Provider shall complete, and shall ensure that each employee involved in providing agent services completes the Agent Services Advanced Refresher training course at least once every two years following completion of the Agent Services Basic Title and Registration training course. Provider shall keep on file all certificates of completion of the required training courses for the duration of the Agreement.

13.4 Provider shall, at the time of application, and annually thereafter, obtain a criminal background check from the Pennsylvania State Police and a criminal background check from the state in which the business is located for all owners and operators, and at the time of hiring, and annually thereafter, for each of Provider's employees, who are involved in providing agent services. If an individual owner, officer or employee is a resident of a Jurisdiction other than Pennsylvania or the Jurisdiction where the business is located, then a criminal background check from their state of residence shall also be provided. All background checks shall be kept on file and Provider shall make such criminal record checks available to the Department upon request. The Provider shall submit the criminal record check(s) for each prospective employee to the Department prior to the employee engaging in provision of services pursuant to this Agreement. If a prior criminal conviction of any type or grade exists, the agent service must furnish the facts of the offense, and secure Department approval before hiring or utilizing the person involved. The criminal record check

must be no less than one year old at the time an application is submitted. Provider shall also comply with any additional background checks as specified herein, or as may be required.

13.5 The Department may deem any individual who has engaged in conduct harmful to the Department, as described herein or in the Agent Services Agreement, ineligible to participate in the provision of services under any agreement with the Department.

13.6 Provider shall, at the time of application, and annually thereafter, secure an affidavit from each person involved in providing the agent service that the person has read and understood: the Agent Services Agreement and its attachments (including but not limited to its Exhibit B, Program Requirements, that may be amended from time to time); the provisions of 75 Pa. C.S. Chapters 11 (relating to certificate of title and security interests), 13 (relating to registration of vehicles), 23 (relating to motor vehicle transaction recovery fund), and 75 (relating to authorization of agent and messenger services); 75 Pa.C.S. § 6114 (relating to limitation on sale, publication and disclosure of records); and 67 Pa. Code Chapter 43 (relating to temporary cards and plates). Provider shall retain the affidavit(s) on file, at all times, for inspection upon request by the Department.

13.7 The Provider shall, at the time of application, and annually thereafter, secure a signed On-Line Program PennDOT Inquiry Information Confidentiality Policy for each person involved in providing On-Line agent services. Provider shall retain the affidavit(s) on file, at all times, for inspection upon request by the Department.

13.8 Individuals who have engaged in the following activities shall not be eligible to serve as an owner, manager, officer or employee providing agent services:

13.8.1.1 Misrepresentation, misstatement or fraud in the Provider's application to provide agent services;

13.8.1.2 Conviction of a felony involving dishonesty or breach of trust;

13.8.1.3 Having had an agent, card agent, messenger service, or on-line messenger agreement terminated or revoked by the Department in the past;

13.8.1.4 Conduct harmful to the Department, as described herein or in the Agent Services Agreement;

13.8.1.5 Conviction of a felony or misdemeanor relating to the titling, registration or collection of sales tax and fees for a vehicle, or conviction any other felony relating to motor vehicles;

13.8.1.6 Having been found to have engaged in odometer or Vehicle Identification Number (VIN) tampering; or

13.8.1.7 Conviction of a crime under Title 18 of the Pennsylvania Consolidated Statutes, Annotated, or the criminal laws of the United States, where the crime violates any term or condition of the Agreement or is of a nature that adversely impacts the Provider's ability to fully perform the Agreement or provide agent services in a secure manner.

14.0 SIGNAGE AND MATERIALS

14.1 Provider shall at all times prominently display the hours of operation during which the Provider's service is provided. If the facility is closed due to vacation or illness, the closure will be prominently posted at the entrance to the facility.

14.2 Provider will conspicuously post a schedule of Department motor vehicle fees and fees charged by Provider for the five (5) most common transactions for which services are provided on a sign at least 3 square feet in size (approximately 22" x 20") with lettering at least ¼ inch high.

14.3 Provider will prominently post the certificate of authorization for the agent service at the place of business.

14.4 The Department reserves the right, in its discretion, to request the removal of any agent advertising or website information that is inaccurate, offensive or deceptive.

14.5 Provider will prominently post the Fraud Tip information notice at the Provider's place of business in clear view for the customers. The notice must contain the following wording: The Pennsylvania Department of Transportation (PennDOT) WANTS TO HEAR FROM YOU! This is a private business under contract with PennDOT to complete Pennsylvania motor vehicle transactions. If you witness, suspect or know of improper or suspicious activity or have concerns regarding motor vehicle paperwork, please contact PennDOT at PennDOTTip@state.pa.us. All reports will be kept confidential. When you contact us, please provide as much detail as possible. Please include your contact information as PennDOT may need to contact you for additional information.

15.0 RECORD RETENTION

Provider must maintain the Provider's copy of the applicant summary statement, copies of related documents including but not limited to bills of sale when the Provider is also the dealer and a copy of the proof of identification (front and back) that complies with the Department's proof of identification policies set forth in the Agreement, a copy of the proof of ownership document (front and back) and a copy of the document(s) used to verify financial responsibility, which complies with Chapter 1318 of the Pennsylvania Vehicle Code. These records must be retained for three (3) years at the authorized place of business and be made available for inspection by law enforcement or an authorized representative of the Department. If Provider elects to retain required records in an electronic format, Provider must comply with the "Document Imaging System Requirements" attached hereto. At the end of the three (3) years' period, the Provider shall shred all personal customer information prior to disposal in a garbage receptacle, including but not limited to any document containing customer addresses, vehicle and driver information, employee notes that contain personal customer information and all copies of completed forms and documents that are being discarded. Alternatives to on-site shredding of documents can be discussed and approved only by the Department, in its discretion, but in no event shall personal customer information be discarded without appropriate security measures.

16.0 SUBMISSION OF TRANSACTIONS

16.1 The Department requires Provider to participate in Pennsylvania's On-Line Registration Program to process and submit any transaction to the Department electronically.

(a) Provider must process and input all transactions online associated with vehicle titling transactions to the Department using the applicable online Interface no later than the close of business 15 days following the date of the transaction.

(b) Provider must submit all images and other paperwork associated with vehicle titling transactions no later than the close of business 20 days following the date of the transaction.

(c) All documents associated with all other transactions not included in subparagraphs "a" and "b" above must be submitted within five (5) days following the date which the transactions are processed.

16.2 Provider's submission of fees and paperwork are based on the contractual guidelines of the Contract.

16.3 The Department, in its sole discretion, may require Provider to submit source documents and fees to the Department utilizing digital imaging technology or electronically in a manner prescribed by the Department.

16.4 Providers are required to submit source documents and fees to the Integrator.

17.0 SECURITY

17.1 At the close of the hours of operation of the Provider service, Provider shall place all temporary cards, plates, permits or other products designated by the Department in the place of secured storage approved by the Department.

17.2 Supplies of temporary cards, plates, permits or other products designated by the Department shall not be held or placed at any time on any workstation area within the grasp of the public. Individual temporary cards, plates, permits or other products designated by the Department shall at no time be left unattended on any workstation area within the grasp of the public.

17.3 If temporary cards, registration plates, permits or other products designated by the Department are lost or stolen, the Provider must notify the Department of the loss or theft immediately after discovery of the loss. This notice shall be in the form of an affidavit and shall give complete details of the loss or theft of the materials. In the event of theft, the theft shall be reported to appropriate police officials immediately upon discovery of the theft and a police report shall be submitted to the Department within 10 days of the theft. Failure to comply with the loss or theft of materials reporting requirement of this paragraph shall be a ground for suspension of the Provider's certificate of authorization for a period of four (4) months.

18.0 AUDITS

18.1 The Department reserves the right to make unannounced visits to audit, observe and inspect Provider's agent service operations. Temporary registration plates and related documents shall be available for inspection, with or without notice,

by authorized Jurisdiction employees or designees, including law enforcement officers or officials.

18.2 Records required by the Department to be maintained by the Provider in carrying out the duties, responsibilities and obligations under this Agreement shall be subject to periodic inspection by authorized representatives of the Commonwealth or designated personnel under the following conditions:

(1) Place – The inspection may be conducted at the Provider's place of business.

(2) Time – The inspection may be conducted during regular business hours.

(3) Scope – The inspection may include but not be limited to examination of the records (including all applications for titles and registrations and required supporting documents), plates, permit(s) or other products designated by the Department; or any inventory which is subject to the record keeping requirements of this Agreement and Department regulations. Based on initial findings, the inspection may be expanded to include investigation of other violations of the Agreement or any other Department agreement, laws, regulations or policies.

Commonwealth of Pennsylvania

Department of Transportation

Document Imaging
System Requirements

pennsylvania
DEPARTMENT OF TRANSPORTATION

EXHIBIT B

pennsylvania
DEPARTMENT OF TRANSPORTATION

Revision History

DATE	VERSION	REVISIONS	AUTHOR
4/15/2013	0.3	Changed document into a requirements document format, with grouping, naming and numbering of individual requirements.	Don Kirschman
7/29/2013	0.4	Change document to reflect changes agreed on in 07/18/13 meeting.	Rosemary Verbos
8/14/2013	0.5	Added INF003 requirement for backup/ restore. Combined data security related requirements into a single section.	Don Kirschman

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1. General Information

1.1 Background

The need for electronic document management technology stems from the need to reduce the volume of paper exchanged, Improve business efficiency and to comply with State and Federal laws for document retention, discovery. This document outlines standards and best practices for electronic document management systems recommended by PennDOT.

1.2 Purpose of This Document

This document Is Intended to communicate the standards and requirements established by PennDOT for an electronic document management system and the associated business processes. The Intent is to implement systems that ensure the confidentiality of our customers and the integrity of our business transactions. PennDOT may update these requirements periodically in the future.

1.3 Intended Audience

This document is primarily a technical document, and it Is intended for an IT audience, including IT managers, application and infrastructure architects, developers, server engineers, etc. The audience includes anyone involved in the requirements, design, development, implementation and support of an electronic document management system that will support PennDOT business processes, transactions, documents and data.

2. Document Imaging System Requirements

2.1 Imaging Requirements

- **IMG001:** The system shall capture documents images in industry standard image and document formats, including TIFF, JPEG, BMP, Adobe PDF, etc.
- **IMG002:** The system shall capture and store document images at a minimum resolution of 300 dpi.
- **IMG003:** The system shall store imaged documents in a central repository.
- **IMG004:** The system shall support indexing and taxonomy of imaged documents.
- **IMG005:** The system shall support searching of the central repository using imaged document index and taxonomy values.
- **IMG006:** The system shall support retrieval of imaged documents from the repository.
- **IMG007:** The system shall support reproduction (e.g. printing) of imaged documents.
- **IMG008:** The system shall have the capability to render imaged documents immutable.
- **IMG009:** The system shall support the redacting of sensitive information on imaged documents.

2.2 System Security Requirements

These Security Requirements are applicable to both original and backup versions of information/data/systems.

- **SEC001:** All users that have access to the system, including access to PennDOT data or imaged documents, shall use a user id and password that is unique to the individual. Credentials used by more than one individual and/or generic user id's and passwords are not permitted.
- **SEC002:** The password must be a minimum of 8 characters.
- **SEC003:** The password must be composed of at least three of the following types of characters:
    - Uppercase letters (A, B, C,..)
    - Lowercase letters (a, b, c, ...)
    - Numbers (0, 1, 2, 3, ...,9)
    - Special characters (#, other punctuation marks)
- **SEC004:** The password cannot contain:
    - User ID

- Any Part of the user's full name

- **SEC005:** The password cannot repeat any of the six previously used passwords
- **SEC006:** The password shall expire after 60 days, requiring creation of a new password
- **SEC007:** The system shall employ role-based access control (RBAC) in which specific entitlements and/or privileges within the system are managed under roles. These roles are then assigned to system users based on the requirements of the jobs that they perform. This RBAC is required to ensure that users only have access to the functionality that is necessary to perform their required tasks.
- **SEC008:** The ability to perform security administration functions shall be restricted to a set of specially-privileged users (administrators). Security administration functions include the following:
    - Creating, updating or deactivating user accounts
    - Disabling user accounts
    - Unlocking user accounts
    - Resetting user passwords
    - Creating, updating or deactivating roles
    - Creating, updating or deactivating access privileges
    - Assigning or revoking roles to and from users
    - Assigning or revoking access privileges to and from roles
- **SEC009:** The system may provide users with self-service functionality to complete some routine user administration tasks. The following tasks are permissible for self-service administration:
    - Initiating a new account creation (role assignment and other access control administration must be performed or approved by an administrator)
    - Updating basic user Information (e.g. name, location, etc.)
    - Resetting their passwords (a security question and/or e-mail verification process must be In place to complete the transaction)
- **SEC010:** The system shall log all security events and shall maintain these logs for a period of at least one year. The log shall contain the type of event, date, time, user, system, screen or module and other pertinent information regarding the event. The following security events shall be logged:
    - User authentication (both successful and unsuccessful)
    - User authorizations (both successful and unsuccessful)
    - All security administration transactions
    - All self-service administration transactions

- **SEC011:** User accounts shall be locked after five (5) consecutive failed log-in attempts. Once an account is locked, only an administrator can unlock it.
- **SEC012:** The system shall lock the user out after fifteen (15) minutes of user session inactivity. This lock-out shall require the user to re-enter the password to regain access.
- **SEC013:** If a user separates or no longer requires access to the system for any reason, the user account shall be deactivated immediately, removing all access privileges to the system from the individual.
- **SEC014:** A User Access Review shall take place every six months to ensure that user, role and privilege information is current. The User Access Review shall verify:
    - Users who have separated no longer have active accounts
    - User accounts that show no activity are deactivated
    - Active users have access to only those roles or privileges that are necessary for their specific work-related duties.

2.3 Data Security Requirements

- **DAT001:** The minimum standard for encryption Is 256 bit.
- **DAT002:** PennDOT reserves the right, as circumstances may change, to require a higher level of encryption in the future.
- **DAT003:** The system shall comply with the Commonwealth ITB-SEC020: Encryption Standards for Data at Rest and ITB-SEC031: Encryption Standards for Data in Transit.
- **DAT004:** As soon as PennDOT's documents and/or data are captured in a digital format; the resulting data (the data) shall be encrypted.
- **DAT005:** The data shall remain encrypted at all times throughout the entire process.
- **DAT006:** The data shall be encrypted In-transit between computers or electronic devices, including client to server, server to server and client to client, etc.
- **DAT007:** The data shall be encrypted at rest on any computers or electronic devices.
- **DAT008:** The data shall be encrypted at rest regardless of the storage repository, including external file folders or volumes, relational database management system tables or data files or electronic document repositories.
- **DAT009:** Citizen and agency data are to be securely erased. Purging or cleansing information is a media sanitization process that protects the confidentiality of information. Please refer to the NIST Guidelines for Media Sanitization SP 800-88 (including updates as of 09-11-2006) for acceptable methods of purging.
- **DAT010:** In the event a computer device that contained PennDOT data is

decommissioned or the data device replaced, the data device shall either be physically destroyed or completely erased per the Commonwealth's ITB-SEC015 - Commonwealth of Pennsylvania Data Cleansing Policy.

2.4 Infrastructure Requirements

- **INF001:** All computing operating systems (client and server) shall be at a level that is fully supported by their manufacturer. All relevant patches shall be applied within 7 days of release.
- **INF002:** Internal networks shall be protected by a firewall. The firewall shall be capable of protecting the internal network and its clients from unauthorized Intrusion and service interruptions.
- **INF003:** Data on all servers, central storage devices and workstations shall be protected by system and data backup and restore faculties that provide full, differential and single-file backups and restore capabilities.

2.5 IT Facility Requirements

- **FAC001:** IT facilities shall be appropriately secured to ensure the security of PennDOT customer data and the integrity and continuity of business operations.
- **FAC002:** IT facilities shall include data centers, computer equipment rooms, telephone closets, network router and hub rooms, and similar areas containing IT assets and resources, wherever Imaging and storage of PennDOT documents and data occurs.
- **FAC003:** IT facilities shall be separated, locked and designated as limited access areas.
- **FAC004:** IT facilities shall be environmentally controlled to ensure operating conditions are within specifications for equipment located within the confines of the area.
- **FAC005:** IT facilities shall be equipped with environmental and safety monitoring devices to ensure compliance with regulated or statutory requirements.
- **FAC006:** IT facilities shall be inspected on a regular basis to ensure compliance with health, safety and fire, security and maintenance requirements.
- **FAC007:** IT facilities shall have solid core door construction, secured hinges, secured celling, dead bolt lock and Interior construction adequate to store all PennDOT related documents.

2.6 IT Facility Access Requirements

- **ACC001:** Access to restricted IT facilities is limited only to authorized persons.
- **ACC002:** The process for granting door keys or access cards for these facilities is to include the approval of the person responsible for the facility or room.
- **ACC003:** Access cards and/or keys Issued for access to restricted IT facilities may not be shared or loaned to others.
- **ACC004:** Individuals without the proper access credentials may be granted temporary access via verbal or signed orders when conditions require their immediate access, or visitor access is approved. These individuals:
    - Are to be recorded In the facility sign-in/sign-out log. This log will have appropriate language prominently displayed, indicating the minimal visitor responsibilities associated with accessing the facility.
    - Are to be issued a temporary identification badge and required to wear it openly at all times.
    - Are to be supervised at all times while in restricted areas by a party with authorized access to the IT facilities.
- **ACC005:** Access records and sign-in logs are to be maintained and archived for routine review for a period of not less than one year.
- **ACC006:** No one is to be permitted to enter a controlled-access facility, area, or room without being authenticated and having their privileges verified.
- **ACC007:** Please refer to the Commonwealth's ITB-SEC029 - Minimum Standards for Improving Physical Security Access.

2.7 Quality Assurance Requirements

- **QA001:** All imaging and document processing activities shall be in compliance with the requirements and standards outlined in latest version of this document: Document Imaging System Requirements
- **QA002:** Imaged documents must be accurately indexed and placed into taxonomy so that they may be searched and retrieved using identified business requirements.

3. Supplemental Business Requirements

In addition to meeting the technical requirements contained in this document, an imaging solution must also meet necessary business requirements. These business requirements are listed in Appendix A, "Document Imaging Supplemental Business Requirements."

Appendix A

Commonwealth of Pennsylvania

Department of Transportation

Document Imaging
Supplemental Business Requirements

pennsylvania
DEPARTMENT OF TRANSPORTATION

EXHIBIT B

Document Imaging, Scanning and Security Requirements for PennDOT Authorized Agents and their Imaging Providers

Use of PennDOT Customer Documents and Information

No party shall make any use whatsoever of PennDOT customer documents or the information therein, nor shall they provide in any way the customer documents or information (or any portion thereof) to any entity other than an authorized representative of the Department, except as authorized by the Department.

No party may use in any way, or sell, license, or otherwise transfer or impart to any person, firm, corporation or other entity, any information obtained from the documents, including listings of individuals, for any reason. Information obtained through such access is subject to the restrictions upon use and dissemination imposed by the federal Driver Privacy Protection Act (DPPA) and any other Pennsylvania or Federal statute, laws, rules or regulations relating to the privacy of Personally Identifiable Information (PII).

Security

Protecting the data of our customers is of the utmost importance to PennDOT. All personnel having access to PennDOT customer documents and/or information must comply with contractual requirements. PennDOT customer documents, images, records or information shall not be held or placed at any time in any area accessible to unauthorized personnel.

PennDOT Authorized Agents must report any suspected or actual breach, leakage, or unauthorized access of PennDOT data to PennDOT immediately upon discovery. The full details of the incident shall be communicated to the PennDOT Program Manager.

Incident Reporting:

Upon the PennDOT Authorized Agent's receipt of a report or information of any kind which indicates real or suspected data compromise, data loss, theft, or fraudulent or improper use of equipment, materials or information in the possession or control of the Authorized Agent or their imaging Provider, the PennDOT Authorized Agent shall immediately notify the PennDOT Program Manager by telephone. Additional reporting and notifications shall comply with the PennDOT Agent Service contract as well as Commonwealth ITB-SEC024 - IT Security Incident Reporting Policy.

Personally Identifiable Information (PII) related to personnel suspected of fraudulent or improper use of equipment, materials or information shall be forwarded to PennDOT and be secured as required by law and shall include, but not be limited to:

- Name(s)
- Address(es)
- A list of all times at which the personnel had been or will be scheduled to perform their job duties
- Names, addresses, and telephone numbers of their direct supervisor
- A description of the nature of the suspected fraudulent or Improper activity
- A statement of the manner in which the PennDOT Authorized Agent gained knowledge of the alleged fraudulent or improper activity
- The names, addresses, and telephone numbers of all informants and other persons having knowledge of the alleged fraudulent or improper activity

- Copies of all the reports, logs or other information which could document, clarify or in any manner assist in the investigation

Physical Intrusion:

In the event of any Incident of a break-in, theft, fire or vandalism, the PennDOT Authorized Agent shall immediately notify the appropriate law enforcement officials and provide a copy of the applicable police report to the Department within 10 days. The PennDOT Program Manager shall also be notified immediately in the event of any incident of a break-In, theft, fire or vandalism by telephone and in writing, within 24 hours, a detailed account of the incident and shall comply with the Agent Service Contract as well as the Commonwealth ITB-SEC024 - IT Security Incident Reporting Policy.

Records Retention and Quality Control

The Authorized Agent must maintain paper copies (agent's yellow copy or applicant summary sheet) for 6 (six) months after completion/issuance of the application for title and/or registration and all supporting documents.

The Authorized Agent shall check all imaged documents to confirm images are clear, legible and free of distortion (image quality).

PennDOT will continue to conduct administrative audits of Authorized Agent transactions and supporting documentation. The Authorized Agent will provide access to electronic images to a PennDOT representative to be reviewed during the audit process to ensure the agent is in compliance with all applicable polices, processes, requirements and law. Imaged copies must:

- Be easily accessible electronically and available at the location where the transaction was completed
- All records must be accessible during regular business hours
- Copies must be clear and must be a minimum of actual size
- Authorized Agents must follow regulations as to issuance/filing of documents
- Authorized Agents must have all supporting documents with MV-1/MV-4ST/ applicant summary sheet:
  - Yellow copy of MV-1/MV-4ST/applicant summary sheet
  - Copy of front and back of completed proof of ownership document
  - Copy of the front and back of the valid PA Driver's License/Identification Card
  - Copy of proof of financial responsibility
  - Copies of all supporting forms completed to accompany the title application.
  - Must have the capability to print or scan copies of applications upon request by PennDOT
  - Must be available for 3 years

Copies of imaged documents must be available to be retrieved (indexed) under the following categories:

- Plate number
- Date order
- Customer's name
- Vin#
- Title#
- WID (if applicable)

EXHIBIT "C"

PROVISIONS CONCERNING THE *AMERICANS WITH DISABILITIES ACT*

For the purpose of these provisions, the term contractor is defined as any person, including, but not limited to, a bidder, offeror, supplier, or grantee, who will furnish or perform or seeks to furnish or perform, goods, supplies, services, construction or other activity, under a purchase order, contract, or grant with the Commonwealth of Pennsylvania (Commonwealth).

During the term of this agreement, the contractor agrees as follows:

1. Pursuant to federal regulations promulgated under the authority of the Americans with Disabilities Act, 28 C. F. R. § 35.101 et seq., the contractor understands and agrees that no individual with a disability shall, on the basis of the disability, be excluded from participation in this agreement or from activities provided for under this agreement. As a condition of accepting and executing this agreement, the contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 C. F. R. § 35.130, and all other regulations promulgated under Title II of the Americans with Disabilities Act which are applicable to the benefits, services, programs, and activities provided by the Commonwealth through contracts with outside contractors.

2. The contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth as a result of the contractor's failure to comply with the provisions of paragraph 1. The contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth as a result of the contractor's failure to comply with the provisions of paragraph 1.

EXHIBIT "D"

NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE [Contracts]

The Contractor agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the contract or any subcontract, the Contractor, each subcontractor, or any person acting on behalf of the Contractor or subcontractor shall not discriminate in violation of the Pennsylvania Human Relations Act (PHRA) and applicable federal laws against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.

2. Neither the Contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate in violation of the PHRA and applicable federal laws against or intimidate any employee involved in the manufacture of supplies, the performance of work, or any other activity required under the contract.

3. The Contractor and each subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the contract services are performed shall satisfy this requirement.

4. The Contractor and each subcontractor shall not discriminate in violation of PHRA and applicable federal laws against any subcontractor or supplier who is qualified to perform the work to which the contract relates.

5. The Contractor and each subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Contractor and each subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers subject to Title VII of the Civil Rights Act of 1964, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Contractor and each subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the contracting agency and the Bureau of Small Business Opportunities (BSBO), for purpose of ascertaining compliance with provisions of this Nondiscrimination/Sexual Harassment Clause.

6. The Contractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subcontract so that those provisions applicable to subcontractors will be binding upon each subcontractor.

7. The Contractor's and each subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor and each subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the contract, it becomes aware of any actions or occurrences that would result in violation of these provisions.

8. The Commonwealth may cancel or terminate the contract and all money due or to become due under the contract may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the agency may proceed with debarment or suspension and may place the Contractor in the Contractor Responsibility File.

EXHIBIT "E"

CONTRACT PROVISIONS – RIGHT TO KNOW LAW

a. The Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL") applies to this Contract. For the purpose of these provisions, the term "the Commonwealth" shall refer to the contracting Commonwealth agency.

b. If the Commonwealth needs the Contractor's assistance in any matter arising out of the RTKL related to this Contract, it shall notify the Contractor using the legal contact information provided in this Contract. The Contractor, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

c. Upon written notification from the Commonwealth that it requires the Contractor's assistance in responding to a request under the RTKL for information related to this Contract that may be in the Contractor's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), the Contractor shall:

   1. Provide the Commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in the Contractor's possession arising out of this Contract that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and

   2. Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Contract.

d. If the Contractor considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that the Contractor considers exempt from production under the RTKL, the Contractor must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of the Contractor explaining why the requested material is exempt from public disclosure under the RTKL.

e. The Commonwealth will rely upon the written statement from the Contractor in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the Commonwealth determine that the Requested Information is clearly not exempt from disclosure, the Contractor shall provide the Requested Information within five (5) business days of receipt of written notification of the Commonwealth's determination.

f. If the Contractor fails to provide the Requested Information within the time period required by these provisions, the Contractor shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of the Contractor's failure, including any statutory damages assessed against the Commonwealth.

g. The Commonwealth will reimburse the Contractor for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

h. The Contractor may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, the Contractor shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of the Contractor's failure, including any statutory damages assessed against the

Commonwealth, regardless of the outcome of such legal challenge. As between the parties, the Contractor agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.

i. The Contractor's duties relating to the RTKL are continuing duties that survive the expiration of this Contract and shall continue as long as the Contractor has Requested Information in its possession.

EXHIBIT "F"

CONTRACTOR RESPONSIBILITY PROVISIONS

For the purpose of these provisions, the term contractor is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, grantee or lessor, who has furnished or performed or seeks to furnish or perform, goods, supplies, services, leased space, construction or other activity, under a contract, grant, lease, purchase order or reimbursement agreement with the Commonwealth of Pennsylvania (Commonwealth). The term contractor includes a permittee, licensee, or any agency, political subdivision, instrumentality, public authority, or other public entity in the Commonwealth.

1. The Contractor certifies, in writing, for itself and its subcontractors required to be disclosed or approved by the Commonwealth, that as of the date of its execution of this Bid/Contract, that neither the Contractor, nor any such subcontractors, are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with its Bid/Contract, a written explanation of why such certification cannot be made.

2. The Contractor also certifies, in writing, that as of the date of its execution of this Bid/Contract it has no tax liabilities or other Commonwealth obligations, or has filed a timely administrative or judicial appeal if such liabilities or obligations exist, or is subject to a duly approved deferred payment plan if such liabilities exist.

3. The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Contract, it becomes delinquent in the payment of taxes, or other Commonwealth obligations, or if it or, to the best knowledge of the Contractor, any of its subcontractors are suspended or debarred by the Commonwealth, the federal government, or any other state or governmental entity. Such notification shall be made within 15 days of the date of suspension or debarment.

4. The failure of the Contractor to notify the Commonwealth of its suspension or debarment by the Commonwealth, any other state, or the federal government shall constitute an event of default of the Contract with the Commonwealth.

5. The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

6. The Contractor may obtain a current list of suspended and debarred Commonwealth contractors by either searching the Internet at http://www.dgs.state.pa.us/ or contacting the:

Department of General Services
Office of Chief Counsel
603 North Office Building
Harrisburg, PA 17125
Telephone No: (717) 783-6472
FAX No: (717) 787-9138

EXHIBIT "G"

CONTRACT PROVISIONS – RIGHT TO KNOW LAW

a. The Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL") applies to this Contract. For the purpose of these provisions, the term "the Commonwealth" shall refer to the contracting Commonwealth agency.

b. If the Commonwealth needs the Contractor's assistance in any matter arising out of the RTKL related to this Contract, it shall notify the Contractor using the legal contact information provided in this Contract. The Contractor, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

c. Upon written notification from the Commonwealth that it requires the Contractor's assistance in responding to a request under the RTKL for information related to this Contract that may be in the Contractor's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), the Contractor shall:

   (1.) Provide the Commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in the Contractor's possession arising out of this Contract that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and

   (2.) Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Contract.

d. If the Contractor considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that the Contractor considers exempt from production under the RTKL, the Contractor must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of the Contractor explaining why the requested material is exempt from public disclosure under the RTKL.

e. The Commonwealth will rely upon the written statement from the Contractor in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the Commonwealth determine that the Requested Information is clearly not exempt from disclosure, the Contractor shall provide the Requested Information within five (5) business days of receipt of written notification of the Commonwealth's determination.

f. If the Contractor fails to provide the Requested Information within the time period required by these provisions, the Contractor shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of the Contractor's failure, including any statutory damages assessed against the Commonwealth.

g. The Commonwealth will reimburse the Contractor for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

h. The Contractor may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, the Contractor shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of the Contractor's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, the Contractor agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.

i. The Contractor's duties relating to the RTKL are continuing duties that survive the expiration of this Contract and shall continue as long as the Contractor has Requested Information in its possession.

REQUIREMENTS FOR MESSENGER, DEALERS, AGENT SERVICES, CARD AGENTS AND MISCELLANEOUS MOTOR VEHICLE BUSINESS APPLICANTS

All applicants for card agent authorization, agent services, motor vehicle messenger service certification, dealer and miscellaneous motor vehicle business registration are required to complete Form SP 4-164, "Request for Criminal Record Check" and include the results received from the Pennsylvania State Police with their completed applications as part of the documentation required for review. Forms may be obtained from your local Pennsylvania State Police Barracks or:

Director, Record and Identification Division
Pennsylvania State Police
1800 Elmerton Avenue
Harrisburg, PA 17110

Under "Reason for Request," check the box that most applies to the type of authorization being applied for.

Forward the completed form and the required fee to the appropriate address listed on the Form SP 4-164.

SP 4-164 (12-2017)

PENNSYLVANIA STATE POLICE

REQUEST FOR CRIMINAL RECORD CHECK

1-888-QUERYPA (1-888-783-7972)

This form is to be completed in ink by the requester – (information will be mailed to the requester only). If this form is not legible or not properly completed, it will be returned unprocessed to the requester. *A response may take four weeks or longer.*

TRY OUR WEBSITE FOR A QUICKER RESPONSE
https://epatch.state.pa.us

REQUESTER NAME	
ADDRESS	
CITY/STATE/ ZIP CODE	
TELEPHONE NO. (AREA CODE)	

FOR CENTRAL REPOSITORY USE ONLY
CONTROL NUMBER

AFTER COMPLETION MAIL TO:

PENNSYLVANIA STATE POLICE
CENTRAL REPOSITORY – 164
1800 ELMERTON AVENUE
HARRISBURG, PA 17110-9758

DO NOT SEND CASH OR PERSONAL CHECK

CHECK ONE BLOCK

☐ INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY – ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF $22.00, PAYABLE TO: "*COMMONWEALTH OF PENNSYLVANIA*"
THE FEE IS NONREFUNDABLE

☐ NOTARIZED INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY – ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF $27.00, PAYABLE TO: "*COMMONWEALTH OF PENNSYLVANIA*"
THE FEE IS NONREFUNDABLE

☐ FEE EXEMPT-NONCRIMINAL JUSTICE AGENCY – NO FEE

SUBJECT OF RECORD CHECK

(FIRST)	(MIDDLE)	(LAST)		
MAIDEN NAME AND/OR ALIASES	SOCIAL SECURITY NUMBER	DATE OF BIRTH (MM/DD/YYYY)	SEX	RACE

The Pennsylvania State Police response will be based on the comparison of the data provided by the requester against the information *contained in the files of the Pennsylvania State Police Central Repository only.*

FEES FOR REQUESTS - $22.00. NOTARIZED FEE REQUESTS - $27.00.
******MAKE ALL MONEY ORDERS PAYABLE TO: COMMONWEALTH OF PENNSYLVANIA ******

REASON FOR REQUEST

◄◄◄◄◄◄CHECK THE BOX THAT MOST APPLIES TO THE PURPOSE OF THIS REQUEST►►►►►►

☐ **INTERNATIONAL ADOPTION -** INTERNATIONAL ADOPTION MUST BE NOTARIZED AND MAILED IN. ($27.00 FOR REQUEST)

☐ **ADOPTION (DOMESTIC)** ☐ **EMPLOYMENT** ☐ **VISA** ☐ **OTHER**

WARNING: 18 Pa.C.S. 4904(b) UNDER PENALTY OF LAW - MISIDENTIFICATION OR FALSE STATEMENTS OF IDENTITY TO OBTAIN CRIMINAL HISTORY INFORMATION OF ANOTHER IS PUNISHABLE AS AUTHORIZED BY LAW.

Homeland Security is Everyone's Responsibility - Pennsylvania Terrorism Tip Line 1-888-292-1919

Vehicle Code Provisions relating to the issuance and use of Dealer and Miscellaneous Motor Vehicle Business Plates

§1335. Registration plates for manufacturers and dealers.

(a) General rule. -- Upon posting of a bond in the amount of $20,000 and approval of an application in accordance with departmental regulations, the Department shall issue to dealers and manufacturers who are licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons and to other dealers designated by Departmental regulations, special registration plates which may be displayed on vehicles in lieu of registering each vehicle separately.

(a.1) Bond already on file. -- An authorized dealer or manufacturer who has filed a bond with the Commonwealth shall not be required to file a separate bond under this section if the bond already on file with the Commonwealth is in the name of the Commonwealth and in an amount and coverage at least equal to that required under this section.

(a.2) Exemption. -- The following types of dealers and manufacturers are exempt from posting of the bond specified in subsection (a):

(1) Farm equipment dealers.
(2) Mobile home dealers and manufacturers.
(3) Modular housing manufacturers.

(b) Application for plates. -- Application for dealer registration plates shall be made by the dealer or manufacturer on a form provided by the Department together with a copy of his license from the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen.

(c) Exemption from individual registration. -- Vehicles displaying dealer registration plates may be operated on the highway without registering each vehicle individually, provided that the plates are used in accordance with the limitations of sections 1336 (relating to use of dealer registration plates) and 1336.1 (relating to use of multipurpose dealer registration plates).

(d) Modular housing manufacturers. -- For the purposes of this section, no modular housing manufacturer shall be required to be licensed by the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen of the Department of State in order to receive registration plates.

§ 1336. Use of dealer registration plates.

(a) General rule. -- Dealer registration plates may be displayed on any vehicle which is owned or in the possession of a dealer or manufacturer and such a vehicle may be operated upon the highway, but only if the vehicle is being held for sale and is being used for any of the following purposes:

(1) For teaching students enrolled in an approved driver education course, how to operate a vehicle and for the new driver to take an examination for a driver's license.

(2) For testing, for safety inspection, repairing or transporting to or from a repair facility vehicles in the possession of the dealer within a radius of 25 miles of the place of business of the dealer. Vehicles in the possession of the manufacturer may be tested within a radius of 50 miles of the place of business of the manufacturer.

(3) For demonstrating vehicles in the possession of the dealer or manufacturer at no cost to a prospective purchaser.

(4) For loaning to customers whose vehicles are being repaired if the loan period does not exceed 30 days.

(5) For loaning to a prospective purchaser for a period not exceeding five days for the purpose of demonstrating the vehicles.

(6) For loaning to charitable organizations as defined by departmental regulations for use in charitable activities authorized by departmental regulations.

(7) For transit to or from a dealer, show, exhibit or auction where the vehicle is purchased by the dealer or offered for sale to prospective purchasers.

(8) For delivery to or from a second-stage manufacturer for or upon completion. Vehicles operated pursuant to this paragraph must be unladen.

(9) For transit to or from a prospective purchaser or customer for the purpose of demonstrating or loaning as permitted by subsection (a).

(10) For use in the conduct of the dealer's administrative functions, such as attending meetings or events, transporting department-required paperwork or transporting financial paperwork.

(11) For a trailer being held for sale hauling other trailers being held for sale as long as the combined weight of all trailers does not exceed 3,000 pounds.

(b) Personal use. -- A vehicle displaying dealer registration plates which is owned by a dealer or manufacturer, is held for sale and does not exceed a gross vehicle weight rating of 7,500 pounds may be operated upon the highways of this Commonwealth for the personal use of the following:

(1) The dealer or members of his or her immediate family when the dealer is a sole proprietorship.

(2) The officers, partners or members of their immediate families when the dealer is a corporation or partnership.

(3) The regular employees of the dealer.

(c) Commercial use prohibited. -- Except as specifically authorized by subsections (a) and (b), dealer registration plates shall not be used on vehicles for a commercial purpose, including parts or delivery vehicles, courtesy shuttle vehicles, wreckers, roll backs, truck tractors and trucks.

(d) Limited use. -- Limited use of certain types of dealer plates shall be as follows:

(1) A motor driven cycle or motorized pedalcycle dealer plate shall be used only on motor driven cycles and motorized pedalcycles.

(2) A motorcycle dealer plate shall be used only on motorcycles, motor driven cycles and motorized pedalcycles. In addition, a motorcycle dealer plate may be used on other vehicles owned or in possession of the motorcycle dealer only when the vehicle is being demonstrated for a prospective purchaser.

(3) A trailer dealer plate shall be used only on trailers.

(e) Records. -- Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as permitted by subsection (a)(1), (4), (5) and (6). The records shall indicate the name of the person to whom the vehicle was loaned. If the vehicle was loaned to a business or an organization with more than one driver, it is sufficient to list only the name of the business or organization. The records shall be open to inspection by representatives of the department and police officers.

(f) Penalty. -- Any person who violates this section, in addition to any penalty, suspension or revocation imposed by the Department, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than $100.

§ 1336.1. Use of multipurpose dealer registration plates.

(a) General rule. -- Subject to the requirement that the vehicles on which multipurpose dealer registration plates are used, conform to or are lower than the weight limits for which the plates were purchased, the multipurpose dealer registration plates may be used on vehicles owned by or in possession of a dealer or manufacturer. All vehicles utilizing the multipurpose dealer registration plate shall be titled in the name of the business or family member, and sales and use tax must be paid.

(b) Exception for second-stage manufacturers. -- A title in the name of the business or family member and payment of sales and use tax are not required for a vehicle which has never been titled as long as the vehicle:

(1) is in possession of a second-stage manufacturer and is being transported from a dealer or distributor for completion or delivered to a dealer or distributor upon completion; or

(2) is owned or in possession of a dealer and is being delivered to the second-stage manufacturer for completion or is being transported back to the dealer upon completion.

§ 1336.2. Farm equipment dealer registration plates.

Upon submission of an application accompanied by the appropriate fee and information on a farm equipment dealer that a truck or truck tractor with a registered gross weight of 11,001 pounds or over is used solely in the business of the dealer, the department shall issue a farm equipment dealer registration plate for the vehicle.

§ 1337. Use of "Miscellaneous Motor Vehicle Business" registration plates.

(a) General rule. -- The department shall issue to owners of miscellaneous motor vehicle businesses with established places of business special registration plates which may be displayed on vehicles operated on highways in lieu of registering each vehicle individually. Registration plates issued under this section may be displayed upon vehicles only as provided for each of the following classes of miscellaneous motor vehicle business:

(1) For a repair or towing business:

(i) upon vehicles being used in the conduct of the repair business to retrieve, tow or deliver other vehicles or parts; and

(ii) upon vehicles being repaired.

(2) For a vehicle salvage dealer business:

(i) upon vehicles being used in the conduct of the vehicle salvage dealer's business to retrieve or deliver vehicles, vehicle hulks, parts or materials; and

(ii) upon vehicles being transported on their own wheels for the purpose of being dismantled or recycled.

(3) For a transporter business upon vehicles being transported on their own wheels in the conduct of the transporter business.

(4) For a financier or collector-repossessor business:

(i) upon vehicles being used to pick up vehicles that are being repossessed; and

(ii) upon vehicles being repossessed.

(5) For a watercraft trailer business:

(i) upon trailers used for the delivery of a new boat to its purchaser;

(ii) upon trailers used for the transport of a used boat which is to be resold by the dealer; and

(iii) upon trailers used for the transport of boats by a dealer to or from another boat dealer, warehouse, storage facility, boat show or repair facility or to and from a location where a boat is to be demonstrated, tested or inspected.

(6) For all classes of miscellaneous motor vehicle businesses upon vehicles used for the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of the owner's immediate family, or when the business is a corporation, upon vehicles used for the pleasure or use of not more than three officers or members of the officer's immediate family or for the personal use of the regular employees of the business when operated by the employee.

All vehicles specified in paragraphs (1)(i), (2)(i), (4)(i) and (6) must be titled in the name of the business or family member and sales tax must be paid.

(b) Application for registration. -- Application for registration in any of the "Miscellaneous Motor Vehicle Business" classes shall be made upon a form provided by the department and shall set forth the full name and business address of the applicant and such other information as the Department shall require. The application shall be verified by the oath or affirmation of the applicant or, if the applicant is a partnership or a corporation, by a partner or officer.

(c) Classes of "Miscellaneous Motor Vehicle Business".

(1) Repair or towing. -- Any person regularly engaged in the business of mechanical or body repairs or towing for direct compensation of motor vehicles owned and operated by other persons.

(2) Vehicle salvage dealer. -- Any person regularly engaged in the business of acquiring and dismantling used, wrecked, damaged, abandoned or salvage vehicles for the purpose of selling the usable parts and selling the remaining vehicle hulk materials for recycling or processing.

(3) Transporter. -- Any person regularly engaged in the business of transporting new or used vehicles on their own wheels, owned by or in possession of a manufacturer or dealer.

(4) Financier or collector-repossessor. -- Any person who is duly authorized by the Department of Banking to do business in this Commonwealth as a financier or collector/repossessor and who is regularly engaged in the business of financing sales, making loans on the security of vehicles or repossessing vehicles which are the subject of installment sales contracts as an independent contractor.

(5) Watercraft trailer dealer. -- Any person regularly engaged in the business of selling watercraft and trailers used exclusively for the transport of the watercraft.

§ 1337.1. Fleet owner transporter registration plate.

(a) **General rule.** -- The department shall issue to fleet owners special registration plates which may be displayed on passenger cars, trucks, truck tractors and trailers owned or leased by the fleet owner in lieu of registering each vehicle individually.

(b) **Limitations on use of plates.** --

(1) A registration plate issued under this section may be displayed only on an unladen vehicle.

(2) A registration plate issued under this section may be displayed only on a vehicle type for which it was purchased, except that a plate issued for a truck or truck tractor may be displayed on an unladen passenger car or an unladen trailer. The weight limits for trucks, truck tractors and trailers must conform to the weight limit for which the registration plate was purchased.

(3) A vehicle bearing a registration plate issued under this section may be used for any of the following:

(i) For transit of the vehicle to or from the place where the vehicle is offered for sale.

(ii) For transit from the place where the vehicle was purchased.

(iii) For transit to and from a location where the vehicle is modified, completed or enhanced for a period of not more than 30 days after the date of purchase.

(iv) For testing of the vehicle for a period of not more than 30 days after the date of purchase.

(v) For repair, servicing or inspection of a vehicle which is not normally operated on a highway.

(c) **Records.** -- Records shall be kept by the fleet owner in a manner prescribed by the department indicating the vehicles which displayed each registration plate issued under this section. The records shall be open to inspection by department representatives and any police officer.

Annex A
Title 67. TRANSPORTATION
PART I. DEPARTMENT OF TRANSPORTATION
SUBPART A. VEHICLE CODE PROVISIONS
ARTICLE III. REGISTRATION

Chapter 53 - Manufacturers, Dealers and Miscellaneous Motor Vehicle Businesses Registration Plates

§ 53.1. Purpose and scope.

(a) **Purpose.** This chapter establishes procedures for distribution and use of manufacturer, dealer and miscellaneous motor vehicle business registration plates.

(b) **Scope.** This chapter applies to persons who apply for or use manufacturer, dealer or miscellaneous motor vehicle business registration plates.

§ 53.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Dealer—A person who maintains an established place of business and who is engaged in the business of buying, selling or exchanging vehicles, including but not limited to passenger cars, trucks, implements of husbandry, special mobile equipment and trailers.

Dealer plate—A registration plate issued to a dealer or manufacturer which may be displayed on vehicles owned or in possession of the dealer or manufacturer in lieu of registering each vehicle individually.

Established place of business—A permanent enclosed building which is accessible and open to the public at all reasonable times and at which the business of a dealer or miscellaneous motor vehicle business, including the display and repair of vehicles, may be lawfully conducted in accordance with the terms of applicable building codes, zoning and other land-use regulatory ordinances.

Financier or collector-repossessor—A person who is authorized to do business in this Commonwealth as a financier or collector-repossessor and who is regularly engaged in the business of financing sales, making loans on the security of vehicles or repossessing vehicles which are the subject of installment sales contracts as an independent contractor.

Immediate family—A spouse or child of the registrant or a parent, brother or sister of the registrant who lives in the same residence as the registrant.

Licensed dealer—A dealer licensed by the State Board of Motor Vehicle Manufacturers, Dealers and Salespersons.

Manufacturer—A person engaged in the business of constructing or assembling vehicles or motors or bodies of vehicles.

Miscellaneous motor vehicle business—A vehicle salvage dealer, transporter, financier or collector/repossessor, or a person who maintains an established place of business and who is engaged in the business of repair, service or towing of motor vehicles including but not limited to passenger cars, trucks, implements of husbandry and special mobile equipment.

Miscellaneous motor vehicle business plate—A registration plate issued to a miscellaneous motor vehicle business which may be displayed on vehicles owned or in possession of the business in lieu of registering each vehicle individually.

Officer—A president, vice president, secretary or treasurer of a corporation.

Registered dealer—A dealer registered by the Department under § 53.3(b) (relating to issuance of plates).

Transporter—A person regularly engaged in the business of transporting new vehicles or new and used trailers on their own wheels, owned by or in possession of a registered dealer.

Vehicle salvage dealer—A person who maintains an established place of business and who is engaged in the business of buying or selling parts or buying, selling or exchanging used, wrecked or abandoned vehicles and junkers for the purpose of remodeling, taking apart or rebuilding them.

§ 53.3. Issuance of plates.

(a) **To whom issued.** Plates will be issued in the following manner:

(1) Dealer plates will be issued to a manufacturer or dealer licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons and to a manufacturer or dealer of a type not licensed by the Board, if the manufacturer or dealer registers with the Department under subsection (b).

(2) Miscellaneous motor vehicle business plates will be issued to a miscellaneous motor vehicle business which registers with the Department under subsection (b).

(b) **Application for plates.** Application for plates shall be made in the following manner:

(1) Manufacturers, dealers and miscellaneous motor vehicle businesses may apply for registration plates by providing the Department with the following:

(i) A properly executed application furnished by the Department.

(ii) A copy of the deed or lease to the applicant's place of business and photos of the exterior and the interior.

(iii) A certificate of insurance or a statement from an insurance carrier authorized to do business in this Commonwealth—on its letterhead—that the applicant has sufficient liability insurance to cover as many vehicles as the number of plates applied for.

(iv) A remittance payable to the Department in the proper amount for the number of plates desired.

(v) A listing of outstanding liabilities due and owing to the Commonwealth, if any.

(vi) In the case of a transporter, a copy of an active contract with a registered dealer to regularly transport the dealer's vehicles. A copy of the contract shall also be included with each application for renewal of the registration plates.

(2) The Department will examine and determine the genuineness, regularity and legality of the application. The Department may investigate the applicant with regard to the following:

(i) Condition of the premises.

(ii) Departmental and other Commonwealth records pertaining to the applicant or an owner or officer.

(iii) Personal history of an owner or officer.

(iv) Unsatisfied judgments against the applicant, owner or officer.

(v) Credit rating of the business and its owners and officers.

(vi) Assets and liabilities of the applicant.

(3) For dealers and manufacturers licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, a separate Department investigation will not be required.

(4) The Department may deny an application for registration plates on the basis of information revealed in the investigation or if the applicant fails to disclose material information required or has made a materially false statement on the application. If the Department denies an application, the Department will provide the applicant with an opportunity to show cause why the application should not be denied.

(5) In the case of dealers who are not required to be licensed by the Department of State, the Department may approve an application for dealer registration on a temporary basis for a period of 1 year. At the end of this period, the condition of the business will be evaluated by the Department and a determination will be made as to whether permanent approval will be given to the application for dealer registration. Factors which will be considered in making this determination shall include, but not be limited to, the physical condition of the business and the number of vehicles sold by the business.

(c) Registration renewals. Dealer plates and miscellaneous motor vehicle business plates shall be renewed annually.

§ 53.4. Use of plates.

(a) **Dealer plates.**

(1) Dealer plates may be used on vehicles owned or in possession of a dealer or manufacturer and operated by the dealer or manufacturer or its employees only when the vehicle is used for one of the following purposes:

(i) In the business of the registrant as a dealer or manufacturer. If a dealer or manufacturer is engaged in a business other than the business of motor vehicle dealer or manufacturer, dealer plates may not be used on vehicles used in the other business, nor on vehicles used in both businesses.

(ii) For the personal pleasure or use of the dealer or members of the dealer's immediatefamily, or when the dealer is a corporation, for the personal pleasure or use of the officers or members of their immediate families, or for the personal use of the regular employees of the dealer.

(iii) For teaching students enrolled in an approved driver education course how to operate a vehicle and for taking an examination for a driver's license by the new driver.

(iv) For testing vehicles in the possession of the dealer or manufacturer.

(v) For demonstrating vehicles in the possession of the dealer or manufacturer.

(vi) For loaning to customers whose vehicles are being repaired.

(vii) For loaning to prospective purchasers for a period not exceeding 5 days for the purpose of demonstrating vehicles.

(2) Limited use of certain types of dealer plate shall be as follows:

(i) A motor driven cycle or motorized pedalcycle dealer plate shall be used only on motor driven cycles and motorized pedalcycles.

(ii) A motorcycle dealer plate shall be regularly used only on motorcycles, motor driven cycles and motorized pedalcycles. A motorcycle dealer plate may be used on other vehicles owned or in the possession of the motorcycle dealer only when the vehicle is being demonstrated for a prospective customer.

(iii) Other dealer plates may be used on any type of vehicle.

(3) See 75 Pa.C.S. § 1336(b) (relating to use of dealer registration plates). Permits for the use of manufacturer and dealer registration plates in the manner provided in paragraph (1)(iii), (vi) and (vii), shall be issued and records of their issuance shall be retained as follows:

(i) The dealer or manufacturer shall complete in ink or by typing, in duplicate, a dealer registration plate permit (Form MV-355) for each use, including the name and address of the authorized user; the dealer registration plate number; the make and vehicle identification number of the vehicle; the date of issuance of the permit; the dealer or manufacturer's name, address and dealer identification number (DIN); and the purpose for which use of the vehicle was authorized. The form shall be signed by both the authorized user and the dealer or manufacturer.

(ii) The original copy of the dealer registration plate permit shall be given to the authorized user and shall be in the possession of the driver whenever the vehicle is being driven on a highway. The dealer registration card issued for the dealer registration plate attached to the vehicle shall also be in possession of the authorized user when the vehicle is being driven.

(iii) The duplicate copy of the dealer registration plate permit shall be retained at the dealer's or manufacturer's place of business for at least 6 months for inspection by police and authorized representatives of the Commonwealth.

(b) **Miscellaneous motor vehicle business plates.**

(1) Miscellaneous motor vehicle business plates may be used only when the vehicle is used for one of the following purposes:

(i) In the conduct of the miscellaneous motor vehicle business. If the owner of the miscellaneous motor vehicle business is engaged in another business, the miscellaneous motor vehicle business plates may not be used on vehicles used in the other business, nor on vehicles used in both businesses.

(ii) For the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of the owner's immediate family, or when the business is a corporation, for the pleasure or use of not more than three officers or members of their families, or for the personal use of the regular employees of the business when operated by the employee.

(2) Miscellaneous motor vehicle business plates shall be used by transporters only on motor vehicles which are hauling loads no greater than 1,000 pounds. The plates may not be used by transporters on truck tractors towing mobile homes or loaded trailers, or on loaded trailers.

§ 53.5. Registration cards for manufacturers, dealers and miscellaneous motor vehicle businesses.

(a) **General rule.** The Department, upon issuing manufacturer, dealer or miscellaneous motor vehicle business registration plates, will issue cards which will include the name and address of the registrant, the identification number assigned to the registrant, the expiration date of the registration and the number of the registration plates assigned.

(b) **Types of cards.** Registrants will be furnished two types of registration cards:

(1) A separate, original card for each registration plate, containing the name and address of the registrant, the identification number assigned to the registrant, the expiration date of the registration and the number of the plate.

(2) A summary card in the form of a computer printout, containing the name and address of the registrant, the identification number assigned to the registrant, the registration plate number for each plate assigned to the registrant, and the expiration date of the registration. The registrant may make photocopies of this type of card which shall have the same force as the original card and may be exhibited, when required, in lieu of the original card.

(c) **Signature.** Upon receiving the registration card or a duplicate thereof, the registrant shall sign his name in ink in the space provided.

(d) **Exhibition of card.** One of the two types of registration cards for the registration plate being displayed on a vehicle shall be, at all times while the vehicle is being operated upon the highway, in the possession of the person driving or in control of the vehicle or carried in the vehicle and exhibited upon demand of a police officer.

§ 53.6. Responsibilities of dealer, manufacturer and miscellaneous motor vehicle business registrants.

(a) **Change of ownership.** The registrant shall notify the Department on the prescribed form within 5 days of any change of ownership. The following are regarded as changes of ownership:

(1) Whenever the owner takes a new partner.

(2) Whenever the owner sells the business.

(3) Incorporation of a business.

(4) Sale of controlling interest in a corporation.

(b) **Change of address.** The registrant shall notify the Department before changing its place of business or before opening any branch office, and shall notify the Department immediately of any change in its post office address.

(c) **Lost or stolen plate.** The registrant shall notify the Department within 2 days of discovering the loss or theft when any registration plate is lost or stolen. The requirement of this section is in addition to the requirement to notify police of loss or theft of a registration plate under 75 Pa.C.S. §1333(a) (relating to lost, stolen, damaged or illegible registration plates).

§ 53.7. Return of dealer, manufacturer and miscellaneous motor vehicle business registration plates.

(a) **Registration plates shall be returned to the Department immediately, if one of the following occur:**

(1) The registration has been revoked or suspended by the Department.

(2) The State Board of Vehicle Manufacturers, Dealers and Salespersons has suspended, revoked or not renewed the license of the registered manufacturer or dealer.

(b) **Registration plates shall be returned to the Department within 5 days if one of the following occur:**

(1) A change in the nature of the registrant's business so that the registrant is no longer a dealer, manufacturer or miscellaneous motor vehicle business.

(2) The discontinuation of business as a dealer, manufacturer or miscellaneous motor vehicle business by the registrant.

§ 53.8. Certified checks.

The Department may, in its discretion, require certified checks, postal or other money orders or cash from any registrant after a default in the payment of checks or drafts of the registrant.

§ 53.9. Sanctions for violations by dealer, manufacturer or miscellaneous motor vehicle business registrants.

(a) **Schedule.** After providing an opportunity for a hearing, the Department may impose suspensions on a registrant according to the following schedule of violations by the registrant, when the Department finds upon sufficient evidence that:

	1st Offense	2nd Offense	3rd Offense	4th and Subsequent Offense
(1) The registrant has failed to report a change of business address before the change.	Written Warning	3 months	6 months	Revocation
(2) The registrant has operated a branch office without notifying the Department.	Written Warning	3 months	6 months	
(3) The registrant has made or permitted to be made an unlawful use of the vehicle, registration plates or registration cards or permitted the use by a person not entitled thereto.	1 month	3 months	Revocation	
(4) The registrant has knowingly made a false statement or knowingly concealed a material fact or other wise committed a fraud in an application submitted to the Department.	1 month	3 months	Revocation	
(5) The registrant has failed to notify the Department of a change of ownership.	Written Warning	3 months	6 months	Revocation

	1st Offense	2nd Offense	3rd Offense	4th and Subsequent Offense
(6) The registrant has submitted documents to the Department which have been accompanied by uncollectible checks drawn on the account of the registrant.	Until all uncollectible checks, protest fees, and collection charges under the Vehicle Code are paid	Until all uncollectible checks, protest fees, and collection charges under the Vehicle Code are paid, plus 1 month	Until all uncollectible checks, protest fees, and collection charges under the Vehicle Code are paid, plus 6 months	Revocation
(7) The registrant has used or has allowed the use of a motor-driven cycle or motorized pedalcycle dealer plate on a vehicle other than a motor-driven cycle or a motorized pedalcycle.	Written Warning	1 month	6 months	Revocation
(8) The registrant has used or has allowed the use of a motorcycle dealer plate on a vehicle other than a motorcycle, motor-driven cycle or motorized pedalcycle, except for purposes of demonstration.	Written Warning	1 month	6 months	Revocation
(9) The registrant has failed to allow inspection of the records prescribed in §53.4 (relating to use of plates) by authorized Commonwealth employees.	1 month	3 months	Revocation	
(10) The registrant has failed to properly issue or maintain records of the issuance of a dealer registration plate permit, as prescribed in § 53.4 when loaning a vehicle with a dealer plate.	Written Warning	1 month	3 months	6 months
(11) The registrant has offered or paid money, gifts or other rewards to Commonwealth employees.	6 months	Revocation		
(12) The registrant has failed to deliver to a lawfully entitled transferee or to the Department, when and as required by law, a properly assigned Certificate of Title.	Written Warning	1 month	6 months	Revocation

	1st Offense	2nd Offense	3rd Offense	4th and Subsequent Offense
(13) The registrant has repeatedly violated the Vehicle Code (75 Pa.C.S. § § 101—9909) or this chapter.	1 month	6 months	Revocation	
(14) The registrant has failed to provide information regarding the location and use of all registration plates issued to the registrant to an authorized Commonwealth employee.	1 month	6 months	Revocation	

(b) Warning. The Department may, in its discretion, permit the registrant to consent to the acceptance of a warning in lieu of the first violation suspension outlined in subsection (a)(3), if no owner or officer had knowledge of the violation. The consent warning shall only be issued to registrants which have had no suspendible violations for 3 years prior to the date of the violation which is being considered. The registrant bears the burden of proving that they provided proper supervision of the employee who committed the violation but that the supervision could not have prevented the violation. Consent warnings replace the first violation suspension, and a second violation will be considered a second violation.

(c) Second and subsequent violations. Second and subsequent violations will be determined on the basis of previous violations of the same nature committed within a 3 year period. If a third or subsequent violation occurs within 3 years of the last previous violation, it will be deemed a third or subsequent violation regardless of when other previous violations occurred.

(d) Multiple violations. In the case of multiple violations considered at one time, the Department will impose separate penalties for each violation as required by the schedule. The Department may, in its discretion, direct that a suspension imposed be served concurrently or consecutively.

(e) Suspension authority reserved. The descriptions of reasons for suspension in subsection (a) are of a general nature, and should not be deemed to limit the suspension authority of the Department granted by 75 Pa.C.S. § 1374 (relating to suspension of vehicle business registration plates).

(f) Revocation. Upon revocation of registration, the dealer, manufacturer or miscellaneous motor vehicle business shall be barred from reapplying for a new registration for 1 year. The dealer, manufacturer or miscellaneous motor vehicle business shall immediately return all the registration cards and plates in its possession to the Department.

Annex A

Title 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISION

ARTICLE III. REGISTRATION

CHAPTER 43. TEMPORARY REGISTRATION CARDS AND PLATES

§ 43.1. Purpose.

This chapter established rules and regulations governing the issuance of temporary registration plates and cards by authorized dealers, manufacturers, full agents and card agents under 75 Pa.C.S. § § 1310 and 1331 (relating to temporary registration cards; issuance and reissuance of registration plates).

§ 43.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise: Act—75 Pa.C.S. § § 101—9821 (relating to the Vehicle Code).

Applicant—A person, as defined in the act, who applies for registration of a vehicle and for a temporary registration card or plate.

Bureau—The Bureau of Motor Vehicles of the Department.

Card agent—A notary public, commissioned by the Department of State, Bureau of Legislation, Commissions and Elections, who is approved by the Department to issue temporary registration cards in conjunction with applications for transfer of registration plates. A notary public from another state may also serve as a card agent and may issue a temporary registration card to a Commonwealth registrant who has purchased a vehicle in the state and who wishes to apply for transfer of a Commonwealth registration plate. The notary shall be commissioned or licensed as a notary by a governmental agency of the state.

Certificate of authorization—The document issued to an agent which indicates the agent has complied with the requirements of the Department and is permitted to issue temporary registration cards or plates, or both.

Dealer—A person engaged in the business of buying, selling or exchanging vehicles, including passenger cars, trucks, implements of husbandry, special mobile equipment and trailers, who is registered by the Department under § 53.3(b) (relating to issuance of plates). The term does not include a miscellaneous motor vehicle business, unless the business is also registered as a dealer under § 53.3(b).

Department—The Department of Transportation of the Commonwealth.

Established place of business—The place occupied either continuously or at regular periods by a dealer, manufacturer or full agent, where the books and records are kept, where a large share of the business is transacted and which meets local zoning rules, ordinances and building codes.

Full agent—A county treasurer or a person other than a manufacturer or dealer authorized by the Bureau to issue temporary registration cards and plates.

Issuing agent—A full agent or card agent, or a dealer or manufacturer, who has been authorized by the Bureau to issue temporary registration cards and plates.

Manufacturer—A person engaged in the business of constructing or assembling vehicles, motors or bodies of vehicles.

Regular registration plate—A metal registration plate issued by the Bureau for a specific vehicle in conjunction with a permanent registration card, or a metal registration plate issued by an authorized dealer, manufacturer or full agent as a temporary plate and validated for regular use by issuance of a regular registration card.

Temporary registration card—A form provided by the Department for issuance to an applicant for registration or transfer of registration for use by the applicant until receipt of the regular registration card. A form issued with a temporary registration plate for a vehicle which is to be driven or otherwise moved to another state or country for titling, registration, use or resale there.

Temporary registration plate—A registration plate to be used by the applicant until regular registration is received. There are two types of temporary registration plates: metal registration plates, for issuance only for vehicles which are being registered in this Commonwealth, and cardboard registration plates for issuance only for vehicles which are to be driven or otherwise moved to another state or country for titling, registration, use or resale there.

(i) Metal temporary plates are issued to an applicant for use during the period of time in which the application for regular registration is being submitted to and processed by the Department.

(ii) A cardboard registration plate may also be issued under special conditions, as authorized by the Department.

§ 43.3. Card agents.

(a) Card agent shall be a notary public. In order to be approved as a card agent by the Department, a person shall be commissioned as a notary public by the Department of State, Bureau of Legislation, Commissions and Elections, or by a similar agency in another state.

(b) Application for forms. When a card agent applies to the Department for an official form, he shall affix his notarial seal and signature to the application to the Department for forms to be issued by the card agent.

(c) Revocation of commission as a notary public. A card agent shall comply with rules and regulations under The Notary Public Law (57 P. S. § § 147—169). In the event that the commission of a notary public is revoked, his status as a card agent will also be revoked until the commission as a notary public has been reinstated.

(d) Other requirements. A card agent is subject to other provisions of this chapter concerning the issuance of temporary registration cards.

§ 43.4. Authorization to issue temporary registration plates.

(a) Application procedure. A person wishing to be authorized to issue temporary registration plates shall apply to the Department on forms furnished by the Department. For a person to be authorized, the person shall be a resident of this Commonwealth. The application shall include:

(1) Photographs, interior and exterior, of the proposed place of business, including branch offices. The photographs of the exterior shall show the entrance way and signs, required under subsection (b)(2). Photographs of the interior of the proposed agent's office shall show the desk, phone, secure area for storage of temporary cards and plates, and the complete schedule of fees and charges relating to the issuance of temporary cards and plates, posted in accordance with subsection (b)(1).

(2) A letter of reference from a bank or other financial institution which indicates that accounts of the applicant are handled in a satisfactory manner that is consistent with standard banking practices.

(3) Three letters of reference from business concerns, on their business stationery, attesting to the character of the applicant.

(4) The bond prescribed by § 43.9 (relating to bond), on the form of the Department, or a surety's binding commitment to issue the bond upon approval of the application.

(5) A notarized statement listing outstanding liabilities of the business or of the owners and officers of the business that are due and owing to the Commonwealth or, if none, a notarized statement to that effect.

(6) The names, addresses and social security numbers of owners or corporate officers, and employees authorized to issue temporary registration cards and plates, of the manufacturer's, dealer's or full agent's business.

(7) A criminal history record, obtained from the State Police, of each owner or corporate officer.

(8) A notarized statement attesting that the applicant has read and understands this chapter.

(9) The name, address and notary seals of a notary who is an employee during all of the hours of operation. The owner may be the notary.

(10) A schedule of business hours. This schedule shall contain a minimum of 20 business hours per week, or a minimum of 10 business hours per week plus an additional 10 business hours when a person may make an appointment. Business hours of operation shall be convenient to the public and be indicated on the sign required under subsection (b)(2).

(11) A statement that the business location meets local zoning ordinances and building codes.

(b) Established place of business. Authorized dealers and full agents shall maintain an established place of business. A copy of business records shall be maintained at the established place of business for 3 years. The following shall be posted in a conspicuous place in view of the public:

(1) A complete schedule of fees and charges pertaining to the issuance of temporary registration cards and plates.

(i) The schedule shall indicate amounts payable to the Department and amounts charged by the issuing agent.

(ii) The schedule shall be at least 3 square feet in size with lettering at least 1/2-inch high.

(2) The hours during which the place of business is open to the public.

(3) The certificate of authorization to issue temporary registration plates.

(c) Review of application. The Department will examine and determine the genuineness, regularity and legality of every application for a certificate of authorization. The Department may investigate the applicant with regard to one or more of the following:

(1) The condition of the applicant's proposed business premises.

(2) Departmental and other Commonwealth records pertaining to the business of an owner or officer.

(3) The personal history of an owner, officer or employee related to a conviction for a crime, under 18 Pa.C.S. (relating to the Crimes Code) or under the penal law of the United States, which involves moral turpitude or which reflects adversely on the owner's or officer's business integrity or responsibility.

(4) Unsatisfied judgments against the business, owner or officer.

(5) The credit rating of the business and its owners and officers.

(6) The assets and liabilities of the business.

(d) Denial of application. The Department may deny an application for a certificate of authorization on the basis of information revealed in an investigation, or if the applicant fails to disclose material information required or if the applicant has made a materially false statement on the application, or if the applicant's business is operated, managed or otherwise controlled or affiliated with a person who is ineligible for authorization, including a relative, family member, corporate officer or shareholder.

(e) Opportunity for review. If the Department denies an application for a certificate of authorization, the Department will provide the applicant with an opportunity to show cause why the application should not be denied.

(f) Temporary certificate of authorization. After reviewing an application, the Department may issue a temporary certificate of authorization. The temporary certificate of authorization will be issued for 60 days, during which period the Bureau may investigate the operations of the dealer, manufacturer or full agent. When the temporary certificate of authorization expires, the Bureau may issue a regular certificate of authorization.

(g) Issuance of a certificate of authorization. The Department will issue a certificate of authorization to an approved applicant.

(h) Transfer of certificate of authorization. A certificate of authorization may not be transferred and shall be valid only for the owner in whose name it is issued.

(1) In the case of a change of ownership, the dealer, manufacturer or full agent shall notify the Bureau within 10 days. It is the responsibility of a new owner to comply with this section.

(2) The following are regarded as changes of ownership:

(i) The owner takes on a new partner.

(ii) The owner sells the business.

(iii) The business is incorporated.

(iv) A controlling interest in a corporation is sold.

(v) The owner retires or dies.

(i) Change in location of place of business. If a manufacturer, dealer or full agent changes the location of the office, he shall notify the Department within 10 days. Other provisions of this chapter concerning the place of business shall apply to a change in location of the office. The issuance or transfer of temporary registration plates may not be conducted at the new location until the location has been approved by the Department.

§ 43.5. Issuance of temporary registration cards.

(a) General rule. Cards will be issued in the following manner:

(1) Temporary registration cards will be issued only by the Bureau, by dealers, manufacturers, card agents and full agents authorized by the Bureau and by government agencies authorized by the Bureau. When required by law, dealers and manufacturers shall be licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons as a prerequisite to authorization by the Bureau.

(2) Temporary registration cards will be issued only in conjunction with issuance of a temporary registration plate by the Bureau, an authorized dealer, manufacturer, full agent or authorized

(b) Obtaining temporary registration cards. Issuing agents may obtain temporary registration cards at offices of the Bureau or upon written request to the Bureau.

(c) Issuance of temporary registration cards in connection with transfer of registration. Every issuing agent shall, upon request, issue a temporary registration card to the owner or lessee of a vehicle who has made proper application for transfer of registration on an application for Certificate of Title or other appropriate Departmental form. The agent information on the Departmental forms shall be completed in full by the agent.

(d) Duty to examine documents. The duty to examine documents includes the following:

(1) Before issuing a temporary registration card, the issuing agent shall examine the documents necessary to the transaction.

(2) A temporary registration card may not be issued unless the following items are found to be in order:

(i) Insurance information.

(A) Except as provided in clause (B), determination shall be made that the vehicle is insured by examining one of the following documents covering the subject vehicle, the vehicle traded for the subject vehicle or another vehicle owned by the applicant:

(I) An identification card as required in 31 Pa. Code Chapter 67, Subchapter B (relating to evidence of financial responsibility).

(II) The declaration page of an insurance policy.

(III) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(IV) A copy of an application to the Pennsylvania Automobile Insurance Plan.

(V) A certificate of self-insurance issued by the Department.

(B) The requirement to check one of the documents listed in clause (A) does not require the agent to verify the information submitted unless the agent has reason to believe the documents are fraudulent.

(C) If the vehicle was acquired in this Commonwealth for transportation under its own power to another state for registration there, the issuing agent shall examine the driver's license or other appropriate identification of the applicant to ascertain that:

(I) The applicant is an out-of-State resident.

(II) The vehicle was purchased within the previous 60 days.

(III) The applicant possesses one of the proof of insurance items identified in clause (A) issued by a company authorized to transact business in this Commonwealth or in the state to which the vehicle is being transported for title and registration therein.

(ii) Application. The application shall be properly and completely executed and notarized, as required, accompanied by the correct fees, taxes and other required forms or documents.

(e) Preparation of application. The issuing agent shall complete in ink, or by typewriter, or by data processing equipment the application for temporary registration. The issuing agent identification number shall be on all documents, including checks submitted by the issuing agent, submitted to the Bureau for processing.

(f) Copies of temporary registration card. Copies of the temporary registration card shall be handled as follows:

(1) The original copy of the temporary registration card, including the copy completed for the cardboard temporary, the regular registration card, and documents and fees necessary to the transaction shall be forwarded by the issuing agent to the Bureau within 20 days of issuance of the temporary registration card. These materials shall be forwarded either by an authorized messenger service, by mail or by delivery to an area designated by the Bureau.

(2) The applicant's copy of the temporary registration card shall be given to the applicant, for possession by the driver of the vehicle whenever the vehicle is being driven on the highway.

(3) The agent's copy of the temporary registration card, copies of related documents including bills of sale when the agent is also the dealer and a copy of the document used for identification and copies of the documents used for insurance verification shall be retained at the place of business of the issuing agent for at least 3 years and shall be made available for inspection only by police and authorized representatives of the Department. Cards issued in conjunction with the transfer of registration plates shall be kept separate from cards issued in conjunction with temporary registration plates. Cards shall be kept in chronological order according to the date of issuance.

(g) Fee not to be charged. An issuing agent may not charge a fee for issuing a temporary registration card in connection with transfer of registration except fees for notarization and messenger service, if requested by the applicant.

(h) Expiration or voidance of temporary registration cards. Temporary registration cards shall expire and become void upon the occurrence of one of the following:

(1) The receipt of the regular registration card from the Bureau.

(2) The rescission of a contract to purchase a vehicle.

(3) The expiration of 60 days from the date of issuance, or, in the case of a vehicle which was acquired in this Commonwealth for transportation to another state for registration or other use there, the expiration of 30 days from the date of issuance.

(4) The temporary registration plate is lost, stolen or defaced.

(i) Confidentiality. The agent's copy of the temporary registration card and documents related to the application for title or registration shall be kept in strict confidentiality by the issuing agent, unless otherwise required by law or legal purpose.

(j) Receipts. An agent shall complete an itemized receipt, in duplicate, which lists the total fees payable to the Commonwealth on one line, and each fee charged for the agent's services on a separate line.

A copy shall be given to the customer and the other copy shall be retained by the agent for 3 years and shall be made available for inspection.

§ 43.6. Issuance of temporary registration plates.

(a) Limits on issuance. Temporary registration plates will be issued in the following manner:

(1) Temporary registration plates other than those specified in paragraph (4) will be issued only by the Bureau, approved governmental agencies, dealers, manufacturers and full agents authorized by the Bureau.

(2) Temporary registration plates shall be issued only in conjunction with an application for title and registration of a vehicle within this Commonwealth or for the purpose of driving or otherwise moving a vehicle purchased in this Commonwealth to another state or country for titling, registration, use or resale there.

(3) Notwithstanding paragraphs (1) and (2), a full agent who is also an authorized messenger service under Chapter 255 (relating to messenger services), may issue a temporary registration plate in one of the following circumstances after receiving authorization from the Department indicating the vehicle record is clear of a suspension or other impediment to issuance of the registration plate:

(i) For a vehicle for which the applicant already has a Pennsylvania Certificate of Title.

(ii) To a person who is applying for replacement of a lost, stolen or defaced registration plate.

(iii) For a vehicle for which the applicant has an Out-of-State title and registration, but is also required to be registered, but not titled, in this Commonwealth.

(4) Temporary registration plates for reconstructed and specially constructed vehicles will be issued only by the Bureau.

(b) Issuance at other locations. The Department may provide written authorization for individual dealers, manufacturers or full agents to issue temporary registration plates at a location other than the places of business of the dealer, manufacturer or full agent for a period not to exceed 1 year. The privilege to issue temporary registration plates from a location other than the designated dealer, manufacturer or full agent's place of business is revocable if the Department finds that the dealer, manufacturer or full agent has violated this chapter or the terms of the written authorization.

(c) Obtaining temporary registration plates. Temporary registration plates shall be obtained by submitting the appropriate form and paying the applicable fee to the Bureau.

(d) Issuance of temporary registration card in conjunction with issuance of temporary registration plates. Upon the issuance of a temporary registration plate, the authorized dealer, full agent or manufacturer shall issue a temporary registration card, in the manner prescribed on forms provided by the Department and in § 43.5 (relating to issuance of temporary registration cards).

(1) The number of the temporary registration plate shall be indicated on the temporary registration card.

(2) If the vehicle is not to be titled in this Commonwealth, it shall be noted on the temporary registration card.

(e) Issuance of temporary registration plates. Temporary registration plates shall be issued in consecutive order, beginning with the lowest number in each series.

(f) Issuance of cardboard temporary registration plates. Upon issuance of a cardboard temporary registration plate, the authorized dealer, manufacturer or full agent shall punch out the month, day and year of expiration at the space provided and shall record the following information clearly and indelibly on the face of the temporary plate:

(1) The date of issuance.

(2) The year, make and model of vehicle.

(3) The vehicle identification number.

(4) The identification number of the authorized dealer, manufacturer or full agent.

(g) Fee charged. The fee charged for providing an applicant with a temporary plate may not exceed:

(1) Ten dollars if the plate was obtained from the Department for a fee of $5.

(2) Five dollars if the plate was obtained from the Department for a fee of $1.

§ 43.7. Inventory of temporary registration cards and plates.

(a) Inventory report. Every dealer, manufacturer and full agent is responsible for providing the Bureau with a report on the temporary registration plates which it has in inventory, within 30 days of the Bureau's request for the information.

(b) Security. Temporary registration cards and plates shall be kept in a secure place, which shall meet the approval of the Bureau. Issuing agents shall be responsible for security of temporary registration cards and plates obtained by them until they are issued to applicants.

(c) Report on lost or stolen plates. If plates are lost or stolen, the dealer, manufacturer or full agent shall notify the Department of the loss or theft within 48 hours of the occurrence. This notice shall be in the form of a notarized statement and shall give complete details of the loss or theft of the plates. In the event of theft, a police report shall be submitted to the Department within 10 days of the theft.

(d) Available for inspection. Temporary registration plates and related documents shall be available for inspection, with or without notice, by authorized Commonwealth employees which includes the State Police. Records required by the Department to be maintained by the issuing agent in carrying out its duties under this chapter shall be subject to periodic inspection by authorized representatives of the Commonwealth or its designated agents under the following conditions:

(1) Place. The inspection will be conducted at the issuing agent's established place of business.

(2) Time. The inspection will be conducted during regular and usual business hours.

(3) Scope. The inspection will be limited to examination of the records and plate inventory which are subject to the recordkeeping requirements of this chapter and which are on the premises.

§ 43.8. Return or surrender of temporary registration cards and plates.

(a) Discontinued business. An issuing agent, other than a card agent, who discontinues his business shall, within 5 days, return to the Department the certificate of authorization and the temporary registration cards and plates in the agent's possession. The Bureau will make appropriate refunds under subsection (c).

(b) Suspension. An issuing agent, other than a card agent, whose right to issue temporary registration cards and plates has been suspended shall surrender the certificate of authorization and the registration cards and plates in the agent's possession at the agent's established place of business to an authorized representative of the Department.

(c) Refunds. A refund of the fee paid by an agent for a temporary registration plate may be obtained upon the return of the plate by the agent, accompanied by the appropriate form provided by the Department, except when the plate is being returned by a dealer, manufacturer or full agent whose authorization has been suspended or revoked. The Bureau will deduct $25 from the refund amount due to cover processing of the request for refund.

§ 43.9. Bond.

(a) Authorized dealers, manufacturers and full agents to be bonded. Every authorized dealer, manufacturer and full agent shall file and maintain with the Bureau a bond executed by a surety company authorized to transact business in this Commonwealth. The bond shall be for the use and benefit of the Commonwealth and a person who has sustained a monetary loss within the limitations of the bond as specified in subsection (d).

(b) Amount of bond. Issuing agents, other than card agents, shall be bonded in the amount as set forth in the Agent Services Agreement.

(c) Decrease in amount of bond. If the amount of the bond is decreased, or if there is a final judgment outstanding against the bond, the right of the authorized dealer, manufacturer or full agent to issue temporary registration cards and plates will be suspended until steps are taken, satisfactory to the Bureau, to restore the original amount of the bond, provide additional bond or satisfy the judgment.

(d) Limitations of bond. The bond required under this section shall cover transactions in which the Commonwealth or a person specified in subsection (a), has sustained a monetary loss due to the agent, dealer or manufacturer submitting a dishonored or uncollectible check to the Commonwealth (including protest and uncollectible check fees), or failing to remit to the Commonwealth a fee or tax when the monetary loss is incurred in connection with the business of the dealer or manufacturer. A check which is dishonored upon presentment, or an application for title or registration which is received without a required fee or tax, shall constitute a monetary loss. Failure to pay a monetary penalty within 45 days of assessment shall also constitute a monetary loss. The bond required under this section may not cover a loss for a transaction which is not mentioned in this subsection relating to the issuance of temporary registration cards or plates in connection with the business of the dealer, manufacturer or full agent. If the dealer, manufacturer or full agent has one or more branch offices, the amount of the bond shall be as specified in the Agent Services Agreement.

(e) Bond already on file. An authorized dealer, manufacturer or full agent who has filed a bond with the Commonwealth will not be required to file a separate bond under this section, if the bond already on file with the Commonwealth is in the name of the Commonwealth and at least equal to the amount and coverage of the bond required under this section.

(f) Acceptance. The surety and terms of bonds or riders shall be subject to review and acceptance by the Bureau.

(g) Change of address. When a change of address occurs, a stipulation or rider to the original bond shall be submitted for the new address.

(h) Authorized claims. The Bureau has the right to make and settle claims upon the bond with the surety company on behalf of the Commonwealth and a person who has incurred a monetary loss as specified in subsection (a). The Bureau will, upon written request, assign this right to a person for that person's claim; however, in this event, the Commonwealth is released from any duty to the person towards obtaining satisfaction of that person's claim. The Commonwealth will have priority, to the exclusion of all others, in receiving payment from the surety. If the aggregate amount of valid claims exceeds the amount of the bond, priority for the payment of claims shall be as follows:

(1) Claims made by the Commonwealth.

(2) Claims made by the Commonwealth for persons.

(3) Claims made by persons who obtained assignment from the Bureau.

§ 43.10. Prohibited acts.

(a) False information not knowingly to be given. An issuing agent may not knowingly issue a temporary registration card or plate containing misstatement of facts or other false information.

(b) Alteration. A temporary registration card or plate may not be altered. An alteration on a temporary registration card or plate, including copies submitted to the Bureau, renders it invalid.

(c) Renewal or reissuance. An issuing agent may not renew or reissue a temporary registration card or plate which has expired, except upon written authorization of the Department or except as provided for in §43.6(a)(3) (relating to issuance of temporary registration plates).

(d) Refusal to issue. An authorized dealer, manufacturer or full agent may not refuse, upon request, to issue a temporary registration plate to the owner or lessee of a vehicle who possesses proper documentation under this chapter.

(e) Issuance at location not approved by the Department. Temporary registration plates may not be issued by an authorized dealer, manufacturer or full agent at a location other than the approved places of business of the authorized dealer, manufacturer or full agent, except under §43.6(b).

(f) Refusal to accept separate check or money order. An issuing agent may not refuse to accept a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth in association with a title application.

(g) Consignment. An authorized dealer, manufacturer or full agent may not consign or transfer to other issuing agents or persons, any of the inventory of temporary registration plates issued by the Department to the authorized dealer, manufacturer or full agent.

(h) Issuance of temporary registration without proper documentation. An authorized dealer, manufacturer or full agent may not issue a temporary registration card or plate if proper documentation is not complete and if information is not verified if required. This includes proof of ownership, insurance coverage, odometer statements, proof of identity and other documentation that may be required.

(i) Gifts. An issuing agent may not offer or deliver money, gifts or other items of substantial value nor offer and deliver money, gifts or other items to a Commonwealth employee.

(j) Reportable transactions. An issuing agent may not fail to report a transaction involving the sale or transfer of a vehicle consistent with Internal Revenue Service statutes, regulations and rules.

§ 43.11. (Reserved).

§ 43.12. Use of temporary registration plate.

(a) Applicability. This section pertains to the use of a temporary registration plate by the person to whom it was issued.

(b) Temporary registration plate nontransferable. Temporary registration plates may not be transferred from one vehicle to another. If a person purchases another vehicle before receiving the regular registration card from the Bureau, the person shall wait until receipt of the regular registration card and then transfer the registration plate in the usual manner.

(c) Expiration of temporary registration plates. Temporary registration plates shall expire as follows:

(1) Rules pertaining to cardboard plates.

(i) A cardboard temporary registration plate shall expire and become void upon the occurrence of one of the following:

(A) Issuance of registration from another state.

(B) Rescission of a contract to purchase a vehicle.

(C) Expiration of 30 days from the date of issuance.

(ii) Upon expiration of a cardboard temporary registration plate, the person to whom it was issued shall destroy it.

(2) Rules pertaining to metal plates. A metal temporary registration plate may not be used after the expiration of 60 days from the date of issuance of the temporary card and plate until the registrant receives a regular registration card from the Bureau.

(d) Use of temporary registration plates on vehicles transporting a load. Vehicles transporting a load shall comply with the following:

(1) Temporary metal registration plates may be used on a vehicle transporting a load if the vehicle has a gross vehicle weight rating of 26,000 pounds or less and the vehicle and load have a gross weight of 26,000 pounds or less.

(2) Temporary metal registration plates may not be used on a vehicle transporting a load, if the vehicle has a gross vehicle weight rating in excess of 26,000 pounds or the vehicle and load have a gross weight in excess of 26,000 pounds, unless the vehicle is operating only within this Commonwealth or through jurisdictions which are not members of the International Registration Plan.

(3) Temporary cardboard registration plates may not be used on a commercial vehicle transporting a load.

(e) Prosecution. A person who violates subsection (c) shall be subject to prosecution under 75 Pa.C.S. § 1301 (relating to driving unregistered vehicle prohibited).

§ 43.13. Special temporary registration cards and plates.

The Secretary may authorize the issuance of special temporary registration cards and plates for special occasions which he deems to be in the best interests of the Commonwealth. Temporary registration cards and plates shall be valid for a period of time the Secretary will determine.

CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

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Authority

The provisions of this Chapter 19 issued under the Motor Vehicle Salesman's License Act (63 P. S. § § 801—816) (Repealed), unless otherwise noted.

Source

The provisions of this Chapter 19 adopted July 18, 1968, unless otherwise noted.

GENERAL PROVISIONS

§ 19.1. Legislative findings and purposes.

The General Assembly of this Commonwealth finds and declares that the sale of new and used motor vehicles in the Commonwealth vitally affects the general economy of the Commonwealth, the public interest and public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to license manufacturers, dealers and salespersons of new and used motor vehicles doing business in the Commonwealth, in order to prevent frauds, impositions and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this Commonwealth.

Source

The provisions of this § 19.1 adopted July 18, 1968; amended May 30, 1975, effective May 31, 1975, 5 Pa.B. 1403.

Notes of Decisions

General Comment

This regulation does not refer to the sale of five vehicles by any individual; rather, it sets forth the legislative purpose of the Board of Vehicles Act (63 P. S. § 818.5). *Maggiano v. State Board of Vehicle Manufacturers, Dealers and Salespersons*, 659 A.2d 1071 (Pa. Cmwlth. 1995).

Standing

Intervening Association had standing to appeal a decision by the State Board of Manufacturers, Dealers and Salespersons, which deemed the application for a broker's license by a developer of an automobile purchasing program to be withdrawn for lack of jurisdiction, because the Association was able to show that the primary purpose of the Board of Vehicles

Act was to protect the general economy of the Commonwealth. *Pennsylvania Automotive Association v. State Board of Vehicle Manufacturers, Dealers and Salespersons*, 550 A.2d 1041 (Pa. Cmwlth. 1989).

§ 19.2. Definitions.

In addition to the terms defined in section 2 of the act (63 P. S. § 818.2), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Board of Vehicles Act (63 P. S. § 818.1—818.37).

Board—The State Board of Vehicle Manufacturers, Dealers and Salespersons.

Dealer's interest in vehicles—A dealer's interest in vehicles, as the term is used in section 2 of the act, does not include the lease of a vehicle.

Engaging in the occupation of vehicle salesperson—The display, demonstration, offer for sale or retail sale of any vehicle not owned by that person.

Authority

The provisions of this § 19.2 amended under section 4 of the Board of Vehicles Act (63 P. S. § 818.4).

Source

The provisions of this § 19.2 adopted July 18, 1968; amended May 30, 1975, effective May 31, 1975, 5 Pa.B. 1403; amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3485. Immediately preceding text appears at serial pages (201776) and (271697) to (271698).

§ 19.3. Applicability of general rules.

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) (General Rules), is applicable to the activities of and proceedings before the Board. Sections 19.31—19.38 (relating to protest proceedings) supplement the General Rules and apply solely to proceedings under sections 8(d), 13 and 27 of the act (63 P. S. § § 818.8(d), 818.13 and 818.27).

Authority

The provisions of this § 19.3 amended under sections 4(a)(9), 8, 11, 13 and 27 of the Board of Vehicles Act (63 P. S. § § 818.4(a)(9), 818.8, 818.11, 818.13 and 818.27).

Source

The provisions of this § 19.3 adopted September 12, 1975, effective September 13, 1975, 5 Pa.B. 2396; amended February 3, 2006, effective February 4, 2006, 36 Pa.B. 536; corrected February 10, 2006, effective February 4, 2006, 36 Pa.B. 715. Immediately preceding text appears at serial page (290075).

§ 19.4. Fees.

The following is the schedule of fees charged by the Board:

Salesperson license application …	$ 25
Factory representative or distributor representative license application …	$ 25
Manufacturer license application …	$ 30
Factory or distributor branch license application …	$ 30
Distributor license application …	$ 30
Dealer license application …	$ 65
Auction license application …	$ 65
Dealer branch lot license application …	$ 65
Salesperson change of employer transfer application …	$ 25
Business name or post office address change …	$ 30
Business physical location change …	$ 60
Verification of licensure …	$ 15
Reinspection after failure …	$ 45
Certification of license history …	$ 25
Biennial renewal—salesperson license …	$ 90
Biennial renewal—vehicle representative license …	$ 90
Biennial renewal—manufacturer license …	$250
Biennial renewal—manufacturer branch license …	$175
Biennial renewal—distributor license …	$175
Biennial renewal—dealer license …	$175
Biennial renewal—auction license …	$175
Biennial renewal—dealer branch license …	$175

Authority

The provisions of this § 19.4 amended under sections 4 and 30(b) of the Board of Vehicles Act (63 P. S. § § 818.4 and 818.30(b)).

Source

The provisions of this § 19.4 adopted May 19, 1989, effective May 20, 1989, 19 Pa.B. 2162; amended December 15, 2000, effective December 16, 2000, 30 Pa.B. 6427; amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3485; amended June 8, 2007, effective June 9, 2007, 37 Pa.B. 2606. Immediately preceding text appears at serial pages (316943) to (316944).

SALESPERSON'S LICENSE

§ 19.11. License.

It is unlawful for a person, except as provided in this chapter, to engage in the occupation of salesperson within this Commonwealth unless the person has secured a license as required under the act.

Authority

The provisions of this § 19.11 amended under section 4 of the Board of Vehicles Act (63 P. S. § 818.4).

Source

The provisions of this § 19.11 adopted July 18, 1968; amended May 30, 1975, effective May 31, 1975, 5 Pa.B. 1403; amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3485. Immediately preceding text appears at serial page (271699).

§ 19.12. Application for license.

(a) Application for license as a salesperson shall be made in writing to the Board, signed by the applicant, designating the business name and address of the dealer then employing the applicant or into whose employ the applicant is then about to enter. Applications shall be made upon a form of application prepared by the Board which shall include the recommendation of his employer or prospective employer certifying that the applicant is honest, trustworthy, truthful and of good repute and recommending that a license be granted. In the case of an applicant who is himself a dealer, an officer of a corporation which is a dealer or a member of a partnership which is a dealer, a representative of a bank or sales finance company which has personal knowledge concerning the reputation and fitness of the applicant, shall complete affidavit No. 4 on transfer form or No. 18 on the original application. The form of application shall contain other information, as the Board requires.

(b) A person, resident or nonresident, who, in whole or in part, sells, distributes or exchanges vehicles to dealers within this Commonwealth, is required to be licensed in this Commonwealth as a distributor or dealer.

Authority

The provisions of this § 19.12 amended under section 5 of the Motor Vehicle Salesman's License Act (63 P. S. § 805(6)) (Repealed); amended under section 4 of the Board of Vehicles Act (63 P. S. § 818.4).

Source

The provisions of this § 19.12 adopted July 18, 1968; amended May 30, 1975, effective May 31, 1975, 5 Pa.B. 1403; amended October 29, 1982, effective October 30, 1982, 12 Pa.B. 3820; amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3485. Immediately preceding text appears at serial pages (271699) to (271700).

§ 19.13. [Reserved].

Source

The provisions of this § 19.13 adopted July 18, 1968; amended May 30, 1975, effective May 31, 1975, 5 Pa.B. 1403; reserved May 19, 1989, effective May 20, 1989, 19 Pa.B. 2162. Immediately preceding text appears at serial page (105335).

§ 19.14. Display of salesperson's licenses.

Dealers shall hold and properly display the display portion of the licenses of all salespersons in his employ.

Source

The provisions of this § 19.14 adopted July 18, 1968; amended May 30, 1975, effective May 31, 1975, 5 Pa.B. 1403.

§ 19.15. [Reserved].

Source

The provisions of this § 19.15 adopted July 18, 1968; amended May 30, 1975, effective May 31, 1975, 5 Pa.B. 1403; reserved July 19, 2002, effective July 20, 2002, 32 Pa.B. 3485. Immediately preceding text appears at serial pages (271700) to (271701).

§ 19.16. [Reserved].

Source

The provisions of this § 19.16 adopted July 18, 1968; amended May 30, 1975, effective May 31, 1975, 5 Pa.B. 1403; reserved July 19, 2002, effective July 20, 2002, 32 Pa.B. 3485. Immediately preceding text appears at serial pages (271701) and (201781).

DEALERSHIP LICENSE

§ 19.17. Separate business identity for dealers.

Every licensed dealership shall have a business identity separate from other businesses owned or operated by the dealer.

Authority

The provisions of this § 19.17 issued under section 4(9) of the Board of Vehicles Act (63 P. S. § 818.4(9)).

Source

The provisions of this § 19.17 adopted March 7, 1986, effective March 8, 1986, 16 Pa.B. 673; amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3485. Immediately preceding text appears at serial page (201781).

Cross References

This section cited in 49 Pa. Code § 43b.9 (relating to schedule of civil penalties—vehicle manufacturers, dealers and salespersons).

§ 19.17a. Branch lots.

(a) *Facility*. Unless otherwise exempted by the act or this chapter, any location where a licensed vehicle dealer displays or offers vehicles for sale shall be licensed and comply with the facilities requirements set forth in the act and § 19.18 (relating to established place of business for dealers).

(b) *Storage of vehicles*. The storage of vehicles by a licensed vehicle dealer at an unlicensed location will not be considered to be the display or offer for sale of vehicles at that location if:

(1) The lot is used solely for the storage of vehicles.

(2) The lot is identified by a sign with the dealership name and a designation that the lot is for ‘‘storage only.’’ The area may not otherwise be identified.

(3) A salesperson is present at the lot only as necessary to repair, recondition, inspect or move any of the vehicles.

(4) A salesperson present at the unlicensed location does not engage in any demonstration or discussion of product features of the vehicles and does not discuss any terms of sale.

(5) The public is not permitted access to any of the vehicles at the lot and the vehicles are not capable of being entered or operated (other than by criminal acts).

(6) A sign or other marking at the lot or on any of the vehicles at the lot (except for a Federally-mandated manufacturer’s price sticker) does not indicate that any of the vehicles at the lot are available for sale at any other location.

(7) Literature, such as business cards or brochures, is not available for potential customers to remove from the lot.

(8) The dealer has provided a potential customer at the lot with no means, such as telephone, e-mail or Internet website, to negotiate the sale of, to obtain additional information concerning, or to otherwise discuss the vehicles at the unlicensed lot or other vehicles available for sale by the dealer.

(c) *Single vehicle display*.

(1) The placement of a single vehicle before the public will not be considered the buying, selling or exchanging of the vehicle, as defined in section 2 of the act (63 P. S. § 818.2), if:

(i) The placement is by a vehicle dealer licensed in this Commonwealth.

(ii) No more than one vehicle is placed at the location.

(iii) A salesperson present at the location does not discuss the features of the vehicle or other vehicles handled by the dealership and does not negotiate or conclude the sale of the vehicle or another vehicle of the dealer.

(iv) There is no sales office at the location.

(v) There are no sales forms present at the location.

(vi) The dealer has secured the vehicle so that it is not capable of being entered or operated by potential customers or others (other than by criminal acts).

(vii) The location is not at the licensed premises of any vehicle dealer or vehicle auction.

(viii) A sign is posted that identifies the vehicle as for display only and not for sale at that location.

(2) This subsection applies to the placement of automobiles, light trucks and motorcycles, but does not apply to the placement of recreational vehicles, mobile homes, manufactured housing, and other vehicles not identified in this paragraph.

Authority

The provisions of this § 19.17a issued under sections 2, 4(4) and (9) and 5(e) of the Board of Vehicles Act (63 P. S. § § 818.2, 818.4(4) and (9) and 818.5(e)).

Source

The provisions of this § 19.17a adopted August 27, 2004, effective August 28, 2004, 34 Pa.B. 4689.

§ 19.18. Established place of business for dealers.

A licensed dealer shall maintain an established place of business that meets the following criteria:

(1) *Permanent enclosed building*. The dealer shall own or rent a permanent enclosed building for use by the dealership. A permanent enclosed building may consist of an office trailer with skirting and a permanent foundation. The dealership must be separated from adjoining businesses and residences by partitions or walls.

(2) *Private office*. The dealership must have a private office, separate from display areas and repair and servicing facilities, that has space for the storage of books and records.

(3) *Display area*. The dealership must have a display area—whether indoors, outdoors or partly indoors and partly outdoors—where the public is permitted and invited in the regular course of business to inspect or test drive the vehicles that are being offered for sale, purchase or exchange by the dealership. The display area may not include areas of the dealership premises on which are placed vehicles that are wrecked or damaged, that are awaiting reconditioning or preparation for sale, purchase or exchange, that are being serviced or repaired, that are part of general inventory, or that are otherwise not being offered for sale, purchase or exchange to the public. The display area shall meet the following requirements:

(i) *Size.*

(A) The display area of a dealership that buys, sells or exchanges vehicles must be large enough for the display of at least five vehicles—with doors opened—of the kind that are bought, sold or exchanged by the dealership. The display area of a dealership that buys, sells or exchanges recreational vehicles, manufactured housing and mobile homes must have a display area of at least 5,000 square feet, unless exempted by section 5(e)(3) or (4) of the act (63 P. S. § 815.5(e)(3) and (4)).

(B) The minimum size display area requirements of this paragraph do not apply to a licensed vehicle dealer that sells only new firefighting or emergency service vehicles.

(ii) *Grading and surfacing*. An outdoor display area must be properly graded. The outdoor display area of a dealership that buys, sells or exchanges vehicles must be surfaced with concrete, asphalt, slag, brick, stone, aggregate, gravel, cinder or similar material. A dealership that otherwise complies with this paragraph may display up to five vehicles without regard for the grading or surfacing where those vehicles are displayed, so long as customers are not permitted to be present in the nonconforming area. A dealer may demonstrate that customers are not permitted to be present in the nonconforming area by posting a no-trespassing or similar sign, erecting a barrier or taking another reasonable precaution.

(iii) *Separation from adjacent parking areas*. An outdoor display area must be separated from the parking areas of adjacent businesses and residences by grass strips, ropes and pennants, painted lines or some other conspicuous means of separation.

(iv) *Lighting*. If a dealership with an outdoor display area intends to be open during evening hours, the display area must be lighted adequately.

(4) *Repairs and ancillary services*. A dealership that buys, sells or exchanges mobile homes or manufactured housing must do one of the following:

(i) Provide transportation, installation and repair services to its customers.

(ii) Make available to its customers a list of persons or companies who provide transportation, installation and repair services.

(5) *Telephone*. The dealership must have a single business line telephone, located within the permanent enclosed building, that is used for the dealership. The telephone number must be listed under the dealership's licensed name.

(6) *Sign*. The dealership must exhibit a sign, either permanently affixed to the building or erected in the outdoor display area, that shows the licensed name of the dealership and that is visible to the public.

(7) *Land-use ordinances*. The dealership must be in full compliance with applicable building codes, zoning ordinances and other land-use ordinances.

(8) *Fire-safety requirements*. A dealership must posses a certificate of occupancy issued by a building code official in accordance with the Pennsylvania Construction Code Act (35 P. S. § § 7210.101—7210.1103).

(9) *Posting of business hours*. The dealership must post its regular business hours in a conspicuous place for the visiting public.

Authority

The provisions of this § 19.18 issued under sections 2 and 5(e) of the Board of Vehicles Act (63 P. S. § § 818.2 and 818.5(e)); amended under section 4(9) of the Board of Vehicles Act (63 P. S. § 818.4(9)).

Source

The provisions of this § 19.18 adopted March 7, 1986, effective March 8, 1986, 16 Pa.B. 673; amended June 15, 1990, effective June 16, 1990, 20 Pa.B. 3158; amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3485; amended July 2, 2004, effective July 3, 2004, 34 Pa.B. 3410; amended December 3, 2004, effective December 4, 2004, 34 Pa.B. 6407. Immediately preceding text appears at serial pages (305545) to (305547).

Cross References

This section cited in 49 Pa. Code § 19.17a (relating to branch lots); and 49 Pa. Code § 43b.9 (relating to schedule of civil penalties—vehicle manufacturers, dealers and salesperson).

§ 19.18a. Consignment sales.

(a) A licensed dealer is permitted to engage in consignment sales without being licensed as a wholesale vehicle auction or public or retail vehicle auction, as defined in section 2 of the act (63 P. S. § 818.2), if the dealer meets the requirements of this section.

(b) The dealer shall maintain the following documents at the lot where the vehicle is displayed:

(1) A copy of a separate written consignment agreement with the consignor for each vehicle. The written consignment agreement shall contain the following information:

(i) The name and signature of the consignor.

(ii) The make, model, year, vehicle identification number, and license plate number of the vehicle.

(iii) The length of the consignment period.

(iv) The terms of sale, including the minimum selling price, if any, and the amount of or formula for determining the dealer's commission.

(v) The terms of insurance coverage during the period of consignment, including the name, address and telephone number of the consignor's insurance agent, if any.

(vi) The express identification of any warranties extended by the consignor.

(vii) The name and address or telephone number of all current lien holders, together with the account number for each lien.

(viii) Any material facts relative to the vehicle, including accident history known to the seller, vehicle condition and odometer disclosure.

(2) A copy of the current registration card.

(3) A copy of the title or a print-out of an electronic lien verification.

(c) The dealer shall have the title of the vehicle assigned from the consignor to the dealer prior to applying for title in the name of the buyer.

(d) Whenever a vehicle is displayed for sale on consignment, the dealer shall disclose in writing in at least 20-point bold type on or attached to the vehicle that the vehicle is held on consignment and is not owned by the dealer.

(e) A dealer may not deliver a vehicle on consignment sale without having all title, lien and registration documents signed by the buyer or consignor, or both, as appropriate.

Authority

The provisions of this § 19.18a issued under sections 4(9) and 5(f)(3) of the Board of Vehicles Act (63 P. S. § § 818.4(9) and 818.5(f)(3)).

Source

The provisions of this § 19.18a adopted August 27, 2004, effective August 28, 2004, 34 Pa.B. 4691.

§ 19.19. Standards of licensure for retail or public auction.

(a) *Auction activities*.

(1) Every public or retail auction shall have a business identity separate from other businesses owned or operated by the public or retail auction.

(2) A public or retail auction may not conduct auction activities other than from its established place of business. A retail or public auction may auction only those vehicles that are physically located at the established place of business of the public or retail auction. A retail or public auction may accept bids by telephone, Internet or other remote means.

(3) An auction license does not permit a public or retail auction to broker, other than the auctioning of vehicles.

(b) *Established place of business*.

(1) The established place of business for a public or retail auction must include a permanent enclosed building for use as an auction facility within this Commonwealth. This paragraph does not require that all auctioning of vehicles be conducted within the permanent enclosed building.

(2) The established place of business must include a private office, located within the permanent enclosed building, separate from display areas and auctioning areas, that has space for the storage of books and records.

(3) The established place of business must have a single business line telephone, located within the permanent enclosed building, that is used for the public or retail auction. The telephone number must be listed under the public or retail auction's licensed name.

(4) The established place of business must be in full compliance with applicable building codes, zoning ordinances and other land-use ordinances.

(5) A public or retail auction shall possess a certificate of occupancy issued by a building code official in accordance with the Pennsylvania Construction Code Act (35 P. S. § § 7210.101—7210.1103).

(6) A public or retail auction shall post a sign indicating the days and hours that the public may attend for either inspection or auctioning of vehicles.

(7) A public or retail auction shall exhibit a sign, either permanently affixed to the building or erected outdoors in the display area, that shows the licensed name of the auction and that is visible to the public.

(8) A public or retail auction shall have a display area where potential buyers are permitted and invited in the regular course of business to inspect or test drive the vehicles that are being offered for sale by the auction. The display area must be at or adjacent to the auction's established place of business. The display area may be indoors, outdoors or partly indoors and partly outdoors. The outdoor portions of a display area must be properly graded and surfaced with concrete, asphalt, slag, brick, stone, aggregate, gravel, cinder or similar material.

Authority

The provisions of this § 19.19 issued under sections 2 and 4(9) of the Board of Vehicles Act (63 P. S. § § 818.2 and 818.4(9)).

Source

The provisions of this § 19.19 adopted August 27, 2004, effective August 28, 2004, 34 Pa.B. 4693.

§ 19.20. Standards of licensure for wholesale auction.

(a) *Auction activities*.

(1) Every wholesale auction shall have a business identity separate from other businesses owned or operated by the wholesale auction.

(2) A wholesale auction may not conduct auction activities other than from its established place of business. A wholesale auction may auction only those vehicles that are physically located at the established place of business of the wholesale auction. A wholesale auction may accept bids by telephone, Internet or other remote means.

(3) An auction license does not permit a wholesale auction to broker, other than the auctioning of vehicles.

(b) *Established place of business*.

(1) The established place of business for a wholesale auction must include a permanent enclosed building for use as an auction facility within this Commonwealth. This paragraph does not require that all auctioning be conducted within the permanent enclosed building.

(2) The established place of business must include a private office, located within the permanent enclosed building, separate from display areas and auctioning areas, that has space for the storage of books and records.

(3) The established place of business must have a single business line telephone, located within the permanent enclosed building, that is used for the wholesale auction. The telephone number must be listed under the wholesale auction's licensed name.

(4) The established place of business shall be in full compliance with applicable building codes, zoning ordinances and other land-use ordinances.

(5) A wholesale auction shall possess a certificate of occupancy issued by a building code official in accordance with the Pennsylvania Construction Code Act (35 P. S. § § 7210.101—7210.1103).

(6) A wholesale auction shall post a sign indicating the auction's licensed name and that the auction is not open to the general public.

Authority

The provisions of this § 19.20 issued under sections 2 and 4(9) of the Board of Vehicles Act (63 P. S. § § 818.2 and 818.4(9)).

Source

The provisions of this § 19.20 adopted August 27, 2004, effective August 28, 2004, 34 Pa.B. 4693.

POWERS AND DUTIES OF THE BOARD

§ 19.21. [Reserved].

Source

The provisions of this § 19.21 adopted July 18, 1968; amended May 30, 1975, effective May 31, 1975, 5 Pa.B. 1403; reserved July 19, 2002, effective July 20, 2002, 32 Pa.B. 3485. Immediately preceding text appears at serial page (261714).

Notes of Decisions

Restraint of Competition

A substantial Federal question sufficient to confer subject matter jurisdiction is raised by the claim that promulgation and enforcement of 49 Pa. Code § 19.21 (relating to powers and duties) substantially restrains, restricts, and limits competition in the acquisition, purchase, and sale of new cars by nonfranchised dealers in violation of the Sherman Act, but a substantial Federal question is not raised by the claim that this regulation is a violation of economic substantive due process in that the effect may be to hinder or prevent plaintiffs from engaging in the automobile dealer business. *Brenner v. State Board of Motor Vehicle Manufacturers, Dealers and Salesmen*, 413 F.Supp. 639 (E. D. Pa. 1976).

§ 19.22. Investigation.

The Board will investigate on its own initiative or upon the verified complaint in writing of a person, allegations of the wrongful act of a licensee of the act and will have the power to suspend or revoke licenses issued by the Board if, after notice and hearing, the person charged is found guilty of committing or attempting to commit the following acts, in addition to those acts enumerated in the act:

(1) Has required a purchaser of a new vehicle, as a condition of sale and delivery of the vehicle, to also purchase special features, appliances, accessories or equipment not desired or requested by the purchaser.

(2) Has willfully failed or refused to perform a written agreement with a retail buyer involving the sale of a vehicle.

(3) Has used the words ‘‘lease’’ or ‘‘leasing’’ in a dealer’s trade name.

(4) Has with intent to sell or in any way dispose of vehicles, or with intent to increase the volume of sales of vehicles or to induce the public in any manner to enter into an obligation relating thereto, or to acquire title thereto or an interest therein, made, published, disseminated, or caused, directly or indirectly, the same to be made, published, disseminated, circulated or placed before the public, in a newspaper or other publication in the form of a book, notice, handbill, poster, sign, bill circular, pamphlet or letter, or over a radio or television station or other medium of wireless communication, or in another way, similar or dissimilar to the foregoing, an advertisement, announcement, or statement, of any sort regarding the vehicles so offered to the public or concerning the quantity, quality, value, merit, use, present or former price, cost, reason for price, motive for sale or concerning the method of pricing, or the possession of rewards, prizes or distinctions conferred, regarding the vehicles which advertisement contains an assertion, representation, or statement of fact which is untrue, deceptive or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue, deceptive or misleading.

(5) Has advertised a vehicle for sale, in a manner indicating that the sale is being made by a private party or household not engaged in the vehicle business, unless that advertisement shall affirmatively and unmistakably indicate and state that the seller is a dealer or salesperson and not a private party.

(6) Has advertised misrepresenting the true nature of the business by the use of the words ‘‘manufacturer,’’ ‘‘importer’’ or ‘‘wholesaler’’ or has represented that he is selling at wholesale in any form of sale or advertising unless the dealer is actually selling at wholesale for the purpose of resale, or unless the dealer is in fact advertising true wholesale prices.

(7) Has misrepresented the true nature of the business by the use of the words ‘‘sale at wholesale’’, ‘‘sales at wholesale,’’ ‘‘wholesale sale,’’ ‘‘wholesale prices’’ or words of similar import containing the word ‘‘wholesale’’ unless vehicles listed or sold under the claims are sales to a purchaser for the purpose of resale.

(8) Has advertised a vehicle for sale and then has refused to show, demonstrate or sell the vehicle offered in accordance with the terms of the offer, subject to prior sale.

(9) Has used the word ‘‘new’’ in the trade name, in the advertising, or on the checks or business stationery of a dealer who engages only in the sale, purchase or exchange of used vehicles.

(10) Has used the words ‘‘broker’’ or ‘‘brokering’’ in the trade name, in the advertising, or on the checks or business stationery of a dealer or auction.

Authority

The provisions of this § 19.22 issued under sections 2, 4(9) and 5(e) of the Board of Vehicles Act (63 P. S. § § 818.2, 818.4(9) and 818.5(e)).

Source

The provisions of this § 19.22 adopted July 18, 1968; amended May 30, 1975, effective May 31, 1975, 5 Pa.B. 1403; amended December 30, 1977, effective December 31, 1977, 7 Pa.B. 3972; amended March 7, 1986, effective March 8, 1986, 16 Pa.B. 673; amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3485. Immediately preceding text appears at serial pages (261714) to (261715).

Notes of Decisions

New Car Dealers

The requirement in 49 Pa. Code § 19.22(19) (relating to investigation) that new car dealers have a franchise before selling new cars is an example of the difference in protection and regulation which is required for new car dealers and for used car dealers. *D & B Auto Sales v. State Board of Motor Vehicle Manufacturers, Dealers and Salesmen*, 370 A.2d 428 (Pa. Cmwlth. 1977).

§ 19.23. Vehicle shows, off-premise sales and exhibitions.

A vehicle show, off-premise sale or exhibition may not last for more than 14-consecutive days. To preclude the operation of an unlicensed branch location, a dealer may not participate in any show or combination of shows at a given location for more than 15 days in any period of 30 days, for more than 30 days in any period of 3 months or for more than 60 days in any period of 12 months.

Authority

The provisions of this § 19.23 amended under section 4 of the Board of Vehicles Act (63 P. S. § 818.4).

Source

The provisions of this § 19.23 adopted July 18, 1968; amended May 30, 1975, effective May 31, 1975, 5 Pa.B. 1403; amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3485. Immediately preceding text appears at serial page (261716).

PROTEST PROCEEDINGS

§ 19.31. Filing of documents.

(a) *Place of filing*. Every pleading and other document in a protest matter shall be filed with the prothonotary for the Department of State at One Penn Center, 2601 North Third Street, Post Office Box 2649, Harrisburg, PA 17105-2649.

(b) *Copies*. An original and one copy of each document shall be filed with the prothonotary. A copy of each document shall be served on each party to the protest. An additional copy of each document shall be served on the Board's counsel for protest matters (protest counsel) at

One Penn Center, 2601 North Third Street, Post Office Box 2649, Harrisburg, PA 17105-2649.

Authority

The provisions of this § 19.31 issued under sections 4(a)(9), 8, 11, 13 and 27 of the Board of Vehicles Act (63 P. S. § § 818.4(a)(9), 818.8, 818.11, 818.13 and 818.27).

Source

The provisions of this § 19.31 adopted February 3, 2006, effective February 4, 2006, 36 Pa.B. 536; corrected February 10, 2006, 36 Pa.B. 714.

§ 19.32. Initiation of a protest.

(a) *Protest petition*. The protest must be in petition form and set forth in numbered paragraphs the material facts sufficient to justify relief to the protestant, in accordance with 1 Pa. Code § 35.17 (relating to petitions generally).

(1) The protest shall have appended to it a copy of any demand for mediation required by section 11(a) of the act (63 P. S. § 818.11(a)).

(2) A protest filed under section 8(d) of the act (63 P. S. § 818.8(d)) shall have appended to it a copy of any notice of the action that is being protested.

(3) A protest filed under section 13 of the act (63 P. S. § 818.13) shall have appended to it a copy of any notice of intent to terminate a franchise.

(4) A protest filed under section 27 of the act (63 P. S. § 818.27) shall have appended to it a copy of any notice of establishment or relocation of a franchise.

(b) *Service of the protest*. A copy of the protest shall be served on the representative of the manufacturer or distributor (respondent) who provided any notice, as set forth in subsection (a), of the action that is being protested. If notice was not provided, a copy of the protest shall be served on a managerial representative of the respondent whose responsibilities include the subject of the protest.

Authority

The provisions of this § 19.32 issued under sections 4(a)(9), 8, 11, 13 and 27 of the Board of Vehicles Act (63 P. S. § § 818.4(a)(9), 818.8, 818.11, 818.13 and 818.27).

Source

The provisions of this § 19.32 adopted February 3, 2006, effective February 4, 2006, 36 Pa.B. 536; corrected February 10, 2006, 36 Pa.B. 714.

§ 19.33. Intervention.

(a) *Intervention as of right*. In any protest matter filed under section 27 of the act (63 P. S. § 818.27), the existing dealer who seeks to relocate a franchise or the additional dealer to whom the respondent seeks to award a franchise may intervene on behalf of the respondent upon the filing of a notice of intervention setting forth its right to intervene under this subsection. Any party intervening as of right on behalf of the respondent under this subsection shall file an answer to the protest contemporaneously with the filing of the notice of intervention or as directed in the scheduling order, whichever is later.

(b) *Intervention by permission*. Any other person seeking to intervene shall petition to intervene in accordance with 1 Pa. Code § § 35.27—35.32 (relating to intervention).

Authority

The provisions of this § 19.33 issued under sections 4(a)(9), 8, 11, 13 and 27 of the Board of Vehicles Act (63 P. S. § § 818.4(a)(9), 818.8, 818.11, 818.13 and 818.27).

Source

The provisions of this § 19.33 adopted February 3, 2006, effective February 4, 2006, 36 Pa.B. 536; corrected February 10, 2006, 36 Pa.B. 714.

§ 19.34. Time for adjudication.

(a) *Scheduling order*. Upon receipt from one or more parties of notice that mediation required by section 11(a) of the act (63 P. S. § 818.11(a)) was not successful, protest counsel will prepare and issue a scheduling order. The scheduling order will set forth the dates by which the answer, requests for subpoenas, prehearing statements and posthearing briefs shall be filed, as well as the date and time for the prehearing conference and the location and beginning date and time of the hearing. The dates will be determined to permit the Board to issue its adjudication in compliance with the time requirements of section 8 of the act (63 P. S. § 818.8).

(b) *Waiver*. The parties may waive the time for adjudicating a protest matter in section 8 of the act (63 P. S. § 818.8). A waiver must be in writing, specifying the time period that is to be waived, and signed on behalf of all parties joining in the waiver. Unless otherwise specified in the filing, the Board will treat the filing of any waiver as a request for a continuance through that time period and will issue an amended scheduling order accordingly.

(c) *Extension of time*. Any request for an extension of time or continuance that would delay the filing of posthearing briefs shall be accompanied by a waiver through the second monthly meeting of the Board following the date posthearing briefs are to be filed as if the request were to be granted. The Board may grant a request for extension of time or continuance for which the protestant, or an intervenor on behalf of the protestant, does not also sign the waiver.

Authority

The provisions of this § 19.34 issued under sections 4(a)(9), 8, 11, 13 and 27 of the Board of Vehicles Act (63 P. S. § § 818.4(a)(9), 818.8, 818.11, 818.13 and 818.27).

Source

The provisions of this § 19.34 adopted February 3, 2006, effective February 4, 2006, 36 Pa.B. 536; corrected February 10, 2006, 36 Pa.B. 714.

§ 19.35. Subsequent pleadings.

(a) *Answer*. The respondent, and any intervenor on behalf of the respondent, may not file an answer to a protest until directed to do so by a scheduling order issued by the Board. An answer must either admit or deny each numbered paragraph of the protest, in accordance with 1 Pa. Code § 35.35 (relating to answers to complaints and petitions), and may contain averments of new matter.

(b) *Reply to new matter*. The protestant, and any intervenor on behalf of the protestant, may reply within 10 days to an answer that sets forth new matter.

Authority

The provisions of this § 19.35 issued under sections 4(a)(9), 8, 11, 13 and 27 of the Board of Vehicles Act (63 P. S. § § 818.4(a)(9), 818.8, 818.11, 818.13 and 818.27).

Source

The provisions of this § 19.35 adopted February 3, 2006, effective February 4, 2006, 36 Pa.B. 536; corrected February 10, 2006, 36 Pa.B. 714.

§ 19.36. Prehearing statements.

(a) *Filing of prehearing statement*. Each party to a protest shall file a prehearing statement in accordance with the scheduling order.

(b) *Content of prehearing statement*. A prehearing statement must contain:

(1) A concise statement of the facts that will be offered by oral or documentary evidence at the hearing and a statement of any unusual questions of evidence anticipated with respect to the proof of such facts.

(2) A statement of any questions of law anticipated with respect to the issues in the case. The questions shall be presented with a statement of authority supporting the position taken.

(3) The names and addresses of all persons who may be called as witnesses. The identification of a witness does not create any obligation to call the witness or to procure the witness's attendance at the hearing.

(4) The report and curriculum vitae of any expert whose opinion will be offered into evidence at the time of hearing. The report must include the findings and conclusions of the expert.

(5) A list of all exhibits and copies of the exhibits that a participant intends to use at the hearing.

(6) An estimate of the length of time that will be required to present the party's case in chief.

(c) *Sanctions*. Failure to file a prehearing statement as required by this section and within the time specified in the scheduling order may subject a party to sanctions, including being precluded from presenting evidence.

(d) *Supplement*. A party may supplement its prehearing statement at any time prior to the prehearing conference. A party may not present any documentary evidence or the testimony of any witness not listed in its prehearing statement, as supplemented, except upon good cause shown.

Authority

The provisions of this § 19.36 issued under sections 4(a)(9), 8, 11, 13 and 27 of the Board of Vehicles Act (63 P. S. § § 818.4(a)(9), 818.8, 818.11, 818.13 and 818.27).

Source

The provisions of this § 19.36 adopted February 3, 2006, effective February 4, 2006, 36 Pa.B. 536; corrected February 10, 2006, 36 Pa.B. 714.

§ 19.37. Prehearing conference.

(a) *Prehearing conference*. A representative of each party to a protest shall participate in a prehearing conference under 1 Pa. Code § 35.111 (relating to conferences to adjust, settle or expedite proceedings) as directed by the scheduling order. Unless otherwise ordered by the Board, the prehearing conference will be telephonic and will be initiated by protest counsel.

(b) *Authority of protest counsel*. In connection with the prehearing conference, protest counsel shall have all authority of a presiding officer under 1 Pa. Code § 35.114 (relating to authority of presiding officer at conference).

Authority

The provisions of this § 19.37 issued under sections 4(a)(9), 8, 11, 13 and 27 of the Board of Vehicles Act (63 P. S. § § 818.4(a)(9), 818.8, 818.11, 818.13 and 818.27).

Source

The provisions of this § 19.37 adopted February 3, 2006, effective February 4, 2006, 36 Pa.B. 536; corrected February 10, 2006, 36 Pa.B. 714.

§ 19.38. Posthearing briefs.

(a) *Posthearing briefs*. Posthearing briefs must conform to 1 Pa. Code § 35.192 (relating to content and form of briefs), except that a brief may not have appended to it any copy of an exhibit or any notes of testimony.

(b) *Reply briefs*. A party may file a reply brief no later than 7 days after an opposing party's filing of a posthearing brief.

Authority

The provisions of this § 19.38 issued under sections 4(a)(9), 8, 11, 13 and 27 of the Board of Vehicles Act (63 P. S. § § 818.4(a)(9), 818.8, 818.11, 818.13 and 818.27).

Source

The provisions of this § 19.38 adopted February 3, 2006, effective February 4, 2006, 36 Pa.B. 536; corrected February 10, 2006, 36 Pa.B. 714.

CHAPTER 43. TEMPORARY REGISTRATION CARDS AND PLATES

Sec.

43.1. Purpose.
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43.6. Issuance of temporary registration plates.
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43.12. Use of temporary registration plate.
43.13. Special temporary registration cards and plates.

Authority

The provisions of this Chapter 43 issued under the Vehicle Code, 75 Pa.C.S. § § 1310, 1331 and 6103, unless otherwise noted.

Source

The provisions of this Chapter 43 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561, unless otherwise noted.

Cross References

This chapter cited in 67 Pa. Code § 60.6 (relating to temporary registration).

§ 43.1. Purpose.

This chapter established rules and regulations governing the issuance of temporary registration plates and cards by authorized dealers, manufacturers, full agents and card agents under 75 Pa.C.S § § 1310 and 1331 (relating to temporary registration cards; and issuance and reissuance of registration plates).

Source

The provisions of this § 43.1 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended March 24, 1978, effective March 25, 1978, 8 Pa.B. 790; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347; amended October 5,

2012, effective October 6, 2012, 42 Pa.B. 6290. Immediately preceding text appears at serial page (232783).

§ 43.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—75 Pa.C.S. § § 101—9821 (relating to the Vehicle Code).

Applicant—A person, as defined in the act, who applies for registration of a vehicle and for a temporary registration card or plate.

Bureau—The Bureau of Motor Vehicles of the Department.

Card agent—A notary public, commissioned by the Department of State, Bureau of Legislation, Commissions and Elections, who is approved by the Department to issue temporary registration cards in conjunction with applications for transfer of registration plates. A notary public from another state may also serve as a card agent and may issue a temporary registration card to a Commonwealth registrant who has purchased a vehicle in the state and who wishes to apply for transfer of a Commonwealth registration plate. The notary shall be commissioned or licensed as a notary by a governmental agency of the state.

Certificate of authorization—The document issued to an agent which indicates the agent has complied with the requirements of the Department and is permitted to issue temporary registration cards or plates, or both.

Dealer—A person engaged in the business of buying, selling or exchanging vehicles, including passenger cars, trucks, implements of husbandry, special mobile equipment and trailers, who is registered by the Department under § 53.3(b) (relating to issuance of plates). The term does not include a miscellaneous motor vehicle business, unless the business is also registered as a dealer under § 53.3(b).

Department—The Department of Transportation of the Commonwealth.

Established place of business—The place occupied either continuously or at regular periods by a dealer, manufacturer or full agent, where the books and records are kept, where a large share of the business is transacted and which meets local zoning rules, ordinances and building codes.

Full agent—A county treasurer or a person other than a manufacturer or dealer authorized by the Bureau to issue temporary registration cards and plates.

Issuing agent—A full agent or card agent, or a dealer or manufacturer, who has been authorized by the Bureau to issue temporary registration cards and plates.

Manufacturer—A person engaged in the business of constructing or assembling vehicles, motors or bodies of vehicles.

Regular registration plate—A metal registration plate issued by the Bureau for a specific vehicle in conjunction with a permanent registration card, or a metal registration plate issued by an authorized dealer, manufacturer or full agent as a temporary plate and validated for regular use by issuance of a regular registration card.

Temporary registration card—A form provided by the Department for issuance to an applicant for registration or transfer of registration for use by the applicant until receipt of the regular registration card. A form issued with a temporary registration plate for a vehicle which is to be driven or otherwise moved to another state or country for titling, registration, use or resale there.

Temporary registration plate—A registration plate to be used by the applicant until regular registration is received. There are two types of temporary registration plates: metal registration plates, for issuance only for vehicles which are being registered in this Commonwealth, and cardboard registration plates for issuance only for vehicles which are to be driven or otherwise moved to another state or country for titling, registration, use or resale there.

(i) Metal temporary plates are issued to an applicant for use during the time in which the application for regular registration is being submitted to and processed by the Department.

(ii) A cardboard registration plate may also be issued under special conditions, as authorized by the Department.

Source

The provisions of this § 43.2 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended May 18, 1979, effective May 19, 1979, 9 Pa.B. 1630; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347. Immediately preceding text appears at serial pages (144703) to (144705).

§ 43.3. Card agents.

(a) *Card agent shall be a notary public*. In order to be approved as a card agent by the Department, a person shall be commissioned as a notary public by the Department of State, Bureau of Legislation, Commissions and Elections, or by a similar agency in another state.

(b) *Application for forms*. When a card agent applies to the Department for an official form, he shall affix his notarial seal and signature to the application to the Department for forms to

be issued by the card agent.

(c) *Revocation of commission as a notary public*. A card agent shall comply with rules and regulations under The Notary Public Law (57 P. S. § § 147—169). In the event that the commission of a notary public is revoked, his status as a card agent will also be revoked until the commission as a notary public has been reinstated.

(d) *Other requirements.* A card agent is subject to other provisions of this chapter concerning the issuance of temporary registration cards.

Source

The provisions of this § 43.3 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended May 18, 1979, effective May 19, 1979, 9 Pa.B. 1630; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21. Immediately preceding text appears at serial page (95315).

§ 43.4. Authorization to issue temporary registration plates.

(a) *Application procedure*. A person wishing to be authorized to issue temporary registration plates shall apply to the Department on forms furnished by the Department. For a person to be authorized, the person shall be a resident of this Commonwealth. The application shall include:

(1) Photographs, interior and exterior, of the proposed place of business, including branch offices. The photographs of the exterior shall show the entrance way and signs, required under subsection (b)(2). Photographs of the interior of the proposed agent's office shall show the desk, phone, secure area for storage of temporary cards and plates, and the complete schedule of fees and charges relating to the issuance of temporary cards and plates, posted in accordance with subsection (b)(1).

(2) A letter of reference from a bank or other financial institution which indicates that accounts of the applicant are handled in a satisfactory manner that is consistent with standard banking practices.

(3) Three letters of reference from business concerns, on their business stationery, attesting to the character of the applicant.

(4) The bond prescribed by § 43.9 (relating to bond), on the form of the Department, or a surety's binding commitment to issue the bond upon approval of the application.

(5) A notarized statement listing outstanding liabilities of the business or of the owners and officers of the business that are due and owing to the Commonwealth or, if none, a notarized statement to that effect.

(6) The names, addresses and social security numbers of owners or corporate officers, and employes authorized to issue temporary registration cards and plates, of the manufacturer's, dealer's or full agent's business.

(7) A criminal history record, obtained from the State Police, of each owner or corporate officer.

(8) A notarized statement attesting that the applicant has read and understands this chapter.

(9) The name, address and notary seals of a notary who is an employe during all of the hours of operation. The owner may be the notary.

(10) A schedule of business hours. This schedule shall contain a minimum of 20 business hours per week, or a minimum of 10 business hours per week plus an additional 10 business hours when a person may make an appointment. Business hours of operation shall be convenient to the public and be indicated on the sign required under subsection (b)(2).

(11) A statement that the business location meets local zoning ordinances and building codes.

(b) *Established place of business*. Authorized dealers and full agents shall maintain an established place of business. A copy of business records shall be maintained at the established place of business for 3 years. The following shall be posted in a conspicuous place in view of the public:

(1) A complete schedule of fees and charges pertaining to the issuance of temporary registration cards and plates.

(i) The schedule shall indicate amounts payable to the Department and amounts charged by the issuing agent.

(ii) The schedule shall be at least 3 square feet in size with lettering at least 1/2-inch high.

(2) The hours during which the place of business is open to the public.

(3) The certificate of authorization to issue temporary registration plates.

(c) *Review of application*. The Department will examine and determine the genuineness, regularity and legality of every application for a certificate of authorization. The Department may investigate the applicant with regard to one or more of the following:

(1) The condition of the applicant's proposed business premises.

(2) Departmental and other Commonwealth records pertaining to the business of an owner or officer.

(3) The personal history of an owner, officer or employe related to a conviction for a crime, under 18 Pa.C.S. (relating to the Crimes Code) or under the penal law of the United States, which involves moral turpitude or which reflects adversely on the owner's or officer's business integrity or responsibility.

(4) Unsatisfied judgments against the business, owner or officer.

(5) The credit rating of the business and its owners and officers.

(6) The assets and liabilities of the business.

(d) *Denial of application.* The Department may deny an application for a certificate of authorization on the basis of information revealed in an investigation, or if the applicant fails to disclose material information required or if the applicant has made a materially false statement on the application, or if the applicant's business is operated, managed or otherwise controlled or affiliated with a person who is ineligible for authorization, including a relative, family member, corporate officer or shareholder.

(e) *Opportunity for review*. If the Department denies an application for a certificate of authorization, the Department will provide the applicant with an opportunity to show cause why the application should not be denied.

(f) *Temporary certificate of authorization*. After reviewing an application, the Department may issue a temporary certificate of authorization. The temporary certificate of authorization will be issued for 60 days, during which period the Bureau may investigate the operations of the dealer, manufacturer or full agent. When the temporary certificate of authorization expires, the Bureau may issue a regular certificate of authorization.

(g) *Issuance of a certificate of authorization*. The Department will issue a certificate of authorization to an approved applicant.

(h) *Transfer of certificate of authorization*. A certificate of authorization may not be transferred and shall be valid only for the owner in whose name it is issued.

(1) In the case of a change of ownership, the dealer, manufacturer or full agent shall notify the Bureau within 10 days. It is the responsibility of a new owner to comply with this section.

(2) The following are regarded as changes of ownership:

(i) The owner takes on a new partner.

(ii) The owner sells the business.

(iii) The business is incorporated.

(iv) A controlling interest in a corporation is sold.

(v) The owner retires or dies.

(i) *Change in location of place of business*. If a manufacturer, dealer or full agent changes the location of the office, he shall notify the Department within 10 days. Other provisions of this chapter concerning the place of business shall apply to a change in location of the office. The issuance or transfer of temporary registration plates may not be conducted at the new location until the location has been approved by the Department.

Source

The provisions of this § 43.4 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended September 26, 1980, effective September 27, 1980, 10 Pa.B. 3797;

readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5872. Immediately preceding text appears at serial pages (232786) to (232788).

§ 43.5. Issuance of temporary registration cards.

(a) *General rule*. Cards will be issued in the following manner:

(1) Temporary registration cards will be issued only by the Bureau, by dealers, manufacturers, card agents and full agents authorized by the Bureau and by government agencies authorized by the Bureau. When required by law, dealers and manufacturers shall be licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons as a prerequisite to authorization by the Bureau.

(2) Temporary registration cards will be issued only in conjunction with issuance of a temporary registration plate by the Bureau, an authorized dealer, manufacturer, full agent or authorized government agency, or in conjunction with the transfer of a registration plate.

(b) *Obtaining temporary registration cards*. Issuing agents may obtain temporary registration cards at offices of the Bureau or upon written request to the Bureau.

(c) *Issuance of temporary registration cards in connection with transfer of registration*. Every issuing agent shall, upon request, issue a temporary registration card to the owner or lessee of a vehicle who has made proper application for transfer of registration on an application for certificate of title or other appropriate Departmental form. The agent information on the Departmental forms shall be completed in full by the agent.

(d) *Duty to examine documents*. The duty to examine documents includes the following:

(1) Before issuing a temporary registration card, the issuing agent shall examine the documents necessary to the transaction.

(2) A temporary registration card may not be issued unless the following items are found to be in order:

(i) *Insurance information.*

(A) Except as provided in clause (B), determination shall be made that the vehicle is insured by examining one of the following documents covering the subject vehicle, the vehicle traded for the subject vehicle or another vehicle owned by the applicant:

(I) An identification card as required in 31 Pa. Code Chapter 67, Subchapter B (relating to evidence of financial responsibility).

(II) The declaration page of an insurance policy.

(III) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(IV) A copy of an application to the Pennsylvania Automobile Insurance Plan.

(V) A certificate of self-insurance issued by the Department.

(B) The requirement to check one of the documents listed in clause (A) does not require the agent to verify the information submitted unless the agent has reason to believe the documents are fraudulent.

(C) If the vehicle was acquired in this Commonwealth for transportation under its own power to another state for registration there, the issuing agent shall examine the driver's license or other appropriate identification of the applicant to ascertain that:

(I) The applicant is an out-of-State resident.

(II) The vehicle was purchased within the previous 60 days.

(III) The applicant possesses one of the proof of insurance items identified in clause (A) issued by a company authorized to transact business in this Commonwealth or in the state to which the vehicle is being transported for title and registration therein.

(ii) *Application.* The application shall be properly and completely executed and notarized, as required, accompanied by the correct fees, taxes and other required forms or documents.

(e) *Preparation of application*. The issuing agent shall complete in ink, or by typewriter, or by data processing equipment the application for temporary registration. The issuing agent identification number shall be on all documents, including checks submitted by the issuing agent, submitted to the Bureau for processing.

(f) *Copies of temporary registration card*. Copies of the temporary registration card shall be handled as follows:

(1) The original copy of the temporary registration card, including the copy completed for the cardboard temporary, the regular registration card, and documents and fees necessary to the transaction shall be forwarded by the issuing agent to the Bureau within 20 days of issuance of the temporary registration card. These materials shall be forwarded either by an authorized messenger service, by mail or by delivery to an area designated by the Bureau.

(2) The applicant's copy of the temporary registration card shall be given to the applicant, for possession by the driver of the vehicle whenever the vehicle is being driven on the highway.

(3) The agent's copy of the temporary registration card, copies of related documents including bills of sale when the agent is also the dealer and a copy of the document used for identification and copies of the documents used for insurance verification shall be retained at the place of business of the issuing agent for at least 3 years and shall be made available for inspection only by police and authorized representatives of the Department. Cards issued in conjunction with the transfer of registration plates shall be kept separate from cards issued in conjunction with temporary registration plates. Cards shall be kept in chronological order according to the date of issuance.

(g) *Fee not to be charged*. An issuing agent may not charge a fee for issuing a temporary registration card in connection with transfer of registration except fees for notarization and messenger service, if requested by the applicant.

(h) *Expiration or voidance of temporary registration cards*. Temporary registration cards shall expire and become void upon the occurrence of one of the following:

(1) The receipt of the regular registration card from the Bureau.

(2) The rescission of a contract to purchase a vehicle.

(3) The expiration of 60 days from the date of issuance, or, in the case of a vehicle which was acquired in this Commonwealth for transportation to another state for registration or other use there, the expiration of 30 days from the date of issuance.

(4) The temporary registration plate is lost, stolen or defaced.

(i) *Confidentiality*. The agent's copy of the temporary registration card and documents related to the application for title or registration shall be kept in strict confidentiality by the issuing agent, unless otherwise required by law or legal purpose.

(j) *Receipts*. An agent shall complete an itemized receipt, in duplicate, which lists the total fees payable to the Commonwealth on one line, and each fee charged for the agent's services on a separate line. A copy shall be given to the customer and the other copy shall be retained by the agent for 3 years and shall be made available for inspection.

Source

The provisions of this § 43.5 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended May 18, 1979, effective May 19, 1979, 9 Pa.B. 1630; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, except subsection (f)(3) is effective September 9, 1993, 23 Pa.B. 3347; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5872. Immediately preceding text appears at serial pages (232788) to (232791).

Notes of Decisions

Burden of Proof

The Department met its burden of proving a motor vehicle dealership's failure to timely file permanent documents for certificates of title by the uncontroverted testimony of a State trooper that the documents were not filed. *Department of Transportation v. Notary Shoppe*, 544 A.2d 98 (Pa. Cmwlth. 1988).

Duty Owed by Issuers

The duty owed by issuer of a temporary registration to person who has been injured be issuer's neglect is limited to the extent that injured party is unable to recover first party benefits under 75 Pa.C.S. Chapter 17 (relating to Motor Vehicle Financial Responsibility Law). *Capuzzi v. Heller*, 614 A.2d 775 (Pa. Super. 1992).

Tag service which failed to require proof of insurance when issuing temporary tag was not liable to victim of uninsured motorist since the victim would have access to basic loss benefits through the Assigned Claims Plan, established by the Legislature to protect uninsured victims of uninsured motorists, and the victim therefore was not injured by the tag services allegedly negligent act. *Lieberman v. Abat's Auto Tag Services, Inc.*, 496 A.2d 831 (Pa. Super. 1985).

An automobile dealer who fails to ascertain the existence of no-fault insurance coverage prior to issuance of a temporary registration card and plate is answerable in trespass to one injured by the dealer's neglect. *Lyngarkos v. Department of Transportation*, 426 A.2d 1195 (Pa. Cmwlth. 1981).

Cross References

This section cited in 67 Pa. Code § 43.6 (relating to issuance of temporary registration plates); and 67 Pa. Code § 97.3 (relating to vehicle registration).

§ 43.6. Issuance of temporary registration plates.

(a) *Limits on issuance.* Temporary registration plates will be issued in the following manner:

(1) Temporary registration plates other than those specified in paragraph (4) will be issued only by the Bureau, approved governmental agencies, dealers, manufacturers and full agents authorized by the Bureau.

(2) Temporary registration plates shall be issued only in conjunction with an application for title and registration of a vehicle within this Commonwealth or for the purpose of driving or otherwise moving a vehicle purchased in this Commonwealth to another state or country for titling, registration, use or resale there.

(3) Notwithstanding paragraphs (1) and (2), a full agent who is also an authorized messenger service under Chapter 255 (relating to messenger services), may issue a temporary registration plate in one of the following circumstances after receiving authorization from the Department indicating the vehicle record is clear of a suspension or other impediment to issuance of the registration plate:

(i) For a vehicle for which the applicant already has a Pennsylvania certificate of title.

(ii) To a person who is applying for replacement of a lost, stolen or defaced registration plate.

(iii) For a vehicle for which the applicant has an out-of-State title and registration, but is also required to be registered, but not titled, in this Commonwealth.

(4) Temporary registration plates for reconstructed and specially constructed vehicles will be issued only by the Bureau.

(b) *Issuance at other locations.* The Department may provide written authorization for individual dealers, manufacturers or full agents to issue temporary registration plates at a

location other than the places of business of the dealer, manufacturer or full agent for a period not to exceed 1 year. The privilege to issue temporary registration plates from a location other than the designated dealer, manufacturer or full agent's place of business is revocable if the Department finds that the dealer, manufacturer or full agent has violated this chapter or the terms of the written authorization.

(c) *Obtaining temporary registration plates.* Temporary registration plates shall be obtained by submitting the appropriate form and paying the applicable fee to the Bureau.

(d) *Issuance of temporary registration card in conjunction with issuance of temporary registration plates.* Upon the issuance of a temporary registration plate, the authorized dealer, full agent or manufacturer shall issue a temporary registration card, in the manner prescribed on forms provided by the Department and in § 43.5 (relating to issuance of temporary registration cards).

(1) The number of the temporary registration plate shall be indicated on the temporary registration card.

(2) If the vehicle is not to be titled in this Commonwealth, it shall be noted on the temporary registration card.

(e) *Issuance of temporary registration plates.* Temporary registration plates shall be issued in consecutive order, beginning with the lowest number in each series.

(f) *Issuance of cardboard temporary registration plates.* Upon issuance of a cardboard temporary registration plate, the authorized dealer, manufacturer or full agent shall punch out the month, day and year of expiration at the space provided and shall record the following information clearly and indelibly on the face of the temporary plate:

(1) The date of issuance.

(2) The year, make and model of vehicle.

(3) The vehicle identification number.

(4) The identification number of the authorized dealer, manufacturer or full agent.

(g) *Fee charged.* The fee charged for providing an applicant with a temporary plate may not exceed:

(1) Ten dollars if the plate was obtained from the Department for a fee of $5.

(2) Five dollars if the plate was obtained from the Department for a fee of $1.

Source

The provisions of this § 43.6 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended May 18, 1979, effective May 19, 1979, 9 Pa.B. 1630; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347; amended November 27, 1998,

effective November 28, 1998, 28 Pa.B. 5872. Immediately preceding text appears at serial pages (232791) to (232793).

Cross References

This section cited in 67 Pa. Code § 43.10 (relating to prohibited acts); and 67 Pa. Code § 97.3 (relating to vehicle registration).

§ 43.7. Inventory of temporary registration cards and plates.

(a) *Inventory report.* Every dealer, manufacturer and full agent is responsible for providing the Bureau with a report on the temporary registration plates which it has in inventory, within 30 days of the Bureau's request for the information.

(b) *Security.* Temporary registration cards and plates shall be kept in a secure place, which shall meet the approval of the Bureau. Issuing agents shall be responsible for security of temporary registration cards and plates obtained by them until they are issued to applicants.

(c) *Report on lost or stolen plates.* If plates are lost or stolen, the dealer, manufacturer or full agent shall notify the Department of the loss or theft within 48 hours of the occurrence. This notice shall be in the form of a notarized statement and shall give complete details of the loss or theft of the plates. In the event of theft, a police report shall be submitted to the Department within 10 days of the theft.

(d) *Available for inspection.* Temporary registration plates and related documents shall be available for inspection, with or without notice, by authorized Commonwealth employes which includes the State Police. Records required by the Department to be maintained by the issuing agent in carrying out its duties under this chapter shall be subject to periodic inspection by authorized representatives of the Commonwealth or its designated agents under the following conditions:

(1) *Place.* The inspection will be conducted at the issuing agent's established place of business.

(2) *Time.* The inspection will be conducted during regular and usual business hours.

(3) *Scope.* The inspection will be limited to examination of the records and plate inventory which are subject to the recordkeeping requirements of this chapter and which are on the premises.

Source

The provisions of this § 43.7 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended March 24, 1978, effective March 25, 1978, 8 Pa.B. 790; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5872. Immediately preceding text appears at serial pages (232793) to (232794).

§ 43.8. Return or surrender of temporary registration cards and plates.

(a) *Discontinued business*. An issuing agent, other than a card agent, who discontinues his business shall, within 5 days, return to the Department the certificate of authorization and the temporary registration cards and plates in the agent's possession. The Bureau will make appropriate refunds under subsection (c).

(b) *Suspension*. An issuing agent, other than a card agent, whose right to issue temporary registration cards and plates has been suspended shall surrender the certificate of authorization and the registration cards and plates in the agent's possession at the agent's established place of business to an authorized representative of the Department.

(c) *Refunds*. A refund of the fee paid by an agent for a temporary registration plate may be obtained upon the return of the plate by the agent, accompanied by the appropriate form provided by the Department, except when the plate is being returned by a dealer, manufacturer or full agent whose authorization has been suspended or revoked. The Bureau will deduct $25 from the refund amount due to cover processing of the request for refund.

Source

The provisions of this § 43.8 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended May 18, 1979, effective May 19, 1979, 9 Pa.B. 1630; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347. Immediately preceding text appears at serial pages (144712) to (144713).

§ 43.9. Bond.

(a) *Authorized dealers, manufacturers and full agents to be bonded.* Every authorized dealer, manufacturer and full agent shall file and maintain with the Bureau a bond executed by a surety company authorized to transact business in this Commonwealth. The bond shall be for the use and benefit of the Commonwealth and a person who has sustained a monetary loss within the limitations of the bond as specified in subsection (d).

(b) *Amount of bond.* Issuing agents, other than card agents, shall be bonded in the amount as set forth in the Agent Services Agreement.

(c) *Decrease in amount of bond.* If the amount of the bond is decreased, or if there is a final judgment outstanding against the bond, the right of the authorized dealer, manufacturer or full agent to issue temporary registration cards and plates will be suspended until steps are taken, satisfactory to the Bureau, to restore the original amount of the bond, provide additional bond or satisfy the judgment.

(d) *Limitations of bond.* The bond required under this section shall cover transactions in which the Commonwealth or a person specified in subsection (a) has sustained a monetary loss due to the agent, dealer or manufacturer submitting a dishonored or uncollectible check to

the Commonwealth (including protest and uncollectible check fees), or failing to remit to the Commonwealth a fee or tax when the monetary loss is incurred in connection with the business of the dealer or manufacturer. A check which is dishonored upon presentment, or an application for title or registration which is received without a required fee or tax, shall constitute a monetary loss. Failure to pay a monetary penalty within 45 days of assessment shall also constitute a monetary loss. The bond required under this section may not cover a loss for a transaction which is not mentioned in this subsection relating to the issuance of temporary registration cards or plates in connection with the business of the dealer, manufacturer or full agent. If the dealer, manufacturer or full agent has one or more branch offices, the amount of the bond shall be as specified in the Agent Services Agreement.

(e) *Bond already on file.* An authorized dealer, manufacturer or full agent who has filed a bond with the Commonwealth will not be required to file a separate bond under this section, if the bond already on file with the Commonwealth is in the name of the Commonwealth and at least equal to the amount and coverage of the bond required under this section.

(f) *Acceptance.* The surety and terms of bonds or riders shall be subject to review and acceptance by the Bureau.

(g) *Change of address.* When a change of address occurs, a stipulation or rider to the original bond shall be submitted for the new address.

(h) *Authorized claims.* The Bureau has the right to make and settle claims upon the bond with the surety company on behalf of the Commonwealth and a person who has incurred a monetary loss as specified in subsection (a). The Bureau will, upon written request, assign this right to a person for that person's claim; however, in this event, the Commonwealth is released from any duty to the person towards obtaining satisfaction of that person's claim. The Commonwealth will have priority, to the exclusion of all others, in receiving payment from the surety. If the aggregate amount of valid claims exceeds the amount of the bond, priority for the payment of claims shall be as follows:

(1) Claims made by the Commonwealth.

(2) Claims made by the Commonwealth for persons.

(3) Claims made by persons who obtained assignment from the Bureau.

Source

The provisions of this § 43.9 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended April 11, 1979, effective April 14, 1979, 9 Pa.B. 1309; readopted January 5, 1990, effective immediately to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5872; corrected December 11, 1998, effective November 28, 1998, 28 Pa.B. 6082; amended October 5, 2012, effective October 6, 2012, 42 Pa.B. 6290. Immediately preceding text appears at serial pages (250908) to (250910).

Cross References

This section cited in 67 Pa. Code § 43.4 (relating to authorization to issue temporary registration plates).

§ 43.10. Prohibited acts.

(a) *False information not knowingly to be given*. An issuing agent may not knowingly issue a temporary registration card or plate containing misstatement of facts or other false information.

(b) *Alteration*. A temporary registration card or plate may not be altered. An alteration on a temporary registration card or plate, including copies submitted to the Bureau, renders it invalid.

(c) *Renewal or reissuance*. An issuing agent may not renew or reissue a temporary registration card or plate which has expired, except upon written authorization of the Department or except as provided for in § 43.6(a)(3) (relating to issuance of temporary registration plates).

(d) *Refusal to issue*. An authorized dealer, manufacturer or full agent may not refuse, upon request, to issue a temporary registration plate to the owner or lessee of a vehicle who possesses proper documentation under this chapter.

(e) *Issuance at location not approved by the Department*. Temporary registration plates may not be issued by an authorized dealer, manufacturer or full agent at a location other than the approved places of business of the authorized dealer, manufacturer or full agent, except under § 43.6(b).

(f) *Refusal to accept separate check or money order*. An issuing agent may not refuse to accept a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth in association with a title application.

(g) *Consignment*. An authorized dealer, manufacturer or full agent may not consign or transfer to other issuing agents or persons, any of the inventory of temporary registration plates issued by the Department to the authorized dealer, manufacturer or full agent.

(h) *Issuance of temporary registration without proper documentation*. An authorized dealer, manufacturer or full agent may not issue a temporary registration card or plate if proper documentation is not complete and if information is not verified if required. This includes proof of ownership, insurance coverage, odometer statements, proof of identity and other documentation that may be required.

(i) *Gifts*. An issuing agent may not offer or deliver money, gifts or other items of substantial value nor offer and deliver money, gifts or other items to a Commonwealth employe.

(j) *Reportable transactions*. An issuing agent may not fail to report a transaction involving the sale or transfer of a vehicle consistent with Internal Revenue Service statutes, regulations and rules.

Source

The provisions of this § 43.10 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended June 2, 1978, effective June 3, 1978, 8 Pa.B. 1533; readopted January 5, 1990, effective immediately to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347. Immediately preceding text appears at serial pages (144714) to (144715).

§ 43.11. (Reserved).

Source

The provisions of this § 43.11 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended June 2, 1978, effective June 3, 1978, 8 Pa.B. 1533; readopted January 5, 1990, effective immediately to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347; corrected October 21, 1994, effective January 1, 1994, 24 Pa.B. 5314; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5872; reserved October 5, 2012, effective October 6, 2012, 42 Pa.B. 6290. Immediately preceding text appears at serial pages (250911) to (250920) and (337681) to (337682).

Notes of Decisions

Delivery of Documents

Where an irreconcilable conflict existed between the prescribed number of days for delivery of documents under subsection (a)(4) and 75 Pa.C.S. § 1103.1(d), the conflict did not invalidate the suspension provisions of the statute. *Department of Transportation v. Colonial Nissan*, 691 A.2d 1005 (Pa. Cmwlth. 1997).

Due Process

It is not a violation of due process for the Department to issue a warning of a violation without the opportunity for notice or a hearing as long as a suspension or sanction is not imposed. *Ernest Sunday Chrysler Plymouth, Inc. v. Department of Transportation*, 558 A.2d 921 (Pa. Cmwlth. 1989).

Hearings

The Department may consider multiple violations of this section and may issue separate sanctions for each offense in one hearing. One is not entitled to a hearing for each offense. *Abats Auto Tags v. Department of Transportation*, 627 A.2d 265, 267 (Pa. Cmwlth. 1993); appeal denied 649 A.2d 676 (Pa. 1994).

Rights at Hearings

Sections 501—508 and 701—704 of 2 Pa.C.S. do not apply to Departmental hearings; therefore, petitioner was not entitled to be informed of his right to representation by counsel or

to have a steno graphic record kept or a record of the hearing with findings of fact. *Ernest Sunday Chrysler Plymouth, Inc. v. Department of Transportation*, 558 A.2d 921 (Pa. Cmwlth. 1989); appeal denied 575 A.2d 118 (Pa. 1990).

Amendments to § 43.11(a)(4), as published on January 1, 1994, were null and void, where Department of Transportation proceeded with adoption of those amendments under section 204 of the Commonwealth Documents Law, expressly stating that it was merely readopting § § 43.1—43.13 ''as they presently exist in the *Pennsylvania Code* pages 43-1 to 43-17,'' and these actions ''do not enlarge the scope of existing regulations'' and where the January 1, 1994, version showed textual modifications from the earlier version, and subsequent corrective amendments made it obvious that adherence to the normal notice and comment procedures was far from ''unnecessary.'' *Department of Transportation v. Colonial Nissan*, 691 A.2d 1005 (Pa. Cmwlth. 1997).

Suspensions

Subsequent suspension of a license to issue temporary plates was properly invalidated in that no subsequent citation was issued against dealership. *Department of Transportation v. Magarity Chevrolet, Inc.*, 576 A.2d 1159 (Pa. Cmwlth. 1990).

Waiver

The Court's final order reinstating a car dealer's registration plates and authority to issue temporary registration plate suspended for bad check violations was determined to be a final nonappealable order. The failure by the car dealer to raise any issues before the Commonwealth Court will result in the waiver of such issues. *Department of Transportation v. Kosak*, 639 A.2d 1252 (Pa. Cmwlth. 1994).

§ 43.12. Use of temporary registration plate.

(a) *Applicability.* This section pertains to the use of a temporary registration plate by the person to whom it was issued.

(b) *Temporary registration plate nontransferable.* Temporary registration plates may not be transferred from one vehicle to another. If a person purchases another vehicle before receiving the regular registration card from the Bureau, the person shall wait until receipt of the regular registration card and then transfer the registration plate in the usual manner.

(c) *Expiration of temporary registration plates.* Temporary registration plates shall expire as follows:

(1) *Rules pertaining to cardboard plates.*

(i) A cardboard temporary registration plate shall expire and become void upon the occurrence of one of the following:

(A) Issuance of registration from another state.

(B) Rescission of a contract to purchase a vehicle.

(C) Expiration of 30 days from the date of issuance.

(ii) Upon expiration of a cardboard temporary registration plate, the person to whom it was issued shall destroy it.

(2) *Rules pertaining to metal plates.* A metal temporary registration plate may not be used after the expiration of 60 days from the date of issuance of the temporary card and plate until the registrant receives a regular registration card from the Bureau.

(d) *Use of temporary registration plates on vehicles transporting a load.* Vehicles transporting a load shall comply with the following:

(1) Temporary metal registration plates may be used on a vehicle transporting a load if the vehicle has a gross vehicle weight rating of 26,000 pounds or less and the vehicle and load have a gross weight of 26,000 pounds or less.

(2) Temporary metal registration plates may not be used on a vehicle transporting a load, if the vehicle has a gross vehicle weight rating in excess of 26,000 pounds or the vehicle and load have a gross weight in excess of 26,000 pounds, unless the vehicle is operating only within this Commonwealth or through jurisdictions which are not members of the International Registration Plan.

(3) Temporary cardboard registration plates may not be used on a commercial vehicle transporting a load.

(e) *Prosecution.* A person who violates subsection (c) shall be subject to prosecution under 75 Pa.C.S. § 1301 (relating to driving unregistered vehicle prohibited).

Source

The provisions of this § 43.12 adopted March 24, 1978, effective March 25, 1978, 8 Pa.B. 790; amended November 16, 1984, effective November 17, 1984, 14 Pa. B. 4169; readopted January 5, 1990, effective immediately to November 17, 1989, 20 Pa.B. 21; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5872; corrected December 11, 1998, effective November 28, 1998, 28 Pa.B. 6082. Immediately preceding text appears at serial pages (240815) to (240816).

§ 43.13. Special temporary registration cards and plates.

The Secretary may authorize the issuance of special temporary registration cards and plates for special occasions which he deems to be in the best interests of the Commonwealth. Temporary registration cards and plates shall be valid for a period of time the Secretary will determine.

Source

The provisions of this § 43.13 adopted November 16, 1984, effective November 17, 1984, 14 Pa.B. 4169; readopted January 5, 1990, effective immediately to November 17, 1989, 20 Pa.B. 21. Immediately preceding text appears at serial page (140051).

CHAPTER 53. MANUFACTURERS, DEALERS AND MISCELLANEOUS MOTOR VEHICLE BUSINESSES REGISTRATION PLATES

Sec.

53.1. Purpose and scope.
53.2. Definitions.
53.3. Issuance of plates.
53.4. Use of plates.
53.5. Registration cards for manufacturers, dealers and miscellaneous motor vehicle businesses.
53.6. Responsibilities of dealer, manufacturer and miscellaneous motor vehicle business registrants.
53.7. Return of dealer, manufacturer and miscellaneous motor vehicle business registration plates.
53.8. Certified checks.
53.9. Sanctions for violations by dealer, manufacturer or miscellaneous motor vehicle business registrants.

Authority

The provisions of this Chapter 53 issued under the Vehicle Code, 75 Pa.C.S. § § 1335, 1336, 1337 and 6103, unless otherwise noted.

Source

The provisions of this Chapter 53 adopted March 17, 1978, effective March 18, 1978, 8 Pa.B. 757; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252, unless otherwise noted.

Cross References

This chapter cited in 67 Pa. Code § 253.7 (relating to sanctions for violations by salvors).

§ 53.1. Purpose and scope.

(a) *Purpose.* This chapter establishes procedures for distribution and use of manufacturer, dealer and miscellaneous motor vehicle business registration plates.

(b) *Scope.* This chapter applies to persons who apply for or use manufacturer, dealer or miscellaneous motor vehicle business registration plates.

Source

The provisions of this § 53.1 adopted March 17, 1978, effective March 18, 1978, 8 Pa.B. 757; amended May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial

page (90226).

§ 53.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Dealer—A person who maintains an established place of business and who is engaged in the business of buying, selling or exchanging vehicles, including but not limited to passenger cars, trucks, implements of husbandry, special mobile equipment and trailers.

Dealer plate—A registration plate issued to a dealer or manufacturer which may be displayed on vehicles owned or in possession of the dealer or manufacturer in lieu of registering each vehicle individually.

Established place of business—A permanent enclosed building which is accessible and open to the public at all reasonable times and at which the business of a dealer or miscellaneous motor vehicle business, including the display and repair of vehicles, may be lawfully conducted in accordance with the terms of applicable building codes, zoning and other land-use regulatory ordinances.

Financier or collector-repossessor—A person who is authorized to do business in this Commonwealth as a financier or collector-repossessor and who is regularly engaged in the business of financing sales, making loans on the security of vehicles or repossessing vehicles which are the subject of installment sales contracts as an independent contractor.

Immediate family—A spouse or child of the registrant or a parent, brother or sister of the registrant who lives in ths same residence as the registrant.

Licensed dealer—A dealer licensed by the State Board of Motor Vehicle Manufacturers, Dealers and Salespersons.

Manufacturer—A person engaged in the business of constructing or assembling vehicles or motors or bodies of vehicles.

Miscellaneous motor vehicle business—A vehicle salvage dealer, transporter, financier or collector/repossessor, or a person who maintains an established place of business and who is engaged in the business of repair, service or towing of motor vehicles including but not limited to passenger cars, trucks, implements of husbandry and special mobile equipment.

Miscellaneous motor vehicle business plate—A registration plate issued to a miscellaneous motor vehicle business which may be displayed on vehicles owned or in possession of the business in lieu of registering each vehicle individually.

Officer—A president, vice president, secretary or treasurer of a corporation.

Registered dealer—A dealer registered by the Department under § 53.3(b) (relating to issuance of plates).

Transporter—A person regularly engaged in the business of transporting new vehicles or new and used trailers on their own wheels, owned by or in possession of a registered dealer.

Vehicle salvage dealer—A person who maintains an established place of business and who is engaged in the business of buying or selling parts or buying, selling or exchanging used, wrecked or abandoned vehicles and junkers for the purpose of remodeling, taking apart or rebuilding them.

Source

The provisions of this § 53.2 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial pages (90226) to (90227) and (95333).

§ 53.3. Issuance of plates.

(a) *To whom issued*. Plates will be issued in the following manner:

(1) Dealer plates will be issued to a manufacturer or dealer licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons and to a manufacturer or dealer of a type not licensed by the Board, if the manufacturer or dealer registers with the Department under subsection (b).

(2) Miscellaneous motor vehicle business plates will be issued to a miscellaneous motor vehicle business which registers with the Department under subsection (b).

(b) *Application for plates*. Application for plates shall be made in the following manner:

(1) Manufacturers, dealers and miscellaneous motor vehicle businesses may apply for registration plates by providing the Department with the following:

(i) A properly executed application furnished by the Department.

(ii) A copy of the deed or lease to the applicant's place of business and photos of the exterior and the interior.

(iii) A certificate of insurance or a statement from an insurance carrier authorized to do business in this Commonwealth—on its letterhead—that the applicant has sufficient liability insurance to cover as many vehicles as the number of plates applied for.

(iv) A remittance payable to the Department in the proper amount for the number of plates desired.

(v) A listing of outstanding liabilities due and owing to the Commonwealth, if any.

(vi) In the case of a transporter, a copy of an active contract with a registered dealer to regularly transport the dealer's vehicles. A copy of the contract shall also be included wth each application for renewal of the registration plates.

(2) The Department will examine and determine the genuineness, regularity and legality of the application. The Department may investigate the applicant with regard to the following:

(i) Condition of the premises.

(ii) Departmental and other Commonwealth records pertaining to the applicant or an owner or officer.

(iii) Personal history of an owner or officer.

(iv) Unsatisfied judgments against the applicant, owner or officer.

(v) Credit rating of the business and its owners and officers.

(vi) Assets and liabilities of the applicant.

(3) For dealers and manufacturers licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, a separate Department investigation will not be required.

(4) The Department may deny an application for registration plates on the basis of information revealed in the investigation or if the applicant fails to disclose material information required or has made a materially false statement on the application. If the Department denies an application, the Department will provide the applicant with an opportunity to show cause why the application should not be denied.

(5) In the case of dealers who are not required to be licensed by the Department of State, the Department may approve an application for dealer registration on a temporary basis for a period of 1 year. At the end of this period, the condition of the business will be evaluated by the Department and a determination will be made as to whether permanent approval will be given to the application for dealer registration. Factors which will be considered in making this determination shall include, but not be limited to, the physical condition of the business and the number of vehicles sold by the business.

(c) *Registration renewals*. Dealer plates and miscellaneous motor vehicle business plates shall be renewed annually.

Source

The provisions of this § 53.3 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial pages (95333) to (95334).

Cross References

This section cited in 67 Pa. Code § 43.2 (relating to definitions); and 67 Pa. Code § 53.2 (relating to definitions).

§ 53.4. Use of plates.

(a) *Dealer plates.*

(1) Dealer plates may be used on vehicles owned or in possession of a dealer or manufacturer and operated by the dealer or manufacturer or its employes only when the vehicle is used for one of the following purposes:

(i) In the business of the registrant as a dealer or manufacturer. If a dealer or manufacturer is engaged in a business other than the business of motor vehicle dealer or manufacturer, dealer plates may not be used on vehicles used in the other business, nor on vehicles used in both businesses.

(ii) For the personal pleasure or use of the dealer or members of the dealer's immediate family, or when the dealer is a corporation, for the personal pleasure or use of the officers or members of their immediate families, or for the personal use of the regular employes of the dealer.

(iii) For teaching students enrolled in an approved driver education course how to operate a vehicle and for taking an examination for a driver's license by the new driver.

(iv) For testing vehicles in the possession of the dealer or manufacturer.

(v) For demonstrating vehicles in the possession of the dealer or manufacturer.

(vi) For loaning to customers whose vehicles are being repaired.

(vii) For loaning to prospective purchasers for a period not exceeding 5 days for the purpose of demonstrating vehicles.

(2) Limited use of certain types of dealer plate shall be as follows:

(i) A motor driven cycle or motorized pedalcycle dealer plate shall be used only on motor driven cycles and motorized pedalcycles.

(ii) A motorcycle dealer plate shall be regularly used only on motorcycles, motor driven cycles and motorized pedalcycles. A motorcycle dealer plate may be used on other vehicles owned or in the possession of the motorcycle dealer only when the vehicle is being demonstrated for a prospective customer.

(iii) Other dealer plates may be used on any type of vehicle.

(3) See 75 Pa.C.S. § 1336(b) (relating to use of dealer registration plates). Permits for the use of manufacturer and dealer registration plates in the manner provided in paragraph (1)(iii), (vi) and (vii), shall be issued and records of their issuance shall be retained as follows:

(i) The dealer or manufacturer shall complete in ink or by typing, in duplicate, a dealer registration plate permit (form MV-355) for each use, including the name and address of the authorized user; the dealer registration plate number; the make and vehicle identification number of the vehicle; the date of issuance of the permit; the dealer or manufacturer's name, address and dealer identification number (DIN); and the purpose for which use of the vehicle was authorized. The form shall be signed by both the authorized user and the dealer or manufacturer.

(ii) The original copy of the dealer registration plate permit shall be given to the authorized user and shall be in the possession of the driver whenever the vehicle is being driven on a highway. The dealer registration card issued for the dealer registration plate attached to the vehicle shall also be in possession of the authorized user when the vehicle is being driven.

(iii) The duplicate copy of the dealer registration plate permit shall be retained at the dealer's or manufacturer's place of business for at least 6 months for inspection by police and authorized representatives of the Commonwealth.

(b) *Miscellaneous motor vehicle business plates.*

(1) Miscellaneous motor vehicle business plates may be used only when the vehicle is used for one of the following purposes:

(i) In the conduct of the miscellaneous motor vehicle business. If the owner of the miscellaneous motor vehicle business is engaged in another business, the miscellaneous motor vehicle business plates may not be used on vehicles used in the other business, nor on vehicles used in both businesses.

(ii) For the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of the owner's immediate family, or when the business is a corporation, for the pleasure or use of not more than three officers or members of their families, or for the personal use of the regular employes of the business when operated by the employe.

(2) Miscellaneous motor vehicle business plates shall be used by transporters only on motor vehicles which are hauling loads no greater than 1,000 pounds. The plates may not be used by transporters on truck tractors towing mobile homes or loaded trailers, or on loaded trailers.

Source

The provisions of this § 53.4 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial pages (95334) and (90230) to (90231).

Cross References

This section cited in 67 Pa. Code § 53.9 (relating to sanctions for violations by dealer, manufacturer or miscellaneous motor vehicle business registrants).

§ 53.5. Registration cards for manufacturers, dealers and miscellaneous motor vehicle businesses.

(a) *General rule*. The Department, upon issuing manufacturer, dealer or miscellaneous motor vehicle business registration plates, will issue cards which will include the name and address of the registrant, the identification number assigned to the registrant, the expiration date of the registration and the number of the registration plates assigned.

(b) *Types of cards*. Registrants will be furnished two types of registration cards:

(1) A separate, original card for each registration plate, containing the name and address of the registrant, the identification number assigned to the registrant, the expiration date of the registration and the number of the plate.

(2) A summary card in the form of a computer printout, containing the name and address of the registrant, the identification number assigned to the registrant, the registration plate number for each plate assigned to the registrant, and the expiration date of the registration. The registrant may make photocopies of this type of card which shall have the same force as the original card and may be exhibited, when required, in lieu of the original card.

(c) *Signature*. Upon receiving the registration card or a duplicate thereof, the registrant shall sign his name in ink in the space provided.

(d) *Exhibition of card*. One of the two types of registration cards for the registration plate being displayed on a vehicle shall be, at all times while the vehicle is being operated upon the highway, in the possession of the person driving or in control of the vehicle or carried in the vehicle and exhibited upon demand of a police officer.

Source

The provisions of this § 53.5 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial pages (90231) to (90232).

§ 53.6. Responsibilities of dealer, manufacturer and miscellaneous motor vehicle business registrants.

(a) *Change of ownership*. The registrant shall notify the Department on the prescribed form within 5 days of any change of ownership. The following are regarded as changes of ownership:

(1) Whenever the owner takes a new partner.

(2) Whenever the owner sells the business.

(3) Incorporation of a business.

(4) Sale of controlling interest in a corporation.

(b) *Change of address*. The registrant shall notify the Department before changing its place of business or before opening any branch office, and shall notify the Department immediately of any change in its post office address.

(c) *Lost or stolen plate*. The registrant shall notify the Department within 2 days of discovering the loss or theft when any registration plate is lost or stolen. The requirement of this section is in addition to the requirement to notify police of loss or theft of a registration plate under 75 Pa.C.S. § 1333(a) (relating to lost, stolen, damaged or illegible registration plates).

Source

The provisions of this § 53.6 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial page (90232).

§ 53.7. Return of dealer, manufacturer and miscellaneous motor vehicle business registration plates.

(a) Registration plates shall be returned to the Department immediately, if one of the following occur:

(1) The registration has been revoked or suspended by the Department.

(2) The State Board of Vehicle Manufacturers, Dealers and Salespersons has suspended, revoked or not renewed the license of the registered manufacturer or dealer.

(b) Registration plates shall be returned to the Department within 5 days if one of the following occur:

(1) A change in the nature of the registrant's business so that the registrant is no longer a dealer, manufacturer or miscellaneous motor vehicle business.

(2) The discontinuation of business as a dealer, manufacturer or miscellaneous motor vehicle business by the registrant.

Source

The provisions of this § 53.7 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial pages (90232) to (90233).

§ 53.8. Certified checks.

The Department may, in its discretion, require certified checks, postal or other money orders or cash from any registrant after a default in the payment of checks or drafts of the registrant.

Source

The provisions of this § 53.8 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial page (90233).

§ 53.9. Sanctions for violations by dealer, manufacturer or miscellaneous motor vehicle business registrants.

(a) *Schedule*. After providing an opportunity for a hearing, the Department may impose suspensions on a registrant according to the following schedule of violations by the registrant, when the Department finds upon sufficient evidence that:

	1st Offense	*2nd Offense*	*3rd Offense*	*4th and Subsequent Offense*
(1) The registrant has failed to report a change of business address before the change.	Written warning	3 months	6 months	Revocation
(2) The registrant has operated a branch office without notifying the Department.	Written warning	3 months	Revocation	
(3) The registrant has made or permitted to be made an unlawful use of the vehicle, registration plates or registration cards or permitted the use by a person not entitled thereto.	1 month	3 months	Revocation	
(4) The registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in an application submitted to the Department.	1 month	3 months	Revocation	
(5) The registrant has failed to notify the Department of a change of ownership.	Written warning	3 months	6 months	Revocation

(6) The registrant has submitted documents to the Department which have been accompanied by uncollectible checks drawn on the account of the registrant.	Until all uncollectible checks, protest fees, and collection charges under the Vehicle Code are paid.	Until all uncollectible checks, protest fees, and collection charges under the Vehicle Code are paid, plus 1 month.	Until all uncollectible checks, protest fees, and collection charges under the Vehicle Code are paid, plus 6 months.	Revocation
(7) The registrant has used or has allowed the use of a motor-driven cycle or motorized pedalcycle dealer plate on a vehicle other than a motor-driven cycle or a motorized pedalcycle.	Written warning	1 month	6 months	Revocation
(8) The registrant has used or has allowed the use of a motorcycle dealer plate on a vehicle other than a motorcycle, motor-driven cycle or motorized pedalcycle, except for purposes of demonstration.	Written warning	1 month	6 months	Revocation
(9) The registrant has failed to allow inspection of the records prescribed in § 53.4 (relating to use of plates) by authorized Commonwealth employes.	1 month	3 months	Revocation	
(10) The registrant has failed to properly issue or maintain records of the issuance of a dealer registration plate permit, as prescribed in § 53.4 when loaning a vehicle with a dealer plate.	Written warning	1 month	3 months	6 months
(11) The registrant has offered or paid money, gifts or other rewards to Commonwealth employes.	6 months	Revocation		
(12) The registrant has failed to deliver to a lawfully entitled transferee or to the Department, when and as required by law, a properly assigned certificate of title.	Written warning	1 month	6 months	Revocation

(13) The registrant has repeatedly violated the Vehicle Code (75 Pa.C.S. § § 101—9909) or this chapter.	1 month	6 months	Revocation
(14) The registrant has failed to provide information regarding the location and use of all registration plates issued to the registrant to an authorized Commonwealth employe.	1 month	6 months	Revocation

(b) *Warning*. The Department may, in its discretion, permit the registrant to consent to the acceptance of a warning in lieu of the first violation suspension outlined in subsection (a)(3), if no owner or officer had knowledge of the violation. The consent warning shall only be issued to registrants which have had no suspendable violations for 3 years prior to the date of the violation which is being considered. The registrant bears the burden of proving that they provided proper supervision of the employe who committed the violation but that the supervision could not have prevented the violation. Consent warnings replace the first violation suspension, and a second violation will be considered a second violation.

(c) *Second and subsequent violations.* Second and subsequent violations will be determined on the basis of previous violations of the same nature committed within a 3 year period. If a third or subsequent violation occurs within 3 years of the last previous violation, it will be deemed a third or subsequent violation regardless of when other previous violations occurred.

(d) *Multiple violations*. In the case of multiple violations considered at one time, the Department will impose separate penalties for each violation as required by the schedule. The Department may, in its discretion, direct that a suspension imposed be served concurrently or consecutively.

(e) *Suspension authority reserved.* The descriptions of reasons for suspension in subsection (a) are of a general nature, and should not be deemed to limit the suspension authority of the Department granted by 75 Pa.C.S. § 1374 (relating to suspension of vehicle business registration plates).

(f) *Revocation.* Upon revocation of registration, the dealer, manufacturer or miscellaneous motor vehicle business shall be barred from reapplying for a new registration for 1 year. The dealer, manufacturer or miscellaneous motor vehicle business shall immediately return all the registration cards and plates in its possession to the Department.

Source

The provisions of this § 53.9 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252; corrected October 21, 1994, effective January 1, 1994, 24 Pa.B. 5314. Immediately preceding text appears at serial pages (182545) to (182547).

Notes of Decisions

The Court's final order reinstating a car dealer's registration plates and authority to issue temporary registration plate suspended for bad check violations was determined to be a final nonappealable order. The failure by the car dealer to raise any issues before the Commonwealth Court will result in the waiver of such issues. *Department of Transportation v. Kosak*, 639 A.2d 1252 (Pa. Cmwlth. 1994).

The Department did not abuse its discretion in suspending an auto dealer's registration plates and authorization to issue temporary registration plates for submitting an uncollectable check to the Department. *Saia's Used Cars v. Commonwealth*, 596 A.2d 1212 (Pa. Cmwlth. 1991).

Department was not required to hold a hearing prior to issuance of a warning to dealership for violation of 75 Pa.C.S. § 1103(d) (relating to application for certificate of title). Subsequent suspension of a license to issue temporary plates was properly invalidated in that no subsequent citation was issued against dealership. *Department of Transportation v. Magarity Chevrolet, Inc.*, 576 A.2d 1159 (Pa. Cmwlth. 1990).

It is not a violation of due process for the Department of Transportation to issue a warning of a violation without the opportunity for notice or a hearing as long as a suspension or sanction is not imposed. *Ernest Sunday Chrysler Plymouth, Inc. v. Department of Transportation*, 558 A.2d 921 (Pa. Cmwlth. 1989); appeal denied 575 A.2d 118 (Pa. 1990).

The Department need not prove fraud nor financial loss to the agency to impose a suspension for dealer who inadvertently submitted uncollectible checks twice within a 3 year period. *Department of Transportation v. Foxwood R. V. Center and Campground*, 547 A.2d 504 (Pa. Cmwlth. 1988).

The decision by the Department to suspend a registered automobile dealer's authorization to issue temporary registration plates was proper as a violation of this section because of the dealer's two instances of submitting uncollectible checks to the agency. *Department of Transportation v. Foxwood R. V. Center and Campground*, 547 A.2d 504 (Pa. Cmwlth. 1988).

Where trial court agreed with Department of Transportation's finding that car dealer violated this section, it was manifest abuse of discretion to substitute its determination of appropriate penalty for that imposed by Department, absent new findings of fact and conclusions of law. *Department of Transportation v. Ede Motor Co.*, 527 A.2d 632 (Pa. Cmwlth. 1987).

BOARD OF VEHICLES ACT

Act of Dec. 22, 1983, P.L. 306, No. 84 **Cl. 63**

AN ACT

Providing for the State Board of Vehicle Manufacturers, Dealers and Salespersons; and providing penalties.

Compiler's Note: See the preamble to Act 27 of 1996 in the appendix to this act for special provisions relating to public policy.

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

Section 1. Short title.

This act shall be known and may be cited as the Board of Vehicles Act.

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:

"Agreement." A contract or franchise or any other written instrument which describes the contractual relationship between a manufacturer, distributor or dealer and at least one other person.

"Area of responsibility." The geographic area designated in the franchise agreement or related document where a new vehicle dealer is responsible for effectively selling, servicing and otherwise representing the products of the manufacturer. (Def. added July 7, 2011, P.L.285, No.65)

"Board." The State Board of Vehicle Manufacturers, Dealers and Salespersons.

"Branch lot." An office and lot maintained in addition to the main office and lot of a licensed vehicle dealer used for the display or sale of vehicles.

"Broker."

(1) Any person who, for any direct or indirect commission, compensation or other consideration, arranges or offers to arrange a transaction involving the sale of a new or used vehicle or establishes or offers to establish a plan or program involving the sale of a new or used vehicle and who is not:

(i) a licensed dealer or a licensed employee of a new or used vehicle dealer;

(ii) a licensed representative or a licensed employee of a manufacturer, factory branch or factory representative of new vehicles;

(iii) a licensed representative or a licensed employee of a distributor, distributor representative or distributor branch of new vehicles;

(iv) at any point in the transaction the owner of the vehicle involved in the transaction; or

(v) a licensed wholesale vehicle auction or public or retail vehicle auction.

(2) For purposes of this definition, "direct or indirect commission, compensation or other consideration" shall not include any interest, finance charges and fees directly associated with loans originated by financial institutions.

"Bushing." The practice of increasing the selling price of a vehicle above that originally quoted the purchaser or decreasing the allowance for trade-in of a used vehicle after the purchaser has signed a purchase order or contract which is subject to subsequent acceptance by the seller. If a used vehicle is being used as the trade-in and it is not to be delivered to the dealer until delivery of the new vehicle, the used vehicle may be reappraised at the time of delivery of the new vehicle if the dealer can establish that the vehicle has suffered damage or serious mechanical deterioration since the date of original valuation. The reappraisal value may determine the allowance made for the used vehicle.

"Buying, selling or exchanging." Includes listing, offering, auctioning, advertising, representing or soliciting, offering or attempting to solicit or negotiate on behalf of another a sale, purchase or exchange or any similar or related activity.

"Dealer." A person required to be licensed under this act who is engaged in the business of buying, selling or exchanging new or used vehicles or an interest in new or used vehicles, regardless of whether the vehicles are owned by that person. The term includes persons engaged in consignment sales for a seller, but does not include a person issued an identification number by the Department of Transportation, unless the board has also issued a dealer license to the person. Vehicle dealers shall be classified as one or more of the following:

(1) A new vehicle dealer, who is a person engaged in the business of buying, selling or exchanging new and used vehicles, trailers or semitrailers for commission, compensation or other consideration, who holds a franchise with a manufacturer or distributor, giving the dealer selling rights for that particular line-make of new vehicles, trailers or semitrailers, or who is a distributor of new vehicles, trailers or semitrailers who holds a franchise with a manufacturer or distributor of vehicles, trailers and semitrailers.

(2) A used vehicle dealer, who is a person engaged in the business of buying, selling or exchanging used vehicles, trailers or semitrailers for commission, compensation or other consideration. The term includes fleet owners who engage directly in the retail sale of its fleet vehicles.

(3) A new manufactured housing dealer, who is a person engaged in the business of selling new manufactured housing and buying, selling or exchanging used manufactured housing or mobile homes for commission, compensation or other consideration and who holds a franchise with a manufacturer or distributor giving the dealer selling rights for a particular line-make of new manufactured housing.

(4) A used manufactured housing or mobile home dealer, who is a person engaged in the business of buying, selling or exchanging used manufactured housing or mobile homes for commission, compensation or other consideration.

(5) A new recreational vehicle dealer, who is a person engaged in the business of buying, selling or exchanging new and used recreational vehicles for commission, compensation or other consideration and who holds a franchise with a manufacturer or distributor giving the dealer selling rights for a particular line of new recreational vehicles.

(6) A used recreational vehicle dealer, who is a person engaged in the business of buying, selling or exchanging used recreational vehicles for commission, compensation or other consideration.

(7) A mobility vehicle dealer.

(Def. amended Dec. 22, 2011, P.L.557, No.120)

"Department." The Department of State acting through the Commissioner of Professional and Occupational Affairs.

"Distributor." A person, resident or nonresident, who sells, distributes or services a manufacturer's products to or for dealers or maintains distributor representatives.

"Distributor branch." An established place of business operated, controlled or maintained by a distributor for the purpose of selling, distributing or servicing a manufacturer's products to or for dealers.

"Distributor representative." A representative employed by a distributor or distributor branch for the purpose of selling,

distributing or servicing a manufacturer's products to or for dealers.

"Dual" or "dualing." A new vehicle dealership having two or more line-makes of new vehicles located in the same dealership facilities. (Def. added Sept. 3, 2009, P.L.378, No.41)

"Due regard to the equities." Treatment in enforcing an agreement that is fair and equitable to a dealer or distributor and that is not discriminatory compared to similarly situated dealers or distributors.

"Engaging in the business." Any activity which requires licensure under this act.

"Established place of business." A permanent, enclosed building as more specifically defined by regulation which is accessible and open at reasonable times and at which the business may be lawfully conducted in accordance with the terms of applicable building codes, zoning and other land-use regulatory ordinances.

"Factory branch." An established place of business operated, controlled or maintained, in whole or in part, by a manufacturer for the purpose of selling or servicing a manufacturer's products to or for distributors or dealers or for directing or supervising, in whole or part, its representatives.

"Factory representative." A representative employed by a manufacturer or by a factory branch for the purpose of making or promoting the sale of its vehicles or for supervising or contacting its dealers or prospective dealers.

"Fleet owner." Any person who owns 15 or more vehicles.

"Franchise." The written agreement between any new vehicle manufacturer or distributor and any new vehicle dealer which purports to fix the legal rights and liabilities of the parties to such agreement, and pursuant to which the dealer purchases, resells, services, separately services and performs warranty repairs on the franchise product or leases or rents the dealership premises. (Def. amended October 18, 2000, P.L.577, No.75)

"Just cause." A material breach by a vehicle dealer or distributor, due to matters within the dealer's or distributor's control, of a reasonable and necessary provision of an agreement if the breach is not cured within a reasonable time after written notice of the breach has been received from the manufacturer or distributor.

"Line-make." Groups of vehicles that are offered for sale, lease or distribution under a common name, trademark, service mark or brand name of the manufacturer or distributor of those same vehicles. (Def. added Sept. 3, 2009, P.L.378, No.41)

"Manufactured housing." A structure manufactured after 1975, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term shall include any structure which meets all the requirements of this definition with respect to which the manufacturer voluntarily files a certification required by the United States Department of Housing and Urban Development.

"Manufacturer." Any person, resident or nonresident, who manufactures or assembles vehicles or who manufactures or installs on previously assembled chassis special bodies or equipment which when installed form an integral part of a vehicle and which constitute a major manufacturing alteration.

"Material damage." Damage sustained or incurred by a vehicle, whether repaired or replaced, which results in a vehicle being altered or reconditioned and the alteration or reconditioning is of a nature that a reasonable person would consider important in determining whether to make a retail purchase of a particular vehicle for a particular price. Replacement of tires, glass, bumpers and in-dash audio equipment, and only for recreational vehicles any appliances, furniture or fixtures, shall not be considered altering or reconditioning the vehicle if those components are replaced by identical manufacturer's original equipment.

"Mobile home." A structure manufactured before 1976, designed and used exclusively for living quarters or commercial purposes, but only incidentally operated on a highway.

"Mobility vehicle." A vehicle that:

(1) Is designed and equipped to transport a person with a disability.

(2) Contains a lowered floor or frame or a raised roof and door.

(3) Contains one of the following:

(i) an electronic or mechanical wheelchair, scooter or platform lift that enables a person to enter or exit the vehicle while occupying a wheelchair or scooter;

(ii) an electronic or mechanical wheelchair ramp; or

(iii) a system to secure a wheelchair or scooter to allow for a person to be safely transported while occupying the wheelchair or scooter that is installed as an integral part or permanent attachment to the vehicle chassis.

(Def. added Dec. 22, 2011, P.L.557, No.120)

"Mobility vehicle dealer." A person engaged in the business of buying, selling or exchanging mobility vehicles for commission, compensation or other consideration. (Def. added Dec. 22, 2011, P.L.557, No.120)

"Motor home." A vehicle designed to provide temporary living quarters, built into an integral part of, or permanently attached to, a self-propelled vehicle chassis or van.

"Motorcycle." A vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground or an "all-terrain vehicle" or "ATV" as defined in 75 Pa.C.S. § 7702 (relating to definitions).

"Net acquisition cost." The cost to a dealer plus any charges by the manufacturer or distributor for the distribution, delivery and taxes, less all allowances paid or credited to the dealer by the manufacturer or distributor.

"New vehicle." A vehicle, regardless of mileage, which has never been registered or titled in this Commonwealth or any other state or jurisdiction and on which a tax imposed under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, has not been paid prior to its sale.

"Off-premise sale," "vehicle show" or "exhibition." A sale, show or exhibition of one or more vehicle dealers, distributors, manufacturers or manufacturers' representatives who display, sell or attempt to sell vehicles, mobile homes, manufactured housing or trailers, but not recreational vehicles, for a fixed and limited period of time held in the relevant market area of the participating dealers or distributors. (Def. amended Oct. 8, 2008, P.L.1086, No.90)

"Person." Any individual, corporation, partnership, association or other entity foreign or domestic.

"Public or retail vehicle auction." Any person required to be licensed under this act who for commission, compensation or other consideration is engaging in the business of providing retail vehicle auction services at an established place of business in which the auction acts as an agent as to vehicles which are sold to buyers, including individual retail buyers and the general public.

"Recreational vehicle." A vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own power or is mounted on or drawn by another vehicle. The term includes a travel trailer, recreational vehicle park trailer, slide-in camper, camping trailer and motor home. (Def. amended Oct. 8, 2008, P.L.1086, No.90)

"Recreational vehicle park trailer." A recreational vehicle that is built on a single chassis mounted on wheels, has a gross trailer area not exceeding 400 square feet in the set-up mode and is certified by the manufacturer as complying with ANSI A119.5.

"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, 20 days in a 90-day period and 60 days in a 365-day period. 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. (Def. added Oct. 8, 2008, P.L.1086, No.90)

"Relevant market area." The area within a radius of 20 miles around an existing dealer or the area of responsibility defined in the franchise, whichever is greater; except:

(1) where a manufacturer is seeking to establish an additional new vehicle dealer, the relevant market area shall be in all instances the area within a radius of ten miles around the proposed site of the additional new vehicle dealer, except for cities of the first and second class which will be the area within a five-mile radius, around the proposed site of the additional new vehicle dealer; and

(2) where a manufacturer is seeking to relocate an existing dealer, the relevant market area is the area within a radius of 20 miles around the proposed site of the relocating dealer or the area of responsibility defined in the franchise of the relocating dealer, whichever is greater.

This definition shall not apply to manufactured housing or recreational vehicle dealers or their manufacturer agreements.

"Retail sale" or "sale at retail." The act or attempted act of selling, bartering, exchanging or otherwise disposing of a vehicle to an ultimate purchaser.

"Salesperson." Any person who, for a commission, compensation or other consideration, is employed by a dealer to buy, sell or exchange one or more new or used vehicles.

"Site-control agreement" or "exclusive use agreement." An agreement that, regardless of its name, title, form or the parties entering into it, has the effect of:

(1) controlling the use and development of the premises of a dealer's franchise or facility;

(2) requiring a dealer to establish or maintain an exclusive dealership facility on the premises of the dealer's franchise or facility;

(3) restricting the power or authority of the dealer or the lessor if the dealer leases the dealership premises to transfer, sell, lease, develop, redevelop or change the use of the dealership premises, whether by sublease, lease, collateral pledge of lease, right of first refusal to purchase or lease, option to purchase or lease or any similar arrangement; or

(4) establishing a valuation process or formula for the dealership premises that does not allow for the dealership premises to be transferred, sold or leased by the dealer at the highest and best use valuation for the dealership premises.

(Def. added Oct. 27, 2010, P.L.958, No.100)

"Trailer" or "semitrailer." A vehicle, other than a recreational vehicle, with a gross vehicle weight over 3,000 pounds which is designed to be towed by a vehicle.

"Used vehicle." A vehicle on which title has been transferred from the person who first acquired it from the manufacturer or dealer in this Commonwealth or any other state or jurisdiction and on which a tax imposed under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, was paid prior to its sale.

"Vehicle." Every device which is or may be moved or drawn upon a highway, except devices which are infrequently operated or moved upon a highway but are designed primarily for use in construction or agriculture or road maintenance, devices moved by human or animal power, devices used exclusively upon rails or tracks, motorized pedalcycles and mobility vehicles. (Def. amended Dec. 22, 2011, P.L.557, No.120)

"Wholesale vehicle auction." Any person required to be licensed under this act who for commission, compensation or other consideration is engaging in the business of providing wholesale vehicle auction services at an established place of business. The auction need not have custody or control of the subject vehicle but shall have the authority of the buyer or seller to negotiate or conduct a transaction on behalf of the buyer or seller.

(2 amended Apr. 19, 1996, P.L.104, No.27)

Section 3. State Board of Vehicle Manufacturers, Dealers and Salespersons.

(a) Board.--The State Board of Vehicle Manufacturers, Dealers and Salespersons shall consist of 17 members, one of whom shall be the Commissioner of Professional and Occupational Affairs, or his designee, one of whom shall be the Secretary of the Department of Transportation, or his designee, one of whom shall be the Director of Consumer Protection in the Office of Attorney General, or his designee, and the remaining 14 of whom shall be appointed by the Governor as follows:

(1) Three members shall be new vehicle dealers who have been actively engaged as such for a period of five years immediately preceding their appointment.

(2) Three members shall be used vehicle dealers who have been actively engaged as such for a period of five years immediately preceding their appointment. One used vehicle dealer member beginning with the first vacancy for a used vehicle dealer after the effective date of this amendment shall also be an owner, partner or officer of a corporation or business which is licensed as a vehicle auction and which has been actively engaged as such for a period of five years immediately preceding the appointment.

(3) One shall be a manufactured housing or mobile home dealer who has been actively engaged as such for a period of five years immediately preceding appointment.

(4) One shall be a salesperson who has been actively engaged in the sale of new or used vehicles for a period of five years immediately preceding appointment. The member shall not be a dealer or an officer of a corporation or a member of a partnership engaged in the business of a dealer at the time of appointment.

(5) One shall be a recreational vehicle dealer who has been actively engaged as such for a period of five years immediately preceding appointment.

(6) One shall be a motorcycle dealer who has been actively engaged as such for a period of five years immediately preceding appointment.

(6.1) One member shall be a mobility vehicle dealer who has been actively engaged as such for a period of five years immediately preceding appointment.

(7) Three shall be members of the general public having no connection with the vehicle business.

((a) amended Dec. 22, 2011, P.L.557, No.120)

(b) Terms of members.--The terms of the members of the board shall be four years for members appointed after the effective date of this amendment from the respective date of their appointment, provided that a member may continue for a period not to exceed six months beyond the expiration of his term if a successor has yet to be duly appointed and qualified according to law. The maximum number of consecutive terms a member shall serve shall be two consecutive four-year terms. In the event that any member shall die, resign or be removed from office, his successor shall be appointed and hold office for the unexpired term.

(c) Quorum.--A majority of the members of the board who have been appointed and confirmed shall constitute a quorum. Motions, questions and decisions of the board shall require the affirmative vote of a majority of a quorum for adoption. The board shall select, from among their number, a chairman and a secretary.

(d) Reimbursement of expenses.--Each member of the board, excepting the Commissioner of Professional and Occupational Affairs or his designee, the Director of the Bureau of Consumer Protection in the Office of Attorney General or his designee, and the Secretary of the Department of Transportation or his designee, shall be paid reasonable traveling, hotel and other necessary expenses and per diem compensation at the rate of $60 for each day of actual service while on board business.

(e) Attendance.--A member who fails to attend three consecutive meetings shall forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of an immediate family member.

(3 amended Apr. 19, 1996, P.L.104, No.27)

Section 4. Powers and duties of board.

(a) Powers and duties.--The board shall have the power and its duty shall be to:

(1) Provide for and regulate the licensing of salespersons, dealers, vehicle auctions, manufacturers, factory branches, distributors, distributor branches and factory or distributor representatives as defined in this act.

(2) Review and pass upon the qualifications of applicants for licensure and to issue, except as otherwise provided herein, a license to engage in the said businesses to any applicant who is approved by the board and who meets the requirements of this act and regulations promulgated in accordance with this act.

(3) Investigate on its own initiative, upon complaint of the Department of Transportation, Department of Community and Economic Development, Department of Revenue or the Office of the Attorney General, any law enforcement officer or upon the verified complaint in writing of any person, any allegations of the wrongful act or acts of any licensee or person required to be licensed hereunder. Duly authorized agents of the Bureau of Professional and Occupational Affairs shall be authorized to issue administrative citations for violations of this act in accordance with section 5 of the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension."

(4) Administer and enforce this act and to impose appropriate administrative discipline upon licensees found to be in violation of this act.

(5) Bring criminal prosecutions for unauthorized, unlicensed or unlawful practice and bring an action to enjoin such practices. Duly authorized agents of the bureau shall be authorized to issue citations in accordance with section 5(a) of the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," for violations of this act.

(6) Require each licensee to register biennially with the board.

(7) Keep a record showing the names and addresses of all licensees licensed under this act.

(8) Keep minutes and records of all its transactions and proceedings especially with relation to the issuance, denial, registration, formal reprimand, suspension and revocation of licenses. In all actions or proceedings in any court, a transcript of any board record or any part thereof, which is certified to be a true copy by the board, shall be entitled to admission in evidence.

(9) Adopt, promulgate and enforce such rules and regulations consistent with this act as are deemed necessary and proper to effectuate the provisions of this act.

(10) Submit annually, to the Consumer Protection and Professional Licensure Committee of the Senate and the Professional Licensure Committee of the House of Representatives, a description of the types of complaints received, status of the cases, board action which has been taken and length of time from the initial complaint to final board resolution.

(11) Submit annually to the department an estimate of the financial requirements of the board for its

administrative, investigative, legal and miscellaneous expenses.

(12) Submit annually to the House and Senate Appropriations Committees, 15 days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the department.

(b) Summary proceedings.--All law enforcement officers in this Commonwealth may institute summary criminal proceedings in accordance with the Pennsylvania Rules of Criminal Procedure for violations of this act. Any person who violates this act shall be subject to criminal prosecution as provided in section 28.

(4 amended October 18, 2000, P.L.577, No.75)

Section 5. License to engage in business.

(a) License required.--

(1) To promote the public safety and welfare, it shall be unlawful for any person to engage in the business as a salesperson, dealer, branch lot, wholesale vehicle auction, public or retail vehicle auction, manufacturer, factory branch, distributor, distributor branch, factory representative or distributor representative within this Commonwealth unless the person has secured a license as required under this act.

(2) A person, including, but not limited to, salespersons, shall not engage in the business for his own benefit or profit unless he is licensed in accordance with this act.

(3) A person shall not act as, offer to act as or hold himself out to be a broker in the advertising, buying or selling of any new or used vehicle.

(b) Mobile home parks.--

(1) It shall be unlawful for any person, for a commission, compensation or other consideration, to sell or act as salesperson, broker or sales agent in connection with the sale of one or more mobile homes located in a mobile home park, as provided for in section 11 of the act of November 24, 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, unless such person shall be licensed under this act, except as provided for in paragraph (2).

(2) Any real estate salesperson or broker licensed under the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, may list for sale any preowned mobile home as defined by the Mobile Home Park Rights Act, whether or not the mobile home is located in a mobile home park, without being licensed under the provisions of this act. No mobile home park rule shall prevent the placement of a "for sale" sign on the home and on the property on which the home is located. Nothing in this paragraph shall authorize the listing for sale of preowned mobile homes at a sales lot by a licensed real estate salesperson or broker unless the salesperson or broker is also licensed under this act and has obtained a sales tax license from the Department of Revenue.

(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.

(1) Any salesperson licensed hereunder shall be licensed to sell only for one dealer at a time and his license shall indicate the name of that dealer.

(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.

(d) Display of license.--Each person to whom a license is issued shall keep the license conspicuously displayed in his principal office or place of business and shall, when required, exhibit such license to any member or authorized representative of the board.

(e) Facility requirements for dealers.--

(1) Dealers engaged in the business of buying, selling or exchanging new and used vehicles, trailers or semitrailers shall maintain an established place of business with a salesroom devoted principally to the vehicle business, and new vehicle dealers shall hold a franchise in writing with a manufacturer or distributor authorizing a new vehicle dealer to sell a particular line-make of vehicles from the address of the licensed facility.

(i) A vehicle auction shall not be required to meet the facility requirements contained in this subsection.

(ii) A branch lot shall be a separately licensed location which meets the facility requirements defined herein and by the regulations as a main lot, unless used solely for the storage of vehicles.

(2) Dealers engaged in the business of buying, selling or exchanging used vehicles, trailers or semitrailers shall maintain an established place of business with a salesroom devoted principally to the vehicle business which is a building or portion of a building where books and records are kept.

(3) Dealers engaged in the business of buying, selling or exchanging new manufactured housing and used mobile homes or manufactured housing shall maintain a minimum usable display area of 5,000 square feet devoted principally to the mobile home or manufactured housing business, maintain an established place of business and hold a contract in writing with a buyer, seller or manufacturer giving such person buying or selling rights for new manufactured housing of that particular line from the address of the licensed facility.

(i) Dealers engaged in the business of buying, selling or exchanging new manufactured housing, in lieu of maintaining the minimum usable display area requirements of this section, shall be authorized to display, sell, list or offer for sale new manufactured housing if the new manufactured housing is located on-site in a mobile home park or new manufactured housing is on real property owned or rented by a person who through a written agreement with the dealer authorizes the dealer to locate the new manufactured housing on the real property and the dealer is authorized to display, sell, list or offer the new manufactured housing at the real property location. Such dealers must maintain an established place of business and hold a contract in writing with a buyer, seller or manufacturer giving such

person buying or selling rights for such new manufactured housing.

(ii) A display, sale, listing or offer for sale from a site or location as permitted by subparagraph (i) shall not require the issuance of a branch lot license.

(4) Dealers engaged in the business of buying, selling or exchanging used mobile homes or manufactured housing shall maintain a place of business and a building, or a portion of a building, where books and records are kept and which is devoted principally to the mobile home or manufactured housing business. There shall be no minimum square footage display area requirement for a used mobile home or manufactured housing dealer.

(i) Dealers engaged in the business of buying, selling or exchanging new manufactured housing or used mobile homes or manufactured housing in addition to maintaining the business facility requirements of this section shall be authorized to display, sell, list or offer for sale used manufactured housing or mobile homes if the used manufactured housing or mobile homes are located on-site in a mobile home park or used manufactured housing or mobile homes are located on real property owned or rented by the person who owns the used manufactured housing or mobile home and the dealer possesses a written agreement with the person authorizing the dealer to sell, list or offer the used manufactured housing or mobile home on behalf of the person from the real property location.

(ii) A display, sale, listing or offer for sale from a site or location as permitted by subparagraph (i) shall not require the issuance of a branch lot license.

(5) Dealers engaged in the business of buying, selling or exchanging new or used recreational vehicles shall maintain an established place of business with a minimum usable display area of 5,000 square feet devoted principally to the recreational vehicle business and hold a franchise in writing with a buyer, seller or manufacturer giving such person buying or selling rights for new recreational vehicles of that particular line from the address of the licensed facility.

(f) Wholesale vehicle auction activities.--

(1) Wholesale vehicle auctions in wholesale vehicle auction sales transactions shall permit only the following persons to sell vehicles at the auction: vehicle dealers licensed under this act or by any other state or jurisdiction, manufacturers, leasing companies, rental companies, financial institutions, insurance companies, charitable nonprofit organizations; persons who sell vehicles owned by their business which are utilized to accomplish their main business purpose and who do not engage in any vehicle buying, sales or repair business; and fleet owners.

(2) Only vehicle dealers licensed under this act or by any other state or jurisdiction shall be permitted to purchase vehicles at wholesale vehicle auctions. In addition to dealers licensed under this act or by any other state or jurisdiction, a vehicle business, except for repair and towing, transporter, service, financier or collector/repossessor businesses, registered with the Department of Transportation and issued a Department of Transportation identification number or licensed or registered by any other state or jurisdiction for a similar activity without being licensed under this act shall be

authorized at wholesale vehicle auctions only to buy, sell or exchange vehicles of the type for which the business is authorized to engage by the Department of Transportation or any other state or jurisdiction, provided that upon buying such vehicle, application for an appropriate certificate of title or certificate of salvage is made for the vehicle.

(3) A dealer licensed under this act without possessing a wholesale vehicle auction or public or retail vehicle auction license shall be permitted to sell vehicles on consignment.

(4) A vehicle auction shall only permit a person who is currently employed and licensed as a salesperson for a dealer who holds a license issued under this act or by any other state or jurisdiction to buy, sell or exchange vehicles at an auction on behalf of a dealer. This paragraph shall not apply to a salesperson who is buying, selling or exchanging vehicles at:

(i) wholesale vehicle auctions which are either fleet sales or manufacturer's sales; or

(ii) sales of vehicles for salvage, where the salesperson shall be permitted to buy, sell or exchange vehicles for no more than five dealers during the sale.

(5) Any person who has had his license under this act or authority to engage as a dealer or salesperson in any other state or jurisdiction suspended or revoked shall not be authorized, while the license or authority is suspended or revoked, to be physically present at a wholesale vehicle auction during the auctioning of vehicles.

(g) Public or retail vehicle auction activities.--

(1) Public or retail vehicle auctions shall not be limited as to who may commission them to sell vehicles or who may buy vehicles at public or retail auctions, provided that any buyer or seller is not engaging in the business as a dealer without a license or as any other person who would be required to be licensed under this act. Any person who has had his license under this act or authority to engage as a dealer or salesperson in any other state or jurisdiction suspended or revoked shall not be authorized, while the license or authority is suspended or revoked, to be physically present at a public or retail vehicle auction during the auctioning of vehicles. Public or retail vehicle auctions shall not be required to take title to the vehicles they offer for sale or have their auctioneers licensed as salespersons under this act. Public or retail vehicle auctions shall inquire of the seller of the vehicle and, if applicable, disclose to potential purchasers material information obtained from the seller regarding the vehicle being offered for sale as is required of all sellers under applicable Federal and Pennsylvania laws.

(2) Public or retail vehicle auctions shall ensure all purchasers at the vehicle auction:

(i) show proof of identification at the time of transfer of ownership;

(ii) sign the identified name to the transfer of ownership documents;

(iii) pay any applicable tax imposed under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, unless otherwise exempted by law; and

(iv) submit transfer of ownership documents to the Department of Transportation as required under 75 Pa.C.S. (relating to vehicles).

(g.1) Mobility vehicle dealers.--

(1) A licensed dealer classified as a mobility vehicle dealer may do all of the following:

(i) Display, inventory, advertise, solicit, demonstrate, sell, offer for sale or deliver new and used mobility vehicles.

(ii) Arrange, negotiate and assist a customer regarding the purchase of a mobility vehicle.

(iii) Sell and install equipment and accessories in and provide services for mobility vehicles, in order to meet the needs of persons with disabilities as drivers or passengers.

(iv) Provide maintenance and repair services for mobility vehicles.

(v) Acquire a new vehicle with a lowered floor or frame or a raised roof and door in order to fit or equip the vehicle for retail sale as a new mobility vehicle.

(2) A licensed dealer that is classified only as a mobility vehicle dealer may not offer for sale or sell vehicles which are not mobility vehicles.

((g.1) added Dec. 22, 2011, P.L.557, No.120)

(h) Notification of unlicensed persons.--Vehicle auctions shall post a listing supplied by the board containing the names of all licensees who are currently revoked or suspended and persons who were penalized for unlicensed activity within the past year.

(5 amended Apr. 19, 1996, P.L.104, No.27)

Section 6. Biennial renewal.

Each license holder shall be required to renew his license biennially; as a condition precedent to biennial renewal, the license holder shall pay a biennial renewal fee and, in the case of a salesperson or manufacturer's or distributor's representative, he must be presently employed with a dealer, manufacturer or distributor which has a current license. The license holder shall comply with all requirements as set forth through regulation by the board.

(6 amended Apr. 19, 1996, P.L.104, No.27)

Section 7. Enforcement.

Notwithstanding the enforcement powers granted to law enforcement officers to institute summary criminal proceedings pursuant to section 4(b), the enforcement of the laws and rules and regulations governing practice under this act is primarily vested in the board with the following additional powers and duties to:

(1) Inspect all license holders.

(2) Authorize investigations of alleged violations.

(3) Review and inspect all business records, documents and files relating to practice under this act.

(4) Subpoena witnesses.

(5) Take depositions of witnesses in the manner provided for in civil actions in courts of record.

(6) Bring criminal prosecutions for unauthorized, unlicensed and unlawful practice in accordance with the terms and provisions of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(7) Obtain injunctions from a court of competent jurisdiction against persons acting in violation of this act.

(7 amended October 18, 2000, P.L.577, No.75)

Section 8. Protest hearing decision within 120 days unless waived by the parties.

(a) Franchise protest hearings to be decided within 120 days unless waived by the parties.--Any franchise establishment, relocation, termination or failure to renew hearing based on a protest by a dealer or distributor of any action by a manufacturer or distributor alleged to be in violation of a provision of this act must be conducted and the final determination made within 120 days after the protest is filed. Unless waived by the parties, failure to do so will be deemed the equivalent of a determination that the manufacturer or distributor acted with good cause and, in the case of a protest of a proposed establishment or relocation of a dealer under section 27, that good cause does not exist for refusing to permit the proposed additional or relocated new vehicle dealer unless such delay is caused by acts of the manufacturer, distributor or the additional or relocating dealer. Any parties to such a hearing shall have a right of review of the decision in a court of competent jurisdiction pursuant to 2 Pa.C.S. § 701 (relating to scope of subchapter). If the board determined that good cause does not exist for refusing to permit the proposed additional or relocated new vehicle dealer and the manufacturer or distributor thereafter enters into a franchise establishing that new vehicle dealer, the manufacturer or distributor shall not be liable for damages based upon such establishment even if a court reverses the determination of the board.

(b) Procedure.--The procedure at the hearing shall be governed by 1 Pa. Code Pt. II (relating to general rules of administrative practice and procedure) with the following exceptions:

(1) In the event that the protest involves a termination or failure to renew the franchise of a new vehicle dealer, the dealer shall be permitted to review a manufacturer's or distributor's files related to that dealer upon written request.

(2) The board may order on its own initiative, or pursuant to a party's request, that part of the evidence for hearing be submitted to it in the form of depositions.

(c) Reconsideration.--In the event a decision of the board is remanded by a court of competent jurisdiction for further action by the board, the board shall consider the action and issue a final determination, not later than 120 days following receipt of the record from such court, unless the 120-day time period for the board to issue a final determination is waived or extended by the parties.

((c) added October 18, 2000, P.L.577, No.75)

(d) Dealer protest of automobile, motorcycle or truck manufacturer act or omission.--

(1) Except for protests authorized under section 13 or 27 and notwithstanding any other remedy available under this act, any new vehicle dealer who believes that an automobile, motorcycle or truck manufacturer or distributor with whom the new vehicle dealer holds a franchise agreement has violated or is violating any provision of this act may file a protest with the board setting forth the factual and legal basis for such violation.

(2) The board shall issue a final determination within 120 days after the protest is filed, unless the 120-day time period for the board to issue a final determination is waived or extended by the parties.

(3) It shall be the burden of the automobile, motorcycle or truck manufacturer to prove it has not violated any

provision of this act as set forth in the protest filed by the new vehicle dealer.

(4) The protested action shall not become effective until the final determination is issued by the board and shall not be effective thereafter if the board has determined that there is good cause for not permitting the protested action.

(5) The board shall be empowered to direct or require the automobile, motorcycle or truck manufacturer or distributor to perform such acts as necessary in order for the manufacturer or distributor to comply with the provisions of this act.

((d) added October 18, 2000, P.L.577, No.75)

(Present 8 added and former 8 renumbered 9 and amended Apr. 19, 1996, P.L.104, No.27)

Section 9. Reimbursement for all parts and service required by the manufacturer or distributor; reimbursement audits.

(a) Manufacturers or distributors to notify dealers of their obligations.--

(1) Each new vehicle manufacturer or distributor shall specify in writing to each of its new vehicle dealers licensed in this Commonwealth the dealer's obligations for predelivery preparation and warranty service on its products, shall compensate the new vehicle dealer for service required of the dealer by the manufacturer or distributor and shall provide the dealer with a schedule of compensation to be paid the dealer for parts, work and service, and the time allowance for the performance of such work and service.

(2) Compensation for parts, including major assemblies used in warranty service, shall be at the dealer's retail rate. The following shall apply:

(i) The dealer's retail rate for parts shall be established by the dealer's submitting to the manufacturer or distributor a declaration of the average percentage markup which shall be the lesser of the following orders which cover repairs made no more than 180 days before the submission:

(A) One hundred sequential nonwarranty customer-paid service repair orders which contain parts that are used in warranty-like service or repair.

(B) Ninety consecutive days of nonwarranty customer-paid service repair orders which contain parts that are used in warranty-like service or repair.

(ii) The declaration under subparagraph (i) shall be presumed to be reasonable, except that a manufacturer or distributor may, not later than 60 days after submission, rebut the presumption by substantiating that the declaration is unreasonable or materially inaccurate.

(iii) The retail rate shall go into effect 60 days following the declaration under subparagraph (i), unless the franchisor audits the submitted repair orders and a rebuttal under subparagraph (ii) occurs.

(iv) If the declared retail rate is rebutted, the manufacturer or distributor shall propose an adjustment of the markup based on the rebuttal no later than 60 days after submission.

(v) A manufacturer shall provide written support to the dealer for the rebuttal retail rate that is proposed. If the dealer does not agree with the proposed

markup, the dealer may file a protest after receipt of the proposal by the manufacturer or distributor. If a protest is filed, the board shall inform the manufacturer or distributor that a protest has been filed and that a hearing will be held on the protest. In a hearing held under this subparagraph, the manufacturer or distributor shall have the burden of proving that:

(A) the retail rate declared by the dealer was unreasonable or materially inaccurate; and

(B) the manufacturer's or distributor's proposed adjustment of the markup is reasonable.

(3) Compensation for labor used in warranty service shall be at the dealer's retail rate. The following shall apply:

(i) The dealer's hourly retail rate for labor shall be established by submitting the following to the manufacturer or distributor:

(A) A declaration of the average labor rate calculated by dividing the amount of the dealer's total labor sales by the number of total labor hours that generated the sales.

(B) The lesser of the following orders which cover repairs made no more than 180 days before the submission:

(I) One hundred sequential nonwarranty customer-paid service repair orders.

(II) Ninety consecutive days of nonwarranty customer-paid service repair orders.

(ii) The declaration under subparagraph (i)(A) shall be presumed to be reasonable, except that a manufacturer or distributor may, no later than 60 days after submission, rebut the presumption by substantiating that the rate is unreasonable or materially inaccurate.

(iii) The average labor rate shall go into effect 60 days following the declaration under subparagraph (i)(A), unless the franchisor audits the submitted repair orders and a rebuttal under subparagraph (ii) occurs.

(iv) If the declared rate is rebutted, the manufacturer or distributor shall propose an adjustment of the labor rate based on the rebuttal not later than 60 days after submission.

(v) A manufacturer shall provide written support to the dealer for the rebuttal rate that is proposed. If the dealer does not agree with the proposed labor rate, the dealer may file a protest after receipt of the proposal by the manufacturer or distributor. If a protest is filed, the board shall inform the manufacturer or distributor that a protest has been filed and that a hearing will be held on the protest. In a hearing held under this subparagraph, the manufacturer or distributor shall have the burden of proving that:

(A) the retail rate declared by the dealer was unreasonable or materially inaccurate; and

(B) the manufacturer's or distributor's proposed adjustment of the retail rate is reasonable.

(4) This subsection shall not apply to manufacturers or distributors of manufactured housing or recreational vehicles.

((a) amended Nov. 1, 2013, P.L. , No.84)

(b) ((b) deleted by amendment Nov. 1, 2013, P.L. , No.84)

(b.1) Exceptions.--When calculating the retail rate customarily charged by the dealer for parts and labor under this section, the following work shall not be included:

(1) Repairs for manufacturer or distributor special events, specials or promotional discounts for retail customer repairs.

(2) Parts sold at wholesale.

(3) Routine maintenance not covered under a retail customer warranty, such as fluids, filters and belts not provided in the course of repairs.

(4) Nuts, bolts, fasteners and similar items that do not have an individual part number.

(5) Tires.

(6) Vehicle reconditioning.

((b.1) added Nov. 1, 2013, P.L. , No.84)

(b.2) Compensation.--If a manufacturer or distributor furnishes a part or component to a dealer, at no cost, to use in performing repairs under a recall, campaign service or warranty repair, the manufacturer or distributor shall compensate the dealer for the part or component in the same manner as warranty parts compensation under this section by compensating the dealer the average markup on the cost for the part or component as listed in the manufacturer's or distributor's price schedule, minus the cost for the part or component.

((b.2) added Nov. 1, 2013, P.L. , No.84)

(b.3) Prohibitions and audit.--

(1) A manufacturer or distributor may not require a dealer to establish the retail rate customarily charged by the dealer for parts and labor by:

(i) An unduly burdensome or time-consuming method.

(ii) Requiring information that is unduly burdensome or time consuming to provide, including part-by-part or transaction-by-transaction calculations.

(2) A dealer may not declare an average percentage markup or average labor rate more than once in one calendar year.

(3) A manufacturer or distributor may perform annual audits to verify that a dealer's effective rates have not decreased. If a dealer's effective rates have decreased, a manufacturer or distributor may reduce the warranty reimbursement rate prospectively.

((b.3) added Nov. 1, 2013, P.L. , No.84)

(b.4) Recovery.--

(1) (i) A manufacturer or distributor may not recover its costs from a dealer within this Commonwealth that does not apply to the manufacturer or distributor for retail rate reimbursement for parts and labor, including an increase in the wholesale price of a vehicle or surcharge imposed on a dealer intended to recover the cost of reimbursing a dealer for parts and labor under this section.

(ii) A manufacturer or distributor may increase the price for a vehicle or part in the normal course of business.

(2) A dealer may elect to revert to the nonretail rate reimbursement for parts and labor once in a calendar year to avoid a manufacturer or distributor surcharge.

((b.4) added Nov. 1, 2013, P.L. , No.84)

(c) Copy of obligation to be filed with board.--((c) deleted by amendment July 7, 2011, P.L.285, No.65)

(d) Indemnification required.--Notwithstanding the terms of any franchise agreement, it shall be a violation for any new vehicle manufacturer to fail to indemnify its franchised dealers against any judgment for damages or settlement approved in writing by the manufacturer, including, but not limited to, court costs and reasonable attorneys' fees of the new vehicle dealer, arising out of complaints, claims or lawsuits including, but not limited to, strict liability, negligence, misrepresentation, express or implied warranty or rescission of the sale as defined in 13 Pa.C.S. § 2608 (relating to revocation of acceptance in whole or in part) to the extent that the judgment or settlement relates solely to the alleged defective or negligent manufacture, assembly or design of new vehicles, parts or accessories or other functions by the manufacturer or distributor beyond the control of the dealer.

(e) Warranty reimbursement and incentive or reimbursement program approval and audits.--

(1) Any warranty, recall, service contract or any other required service parts or labor reimbursement claim or incentive or reimbursement program claim filed by the dealer with the manufacturer or distributor in the manner and on forms the manufacturer or distributor reasonably prescribes which is not specifically disapproved in writing or by electronic transmission 30 days after receipt by the manufacturer or distributor is considered approved and payment to the dealer must follow within 30 days.

(1.1) Where the automobile, motorcycle or truck manufacturer or distributor disapproves any claim, the manufacturer or distributor shall describe in writing or by electronic transmission what reasonable corrective action the dealer must perform to receive payment for the claim, or the claim shall be deemed approved within 30 days of the original disapproval and payment to the dealer shall be made within 30 days of the deemed approval. The automobile, motorcycle or truck manufacturer or distributor shall not deny a claim or reduce the amount to be reimbursed if the dealer has reasonably substantiated the claim in accordance with reasonable written requirements of the manufacturer or distributor, provided that the dealer has been notified of the requirements prior to the time the claim arose and the requirements were in effect at the time the claim arose.

(2) The manufacturer or distributor shall be permitted to audit claims within a nine-month period from the date the claim was paid or credit issued by the manufacturer or distributor and to charge back any false or unsubstantiated claims. If there is evidence of fraud, this subsection does not limit the right of the manufacturer or distributor to audit for longer periods and charge back for any fraudulent claim, subject to the limitations period under 42 Pa.C.S. (relating to judiciary and judicial procedure). ((2) amended Nov. 1, 2013, P.L. , No.84)

(3) (i) After the completion of any internal appeal process pursuant to the manufacturer's or distributor's policy manual, but no less than 30 days prior to a manufacturer or distributor charging back a new vehicle dealer for any claims which the manufacturer or distributor alleges are false or unsubstantiated, the manufacturer or distributor shall notify the new vehicle dealer in writing of all of the following:

(A) The amount of and basis for each claim the manufacturer or distributor seeks to charge back.

(B) The total amount to be charged back.

(ii) During the 30-day time period under subparagraph (i), a new vehicle dealer may file with the board a protest of the charge-backs as provided for under section 8. When such a protest is filed, the board shall inform the manufacturer or distributor that a timely protest has been filed and that the manufacturer or distributor shall not charge back the new vehicle dealer:

(A) until the board has held a hearing; or

(B) if the board has determined that there is good cause for not permitting the charge-back of such new vehicle dealer.

((3) added July 7, 2011, P.L.285, No.65)

(f) Applicability.--This section shall also apply to each medium-duty and heavy-duty truck component and engine manufacturer or distributor that provides integral parts of vehicles, provides major components by selling directly to dealers or who enters into a contract with a medium-duty and heavy-duty truck dealer which authorizes the dealer to perform warranty or other services on the products produced or distributed.

(9 amended October 18, 2000, P.L.577, No.75)

Section 9.1. Industry reorganization (9.1 renumbered to 14 and amended April 19, 1996, P.L.104, No.27)

Section 10. Damage disclosure.

(a) Notice to dealer.--Each manufacturer or distributor of new vehicles sold or transferred to a new vehicle dealer shall notify the new vehicle dealer in writing prior to delivery of the vehicle of any material damage to the vehicle which is known to the manufacturer or distributor which was sustained or incurred by the vehicle at any time after the manufacturing process is complete but prior to delivery of the vehicle to the dealer. A dealer may reject the delivery of a nonconforming vehicle under the provisions of 13 Pa.C.S. (relating to commercial code).

(b) Notice to purchaser.--When selling a new vehicle, each new vehicle dealer shall notify the purchaser in writing at the time of sale of any material damage sustained or incurred by the vehicle at any time after the manufacturing process is complete which is disclosed by the manufacturer to the new vehicle dealer.

(c) Exemption.--This section shall not apply to manufacturers and dealers of manufactured housing or to manufacturers, distributors or dealers of motorcycles.

(d) Other statutes and decisions.--Nothing in this section shall be construed to diminish any obligation to provide notice to the purchaser of a new vehicle which obligation is imposed by any other provision of law or by any judicial decision, including, but not limited to, the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law.

(Present 10 added and former 10 renumbered 19 and amended Apr. 19, 1996, P.L.104, No.27)

Section 11. Mediation and arbitration.

(a) Mediation of disputes between licensees.--

(1) A dealer or distributor may not file a complaint, petition or protest or bring an action in a court of competent jurisdiction against a manufacturer or distributor based on an alleged violation of this act or in a protest action under this act regarding an establishment, relocation or termination of a franchise agreement unless the dealer or distributor serves a demand for mediation upon the

manufacturer or distributor before or contemporaneous with the filing of the complaint, petition or protest or the bringing of an action. A demand for mediation shall be in writing and served upon the manufacturer or distributor by certified mail at an address designated for that manufacturer or distributor within records of the dealer or distributor. The demand for mediation shall contain a brief statement of the dispute and the relief sought by the dealer or distributor filing the demand.

(2) Within 20 days after the date a demand for mediation is served, the parties shall mutually select an independent mediator and meet with that mediator for the purpose of attempting to resolve the dispute. The meeting place shall be in this Commonwealth in a location selected by the mediator. The mediator may extend the date of the meeting for good cause shown by either party or upon stipulation of both parties.

(3) The service of a demand for mediation under paragraph (1) shall stay the time for the filing of any complaint, petition, protest or action under this act until representatives of both parties have met with a mutually selected mediator for the purpose of attempting to resolve the dispute. If a complaint, petition, protest or action is filed before the meeting, the board or court shall enter an order suspending the proceeding or action until the meeting has occurred and may, upon written stipulation of all parties to the proceeding or action that they wish to continue to mediate under this subsection, enter an order suspending the proceeding or action for as long a period as the board or court considers appropriate. A suspension order issued under this paragraph may be revoked upon motion of any party or upon motion of the board or the court.

(4) The board shall encourage dealers, manufacturers and distributors to establish, maintain and administer a panel of mediators who have the character, ability and training to serve as mediators and who have knowledge of the vehicle industry.

(5) Mandatory mediation under this section shall not be required of any of the following:

(i) A dealer seeking to dual two or more franchises or a dealer seeking a relocation involving a request to dual two or more franchises unless another dealer of the same line-make has a right to protest the proposed relocation under section 27.

(ii) Manufacturers, distributors or dealers of motorcycles.

(b) Arbitration of disputes between licensees.--After a dispute arises, the licensees may voluntarily agree to submit a dispute arising under this act pertaining to a complaint, petition, protest or action to binding or nonbinding arbitration. Any arbitration proceeding shall be voluntary, initiated by serving a written demand for arbitration on the other party, and shall be conducted under the provisions of 42 Pa.C.S. Ch. 73 Subch. A (relating to statutory arbitration) and administered by representatives of dealers, manufacturers or distributors.

(c) Immunity and presumption of good faith by mediators and arbitrators.--A mediator or arbitrator is immune from civil liability for any good faith act or omission within the scope of the mediator's or arbitrator's performance of his powers and duties under this section. Every act or omission of a mediator or arbitrator is presumed to be a good faith act or omission.

This presumption may be overcome only by clear and convincing evidence.

(11 amended Sept. 3, 2009, P.L.378, No.41)

Section 12. Unlawful acts by manufacturers or distributors.

(a) Unlawful coercive acts.--It shall be a violation for any manufacturer, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such manufacturer, factory branch or distributor licensed under this act to require, attempt to require, coerce or attempt to coerce any new vehicle dealer in this Commonwealth to:

(1) Order or accept delivery of any new vehicle, part or accessory thereof, equipment or any other commodity not required by law which shall not have been voluntarily ordered by the new vehicle dealer, except that this paragraph is not intended to modify or supersede any terms or provisions of the franchise requiring new vehicle dealers to market a representative line of those vehicles which the manufacturer or distributor is publicly advertising.

(2) Order or accept delivery of any new vehicle with special features, accessories or equipment not included in the list price of such vehicles as publicly advertised by the manufacturer or distributor.

(3) Participate monetarily in an advertising campaign or contest or to purchase unnecessary or unreasonable quantities of any promotional materials, training materials, showroom or other display decorations or materials at the expense of the new vehicle dealer.

(4) Enter into any agreement with the manufacturer or to do any other act prejudicial to the new vehicle dealer by threatening to terminate or not renew a franchise or any contractual agreement existing between the dealer and the manufacturer or distributor, except that this paragraph is not intended to preclude the manufacturer or distributor from insisting on compliance with the reasonable terms or provisions of the franchise or other contractual agreement and notice in good faith to any new vehicle dealer of the new vehicle dealer's violation of such terms or provisions shall not constitute a violation of the act.

(5) Change the capital structure of the new vehicle dealer or the means by or through which the new vehicle dealer finances the operation of the dealership, provided that the new vehicle dealer at all times meets any reasonable capital standards determined by the manufacturer or distributor in accordance with uniformly applied criteria, and also provided that no change in the capital structure shall cause a change in the principal management or have the effect of a sale of the franchise without the consent of the manufacturer or distributor. The consent shall be granted or denied within 60 days of receipt of a written request from the new vehicle dealer.

(6) (i) Refrain from participation in the management of, investment in or the acquisition of any other line of new vehicle or related products. This paragraph does not apply unless the new vehicle dealer maintains a reasonable line of credit for each make or line of new vehicle, the new vehicle dealer remains in compliance with the reasonable terms of the franchise agreement and any reasonable facilities requirements of the manufacturer or distributor, and no change is made in the principal management of the new vehicle dealer. The reasonable facilities requirements shall not include any requirement that a new vehicle dealer establish or

maintain exclusive facilities, personnel or display space when such requirements or any of them would be unreasonable in light of economic conditions and would not otherwise be justified by reasonable business considerations.

(ii) (A) Nothing in this paragraph shall permit the dualing or relocation and addition of a line-make to the dealership facilities without the new vehicle dealer providing written certification to the manufacturer or distributor that the new vehicle dealer, with the addition of a line-make by the new vehicle dealer, will maintain a reasonable line of credit for each make or line of new vehicle and the new vehicle dealer will remain in compliance with the reasonable terms of the franchise agreement and any reasonable facilities requirements of the manufacturer or distributor, excluding any exclusive facility or nondualing requirements.

(B) The dealer shall provide the following information:

(I) the address of the proposed new location, if applicable;

(II) a brief description of the proposed facility; and

(III) the owner of the proposed new location.

(C) Any objection by the manufacturer or distributor with regard to the dualing or relocation and dualing of two or more franchises shall be delivered to the dealer within 45 days of receipt of the written certification from the new vehicle dealer. Failure on the part of the manufacturer or distributor to timely respond to a dualing or relocation and dualing certification shall be deemed to be an approval of the new vehicle dealer's certification notice of dualing or relocation and dualing of two or more franchises. The manufacturer or distributor shall execute and deliver a franchise reflecting the relocated address of the dealership facilities to the new vehicle dealer within 30 days of the date of the deemed approval.

(iii) A dealer may file a complaint, petition or protest, or bring an action in a court of competent jurisdiction against a manufacturer or distributor, based on a denial of a request by a dealer to dual or relocate and dual two or more franchises without first going through mediation required under section 11. If a dualing or relocation and dualing denial protest is filed with the board, a hearing shall be held within 45 days of the protest's filing and a final determination issued by the board within 90 days of the protest filing. The burden of proof shall be on the manufacturer or distributor to show that the dualing or relocation and dualing is unreasonable. No automobile, motorcycle or truck manufacturer or distributor may limit or restrict the addition of a line-make to the dealership facilities if the new vehicle dealer maintains a reasonable line of credit for each make or line of new vehicle and the new vehicle dealer remains in compliance with the reasonable terms of the franchise agreement and any reasonable facilities requirements of an automobile, motorcycle or truck manufacturer or distributor. This paragraph shall

also apply if the dealer seeks to dual two or more line-makes and no relocation will occur. This paragraph shall not impair the rights of another dealer of the same line-make to protest a proposed relocation under section 27.

(7) Prospectively assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability to be imposed by this act or to require any controversy between a new vehicle dealer and a manufacturer, distributor or representative to be referred to any person other than the duly constituted courts of the Commonwealth or the United States of America, if such referral would be binding upon the new vehicle dealer. A dealer and the manufacturer, distributor or representative, by themselves or through their respective counsel, are permitted to agree to execute a written agreement or to arbitrate in a binding or nonbinding manner after a controversy arises.

(8) Expand, construct or significantly modify facilities without assurances that the manufacturer or distributor will provide a reasonable supply of new vehicles within a reasonable time so as to justify such an expansion in light of the market and economic conditions.

(8.1) Unreasonably expand, construct or significantly modify facilities in light of the market and economic conditions or require a separate facility for the sale or service of a line-make of a new vehicle if the market and economic conditions do not clearly justify the separate facility.

(8.2) (i) Purchase a good or service from a vendor selected, identified or designated by a manufacturer, factory branch, distributor, distributor branch or an affiliate of a manufacturer, factory branch, distributor, distributor branch by agreement, program, incentive provision or other method if expanding, constructing or significantly modifying a facility without allowing the dealer the option to obtain a good or service of substantially similar quality from a vendor chosen by the dealer and approved by the manufacturer, which approval may not be unreasonably withheld.

(ii) Nothing under this paragraph shall be construed to:

(A) Allow a dealer or vendor to eliminate or impair a manufacturer's intellectual property rights, including a manufacturer's intellectual property rights in a trademark.

(B) Permit a dealer to erect or maintain signs that do not conform to the intellectual property usage guidelines of the manufacturer.

((8.2) added Nov. 1, 2013, P.L. , No.84)

(9) Agree as a condition to granting or renewing a franchise to waive, limit or disclaim a right that the dealer may have to protest the establishment or relocation of another vehicle dealer in the relevant market area as provided in section 27, unless such agreement is voluntary.

(10) (i) Sell, offer to sell or sell exclusively an extended service contract, extended maintenance plan or similar product, such as gap products, offered, endorsed or sponsored by the manufacturer or distributor by the following means:

(A) By an act or statement that the manufacturer or distributor will in any manner impact the dealer,

whether it is express or implied or made directly or indirectly.

(B) By a contract, or an express or implied offer of contract, made to the dealer on the condition that the dealer shall sell, offer to sell or sell exclusively an extended service contract, extended maintenance plan or similar product offered, endorsed or sponsored by the manufacturer or distributor.

(C) By measuring the dealer's performance under the franchise based on the sale of extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor.

(D) By requiring the dealer to actively promote the sale of extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor.

(ii) Nothing in this paragraph shall prohibit a manufacturer or distributor from providing incentive programs to a new vehicle dealer who makes the voluntary decision to offer to sell, sell or sell exclusively an extended service contract, extended maintenance plan or similar product offered, endorsed or sponsored by the manufacturer or distributor.

((10) added Oct. 27, 2010, P.L.958, No.100)

(b) Violations.--It shall be a violation of this act for any manufacturer, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such manufacturer, factory branch or distributor licensed under this act to:

(1) Delay, refuse or fail to deliver new vehicles or new vehicle parts or accessories in a reasonable time and in reasonable quantity relative to the new vehicle dealer's facilities and sales potential after acceptance of an order from a new vehicle dealer having a franchise for the retail sale of any new vehicle sold or distributed of an order from a new vehicle dealer having a franchise for the retail sale of any new vehicle sold or distributed by the manufacturer or distributor as are covered by such franchise, if such vehicle, parts or accessories are publicly advertised as being available for immediate delivery. There is no violation if the failure is caused by acts or causes beyond the control of the manufacturer or distributor.

(2) Unfairly discriminate among its new vehicle dealers with respect to warranty, recall, service contract or any other service required by the manufacturer or distributor with regard to labor or parts reimbursement.

(3) Unreasonably withhold consent to the sale, transfer or exchange of the franchise to a qualified buyer capable of being licensed as a new vehicle dealer in this Commonwealth who meets the manufacturer's or distributor's reasonable requirements for appointment as a dealer.

(4) Unreasonably withhold consent to the relocation of an existing new vehicle dealer. If the relocation involves dualing of two or more franchises, the requirements of subsection (a)(6)(ii) and (iii) shall apply and paragraph (5) shall not apply.

(5) Fail to respond in writing to a request for consent as specified in paragraphs (3) and (4) within 60 days of receipt of a written request on the forms, if any, generally

utilized by the manufacturer or distributor for such purposes and containing the information required. The failure to respond within the time period set forth in this paragraph shall be deemed to be approval of the request, and the manufacturer or distributor shall execute and deliver a franchise to the applicant within 30 days of the expiration of this time period. A manufacturer or distributor shall acknowledge in writing to the applicant the receipt of the forms, and, if the manufacturer or distributor requires additional information to complete its review, the manufacturer or distributor shall notify the applicant within 15 days of the receipt of the forms. If the manufacturer or distributor fails to request additional information from the applicant within 15 days after receipt of the initial forms, the 60-day time period for approval shall be deemed to run from the initial receipt date. Otherwise, the 60-day time period for approval shall run from receipt of the supplemental requested information. In no event shall the total time period for approval exceed 75 days from the date of the receipt of the initial forms.

(6) Prevent or attempt to prevent by contract or otherwise, any new vehicle dealer from changing the executive management control of the new vehicle dealer unless the manufacturer or distributor, having the burden of proof, can show that such change of executive management will result in executive management or control by a person or persons who are not of good moral character or who do not meet reasonable, preexisting, and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards. Where the manufacturer or distributor rejects a proposed change in executive management control, the manufacturer or distributor shall give written notice of its reasons to the dealer within 60 days of notice to the manufacturer by the dealer of the proposed change; otherwise the change in the executive management of the new vehicle dealer shall be presumptively deemed approved.

(7) Offer in connection with a sale of a new vehicle or vehicles to the Federal Government, the Commonwealth or any political subdivision thereof, any discounts, refunds or any other type of inducement to any new vehicle dealer without making the same offer or offers available to all other of its new vehicle dealers within this Commonwealth. This paragraph shall not be construed to prevent the offering of incentive programs or other discounts if the discounts are equally available to all franchised vehicle dealers in this Commonwealth on a proportionally equal basis.

(8) Fail to indemnify its franchised dealers, notwithstanding the terms of any franchise agreement, against any judgment for damages or settlement approved in writing by the manufacturer or distributor, including, but not limited to, court costs and reasonable attorney fees of the new vehicle dealer, arising out of complaints, claims or lawsuits, including, but not limited to, strict liability, negligence, misrepresentation, express or implied warranty or rescission of the sale as defined in 13 Pa.C.S. § 2608 (relating to revocation of acceptance in whole or in part) to the extent that the judgment or settlement relates solely to the alleged defective or negligent functions by the manufacturer or distributor beyond the control of the dealer.

(9) Sell or exchange with a second or final stage manufacturer, retail consumer or end user except through a

licensed new vehicle dealer. This paragraph shall not apply to manufacturer or distributor sales of new vehicles to the Federal Government, charitable organizations and employees of the manufacturer.

(10) (i) Modify a franchise during the term of the franchise or upon its renewal if the modification substantially and adversely affects the new vehicle dealer's rights, obligations, investment or return on investment without giving 60 days' written notice of the proposed modification to the new vehicle dealer unless the modification is required by law, court order or the board. Within the 60-day notice period, the new vehicle dealer may file with the board and serve notice upon the manufacturer or distributor a protest requesting a determination of whether there is good cause for permitting the proposed modification. The board shall promptly schedule a hearing and decide the matter within 180 days from the date the protest is filed. Multiple protests pertaining to the same proposed modification shall be consolidated for hearing. The proposed modification shall not take effect pending the determination of the matter. In determining whether there is good cause for permitting a proposed modification, the board shall consider any relevant factors, including, but not limited to:

(A) The reasons for the proposed modification.

(B) Whether the proposed modification is applied to or affects all new vehicle dealers in a nondiscriminatory manner.

(C) Whether the proposed modification will have a substantial and adverse effect upon the new vehicle dealer's investment or return on investment.

(D) Whether the proposed modification is in the public interest.

(E) Whether the proposed modification is necessary to the orderly and profitable distribution of products by the manufacturer or distributor.

(F) Whether the proposed modification is offset by other modifications beneficial to the new vehicle dealer.

(ii) This paragraph shall not apply to recreational vehicle manufacturers, distributors or dealers.

(11) Fail or refuse to offer to its new vehicle dealers all new model vehicles manufactured for that line-make franchise or require any of its new vehicle dealers to pay an unreasonable fee, unreasonably remodel or renovate the new vehicle dealer's existing facilities, unreasonably purchase or construct a new facility, unreasonably purchase parts, supplies, tools, equipment, operational services, other merchandise or unreasonably participate in training programs in order to receive any new model vehicles, parts or accessories. It shall not be a violation of this paragraph if the manufacturer or distributor fails to supply new vehicle dealers with model vehicles, parts or accessories due to circumstances beyond the control of the manufacturer or distributor, including, but not limited to, strike or labor difficulty, shortage of materials, freight embargo or temporary lack of capacity.

(12) Operate a system for the allocation of new vehicles which is not reasonable or fair to a new vehicle dealer. Upon the written request of any of its new vehicle dealers, a manufacturer or distributor shall disclose to the new

vehicle dealer the method on which new vehicles are allocated among the new vehicle dealers of the same line-make. The manufacturer distributor has the burden of establishing the fairness of its allocation.

(13) Own, operate or control, either directly or indirectly, any vehicle warranty facility. Nothing in this subsection shall prohibit any manufacturer or distributor from owning, operating or controlling any warranty facility for warranty repairs on vehicles owned or operated by the manufacturer or distributor.

(14) Compel a dealer through a finance subsidiary of the manufacturer or distributor to agree to unreasonable operating requirements or to directly or indirectly terminate a new vehicle dealer through the actions of a finance subsidiary of the manufacturer or distributor. This paragraph shall not limit the right of a financing entity to engage in business practices in accordance with the trade of retail or wholesale vehicle financing.

(15) Use any subsidiary corporation, affiliated corporation or any other controlled corporation, partnership, association, entity or person to accomplish what would otherwise be illegal conduct under this act on the part of the manufacturer or distributor.

(16) Release to any third party any customer information which has been provided by the new vehicle dealer to the manufacturer or distributor if the customer objects in writing to releasing the information, unless the information is necessary for the manufacturer or distributor to meet its obligations to customers or new vehicle dealers under requirements imposed by Federal or State law.

(17) Require or coerce or attempt to require or coerce a new vehicle dealer to pay attorney fees of the manufacturer or distributor related to hearings and appeals brought under this act.

(18) Vary the price charged to any of its new vehicle dealers, which has the effect of causing a difference in the price of any similarly equipped new vehicle to its new vehicle dealers or to the ultimate purchaser. This paragraph shall not be construed to prevent the offering of incentive programs or other discounts if the incentive or discounts are available to all competing new vehicle dealers of the same line-make in this Commonwealth on a proportionately equal basis.

(19) Directly or indirectly condition any of the following actions on a dealer, prospective dealer or owner of an interest in a dealership franchise or facility to enter into a site-control agreement or exclusive use agreement:

(i) awarding of a franchise to a prospective dealer;

(ii) adding of a line-make or franchise to an existing dealer's franchise or facility;

(iii) renewing of an existing dealer's franchise;

(iv) approving of the relocation of an existing dealer's franchise or facility; or

(v) approving of the sale or transfer of a dealer's ownership of a franchise or facility.

Nothing in this paragraph prohibits a dealer, prospective dealer or owner of an interest in a dealership franchise or facility from voluntarily entering into such an agreement for other consideration. However, a provision contained in an agreement which is not voluntarily entered into by a dealer, prospective dealer or owner of an interest in a dealership franchise or facility on or after the effective

date of this paragraph that is inconsistent with the provisions of this section shall be a violation of this act. ((19) added Oct. 27, 2010, P.L.958, No.100)

(c) Restriction on ownership of dealer.--

(1) Except as otherwise provided in this subsection, a manufacturer or distributor shall not:

(i) own or hold an interest, other than a passive, minority interest in a publicly traded dealer held for investment purposes, in a dealer licensed under this act which is engaging in the business of buying, selling or exchanging vehicles; or

(ii) operate or control a dealer licensed under this act which is engaging in the business of buying, selling or exchanging vehicles.

(2) A manufacturer or distributor may own or hold an interest in a dealer or otherwise operate or control a dealer for a period not to exceed 12 months from the date the manufacturer or distributor acquires an interest in the dealer if:

(i) The person from whom the manufacturer or distributor acquired the dealer was a franchised dealer.

(ii) The dealer is for sale by the manufacturer or distributor at a reasonable price and on reasonable terms and conditions.

(3) On a showing by a manufacturer or distributor of good cause, the board may extend the time limit set forth in paragraph (2). An extension under this paragraph may not exceed 12 months. Where an extension under this paragraph is sought, the manufacturer or distributor shall provide notice delivered 30 days before the extension request is filed with the board to all the same line-make dealers within a ten-mile radius of the manufacturer or distributor owned, operated or controlled dealer. An application for an extension is subject to protest by a dealer of the same line-make who is within the ten-mile radius of the manufacturer or distributor owned, operated or controlled dealer.

(4) For the primary purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been underrepresented in its dealer body or other qualified persons who lack the resources to purchase a dealer outright, a manufacturer or distributor may temporarily own an interest in a dealer if the manufacturer's or distributor's participation in the dealer is in a bona fide relationship with a franchised dealer who:

(i) At or prior to the time the prospective dealer takes an equity interest in the dealer, the prospective dealer is obligated to make a significant investment in the dealer, subject to loss.

(ii) Has an ownership interest in the dealer.

(iii) Operates the dealer under a written agreement to acquire full ownership of the dealer within a reasonable time and under reasonable terms and conditions.

(5) A manufacturer or distributor shall not unfairly discriminate or compete in terms of any sales, service or operational activities with a new vehicle dealer of the same line-make when a manufacturer or distributor operates a new vehicle dealer under this subsection.

(6) A manufacturer may own, directly or indirectly, an interest in an entity that owns, operates or controls a motor

vehicle dealership trading solely in motor vehicles having a gross vehicle weight less than 8,500 pounds that are of the same line-make franchised by the manufacturer, provided that each of the following conditions are met:

(i) All of the motor vehicle dealerships selling such manufacturer's motor vehicles in this Commonwealth trade exclusively in the manufacturer's line-make.

(ii) All of the manufacturer's franchise agreements confer rights on the dealer of the line-make to develop and operate, within a defined geographic territory or area, as many dealership facilities as the dealer and manufacturer shall agree are appropriate.

(iii) Not fewer than half of the dealers of the line-make within this Commonwealth own and operate two or more dealership facilities in the geographic territory or area covered by the franchise agreement with the manufacturer.

(iv) During any period in which the manufacturer has such an ownership interest, the manufacturer has no more than 12 franchise agreements with new motor vehicle dealers licensed by the board to do business within this Commonwealth.

(v) Except as otherwise permitted under other provisions of this act, the manufacturer does not acquire or hold, either directly or indirectly, an ownership interest of more than 45% in any motor vehicle dealership that the manufacturer did not already own, directly or indirectly, as of the effective date of this subsection.

(vi) As of the effective date of this subsection, the manufacturer shall have continuously owned, directly or indirectly, for a period of not less than 18 months, one or more new motor vehicle dealerships in this Commonwealth of the same line-make as the manufacturer.

(d) Applicability.--

(1) Subsections (b)(11) through (17) and (c) shall not apply to manufacturers, distributors or dealers of manufactured housing or recreational vehicles.

(2) Subsections (b)(13) and (15) and (c) shall not apply to the ownership or activities of a manufacturer in the operation of a licensed dealer or a licensed dealer that fulfills the following conditions:

(i) The manufacturer maintains an ownership interest in, operates or controls a licensed dealer whose primary business purpose is the rental of vehicles.

(ii) Vehicles sold by the licensed dealer primarily engaged in the business of rental vehicles are limited to those vehicles used for rental purposes or vehicles obtained in trade for such vehicles.

(iii) Any warranty repairs are limited to those repairs conducted on the vehicles used in the vehicle rental business or vehicles sold by the licensed dealer.

(12 amended Sept. 3, 2009, P.L.378, No.41)

Section 12.1. Area of responsibility.

It shall be a violation of this act for any manufacturer or distributor, officer, agent or any representative of a manufacturer or distributor to unreasonably alter a new vehicle dealer's area of responsibility. The following shall apply:

(1) Advance notice from the manufacturer of an alteration of a dealer's area of responsibility shall be given at least 60 days before the effective date of the

alteration. The notice shall include an explanation of the basis for the alteration.

(2) At any time before the effective date of such alteration of a dealer's area of responsibility, and after the completion of any internal appeal process pursuant to the manufacturer's or distributor's policy manual, the dealer may file a protest as provided for under section 8. In the event a protest is filed, no such alteration of a dealer's area of responsibility shall become effective until final determination by the board.

(3) If a dealer protests under paragraph (2), the burden of proof shall be on the manufacturer to show that the dealer's area of responsibility is reasonable and justifiable in light of the market conditions.

(4) If a new vehicle dealer's area of responsibility is altered, the manufacturer shall allow 18 months for the dealer to penetrate the market and to become sales effective prior to taking negative legal action claiming a breach or nonperformance of the dealer's sales performance responsibilities against the dealer.

(12.1 added July 7, 2011, P.L.285, No.65)

Section 13. Termination of franchises.

(a) Terminations.--It shall be a violation of this act for any manufacturer or distributor, officer, agent or any representative whatsoever to unfairly, without due regard to the equities of said dealer and without just cause, terminate or fail to renew the franchise of any vehicle dealer; or being a manufacturer, to unfairly, without due regard to the equities of a distributor and without just cause, terminate or fail to renew the franchise of any distributor. The manufacturer or distributor shall not meet its burden of proof to terminate or fail to renew the franchise if the acts of the manufacturer or distributor, in whole or in significant part, caused the dealer or distributor to be unable to comply substantially with the reasonable and material requirements of the franchise.

(b) Mutual agreement of termination filing.--All existing dealers' franchises shall continue in full force and operation under a newly appointed distributor on the termination of an existing distributor unless a mutual agreement of termination is filed with the board between the newly appointed distributor and such dealer.

(c) Notification of termination.--Not less than 60 days advance notice of such termination or failure to renew shall be given the dealer or distributor prior to the effective date thereof unless the nature or character of the reason for termination or failure to renew is such that the giving of such notice would not be in the public interest. A copy of the notice shall also be provided to the board.

(1) The 60-day notice period required by this subsection may be reduced to not less than 15 consecutive business days if the ground for termination or failure to renew is:

(i) insolvency of the dealer or filing of any petition by or against the dealer under any bankruptcy or receivership law;

(ii) failure of the dealer to conduct customary sales and service operations during business hours for seven consecutive business days, except in circumstances beyond the direct control of the dealer;

(iii) conviction of the dealer, or any owner thereof, of any felony which is punishable by imprisonment;

(iv) suspension or revocation of any license which the new vehicle dealer is required to have to operate a dealership; or

(v) based on a determination that there was a fraudulent misrepresentation by the dealer to the manufacturer or distributor which is material to the franchise.

(2) The 60-day notice period under this subsection is not required if the new vehicle dealer or distributor waives it voluntarily in writing.

(d) Appeals.--At any time before the effective date of such termination or failure to renew, the dealer or distributor may appeal to the board for a hearing on the merits, and following due notice to all parties concerned, such hearing shall be promptly held. No such termination or failure to renew shall become effective until final determination of the issue by the board.

(e) Burden of proof and just cause terminations on appeal.--In the event of a dealer or distributor appeal of the termination or failure to renew of its franchise, the burden of proof shall be on the manufacturer or distributor to show that such termination or failure to renew was for just cause. Any termination or failure to renew which is subject to section 14 shall not be subject to this subsection.

(13 renumbered from 9 and amended and former 13 renumbered 22 and amended Apr. 19, 1996, P.L.104, No.27)

Section 14. Industry reorganization.

(a) Violation.--

(1) It shall be a violation of this act for a manufacturer or distributor directly or indirectly or through any officer, agent or employee to terminate or fail to renew a franchise of a new vehicle dealer in connection with:

(i) any change in ownership or control of all or any part of the manufacturer's or distributor's business whether by sale or transfer of assets, corporate stock or other equity interest; assignment; merger; consolidation; combination; joint venture; redemption; operation of law; or otherwise; or

(ii) the termination, suspension or cessation of all or any part of the manufacturer's or distributor's business operations except for a termination of a part of the manufacturer's or distributor's business operations throughout the United States that is not otherwise part of any change in ownership or control of the manufacturer's or distributor's business.

(2) Paragraph (1) shall not apply if:

(i) a manufacturer or distributor offers a dealer a replacement franchise with reasonable terms or conditions; or

(ii) the manufacturer or distributor, within 90 days of the effective date of the termination or failure to renew, compensates the dealer in an amount at least equivalent to the higher of the fair market value of the franchise or portion of the franchise terminated or failed to be renewed on the date the manufacturer or distributor announces the act that results in the termination or nonrenewal of the franchise or the date on which the notice of termination or nonrenewal of the franchise is issued.

(3) If the manufacturer or distributor either or both:

(i) authorizes the dealer to continue servicing and supplying parts, including warranty service and parts,

for any goods or services marketed by the dealer pursuant to the franchise for a period of not less than five years from the effective date of the termination or failure to renew and continues to reimburse the dealer for warranty parts and service at the same prices and terms as franchised dealers for the manufacturer or distributor;

(ii) continues to supply the dealer with replacement parts for any goods or services marketed by the dealer pursuant to the franchise for a period of not less than five years from the effective date of the termination or failure to renew at the same prices and terms as franchised dealers for the manufacturer or distributor;

and if a dealer chooses to continue either or both such parts and service operation under subparagraph (i) or (ii), the fair market value compensation of the franchise shall be reduced to reflect the value of continuing either or both such parts and service operation.

(b) Acts affecting franchise.--For purposes of subsection (a), the termination or discontinuation of a series, line, brand or class of new vehicle marketed by a manufacturer or distributor as a distinct series, line, brand or class shall be deemed to be the termination or nonrenewal of a franchise even if said series, line, brand or class of new vehicle is part of a franchise including other series, lines, brands or classes of new vehicle, provided that nothing in this subsection shall be construed as prohibiting a manufacturer or distributor from changing, adding or deleting models, specifications, model names, numbers or identifying marks or similar characteristics of the new vehicles it markets, provided that such change, addition or deletion does not result in the termination or discontinuance of a distinct series, line, brand or class of new vehicle.

(c) Disputes.--Any dispute arising between a manufacturer or distributor and a dealer under this section involving the determination of the fair market valuation of a franchise shall be determined by a court of competent jurisdiction and not by the board.

(d) Exemption.--This section shall not apply to motorcycle or recreational vehicle manufacturers, distributors or dealers.

(14 renumbered from 9.1 and amended and former 14 renumbered 23 and amended April 19, 1996, P.L.104, No.27)

Section 15. Succession to franchise ownership.

(a) Succession of ownership interest.--Notwithstanding the terms of any franchise, any owner of a new vehicle dealership may appoint, by will or any other written instrument, a designated family member, the spouse, child or grandchild, spouse of a child or grandchild, brother, sister or parent of the dealer owner, or qualified manager, who has been employed at the dealership for at least two years, to succeed to the ownership interest of such owner in the new vehicle dealership.

(b) Consent to succession on part of manufacturer or distributor.--Notwithstanding the terms of any franchise, unless there exists good cause to withhold consent to succession on the part of the manufacturer or distributor, any designated family member or qualified manager of the franchise location in question of a retiring, deceased or incapacitated owner of a new vehicle dealership may succeed to the ownership interest of such owner under the existing franchise, provided:

(1) The designated family member or qualified manager furnishes written notice to the manufacturer or distributor of his or her intention to succeed to the ownership of the

new vehicle dealership within 60 days after the owner's retirement, death or incapacity.

(2) The designated family member or qualified manager agrees to be bound by all then existing terms and conditions of the franchise.

(c) Submission of personal and financial information.--The manufacturer or distributor may request, and the designated family member or qualified manager shall promptly provide, such personal and financial information as is reasonably necessary to determine whether the succession will be honored.

(d) Withholding consent to succession.--If a manufacturer or distributor believes that good cause exists to withhold consent to the succession to the ownership of a new vehicle dealership by a designated family member or qualified manager of a retiring, deceased or incapacitated owner of a new vehicle dealership under the existing franchise, the manufacturer or distributor must serve written notice on the designated family member or qualified manager and on the board of its refusal to honor the succession and intent to discontinue the existing franchise with the new vehicle dealer. Such notice shall be served no later than 60 days after the manufacturer's or distributor's receipt of:

(1) notice of the designated family member's or qualified manager's intent to succeed to the ownership of the new vehicle dealer; or

(2) any personal or financial information requested by the manufacturer or distributor.

(e) Notice requirements.--The notice in subsection (d) shall state the specific grounds to withhold consent to honor the succession and the manufacturer's or distributor's intent to discontinue the franchise with the new vehicle dealer no sooner than 60 days after the date the notice is served. The reasons given for the disapproval or any explanation of those reasons by the manufacturer or distributor shall not subject the manufacturer or distributor to any civil liabilities unless the reasons given or explanations made are malicious and published with the sole intent to cause harm to the dealer or successor. If the notice of refusal and discontinuance is not timely and properly served, the franchise shall continue in effect, subject to termination only as otherwise provided under this act.

(f) Protest requirements upon withholding of consent.--Within 30 days after receipt of such notice or within 30 days after the end of any appeal procedure provided by the manufacturer or distributor, whichever is greater, the designated family member or qualified manager may file with the board to protest the withholding the consent to honor the succession. When a protest is filed, the board shall promptly notify the manufacturer or distributor that a timely protest has been filed and that such manufacturer or distributor shall not terminate or discontinue the existing franchise until the board has held a hearing and issued a written decision within 120 days of the filing of the protest nor thereafter, unless the board determines that there is good cause for not permitting the succession.

(g) Conflicts.--This act shall not preclude the owner of a new vehicle dealership from designating any person as his or her successor by written instrument filed with the manufacturer or distributor. In the event of any conflict between such a written instrument which has not been revoked by written notice from the owner to the manufacturer or distributor, and this section, the written instrument shall govern.

(h) Restriction.--This section shall not apply if the successor will not agree to comply with an existing agreement pertaining to transfer of ownership made between the manufacturer or distributor and the dealer transferor or with a new agreement containing substantially the same terms.

(Present 15 added and former 15 renumbered 24 and amended Apr. 19, 1996, P.L.104, No.27)

Section 16. Manufacturer right of first refusal.

A manufacturer or distributor shall be permitted to enact a right of first refusal to acquire the new vehicle dealer's assets or ownership in the event of a proposed change of all or substantially all ownership or transfer of all or substantially all dealership assets if all of the following requirements are met:

(1) To exercise its right of first refusal, the manufacturer or distributor must notify the dealer in writing within the 60-day or 75-day time limitations established under section 12(b)(5).

(2) The exercise of the right of first refusal will result in the dealer and dealer's owners receiving the same or greater consideration as they have contracted to receive in connection with the proposed change of all or substantially all ownership or transfer of all or substantially all dealership assets. In that regard, the following shall apply:

(i) The manufacturer or distributor shall have the right to and shall assume the dealer's lease for, or acquire the real property on which the franchise is conducted, on the same terms as those on which the real property or lease was to be sold or transferred to the proposed new owner in connection with the sale of the franchise, unless otherwise agreed to by the dealer and manufacturer or distributor. The manufacturer or distributor shall have the right to assign the lease or to convey the real property.

(ii) The manufacturer or distributor shall assume all of the duties, obligations and liabilities contained in the agreements that were to be assumed by the proposed new owner and with respect to which the manufacturer or distributor exercised the right of first refusal, including the duty to honor all time deadlines in the underlying agreements, provided that the manufacturer or distributor has knowledge of such obligations at the time of the exercise of the right of first refusal. Failure by an assignee of the manufacturer or distributor to discharge such obligations shall be deemed a failure by the manufacturer or distributor under this subsection.

(3) The proposed change of all or substantially all ownership or transfer of all or substantially all dealership assets does not involve the transfer of assets or the transfer or issuance of stock by the dealer or one or more dealer owners to a designated family member or members, the spouse, child or grandchild, spouse of a child or grandchild, brother, sister or parent of the dealer owner, of one or more dealer owners or to a qualified manager or to a partnership or corporation controlled by such persons.

(4) The manufacturer or distributor agrees to pay the reasonable expenses, including reasonable attorney fees which do not exceed the usual, customary and reasonable fees charged for similar work done for other clients, incurred by the proposed new owner and transferee prior to the manufacturer's or distributor's exercise of its right of

first refusal in negotiating and implementing the contract for the proposed change of all or substantially all ownership or transfer of all or substantially all dealership assets. Notwithstanding the foregoing, no payment of such expenses and attorney fees shall be required if the dealer has not submitted or caused to be submitted an accounting of those expenses within 20 days of the dealer's receipt of the manufacturer's or distributor's written request for such an accounting. Such an accounting may be requested by a manufacturer or distributor before exercising its right of first refusal.

(16 amended October 18, 2000, P.L.577, No.75)

Section 17. Manufacturer or distributor repurchase of inventory and equipment.

(a) Return of property for repurchase.--A new vehicle dealer shall return property, including, but not limited to, vehicle inventory, parts, equipment, tools and signs, as permitted under this section or as set forth in the franchise agreement, to the manufacturer or distributor within 90 days of the effective date of any termination or nonrenewal of a franchise or upon a termination or cessation of a part of a manufacturer's or distributor's business operations throughout the United States which is not part of any change in ownership, operation or control of all or any part of the manufacturer's or distributor's business under section 14. The manufacturer or distributor shall supply the new vehicle dealer with instructions on the method by which the new vehicle dealer must return the property to the manufacturer or distributor. Within 60 days of tender of the property to the manufacturer or distributor, the manufacturer or distributor, including medium and heavy-duty truck component and engine manufacturers or distributors who provide integral parts of vehicles or provide major components by selling directly to dealers, shall repurchase from the new vehicle dealer and remit payment to the new vehicle dealer in accordance with their respective interest in:

(1) Any new, undamaged and unsold vehicle inventory, whether acquired from the manufacturer or distributor or from another dealer of the same line-make in the ordinary course of business within 18 months of the termination date, provided the vehicle has less than 750 miles registered on the odometer, not including mileage incurred in delivery from the manufacturer or in transporting the vehicle between dealers for sale, at the dealer's net acquisition cost, plus any cost to the dealer for returning the vehicle inventory to the manufacturer or distributor. A dealer shall be entitled to the payment under this paragraph for new and undamaged motor vehicles having a gross vehicle weight rating of at least 10,001 pounds of current and two prior model years as determined on a model-by-model basis within the line-make.

(2) All new, unused, undamaged parts listed in the current price catalog acquired from a manufacturer or distributor or a source approved or recommended by the manufacturer or distributor at the dealer price listed in the current parts catalog, less applicable allowances, plus 5% of the catalog price of the part for the cost of packing and returning the parts to the manufacturer or distributor. Reconditioned or core parts shall be valued at their core value, the price listed in the current parts catalog or the amount paid for expedited return of core parts, whichever is higher.

(3) Any special tools or equipment offered for sale during the three years preceding termination or nonrenewal and each trademark or trade name bearing signs which was recommended or required by the manufacturer or distributor at fair market value at the time the notice of termination or nonrenewal is given.

In the event the inventory is subject to a security interest, the manufacturer may make payment jointly to the dealer and the holder of the security interest.

(b) Failure to pay sums due.--A manufacturer or distributor who fails to pay those sums due the dealer within the prescribed time or at such time as the dealer proffers good title prior to the prescribed time for payment is liable to the new vehicle dealer for:

(1) the greater of dealer net acquisition cost, fair market value or current price of inventory;

(2) interest on the amount due, calculated at the rate applicable to a judgment of court; and

(3) reasonable attorney fees and costs.

(c) Limited applicability.--This section shall not apply to manufacturers, distributors or dealers of recreational vehicles or manufactured housing, nor shall it apply to motorcycle manufacturers, distributors or dealers except when the unilateral termination or failure to renew is by the manufacturer or distributor.

(17 amended Sept. 3, 2009, P.L.378, No.41)

Section 18. Reimbursement of rental costs for dealer facility.

(a) Reimbursement of rental costs.--In the event of a termination or nonrenewal under this act, except for termination or nonrenewal under section 14, the manufacturer or distributor shall, at the request and option of the new vehicle dealer, also pay to the new vehicle dealer:

(1) a sum equivalent to rent for the unexpired term of the lease or one year, whichever is less, or such longer term as provided in the franchise, if the new vehicle dealer is leasing the new vehicle dealership facilities from a lessor other than the manufacturer or distributor; or

(2) a sum equivalent to the reasonable rental value of the new vehicle dealership facilities for one year or until the facilities are leased or sold, whichever is less, if the new vehicle dealer owns the new vehicle dealership facilities.

(b) Extent of requirement.--The rental payment required under subsection (a) is only required to the extent that the facilities were used for activities under the franchise and only to the extent the facilities were not leased for unrelated purposes. If payment under subsection (a) is made, the manufacturer or distributor is entitled to possession and use of the new vehicle dealership facilities for the period rent is paid.

(c) Exemption.--This section shall not apply to motorcycle or recreational vehicle manufacturers, distributors or dealers.

(Present 18 added and former 18 renumbered 27 and amended Apr. 19, 1996, P.L.104, No.27)

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

(1) Having had a license revoked or suspended by the Commonwealth or another state based on grounds similar to those which in this Commonwealth allow disciplinary proceedings, in which case the record of such revocation or suspension shall be conclusive evidence.

(2) Make any substantial misrepresentation of material facts.

(3) Make any false promise of a character likely to influence, persuade or induce the sale of a vehicle.

(4) Being a vehicle dealer or salesperson, having within five years prior to the application for or issuance of a license or while his current license is in force pleaded guilty, entered a plea of nolo contendere or been found guilty in a court of competent jurisdiction in this or any other state or Federal jurisdiction of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud, bribery, odometer tampering or any other crime involving moral turpitude.

(5) Having failed or refused to account for moneys or other valuables belonging to others which have come into his possession arising out of the sale of vehicles.

(6) Having engaged in false, deceptive or misleading advertising of vehicles.

(7) Having committed any act or engaged in conduct in connection with the sale of vehicles which clearly demonstrates unprofessional conduct or incompetency to operate as a licensee under this act.

(8) Having made a material misstatement in application for licensure.

(9) Having set up, promoted or aided in promotion of a plan by which vehicles are sold to a person for consideration and upon the further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining in the plan.

(10) Having engaged in the buying, selling, exchanging, trading or otherwise dealing in vehicles on Sunday in violation of 18 Pa.C.S. § 7365 (relating to trading in motor vehicles and trailers).

(i) Manufactured housing is permitted to be sold on Sundays by licensed manufactured housing dealers without being subject to prosecution under this paragraph.

(ii) Licensed motorcycle dealers are permitted to buy, sell, exchange, trade or otherwise deal in motorcycles on Sunday without being subject to prosecution under this paragraph.

((10) amended July 7, 2011, P.L.285, No.65)

(11) Being a dealer or broker who advertises or otherwise holds out to the public that he is selling new vehicles for which he does not hold a franchise agreement in writing with a manufacturer or distributor giving the dealer authority to sell the particular line-make of new vehicles.

(12) Being a dealer or broker who sells new vehicles for which he does not hold a franchise agreement in writing

with a manufacturer or distributor giving the dealer authority to sell the particular line-make of new vehicles.

(13) Failing to take immediate remedial action when the dealer knows that someone in his direct employ or someone who renders vehicle-related services to the dealer for consideration, has unlawfully tampered with the odometer of a vehicle in his care, custody or control or which has been sold or exchanged by the dealer. For the purpose of this paragraph, remedial action shall be defined as at least reporting the incident in writing to the Pennsylvania State Police or the board.

(14) Engaging in the business for which such licensee is licensed without at all times maintaining an established place of business as required.

(15) Employing any person as a salesperson who has not been licensed as required.

(16) Having had his vehicle business registration plates (dealer identification number) suspended or revoked by the Department of Transportation pursuant to 75 Pa.C.S. § 1374(a) (relating to suspension or revocation of vehicle business registration plates). A certified copy of the decision and order of the Department of Transportation will constitute conclusive evidence.

(17) Being a new car dealer whose franchise agreement with a manufacturer or distributor, which gives the subject dealer selling rights for that line-make, has been finally terminated, but who continues to sell new vehicles. A recreational vehicle or manufactured housing dealer, whose franchise was terminated or failed to be renewed by either the manufacturer or the dealer, who owned new vehicles prior to the termination or nonrenewal and sold them subsequent to the termination or nonrenewal is exempt from prosecution under this paragraph. Such dealers shall be authorized to sell as new all new vehicles that remain on their lot after a franchise is terminated or failed to be renewed.

(18) Willfully failing to display a license.

(19) Failing to obey any order of the board entered pursuant to the act.

(20) Permitting or allowing another individual or organization not licensed by the board to use that individual's license for the purpose of operating in this Commonwealth in a capacity for which the individual or organization should have held a license.

(21) Willfully having made any false statement as to a material matter in any oath or affidavit which is required by this act.

(22) Failing to collect a tax or fee due the Commonwealth upon a sale of a vehicle as defined in 75 Pa.C.S. § 102 (relating to definitions).

(23) Collecting a tax or fee and failing to issue a true copy of the tax report to the purchaser as required by law.

(24) Issuing a false or fraudulent tax report or copy thereof.

(25) Failing to pay over taxes or fees collected for the Commonwealth at the time and in the manner required by law.

(26) Violating any provision of this act.

(27) Being an unlicensed salesperson, dealer, vehicle auction, branch lot, manufacturer or any other person or business where a license is required under this act.

(28) Any violation of the regulations promulgated by the board.

(29) Being a wholesale vehicle auction who permits dealers who are not currently licensed in this Commonwealth or any other state or jurisdiction or a vehicle business registered with the Department of Transportation and issued a Department of Transportation identification number or licensed or registered by any other state or jurisdiction for a similar activity who during the time their licenses or registrations are suspended or revoked by the Commonwealth or any other state to sell, represent or purchase vehicles at an auction.

(29.1) Being a wholesale vehicle auction who permits a vehicle business as described under paragraph (29), which is restricted to certain vehicle buys, sales or exchanges as set forth in section 5(f)(2), to buy, sell or exchange vehicles of a type which the vehicle business is not authorized to engage in.

(30) Being a dealer which permits salespersons who are not currently licensed in this Commonwealth or any other state or who during the time their licenses are suspended or revoked by the Commonwealth or any other state to sell, represent or purchase vehicles at an auction.

(31) Being a public or retail vehicle auction who knowingly and willfully permits any buyer or seller to buy or sell vehicles which results in engaging in the business as dealer without a license or permitting any other person to engage in any activity which would require licensure under this act.

(32) Being a dealer which willfully permits an individual or salesperson to buy, sell or exchange a vehicle for his own benefit or profit under the dealer's license.

(33) Being a dealer which willfully permits any person who is not a licensed salesperson or owner of the dealership to use the dealer's dealer identification number issued by the Department of Transportation, vehicle dealer's license number or dealer's vehicle registration plates for the purpose of buying, selling or exchanging vehicles.

(34) Being a dealer which conducts its business under any name other than the name in which it is registered or at any other location than that authorized by its license.

(35) Being a dealer, agent of a dealer or a salesperson who buys, sells or exchanges vehicles with a person who is required to be licensed under this act if the dealer, agent or salesperson knew or should have known that the person is not licensed.

(36) Accepting an order of purchase or a contract from a buyer, which offer of purchase or contract is subject to subsequent acceptance by the seller, if such arrangement results in the practice of bushing.

(37) Failing to produce business records when an authorized agent of the board reasonably requests the licensee to produce business records.

(38) Being a person whose license under this act or authority to engage as a dealer or salesperson in any other state or jurisdiction was suspended or revoked and, while the license or authority was suspended or revoked, was physically present at a wholesale vehicle auction or public or retail vehicle auction during the auctioning of vehicles. A vehicle auction shall not be subject to prosecution for a violation of a person being physically present under this paragraph.

(39) Being a 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. ((39) added Oct. 8, 2008, P.L.1086, No.90)

(19 amended October 18, 2000, P.L.577, No.75)

Section 20. Administrative liability of employer, copartnership, association or corporation.

In the event of the revocation of the license issued to any member of a partnership or to any officer of an association or corporation, the license issued to a partnership, association or corporation shall be revoked by the board unless, within a time fixed by the board, in the case of a partnership, the connection of the member whose license has been revoked shall be severed and his interest in the partnership and his share in its activities brought to an end, or in the case of an association or corporation, the offending officer shall be discharged and shall have no further participation in its activities.

(20 renumbered from 11 and former 20 renumbered 29 and amended Apr. 19, 1996, P.L.104, No.27)

Section 21. Reinstatement.

(a) Suspension.--Upon application in writing and after a hearing pursuant to notice, the board may reissue or modify the suspension of any license which has been suspended.

(b) Revocation.--Unless ordered to do so by a court, the board shall not reinstate the license of a person that has been revoked and such person shall be required to apply for a license after a period of five years in accordance with section 22 if he desires to resume operating as a licensee at any time after such revocation.

(21 renumbered from 12 and amended and former 21 renumbered 30 with no change to text Apr. 19, 1996, P.L.104, No.27)

Section 22. Application for license.

(a) Dealer's or vehicle auction's license.--Application for license as a dealer or vehicle auction shall be made in writing to the board, signed by the applicant, setting forth the following:

(1) Name of applicant and location of principal place of business to which the license will be issued.

(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation.

(3) Name and address of each owner or partner and, if a corporation, the names of principal officers and directors.

(4) Locations in which the business is to be conducted if the dealer has more than one place of business.

(5) If new vehicles are to be sold, the line-make or line-makes to be handled.

(6) A statement of the previous history, record and association of the applicant and of each owner, partner, officer and director, which statement shall be sufficient to establish to the satisfaction of the board the reputation in business of the applicant.

(7) A statement showing whether the applicant has previously applied for a license and the result of such application and whether the applicant has ever been the

holder of either a dealer, vehicle auction or salesperson license which was revoked or suspended.

(8) If the applicant is a corporation or partnership, a statement showing whether any of the partners, employees, officers or directors have been refused a dealer's, vehicle auction's or salesperson's license or have been the holder of such a license which was revoked or suspended.

(9) A statement by the applicant that he has met all facility requirements as noted herein and as required by regulation.

(b) Salesperson's license.--Application for license as a salesperson shall be made in writing to the board, signed by the applicant, setting forth the following:

(1) The applicant's name and address.

(2) The period of time, if any, during which he has been engaged in the occupation of salesperson.

(3) The name and address of his last employer.

(4) The name and address of the dealer then employing him or into whose employ he is about to enter. If the applicant is to be licensed for a dealer who is licensed in more than one category or at more than one location and the applicant desires to sell for each of the dealer's licensed entities, the name and address of the primary location and of each other entity shall be supplied.

(5) The recommendation of his employer or prospective employer certifying that the applicant is honest, trustworthy and of good repute and recommending that a license be granted. In the case of an applicant who is himself a dealer, an officer of a corporation which is a dealer or a member of a partnership which is a dealer, the foregoing recommendation shall be made by another dealer, bank or sales finance company which has personal knowledge concerning the reputation and fitness of the applicant.

(6) A statement showing whether the applicant has previously applied for a license and the result of such application and whether the applicant has ever been the holder of a salesperson's license which was revoked or suspended or the subject of disciplinary action by this board or that of any other jurisdiction.

(7) The application shall be made upon a form prepared by the board containing such other reasonable information as the board shall require.

(c) Application for license other than as a dealer, vehicle auction or salesperson.--Application for license other than as a dealer, vehicle auction or salesperson shall be made in writing to the board accompanied by the required fee. The board may require, in such application or otherwise, information relating to the applicant's background and his financial standing, all of which may be considered by the board in determining the fitness of said applicant to engage in the business for which he desires to be licensed.

(d) Manufacturer's or distributor's license.--Application for license as a manufacturer or distributor shall be made in writing to the board, signed by the applicant, setting forth or attaching the following:

(1) Name of applicant and location of principal place of business for the license which is the subject of the application and the location of any other place of business within this Commonwealth.

(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation.

(3) The line-make or line-makes of new vehicles which are to be manufactured or distributed.

(4) A statement showing whether the applicant has previously applied for a license and the result of such application.

(e) Change of ownership.--A dealer or vehicle auction shall supply the board with information regarding any change in named owners. The information shall include a statement of the previous history, record and reputation in the business of the new owner. Where the same business name and address is to be retained, any change in owners shall only require the licensee to inform the board of the change in owners but shall not require the licensee to submit to the entire license application process as set forth by this act or corresponding regulations.

(22 renumbered from 13 and amended and former 22 renumbered 31 with no change to text Apr. 19, 1996, P.L.104, No.27)

Section 23. Refusal of license.

The board may refuse to issue a license if the applicant has committed any of the acts set forth as grounds for the suspension or revocation of a license or the board finds that the applicant continued to engage in an activity in violation of this act during the suspension or revocation period. The board may also refuse to issue a license when it determines:

(1) That the applicant was previously the holder of a license issued under this act, which license was revoked for cause or which license was suspended for cause and the terms of the suspension have not been fulfilled.

(2) That the applicant was previously a limited or general partner, stockholder, director or officer of a partnership or corporation whose license issued under the authority of this act was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled.

(3) If the applicant is a partnership or corporation, that one or more of the limited or general partners, stockholders, directors or officers of the partnership or corporation was previously the holder of a license issued under the authority of this act which was revoked for cause or was suspended for cause and the terms of the suspension have not been fulfilled, or that by reason of the facts and circumstances touching the organization, control and management of the partnership or corporation business, the policy of such business will be directed, controlled or managed by individuals who, by reason of their conviction of violations of the provisions of this act, would be ineligible for a license and that by licensing such corporation or partnership, the purposes of this act would likely be defeated.

(4) That the applicant is a vehicle dealer, vehicle auction or salesperson who, having within five years prior to the application for or issuance of a license or while a current license is in force, pleaded guilty, entered a plea of nolo contendere or has been found guilty in a court of competent jurisdiction in Federal or in this or any other state jurisdiction of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud, bribery, odometer tampering or any other crime involving moral turpitude.

(23 renumbered from 14 and amended and former 23 repealed Apr. 19, 1996, P.L.104, No.27)

Section 23.1. Vehicle shows, off-premise sales and exhibitions. (23.1 renumbered to 32 and amended Apr. 19, 1996, P.L.104, No.27)

Section 23.2. Off-premise sales, vehicle shows or exhibits on Sundays. (23.2 renumbered to 33 and amended Apr. 19, 1996, P.L.104, No.27)

Section 24. Change of salesperson's license to indicate new employer.

Whenever a licensed salesperson desires to change his employment from one licensed dealer to another, he shall notify the board in writing using the appropriate form, which is completed in its entirety and is accurate, no later than ten days after the date of change, pay the required fee and return the current license if not previously returned. The board shall issue a new license upon receipt of a complete and accurate salesperson's transfer application. In the interim at such time as the change in affiliation of the salesperson occurs, he shall maintain a copy of the notification sent to the board as his temporary license pending receipt of his new current license. This temporary transfer license shall expire at the end of 45 days from the date on the transfer application. It shall be the duty of the applicant to notify the board if a new license or other pertinent communication is not received from the board within 30 days of the submission of the transfer application. The new license shall be issued for the remainder of the period covered by the previous license. The fee for the issuance of such changed license shall be determined by regulation.

(24 renumbered from 15 and amended and former 24 renumbered 34 and amended Apr. 19, 1996, P.L.104, No.27)

Section 25. Termination of employment or business.

(a) Salesperson's license to be surrendered after termination of employment.--Within ten days after termination of employment, the dealer shall surrender that salesperson's license to the board. If the license is not in the dealer's possession, then it will be the responsibility of the salesperson to return the license to the board.

(b) Dealer's, branch lot or vehicle auction license to be surrendered after termination of business.--Within ten days after termination of business activities, the dealer, branch lot or vehicle auction shall surrender to the board all of its licenses and its salespersons' licenses issued by the board.

(25 renumbered from 16 and amended and former 25 deleted by amendment Apr. 19, 1996, P.L.104, No.27)

Section 26. Exemption from licensure and registration.

This act shall not be construed to require licensure and registration in the following cases:

(1) Public officers in the conduct of sales of vehicles in the performance of their official duties.

(2) Sales finance companies and banks licensed under the provisions of the act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act, in the conduct of sales of vehicles which have been repossessed by them.

(3) The sale, exchange or purchase by a person in one calendar year of fewer than five vehicles, except manufactured housing or mobile homes, on which sales tax has been paid at the purchase of the vehicle by that person. Where such a vehicle is authorized under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, to be transferred from the person who paid the sales tax to another without being subject to sales tax, such as, but not limited to, wife and husband transfers or

disbursements from an estate to a beneficiary, the recipient of the vehicle shall be permitted to sell such vehicle without paying sales tax prior to his sale of the vehicle.

(4) The sale, exchange or purchase of fewer than five manufactured housing or mobile homes by a person in one calendar year.

(26 renumbered from 17 and amended and former 26 renumbered 35 with no change to text Apr. 19, 1996, P.L.104, No.27)

Section 27. Limitations on establishing or relocating dealers.

(a) Additional or relocation of new vehicle dealers.--

(1) In the event that a manufacturer seeks to enter into a franchise establishing an additional new vehicle dealer or relocating an existing new vehicle dealer within or into a relevant market area where the same line-make is then represented, the manufacturer shall in writing first notify the board and each new vehicle dealer in such line-make in the relevant market area of the intention to establish an additional dealer or to relocate an existing dealer within or into that market area. Within 20 days after the end of any appeal procedure provided by the manufacturer, any such new vehicle dealer may file with the board a protest to the establishing or relocating of the new vehicle dealer. When such a protest is filed, the board shall inform the manufacturer that a timely protest has been filed, and that the manufacturer shall not establish the proposed new vehicle dealer or relocate the new vehicle dealer until the board has held a hearing, nor thereafter, if the board has determined that there is good cause for not permitting the addition or relocation of such new vehicle dealer.

(2) The notice required by this subsection shall include the following information:

(i) The location of the proposed additional or relocating new vehicle dealer.

(ii) An explanation of the appeal procedure provided by the manufacturer or distributor, if any, to the establishment of the proposed additional new vehicle dealer or relocation of the new vehicle dealer.

(iii) An explanation of the existing new vehicle dealer's rights to file a protest with the board to the establishment of the proposed new vehicle dealer or the relocation of the new vehicle dealer.

(3) Under this subsection, relocating an existing new vehicle dealer shall include any instance where an existing dealer sells or otherwise transfers all or substantially all of its business to a new owner and the new owner, who has been approved by the manufacturer or distributor to enter into a franchise agreement, seeks to relocate the ongoing, operating dealership franchise from its current licensed address to a site within the relevant market area of the existing dealer which is not within five miles of another licensed new vehicle dealer for the same line-make of vehicle as set forth in subsection (b)(1).

(4) (i) Where an automobile, motorcycle or truck manufacturer or distributor seeks to enter into an agreement or franchise establishing an additional vehicle warranty service facility or seeks to relocate an existing vehicle warranty service facility within or into a radius of five miles surrounding where an existing new vehicle dealer vehicle warranty service facility of the same line-make is then represented, except in cases involving a franchised new medium or heavy-duty truck dealer, in which case the affected radius shall be the

relevant market area or the area of responsibility as defined in the dealer's franchise, whichever is greater, the automobile, motorcycle or truck manufacturer shall in writing first notify the board and each affected new vehicle dealer vehicle warranty service facility of such line-make of the intention to establish an additional vehicle warranty service facility or to relocate an existing vehicle warranty service facility within or into the affected market areas.

(ii) The notice required by subparagraph (i) shall include the following information:

(A) The location of the proposed additional or relocating vehicle warranty service facility.

(B) An explanation of the appeal procedure provided by the automobile, motorcycle or truck manufacturer or distributor, if any, to the establishment of the proposed additional vehicle warranty service facility or relocation of the vehicle warranty service facility.

(C) An explanation of the existing new vehicle dealer's or vehicle warranty service facility's rights to file a protest with the board to the establishment of the proposed vehicle warranty service facility or the relocation of the vehicle warranty service facility.

(iii) Within 20 days after the end of any appeal procedure provided by the automobile, motorcycle or truck manufacturer, any such new vehicle warranty dealer vehicle service facility may file with the board a protest to the establishment or relocation of the vehicle warranty service facility.

(iv) When such a protest is filed, the board shall inform the automobile, motorcycle or truck manufacturer that a timely protest has been filed and that the automobile, motorcycle or truck manufacturer shall not establish the proposed vehicle warranty service facility or relocate the vehicle warranty service facility until the board has held a hearing nor thereafter if the board has determined that there is good cause for not permitting the addition or relocation of such vehicle warranty service facility.

(v) In determining whether good cause exists to allow for the establishment or relocation of a vehicle warranty service facility, the board shall consider the same type of circumstances as established in subsection (c).

(b) Nonapplicability of section.--This section does not apply:

(1) To the relocation of an existing dealer within that dealer's relevant market area, provided that the relocation not be at a site within five miles of a licensed new vehicle dealer for the same line-make of vehicles.

(2) If the proposed new vehicle dealer is to be established at or within two miles of a location at which a former licensed new vehicle dealer for the same line-make of new vehicle had ceased operating within the previous two years. For purposes of this section, a former vehicle dealer shall have ceased operations on the date on which the franchise or agreement shall have been finally terminated.

(3) To the relocation of an existing dealer to a site that is further away from the nearest dealer of the same line-make.

(4) To manufactured housing or recreational vehicle dealers.

(c) Board to consider existing circumstances.--In determining whether good cause has been established for not entering into or relocating an additional new vehicle dealer for the same line-make, the board shall take into consideration the existing circumstances, including, but not limited to:

(1) Permanency of the investment of both the existing and proposed new vehicle dealers.

(2) Growth or decline in population and new vehicle registrations in the relevant market area.

(3) Effect on the consuming public in the relevant market area.

(4) Whether it is injurious or beneficial to the public welfare for an additional new vehicle dealer to be established.

(5) Whether the new vehicle dealers of the same line-make in that relevant market area are providing adequate competition and convenient customer care for the vehicles of the line-make in the market area which shall include the adequacy of vehicle sales and service facilities, equipment, supply of vehicle parts and qualified service personnel.

(6) Whether the establishment of an additional new vehicle dealer would increase competition and whether such increased competition would be in the public interest.

(7) The effect the denial of relocation will have on a relocating dealer.

(27 amended October 18, 2000, P.L.577, No.75)

Section 27.1 Licensing cost.

(a) Licensing cost.--Subject to the limitations established under subsection (c), a licensed dealer who has a contract with the Department of Transportation pursuant to 75 Pa.C.S. § 7501 (relating to authorization of messenger and agent services) may charge the purchaser of a vehicle a licensing cost permissible under 75 Pa.C.S. Ch. 19 (relating to fees) and the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, and regulations promulgated thereunder, to include any of the following:

(1) The actual cost incurred by the dealer for fees associated with titling and registering the vehicle, including messenger fees, notary fees and electronic transaction fees.

(2) A documentary preparation charge for:

(i) Preparation and completion of documents required to register and license the vehicle under 75 Pa.C.S. (relating to vehicles).

(ii) Collection and submission of taxes payable by the purchaser.

(iii) Preparation of any other information associated with titling and registration of a vehicle.

(b) Out-of-State title.--The provisions of subsection (a) shall apply whether or not the purchaser intends to title and register the vehicle outside this Commonwealth.

(c) Limitations.--The following limitations shall apply:

(1) A dealer which provides electronic transaction services for documents under subsection (a)(2) may impose a maximum charge of $100 for calendar year 2008 and a maximum charge of $120 for calendar year 2009.

(2) A dealer which does not provide electronic transaction services for document preparation under subsection (a)(2) may impose a maximum charge of $80 for

calendar year 2008 and a maximum charge of $100 for calendar year 2009.

(d) Adjustment.--Beginning in January 2010, and annually thereafter, the licensing cost for documentary preparation shall be adjusted in accordance with the Federal Consumer Price Index for All Urban Consumers (CPI-U) for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period on a cumulative basis. Any adjustment which is less than 50¢ shall be rounded down to the next lowest dollar amount and any adjustment which is 50¢ or greater shall be rounded up to the next highest dollar amount.

(e) Fees.--Licensing costs under this section shall not be considered fees for purposes of section 30 or 31.

(27.1 added July 4, 2008, P.L.1007, No.77)

Section 28. Penalties.

(a) Criminal penalties for violation of this act.--Whoever shall give any false or forged evidence of any kind to the board or to any member in order to obtain a license, or shall refuse upon request to furnish business records, documents and files relating to practice under this act, or shall otherwise violate the provisions of this act shall be guilty of a summary offense and, upon conviction, shall be ordered to pay a fine of $1,000. A licensee shall be subject to criminal prosecution under this subsection for violation of any provision of this act.

(b) Criminal penalties for unlicensed activity.--Whoever engages in the business of vehicle dealer, manufacturer, factory branch, distributor, distributor branch, auction or broker or engages in the occupation of vehicle salesperson or factory or distributor representative without being licensed and registered as required or exempted from licensure as provided, or shall present or attempt to use as his own the license of another, shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of $1,000 or any higher amount equal to double the pecuniary gain derived from the offense. For the purpose of this act the sale of each vehicle in violation of this act constitutes a separate offense.

(c) Additional remedy.--In addition to any other civil remedy or criminal penalty provided for in this act, the board by a vote of the majority of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership, may levy a civil penalty of up to $1,000 on any current licensee who violates any provision of this act or on any person who engages in an activity required to be licensed by this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing as provided in 2 Pa.C.S. (relating to administrative law and procedure).

(28 amended October 18, 2000, P.L.577, No.75)

Compiler's Note: Section 3 of Act 25 of 2009, which amended section 5 of the act of July 2, 1993 (P.L.345, No.49), provided that section 28(c) is repealed insofar as it is inconsistent with the amendment of section 5.

Section 29. Civil actions for violations.

Notwithstanding the terms, provisions or conditions of any agreement or franchise or other terms or provisions of any novation, waiver or other written instrument, any person who is or may be injured by a violation of a provision of this act of any party to a franchise who is so injured in his business or property by a violation of a provision of this act relating to that franchise, or any person so injured because he refuses

to accede to a proposal for an arrangement which, if consummated, would be in violation of this act, may bring an action for damages and equitable relief, including injunctive relief, in any court of competent jurisdiction.

(29 renumbered from 20 and amended Apr. 19, 1996, P.L.104, No.27)

Section 30. Fees.

(a) General rule.--All fees required under the provisions of this act shall be fixed by the board by regulation and shall be subject to review in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act. If the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of this act are not sufficient to match expenditures over a two-year period, the board shall increase those fees by regulation, subject to review in accordance with the Regulatory Review Act, such that the projected revenues will meet or exceed projected expenditures.

(b) Increases by bureau.--If the Bureau of Professional and Occupational Affairs determines that the fees established by the board are inadequate to meet the minimum enforcement efforts required, then the bureau, after consultation with the board, shall increase the fees by regulation, subject to review in accordance with the Regulatory Review Act, such that adequate revenues are raised to meet the required enforcement effort.

(c) Existing fees.--All fees fixed pursuant to section 211 of the act of July 1, 1978 (P.L.700, No.124), known as the Bureau of Professional and Occupational Affairs Fee Act, shall continue in full force and effect until changed by the board pursuant to subsection (a).

(30 renumbered from 21 with no change to text Apr. 19, 1996, P.L.104, No.27)

Section 31. Disposition of fees and fines.

All civil fines and fees and all criminal fines shall be paid into the Special Augmentation Fund established by section 301 of the act of July 1, 1978 (P.L.700, No.124), known as the Bureau of Professional and Occupational Affairs Fee Act.

(31 renumbered from 22 with no change to text Apr. 19, 1996, P.L.104, No.27)

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

(a) Participation.--Any licensed dealer, distributor or manufacturer may participate in public vehicle shows, off-premise sales and exhibitions, provided that a dealer shall participate only in shows, off-premise sales and exhibitions held within the dealer's relevant market area. A dealer shall be permitted to conduct a vehicle show or exhibition at its established place of business.

(b) Application of section.--The provisions of this section relating to "relevant market area" shall not apply to vehicle shows held as part of, and in conjunction with, the following:

(1) An event operated to benefit a charitable organization or group of organizations approved under section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 501(c)(3)).

(2) A community or agricultural fair which receives funds from the Pennsylvania Fair Fund.

(3) An event pertaining to shows of recreational vehicles, manufactured housing or mobile homes.

(c) Out-of-State new vehicle dealers.--A new vehicle dealer, except a recreational vehicle dealer, licensed in another state or jurisdiction may participate with permission of its licensed manufacturer in industrywide public vehicle shows and exhibitions in which a total of 50 or more new vehicle dealers

participate as exhibitors. Furthermore, the limitations relating to relevant market area contained in subsection (a) shall not be applicable to industrywide public vehicle shows and exhibitions in which, when open to the public, a total of 50 or more new vehicle dealers participate as exhibitors.

(d) Out-of-State recreational vehicle dealers.--((d) repealed Oct. 8, 2008, P.L.1086, No.90)

(e) Emergency vehicles.--Licensed manufacturers of firefighting or emergency service vehicles shall be authorized to buy, sell or exchange such vehicles to governmental agencies or emergency service providers at vehicle shows, off-premise sales and exhibitions without possessing a dealer's license.

(f) Applicability.--This section shall not apply to recreational vehicle dealers. ((f) added Oct. 8, 2008, P.L.1086, No.90)

(32 renumbered from 23.1 and amended Apr. 19, 1996, P.L.104, No.27)

Compiler's Note: Subsection (c) was added by Act 164 of 1988. Section 2 of Act 164 provided that Act 164 shall expire on January 31, 1991. Former section 26 was renumbered to section 32 and amended by Act 27 of 1996. It is possible that subsection (c) was not in existence from January 31, 1991, to January 1, 1997.

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

(a) Participation.--A recreational vehicle dealer, salesperson, distributor, manufacturer or manufacturer's representative licensed under this act may participate in a recreational vehicle show, recreational vehicle off-premise sale, recreational vehicle exhibition or recreational vehicle rally. A recreational vehicle dealer shall be permitted to conduct a recreational vehicle show, recreational vehicle exhibition or recreational vehicle rally at its established place of business.

(b) Bond required.--Any person acting as a recreational vehicle dealer in this Commonwealth shall have posted a bond payable to the Commonwealth in the amount of $30,000 to ensure compliance with all Commonwealth laws and regulations. The bond shall be executed by a surety company authorized to transact business in this Commonwealth. The bond shall be security for any claim filed by an agency of the Commonwealth, for moneys due, including unpaid taxes, fees, licenses, payment of a criminal penalty or fine after conviction or payment of a civil penalty or monetary amount after the entry of judgment. The bond shall remain valid until canceled in writing by the issuer. This provision shall not limit the authority of any government agency or private individual to institute civil, criminal or disciplinary action against a person for a violation of a Commonwealth law or regulation. A recreational vehicle dealer who has a current bond in the amount of at least $30,000 on file with the Department of Transportation shall not be required to post a bond under this subsection.

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

(32.1 added Oct. 8, 2008, P.L.1086, No.90)

Section 33. Off-premise sales, shows, exhibitions or rallies on Sundays.

(1) The following shall be permitted to be open on Sundays:

(i) Off-premise vehicle sales, shows and exhibitions.

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

(2) Except as provided in paragraphs (3) and (4), normal vehicle business practices shall be allowed at off-premise sales, vehicle shows or exhibitions on Sunday except that no final sales contract may be consummated on a Sunday.

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

(4) Manufactured housing dealers are permitted to consummate final sales contracts on Sundays.

(33 amended Oct. 8, 2008, P.L.1086, No.90)

Section 34. Savings provision.

This act shall not be deemed to repeal, suspend, modify or revoke any of the provisions of 75 Pa.C.S. (relating to vehicles) or of the act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act.

(34 renumbered from 24 and amended Apr. 19, 1996, P.L.104, No.27)

Section 35. Repeals.

(a) Specific repeal.--The act of September 9, 1965 (P.L.499, No.254), known as the Motor Vehicle Manufacturer's, Dealer's and Salesmen's License Act, is repealed.

(b) General repeal.--All acts and parts of acts are repealed insofar as they are inconsistent with this act.

(35 renumbered from 26 with no change to text Apr. 19, 1996, P.L.104, No.27)

Section 36. Expiration of terms of board members.

Persons who are members of the State Board of Motor Vehicle Manufacturers, Dealers and Salespersons on the effective date of this act shall serve on the board created under this act until their current three-year terms expire or until their successors are duly appointed and qualified, but no longer than six months after the expiration of their terms.

(36 renumbered from 27 and amended Apr. 19, 1996, P.L.104, No.27)

Section 37. Existing rules and regulations.

Each rule and regulation of the board not inconsistent with this act shall remain in effect after such date until repealed or amended by the board.

(37 renumbered from 28 and amended Apr. 19, 1996, P.L.104, No.27)

APPENDIX

Supplementary Provisions of Amendatory Statutes

1996, APRIL 19, P.L.104, NO.27

Preamble

It is hereby declared to be the public policy of this Commonwealth to provide for fair and impartial regulation of those persons engaged in manufacturing, distributing or selling of vehicles. The provisions of this act which are applicable to such activities shall be administered in such a manner as will continue to promote fair dealing and honesty in the vehicle industry and among those engaged therein without unfair or unreasonable discrimination or undue preference or advantage. It is further declared to be the policy of this Commonwealth to protect the public interest in the purchase and trade of vehicles so as to insure protection against irresponsible vendors and dishonest or fraudulent sales practices and to assist, provide and secure a stable, efficient, enforceable and verifiable method for the distribution of vehicles to consumers in this Commonwealth.

Compiler's Note: Act 27 of 1996 amended, added or repealed sections 2, 3, 4, 5, 6, 7, 8, 9, 9.1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 23.1, 23.2, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 of Act 84.

CHAPTER 62
MOTOR VEHICLE SALES FINANCE

Subchapter

A. General Provisions
B. Licenses
C. Installment Sale Contracts
D. Costs and Charges
E. Repossession
F. Penalties and Liability

Enactment. Chapter 62 was added November 27, 2013, P.L.1081, No.98, effective in one year.

Special Provisions in Appendix. See section 8 of Act 98 of 2013 in the appendix to this title for special provisions relating to applicability.

Cross References. Chapter 62 is referred to in section 6302 of this title; section 6112 of Title 7 (Banks and Banking).

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

6201. Scope of chapter.
6202. Definitions.
6203. Authority of department.
6204. Records.
6205. Appeals.
6206. Deposit of fees and fines.
6207. Distribution of information.
6208. Venue.
6209. Applicability.
6210. Consumer complaints.

§ 6201. Scope of chapter.

This chapter relates to motor vehicle sales finance.

§ 6202. Definitions.

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

"Buyer."

(1) A person who buys, hires or leases a motor vehicle under an installment sale contract or a legal successor in interest to the person, even if the person may have entered into an extension, deferment, renewal or other revision of the contract.

(2) The term includes a person who as surety, endorser, guarantor or otherwise is liable on an obligation created by a buyer under an installment sale contract.

"Collateral security."

(1) Security, other than a security interest in a motor vehicle, which is the subject of an installment sale contract and given to secure performance of an obligation of a buyer or the buyer's surety or guarantor under an installment sale contract or an extension, deferment, renewal or other revision of the contract.

(2) The term includes the following:

(i) The undertakings of a surety or guarantor for a buyer.

(ii) An interest in, encumbrance on or pledge of real or personal property other than the motor vehicle that is the subject of an installment sale contract.

"Collector-repossessor."

(1) A person who, as an independent contractor and not as a regular employee of an installment seller or a sales finance company, collects payments on installment sale contracts or repossesses motor vehicles that are the subject of installment sale contracts.

(2) The term excludes the following:

(i) A duly constituted public official or an attorney at law acting in an official capacity.

(ii) A licensed seller or licensed sales finance company making collections or repossessions on installment sale contracts, if the seller or sales finance company:

(A) was previously a holder; or

(B) was not a holder but occasionally makes collections or repossessions for other licensed sellers or licensed sales finance companies.

"Commercial purpose." A purpose related to the production, exhibition, marketing, transportation, processing or manufacture of goods or services.

"Debt cancellation agreement." A contractual arrangement in which a person agrees to pay all or part of a buyer's obligation to repay an extension of credit from a holder upon the occurrence of a specified event.

"Debt suspension agreement." A contractual arrangement in which a person agrees to pay for a specific period of time all or part of a buyer's obligation to repay an extension of credit from a holder upon the occurrence of a specified event.

"Down payment." Partial payments made in cash or otherwise and received by or for the benefit of an installment seller prior to or substantially contemporaneous with either the execution of an installment sale contract or the delivery of the items sold under the contract, whichever occurs later.

"Finance charge." Either of the following:

(1) The amount of the consideration in excess of the purchase price, which a buyer is required to pay to an installment seller for:

(i) the privilege of purchasing a motor vehicle under an installment sale contract; or

(ii) the credit extended by the seller to the buyer in conjunction with the sale of a motor vehicle under an installment sale contract.

(2) The difference between the cash sale price of the motor vehicle and the time balance, exclusive of insurance charges, late charges and other charges that are necessary or incidental to an installment sale and specifically authorized by this chapter to be included in an installment sale contract.

"Heavy commercial motor vehicle." A new or used motor vehicle, excluding a recreational vehicle, that is:

(1) a truck or truck tractor having a manufacturer's gross vehicular weight of 13,000 pounds or more; or

(2) a semitrailer or trailer designed for use in combination with a truck or truck tractor.

"Holder." An installment seller or a sales finance company with the rights of the installment seller under the installment sale contract.

"Installment sale contract."

(1) A contract for the retail sale of a motor vehicle, or a contract that has a similar purpose or effect, whether or not the installment seller has retained a security interest in the motor vehicle or has taken collateral security for a buyer's obligation, if:

(i) all or part of the purchase price is payable in two or more scheduled payments subsequent to the making of the contract; or

(ii) a buyer undertakes to make two or more scheduled payments or deposits that may be used to pay all or part of the purchase price.

(2) The term includes any form of contract, however nominated, for the bailment or leasing of a motor vehicle, which contains both of the following, or any other arrangement having a similar purpose or effect:

(i) The buyer contracts to pay as compensation a sum substantially equivalent to or in excess of the value of the motor vehicle.

(ii) Ownership of the motor vehicle may be transferred to the buyer.

(3) The term includes and applies to an extension, deferment, renewal or other revision of the installment sale contract.

(4) The term excludes the following:

(i) A sale or contract for sale upon an open book account, if both of the following conditions are met:

(A) The installment seller has not retained or taken a security interest in the motor vehicle sold or a collateral security for the buyer's obligation.

(B) The buyer:

(I) is not required to pay a sum other than the purchase price of the motor vehicle sold in connection with the sale or extension of credit; and

(II) is obligated to pay for the motor vehicle in full within 90 days from the time the sale or contract for sale was made.

(ii) A right to acquire possession of goods under a lease, unless the lease:

(A) constitutes a security interest as defined in 13 Pa.C.S. § 1201 (relating to general definitions); and

(B) is subject to 13 Pa.C.S. Div. 9 (relating to secured transactions).

"Installment seller." A person engaged in the business of selling, hiring or leasing a motor vehicle under an installment sale contract or a legal successor in interest to the person.

"Insurance charges." Premiums, commissions and other payments authorized by insurance statutes or regulations of

this Commonwealth.

"Licensee." A person who has been issued a license as an installment seller, a sales finance company or a collector-repossessor under this chapter, which license has not expired and has not been surrendered or revoked.

"Manufactured home." The term includes both of the following:

(1) A manufactured home as it is defined under section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383, 42 U.S.C. § 5402(6)).

(2) A mobile home as defined in 75 Pa.C.S. § 102 (relating to definitions).

"Mobility vehicle." As defined in section 2 of the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.

"Motor vehicle."

(1) A device in which, upon which or by which a person or property is or may be transported or drawn upon a public highway.

(2) The term includes a trailer, semitrailer, manufactured home, recreational vehicle and mobility vehicle.

(3) The term excludes the following:

(i) A tractor, a power shovel, road machinery, agricultural machinery and other machinery not designed primarily for highway transportation but which may incidentally transport persons or property on a public highway.

(ii) A device that moves upon or is guided by a track or travels through the air.

"Principal amount financed." The unpaid purchase price balance plus the following:

(1) The charges for any insurance required or obtained as security for or by reason of the sale of a motor vehicle under an installment sale contract.

(2) Other costs or charges necessary or incidental to the sale of the motor vehicle under an installment sale contract.

(3) Amounts representing payment of a prior credit or lease balance to discharge a security interest, lien or lease interest on a motor vehicle or other property traded or returned.

"Purchase price." The price measured in dollars at which an installment seller would in good faith sell to a buyer, and the buyer would in good faith buy from the seller, a motor vehicle that is the subject matter of an installment sale contract, if the sale were a cash sale instead of an installment sale.

"Recreational vehicle." As defined in section 2 of the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.

"Retail sale." The sale of a motor vehicle for the buyer's use or another's use from which the buyer derives a benefit or satisfaction.

"Sales finance company."

(1) A person engaged as principal, agent or broker in the business of financing or soliciting the financing of an

installment sale contract made between other parties.

(2) The term includes the following:

(i) A person in the business of acquiring, investing in or lending money or credit on the security of an installment sale contract or any interest in the contract, whether by discount, purchase or assignment of the contract, or otherwise.

(ii) An installment seller, whether or not licensed under this chapter, who finances an installment sale contract for another seller or a sales finance company.

(3) The term excludes a person to the extent that the person is exempt under section 6229(e) (relating to transfer).

"Security interest." A security interest as provided by 13 Pa.C.S. Div. 9 (relating to secured transactions).

"Service contract." A written contract, optional on the part of a buyer, to perform over a fixed period of time or for a specified duration services regarding the maintenance or repair of a motor vehicle.

"Time balance." The sum of the principal amount financed and the finance charge.

"Unpaid purchase price balance." The difference between the purchase price and the down payment.

"Warranty."

(1) Either of the following, which becomes part of the basis of the bargain between a buyer and an installment seller for purposes other than resale:

(i) A written declaration of fact or written promise made in connection with the sale of a motor vehicle by an installment seller or manufacturer to a buyer that relates to the nature of the materials or workmanship regarding the motor vehicle and affirms or promises that the motor vehicle is free of defects or will meet a specified level of performance over a specified period of time.

(ii) Any undertaking in writing in connection with the sale of a motor vehicle by an installment seller or manufacturer to refund, repair, replace or take other remedial action with respect to the motor vehicle if the motor vehicle fails to meet the specifications set forth in the undertaking.

(2) The term excludes a service contract and an extended warranty with the characteristics of a service contract.

Cross References. Section 6202 is referred to in section 6102 of Title 7 (Banks and Banking).

§ 6203. Authority of department.

(a) Powers.--The department has the authority to do any of the following:

(1) Investigate the business activities of a licensee and person engaged in a business contemplated by this chapter by the following means:

(i) Examining the records of the licensee and person.

(ii) Accessing the offices and places of business of the licensee and person and the records of the

licensee and person.

(2) Examine the records, safes and vaults of a person described under subsection (b)(2) for the purpose of discovering violations of this chapter.

(3) Require the attendance and testimony of witnesses and the production of records relating to a business that the department has the authority to investigate. For the purposes of this subsection, a duly authorized representative of the department may sign subpoenas, administer oaths and affirmations, examine witnesses and receive evidence.

(4) Prescribe the minimum information to be shown in the records of a licensee so as to enable the department to determine compliance with the provisions of this chapter.

(5) Promulgate regulations and issue orders, statements of policy and written interpretations as necessary or appropriate for the interpretation or enforcement of this chapter.

(6) Reduce the amount of or prohibit entirely a cost regarding the retaking, storing or repairing of a motor vehicle under section 6256 (relating to buyer's liability for costs) if the cost:

(i) appears to be fictitious, unnecessary, unreasonable or exorbitant; or

(ii) would not have been incurred by a prudent person under similar circumstances.

(b) Applicability.--

(1) This section applies whether the person acts or claims to act as principal, agent or broker, either under or without the authority of this chapter.

(2) A person who is not licensed under this chapter is presumed to be engaged in a business contemplated by this chapter if the person, as principal, agent or broker, advertises or solicits business for which a license is required by the provisions of this chapter.

(c) Administration.--In the case of disobedience of a subpoena or the noncooperation of a witness appearing before the department, the department may invoke the aid of the courts, and the court shall issue an order requiring the person subpoenaed to obey the subpoena, give evidence or produce records relative to the matter in question. Failure to obey the court order may be punished by the court as contempt.

(d) Expenses.--The expenses incurred by the department in connection with an examination or investigation, including a proportionate part of the salary of an examiner or other employee of the department and counsel assigned by the department, may be assessed by the department upon the particular person examined or investigated.

§ 6204. Records.

(a) General rule.--A licensee shall maintain, at the place of business designated in the license certificate, records of the business conducted under the license issued for the place of business so as to enable the department to determine whether the licensee's business contemplated by this chapter is being operated in accordance with the provisions of this chapter.

(b) Multiple places of business.--A licensee operating two or more licensed places of business in this Commonwealth may

maintain the general control records of all the offices at any one of the offices, or at any other office maintained by the licensee, upon the following:

(1) The filing of a written request with the department designating the office at which the control records are maintained.

(2) Approval of the request by the department.

(c) English language.--Records of a licensee shall be maintained in the English language.

(d) Preservation.--Records of a licensee shall be preserved and available for examination by the department for at least two years after making the final entry therein.

§ 6205. Appeals.

An appeal may be taken from the action of the department in suspending and revoking a license under section 6218 (relating to revocation or suspension of license) or imposing a civil penalty under section 6274 (relating to civil penalty by department) in accordance with the procedure prescribed by 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

§ 6206. Deposit of fees and fines.

License fees and fines that are received by the department under this chapter shall be deposited in the State Treasury to the credit of a special fund for the use of the department in administering this and other laws of this Commonwealth placed under its administration.

§ 6207. Distribution of information.

(a) Department.--The department shall provide a copy of the provisions of this chapter to each licensee in conjunction with the licensee's initial license and all renewal applications.

(b) Licensee.--

(1) A licensee shall make the information under subsection (a) available to its employees.

(2) A copy of the information under subsection (a) shall be kept at the licensee's place of business for inspection by a buyer.

§ 6208. Venue.

An action on an installment sale contract shall be commenced in a county where any of the following occurred:

(1) The buyer signed the contract.

(2) The buyer resides at the commencement of the action.

(3) The buyer resided when the contract was entered into.

§ 6209. Applicability.

(a) Consumer discount companies.--The provisions of this chapter do not affect or impair a business conducted lawfully under a license issued under the act of April 8, 1937 (P.L.262, No.66), known as the Consumer Discount Company Act.

(b) Other extensions of credit.--The provisions of this chapter do not apply to an extension of credit for the purchase of a motor vehicle, including the financing of other costs or charges necessary or incidental to the sale or financing of a motor vehicle, made under the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965.

§ 6210. Consumer complaints.

(a) Review and investigation.--The department shall review and investigate, as appropriate, any consumer complaints or information obtained through examinations relating to any activities regulated by this chapter, including, but not limited to, those pertaining to charges for service contracts, warranties, debt cancellation agreements, debt suspension agreements and insurance products not required by section 6241 (relating to insurance).

(b) Annual reports.--The department shall annually report to the Consumer Protection and Professional Licensure Committee of the Senate and the Consumer Affairs Committee of the House of Representatives the number and disposition of such enforcement actions and consumer complaint resolutions.

SUBCHAPTER B
LICENSES

Sec.

6211. General license rules.
6212. Initial license application.
6213. Bond.
6214. License fees.
6215. License certificate.
6216. License renewal.
6217. Refusal to issue license or license renewal.
6218. Revocation or suspension of license.
6219. Multiple places of business.

§ 6211. General license rules.

(a) License required.--The following persons may engage or continue to engage in this Commonwealth as a principal, employee, agent or broker only as authorized in this chapter and under a license issued by the department:

(1) An installment seller.
(2) A sales finance company.
(3) A collector-repossessor.

(b) Term.--

(1) Subject to paragraph (2), unless revoked or suspended under section 6218 (relating to revocation or suspension of license) or otherwise surrendered, a license shall be valid for one year.

(2) A license shall expire on October 1 annually, after the license is initially approved or renewed.

(c) Transfer or assignment.--A license may not be transferred or assigned.

§ 6212. Initial license application.

(a) General rule.--An initial license application shall be in writing, under oath and in the form prescribed by the department.

(b) Contents.--An initial license application shall contain the following:

(1) The name under which the business is conducted.
(2) The physical street address of the place of business.
(3) The date of registration with the Secretary of the Commonwealth of any fictitious or trade name of the business.

(4) If the applicant is a corporation:
(i) the date and place of incorporation; and
(ii) the names and addresses of the officers and directors.
(5) If the applicant is an individual owner, the name and residence address of the owner.
(6) If the applicant is a partnership, association or limited liability company, the name and residence address of each owner, partner or member and any managers.
(7) Any other information that the department requires.

(c) Process; notice.--
(1) An application filed by an association or corporation shall be accompanied by a power of attorney showing the name and address of the authorized agent in this Commonwealth upon whom judicial and other process or legal notice may be served.
(2) The department is authorized to accept service of process or notice if the agent in paragraph (1):
(i) has died;
(ii) is removed from this Commonwealth; or
(iii) is under a legal disability or otherwise disqualified from serving as agent.

Cross References. Section 6212 is referred to in sections 6216, 6219 of this title.

§ 6213. Bond.

(a) Bond required.--A bond shall accompany each license application for a sales finance company and collector-repossessor.

(b) Form.--The bond shall be in the form prescribed by the department.

(c) Amount.--
(1) A bond for a sales finance company shall be in the amount of $10,000.
(2) A bond for a collector-repossessor shall be in the amount of $5,000.

(d) Execution.--
(1) Except as provided in paragraph (2), the bond shall be executed by a surety company authorized by the laws of this Commonwealth to transact business.
(2) If the bond accompanying a license application for a sales finance company is filed by a financial institution within this Commonwealth, the financial institution may execute the bond on its own behalf.
(3) The bond shall be executed to the Commonwealth.

(e) Purpose.--The bond shall be for the use of the Commonwealth and for any person aggrieved by the misconduct of the licensee.

(f) Condition.--The condition of the bond is that the licensee will:
(1) comply with and abide by the provisions of this chapter and the rules and regulations of the department; and
(2) pay to the Commonwealth, the department or a person all money due to each under the provisions of this chapter.

(g) Action on bond.--A person may maintain an action on the bond in a court having jurisdiction of the amount claimed if all the following occur:

(1) The person is aggrieved by the misconduct of a licensee.
(2) The person receives a judgment against the licensee for the misconduct.
(3) The person executes on the judgment.
(4) The department assents to the action on the bond.

Cross References. Section 6213 is referred to in sections 6216, 6218, 6219 of this title.

§ 6214. License fees.

(a) Amount.--A license application shall be accompanied by a license fee as set forth in section 603-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(b) Abatement.--No abatement in the amount of the license fee shall be made if the license is:
(1) issued for less than one year; or
(2) surrendered, canceled or revoked prior to the expiration of the license period for which the license was issued.

Cross References. Section 6214 is referred to in sections 6216, 6219 of this title.

§ 6215. License certificate.

(a) Issuance.--If the department approves an applicant's license application, it shall issue to the applicant a license certificate showing the name and address of the person authorized to do business under the license.

(b) Public inspection.--
(1) An installment seller and a sales finance company shall post the license certificate in a conspicuous place in the place of business of the licensee so that the certificate is in full view of the public at all times.
(2) A collector-repossessor shall carry the license certificate in the immediate possession of the collector-repossessor whenever engaged in the type of business for which the license is issued so that the certificate may be presented for inspection upon request by any person entitled to inspection.

(c) Amendment.--
(1) A licensee desiring to change the address of the place of business shall:
(i) give prior written notice to the department;
(ii) return the license certificate to the department for amendment; and
(iii) retain a copy of the license certificate.
(2) The department shall amend the license certificate to show the new address and the date. The new address shall thereafter be the authorized address of the licensee.
(3) A licensee is not required to pay a charge for amendment of a license certificate to effect a change of address.

§ 6216. License renewal.

An application for a license renewal shall have the following characteristics:
(1) The application shall be in writing, under oath and in the form prescribed by the department.

(2) The application shall be filed at least 15 days prior to October 1.

(3) The application shall include an update of the information under section 6212(b) and (c)(1) (relating to initial license application).

(4) The application shall be accompanied by the following:

(i) A new bond under the same provisions as set forth in section 6213 (relating to bond), which shall be filed annually at least 15 days prior to October 1.

(ii) A license fee under the same provisions as set forth in section 6214 (relating to license fees), which shall be paid annually on or before October 1 for each license and place of business.

§ 6217. Refusal to issue license or license renewal.

(a) Discretionary refusal.--Subject to subsection (b), the department may refuse to issue a license or renew a license because of any of the following:

(1) The applicant has made a material misstatement in the application for license or license renewal.

(2) The existence of any of the grounds under section 6218(a) (relating to revocation or suspension of license).

(3) The department is not satisfied that the financial responsibility, character, reputation, integrity and general fitness of the applicant command the confidence of the public and warrant the belief that the business for which the license application is filed will be operated lawfully, honestly, fairly and in accordance with this chapter and the general laws of this Commonwealth. In so determining, the department shall consider the applicant's:

(i) owners, partners or members and any managers, if the applicant is a partnership, association or limited liability company; and

(ii) officers and directors, if the applicant is a corporation.

(b) Mandatory refusal.--

(1) The department may not issue a license to an applicant under this chapter until the expiration of at least one year from the effective date of any revocation of the applicant's license or the department's refusal to issue a license or license renewal to the applicant.

(2) The department may not issue a license or renew a license if, within ten years of the date of license application or license renewal application, the applicant or the applicant's affiliate, owner, partner, member, officer, director, employee or agent has pleaded guilty to, has entered a plea of nolo contendere to or has been convicted of a violation under section 6271 (relating to operating without license) or subsection A of section 37 of the former act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act.

(3) Subject to paragraph (4), if an applicant's license was previously revoked under this chapter or the former Motor Vehicle Sales Finance Act, the department may not issue another license to the applicant if, within ten years of the date of license application, the applicant or the applicant's affiliate, owner, partner, member, officer,

director, employee or agent has pleaded guilty to, has entered a plea of nolo contendere to or has been convicted of any violation of this chapter or the former Motor Vehicle Sales Finance Act.

(4) If an applicant's license was previously revoked under the former Motor Vehicle Sales Finance Act solely on the basis of the conduct of the applicant's spouse, paragraph (3) is not applicable.

(c) License fee.--

(1) Except as provided in paragraph (2), if the department rejects a license application or license renewal application, it shall return the license fee that accompanied the application.

(2) The department may retain all or part of the license fee if the license application or license renewal application was rejected based wholly or partially on false information furnished by the applicant in the application.

§ 6218. Revocation or suspension of license.

(a) Grounds.--Upon notice under subsection (b), the department may revoke or suspend a license if it discovers a fact or condition that, had it existed or been discovered at the time of filing of any license application, would have warranted disapproval of the application or if it finds that the licensee has engaged in any of the following:

(1) Made a material misstatement in the license application.

(2) Violated a provision of this chapter.

(3) Violated an order or regulation issued by the department under and within the authority of this chapter.

(4) Failed to comply with a demand, order or regulation of the department lawfully made by the department under and within the authority of this chapter.

(5) Refused or refuses to permit the department to make examinations authorized by this chapter.

(6) Failed to maintain in effect the bond required under section 6213 (relating to bond), in the case of a sales finance company and collector-repossessor.

(7) Failed to maintain satisfactory records required by this chapter or prescribed by the department.

(8) Falsified records required by this chapter to be maintained of the business contemplated by this chapter.

(9) Failed to file a report with the department within the time stipulated in this chapter.

(10) Failed to pay the fine required by this chapter for failure to file reports to the department within the time stipulated.

(11) Defrauded a buyer to the buyer's damage or willfully failed to perform a written agreement with a buyer.

(12) With respect to the tax or fee due the Commonwealth upon the sale of a motor vehicle:

(i) Failed to collect the tax or fee.

(ii) Collected the tax or fee and failed to issue a true copy of the tax report to the purchaser, as required by law.

(iii) Issued a false or fraudulent tax report or copy thereof.

(iv) Failed to pay the tax or fee to the Commonwealth at the time and in the manner required by law.

(13) Engaged in unfair, deceptive, fraudulent or illegal practices or conduct in connection with a business regulated by this chapter.

(b) Notice.--

(1) The department shall provide 30 days' written notice to the licensee for a revocation or suspension of a license.

(2) The notice under this subsection shall be forwarded by registered mail to the place of business of the licensee, as shown in the license application or as amended on the license certificate in case of change of address subsequent to issuance of the license certificate.

Cross References. Section 6218 is referred to in sections 6205, 6211, 6217, 6219, 6242, 6274 of this title.

§ 6219. Multiple places of business.

(a) License application.--A separate license application under section 6212 (relating to initial license application) shall be filed for each place of business conducted by or to be established by a licensee within this Commonwealth.

(b) Bond.--A bond under section 6213 (relating to bond) shall be filed for each place of business conducted by a sales finance company and a collector-repossessor within this Commonwealth.

(c) License fee.--With respect to section 6214 (relating to license fees), a separate license fee in the same amount shall be paid for each place of business conducted by a licensee within this Commonwealth.

(d) Requirements.--

(1) Except as provided in paragraph (2), only one place of business may be operated under the same license.

(2) For an installment seller, only one license is required if:

(i) every place of business is conducted under one name; and

(ii) the business records are kept in one place.

(3) A licensee may operate more than one place of business only after performing the following actions:

(i) Filing an application for each additional place of business.

(ii) Furnishing a bond for each additional place of business in the case of a sales finance company and collector-repossessor.

(iii) Paying the respective license fee for each place of business.

(e) License suspension and revocation.--

(1) Subject to paragraph (2), the department may revoke or suspend only the particular license to which grounds exist under section 6218(a) (relating to revocation or suspension of license).

(2) If the department finds that grounds for revocation are of general application to all places of business or more than one place of business operated by a licensee, it may

revoke all the licenses issued to the licensee or those licenses to which grounds exist.

SUBCHAPTER C
INSTALLMENT SALE CONTRACTS

Sec.

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§ 6221. Requirements.

(a) General rule.--An installment sale contract shall:

(1) be in writing;

(2) contain all the agreements between a buyer and an installment seller relating to the installment sale of the motor vehicle sold;

(3) be signed by the buyer and seller; and

(4) be complete as to all essential provisions before the buyer signs the contract.

(b) Copies.--

(1) The installment seller shall furnish an exact copy of the installment sale contract without charge to the buyer at the time the buyer signs the contract.

(2) The buyer's copy of the contract shall contain the signature of the seller identical to the signature on the original contract.

(3) Upon request, a holder shall furnish to the buyer a duplicate copy of the contract upon payment of a reasonable fee not to exceed the cost of production.

(c) Acknowledgment.--

(1) The installment seller shall obtain from the buyer a written acknowledgment of the buyer's receipt of a copy of the contract.

(2) The acknowledgment shall be:

(i) printed below the buyer's signature to the contract, if attached to the contract; and

(ii) independently signed by the buyer.

(d) Equal periods and amounts.--An installment sale contract shall provide for payment of the time balance in substantially equal periods and amounts except in the following instances:

(1) The buyer expects the buyer's income to vary because of seasonal employment, seasonal sales, use of accelerated depreciation for tax purposes or other known causes, in which case the contract may provide for payment of the time balance in amounts that vary with the expected varying income.

(2) The sale of a heavy commercial motor vehicle.

(3) The sale of a motor vehicle to a salesperson licensed under the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.

(4) When the contract provides for fixed residual value financing.

(e) Disclosures.--

(1) Prior to a buyer's execution of an installment sale contract, an installment seller shall provide to the buyer an oral and a written disclosure in plain language.

(2) The written disclosure shall:

(i) be separate from the contract to be signed by the buyer;

(ii) be complete without any blank spaces; and

(iii) advise that the purchase of specific items related to acquiring the motor vehicle is voluntary and not required as a condition of the buyer's receiving the installment sale contract loan. The items to which this subparagraph applies:

(A) include a service contract, warranty, debt cancellation agreement, debt suspension agreement and insurance products not required by section 6241 (relating to insurance); and

(B) exclude an option or accessory physically attached to the motor vehicle.

(3) The completed written disclosure shall be copied exactly and furnished by the seller to the buyer at no cost when the buyer receives a copy of the contract.

(f) Definition.--As used in this section, the term "fixed residual value financing" means the manner of purchase whereby a buyer listed as the owner on the motor vehicle title agrees, at the conclusion of a predetermined schedule of installment payments made in substantially equal periods and amounts, to:

(1) satisfy the balance of the contractual amount owing;

(2) refinance any balance owing on the terms previously agreed upon at the time of executing the installment sale contract; or

(3) surrender the motor vehicle at the time and manner agreed upon at the time of executing the contract.

Cross References. Section 6221 is referred to in section 6275 of this title.

§ 6222. Contents.

An installment sale contract shall contain the following:

(1) The full name and address of all the parties to the contract.

(2) The date that the buyer signed the contract.

(3) A description of the motor vehicle sold, which shall be sufficient for accurate identification.

(4) The notice under section 6223 (relating to notice).

(5) The following items in writing and in a clear and conspicuous manner, with each component of each subparagraph listed separately:

(i) The purchase price of the motor vehicle, which shall include the following:

(A) Taxes.

(B) Charges for delivery.

(C) Charges for servicing, repairing or improving the motor vehicle.

(D) Charges for a service contract, which:

(I) shall appear as separate items after the following or substantially similar words, which shall be boldface, underlined, adjacent to the purchase price and in type print size not smaller than that used for all item categories: "including optional service contracts and/or extended warranties in the amount of"; or

(II) may be separately included as "other charges" under subparagraph (v).

(E) Charges for accessories and installation.

(F) Other charges normally included in the delivered purchase price of a motor vehicle.

(ii) The down payment made by the buyer at the time of or prior to execution of the contract, which shall separately indicate the extent to which it is made in cash or represented by either or both of the following:

(A) The agreed-upon value of a trade-in motor vehicle, along with a description of the trade-in sufficient for accurate identification.

(B) Other goods.

(iii) The unpaid purchase price balance, which is the difference between the following:

(A) The purchase price under subparagraph (i).

(B) The down payment under subparagraph (ii).

(iv) Insurance charges, the payment for which the seller agrees to extend credit to the buyer, which shall set forth the term of insurance, a concise description of the coverage and the amount of the premium.

(v) Other charges necessary or incidental to the sale or financing of a motor vehicle:

(A) which the seller contracts to retain, receive or pay on behalf of the buyer; or

(B) for which the seller agrees to extend credit to the buyer as authorized by this chapter, including charges for a debt cancellation agreement and debt suspension agreement.

(vi) The principal amount financed, which is the sum of the following:

(A) The unpaid purchase price balance under subparagraph (iii).

(B) The insurance charges under subparagraph (iv).

(C) The other charges under subparagraph (v).

(D) Amounts representing payment of a prior credit or lease balance to discharge a security interest, lien or lease interest on a motor vehicle or other property traded or returned.

(vii) The finance charge, which is the consideration in excess of the purchase price under subparagraph (i), excluding insurance charges under subparagraph (iv) and other charges under subparagraph (v), and which the buyer agrees to pay to the seller for the privilege of purchasing the motor vehicle under the installment sale contract.

(viii) The time balance, which represents the total obligation of the buyer and which is the sum of the following:

(A) The principal amount financed under subparagraph (vi).

(B) The finance charge under subparagraph (vii).

(ix) The payment schedule, which shall state the number, amount and timing of the payments required to liquidate the time balance.

(6) A description that reasonably identifies collateral security in which a security interest is provided to secure the buyer's obligation pursuant to 13 Pa.C.S. § 9108 (relating to sufficiency of description), including the motor vehicle and other collateral.

(7) A summary notice of the buyer's principal legal rights regarding prepayment of the contract, rebate of finance charge and reinstatement of the contract in the event of repossession and notice of the right to receive the statement of account under section 6230(a) (relating to statement of account to buyer).

(8) Specific provisions regarding the following:

(i) The holder's right to accelerate the maturity of the contract upon default or other breach of contract.

(ii) The buyer's liability respecting nonpayment.

(iii) The dollar or percentage amount of late charges that may be imposed due to a late payment, other than a deferral or extension charge.

(iv) Repossession and sale of the motor vehicle, in case of default or other breach of contract.

(9) The following statement:

If you encounter a problem, you may have additional rights under the Unfair Trade Practices and Consumer Protection Law, which is enforced by the Pennsylvania Office of Attorney General, Bureau of Consumer Protection.

Cross References. Section 6222 is referred to in sections 6224, 6226, 6233, 6243 of this title.

§ 6223. Notice.

(a) Requirement.--An installment sale contract shall contain the notice under subsection (b), which shall be printed directly above the space provided for the signature of the buyer.

(b) Form.--

(1) Except as provided in paragraph (2), the notice shall be in the following form:

NOTICE TO BUYER: Do not sign this contract in blank. You are entitled to an exact copy of the contract

you sign. Keep it to protect your legal rights. Any holder of this consumer credit contract is subject to all claims and defenses which the buyer could assert against the seller of goods or services obtained pursuant hereto or with the proceeds hereof. Recovery hereunder by the buyer shall not exceed amounts paid by the buyer hereunder.

(2) In the notice, the words "lessee" or "mortgagor" may be substituted for the word "buyer," and the words "lease" or "mortgage" may be substituted for the word "contract."

Cross References. Section 6223 is referred to in section 6222 of this title.

§ 6224. Itemization.

Costs and charges under sections 6222 (relating to contents) and 6242 (relating to other costs included in amount financed) shall be separately itemized in an installment sale contract as to their nature and amounts.

§ 6225. Disclosure.

If an installment seller retains a portion of the charge for a good or service provided by another person, the seller shall disclose that the seller may retain a portion of the charge.

§ 6226. Heavy commercial motor vehicle.

(a) Variable finance charge percentage rate.-- Notwithstanding any provision of law to the contrary, the finance charge percentage rate included in an installment sale contract for the sale of a heavy commercial motor vehicle may vary during the term of the contract pursuant to a formula or index set forth in the contract that is made readily available to and verifiable by the buyer and beyond the control of the holder of the contract.

(b) Determinations.--Notwithstanding that the finance charge percentage rate may increase or decrease over the term of the contract according to a formula or index set forth in the contract, the rate applicable to the transaction as of the date of execution of the contract may be used to determine the following:

(1) The amount of finance charge under section 6222(5)(vii) (relating to contents).

(2) The time balance under section 6222(5)(viii).

(3) The payment schedule under section 6222(5)(ix).

§ 6227. Manufactured homes.

(a) Optional contract provisions.--An installment sale contract for the sale of a manufactured home may:

(1) require the buyer to pay real estate taxes that may thereafter be levied upon the manufactured home and furnish the installment seller or holder with proof of payment of real estate taxes in the manner that the contract prescribes; and

(2) upon the buyer's failure to pay the real estate taxes or furnish the required proof of payment, allow the seller or holder to accelerate payments or repossess the manufactured home, or both.

(b) Sale.--If the manufactured home is sold by a tax-levying unit of government for nonpayment of real estate taxes by the buyer, the following is not affected or divested:

(1) A lien or encumbrance contained in the title of the vehicle pursuant to 75 Pa.C.S. (relating to vehicles).

(2) An encumbrance filed of record against the vehicle under the provisions of 13 Pa.C.S. (relating to commercial code).

§ 6228. Prohibited provisions.

An installment sale contract may not contain any of the following:

(1) Blank spaces to be filled in after the contract has been signed, except regarding serial numbers or other identifying marks that are not available for description of the motor vehicle at the time of execution of the contract.

(2) An acceleration clause under which all or part of the time balance represented by payments not yet matured may be declared immediately payable because the installment seller or holder deems itself to be insecure. This paragraph does not apply to an acceleration clause authorizing the seller or holder to declare the entire time balance due and payable in case of any of the following:

(i) The buyer's default in the payment of one or more installment payments.

(ii) The buyer's failure to pay taxes levied against the motor vehicle.

(iii) The buyer's failure to furnish proof of payment of taxes levied against the motor vehicle.

(iv) Use of the motor vehicle for illegal purposes.

(v) The buyer's filing for bankruptcy.

(vi) The buyer's default in the payment of a cross-collateralized obligation.

(vii) The buyer's intentionally providing fraudulent and misleading information on a credit application.

(3) A provision authorizing a person acting on behalf of the seller or holder to enter upon the premises of the buyer unlawfully or to commit a breach of the peace in the repossession of the motor vehicle or collateral security.

(4) A provision whereby the buyer waives a right of action against the seller, holder, collector-repossessor or other person acting on behalf of the holder for an illegal act committed in the collection of payments under the contract or in the repossession of the motor vehicle or collateral security.

(5) A provision whereby the buyer executes a power of attorney appointing the seller, the holder, a collector-repossessor or the agent of any of them as the buyer's agent in the collection of payments under the contract or in the repossession of the motor vehicle or collateral security. This paragraph does not apply to a power of attorney issued by the buyer to an attorney at law to be used only in the collection of the obligation by legal process.

(6) A provision relieving the holder or other assignee from liability for legal remedies that the buyer may have had against the seller under the contract or a separate instrument executed in connection with the contract.

(7) A provision requiring or entailing the execution of a note or series of notes by the buyer, which when separately negotiated will extinguish as to third parties a

right of action or defense that the buyer may have against the original seller.

§ 6229. Transfer.

(a) Installment seller.--An installment seller of a motor vehicle under an installment sale contract executed in this Commonwealth may not sell, transfer or assign the obligation represented by the contract to a person in this Commonwealth or elsewhere unless the person is licensed as a sales finance company under this chapter.

(b) Sales finance company.--A sales finance company licensed under this chapter may not sell, transfer or assign the obligation represented by an installment sale contract executed in this Commonwealth, which it has lawfully acquired, to a person in this Commonwealth or elsewhere unless the person is licensed as a sales finance company under this chapter.

(c) Notice; effect on subsequent holder.--If an installment sale contract is lawfully sold, transferred or assigned to a person who is licensed as a sales finance company under this chapter, the buyer's payment or tender of payment made to and service of notice on the last known holder is binding on a subsequent holder until the new holder furnishes to the buyer a written notice of the sale, transfer or assignment that sets forth the name and address of the new holder authorized to receive future payments on the contract.

(d) Default; notice; effect on subsequent holder.--

(1) If an installment sale contract lawfully acquired by a sales finance company is in default, the holder may resell, retransfer or reassign the contract to the installment seller from whom the contract was originally acquired.

(2) The buyer's payment or tender of payment made to and service of notice on the last known holder is binding on a subsequent holder until the new holder furnishes to the buyer a written notice of the resale, retransfer or reassignment that sets forth the following:

(i) The name and address of the new holder authorized to receive future payments on the contract.

(ii) The unpaid time balance.

(iii) The accrued late charges due under the contract.

(e) Applicability.--

(1) This section does not apply to an assignment of an aggregation of installment sale contracts:

(i) which is executed by a seller or sales finance company only as a security interest securing payment or performance of a bona fide commercial loan, obtained at lawful rates of interest from a person regularly engaged in the business of lending money on the security of the assigned collateral or amounts due pursuant to a security or debt instrument; and

(ii) under which, in the absence of default or other bona fide breach of the loan contract:

(A) ownership of the assigned contracts remains vested in the assignor; and

(B) collection of payments on the assigned contracts is made by the assignor.

(2) An assignment of an aggregation of loan contracts under this section may not be for the purpose of evading or circumventing the provisions of this chapter.

Cross References. Section 6229 is referred to in section 6202 of this title.

§ 6230. Statement of account to buyer.

(a) Information to be included.--At any time after the execution of an installment sale contract and within one year after the termination of the contract, a holder of the contract shall furnish to the buyer upon request a complete and detailed statement of account showing the following:

(1) All amounts paid by the buyer on account of the obligation, dates of payment and the allocation of the payments to the reduction of:

(i) Time balance.

(ii) Refinance charges.

(iii) Late charges.

(iv) Court costs.

(v) Attorney fees.

(vi) Costs of retaking, repairing and storing the motor vehicle.

(vii) Other costs permitted under the provisions of this chapter and the contract.

(2) All amounts credited to the buyer as rebates for prepayment and unexpired premiums on canceled insurance.

(3) The amount of the installment payments, accrued charges and expenses incurred, which are due and payable.

(4) The number, amount and due dates of installment payments to become due and payable.

(b) Copies.--

(1) The buyer shall be furnished with one statement of account without charge during the term of the contract or within one year after the termination of the contract.

(2) Upon request and payment of a reasonable fee not to exceed the cost of production, a holder shall furnish to the buyer an additional statement of account.

Cross References. Section 6230 is referred to in sections 6222, 6254 of this title.

§ 6231. Payment receipts.

(a) When necessary.--When payment is made on an installment sale contract, the person receiving the payment shall, at the time of receiving the payment, furnish a complete written payment receipt to the buyer or individual making the payment on behalf of the buyer if:

(1) the buyer requests such receipt; or

(2) payment is made in cash.

(b) Contents.--The payment receipt shall contain the following:

(1) The date, amount and nature of the payment.

(2) An identification of the obligation to which the payment is applicable.

(3) The signature or initials of the person receiving the payment on behalf of the holder.

(4) The unpaid time balance remaining due after crediting the payment.

(5) The amount attributed to late charges, independent of the payment applied to the reduction of the time balance.

(c) Self-addressed stamped envelope.--The holder may require the buyer to supply a self-addressed stamped envelope as a condition of mailing the receipt if the buyer:

(1) elects to make a payment by mail; and

(2) is previously notified of the need for the envelope.

§ 6232. Release of liens.

(a) Duty of holder.--Upon payment in full of the time balance and other amounts lawfully due under an installment sale contract, a holder shall perform the following:

(1) Upon request, return to the buyer all instruments in the form maintained by the holder, except those filed or recorded with a public official and retained in the files of the official, which:

(i) evidence the buyer's indebtedness or constitute security under the contract; and

(ii) were signed by the buyer or the buyer's surety or guarantor, in conjunction with the contract.

(2) Specify on the instruments under paragraph (1) that the buyer's obligation has been paid in full.

(3) Release all security interests in the motor vehicle or collateral security for the obligation of the buyer under the contract.

(4) Deliver to the buyer any assignments and documents of title as may be necessary to vest the buyer with complete evidence of title.

(b) Delivery of certificate of title.--The certificate of title for the motor vehicle shall be delivered to the buyer within ten days of the date of tender of payment in full by mail or other arrangements made between the buyer and holder.

§ 6233. Prohibited charges.

(a) General rule.--Except as provided in subsections (b) and (c), a licensee may directly or indirectly charge, contract for, collect or receive from the buyer, in connection with the retail sale of a motor vehicle under an installment sale contract, insurance charges, other charges necessary or incidental to the sale of the motor vehicle, finance charges, refinance charges, late charges, recording and satisfaction fees, court costs, attorney fees and costs of retaking, repairing and storing a repossessed motor vehicle, which are disclosed as required by section 6222(5) (relating to contents).

(b) Exception.--A licensee may not directly or indirectly charge, contract for, collect or receive from the buyer, in connection with the retail sale of a motor vehicle under an installment sale contract, any further or other amount for costs, charges, examination, appraisal, service, brokerage, commission, expense, interest, discount, fees, fines, penalties or other thing of value in excess of the amounts permitted under subsection (a) or (c).

(c) Manufactured homes.--An installment seller of a manufactured home may charge appraisal fees, brokerage fees and commissions if they represent actual charges and are properly disclosed to the buyer.

(d) Charges if contract not consummated.--

(1) Subject to paragraph (2), a licensee may not collect a charge in connection with a contemplated sale of a motor vehicle under an installment sale contract if the contract is not consummated.

(2) Paragraph (1) does not affect the legal status of a deposit paid by a prospective buyer to a seller as a binder on the contemplated purchase of a motor vehicle.

(e) Unenforceable provision.--If an installment sale contract contains a provision that authorizes a prohibited charge, the provision is unenforceable.

§ 6234. Waiver of statutory protection prohibited.

(a) General rule.--A buyer may not validly waive through an action, agreement or statement any provision of this chapter intended to protect a buyer of a motor vehicle.

(b) Choice of law.--A buyer's waiver of the provisions of this chapter, including any purported waiver effected by a contractual choice of the law of another jurisdiction contained in an installment sale contract, shall be deemed contrary to public policy and is void and unenforceable.

§ 6235. Effect of license expiration, surrender and revocation on contracts.

(a) Effect.--The expiration, surrender or revocation of a license issued under this chapter to an installment seller or sales finance company does not impair or affect the obligation under an installment sale contract entered into lawfully or lawfully acquired by the licensee prior to the effective date of the expiration, surrender or revocation of the license.

(b) Charges by holder prohibited.--A holder of an installment sale contract forfeits the right to charge, contract for, receive or collect refinance charges authorized by this chapter for renewal of the contract, if the holder's license has expired, was surrendered or was revoked prior to the date of the renewal.

(c) Sale, transfer and assignment of contracts.--A licensee whose license has expired, was surrendered or was revoked may sell, transfer or assign contracts entered into or acquired prior to the expiration, surrender or revocation to a licensed sales finance company, which may renew the contracts in accordance with the provisions of this chapter.

(d) Prohibitions regarding contracts.--A licensee whose license has expired, was surrendered or was revoked may not:

(1) enter into new contracts for the retail sale of motor vehicles under installment sale contracts; or

(2) discount, purchase or otherwise acquire the new contracts.

§ 6236. Enforcement.

(a) When obligation unenforceable.--An obligation of the buyer of a motor vehicle under an installment sale contract that was consummated in this Commonwealth is not enforceable in this Commonwealth if:

(1) the installment seller was not licensed under this chapter when the seller entered into the contract; or

(2) the holder was not licensed under this chapter when the holder acquired the contract.

(b) Cancellation of contract; release of liens.--Upon payment or tender of payment to the holder of the principal amount financed under the contract described in subsection (a),

less payments on account of the obligation exclusive of down payment which had been made previously, the buyer under the contract is entitled to:

(1) cancellation of the contract; and

(2) release of all liens against:

(i) the motor vehicle sold under the contract; and

(ii) collateral security owned by the buyer or the buyer's surety or guarantor.

(c) Applicability.--This section shall not be construed to prevent the enforcement in this Commonwealth of an obligation arising from the sale of a motor vehicle made outside this Commonwealth under an installment sale contract entered into or executed by the buyer outside this Commonwealth, whether or not the buyer was a resident of this Commonwealth at the time the buyer entered into the contract.

SUBCHAPTER D
COSTS AND CHARGES

Sec.

6241. Insurance.
6242. Other costs included in amount financed.
6243. Finance charges.
6244. Refinance charges.
6245. Late charges.
6246. Refund for prepayment of contract.

§ 6241. Insurance.

(a) General rule.--

(1) The insurance purchased under this section shall be:

(i) Limited to insurance against risk of damage, destruction or theft of the motor vehicle.

(ii) Written for the dual protection of the buyer and installment seller or holder to the extent of their respective interests in the motor vehicle.

(iii) Subject to terms and conditions, including the amount and period of time, that are reasonable and appropriate considering the type and condition of the motor vehicle, the amount of the time balance and the schedule of payments in the installment sale contract.

(2) The provisions of paragraph (1) may not interfere with the following:

(i) The liberty of contract of the buyer and installment seller to contract for other or additional insurance as security for or by reason of the obligation of the buyer.

(ii) The inclusion of charges for insurance in the principal amount advanced under the installment sale contract.

(b) Purchase by buyer.--

(1) An installment seller may require a buyer of a motor vehicle under an installment sale contract to purchase insurance on the motor vehicle at the buyer's expense from an insurance company acceptable to the installment seller.

(2) The buyer may select the insurance company agent or broker, in which case the inclusion of insurance charges in

the contract shall be at the option of the installment seller.

(c) Purchase by installment seller generally.--If an installment seller or a holder contracts to purchase at the buyer's expense insurance on a motor vehicle sold under an installment sale contract, the following apply:

(1) The insurance shall be purchased through an agent or broker authorized to conduct business in this Commonwealth.

(2) The insurance shall be written by an insurance company qualified to do business in this Commonwealth.

(3) The status of the buyer and installment seller or holder, as set forth in the insurance contract, shall reflect their respective interests in the motor vehicle.

(4) The insurance charges to the buyer may not exceed the following:

(i) The insurance charges that others are required to pay to the insurance company for similar coverage.

(ii) The limitations on premiums, commissions and other charges established by the Commonwealth.

(5) A copy of the policy or certificate of insurance shall be delivered to the buyer within 30 days of the date of the buyer's signing of the contract.

(6) The insurance policy shall contain the following:

(i) Complete information as to the effective dates, amounts of premiums and coverage.

(ii) All the terms of the insurance contract.

(7) If a certificate of insurance issued under a master policy is furnished to the buyer in lieu of an individual policy, the certificate shall contain the following:

(i) Complete information as to effective dates, amounts of premiums and coverage.

(ii) All the terms of the insurance contract embodied in the master policy to the same extent as would appear if an individual policy were issued.

(iii) Notice that it is not an insurance policy.

(d) Early termination of policy.--

(1) This subsection applies if an installment seller or holder has placed insurance at the buyer's expense on a motor vehicle sold under an installment sale contract.

(2) If the buyer prepays the time balance under the contract prior to the expiration date of the insurance:

(i) The insurance shall remain in force unless the buyer requests cancellation of the insurance.

(ii) The installment seller or holder may not cancel the insurance without the buyer's consent.

(iii) The installment seller or holder may not coerce the buyer to cancel the insurance.

(iv) Any unexpired insurance premiums received by the installment seller or holder, resulting from cancellation of insurance originally placed at the buyer's expense, shall be paid to the buyer or credited to matured unpaid installments under the contract.

(3) If the insurance company cancels the insurance prior to expiration, the installment seller or subsequent holder shall:

(i) obtain comparable insurance from another insurance company and furnish the buyer with a copy of the insurance policy, subject to the same requirements of this chapter applicable to the original policy; or

(ii) if unable to obtain comparable insurance from another insurance company, immediately notify the buyer who may then obtain insurance from an insurance company, agent or broker of the buyer's own selection, in which case the installment seller or holder shall be liable to the buyer for the following:

(A) Any additional insurance charges incurred by the buyer in rewriting the insurance for the unexpired period for which the original insurance was written.

(B) Any loss suffered by the buyer through negligence on the part of the installment seller or holder in promptly advising the buyer of the inability to obtain replacement insurance.

Cross References. Section 6241 is referred to in sections 6210, 6221 of this title.

§ 6242. Other costs included in amount financed.

(a) Costs payable by buyer.--An installment seller of a motor vehicle under an installment sale contract may require the buyer to pay the following other costs incurred in the sale of a motor vehicle under the contract:

(1) Fees payable to the Commonwealth for filing a lien or encumbrance on the certificate of title to a motor vehicle sold under the contract or collateral security for the motor vehicle.

(2) Fees payable to a public official for filing, recording, satisfying or releasing the contract or instruments securing the buyer's obligation.

(3) Fees for notarization required in connection with the filing, recording, satisfying or releasing a mortgage, judgment lien or encumbrance.

(b) Costs for which buyer voluntarily contracts.--The installment seller of a motor vehicle under an installment sale contract may contract with the buyer to pay on behalf of the buyer the following other incidental costs relating to the sale of the motor vehicle, for which the buyer has voluntarily contracted:

(1) Fees payable to the Commonwealth for registration of the motor vehicle and issuance or transfer of registration plates.

(2) Fees payable to the Commonwealth for the buyer's driver's license.

(3) Costs of messenger service and other costs associated with the submission of documents to the Commonwealth or other governmental entity.

(4) Licensing costs under section 27.1 of the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.

(c) Collection and credit for fees and costs.--With respect to the fees and costs under subsections (a) and (b), the installment seller may:

(1) contract for, collect or receive the fees and costs from the buyer independently of the contract; or

(2) extend credit to the buyer for the fees and costs and include them in the principal amount financed under the contract.

(d) Amount of fees and costs.--Unless otherwise permitted by the laws of this Commonwealth, the fees and costs under subsections (a) and (b) that are paid or payable by the buyer may not exceed the amount that the installment seller expends or intends to expend for them.

(e) Costs not disbursed.--Costs that are collected from a buyer or included in the buyer's obligation under an installment sale contract but that are not disbursed by the seller as contemplated shall be immediately refunded or credited to the buyer.

(f) Incidental charges.--

(1) Subject to paragraph (2), the installment seller of a motor vehicle under an installment sale contract may contract with the buyer to pay on behalf of the buyer other charges necessary or incidental to the sale of a motor vehicle and contracted for by the buyer, if the charges are not:

(i) in violation of section 6218(a)(12) (relating to revocation or suspension of license); or

(ii) restricted under this chapter or any other statute.

(2) Only the costs of necessary repairs disclosed at the time of the installment sale may be included in the contract. Necessary repairs arising after the execution of the contract may not be added to the original contract.

(3) This subsection does not otherwise authorize the mark-up of costs under subsection (a) or (b).

Cross References. Section 6242 is referred to in section 6224 of this title.

§ 6243. Finance charges.

(a) General rule.--An installment seller licensed under this chapter may charge, contract for, receive or collect a finance charge under this chapter on an installment sale contract covering the retail sale of a motor vehicle in this Commonwealth.

(b) Method of computation.--

(1) An installment seller may compute a finance charge authorized by this section by any method, if the charge does not exceed the applicable maximum percentage under subsections (d) and (e).

(2) A finance charge under this section shall be computed:

(i) On the principal amount financed as determined under section 6222(5)(vi) (relating to contents).

(ii) At the annual rate indicated on a one-year installment sale contract.

(iii) Proportionately on an installment sale contract that extends for a period that is less than or greater than one year.

(3) A finance charge under this section may be computed on the basis of a full month for a fractional month period

in excess of ten days and interest may continue to be charged during a period of time for which a late charge is also imposed.

(c) Manufactured homes.--If an installment sale contract involves a manufactured home, whether or not the sale on credit or loan is insured or guaranteed in whole or in part by the Federal Housing Administration pursuant to the National Housing Act (48 Stat. 1246, 12 U.S.C. § 1701 et seq.), the percentage established as a maximum finance charge for a manufactured home by regulation of the Federal Housing Administration shall govern.

(d) New motor vehicles.--

(1) Except as otherwise provided in this section, a finance charge for a new motor vehicle may not exceed the equivalent of 18% simple interest per year on the unpaid balance.

(2) Except as provided in paragraph (3), a finance charge for a new motor vehicle having a purchase price of $10,000 or more and used primarily for a commercial purpose may not exceed the equivalent of 7.5% per year.

(3) A finance charge may not exceed the equivalent of 10% per year for the following:

(i) A new truck and truck tractor having a manufacturer's gross vehicular weight of 13,000 pounds or more.

(ii) A new semitrailer and trailer designed for use in combination with a truck tractor.

(e) Used motor vehicles.--

(1) A finance charge for a used motor vehicle, of a model designated by the manufacturer during a year not more than two years prior to the year in which the sale is made, may not exceed the equivalent of 18% simple interest per year on the unpaid balance.

(2) A finance charge for an older used motor vehicle, of a model designated by the manufacturer during a year more than two years prior to the year in which the sale is made, may not exceed the equivalent of 21% simple interest per year on the unpaid balance.

(f) Federally insured loans.--Subject to subsection (c), if a sale on credit or loan is insured or guaranteed in whole or in part by the Department of Veterans Affairs or another Federal department or agency, the laws or regulations that govern the Department of Veterans Affairs or other Federal department or agency regarding the maximum finance charge and rate of interest for the sale shall govern.

Cross References. Section 6243 is referred to in sections 6244, 6245 of this title.

§ 6244. Refinance charges.

(a) General rule.--

(1) A holder of an installment sale contract may:

(i) extend the scheduled due date or defer the scheduled payment of all or part of an unpaid installment payment;

(ii) renew the unpaid time balance of the contract; or

(iii) contract for, receive and collect a refinance charge for an extension, deferment or renewal under subparagraphs (i) and (ii).

(2) A refinance charge for a motor vehicle under section 6243(d) and (e) (relating to finance charges) may not exceed the amount determined under this section.

(b) Rates and computation.--

(1) For a motor vehicle under section 6243(d)(1) and (e), the refinance charge shall be determined by either of the following:

(i) Subject to subsection (c), the refinance charge on the amount of a refinanced full or partial installment payment for which each full or partial payment is extended or deferred may not exceed the equivalent of the following rates:

(A) One percent per month for a vehicle under section 6243(d)(1).

(B) One and one-half percent per month for a vehicle under section 6243(e)(1).

(C) Two percent per month for a vehicle under section 6243(e)(2).

(ii) Subject to subsection (d), the refinance charge on the amount obtained shall be determined by:

(A) Adding the unpaid time balance of the contract, insurance charges, other charges incidental to refinancing and unpaid late charges that may be accrued.

(B) Deducting a rebate that may be due to the buyer for prepayment incidental to refinancing, at the rate of the finance charge in the original contract, for the term of the renewal contract and subject to the provisions of this chapter governing computation of the original finance charge.

(2) For a motor vehicle under section 6243(d)(2) and (3), the refinance charge shall be determined by the method of computation under paragraph (1)(ii).

(3) For a manufactured home under section 6243(c), the refinance charge shall be determined by regulation of the Federal Housing Administration pursuant to the National Housing Act (48 Stat. 1246, 12 U.S.C. § 1701 et seq.).

(4) Subject to paragraph (3), if the refinancing of a motor vehicle is insured or guaranteed in whole or in part by the Department of Veterans Affairs or another Federal department or agency, the laws or regulations that govern the Federal department or agency regarding the maximum refinance charge and rate of interest for the refinancing shall govern.

(c) Fractional month.--A computed refinance charge under subsection (b)(1) may be computed on the basis of a full month for any fractional month period in excess of ten days.

(d) Other provisions not applicable to computation.--The provisions of this chapter governing minimum prepayment rebate shall not apply in calculating refinance charges on the contract renewed under subsection (b)(2).

(e) Prohibited contents.--Except as provided in subsection (f) and subject to subsection (g), the holder of an installment sale contract may not include in a refinancing contract a cash

loan to the buyer or credit extended to the buyer incidental to the purchase of goods or services.

(f) Permissible contents.--A holder under subsection (e) may include the following in the refinance contract:

(1) Charges for accessories, equipment and parts for the motor vehicle sold under the contract.

(2) Charges for repairs and services to the motor vehicle.

(3) Finance charges.

(g) Loan.--

(1) A loan under subsection (e) shall not include and nothing in this chapter shall be construed to otherwise prohibit a rearrangement of payments under an installment sale contract by a refinance transaction involving a restoration of certain installment payments made under the contract.

(2) A refinance charge on an amount restored pursuant to paragraph (1) may not exceed the equivalent of 6% simple interest per year.

§ 6245. Late charges.

(a) General rule.--A late charge may be collected on the following:

(1) An installment payment that is not paid on or before the due date of the payment.

(2) A contract subject to this chapter, regardless of the classification of vehicle under section 6243 (relating to finance charges) or the method by which the finance charge is computed.

(b) Rate and computation.--

(1) Under a contract for the sale of a motor vehicle other than a heavy commercial motor vehicle, a late charge may not, for any payment not made within ten days of its scheduled due date, exceed the rate of 2% on the amount of the payment in arrears.

(2) Under a contract for the sale of a heavy commercial motor vehicle, a late charge may not, for any payment not made within ten days of its scheduled due date, exceed the rate of 4% of the amount of the payment in arrears.

(3) The late charges under paragraphs (1) and (2) may be collected only once on each payment in arrears.

(c) Collection.--

(1) Late charges may be:

(i) collected when earned during the term of a contract for the sale of a motor vehicle; or

(ii) accumulated and collected at final maturity or at the time of final payment under a contract for the sale of a motor vehicle.

(2) A late charge may not be collected on a payment in default because of an acceleration provision in the contract.

§ 6246. Refund for prepayment of contract.

(a) Right to prepay unpaid time balance.--Notwithstanding the provisions of an installment sale contract, a buyer may prepay at any time all or part of the unpaid time balance under the contract.

(b) Rebate generally.--If the entire time balance is liquidated prior to maturity by prepayment, refinancing or

termination by surrender or repossession and resale of the motor vehicle, a holder of the contract for the sale of the motor vehicle shall immediately rebate to the buyer any unearned portion of the finance charge. The rebate may be made in cash or credited to the amount due on the obligation of the buyer.

(c) Rebate amount.--

(1) Subject to paragraph (2), the proportion of the unearned finance charge that shall be rebated to the buyer to the total finance charge shall be at least the proportion of the sum of the periodic time balances after the date of prepayment to the sum of all the periodic time balances under the schedule of payments in the original contract.

(2) The holder is not required to rebate:

(i) a portion of the unearned finance charge that results in a net minimum finance charge on the contract of less than $10; or

(ii) an unearned finance charge if the computed amount due is less than $1.

SUBCHAPTER E
REPOSSESSION

Sec.

6251. Repossession authorized.
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6255. Personal property in repossessed motor vehicle.
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6258. Reinstatement of contract after repossession.
6259. Redemption and termination of contract after repossession.
6260. Sale of motor vehicle after repossession.
6261. Deficiency judgment.
6262. Procedures for manufactured homes.

§ 6251. Repossession authorized.

(a) When repossession may occur.--An installment seller or a holder, who has lawfully acquired a motor vehicle installment sale contract, may retake possession of the motor vehicle if the buyer:

(1) is in default in the payment of an amount due under the contract; or

(2) has committed another breach of contract, which is by the contract specifically made a ground for retaking the motor vehicle.

(b) Legal process.--

(1) Unless the motor vehicle can be retaken without breach of the peace, it shall be retaken by legal process.

(2) This subchapter shall not be construed to authorize a violation of the criminal laws of this Commonwealth.

(c) Limitation.--Except as provided in this chapter, in a transaction involving a commercial purpose, the provisions of this chapter regarding repossession of a motor vehicle are

limited by the provisions of 13 Pa.C.S. Div. 9 (relating to secured transactions).

§ 6252. Who may repossess.

(a) With legal process.--Repossession of a motor vehicle when effected by legal process shall be made only by a duly constituted public official.

(b) Without legal process.--Repossession of a motor vehicle when effected otherwise than by legal process under subsection (a) shall be made only by the following:

(1) The holder.

(2) An official or full-time employee of the holder.

(3) A collector-repossessor licensed under this chapter.

(4) The person who originally sold the motor vehicle to the buyer under the installment sale contract.

(5) A licensed seller or sales finance company that is not regularly engaged in the business of repossessing motor vehicles but occasionally does so as an accommodation for another seller or sales finance company.

(6) An official or full-time employee of a licensed seller or sales finance company under paragraph (5).

§ 6253. Legal proceedings.

(a) When to commence action.--If repossession and sale of a motor vehicle subject to an installment sale contract or its collateral security is effected by legal process, the holder may commence legal proceedings immediately upon the buyer's default or breach of the contract.

(b) Rights and duties of buyer.--In a proceeding under subsection (a), the buyer shall receive notice, have the rights and be liable for the costs of suit and reasonable attorney fees as provided by the laws of this Commonwealth governing legal proceedings.

§ 6254. Notice of repossession.

(a) General rule.--If repossession of a motor vehicle subject to an installment sale contract is effected other than by legal process, the holder shall immediately furnish the buyer with a written notice of repossession.

(b) Delivery.--The notice of repossession shall be delivered in person or sent by registered or certified mail to the last known address of the buyer.

(c) Contents.--The notice of repossession shall contain the following:

(1) The buyer's right to reinstate the contract, if the holder extends the privilege of reinstatement and redemption of the motor vehicle.

(2) An itemized statement of the total amount required to redeem the motor vehicle by reinstatement or payment of the contract in full.

(3) Notice to the buyer of the holder's intent to resell the motor vehicle at the expiration of 15 days from the date of mailing the notice.

(4) The place where the motor vehicle is stored.

(5) The name and address of the person to whom the buyer shall make payment or on whom the buyer may serve notice.

(6) A statement that any personal property left in the repossessed vehicle will be held for 30 days from the date

of the mailing of the notice.

(7) The name and address of the person that the buyer may contact to receive a full statement of account as provided by section 6230 (relating to statement of account to buyer).

Cross References. Section 6254 is referred to in sections 6255, 6259 of this title.

§ 6255. Personal property in repossessed motor vehicle.

A buyer may reclaim personal property left in the repossessed motor vehicle within 30 days of the mailing of the notice under section 6254 (relating to notice of repossession). If personal property is left in the motor vehicle after the 30-day time period, the holder may dispose of the personal property in any manner that it chooses.

§ 6256. Buyer's liability for costs.

If repossession of a motor vehicle subject to an installment sale contract is effected other than by legal process, the buyer shall be liable for costs incurred by the holder in retaking, storing and repairing the motor vehicle only if:

(1) The default exceeds 15 days at the time of repossession.

(2) The costs are actual, necessary and reasonable, excluding repossession costs for services by an individual who is a regular full-time employee of the holder.

(3) The costs are supported by receipts or other satisfactory evidence of payment.

(4) The records of the holder show detailed information as to the nature and amount of each cost, the date of payment and the recipient of the payment.

Cross References. Section 6256 is referred to in sections 6203, 6258, 6259, 6261 of this title.

§ 6257. Notice to police.

The repossessor of a motor vehicle shall give notice within 24 hours after the repossession to:

(1) the local municipal police department having jurisdiction of the area where the motor vehicle was located at the time of repossession; or

(2) the Pennsylvania State Police, if no municipal police jurisdiction exists.

§ 6258. Reinstatement of contract after repossession.

(a) When reinstatement may occur.--If a motor vehicle subject to an installment sale contract has been repossessed by legal process or otherwise because of default or other breach of contract, the holder may reinstate the contract and return the motor vehicle to the buyer if the buyer:

(1) pays all past-due installments; or

(2) makes mutually satisfactory arrangements with the holder regarding the following:

(i) Accrued late charges.

(ii) Costs of suit under the contract and authorized by this chapter in repossession by legal process.

(iii) The costs of retaking, repairing and storing under section 6256 (relating to buyer's liability for

costs), if default at the time of repossession exceeds 15 days.

(b) Refinancing.--If an installment sale contract for a motor vehicle is reinstated after repossession, the holder may contemporaneously or subsequently enter into a contract with the buyer for refinancing the obligation as provided in this chapter.

§ 6259. Redemption and termination of contract after repossession.

(a) Retaining motor vehicle.--Unless the right of redemption is waived in a nonconsumer transaction under 13 Pa.C.S. § 9624(c) (relating to waiver), if repossession of a motor vehicle subject to an installment sale contract is effected within or outside this Commonwealth other than by legal process, the holder shall retain the repossessed motor vehicle for a period of 15 days after the mailing of the notice of repossession under section 6254 (relating to notice of repossession).

(b) Redemption.--During the 15-day period after the mailing of the notice of repossession, the buyer may redeem the motor vehicle and terminate the installment sale contract by payment or tender of payment to the holder of the following amounts:

(1) If default at the time of repossession is 15 days or less, the sum of the following, less rebate of any unearned finance charge and excluding the costs of retaking, repairing and storing under section 6256 (relating to buyer's liability for costs):

(i) The unpaid time balance.

(ii) Accrued late charges authorized by this chapter.

(iii) Any other amount lawfully due under the contract.

(2) If default at the time of repossession exceeds 15 days, the sum of the following, less rebate of any unearned finance charge:

(i) The unpaid time balance.

(ii) Accrued late charges authorized by this chapter.

(iii) The costs of retaking, repairing and storing under section 6256.

(iv) Any other amount lawfully due under the contract.

(c) Return of motor vehicle and collateral.--

(1) If the buyer redeems the motor vehicle and terminates the installment sale contract by payment or tender as provided in subsection (b), the holder shall return the motor vehicle and other collateral in a manner consistent with 13 Pa.C.S. § 9623 (relating to right to redeem collateral).

(2) Property is deemed to be returned in a manner in compliance with this chapter and 13 Pa.C.S. § 9623 by delivery to one of the following sites designated by the buyer:

(i) The county in this Commonwealth or within a comparable governmental unit outside this Commonwealth where repossession occurred.

(ii) The county in this Commonwealth where the buyer resides.

(iii) The county in this Commonwealth where the vehicle was purchased under the contract.

(3) Upon receipt of the funds necessary to redeem the motor vehicle as provided in subsection (b), the holder shall return the repossessed motor vehicle as soon as is reasonably possible, but not later than ten business days from the receipt of the funds.

§ 6260. Sale of motor vehicle after repossession.

(a) Forfeiture.--If the repossessed motor vehicle subject to an installment sale contract is not redeemed by the buyer either by termination or reinstatement of the contract within the 15-day notice of redemption period, the buyer shall forfeit all claim to the motor vehicle and collateral security.

(b) Deficiency.--If the buyer does not redeem the repossessed motor vehicle within the 15-day notice of redemption period, the installment seller or holder may not bring an action or proceeding against the buyer for a deficiency under section 6261 (relating to deficiency judgment) unless there has been a public or private sale of the repossessed motor vehicle and collateral security.

(c) Motor vehicle title.--At the sale of a repossessed motor vehicle to a purchaser, the installment seller or holder shall provide to the purchaser the title to the vehicle and all necessary documents to effect the transfer of the motor vehicle.

Cross References. Section 6260 is referred to in section 6261 of this title.

§ 6261. Deficiency judgment.

(a) General rule.--If the proceeds of a resale under section 6260 (relating to sale of motor vehicle after repossession) are not sufficient to defray the expenses regarding the repossessed motor vehicle, including the costs under section 6256 (relating to buyer's liability for costs), the net balance due on the installment sale contract and the amount of accrued late charges authorized by this chapter, the installment seller or holder may recover the deficiency from the buyer or from any person who has succeeded to the obligations of the buyer.

(b) Reasonable value.--

(1) The reasonable value of the motor vehicle at the time of resale shall be determined in an action or a proceeding brought by:

(i) the installment seller or holder to recover the deficiency; or

(ii) the buyer.

(2) The resale price of the motor vehicle is prima facie, but not conclusive, evidence of the reasonable value of the motor vehicle.

(3) The determined reasonable value or the resale price of the motor vehicle, whichever is higher, shall be credited against the buyer's indebtedness.

(c) Reasonable costs.--In an action or a proceeding for a deficiency, the buyer may have the reasonableness of the costs incurred determined under section 6256.

(d) Deficiency notice.--Within 30 days after the sale of a repossessed motor vehicle, the installment seller or holder shall deliver in person or send by registered or certified mail to the last known address of the buyer a deficiency notice containing the following:

(1) The sale price of the repossessed motor vehicle.

(2) The itemized costs associated with the repossession and sale of the repossessed motor vehicle.

(3) The amount of the deficiency owed by the buyer.

(e) Nonapplicability.--Subsections (b)(1)(ii) and (d) shall not apply to a deficiency on a resale that was held prior to the effective date of this section.

Cross References. Section 6261 is referred to in section 6260 of this title.

§ 6262. Procedures for manufactured homes.

(a) Notice.--

(1) A holder of an installment sale contract for a manufactured home shall give the buyer notice under this subsection before the holder takes any of the following actions:

(i) Accelerates the maturity of the installment sale contract for the manufactured home.

(ii) Commences a legal action to recover under the contract.

(iii) Takes possession of any collateral of the buyer for the obligation.

(2) Notice of the intention to take an action under paragraph (1) shall be in writing and:

(i) Sent to the buyer at least 30 days in advance of the action by registered or certified mail at the address where the manufactured home is located.

(ii) Clearly and conspicuously state the following:

(A) The particular obligation or security interest.

(B) The nature of the default claimed.

(C) The right of the buyer to cure the default as provided in this section and exactly what performance, including the sum of money, that must be tendered to cure the default.

(D) The right of the buyer to cure the default at any time before title to the manufactured home is lawfully transferred from the buyer, which shall be at least 45 days after receipt of the notice.

(E) The method by which the buyer's ownership or possession of the manufactured home may be terminated.

(3) Notice under this subsection shall not be required if the buyer has abandoned or voluntarily surrendered the property that is the subject of the contract.

(b) Cure of default.--

(1) Notwithstanding any other provision of law, the buyer of a manufactured home under an installment sale contract or another person on the buyer's behalf may cure the buyer's default and prevent the sale or other disposition of the manufactured home and avoid acceleration:

(i) After the notice under subsection (a) has been given.

(ii) At any time before title to the manufactured home is lawfully transferred from the buyer, which shall be at least 45 days after the buyer's receipt of the notice.

(iii) Not more than three times in a calendar year.

(iv) By tendering the amount or performance specified in this section.

(2) To cure a default under this subsection, the buyer shall take the following actions:

(i) Pay by cash, cashier's check or certified check all sums which would have been due at the time of payment, in the absence of default or exercise of an acceleration clause.

(ii) Perform any other obligation which the buyer would have been bound to perform, in the absence of default or exercise of an acceleration clause.

(iii) Pay reasonable fees allowed under subsection (d) and reasonable costs of proceeding to commence legal action as specified in writing by the holder and actually incurred to the date of payment.

(iv) Pay a reasonable late penalty, if provided for in the contract.

(v) Pay the costs that are reasonable and actually incurred by the holder for detaching and transporting the manufactured home to the site of the sale.

(3) The cure of a default under this subsection shall restore the buyer to the same position as if the default had not occurred.

(c) Prepayment.--An obligation under an installment sale contract for a manufactured home may be prepaid without penalty or other charge for prepayment at any time before the end of the period of the loan.

(d) Attorney fees.--A holder of an installment sale contract for a manufactured home may not contract for or receive attorney fees from the buyer except as follows:

(1) Upon commencement of legal action regarding the contract, attorney fees that are reasonable and actually incurred by the holder may be charged to the buyer.

(2) Prior to commencement of legal action regarding the contract, attorney fees may be charged if they are:

(i) Reasonable and actually incurred.

(ii) Not in excess of $150.

(iii) Incurred after the 30-day notice period under subsection (a).

(e) Waiver prohibited.--Notwithstanding any other provision of law, a person may not waive the provisions of this section by an oral or written agreement.

(f) Applicability.--Notwithstanding this section, the act of November 24, 1976 (P.L.1176, No.261), known as the Manufactured Home Community Rights Act, shall govern procedures regarding abandoned manufactured homes.

SUBCHAPTER F
PENALTIES AND LIABILITY

Sec.

6271. Operating without license.
6272. Violation of chapter provisions.
6273. Use of unlicensed collector-repossessor.
6274. Civil penalty by department.
6275. Liability of sales finance company.

§ 6271. Operating without license.

(a) Prohibition; penalty.--An entity or individual under subsection (b) engaging in business in this Commonwealth as an installment seller, sales finance company or collector-repossessor without having obtained a license under this chapter commits a violation of this chapter and shall, upon conviction, be sentenced at the discretion of the court to either or both of the following:

(1) Pay a fine of not less than $2,000 nor more than $10,000.

(2) Imprisonment for not more than three years.

(b) Applicability.--Subsection (a) applies to the following:

(1) A person, partnership, association, business corporation, financial institution, nonprofit corporation, common law trust, joint stock company or any other group of individuals, however organized.

(2) An owner, partner, member, officer, director, trustee, employee, agent, broker or representative of an entity under paragraph (1).

Cross References. Section 6271 is referred to in section 6217 of this title.

§ 6272. Violation of chapter provisions.

A licensee or an owner, partner, member, officer, director, trustee, employee, agent, broker or representative of the licensee who violates a provision of this chapter or directs a violation of this chapter commits a violation of this chapter and shall, upon conviction, be sentenced at the discretion of the court to the following:

(1) Pay a fine of not more than $2,000 for the first offense.

(2) For each subsequent offense, to either or both of the following:

(i) Pay a fine of not more than $2,000.

(ii) Imprisonment for not more than one year.

§ 6273. Use of unlicensed collector-repossessor.

A licensed seller or sales finance company acting as holder of a motor vehicle installment sale contract who hires, authorizes or permits an unlicensed collector-repossessor, as defined in this chapter, to collect payments on the contract or repossess a motor vehicle sold under the contract within this Commonwealth commits a violation of this chapter and shall, upon conviction, be sentenced at the discretion of the court to the following:

(1) Pay a fine of not more than $2,000 for the first offense.

(2) For each subsequent offense, to either or both of the following:

(i) Pay a fine of not more than $2,000.

(ii) Imprisonment for not more than one year.

§ 6274. Civil penalty by department.

A person required to be licensed under this chapter that violates this chapter, directs a violation of this chapter or engages in an activity for which a license could be suspended or revoked under section 6218 (relating to revocation or suspension of license) shall be subject to a civil penalty levied by the department of not more than $2,000 for each offense.

Cross References. Section 6274 is referred to in section 6205 of this title.

§ 6275. Liability of sales finance company.

(a) Exemption from liability.--A sales finance company licensed under this chapter and engaged in the purchase, sale, assignment, securitization or servicing of installment sale contracts may not be held liable under this chapter for either of the following:

(1) Excessive markups of charges by installment sellers.

(2) A failure to disclose under section 6221(e) (relating to requirements).

(b) Federal status preserved.--This section does not affect the liability of a sales finance company that is a holder under the Federal Trade Commission Act (38 Stat. 717, 15 U.S.C. § 41 et seq.).

PART II
TITLE, REGISTRATION AND LICENSING

Chapter

11. Certificate of Title and Security Interests
13. Registration of Vehicles
15. Licensing of Drivers
16. Commercial Drivers
17. Financial Responsibility
18. Motor Vehicle Insurance Fraud
19. Fees
20. Motor Vehicle Insurance Rate Review Procedures
21. Motor Carriers Road Tax Identification Markers
23. Motor Vehicle Transaction Recovery Fund

Enactment. Part II was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

CHAPTER 11
CERTIFICATE OF TITLE AND SECURITY INTERESTS

Subchapter

A. Certificate of Title
B. Security Interests
C. Electronic Titling Program
D. Salvage Vehicles, Theft Vehicles, Reconstructed Vehicles and Flood Vehicles

Enactment. Chapter 11 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Cross References. Chapter 11 is referred to in sections 1301, 1373 of this title.

SUBCHAPTER A
CERTIFICATE OF TITLE

Sec.

1101. Certificate of title required.
1102. Vehicles not requiring certificate of title.
1103. Application for certificate of title (Repealed).
1103.1. Application for certificate of title.
1104. Examination of records upon receipt of application.
1105. Issuance of certificate of title.
1106. Content and effect of certificate of title.
1107. Delivery of certificate of title.
1108. Registration without certificate of title.
1109. Refusing issuance of certificate.
1110. Duplicate certificate of title to replace original.
1111. Transfer of ownership of vehicle.
1111.1. Transfer of ownership of vehicles used for human habitation.

1112. Disclosure of odometer reading and tampering with odometer (Repealed).
1113. Transfer to or from manufacturer or dealer.
1114. Transfer of vehicle by operation of law.
1115. Correction of certificate of title.
1116. Issuance of new certificate following transfer.
1117. Vehicle destroyed, dismantled, salvaged or recycled (Repealed).
1118. Suspension and cancellation of certificate of title.
1119. Application for certificate of title by agent.

§ 1101. Certificate of title required.

(a) General rule.--Except as provided in section 1102 (relating to vehicles not requiring certificate of title), every owner of a vehicle which is in this Commonwealth and for which no certificate of title has been issued by the department shall make application to the department for a certificate of title of the vehicle.

(b) Registration without certificate prohibited.--The department shall not register or renew the registration of a vehicle unless a certificate of title has been issued by the department to the owner or an application for a certificate of title has been delivered by the owner to the department.

(c) Penalty.--Failure to obtain a certificate of title as required by law is a summary offense.

§ 1102. Vehicles not requiring certificate of title.

No certificate of title is required for:

(1) A vehicle owned by the United States unless it is registered in this Commonwealth.

(2) A golf cart, motor-driven cycle, go-cart or other similar vehicle unless it is registered in this Commonwealth.

(3) A new vehicle owned by a manufacturer or registered dealer before and until sale.

(4) A vehicle owned by a nonresident of this Commonwealth and not required by law to be registered in this Commonwealth.

(5) A vehicle owned by a resident legally required to be registered in another state, based and used principally outside of this Commonwealth, and not required by law to be registered in this Commonwealth.

(6) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state.

(7) A vehicle moved solely by human or animal power.

(8) An implement of husbandry unless required to be registered.

(9) Special mobile equipment unless required to be registered.

(10) A multipurpose agricultural vehicle.

(11) A tow dolly.

(12) An electric personal assistive mobility device.

(Mar. 7, 1982, P.L.152, No.49, eff. imd.; July 11, 1985, P.L.220, No.56, eff. 60 days; Aug. 5, 1991, P.L.238, No.26, eff. imd.; July 4, 2002, P.L.692, No.105, eff. 60 days)

2002 Amendment. Act 105 added par. (12).
1991 Amendment. Act 26 added par. (11).
1985 Amendment. Act 56 added par. (10).

1982 Amendment. Act 49 amended the intro. par. and deleted par. (10).

Cross References. Section 1102 is referred to in section 1101 of this title.

§ 1103. Application for certificate of title (Repealed).

1990 Repeal. Section 1103 was repealed June 30, 1990, P.L.266, No.63, effective immediately, and July 10, 1990, P.L.356, No.83, effective immediately.

§ 1103.1. Application for certificate of title.

(a) Contents of application.--Application for a certificate of title shall be made upon a form prescribed and furnished by the department and shall contain a full description of the vehicle, the vehicle identification number, odometer reading, date of purchase, the actual or bona fide name and address of the owner, a statement of the title of applicant, together with any other information or documents the department requires to identify the vehicle and to enable the department to determine whether the owner is entitled to a certificate of title, and the description of any security interests in the vehicle. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality) may use a substitute address designated by the Office of Victim Advocate as their address.

(b) Signing and filing of application.--Application for a certificate of title shall be made within 20 days of the sale or transfer of a vehicle or its entry into this Commonwealth from another jurisdiction, whichever is later. The application shall be accompanied by the fee prescribed in this title and any tax payable by the applicant under the laws of this Commonwealth in connection with the acquisition or use of a vehicle or evidence to show that the tax has been collected. The application shall be signed and verified by oath or affirmation by the applicant if a natural person; in the case of an association or partnership, by a member or a partner; and in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application.

(c) Manufacturer's Statement of Origin for new vehicles.--If the application refers to a new vehicle, it shall be accompanied by the Manufacturer's Statement of Origin for the vehicle.

(d) Vehicles purchased from dealers.--If the application refers to a vehicle purchased from a dealer, the dealer shall mail or deliver the application to the department within 20 days of the date of purchase. The application shall contain the names and addresses of any lienholders in order of priority and the amounts and the dates of the security agreements and be assigned by the dealer to the owner and signed by the owner. Any dealer violating this subsection is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $50 for each violation. The requirement that the dealer mail or deliver the application to the department does not apply to vehicles purchased by fleet owners or governmental or quasi-governmental agencies.

(d.1) Presumption of receipt and grace period prior to prosecution.--Within one business day of receiving an application referring to a vehicle purchased from a dealer, the department shall stamp the application with a work identification number, which shall include the year and day that the application was

received at the department. In determining whether a dealer has submitted an application in accordance with subsection (d), an additional ten-day period shall be calculated and allotted to the dealer to account for any possible delay of the mail or by the department in timely stamping an application as to the year and day received. No issuing authority or court shall extend this period. An application, or copy thereof certified by the department, which displays the stamped work identification document number shall be accepted by any issuing authority or court in any proceeding as prima facie evidence of the date that the application was received by the department. If the displayed stamp is not legible, a certification by the department of the date that the application was received shall be accepted by the issuing authority or court as prima facie evidence of that date.

(e) Out-of-State vehicles.--If the application refers to a vehicle last previously titled or registered in another state or country, the following information shall be contained in or accompany the application or be forwarded in support of the application as required by the department:

(1) Any certificate of title issued by the other state or country.

(2) A tracing of the vehicle identification number taken from the official number plate or, where it is impossible to secure a legible tracing, verification that the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application. The department shall provide by regulation the persons who are authorized to verify vehicle identification numbers under this paragraph.

(3) Any other information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in the vehicle.

(f) Foreign vehicles owned by military personnel.--If the application refers to a vehicle last previously registered in another country by a person on active duty in the armed forces of the United States, the department may accept a complete form issued by the United States Department of Defense as evidence of ownership.

(g) Specially constructed, reconstructed or modified vehicles.--If the vehicle to be titled is a specially constructed, reconstructed or modified vehicle, that fact shall be stated in the application. The department may promulgate rules and regulations pertaining to the titling of specially constructed, reconstructed or modified vehicles.

(g.1) Verification.--In lieu of notarization of any document required to be submitted with the application for certificate of title, the department shall accept the verification of a person's signature by a wholesale vehicle auction licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons or its employee, or an issuing agent who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee. The name and identification number and the signature of the issuing agent or wholesale vehicle auction or respective employee shall be written in the space reserved for a notarization or verification. If an issuing agent or wholesale vehicle auction or respective employee falsely

verifies a person's signature, the department shall suspend the issuing agent's or wholesale vehicle auction's authority to issue temporary registration plates and cards for not less than 30 days. When verification is used in lieu of notarization, the issuing agent or its employee shall verify a person's identity by using at least one form of government-issued photo identification. A copy of the form of identification used shall be maintained by the issuing agent for a period of three years from the date of the verification.

(h) Penalties.--Any person who falsely verifies a signature under subsection (g.1) or a vehicle identification number under subsection (e)(2) or who verifies a vehicle identification number without being authorized as provided in subsection (e)(2) commits a summary offense punishable by a fine of $300.

(June 30, 1990, P.L.266, No.63, eff. imd.; July 10, 1990, P.L.356, No.83, eff. imd.; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Nov. 30, 2004, P.L.1474, No.188, eff. 180 days; July 14, 2005, P.L.285, No.50, eff. 60 days)

2005 Amendment. Act 50 amended subsec. (g.1).

2004 Amendment. Act 188 amended subsec. (a).

2002 Amendment. Act 152 amended subsecs. (g) and (g.1).

1998 Amendment. Act 151 amended subsec. (h) and added subsec. (g.1).

1994 Amendment. Act 115 added subsec. (d.1).

1990 Amendments. Acts 63 and 83 added section 1103.1. The amendments by Acts 63 and 83 are identical except for a reference by Act 83 in subsecs. (b) and (d) to "20 days" which has been given effect in setting forth the text of section 1103.1.

Cross References. Section 1103.1 is referred to in sections 1111, 6308 of this title.

§ 1104. Examination of records upon receipt of application.

The department, upon receiving an application for a certificate of title, shall check the vehicle identification number shown in the application against the records of vehicles required to be maintained under section 1105 (relating to issuance of certificate of title) and against the record of stolen vehicles required to be maintained under section 7114 (relating to records of stolen vehicles). If the record indicates that the vehicle is stolen, the application and accompanying documents may be retained by the department pending investigation.

§ 1105. Issuance of certificate of title.

(a) General rule.--The department shall file each application received and, when satisfied as to the genuineness and regularity of the application and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title for the vehicle. The department shall use reasonable diligence in ascertaining whether or not the facts stated in the application are true.

(b) Maintenance of records.--The department shall maintain a record of all certificates of title issued by the department as follows:

(1) Under a distinctive title number assigned to the vehicle.

(2) Under the vehicle identification number.

(3) Alphabetically, under the name of the owner.

(4) In the discretion of the department, by any other method determined by the department.

(c) Title transfer odometer readings.--The department shall compare the odometer reading of the vehicle each time a certificate of title is transferred and ascertain the reported mileage against the most recent previously reported mileage for the vehicle.

(June 14, 1983, P.L.16, No.8, eff. 60 days)

1983 Amendment. Act 8 added subsec. (c).

Cross References. Section 1105 is referred to in section 1104 of this title.

§ 1106. Content and effect of certificate of title.

(a) Vehicle identification and encumbrances.--A certificate of title shall contain such description and other evidence of identification of the vehicle for which it is issued as the department may deem necessary and the odometer reading, together with a statement of any liens or encumbrances, including the names of the holder or holders of the liens or encumbrances and any indication of special use or condition set forth under subsection (b).

(b) Indication of special use or condition.--No person shall assign a certificate of title to any vehicle unless the certificate clearly contains notice of the use or condition if the vehicle is or has been:

(1) used as a police car;

(2) used as a taxicab for the transport of passengers, for hire, having a seating capacity of nine or fewer passengers;

(3) an abandoned vehicle;

(4) a flood vehicle;

(5) a modified vehicle;

(6) a reconstructed vehicle;

(7) a specially constructed vehicle;

(8) a recovered theft vehicle or a theft vehicle if required to be retitled under section 1164 (relating to theft vehicles);

(9) a vehicle originally manufactured for intended distribution outside the United States;

(10) bearing a VIN plate differing from its original;

(11) a motor vehicle returned to a vehicle dealer or manufacturer pursuant to the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law; or

(12) a highly automated vehicle.

Indication of the use or condition shall be deemed part of the description of the vehicle. Any person violating this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $200.

Indication of the use or condition shall be deemed part of the description of the vehicle. Any person violating this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $200.

(c) Certificate as evidence and notice.--A certificate of title issued by the department is prima facie evidence of the facts appearing on the certificate. The certificate shall be adequate notice to the Commonwealth, creditors, subsequent lienholders and purchasers that a lien against the vehicle exists.

The printed name of the secretary shall constitute a signature on the certificate.
(June 14, 1983, P.L.16, No.8, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; June 28, 2018, P.L.498, No.74, eff. 180 days; Nov. 3, 2022, P.L.1946, No.130, eff. one year)

2022 Amendment. Act 130 amended subsec. (b)(10) and (11) and added subsec. (b)(12).
2018 Amendment. Act 74 amended subsec. (b).
2002 Amendment. Act 152 amended subsecs. (a) and (b).
1992 Amendment. Act 174 amended subsec. (c).
Cross References. Section 1106 is referred to in section 8508 of this title.

§ 1107. Delivery of certificate of title.

The certificate of title shall be mailed to the first lienholder or encumbrancer named in the certificate or, if there is no lienholder or encumbrancer, the title shall be mailed or delivered to the owner in accordance with the department regulations.

§ 1108. Registration without certificate of title.

If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in the vehicle, the department may register the vehicle but shall withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the ownership by the applicant of the vehicle and that there are no undisclosed security interests in the vehicle.

§ 1109. Refusing issuance of certificate.

The department may refuse issuance of a certificate of title or certificate of salvage when it has reasonable grounds to believe:

(1) That any required fee has not been paid.

(2) That any taxes payable under the laws of this Commonwealth on or in connection with, or resulting from, the acquisition or use of the vehicle have not been paid.

(3) That the applicant is not the owner of the vehicle.

(4) That the application contains a false or fraudulent statement.

(5) That the applicant has failed to furnish required information or documents or any additional information the department reasonably requires.

(6) That the vehicle is a nonrepairable vehicle.

(Dec. 9, 2002, P.L.1278, No.152)

2002 Amendment. Act 152 amended the entire section, effective immediately as to par. (6) and 60 days as to the remainder of the section.

§ 1110. Duplicate certificate of title to replace original.

(a) Application for duplicate.--In the event of a lost, destroyed, defaced, stolen or illegible certificate of title, application for a duplicate may be made by furnishing information satisfactory to the department upon a form prescribed and furnished by the department. The form shall be signed by the first lienholder or, if none, the owner or legal representative of the owner, verified by oath or affirmation of the applicant, accompanied by the fee provided in this title.

(b) Status of original and duplicate.--If the original certificate of title is found after the duplicate is issued, the original title shall be returned to the department with an explanation. Only the duplicate title is valid once issued. Subsequent transfer of ownership can be made only on the duplicate.

§ 1111. Transfer of ownership of vehicle.

(a) Duty of transferor.--In the event of the sale or transfer of the ownership of a vehicle within this Commonwealth, the owner shall execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes, sworn to before a notary public or other officer empowered to administer oaths or verified by a wholesale vehicle auction licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee, or an issuing agent who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee, and deliver the certificate to the transferee at the time of the delivery of the vehicle.

(a.1) Exception for dealers.--When a certificate of title for a vehicle acquired by a licensed dealer for the purpose of resale is encumbered by a lien or when there is a manufacturer's statement of origin for a new vehicle, delivery of the certificate of title or manufacturer's statement of origin by the dealer as a transferor at the time of delivery of the vehicle upon resale shall not be required if, prior to delivery of the vehicle, the dealer obtains the applicable powers of attorney to properly execute transfer of the title or manufacturer's statement of origin and the dealer requests and receives the departmental verification of any lienholders, ownership, odometer information and title brands, on titled vehicles, and any other information that the department deems necessary to be verified. Upon payment of the established fee, the department shall provide the dealer or authorized messenger service with verification of the required information. The department may supply the verified information by either written or electronic means. The application and a properly assigned certificate of title or manufacturer's statement of origin shall be delivered to the department within the time period prescribed by section 1103.1 (relating to application for certificate of title). If a dealer sells a vehicle after verification of the required information for a certificate of title encumbered by a lien, but fails to satisfy the lien or deliver an assignment and warranty of title to the dealer's transferee within 90 days of the date of purchase, and this failure is the result of an act or omission by the dealer, the dealer shall accept return of the vehicle from the transferee and shall refund the purchase price less actual depreciation of the vehicle while it was within the possession of the transferee. In refunding the purchase price, the price shall include the listed dollar value of any trade-in vehicle as stated in the sales transaction document in lieu of returning the transferee's trade-in vehicle.

(a.2) Exception for sales at licensed wholesale auctions.--In the event of the offering for sale or transfer of a vehicle between automobile dealers licensed by this Commonwealth or another state at a wholesale vehicle auction which is licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons

as a wholesale vehicle auction, the licensed dealer need not execute an assignment and warranty of title to the transferee at the time of the offering of the vehicle for sale if, prior to the offering of the sale of the vehicle, it is noted that the title is not present. The transferor shall deliver a properly assigned and warranted title to that transferee within ten days of the date that the vehicle was offered for sale, and the sale shall not be consummated until the transferor has delivered the title to the transferee.

(b) Duty of transferee.--Except as otherwise provided in section 1113 (relating to transfer to or from manufacturer or dealer), the transferee shall, within 20 days of the assignment or reassignment of the certificate of title, apply for a new title by presenting to the department the properly completed certificate of title, sworn to before a notary public or other officer empowered to administer oaths or verified before an issuing agent, who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee, and accompanied by such forms as the department may require.

(b.1) Transfers relating to the RESET program.--A motor vehicle transferred to the Commonwealth or a political subdivision for use in the RESET program administered under section 405.1 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, shall not be subject to sales or use tax under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, upon the removal of the vehicle from inventory by any:

(1) motor vehicle dealer, importer or wholesaler; or

(2) "broker," "dealer" or "distributor," as defined in section 2 of the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.

(c) Penalty.--Any person violating subsection (a) shall be guilty of a summary offense and shall, upon conviction, be sentenced:

(1) For a first offense, to pay a fine of $100.

(2) For a subsequent offense, to pay a fine of not less than $300 nor more than $1,000.

(July 10, 1984, P.L.679, No.146, eff. 60 days; Dec. 20, 1995, P.L.666, No.74; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 14, 2005, P.L.285, No.50, eff. 60 days; Oct. 24, 2012, P.L.1431, No.178, eff. 60 days)

2012 Amendment. Act 178 amended subsecs. (a.1) and (b).

2005 Amendment. Act 50 amended subsec. (a).

References in Text. The short title of the act of June 13, 1967, P.L.31, No.21, known as the Public Welfare Code, referred to in subsection (b.1), was amended by the act of December 28, 2015, P.L.500, No.92. The amended short title is now the Human Services Code.

Cross References. Section 1111 is referred to in sections 1113, 1161, 6308 of this title.

§ 1111.1. Transfer of ownership of vehicles used for human habitation.

(a) Tax status certification.--If a mobile home or manufactured home that has been anchored to the ground to facilitate connections with electricity, water and sewerage, and previously titled in this Commonwealth to a person using the

mobile home or manufactured home as a residence in this Commonwealth immediately preceding its sale or transfer, is offered for sale or transfer, the transferor shall obtain a tax status certification from the tax claim bureau of the county in which the mobile home or manufactured home is situated showing the county, municipal and school district real estate taxes due on the mobile home or manufactured home, as shown by the bureau's records as of the date of the certification, including any delinquent taxes turned over to a third party for collection. The tax status certification shall be provided to the transferee and the department in conjunction with the transfer of the mobile home or manufactured home and shall include the following:

(1) The parcel number assigned to the vehicle.

(2) The amount of current or delinquent taxes owed from the parcel number.

(3) The date upon which a tax for the parcel number will accrue and the taxing period that the tax will cover.

(4) The addresses and telephone numbers of the tax collection authority and tax claim bureau or equivalent office.

(b) Certification obtained by third party.--The transferor may request a notary public or other officer empowered to administer oaths or a vehicle dealer or its employee licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons and authorized by the department to complete certificate of title transfer paperwork to obtain the tax status certification on his behalf. The person or entity obtaining the tax status certification on behalf of the transferor may recoup the fee paid for each certification from the transferor and is not liable to the transferor, transferee or the tax claim bureau or equivalent office of the county in which a mobile home or manufactured home is situated for an error or omission on the tax status certification or for payment of a tax due.

(c) Real estate taxes due.--If taxes are due from the mobile home or manufactured home, the transferor shall pay the delinquent real estate taxes in full or cause the taxes to be paid in full and an updated tax status certification must be obtained and provided to the transferee and the department before the transfer is completed. Payment of delinquent real estate taxes shall be made in accordance with section 204 of the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law.

(d) Tax liability.--If any tax status certification incorrectly indicates that a tax has been paid or that less than the true and correct amount is owed and a transferor, transferee or third party securing the certification acts in reliance upon such representations, the transferor, transferee or third party shall not be liable for the amount of the error. If a tax certification is requested in connection with a particular transfer or sale of a mobile home or manufactured home, the parties to the transaction shall be presumed to have acted in reliance upon the representations in the certification.

(e) Issuance of certification.--Notwithstanding any other provision of law and regardless of the timing of a tax due to accrue to the mobile home or manufactured home, the tax claim bureau or an equivalent office shall issue a tax status certification as provided in this section upon request by the transferor or transferor's agent.

(Apr. 18, 2014, P.L.430, No.36, eff. 60 days; June 30, 2014, P.L.814, No.85, eff. 60 days; Oct. 19, 2018, P.L.544, No.81, eff. 60 days)

2018 Amendment. Act 81 amended subsec. (a).

2014 Amendments. Act 36 added section 1111.1 and Act 85 amended subsec. (a).

§ 1112. Disclosure of odometer reading and tampering with odometer (Repealed).

1983 Repeal. Section 1112 was repealed June 14, 1983, P.L.16, No.8, effective in 60 days. The subject matter is now contained in Subchapter D of Chapter 71 of this title.

§ 1113. Transfer to or from manufacturer or dealer.

(a) Transfer to manufacturer or dealer.--When the purchaser or transferee of a vehicle is a manufacturer or registered dealer who holds the vehicle for resale, a certificate of title need not be applied for as provided for in section 1111 (relating to transfer of ownership of vehicle), but the transferee shall, within seven days from the date of assignment of the certificate of title to the manufacturer or dealer, forward to the department, upon a form prescribed and furnished by the department, notification of the acquisition of the vehicle. Notification in lieu of applying for a certificate of title as authorized in this section may not be used in excess of three consecutive transactions after which time an application shall be made for a certificate of title. Notwithstanding the foregoing, a transferee of a motor vehicle shall apply for a certificate of title no later than six months from the date of the assignment.

(b) Execution and display of notice of transfer.--The manufacturer or dealer making notification as to any vehicle acquired pursuant to subsection (a) shall execute at least two copies, the original of which shall be forwarded to the department, and one copy shall be retained by the manufacturer or dealer for at least one year after a subsequent transfer, to be exhibited, with a copy of the assigned certificate of title, upon request of any police officer or authorized department employee.

(c) Transfer from manufacturer or dealer.--Except as otherwise provided in this section when the transferee is another manufacturer or dealer:

(1) The manufacturer or dealer, upon transferring their interest in the vehicle, shall execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes.

(2) The transferee shall complete the application for certificate of title in the name of the transferee.

(3) The manufacturer or dealer shall forward the certificate of title and any other required forms to the department within 20 days of the transfer.

(d) Exception for repossessed vehicles.--This section does not apply to a vehicle repossessed upon default of performance of a lease, contract of conditional sale or similar agreement.

(e) Penalty.--Any manufacturer or dealer violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $50 for each violation.

(July 10, 1984, P.L.679, No.146, eff. 60 days; July 10, 1990, P.L.356, No.83, eff. 30 days; Aug. 5, 1991, P.L.238, No.26, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsecs. (a), (b) and (c).

Cross References. Section 1113 is referred to in sections 1111, 1952, 6308, 7134 of this title.

§ 1114. Transfer of vehicle by operation of law.

(a) General rule.--If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as otherwise provided, promptly mail or deliver to the department the last certificate of title, if available, and shall apply for a new certificate of title on a form prescribed and furnished by the department. The application shall be accompanied by such instruments or documents of authority, or certified copies thereof, as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.

(b) Transfer to surviving spouse.--Transfer of a certificate of title to a surviving spouse, or any person designated by the spouse, may be made without the necessity of filing for letters of administration notwithstanding the fact that there are minor children surviving the decedent provided the surviving spouse files an affidavit that all the debts of the decedent have been paid.

(c) Surrender of certificate.--A person holding a certificate of title whose interest in a vehicle has been extinguished or transferred other than by voluntary transfer shall immediately surrender the certificate of title to the person to whom the right to possession of the vehicle has passed. Upon request of the department, such person shall mail or deliver the certificate to the department. Delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate.

Saved from Suspension. Pennsylvania Rule of Civil Procedure for District Justices No. 482(10), as amended April 25, 1979, provided that section 1114 shall not be deemed suspended or affected. Rules 401 through 482 relate to execution of judgments for the payment of money rendered by district justices. Act 207 of 2004 changed justices of the peace to magisterial district judges. Rule 482 can now be found in Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.

Pennsylvania Rule of Civil Procedure No. 3159(b)(11), adopted April 20, 1998, provided that section 1114 shall not be deemed suspended or affected by Rules 3101 through 3149 relating to enforcement of money judgments for the payment of money.

References in Text. Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Cross References. Section 1114 is referred to in sections 1902, 6308 of this title; section 367 of Title 15 (Corporations and Unincorporated Associations).

§ 1115. Correction of certificate of title.

(a) General rule.--When any certificate of title has been issued in error to a person not entitled to the certificate or

contains incorrect information or information has been omitted from the certificate, the department shall notify in writing the person to whom the certificate has been issued or delivered that the certificate has been recalled. Unless a departmental hearing is requested pursuant to subsection (a.1), such person shall immediately return the certificate of title within ten days, together with any other information necessary for the adjustment of departmental records, and, upon receipt of the certificate, the department shall cancel the certificate and issue a corrected certificate of title.

(a.1) Opportunity for hearing and appeal.--The department's notice of recall shall advise the person to whom the certificate has been issued that said person may request an informal departmental hearing within ten days of the date of said notice if said person wishes to contest the recall. If an informal departmental hearing is requested within ten days, said hearing shall be held within 15 days of said request. If, as a result of the hearing, the department determines that the recall was proper, the person to whom the certificate of title was issued or delivered shall return the certificate of title within ten days of the determination. Such person may appeal the informal departmental determination by requesting, within ten days of the date of the determination, a formal hearing as prescribed by departmental regulations (pertaining to administrative practice and procedure).

(b) Change in material information on certificate.--If any material information on the certificate of title is changed or different from the information originally set forth, the owner shall immediately inform the department and apply for a corrected certificate of title. For the purposes of this subsection, a change of address shall not be deemed material.

(b.1) Change in name on certificate.--Whenever there is a change of name because of marriage or divorce, the owner shall not be required to apply for a corrected certificate of title but shall, in such manner as the department shall prescribe, inform the department of the new name and of the title number of every vehicle titled in the owner's former name. Upon receipt of such information, the department shall correct the vehicle record of the owner to indicate the name change. The department shall not be required to produce a new certificate of title for a name change because of marriage or divorce, unless the owner submits an application for a new certificate of title. In the event that the owner submits an application for a new certificate of title, such owner shall be required to remit the fee set forth in section 1952 (relating to certificate of title) for the issuance of a certificate of title by the department.

(c) Seizure of certificate on conviction.--(Deleted by amendment).

(d) Issuance of corrected certificate after seizure or cancellation.--Upon failure of a person to return a certificate of title as required by the provisions of this section, the department may delegate authority to any department employee or police officer to seize the certificate of title. Upon failure of the department to receive, as required by this section, the certificate of title to which a person is not entitled or which contains incorrect or omitted information, the department may proceed to cancel the certificate of title issued in error and,

upon receipt of sufficient evidence that the vehicle is within the possession of the proper owner or lienholder, may issue to the proper owner or lienholder a correct certificate of title.

(e) Penalty.--Any person violating this section shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $100 nor more than $300. (July 2, 1993, P.L.408, No.58, eff. imd.; Feb. 10, 1994, P.L.10, No.2, eff. imd.; Dec. 20, 1995, P.L.669, No.75, eff. 120 days)

1995 Amendment. Act 75 added subsec. (b.1).

1994 Amendment. Act 2 amended subsec. (a).

§ 1116. Issuance of new certificate following transfer.

(a) Voluntary transfer.--The department, upon receipt of a properly assigned certificate of title with an application for a new certificate of title, the required fee and any other required documents and articles, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in the certificate or, if none, to the owner.

(b) Involuntary transfer.--The department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, on a form prescribed and furnished by the department together with proper proof satisfactory to the department of the transfer, the required fee and any other required documents and articles, shall issue a new certificate of title in the name of the transferee as owner.

(c) Filing and retention of surrendered certificate.--The department shall file and retain for five years every surrendered certificate of title, or a copy, in such a manner as to permit the tracing of title of the vehicle.

Saved from Suspension. Pennsylvania Rule of Civil Procedure for District Justices No. 482(10), as amended April 25, 1979, provided that section 1116(b) shall not be deemed suspended or affected. Rules 401 through 482 relate to execution of judgments for the payment of money rendered by district justices. Act 207 of 2004 changed justices of the peace to magisterial district judges. Rule 482 can now be found in the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.

Pennsylvania Rule of Civil Procedure No. 3159(b)(11), adopted April 20, 1998, provided that section 1116 shall not be deemed suspended or affected by Rules 3101 through 3149 relating to enforcement of money judgments for the payment of money.

References in Text. Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Cross References. Section 1116 is referred to in section 367 of Title 15 (Corporations and Unincorporated Associations).

§ 1117. Vehicle destroyed, dismantled, salvaged or recycled (Repealed).

2002 Repeal. Section 1117 was repealed December 9, 2002, P.L.1278, No.152, effective in 60 days.

§ 1118. Suspension and cancellation of certificate of title.

(a) Return of new vehicle.--The department may cancel the certificate of title issued for a new vehicle when it is shown by satisfactory evidence that the vehicle has been returned within

the time specified in the department regulations to the manufacturer or dealer from whom obtained.

(b) Vehicles sold to nonresidents or abandoned, nonrepairable or salvage.--The department may cancel certificates of title for vehicles sold to residents of other states or foreign countries when the vehicle is to be registered in the other jurisdiction or for an abandoned vehicle processed under this title or a nonrepairable or salvage vehicle.

(c) Surrender of Pennsylvania certificate in other jurisdiction.--The department, upon receipt of notification from another state or foreign country that a certificate of title issued by the department has been surrendered by the owner in conformity with the laws of the other state or foreign country, may cancel the certificate of title.

(d) Surrender of foreign certificate to department.--When an owner surrenders a certificate of title from another state or foreign country to the department, the department may notify the state or foreign country in order that the certificate of title may be cancelled or otherwise disposed of in accordance with the law of the other jurisdiction.

(e) Conviction for misstatement of facts.--The department, upon receipt of certification from the clerk of any court showing conviction for a misstatement of facts on any application for an original or duplicate certificate of title or any transfer of a certificate of title, shall suspend the certificate of title and require that the certificate be returned immediately to the department, whereupon the department may cancel the certificate.

(f) Nonpayment of fee.--The department may suspend a certificate of title when a check received in payment of the fee is not paid on demand or when the fee for the certificate is unpaid and owing.

(g) Security interest unaffected by suspension or cancellation.--Suspension or cancellation of a certificate of title does not, in itself, affect the validity of a security interest noted on the certificate.

(h) Surrender of certificate.--The department may request the return of certificates of title which have been suspended or cancelled. The owner or person in possession of the certification of title shall immediately mail or deliver the certificate to the department.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 amended subsec. (b).

§ 1119. Application for certificate of title by agent.

(a) Authorization to make application.--

(1) Except as provided in paragraph (2), no person shall make application for a certificate of title when acting for another person unless authorization to make the application is in effect and is verified by oath or affirmation of the other person, made not more than 90 days before the application is received by the department.

(2) The 90-day provision contained in paragraph (1) shall not apply to:

(i) Fleet owners who are lessees of vehicles.

(ii) A wholesale vehicle auction licensed pursuant to the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.

(iii) Blanket powers of attorney issued for general purposes not limited to the sale, purchase or transfer of vehicles.

(iv) If the 90th day occurs during a declaration by the Governor of disaster emergency under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor), a limited power of attorney may be used for the sale, purchase or transfer of manufactured homes during the period of the disaster emergency and for 10 days following the expiration of the disaster emergency.

(b) Certificate not to be assigned in blank.--No person shall make application for, or assign or physically possess, a certificate of title, or direct or allow another person in his employ or control to make application for, or assign or physically possess, a certificate of title, unless the name of the transferee is placed on the assignment of certificate of title simultaneously with the name of the transferor and duly notarized. Wholesale vehicle auctions and vehicle dealers licensed pursuant to the Board of Vehicles Act are exempt from the limitations of this subsection with respect to certificates of title for vehicles that are entrusted to the licensed wholesale vehicle auction for sale or transfer.

(c) Persons authorized to hold certificate.--

(1) No person shall receive, obtain or hold a certificate of title recorded in the name of another person for the other person who is not in the regular employ of, or not a member of the family of, the other person.

(2) The following persons are exempt from the limitations of paragraph (1):

(i) A lienholder who has a valid undischarged lien recorded in the department against the vehicle represented by the certificate of title.

(ii) A vehicle auction, licensed pursuant to the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, when offering vehicles for sale.

(iii) A vehicle dealer, licensed pursuant to the Board of Vehicles Act, offering a vehicle for sale pursuant to a written consignment agreement with the transferor.

(d) Penalty.--Any person violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $100.

(May 21, 1992, P.L.244, No.37, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; July 14, 2005, P.L.285, No.50, eff. 60 days; July 23, 2020, P.L.644, No.64, eff. imd.)

2020 Amendment. Act 64 added subsec. (a)(2)(iv).
2005 Amendment. Act 50 amended subsecs. (a) and (b).
1998 Amendment. Act 151 amended subsec. (c)(2)(ii) and (iii).
1996 Amendment. Act 115 amended subsec. (c).

Cross References. Section 1119 is referred to in section 6308 of this title; section 5601 of Title 20 (Decedents, Estates and Fiduciaries).

SUBCHAPTER B

SECURITY INTERESTS

Sec.
1131. Applicability of subchapter.
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1140. Cancellation of certificate of title or ownership for mobile home.

§ 1131. Applicability of subchapter.

This subchapter does not apply to or affect:

(1) A lien given by statute or rule of law to a supplier of services or materials for the vehicle.

(2) A lien given by statute to the United States, the Commonwealth or any political subdivision.

(3) A security interest in a vehicle which is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind.

(4) Any vehicle for which a certificate of title is not required under this chapter.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001)

2001 Amendment. Act 18 amended par. (3).

§ 1132. Perfection of security interest (Deleted by amendment).

2001 Amendment. Section 1132 was deleted by amendment June 8, 2001, P.L.123, No.18, effective July 1, 2001.

§ 1132.1. Perfection of a security interest in a vehicle.

(a) Perfection.--A security interest in a vehicle titled in this Commonwealth is perfected at the time the department receives all of the following:

(1) A completed application specifying the lienholder's name and address. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality) may use a substitute address designated by the Office of Victim Advocate as their address.

(2) An amount equal to or greater than the fee required by section 1953 (relating to security interest).

(3) The manufacturer's statement of origin or the existing certificate of title for the vehicle.

(b) Duty of a lienholder.--If an additional security interest in a vehicle titled in this Commonwealth is being created by the owner of the vehicle and the certificate of title is in the possession of a lienholder, the lienholder shall, at the request of the owner, deliver the certificate of title to the person perfecting the security interest in the vehicle. Upon receipt of the certificate of title, the person perfecting the security

interest in the vehicle shall deliver the certificate of title to the department in accordance with subsection (a).

(c) Work identification number.--Upon receipt of items required in subsection (a), the department shall assign or place a work identification number on each of the items. The first two numbers in the work identification number shall indicate the year in which the items were received. The next three numbers in the work identification number shall indicate the day of the year the items were received. The date indicated in the work identification number shall constitute conclusive evidence of the date of receipt and the date of perfection.

(d) Delivery of certificate of title.--Upon perfection of a security interest in a vehicle, the department shall issue a certificate of title with the names of the first two lienholders and indicate the number of additional lienholders existing at that time. The department shall mail the certificate of title to the first lienholder named in the certificate of title.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001; Nov. 30, 2004, P.L.1474, No.188, eff. 180 days)

2004 Amendment. Act 188 amended subsec. (a).

2001 Amendment. Act 18 added section 1132.1.

§ 1133. Creation of security interest for titled vehicle (Deleted by amendment).

2001 Amendment. Section 1133 was deleted by amendment June 8, 2001, P.L.123, No.18, effective July 1, 2001.

§ 1134. Assignment by lienholder of security interest.

(a) General rule.--A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity or perfection of the security interest but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder under this chapter until the assignee is named as lienholder on the certificate of title.

(b) Duty of assignee.--The assignee shall deliver to the department the certificate of title and an assignment by the lienholder named in the certificate of title on a form prescribed and furnished by the department and accompanied by the required fee. Failure of the assignee to make the delivery shall not affect the validity or perfection of the security interest.

(c) Division 9.--The provisions of this subchapter are subject to 13 Pa.C.S. § 9308(e) (relating to when security interest or agricultural lien is perfected; continuity of perfection).

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001)

§ 1135. Satisfaction of security interest.

(a) Absence of subsequent liens.--Where there are no subsequent liens upon a vehicle, the following rules apply upon the satisfaction of a security interest in the vehicle:

(1) The outstanding certificate of title shall be mailed or delivered immediately to the owner of the vehicle with proper evidence of satisfaction and release or the lienholder may apply for corrected title to be issued in the name of the owner.

(2) The owner may mail or deliver the certificate of title with proper evidence of satisfaction of the security interest to the department which shall issue a corrected certificate of title without a statement of liens or encumbrances. The corrected certificate of title may also be issued when the outstanding certificate of title cannot be returned and proper evidence is produced that all recorded security interests have been satisfied.

(b) Prior or subsequent liens.--Where there are subsequent liens upon a vehicle or the lien to be released is not a first lien, the following rules apply upon the satisfaction of a security interest in the vehicle:

(1) If the lienholder whose security interest is satisfied has possession of the certificate of title, the lienholder shall mail or deliver the certificate of title, immediately upon satisfaction, to the department with proper evidence of satisfaction and release of the security interest. A corrected certificate of title, containing a statement of the remaining security interests on record, shall be mailed by the department to the person holding the next lien upon the vehicle.

(2) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall, immediately upon satisfaction, mail or deliver to the owner proper evidence of the satisfaction and release of the security interest. Upon request of the owner and receipt of the release, the lienholder in possession of the certificate of title shall mail or deliver the certificate of title together with the release to the department. The department shall issue a corrected certificate of title which shall be mailed to the first lienholder.

(c) Penalties.--

(1) Any person failing to deliver upon demand a satisfied certificate of title as required by subsection (a)(1) is guilty of a summary offense and shall, upon conviction, for a first offense be sentenced to pay a fine of $50 and for a subsequent offense be sentenced to pay a fine of $100.

(2) Any person failing to return to the department a certificate of title where there are other liens, for correction and delivery, as required by subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $100.

(3) No person shall be deemed guilty of a violation of this section if the person delivers the certificate of title to the department within five days of the satisfaction of the lien.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001)

2001 Amendment. Act 18 amended subsec. (a)(2).

Cross References. Section 1135 is referred to in section 7508 of this title.

§ 1136. Duty of lienholder to disclose pertinent information.

A lienholder named in a certificate of title shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to the security agreement and the indebtedness secured by the agreement.

§ 1137. Subchapter exclusive for perfecting security interest.

The method provided in this subchapter for perfecting and giving notice of security interests is exclusive, except as otherwise provided in 13 Pa.C.S. §§ 9315 (relating to secured party's rights on disposition of collateral and in proceeds) and 9316(d) and (e) (relating to effect of change in governing law).
(June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 27, 2013, P.L.154, No.30, eff. July 1, 2013)

§ 1138. Duration of perfection.

(a) General rule.--Perfection of a security interest is effective for a period of 30 years in the case of a mobile home or emergency vehicle, 20 years for a motor home or recreational trailer, eight years in the case of a truck tractor or trailer weighing in excess of 10,000 pounds and six years in all other cases, in each case dating from the time of perfection as provided for in this subchapter and subject to renewal as provided in subsection (b).

(b) Renewal.--The effectiveness of perfection lapses on the expiration of the periods specified in subsection (a) unless a renewal form is filed within the six months immediately preceding expiration. Upon the timely filing of a renewal form, the effectiveness of perfection continues for a period of three years, commencing on the date on which perfection would have lapsed in the absence of the filing. Perfection may be renewed for as many three-year periods as may be necessary by the holder of the security interest upon a form furnished by the department, signed by the secured party and accompanied by the fee provided in this title.

(c) Corrected certificate when perfection expires.--A corrected certificate of title without a statement of liens or encumbrances shall be issued by the department, upon the request of the owner, when perfection of the security interests recorded on the certificate of title have expired.
(July 10, 1984, P.L.679, No.146, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 22, 2001, P.L.411, No.33, eff. 120 days; Dec. 20, 2015, P.L.489, No.86, eff. 180 days)

2015 Amendment. Act 86 amended subsec. (a).

2001 Amendments. Act 18 amended the entire section and Act 33 amended subsec. (a). Act 33 overlooked the amendment by Act 18, but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (a).

§ 1139. Terminal rental adjustment clauses.

Notwithstanding any other provision of law, a lease agreement which pertains to the commercial use of a motor vehicle or trailer and which includes a terminal rental adjustment clause does not create a sale or security interest merely because the terminal rental adjustment clause provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the actual value of the motor vehicle or trailer upon lease termination or sale or other disposition of the motor vehicle or trailer. Actual value shall be determined as agreed upon by the parties. This section is not applicable to a consumer lease agreement pertaining to a motor vehicle or trailer leased or used primarily for personal, family or household purposes.
(July 6, 1995, P.L.315, No.48, eff. 60 days)

1995 Amendment. Act 48 added section 1139.

§ 1140. Cancellation of certificate of title or ownership for mobile home.

(a) General rule.--The department may cancel a certificate of title for a mobile home affixed to real property. The person requesting the cancellation shall submit to the department an application for cancellation and the certificate of title. The application must be on a form prescribed by the department. Upon cancellation, the ownership interest in the mobile home, together with all liens and encumbrances thereon, shall be transferred to and shall encumber the real property to which the mobile home has become affixed.

(b) New certificate of title after cancellation.--If the department has previously canceled a certificate of title to a mobile home under subsection (a), the owner of the mobile home shall submit to the department all of the following:

(1) An application for a certificate of title on the forms prescribed by the department.

(2) A certificate from an attorney or title company that there are no mortgages, judgments or other liens of record against the mobile home or, if there is a lien, a certified copy of a release of lien executed by the lienholder and issued by the recorder of deeds or prothonotary, as appropriate.

(3) Such other information as the department shall require.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001)

2001 Amendment. Act 18 added section 1140.

SUBCHAPTER C
ELECTRONIC TITLING PROGRAM

Sec.

1151. Electronic media system for vehicle titles (Expired).
1151.1. Program.
1152. Development of pilot program (Expired).
1153. Administration of system.
1154. Expansion of pilot program (Expired).
1155. Certification.

Enactment. Subchapter C was added December 20, 1995, P.L.666, No.74, effective immediately.

Subchapter Heading. The heading of Subchapter C was amended December 21, 1998, P.L.1126, No.151, effective in 60 days.

§ 1151. Electronic media system for vehicle titles (Expired).

2007 Expiration. Section 1151 expired January 1, 2007. See Act 113 of 2006.

§ 1151.1. Program.

(a) General rule.--The department shall administer an electronic titling program that permits the recording of vehicle title information for new, transferred and corrected certificates of title through electronic media in a cost-effective manner in

lieu of the submission and maintenance of paper documents otherwise required by this chapter.

(b) Description.--The electronic titling program shall include, but not be limited to, methods by which vehicle title information, including the perfection, release and assignment of vehicle security interests, may be submitted through electronic media.

(c) Mandatory participation.--Except for individuals and lienholders who are not normally engaged in the business or practice of financing vehicles, lienholders shall participate in the electronic titling program.

(July 10, 2006, P.L.1086, No.113)

2006 Amendment. Act 113 added section 1151.1, effective in two years as to subsec. (c) and 60 days as to the remainder of the section.

§ 1152. Development of pilot program (Expired).

2007 Expiration. Section 1152 expired January 1, 2007. See Act 113 of 2006.

§ 1153. Administration of system.

To carry out its responsibilities under this subchapter, the department is authorized to contract with private industries for the purpose of administrating a system which will permit the electronic communication of title information and security interest notification. A third party operating a secured host computer system interfacing with the department's computer system and the computer system of a lending institution or other sales finance company shall be bonded in the amount specified by the department and shall maintain audit trails for a period of time specified by the department. The department is authorized to pay a reasonable fee to a third party to administer the system. Information received under this section by a third party shall remain confidential as specified by the department.

§ 1154. Expansion of pilot program (Expired).

2007 Expiration. Section 1154 expired January 1, 2007. See Act 113 of 2006.

§ 1155. Certification.

Notwithstanding any other provision of law, a written or printed report of an electronic transaction or recording permitted under this subchapter, if certified as true and correct by the department, shall serve as evidence of any signature, acknowledgment or information which was provided to or by the department through electronic means, and the certification shall be admissible in any legal proceeding as evidence of the facts stated therein.

SUBCHAPTER D
SALVAGE VEHICLES, THEFT VEHICLES, RECONSTRUCTED VEHICLES AND FLOOD VEHICLES

Sec.

1161. Certificate of salvage required.
1162. Transfer to vehicle salvage dealer.

1163. Transfer to scrap metal processor.
1164. Theft vehicles.
1165. Reconstructed vehicles.
1165.1. Inspection of reconstructed, modified and specially constructed vehicles.
1165.2. Specialized Vehicle Compliance Inspection Advisory Panel (Expired).
1166. Flood vehicles.
1167. Penalty.

Enactment. Subchapter D was added December 9, 2002, P.L.1278, No.152, effective in 60 days.

Cross References. Subchapter D is referred to in sections 4729, 7309 of this title.

§ 1161. Certificate of salvage required.

(a) General rule.--Except as provided in sections 1162 (relating to transfer to vehicle salvage dealer) and 1163 (relating to transfer to scrap metal processor), a person, including an insurer or self-insurer as defined in section 1702 (relating to definitions), who owns, possesses or transfers a vehicle located or registered in this Commonwealth which qualifies as a salvage vehicle shall make application to the department for a certificate of salvage for that vehicle.

(b) Application for certificate of salvage.--An owner who transfers a vehicle to be destroyed or dismantled, salvaged or recycled shall assign the certificate of title to the person to whom the vehicle is transferred. Except as provided in section 1163, the transferee shall immediately present the assigned certificate of title to the department or an authorized agent of the department with an application for a certificate of salvage upon a form furnished and prescribed by the department. An insurer as defined in section 1702 to which title to a vehicle is assigned upon payment to the insured or claimant of the replacement value of a vehicle shall be regarded as a transferee under this subsection, and an assignment of title to an insurer under this subsection is exempt from the requirements of notarization and verification in section 1111(a) (relating to transfer of ownership of vehicle). If an owner retains possession of a vehicle which is damaged to the extent that it qualifies for vehicle replacement payment, the owner shall apply for a certificate of salvage immediately. In this case, an insurer shall not pay vehicle replacement value until the owner produces evidence to the insurer that the certificate of salvage has been issued. A self-insurer as defined in section 1702 shall apply for a certificate of salvage when a vehicle is damaged to the extent that the cost of repairs would exceed the replacement value of the vehicle as certified by a licensed motor vehicle physical damage appraiser.

(c) Issuance and effect of certificate of salvage.--Upon proper application for a certificate of salvage, the department or agent of the department shall issue to the transferee a certificate of salvage which shall authorize the holder to possess or by endorsement transfer ownership of the salvage vehicle. A certificate of title or registration shall not again be issued or renewed for the vehicle except upon application containing the information the department requires, accompanied by any necessary documents required under section 1165 (relating to reconstructed vehicles).

(d) Out-of-State salvage vehicles.--The owner of a salvage vehicle possessing a valid certificate of title or certificate of salvage from a state or jurisdiction other than this Commonwealth does not need to apply for a certificate under subsection (a). If the owner wishes to transfer the salvage vehicle, the owner shall make application to the department and attach the out-of-State certificate of title or certificate of salvage along with any other information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in the vehicle. The person identified on the application must be located or the owner or lienholder must be domiciled in this Commonwealth to qualify for issuance of a certificate of salvage by the department.

(e) Certificate not to be assigned in blank.--No person shall make application for or assign or physically possess a certificate of salvage or direct or allow another person in his employ or control to make application for or assign or physically possess a certificate of salvage unless the name and address of the transferee is placed on the assignment of the certificate of salvage simultaneously with the name of the transferor.

(f) Repairs to personal vehicle.--Nothing herein shall require a vehicle owner to obtain a certificate of salvage to repair or replace parts or component parts which malfunction or wear out as a result of normal use and operation which has occurred after the vehicle was transferred to the owner.

(Oct. 24, 2012, P.L.1431, No.178, eff. 60 days)

2012 Amendment. Act 178 amended subsec. (b).

Cross References. Section 1161 is referred to in sections 1162, 6308 of this title.

§ 1162. Transfer to vehicle salvage dealer.

(a) General rule.--Any owner who transfers a vehicle or a salvage vehicle to a vehicle salvage dealer, as defined in section 1337(c)(2) (relating to use of "Miscellaneous Motor Vehicle Business" registration plates), shall assign the certificate of title or salvage certificate to the vehicle salvage dealer. A certificate of title or salvage certificate for a vehicle transferred to a vehicle salvage dealer is exempt from the requirements of notarization and verification by a corporate officer.

(b) Certificate of title.--Upon transfer of a certificate of title to a salvage vehicle dealer, the salvage vehicle dealer shall immediately send to the department or an authorized agent of the department either of the following:

(1) The assigned certificate of title attached to a form prescribed by the department indicating that the vehicle is to be designated as a nonrepairable vehicle. A copy of the form shall be retained for record in accordance with section 6308(d) (relating to investigation by police officers). The vehicle shall not be rebuilt, retitled or issued a certificate of any kind.

(2) The assigned certificate of title with an application for a certificate of salvage upon a form prescribed by the department. The certificate of salvage, when issued to the vehicle salvage dealer, shall have the same effect as provided in section 1161(c) (relating to certificate of salvage required).

(c) Vehicles with defective or lost title.--Any person on whose property is located a vehicle which is a salvage vehicle and which has a faulty, lost or destroyed title may transfer the vehicle to a salvor or to a salvage program operated by a political subdivision for removal to a suitable place of storage or for scrapping, provided the salvor or salvage program complies with the requirements of this section, except that the report to the department that the vehicle is a salvage vehicle shall be verified by the transferor of the vehicle instead of the police department.

Cross References. Section 1162 is referred to in sections 1161, 6308 of this title.

§ 1163. Transfer to scrap metal processor.

(a) Flattened vehicles.--When a vehicle has been flattened, crushed or processed to the extent that it is no longer identifiable as a vehicle, its certificate of title, certificate of salvage or nonrepairable certificate shall be attached to a form prescribed by the department and immediately sent to the department. The form shall include such information as the department shall require. A copy of the form shall be retained for record in accordance with section 6308(d) (relating to investigation by police officers). The vehicle scrap material shall no longer be considered a vehicle and shall not be reconstructed, retitled or issued a certificate of any kind.

(b) Vehicles.--Any owner who transfers a vehicle or a salvage vehicle to a scrap metal processor shall assign the certificate of title or certificate of salvage to the scrap metal processor. Such certificate of title or certificate of salvage is exempt from the requirements of notarization and verification by a corporate officer.

(c) Certificate of title.--Upon transfer of a certificate of title to a scrap metal processor, the scrap metal processor shall immediately send to the department or an authorized agent of the department the assigned certificate of title attached to a form prescribed by the department indicating that the vehicle is to be designated as a nonrepairable vehicle. A copy of the form shall be retained for record in accordance with section 6308(d). The vehicle shall not be rebuilt, retitled or issued a certificate of any kind.

(c.1) Title not assigned.--

(1) An insurance company may request the department to issue a salvage certificate for a vehicle if the insurance company is unable to obtain the properly endorsed certificate of title or certificate of salvage within 30 days following oral, written or electronic acceptance by the vehicle owner of an offer of an amount in settlement of a total loss:

(i) The request must be made on a form approved by the department and signed under penalty of perjury, accompanied by documentation as the department may require.

(ii) Prior to request for the certificate of salvage as provided for under this paragraph:

(A) The insurance company must make at least two written attempts mailed or delivered to obtain the assigned certificate of title or certificate of salvage.

(B) The insurance company must mail or deliver the settlement payment.

(2) The department shall issue a certificate of salvage for the vehicle upon receipt of the properly executed application.

(3) This subsection does not apply to a vehicle that has been driven or taken without the consent of the vehicle owner.

(4) The provisions of paragraph (1) do not apply to a vehicle where there was not oral, written or electronic acceptance by the owner of the total loss settlement.

(d) Vehicles with defective or lost title.--A vehicle owner may transfer a salvage vehicle with a faulty, lost or destroyed title located on the vehicle owner's property to a scrap metal processor for removal to a suitable place of storage or for scrapping, provided that the scrap metal processor complies with the requirements of this section. The report to the department that the vehicle is a salvage vehicle shall be verified by the transferor of the vehicle.

(July 20, 2016, P.L.820, No.91, eff. 60 days)

Cross References. Section 1163 is referred to in sections 1161, 6308 of this title.

§ 1164. Theft vehicles.

(a) General rule.--Upon payment to the insured of the replacement value for a theft vehicle, the owner or insurer shall apply for a certificate of salvage branded as a theft vehicle.

(b) Assessing damage on recovered theft vehicles.--If a theft vehicle has been recovered, the vehicle shall be assessed as to the level of damage at the time of recovery by an insurer or licensed physical damage appraiser:

(1) If the cost of repairs exceeds the replacement value of the vehicle, the theft-branded certificate of salvage shall serve as an ownership document. If the vehicle thereafter passes the reconstructed salvage vehicle inspection requirements under section 1165 (relating to reconstructed vehicles), it shall receive a certificate of title branded reconstructed and recovered-theft vehicle.

(2) If the cost of repairs is more than 50% of the replacement value of the vehicle and the owner elects to retain title to the vehicle, the owner shall apply for a certificate of title branded recovered-theft vehicle. A legible copy of the vehicle damage appraisal report completed by an insurer or licensed physical damage appraiser must accompany an application under this paragraph. The damage appraisal report shall include the replacement value of the vehicle.

(3) If an owner has received a certificate of salvage branded as a theft vehicle after a payment has been made and the stolen vehicle is located and thereafter passes an inspection by a licensed physical damage appraiser in which the damage does not rise to the level of paragraph (2), the owner may apply to the department for an unbranded title. A legible copy of the vehicle damage appraisal report completed by an insurer or licensed physical damage appraiser must accompany an application under this paragraph. The damage appraisal report shall include the replacement value of the vehicle.

(4) An individual who has not been paid the replacement value for the vehicle and has not received a certificate of

salvage may use the existing certificate of title without applying for a new title.

(c) Self-insurer requirement.--If the insurer is a self-insurer, the assessment of damage under this section shall be completed by a licensed physical damage appraiser who is not affiliated with or employed by the self-insurer.
(June 28, 2018, P.L.498, No.74, eff. 180 days)

2018 Amendment. Act 74 amended subsec. (b) and added subsec. (c).

Cross References. Section 1164 is referred to in sections 1106, 6308 of this title.

§ 1165. Reconstructed vehicles.

(a) General rule.--If a vehicle, other than an antique or classic vehicle, for which a certificate of salvage has been issued is thereafter restored to operating condition, it shall be regarded as a reconstructed vehicle.

(b) Application for a reconstructed vehicle certificate of title.--A reconstructed vehicle title and registration shall be issued to an applicant if the applicant presents to the department an application for a certificate of title upon a form furnished and prescribed by the department and any other information the department deems appropriate.

Cross References. Section 1165 is referred to in sections 1161, 1164, 1166 of this title.

§ 1165.1. Inspection of reconstructed, modified and specially constructed vehicles.

(a) Findings of fact.--The General Assembly finds that a key element for successfully converting a stolen vehicle into a marketable item is obtaining a title to that vehicle. In a report to the Congress of the United States, the Motor Vehicle Titling, Registration and Salvage Advisory Committee made several recommendations that would assist state motor vehicle agencies to combat the vehicle theft and title fraud that has been rising at an alarming rate throughout the nation. In the committee's report, recommendations were for each state to establish a two-part inspection procedure. Part one would be to inspect each vehicle to verify the VIN and replacement parts (supported by titles, proof of ownership, bills of sale) and owner affirmation. Part two would be to provide a uniform safety inspection for rebuilt salvage vehicles.

(b) General rule.--All reconstructed, modified and specially constructed vehicles shall be required to undergo an enhanced vehicle safety inspection as specified in departmental contracts, policy guidelines or regulations as deemed appropriate by the advisory panel convened under section 1165.2 (relating to Specialized Vehicle Compliance Inspection Advisory Panel).
(Dec. 1, 2004, P.L.1767, No.228, eff. Jan. 1, 2007)

2004 Amendment. Act 228 added section 1165.1.

References in Text. Section 1165.2, referred to in subsec. (b), expired.

Cross References. Section 1165.1 is referred to in section 4702.1 of this title.

§ 1165.2. Specialized Vehicle Compliance Inspection Advisory Panel (Expired).

2007 Expiration. Section 1165.2 expired January 1, 2007. See Act 228 of 2004.

§ 1166. Flood vehicles.

(a) General rule.--Upon payment to the insured of the replacement value for a flood vehicle, the owner or insurer shall apply for a certificate of salvage branded as a flood vehicle.

(b) Assessing damage of flood vehicles.--A flood vehicle shall be assessed as to the level of damage by an insurer or licensed physical damage appraiser:

(1) If the cost of repairs exceeds the replacement value of the vehicle, the flood-branded certificate of salvage shall serve as an ownership document. If the vehicle thereafter passes the reconstructed salvage vehicle inspection requirements under section 1165 (relating to reconstructed vehicles), it shall receive a certificate of title branded reconstructed and flood vehicle.

(2) If the cost of repairs does not exceed the replacement value of the vehicle, the owner shall apply for a certificate of title branded flood vehicle. A legible copy of the vehicle damage appraisal report completed by an insurer or licensed physical damage appraiser must accompany an application under this paragraph. The damage appraisal report shall include the replacement cash value of the vehicle.

§ 1167. Penalty.

A person who violates the provisions of this subchapter commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $500 for each violation.

CHAPTER 13
REGISTRATION OF VEHICLES

Subchapter

A. General Provisions
B. Registration Plates
C. Violations and Suspensions

Enactment. Chapter 13 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

Special Provisions in Appendix. See section 25 of Act 115 of 1996 in the appendix to this title for special provisions relating to pilot programs for decentralized services for motor vehicle and driver license transactions.

See section 15 of Act 23 of 1999 in the appendix to this title for special provisions relating to joint study on registration validation stickers.

Cross References. Chapter 13 is referred to in sections 1516, 1752, 1798.3, 1911, 3722, 6117, 7702 of this title.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

1301. Registration and certificate of title required.
1302. Vehicles exempt from registration.
1303. Vehicles of nonresidents exempt from registration.
1304. Registration criteria.
1305. Application for registration.
1306. Grounds for refusing registration.
1307. Period of registration.
1307.1. Permanent fleet registration.
1308. Issuance of registration card.
1309. Renewal of registration.
1309.1. Apportioned registration renewal.
1310. Temporary registration cards.
1310.1. Temporary registration permits.
1311. Registration card to be signed and exhibited on demand.
1312. Notice of change of name or address.
1313. Duplicate registration cards.
1314. Transfer of registration.
1315. Operation of vehicle following death of owner.
1316. Department records.
1317. Acknowledgment of littering provisions.
1318. Duties of agents.
1319. Duties of motor carrier vehicle owners.
1320. Contributions to Veterans' Trust Fund.
1321. Contributions for pediatric cancer research.
1322. Contributions to Keystone Tree Restricted Account.
1323. Contributions for breast cancer research.
1324. Contributions for the prevention of child abuse and neglect.

§ 1301. Registration and certificate of title required.

(a) Driving unregistered vehicle prohibited.--No person shall drive or move and no owner or motor carrier shall knowingly permit to be driven or moved upon any highway any vehicle which is not registered in this Commonwealth unless the vehicle is exempt from registration.

(b) Proof of residency.--A person charged under this section has the burden of proving that he is a nonresident whenever he asserts a defense based on section 1303 (relating to vehicles of nonresidents exempt from registration). If he produces at the office of the issuing authority satisfactory proof that he is a nonresident and is in compliance with section 1303 within five days after being charged with a violation of this section, the issuing authority shall dismiss the charge.

(c) Certificate of title prerequisite to registration.--No vehicle shall be registered unless a certificate of title has been applied for or issued if one is required by Chapter 11 (relating to certificate of title and security interests).

(c.1) Reconstructed, recovered theft, flood, modified and specially constructed vehicles.--Only the department shall issue a temporary registration plate or card, or permit the transfer of a registration plate, in conjunction with any application for reconstructed, recovered theft, flood, modified and specially constructed vehicles. Proof of financial responsibility must accompany the application for registration prior to the issuance of a registration plate.

(c.2) Special inspection prerequisite to operation.--After the effective date of this section, no reconstructed, modified or specially constructed vehicle may be operated on the highway until it has successfully passed an inspection at a reconstructed vehicle inspection station.

(d) Penalty.--Any person violating the provisions of subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $75 or double the registration fee, whichever is greater, except when the vehicle was previously registered in this Commonwealth within 60 days of the commission of the offense whereupon the fine shall be $25. In the case of a motor carrier vehicle other than a trailer, the fine shall be $50 if the motor carrier vehicle was previously registered in this Commonwealth within 60 days of the commission of the offense or, if the registration occurs outside the 60-day period, the fine shall be double the registration fee for the maximum weight at which the vehicle could have been registered in this Commonwealth.

(July 22, 1983, P.L.122, No.32, eff. imd.; Mar. 29, 1984, P.L.155, No.30, eff. 60 days; July 10, 1984, P.L.679, No.146, eff. 60 days; July 8, 1986, P.L.432, No.90, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Dec. 1, 2004, P.L.1767, No.228, eff. Jan. 1, 2007)

2004 Amendment. Act 228 added subsec. (c.2).

2002 Amendment. Act 152 added subsec. (c.1).

1998 Amendment. Act 151 amended subsecs. (a) and (d).

Cross References. Section 1301 is referred to in sections 1311, 6309, 6309.1 of this title.

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

(1) Any vehicle used in conformance with the provisions of this chapter relating to dealers, persons registered under any

of the miscellaneous motor vehicle business classes or nonresidents.

(2) (Deleted by amendment).

(2.1) Any implement of husbandry, other than a commercial implement of husbandry, used exclusively for agricultural operations. Vehicles are exempt from registration under this paragraph when operated within 50 miles of the farm or farms owned or operated by the vehicle owner.

(2.2) Any implement of husbandry, trailer or semitrailer used exclusively for agricultural operations when being towed or hauled by an implement of husbandry or farm vehicle within 50 miles of the farm or farms owned or operated by the owner of the towed or hauled vehicle.

(3) Any self-propelled golf cart used for the transportation of persons or equipment for sporting, maintenance or recreational purpose while crossing certain public highways.

(4) Any vehicle moved by special permit as provided for in sections 4965 (relating to single permits for multiple highway crossings), 4966 (relating to permit for movement of quarry equipment), and 4970(a) (relating to permit for movement of construction equipment).

(5) Any vehicle registered and displaying plates issued in a foreign country by the armed forces of the United States for a period of 45 days from the date of the return of the owner to the United States.

(6) Any vehicle owned by a resident legally required to be registered in another state based and used principally outside of this Commonwealth.

(7) Any vehicle moved solely by human or animal power.

(8) (Deleted by amendment).

(9) Any mobile home or modular housing unit.

(10) Any farm vehicle used exclusively upon a farm or farms owned or operated by the owner of the vehicle, subject to the following:

(i) (Deleted by amendment).

(ii) (Deleted by amendment).

(i.1) Type A--Such a farm vehicle with a gross vehicle weight rating not exceeding 10,000 pounds may be driven upon highways only from sunrise to sunset and between:

(A) Parts of one such farm.

(B) Such farms located not more than 50 miles apart.

(C) Such farm or farms and a place of business located within a radius of 50 miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 50 miles from such farm or farms for the purpose of repairing or servicing of the farm vehicle or the trailer or semitrailer being towed or hauled by the farm vehicle.

(i.2) Type B--Such a farm vehicle with a gross vehicle weight rating of greater than 10,000 pounds and not exceeding 17,000 pounds may be driven upon highways only from sunrise to sunset and between:

(A) Parts of one such farm.

(B) Such farms located not more than 25 miles apart.

(C) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 50 miles from such farm or farms for the purpose of repairing or servicing of the farm vehicle or the trailer or semitrailer being towed or hauled by the farm vehicle.

(i.3) Type C--Such a farm vehicle which does qualify as a motor carrier vehicle and which does not display a currently valid certificate of inspection may be driven upon highways only from sunrise to sunset and between:

(A) Parts of one such farm.

(B) Such farms located not more than ten miles apart.

(C) Such farm or farms and a place of business located within a radius of ten miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of repairing or servicing of the farm vehicle or the trailer or semitrailer being towed or hauled by the farm vehicle.

(i.4) Type D--Such a farm vehicle which does qualify as a motor carrier vehicle and displays a currently valid certificate of inspection may be driven without any restriction as to time but may only be driven on highways between:

(A) Parts of one such farm.

(B) Such farms located not more than 50 miles apart.

(C) Such farm or farms and a place of business located within a radius of 50 miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies or for repairing or servicing of the farm vehicle or the trailer or semitrailer being towed or hauled by the farm vehicle.

(iii) A biennial certificate of exemption shall be required for a farm vehicle exempt under this paragraph.

(iv) The owner of the farm vehicle shall maintain such minimum levels of liability insurance coverage on the vehicle as are required to be maintained under Chapter 17 (relating to financial responsibility) by owners of registered motor vehicles. The owner shall satisfy the requirements of this subparagraph if the minimum amounts of liability insurance coverage for the farm vehicle have been provided under farm liability insurance coverage maintained generally by the owner. Coverage prescribed in Subchapter B of Chapter 17 shall not be required to be maintained or provided for the farm vehicle.

(11) Any trailer or semitrailer, including but not limited to non-self-propelled special mobile equipment and amusement rides constructed as an integral part of the trailer chassis to

create a single unit, to be used primarily for off highway use and only operated incidentally upon the highway.

(12) Any military vehicle used for training by a private, nonprofit, tax exempt military educational institution when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by the institution.

(13) Any oversized or overweight vehicle which may be moved or operated only under a permit and without a load pursuant to section 4961(a) (relating to authority to issue permits) and 4962(f) (relating to when loads permitted).

(14) Any vehicle used for golf course maintenance, resort maintenance or college, university or seminary campus maintenance when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by said golf course, resort or college, university or seminary.

(15) Any motor vehicle being towed.

(16) Any trailer registered in another state towed by a motor vehicle registered in this Commonwealth provided:

(i) the owner has as many trailers registered in this Commonwealth as combinations so registered; or

(ii) the towing vehicle is being operated under a permanent lease to a person meeting the requirements of subparagraph (i).

(17) Any multipurpose agricultural vehicle. Vehicles exempt from registration under this paragraph shall be used exclusively upon a farm or farms owned or operated by the owner of the vehicles or upon highways between:

(i) Parts of one such farm.

(ii) Such farms located not more than five miles apart.

(18) Any farm and garden vehicle under 20 horsepower driven incidentally upon a highway, as determined by the department.

(19) A tow dolly.

(20) An electric personal assistive mobility device.

(21) Special mobile equipment engaged in construction activities within one mile of an active construction site where the vehicle is being used. Unregistered vehicles used under this paragraph shall be required to meet lighting and other requirements of special mobile equipment. This exemption shall not apply to tracked vehicles.

(22) Any portable traffic control signal or device upon a trailer not exceeding 3,000 pounds gross vehicle weight.

(23) Any all-terrain vehicle exempt from registration under Chapter 77 (relating to snowmobiles and all-terrain vehicles) and operated as an emergency vehicle by a police or fire department or emergency medical services agency when the vehicle does not travel on public highways in excess of two miles and is primarily for off-highway use and only operated incidentally upon the highway. An all-terrain vehicle so operated shall comply with section 4571 (visual and audible signals on emergency vehicles).

(July 20, 1979, P.L.168, No.55, eff. imd.; Feb. 15, 1980, P.L.12, No.8, eff. imd.; July 11, 1980, P.L.550, No.113, eff. 60 days; Oct. 10, 1980, P.L.791, No.147, eff. imd.; Mar. 7, 1982, P.L.152, No.49, eff. imd.; June 23, 1982, P.L.605, No.171, eff. imd.; July

10, 1984, P.L.679, No.146, eff. 60 days; July 11, 1985, P.L.204, No.52, eff. 90 days; July 11, 1985, P.L.220, No.56, eff. 60 days; Dec. 12, 1986, P.L.1562, No.170, eff. 60 days; Aug. 5, 1991, P.L.238, No.26, eff. imd.; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; July 6, 1995, P.L.246, No.30, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 4, 2002, P.L.692, No.105, eff. 60 days; Dec. 1, 2004, P.L.1767, No.228, eff. 60 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days; Oct. 24, 2012, P.L.1307, No.163, eff. 60 days; Oct. 24, 2012, P.L.1407, No.174, eff. 120 days; Nov. 29, 2017, P.L.1184, No.57, eff. 60 days)

2017 Amendment. Act 57 amended pars. (3) and (14) and added par. (23).

2012 Amendments. Act 163 added par. (22) and Act 174 amended pars. (10) and (17), added pars. (2.1) and (2.2) and deleted par. (2).

2010 Amendment. Act 81 amended par. (11). The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

2004 Amendment. Act 228 added par. (21).

2002 Amendment. Act 105 added par. (20).

1998 Amendment. Act 151 amended par. (18) and deleted par. (8).

1995 Amendment. See section 5 of Act 30 in the appendix to this title for special provisions relating to equipment standards and inspection criteria.

Cross References. Section 1302 is referred to in sections 2105, 4921, 77A01 of this title.

§ 1303. Vehicles of nonresidents exempt from registration.

(a) General rule.--A nonresident owner of any foreign vehicle may operate or permit the operation of the vehicle within this Commonwealth without registering the vehicle in this Commonwealth or paying any fees to the Commonwealth, provided the vehicle at all times when operated in this Commonwealth is duly registered and in full compliance with the registration requirements of the place of residence of the owner and further provided the vehicle is not:

(1) used for the transportation of persons for hire, compensation or profit;

(2) regularly operated in carrying on business within this Commonwealth;

(3) designed, used or maintained primarily for the transportation of property for hire, compensation or profit and not subject to reciprocity under section 6144 (relating to vehicle registration and licensing) or 6149 (relating to automatic reciprocity); or

(4) special mobile equipment if not also required to be and actually registered under the laws of the place of residence of the owner.

(b) Transportation of persons for hire, compensation or profit.--Every owner of a foreign vehicle operated within this Commonwealth for the transportation of persons for hire, compensation or profit either regularly according to schedule or for a period exceeding 30 days in the calendar year, unless exempted from registration under the terms of a reciprocity

agreement shall register the vehicle according to the laws of this Commonwealth.

(c) Carrying on business in this Commonwealth.--Every nonresident, including any foreign corporation, carrying on business within this Commonwealth and operating in the business any vehicle within this Commonwealth, unless exempted from registration under the terms of a reciprocity agreement, shall be required to register each such vehicle according to the laws of this Commonwealth. A foreign corporation having its principal place of business in this Commonwealth is regarded as a resident of this Commonwealth for the purposes of this section.

(d) Members of armed forces.--A member of the armed forces of the United States who is serving on active duty in this Commonwealth need not register a personal passenger vehicle in this Commonwealth if the vehicle is registered in the state of his residence.

(e) Trailer as part of registered combination.--(Deleted by amendment).

(Mar. 7, 1982, P.L.152, No.49, eff. imd.; July 10, 1984, P.L.679, No.146, eff. 60 days; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days)

1994 Amendment. Act 172 amended subsec. (b).

1984 Amendment. Act 146 deleted subsec. (e).

1982 Amendment. Act 49 amended subsec. (c).

Cross References. Section 1303 is referred to in section 1301 of this title.

§ 1304. Registration criteria.

(a) General rule.--Except as otherwise provided in this section, vehicles shall be registered for a flat fee.

(b) Classification of vehicles.--The department may identify vehicles by type as to weight, design, loading, use, ownership or other significant characteristics for purposes of registration.

(c) Trucks, truck tractors and trailers.--The department shall register trucks, truck tractors and trailers at the gross weight requested by the applicant, provided that the weight is not greater than allowed in subsection (d) or less than allowed in subsection (e).

(d) Maximum registered gross weight.--No truck, truck tractor or trailer shall be registered at a gross weight in excess of the lowest of:

(1) the limiting weights established on the basis of axle load, tire load, horsepower or gross weight by type of vehicles;

(2) the gross vehicle weight rating assigned by the manufacturer; or

(3) a combination weight greater than the gross combination weight rating.

In the case of a vehicle in which no gross vehicle weight rating or gross combination weight rating is assigned by the manufacturer or where the vehicle has been altered subsequent to manufacture to change its weight bearing capacity, an equivalent rating shall be determined by the department on the basis of the vehicle's horsepower, braking ability, axle limitations and such other factors related to safe operation as may be established by regulations of the department.

(e) Minimum registered gross weight.--No truck, truck tractor or trailer shall be registered at less than the total of the

weight of the unladen vehicle, the maximum weight of the proposed load, the equivalent weight of the fuel capacity, 150 pounds times the seating capacity, and the weight of any permanently or temporarily attached appurtenances.

(f) Registered gross weight of trucks and truck tractors.-- Every truck shall have its own registered gross weight and may also be registered at a registered gross weight for a combination. Every truck tractor shall be registered at a registered gross weight for a combination.

(g) Buses other than school buses.--The department shall register buses, other than school buses, on the basis of passenger seating capacity.

§ 1305. Application for registration.

(a) General rule.--Application for the registration of a vehicle shall be made to the department upon the appropriate form or forms furnished by the department. The application shall contain the full name and address of the owner or owners; the make, model, year and vehicle identification number of the vehicle; and such other information as the department may require. Program participants in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality) may use a substitute address designated by the Office of Victim Advocate as their address. Applicants for registration of a truck, truck tractor, trailer or bus shall provide the vehicle's Gross Vehicle Weight Rating (GVWR), or the Gross Combination Weight Rating (GCWR), as applicable. If the manufacturer's ratings are not available, the applicant shall provide sufficient information as to the horsepower, braking capacity and such other data as necessary for the department to determine an equivalent measure of the vehicle's hauling and stopping capability. If the applicant wishes to register a vehicle at a registered gross weight less than the gross vehicle weight rating, the application shall include information as to weight, load and any other such information as the department may require. The application shall be accompanied by self-certification of financial responsibility and the applicable fee.

(b) Evidence of P.U.C. approval for buses and taxis.--Before registering any bus or taxi which is required under the laws of this Commonwealth to obtain a certificate of public convenience from the Pennsylvania Public Utility Commission, the department shall require evidence that the certificate has been issued and has not been revoked or has not expired.

(c) Designation of lessee as registrant.--The owner as lessor may designate the lessee as the registrant of the vehicle and the name and address of the lessee may be substituted on the registration card for the address of the lessor. However, even if the lessor does not designate the lessee as the registrant of the vehicle, the lessor shall still provide the department with the name and address of the lessee. The department shall designate the relationship upon the card in a manner it deems appropriate. This subsection is applicable only for the period during which the lease remains in effect.

(d) Self-certification of financial responsibility.--In addition to the other requirements to registration, the applicant shall file a self-certification of financial responsibility which shall include:

(1) The complete name, address and telephone number of the applicant. Program participants in the Address Confidentiality

Program under 23 Pa.C.S. Ch. 67 may use a substitute address designated by the Office of Victim Advocate as their address.

(2) The name of the insurance company which is insuring the subject vehicle.

(3) The policy number, effective date and expiration date of the policy of insurance insuring the vehicle.

(Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; Feb. 7, 1990, P.L.11, No.6, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Nov. 30, 2004, P.L.1474, No.188, eff. 180 days)

2004 Amendment. Act 188 amended subsecs. (a) and (d).

1998 Amendment. Act 151 amended subsec. (c).

Cross References. Section 1305 is referred to in sections 1306, 1331 of this title; section 5712 of Title 53 (Municipalities Generally).

§ 1306. Grounds for refusing registration.

The department shall refuse registration, renewal or transfer of registration when any of the following circumstances exists:

(1) The applicant is not entitled to registration under the provisions of this chapter.

(2) The applicant has at registration or titling neglected or refused to furnish the department with the information required on the appropriate official form, or any reasonable additional information required by the department.

(3) The department has reasonable grounds to believe that the application contains false or fraudulent information, or that the vehicle is stolen, which fact the department shall ascertain by reference to the stolen vehicle file required to be maintained under section 7114 (relating to records of stolen vehicles), or that the granting of registration would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle.

(4) The fees required by law have not been paid.

(5) The vehicle is not constructed or equipped as required by this title.

(6) The registration of the vehicle stands suspended for any reason as provided for in this title.

(7) Self-certification of financial responsibility, as required under section 1305(d) (relating to application for registration), is not filed with the registration application.

(8) (Repealed).

(9) (Repealed).

(10) An out-of-service order has been issued for the vehicle, the owner or operator by the department or the United States Department of Transportation.

(11) Self-certification of current safety inspection for a motor carrier vehicle, as required by section 1309 (relating to renewal of registration), is not filed with the application for renewal of registration.

(May 26, 1982, P.L.435, No.129, eff. imd.; Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; Apr. 26, 1989, P.L.13, No.4, eff. imd.; Feb. 7, 1990, P.L.11, No.6, eff. 60 days; Dec. 16, 1992, P.L.1250, No.166; Dec. 15, 1995, P.L.655, No.72, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 22, 2001, P.L.559, No.37, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months)

2002 Amendment. Act 229 added par. (11).

2001 Amendment. Act 37 amended the intro. par. and par. (10).

1995 Repeal. Act 72 repealed pars. (8) and (9).

§ 1307. Period of registration.

(a) Staggered renewal system to be established.--The department shall establish a system of staggered registration renewal in a manner that an approximately equal number of registrations will expire every month throughout the year. In order to implement and maintain the staggered registration system, the department may prorate annual registration fees over registration periods of from 6 to 18 months.

(a.1) Seasonal registration.--Upon application on a form prescribed by the department, the owner or lessee of a passenger car, recreational motor vehicle, motorcycle, truck or farm vehicle which does not have a gross vehicle weight rating of more than 14,000 pounds may register the vehicle with the department for a period of successive months of less than one year. The applicant shall specify the period of months during which the vehicle shall be registered. Except when the department initially converts a currently valid annual registration to a seasonal registration, the annual fee prescribed for the vehicle by Chapter 19 (relating to fees) shall be paid in full by the applicant regardless of the number of months chosen for registration by the applicant. Upon receipt of the appropriate fee and the properly completed form, including all information required by this chapter, the department shall issue a seasonal registration that shall expire on the last day of the expiration month chosen by the registrant. No insurer of a vehicle belonging to any owner or lessee who obtains a seasonal registration and who applies for or receives a reduced automobile insurance premium on account thereof shall be required to provide any contractual coverage, whether in the form of the provision of a defense or the payment of first-party or third-party benefits or otherwise, to the owner or lessee in connection with any event occurring during that part of the year in which the vehicle is not registered; and such owner or lessee shall be treated for all purposes, including, without limitation, ascertaining rights to stack coverages and to uninsured and underinsured motorist coverage, as a person who does not own that vehicle and has no duty to carry financial responsibility on it for that part of the year.

(b) New registration.--A new registration is effective on the date of issuance of a registration card by the department or the date of issuance of a temporary registration card by an authorized agent of the department under section 1310 (relating to temporary registration cards).

(c) Renewal of registration.--A renewed registration shall be effective on issuance by the department of a renewed registration card.

(d) Expiration of registration.--A registration shall expire on the last day of the month designated on the registration card.

(e) Antique, classic and collectible vehicles.--Antique, classic and collectible motor vehicle registrations shall expire upon the salvaging, scrapping or transfer of ownership of the vehicle, except that if the transfer is between spouses or between parent and child the registration may be transferred upon payment of a transfer fee.

(f) Optional permanent trailer registration.--Except as set forth in section 1920(c) (relating to trailers), the registration of trailers permanently registered as provided in section 1920(c)

shall expire upon salvaging of the vehicle or transfer of ownership.

(g) Election.--Upon application on a form prescribed by the department, the owner or lessee of a motor vehicle, except a motor vehicle registered under the International Registration Plan and a motor vehicle with a seasonal registration or a circus or carnival plate, may elect to pay an annual registration fee for a two-year period. The fee shall be two times the amount of the registration fee otherwise payable for the motor vehicle under this title.
(May 26, 1982, P.L.435, No.129, eff. imd.; Dec. 20, 1995, P.L.669, No.75, eff. 120 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Apr. 17, 1997, P.L.6, No.3, eff. July 1, 1997; Dec. 1, 2004, P.L.1771, No.229, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Nov. 25, 2013, P.L.974, No.89; July 2, 2014, P.L.988, No.109, eff. 60 days)

2014 Amendment. Act 109 amended subsec. (a.1).

2013 Amendment. Act 89 amended subsec. (f) and added subsec. (g), effective January 1, 2014, as to subsec. (f) and December 31, 2016, as to subsec. (g). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

2004 Amendment. Act 229 amended subsec. (a).

1995 Amendment. Act 75 amended subsec. (e).

1982 Amendment. Act 129 amended subsecs. (a) and (c).

Cross References. Section 1307 is referred to in section 1786 of this title.

§ 1307.1. Permanent fleet registration.

The department may establish a system for issuing permanent registration cards and plates to the owner or lessee of a fleet of vehicles and may promulgate rules and regulations to implement the permanent registration system. The department may authorize permanently registered vehicles to be exempt from such requirements of this chapter as it deems necessary and may charge, in addition to any other fees due for registration of vehicles, a reasonable service fee for each fleet vehicle at the time of initial application for permanent registration.
(July 10, 1984, P.L.679, No.146, eff. 60 days)

1984 Amendment. Act 146 added section 1307.1.

§ 1308. Issuance of registration card.

(a) General rule.--The department, upon registering a vehicle, shall issue to the registrant a registration card which shall contain the registration number assigned to the vehicle, the name and address of the registrant and the name of the owner, if other than the registrant, a description of the vehicle including the vehicle identification number, the expiration date and such other information as may be determined by the department.

(b) Trucks.--The registration card for a truck shall indicate the registered gross weight of the truck, and the registered gross weight of the combination, if the truck is so registered, in addition to other information required.

(c) Truck tractors.--The registration card for a truck tractor shall indicate the registered gross weight of the combination in addition to other information required.

(d) Trailers.--The registration card for a trailer shall indicate the registered gross weight of the trailer in addition to other information required.

(e) Buses.--The registration card for a bus shall indicate the passenger seating capacity of the bus.

§ 1309. Renewal of registration.

At least 60 days prior to the expiration of each registration, the department shall send to the registrant an application for renewal of registration. Upon return of the application, accompanied by self-certification of financial responsibility and the applicable fee or fees, the department shall send to the registrant a renewed registration card. An application for renewal of registration for a motor carrier vehicle shall also be accompanied by self-certification of current safety inspection. Failure to receive a renewal application shall not relieve a registrant from the responsibility to renew the registration.
(May 26, 1982, P.L.435, No.129, eff. imd.; Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; Apr. 26, 1989, P.L.13, No.4, eff. imd.; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months)

Cross References. Section 1309 is referred to in sections 1306, 1331 of this title.

§ 1309.1. Apportioned registration renewal.

The department shall establish a system of staggered apportioned registration renewal in a manner that apportioned registrations will expire in no less than four periods throughout the year. In order to implement and maintain the staggered apportioned registration system, the department may prorate annual apportioned registration fees.
(July 11, 2022, P.L.1585, No.90, eff. 18 mos.)

2022 Amendment. Act 90 added section 1309.1.

§ 1310. Temporary registration cards.

(a) General rule.--The department shall provide temporary registration cards for use pending issuance or transfer of permanent registration cards. Temporary registration cards and plates may be delivered to designated agents who shall have the authority to issue them in accordance with regulations promulgated by the department. When determining whether to suspend, revoke or impose a monetary penalty upon an agent, the department may consider relevant mitigating events.

(b) Duration.--Temporary registration cards shall be valid for such period as the department shall designate. Temporary registration cards issued to a vehicle acquired in this Commonwealth for transportation to another state for registration or use in the other state shall be valid for 60 days from the date of issuance.

(c) Charges by designated agent.--A designated agent may not charge any fee for issuing a temporary registration card other than notary fees.
(July 11, 1996, P.L.660, No.115, eff. 60 days; Nov. 4, 2016, P.L.1277, No.165, eff. 60 days)

2016 Amendment. Act 165 amended subsec. (b).

1996 Amendment. Act 115 amended subsec. (a).

Cross References. Section 1310 is referred to in sections 1307, 1314 of this title.

§ 1310.1. Temporary registration permits.

(a) General rule.--A registration permit shall be issued to the registrant concurrent with the issuance of a temporary

registration card and plate.

(b) Content of registration permit.--Every registration permit shall contain the following information:

(1) The term "Pennsylvania" preprinted on the permit.

(2) The term "temporary registration permit" preprinted on the permit.

(3) The sticker issued by the department which will contain the number of the temporary registration plate and the dealer identification number (DIN).

(4) The expiration date (month/day/year) of the temporary registration plate handprinted on the permit in permanent black marker.

(5) The control number preprinted on the permit.

(c) Location of registration permit.--Except as otherwise provided, a registration permit shall be affixed to the extreme lower left-hand (driver side) inside corner of the rear window of a vehicle with the printed information visible from the outside. On trailers, motorcycles, mopeds, motor-driven cycles and convertibles, the registration permit shall be carried with the vehicle at all times while the vehicle is being operated on the highway.

(June 22, 2001, P.L.559, No.37, eff. 60 days)

2001 Amendment. Act 37 added section 1310.1.

§ 1311. Registration card to be signed and exhibited on demand.

(a) Signing card.--Upon receiving the registration card or any duplicate, the registrant shall sign his name in the space provided.

(b) Carrying and exhibiting card.--Every registration card shall, at all times while the vehicle is being operated upon a highway, be in the possession of the person driving or in control of the vehicle or carried in the vehicle and shall be exhibited upon demand of any police officer.

(c) Production to avoid penalty.--No person shall be convicted of violating this section or section 1301 (relating to driving unregistered vehicle prohibited) if the person produces at the office of the issuing authority or at the office of the arresting police officer within five days of the violation, a registration card valid in this Commonwealth at the time of the arrest.

(July 20, 1979, P.L.168, No.55, eff. imd.)

§ 1312. Notice of change of name or address.

Any person whose address is changed from the address named in the application for registration or on the registration card or whose name is changed shall, within 15 days, notify the department in writing of the old and new address, or of such former and new names, and of the title or registration number of every vehicle registered in the person's name.

(June 30, 1990, P.L.266, No.63, eff. 60 days)

§ 1313. Duplicate registration cards.

(a) Additional cards upon request.--The department shall, if so requested, issue to the registrant of any vehicle whose registration is not under suspension a duplicate registration card, or as many duplicate registration cards as requested, upon payment of the fee provided in this title for each card.

(b) Replacement of lost or illegible card.--In the event of a lost, stolen, destroyed or illegible registration card, the registrant shall apply to the department for a duplicate within 48 hours of discovery of the loss or defacement of such registration

card, upon a form furnished by the department, and accompanied by the fee provided in this title.

(c) Affidavit to avoid penalty.--No owner or operator of a vehicle shall be subject to a fine for failure to have the registration card if the owner or operator makes affidavit that the card was lost or stolen within the period of 20 days preceding and that application for new registration card was made within 48 hours as required in this section.

§ 1314. Transfer of registration.

(a) General rule.--Registration and registration plates may be transferred to another vehicle owned or leased by the registrant, or to a vehicle owned or leased by the spouse, parent or child of the registrant.

(b) Procedure for transfer.--In order to transfer registration and registration plates, the transferee shall apply for a temporary registration card in accordance with section 1310 (relating to temporary registration cards) and simultaneously apply for transfer of registration under this section.

(c) Same vehicle type.--If the transfer is within the same vehicle type, the transferee shall retain the registration plate previously issued, unless lost or destroyed. A new registration card shall be issued by the department.

(d) Different vehicle type.--If the transfer is to another vehicle type, a new registration plate and card shall be issued to the transferee. The previously issued plate shall be returned to the department for cancellation immediately upon receipt of the new registration plate, unless lost or destroyed. In addition to the transfer fee, the transferee shall pay the difference in registration fees when transferring registration to a type or class of vehicle requiring a higher fee. No refund shall be payable on transferring to a type or class of vehicle requiring a lower fee.

Cross References. Section 1314 is referred to in section 1334.1 of this title.

§ 1315. Operation of vehicle following death of owner.

When the owner of a vehicle is deceased, the vehicle may be operated by or for any heir or personal representative of the decedent for the remainder of the current registration period and throughout the next following registration period, provided that the registration is renewed in the name of the decedent's estate as otherwise required by this chapter. Registration may continue to be renewed thereafter in the name of the decedent's estate by any person entitled to the family exemption until the final account is approved by the court.

§ 1316. Department records.

The department shall maintain suitable records in a manner permitting identification of vehicles and owners, including:

(1) All registrations and transfers of registrations issued.

(2) All registrations and transfers of registrations denied and reasons for denial. Registrations and transfers returned for correction of errors or omissions need not be recorded.

§ 1317. Acknowledgment of littering provisions.

On every vehicle registration card, the following statement shall be printed immediately above or below the signature of the applicant:

I hereby acknowledge this day that I have received notice of the provisions of section 3709 of the Vehicle Code.

Also printed on the registration card shall be the following:

Section 3709 provides for a fine of up to $300 for dropping, throwing or depositing, upon any highway, or upon any other public or private property without the consent of the owner thereof or into or on the waters of this Commonwealth from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish or any dangerous or detrimental substance, or permitting any of the preceding without immediately removing such items or causing their removal.

For any violation of section 3709, I may be subject to a fine of up to $300 upon conviction, including any violation resulting from the conduct of any other persons operating, in possession of or present within this vehicle with my permission, if I do not with reasonable certainty identify the driver of the vehicle at the time the violation occurred.

(Mar. 27, 1986, P.L.71, No.24, eff. July 1, 1986)

1986 Amendment. Act 24 added section 1317.

§ 1318. Duties of agents.

(a) Verification of financial responsibility.--An agent of the Department of Transportation who is authorized to issue on behalf of the department a vehicle registration renewal or temporary registration shall be required to verify financial responsibility prior to issuance.

(b) Proof.--Proof of financial responsibility shall be verified by examining one of the following documents:

(1) An identification card as required by regulations promulgated by the Insurance Department.

(2) The declaration page of an insurance policy.

(3) A certificate of financial responsibility.

(4) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in Pennsylvania.

(5) A legible photocopy, facsimile or printout of an electronic transmission of a document listed in paragraphs (1) through (4), provided the agent receives the photocopy, facsimile or printout directly from a licensed insurance company or licensed insurance agency. The agent shall not accept a photocopy, facsimile or printout unless the licensed insurance company or licensed insurance agency provides it on the letterhead of the company or the agency, or with a letter written upon the company's or agency's letterhead, which specifically references the proof of financial responsibility by the insured's name and address and the make, model and vehicle identification number of the insured vehicle. An issuing agent of the department shall not accept a photocopy, facsimile or printout of an electronic transmission as proof of financial responsibility under this paragraph when the issuing agent is also acting as an insurance agent for the licensed insurance company or licensed insurance agency.

(c) Handwritten proof of financial responsibility.--If handwritten proof of financial responsibility is acceptable proof of insurance in the state where the vehicle is to be registered, the issuing agent is authorized to accept such handwritten proof,

provided the issuing agent receives written confirmation from the applicable state, insurance company or insurance agency that handwritten proof is acceptable in that state. The agent shall retain a copy of the written confirmation along with the copy of the document provided as proof of financial responsibility.

(d) Verification of information on application.--In addition to any other duty prescribed by this title or departmental regulations, an agent shall verify that the purchase price stated on the application approximates the fair market value of the vehicle in a manner prescribed by the department as set forth in a notice published in the Pennsylvania Bulletin.

(e) Penalty.--Any person who violates this section, in addition to any penalty, suspension or revocation imposed by the department, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $100 nor more than $500 and for each subsequent or additional offense a fine of not less than $200 nor more than $500, or to imprisonment for not more than 90 days, or both.

(Feb. 7, 1990, P.L.11, No.6, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Apr. 17, 1997, P.L.6, No.3, eff. 60 days)

1997 Amendment. Act 3 added subsecs. (d) and (e).

§ 1319. Duties of motor carrier vehicle owners.

(a) Currently valid certificate of inspection.--A motor carrier vehicle is required to have a currently valid certificate of inspection at the time that the department renews the registration of the vehicle.

(b) Audit.--The department shall establish an audit procedure to monitor compliance with the requirement that motor carrier vehicles have a currently valid certificate of inspection at the time of registration renewal.

(Dec. 23, 2002, P.L.1982, No.229, eff. 6 months)

2002 Amendment. Act 229 added section 1319.

§ 1320. Contributions to Veterans' Trust Fund.

(a) Option.--The department shall provide for all of the following:

(1) Ability of an applicant for an original or renewal driver's license or identification card to make a contribution of $5 to the Veterans' Trust Fund.

(2) Ability of an applicant for a renewal vehicle registration to make a contribution of $5 to the Veterans' Trust Fund.

(3) Ability of an applicant for a two-year vehicle registration to make a contribution of $10 to the Veterans' Trust Fund on the department's publicly accessible Internet website.

(b) Implementation.--

(1) A contribution under subsection (a) shall be added, as appropriate, to the regular fee for:

(i) an original or renewal driver's license or identification card; and

(ii) a renewal of a vehicle registration.

(2) One contribution under subsection (a) may be made for:

(i) each issuance or renewal of a driver's license or identification card; and

(ii) each renewal vehicle registration.

(c) Use.--Contributions under subsection (a) shall be used exclusively for purposes set forth in 51 Pa.C.S. § 1721(c) (relating to Veterans' Trust Fund).

(d) Deposits.--

(1) The department shall determine on a monthly basis the total amount collected under this section and report the amount to the State Treasurer.

(2) The State Treasurer shall transfer the amount collected to the Veterans' Trust Fund.

(e) Reimbursement.--The Veterans' Trust Fund shall reimburse the Motor License Fund for the actual costs incurred by the department in the administration of this section.

(Oct. 24, 2012, P.L.1602, No.194, eff. 30 days; Oct. 24, 2018, P.L.918, No.149, eff. 60 days; June 30, 2021, P.L.255, No.55, eff. imd.)

2021 Amendment. Act 55 amended subsec. (a). Section 2 of Act 55 provided that no later than September 1, 2022, the Department of Transportation shall implement the amendment of section 1320(a).

2012 Amendment. Act 194 added section 1320.

Cross References. Section 1320 is referred to in section 1721 of Title 51 (Military Affairs).

§ 1321. Contributions for pediatric cancer research.

(a) General rule.--Within one year of the effective date of this section, the department shall provide for all of the following:

(1) Ability of a person renewing a driver's license or identification card electronically through the department's publicly accessible Internet website to make a contribution of $5 to the Pediatric Cancer Research Fund.

(2) Ability of a person renewing a vehicle registration electronically through the department's publicly accessible Internet website to make a contribution of $5 to the Pediatric Cancer Research Fund.

(b) Implementation.--

(1) A contribution under subsection (a) shall be added, as appropriate, to the regular fee for:

(i) a renewal of a driver's license or identification card; and

(ii) a renewal of a vehicle registration.

(2) One contribution under subsection (a) may be made for:

(i) each renewal of a driver's license or identification card; and

(ii) each renewal of a vehicle registration.

(c) Use.--Contributions under subsection (a) shall be used exclusively for pediatric cancer research approved by the Pennsylvania Cancer Control, Prevention and Research Advisory Board established by the act of December 18, 1980 (P.L.1241, No.224), known as the Pennsylvania Cancer Control, Prevention and Research Act.

(d) Deposits.--

(1) The department shall determine on a monthly basis the total amount collected under this section and report the amount to the State Treasurer.

(2) The State Treasurer shall transfer the amount collected to the Pediatric Cancer Research Fund, which fund is hereby established.

(e) Reimbursement.--The Pediatric Cancer Research Fund shall reimburse the Motor License Fund for the actual costs incurred by the department in the administration of this section.

(f) Information.--

(1) The department shall provide adequate information concerning the contribution for pediatric cancer research in its instructions for the applicants described in subsection (a). The information concerning the contribution shall include the listing of an address furnished by the Department of Health to which contributions may be sent by individuals wishing to make additional contributions.

(2) The Department of Health shall conduct a public information campaign on the availability of this opportunity to Pennsylvania taxpayers.

(g) Reporting.--The Department of Health shall report annually to the respective committees of the Senate and the House of Representatives that have jurisdiction over health matters on the amount received from the contributions authorized by this section and how the funds were used.

(June 28, 2018, P.L.496, No.73, eff. 60 days)

2018 Amendment. Act 73 added section 1321.

§ 1322. Contributions to Keystone Tree Restricted Account.

(a) General rule.--Within one year of the effective date of this section, the department shall provide for all of the following:

(1) Ability of a person renewing a driver's license or identification card electronically through the department's publicly accessible Internet website to make a contribution of $3 to the Keystone Tree Restricted Account established by 27 Pa.C.S. § 6602 (relating to establishment).

(2) Ability of a person renewing a vehicle registration electronically through the department's publicly accessible Internet website to make a contribution of $3 to the Keystone Tree Restricted Account.

(b) Implementation.--

(1) A contribution under subsection (a) shall be added, as appropriate, to the regular fee for:

(i) A renewal of a driver's license or identification card.

(ii) A renewal of a vehicle registration.

(2) One contribution under subsection (a) may be made for:

(i) Each renewal of a driver's license or identification card.

(ii) Each renewal of a vehicle registration.

(c) Use.--Contributions under subsection (a) shall be used exclusively for purposes specified in 27 Pa.C.S. § 6604 (relating to authorized purposes).

(d) Deposits.--The department shall determine on a monthly basis the total amount collected under this section and direct the State Treasurer to transfer the amount from the Motor License Fund to the Keystone Tree Restricted Account by the 15th of the following month.

(e) Reimbursement.--The Keystone Tree Restricted Account shall reimburse the Motor License Fund for the actual costs incurred by the department in the administration of this section.

(Nov. 7, 2019, P.L.609, No.78, eff. 60 days)

2019 Amendment. Act 78 added section 1322.

Cross References. Section 1322 is referred to in sections 6603, 6604 of Title 27 (Environmental Resources).

§ 1323. Contributions for breast cancer research.

(a) General rule.--Within one year of the effective date of this section, the department shall provide for all of the following:

(1) Ability of a person renewing a driver's license or identification card electronically through the department's publicly accessible Internet website to make a contribution of $5 to the Pennsylvania Breast Cancer Coalition.

(2) Ability of a person renewing a vehicle registration electronically through the department's publicly accessible Internet website to make a contribution of $5 to the Pennsylvania Breast Cancer Coalition.

(b) Implementation.--

(1) A contribution under subsection (a) shall be added, as appropriate, to the regular fee for:

(i) a renewal of a driver's license or identification card; and

(ii) a renewal of a vehicle registration.

(2) One contribution under subsection (a) may be made for:

(i) each renewal of a driver's license or identification card; and

(ii) each renewal of a vehicle registration.

(c) Use.--Contributions under subsection (a) shall be used exclusively for breast cancer research approved and administered by the Pennsylvania Breast Cancer Coalition.

(d) Deposits.--The department shall determine annually the total amount designated under this section and shall report the amount to the State Treasurer who shall transfer the amount from the Motor License Fund to the Pennsylvania Breast Cancer Coalition.

(e) Information.--

(1) The department shall provide adequate information concerning the contribution for breast cancer research in its instructions for the applicants described in subsection (a). The information concerning the contribution shall include the address of the Pennsylvania Breast Cancer Coalition to which contributions may be sent by individuals wishing to make additional contributions.

(2) The Pennsylvania Breast Cancer Coalition shall conduct a public information campaign on the availability of this opportunity to Pennsylvania taxpayers.

(f) Reporting.--The Pennsylvania Breast Cancer Coalition shall report annually to the respective committees of the Senate and the House of Representatives that have jurisdiction over health matters on the amount received from the contributions authorized by this section and how the funds were used.

(g) Reimbursement.--The Pennsylvania Breast Cancer Coalition shall reimburse the Motor License Fund for the actual costs incurred by the department in the administration of this section. (June 25, 2021, P.L.60, No.23, eff. 120 days)

2021 Amendment. Act 23 added section 1323.

§ 1324. Contributions for the prevention of child abuse and neglect.

(a) General rule.--Within one year of the effective date of this section, the department shall provide for all of the following:

(1) Ability of a person renewing a driver's license or identification card electronically through the department's publicly accessible Internet website to make a contribution of $5 to the Children's Trust Fund.

(2) Ability of a person renewing a vehicle registration electronically through the department's publicly accessible Internet website to make a contribution of $5 to the Children's Trust Fund.

(b) Implementation.--

(1) A contribution under subsection (a) shall be added, as appropriate, to the regular fee for:

(i) a renewal of a driver's license or identification card; and

(ii) a renewal of a vehicle registration.

(2) One contribution under subsection (a) may be made for:

(i) each renewal of a driver's license or identification card; and

(ii) each renewal of a vehicle registration.

(c) Use.--Contributions made under subsection (a) shall be used by the Children's Trust Fund Board exclusively for the prevention of child abuse and neglect.

(d) Deposits.--The department shall determine annually the total amount designated under this section and shall report the amount to the State Treasurer who shall transfer the amount from the Motor License Fund to the Children's Trust Fund.

(e) Information.--The department shall provide adequate information concerning the contribution for the prevention of child abuse and neglect in its instructions for the applicants described in subsection (a). The information concerning the contribution shall include the address of the Children's Trust Fund to which contributions may be sent by individuals wishing to make additional contributions.

(f) Reporting.--The Children's Trust Fund Board shall include in its annual report required under section 5(6) of the act of December 15, 1988 (P.L.1235, No.151), known as the Children's Trust Fund Act, the amount received from the contributions authorized by this section and how the funds were used.

(g) Reimbursement.--The Children's Trust Fund shall reimburse the Motor License Fund for the actual costs incurred by the department in the administration of this section.

(h) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Children's Trust Fund." The fund created under section 8 of the Children's Trust Fund Act.

"Children's Trust Fund Board." The board created under section 4 of the Children's Trust Fund Act.

(Nov. 3, 2022, P.L.1734, No.112, eff. 180 days)

2022 Amendment. Act 112 added section 1324.

SUBCHAPTER B
REGISTRATION PLATES

Sec.

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§ 1331. Issuance and reissuance of registration plates.

(a) Department to provide plates.--Registration plates shall be provided by the department.

(b) Information on plate.--Every registration plate shall have displayed upon it the identifying numbers or letters assigned to the vehicle, the name of the Commonwealth, which may be abbreviated, and any other data the department may deem necessary.

(c) Temporary registration plates.--The department shall provide temporary registration plates for use on vehicles which are to be removed from this Commonwealth or for use as necessary pending issuance of permanent registration plates.

(d) Reflectorizing material on plate.--All registration plates, except temporary plates, shall be treated with reflectorizing material in accordance with standards approved by the department.

(e) Issuance of plates by agents.--The department may deliver registration plates, other than special plates, to designated agents, who shall have the authority to issue them in conjunction with the issuance of temporary registration cards.

(f) Periodic reissuance of registration plates.--The department shall develop, implement and administer a program to provide for the reissuance of current registration plates previously issued under this section. The program to be established under this subsection shall address the following criteria:

(1) Other than the annual registration fee required under sections 1305 (relating to application for registration) and 1309 (relating to renewal of registration) and Subchapter B of Chapter 19 (relating to registration fees), the reissued registration plate shall be issued under section 1934 (relating to general reissuance).

(2) The program shall provide that current registration plates issued under this section be replaced. The program may provide that the department provide for reissuance of

registration plates on a staggered basis which will replace registration plates issued under this section.

(3) The program may provide for the return of and the recycling of the older registration plates.

(4) (Deleted by amendment).

(5) (Deleted by amendment).

(6) The program may contain any other conditions, limitations, contractual arrangements or other factors which the department deems necessary to implement this subsection.

(Dec. 21, 1998, P.L.1126, No.151; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days)

2008 Amendment. Act 133 amended subsec. (f).

1998 Amendment. Act 151 amended the section heading and added subsec. (f), effective in 60 days as to the section heading and July 1, 1999, as to subsec. (f).

§ 1332. Display of registration plate.

(a) General rule.--Every registration plate shall, at all times, be securely fastened to the vehicle to which it is assigned or on which its use is authorized in accordance with regulations promulgated by the department.

(a.1) Motorcycle registration plate.--

(1) A registration plate issued for a motorcycle may be mounted on the motorcycle in a vertical manner if:

(i) the identifying characters on the plate are displayed in a vertical alignment; and

(ii) the mounting complies with all other provisions of this section.

(2) A registration plate that has its identifying characters displayed horizontally shall not be displayed and mounted vertically.

(3) The department shall produce a registration plate for motorcycles which displays the identifying characters on the plate in a vertical alignment. The department shall issue such a plate upon request and upon payment of a fee of $20, which shall be in addition to the annual registration fee.

(4) No later than January 1, 2016, the department shall report to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives on the number of motorcycle registration plates issued in a vertical alignment, the cost of issuance and any required revision to the fee so as to maintain necessary financial support for the highway system in this Commonwealth.

(b) Obscuring plate.--It is unlawful to display on any vehicle a registration plate which:

(1) is so dirty as to prevent the reading of the number or letters thereon at a reasonable distance;

(2) is illegible, obscured, covered or otherwise obstructed in any manner which inhibits the proper operation of an automated red light enforcement system in place pursuant to section 3116 (relating to automated red light enforcement systems in first class cities) or 3117 (relating to automated red light enforcement systems in certain municipalities) or any other automated enforcement system authorized by this title or an electronic toll collection system as authorized under 74 Pa.C.S. § 8117 (relating to electronic toll collection);

(3) is illegible, obscured, covered or otherwise obstructed in any manner at a reasonable distance;

(4) is illegible, obscured, covered or otherwise obstructed in any manner which inhibits the visibility of the issuing jurisdiction at a reasonable distance; or

(5) has a tinted plate cover.

(b.1) Construction.--Nothing under subsection (b) shall be construed to prohibit a vehicle from being affixed with a registration plate frame that minimally outlines the registration plate in such a manner that the registration plate's number and issuing jurisdiction is identifiable by an automated enforcement system under subsection (b)(2) or by law enforcement.

(c) Penalty for obscured plate.--Any person who violates subsection (b)(2) or (4) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $100.

(d) Validating registration stickers.--Validating registration stickers shall not be issued or required to be displayed.

(Feb. 9, 2004, P.L.65, No.8; July 2, 2012, P.L.735, No.84, eff. 90 days; Nov. 25, 2013, P.L.974, No.89; Nov. 4, 2016, P.L.1277, No.165, eff. 9 months; Nov. 3, 2022, P.L.1734, No.112)

2022 Amendment. Act 112 amended subsec. (b) and added subsec. (b.1). Section 10(1)(ii) of Act 112 provided that the amendment or addition of subsecs. (b)(2), (3) and (4) and (b.1) shall take effect immediately and the remainder of the section shall take effect in 60 days.

2016 Amendment. Act 165 amended subsecs. (b) and (c).

2013 Amendment. Act 89 added subsecs. (a.1) and (d), effective in 90 days as to subsec. (a.1) and December 31, 2016, as to subsec. (d). See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1332 is referred to in sections 6110.1, 6309.1 of this title.

§ 1333. Lost, stolen, damaged or illegible registration plate.

(a) Application for new plate.--The registrant of the vehicle shall within 48 hours of discovering the loss, theft or defacement apply to the department for a new plate and report the loss or theft of a plate to the police.

(b) Substitute registration.--Where the registration plate has been lost or stolen and in any other case in which the department may deem it advisable, the original registration shall be cancelled and substitute registration issued under a new registration number other than that originally issued. Upon receipt of substitute registration, it shall be the duty of the registrant to return the old registration plates and card to the department, unless lost or destroyed.

(b.1) Illegible registration plate.--The department may reissue a registration plate upon request by a registrant when it is determined by an authorized representative of the department or law enforcement that the registration plate is illegible from a reasonable distance. The department may select the style of the reissued registration plate and, except in the case of personal registration plates issued under section 1341 (relating to special registration plates), the registration plate number.

(c) Affidavit to avoid penalty.--No owner or operator of a vehicle shall be subject to a fine for the reason that the registration plate is missing if they have in their possession an

affidavit that the plate was lost or stolen and that application for new plate or plates was made within 48 hours as required in this section.
(Nov. 26, 2008, P.L.1658, No.133, eff. 60 days; Mar. 19, 2014, P.L.361, No.23, eff. 120 days)

2014 Amendment. Act 23 amended subsec. (b.1).

§ 1334. Return of registration plate.

(a) General rule.--Registration plates shall be returned to the department under the following circumstances:

(1) A registration plate shall be returned if the registrant no longer has a vehicle titled in this Commonwealth.

(2) A legislative registration plate shall be returned on the expiration or termination of the term of office of the legislative member.

(3) A dealer or "Miscellaneous Motor Vehicle Business" registration plate shall be returned if the business is discontinued.

(4) A person with a disability registration plate shall be returned if the person to whom it was issued no longer qualifies under section 1338 (relating to person with disability plate and placard).

(b) Time for return of plate.--Each registration plate required to be returned under this section shall be returned to the department within five days of the occurrence requiring its return.

(c) Statement accompanying returned plate.--Each returned registration plate shall be accompanied by a statement of the reason for the return of the plate and the date of the occurrence requiring its return.
(July 11, 1980, P.L.550, No.113, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

1998 Amendment. Act 151 amended subsec. (a)(4).

§ 1334.1. Seizure of registration plate.

A police officer or an employee of the department authorized to enforce the provisions of Chapter 49 (relating to size, weight and load) may seize a registration plate that appears in departmental records as suspended, revoked, canceled, stolen, inactive or issued to a vehicle other than the vehicle on which it is displayed. This provision shall not apply to a registration plate that has been legally transferred as provided for in section 1314 (relating to transfer of registration).
(June 22, 2001, P.L.559, No.37, eff. 60 days)

2001 Amendment. Act 37 added section 1334.1.

§ 1335. Registration plates for manufacturers and dealers.

(a) General rule.--Upon posting of a bond in the amount of $20,000 and approval of an application in accordance with departmental regulations, the department shall issue to dealers and manufacturers who are licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons and to other dealers designated by departmental regulations, special registration plates which may be displayed on vehicles in lieu of registering each vehicle individually.

(a.1) Bond already on file.--An authorized dealer or manufacturer who has filed a bond with the Commonwealth shall not

be required to file a separate bond under this section if the bond already on file with the Commonwealth is in the name of the Commonwealth and in an amount and coverage at least equal to that required under this section.

(a.2) Exemption.--The following types of dealers and manufacturers are exempt from posting of the bond specified in subsection (a):

(1) Farm equipment dealers.

(2) Mobile home dealers and manufacturers.

(3) Modular housing manufacturers.

(b) Application for plates.--Application for dealer registration plates shall be made by the dealer or manufacturer on a form provided by the department together with a copy of his license from the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen.

(c) Exemption from individual registration.--Vehicles displaying dealer registration plates may be operated on the highway without registering each vehicle individually, provided that the plates are used in accordance with the limitations of sections 1336 (relating to use of dealer registration plates) and 1336.1 (relating to use of multipurpose dealer registration plates).

(d) Modular housing manufacturers.--For the purposes of this section, no modular housing manufacturer shall be required to be licensed by the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen of the Department of State in order to receive registration plates.

(July 20, 1979, P.L.168, No.55, eff. imd.; Mar. 7, 1982, P.L.152, No.49, eff. imd.; July 10, 1984, P.L.679, No.146, eff. 60 days; July 10, 1990, P.L.356, No.83, eff. 30 days; Aug. 5, 1991, P.L.238, No.26; Dec. 7, 1994, P.L.820, No.115, eff. 60 days)

1994 Amendment. Act 115 amended subsec. (a).

1991 Amendment. Act 26 amended subsec. (c) and added subsec. (a.2), effective immediately as to subsec. (a.2) and 120 days as to subsec. (c).

References in Text. The State Board of Motor Vehicle Manufacturers, Dealers and Salesmen, referred to in this section, was changed to the State Board of Vehicle Manufacturers, Dealers and Salespersons by the act of December 22, 1983 (P.L.306, No.84).

§ 1336. Use of dealer registration plates.

(a) General rule.--Dealer registration plates may be displayed on any vehicle which is owned or in the possession of a dealer or manufacturer and such a vehicle may be operated upon the highway, but only if the vehicle is being held for sale and is being used for any of the following purposes:

(1) For teaching students enrolled in an approved driver education course, how to operate a vehicle and for the new driver to take an examination for a driver's license.

(2) For testing, for safety inspection, repairing or transporting to or from a repair facility vehicles in the possession of the dealer within a radius of 25 miles of the place of business of the dealer. Vehicles in the possession of the manufacturer may be tested within a radius of 50 miles of the place of business of the manufacturer.

(3) For demonstrating vehicles in the possession of the dealer or manufacturer at no cost to a prospective purchaser.

(4) For loaning to customers whose vehicles are being repaired if the loan period does not exceed 30 days.

(5) For loaning to a prospective purchaser for a period not exceeding five days for the purpose of demonstrating the vehicles.

(6) For loaning to charitable organizations as defined by departmental regulations for use in charitable activities authorized by departmental regulations.

(7) For transit to or from a dealer, show, exhibit or auction where the vehicle is purchased by the dealer or offered for sale to prospective purchasers.

(8) For delivery to or from a second-stage manufacturer for or upon completion. Vehicles operated pursuant to this paragraph must be unladen.

(9) For transit to or from a prospective purchaser or customer for the purpose of demonstrating or loaning as permitted by subsection (a).

(10) For use in the conduct of the dealer's administrative functions, such as attending meetings or events, transporting department-required paperwork or transporting financial paperwork.

(11) For a trailer being held for sale hauling other trailers being held for sale as long as the combined weight of all trailers does not exceed 3,000 pounds.

(b) Personal use.--A vehicle displaying dealer registration plates which is owned by a dealer or manufacturer, is held for sale and does not exceed a gross vehicle weight rating of 7,500 pounds may be operated upon the highways of this Commonwealth for the personal use of the following:

(1) The dealer or members of his or her immediate family when the dealer is a sole proprietorship.

(2) The officers, partners or members of their immediate families when the dealer is a corporation or partnership.

(3) The regular employees of the dealer.

(c) Commercial use prohibited.--Except as specifically authorized by subsections (a) and (b), dealer registration plates shall not be used on vehicles for a commercial purpose, including parts or delivery vehicles, courtesy shuttle vehicles, wreckers, roll backs, truck tractors and trucks.

(d) Limited use.--Limited use of certain types of dealer plates shall be as follows:

(1) A motor driven cycle or motorized pedalcycle dealer plate shall be used only on motor driven cycles and motorized pedalcycles.

(2) A motorcycle dealer plate shall be used only on motorcycles, motor driven cycles and motorized pedalcycles. In addition, a motorcycle dealer plate may be used on other vehicles owned or in possession of the motorcycle dealer only when the vehicle is being demonstrated for a prospective purchaser.

(3) A trailer dealer plate shall be used only on trailers.

(e) Records.--Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as permitted by subsection (a)(1), (4), (5) and (6). The records shall indicate the name of the person to whom the vehicle was loaned. If the vehicle was loaned to a business or an organization with more than one driver, it is sufficient to list only the name of the business or organization. The records shall

be open to inspection by representatives of the department and police officers.

(f) Penalty.--Any person who violates this section, in addition to any penalty, suspension or revocation imposed by the department, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than $100.

(July 10, 1990, P.L.356, No.83, eff. 30 days; Aug. 5, 1991, P.L.238, No.26, eff. 120 days; June 11, 1992, P.L.266, No.47, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsecs. (a)(2) and (7), (b) intro. par. and (e) and added subsec. (a)(8), (9), (10) and (11).

Cross References. Section 1336 is referred to in section 1335 of this title.

§ 1336.1. Use of multipurpose dealer registration plates.

(a) General rule.--Subject to the requirement that the vehicles on which multipurpose dealer registration plates are used, conform to or are lower than the weight limits for which the plates were purchased, the multipurpose dealer registration plates may be used on vehicles owned by or in possession of a dealer or manufacturer. All vehicles utilizing the multipurpose dealer registration plate shall be titled in the name of the business or family member, and sales and use tax must be paid.

(b) Exception for second-stage manufacturers.--A title in the name of the business or family member and payment of sales and use tax are not required for a vehicle which has never been titled as long as the vehicle:

(1) is in possession of a second-stage manufacturer and is being transported from a dealer or distributor for completion or delivered to a dealer or distributor upon completion; or

(2) is owned or in possession of a dealer and is being delivered to the second-stage manufacturer for completion or is being transported back to the dealer upon completion.

(Aug. 5, 1991, P.L.238, No.26, eff. 120 days; July 6, 1995, P.L.246, No.30, eff. 60 days)

Cross References. Section 1336.1 is referred to in section 1335 of this title.

§ 1336.2. Farm equipment dealer registration plates.

Upon submission of an application accompanied by the appropriate fee and information on a farm equipment dealer that a truck or truck tractor with a registered gross weight of 11,001 pounds or over is used solely in the business of the dealer, the department shall issue a farm equipment dealer registration plate for the vehicle.

(Aug. 5, 1991, P.L.238, No.26, eff. 120 days)

1991 Amendment. Act 26 added section 1336.2.

§ 1337. Use of "Miscellaneous Motor Vehicle Business" registration plates.

(a) General rule.--The department shall issue to owners of miscellaneous motor vehicle businesses with established places of business special registration plates which may be displayed on vehicles operated on highways in lieu of registering each vehicle individually. Registration plates issued under this section may be

displayed upon vehicles only as provided for each of the following classes of miscellaneous motor vehicle business:

(1) For a repair or towing business:

(i) upon vehicles being used in the conduct of the repair business to retrieve, tow or deliver other vehicles or parts; and

(ii) upon vehicles being repaired.

(2) For a vehicle salvage dealer business:

(i) upon vehicles being used in the conduct of the vehicle salvage dealer's business to retrieve or deliver vehicles, vehicle hulks, parts or materials; and

(ii) upon vehicles being transported on their own wheels for the purpose of being dismantled or recycled.

(3) For a transporter business upon vehicles being transported on their own wheels in the conduct of the transporter business.

(4) For a financier or collector-repossessor business:

(i) upon vehicles being used to pick up vehicles that are being repossessed; and

(ii) upon vehicles being repossessed.

(5) For a watercraft trailer business:

(i) upon trailers used for the delivery of a new boat to its purchaser;

(ii) upon trailers used for the transport of a used boat which is to be resold by the dealer; and

(iii) upon trailers used for the transport of boats by a dealer to or from another boat dealer, warehouse, storage facility, boat show or repair facility or to and from a location where a boat is to be demonstrated, tested or inspected.

(6) For all classes of miscellaneous motor vehicle businesses upon vehicles used for the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of the owner's immediate family, or when the business is a corporation, upon vehicles used for the pleasure or use of not more than three officers or members of the officer's immediate family or for the personal use of the regular employees of the business when operated by the employee.

All vehicles specified in paragraphs (1)(i), (2)(i), (4)(i) and (6) must be titled in the name of the business or family member and sales tax must be paid.

(b) Application for registration.--Application for registration in any of the "Miscellaneous Motor Vehicle Business" classes shall be made upon a form provided by the department and shall set forth the full name and business address of the applicant and such other information as the department shall require. The application shall be verified by the oath or affirmation of the applicant or, if the applicant is a partnership or a corporation, by a partner or officer.

(c) Classes of "Miscellaneous Motor Vehicle Business".--

(1) Repair or towing.--Any person regularly engaged in the business of mechanical or body repairs or towing for direct compensation of motor vehicles owned and operated by other persons.

(2) Vehicle salvage dealer.--Any person regularly engaged in the business of acquiring and dismantling used, wrecked, damaged, abandoned or salvage vehicles for the purpose of

selling the usable parts and selling the remaining vehicle hulk materials for recycling or processing.

(3) Transporter.--Any person regularly engaged in the business of transporting new or used vehicles on their own wheels, owned by or in possession of a manufacturer or dealer.

(4) Financier or collector-repossessor.--Any person who is duly authorized by the Department of Banking to do business in this Commonwealth as a financier or collector-repossessor and who is regularly engaged in the business of financing sales, making loans on the security of vehicles or repossessing vehicles which are the subject of installment sales contracts as an independent contractor.

(5) Watercraft trailer dealer.--Any person regularly engaged in the business of selling watercraft and trailers used exclusively for the transport of the watercraft.

(July 20, 1979, P.L.168, No.55, eff. imd.; Feb. 10, 1994, P.L.10, No.2, eff. 60 days)

Cross References. Section 1337 is referred to in sections 1162, 7301, 7302, 7322 of this title.

§ 1337.1. Fleet owner transporter registration plate.

(a) General rule.--The department shall issue to fleet owners special registration plates which may be displayed on passenger cars, trucks, truck tractors and trailers owned or leased by the fleet owner in lieu of registering each vehicle individually.

(b) Limitations on use of plates.--

(1) A registration plate issued under this section may be displayed only on an unladen vehicle.

(2) A registration plate issued under this section may be displayed only on a vehicle type for which it was purchased, except that a plate issued for a truck or truck tractor may be displayed on an unladen passenger car or an unladen trailer. The weight limits for trucks, truck tractors and trailers must conform to the weight limit for which the registration plate was purchased.

(3) A vehicle bearing a registration plate issued under this section may be used for any of the following:

(i) For transit of the vehicle to or from the place where the vehicle is offered for sale.

(ii) For transit from the place where the vehicle was purchased.

(iii) For transit to and from a location where the vehicle is modified, completed or enhanced for a period of not more than 30 days after the date of purchase.

(iv) For testing of the vehicle for a period of not more than 30 days after the date of purchase.

(v) For repair, servicing or inspection of a vehicle which is not normally operated on a highway.

(c) Records.--Records shall be kept by the fleet owner in a manner prescribed by the department indicating the vehicles which displayed each registration plate issued under this section. The records shall be open to inspection by department representatives and any police officer.

(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

1992 Amendment. Act 174 added section 1337.1.

§ 1338. Person with disability plate and placard.

(a) Person with disability plate.--On the application of any person who:

(1) is blind;

(2) does not have full use of an arm or both arms;

(3) cannot walk 200 feet without stopping to rest;

(4) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;

(5) is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;

(6) uses portable oxygen;

(7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association;

(8) is severely limited in his or her ability to walk due to an arthritic, neurological or orthopedic condition;

(9) is a person in loco parentis of a person specified in paragraph (1), (2), (3), (4), (5), (6), (7) or (8);

(10) is the parent, including adoptive parent or foster parent, of a child or adult child provided that the person has custody, care or control of the child or adult child and the child or adult child satisfies paragraph (1), (2), (3), (4), (5), (6), (7) or (8); or

(11) is the spouse of a person specified in paragraph (1), (2), (3), (4), (5), (6), (7) or (8);

the department shall issue a special registration plate for one passenger car or truck with a registered gross weight of not more than 14,000 pounds, designating the vehicle so licensed as being used by a person with a disability. Special plates for persons with disabilities may also be issued for vehicles operated exclusively for the use and benefit of persons with disabilities. In the case of a motorcycle, the department shall issue a decal containing the international symbol for access for persons with disabilities for display on the registration plate.

(b) Person with disability parking placard.--On the initial application or renewal application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of persons with disabilities. When parking the designated vehicle, the person with disability parking placard shall be prominently displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be displayed on the dashboard. Placards may also be issued for use in vehicles when operated for the use and benefit of persons with disabilities provided that a person with a disability is being transported in the vehicle. Organizations that transport persons with disabilities shall upon application be issued not more than eight placards in the organization's name. These placards may be used in

a vehicle of the organization or the personal vehicle of an employee or volunteer of the organization when the employee or volunteer operates the vehicle for the benefit and use of persons with disabilities provided that a person with a disability is being transported in the vehicle.

(c) Health care provider's statement.--

(1) Any person applying for a special plate or parking placard for persons with disabilities must present a statement, certified by a physician, podiatrist, chiropractor, optometrist, physician assistant or certified registered nurse practitioner licensed or certified to practice in this Commonwealth or in a contiguous state, that the person with a disability is disabled as provided in subsection (a).

(2) Any person applying for a renewal of registration of a special plate for persons with disabilities must comply with this subsection. Once a person with a disability has been duly certified by a physician, podiatrist, chiropractor, optometrist, physician assistant or certified registered nurse practitioner as being disabled, as provided in subsection (a), the applicant need not submit a certification for subsequent renewals of registration for a special plate for persons with disabilities. A person who was issued a person with disability plate under this section and no longer qualifies for one shall not be charged a replacement fee for a regular registration plate upon payment of the regular registration fee.

(3) In lieu of a health care provider's statement, a person applying for a special plate or parking placard may present a statement from a police officer certifying that the person does not have full use of a leg, or both legs, or is blind.

(4) The department shall phase out existing handicapped placards as soon as practicable and issue a new series to persons who comply with this section.

(c.1) Return of plates and placard.--Upon the death of a person to whom a plate or placard has been issued under this section, the plate or placard shall be void 30 days after death and shall not be displayed on any vehicle. The personal representative of the deceased shall return the plate to the department. If there is no personal representative, the spouse or, if there is no spouse, the next of kin of the deceased shall return the plate or placard to the department.

(c.2) Authorized use.--This section shall not preclude the operation of a vehicle which bears a person with disability plate when the vehicle is not being used for the benefit of the person with a disability or when the person with a disability is not present in the vehicle, provided the driver does not use or attempt to use any special privilege or benefit otherwise accorded to vehicles displaying the plate.

(d) Penalty.--Any person violating this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than $100.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Chiropractor." A chiropractor acting within the scope of practice contained in the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act.

"Podiatrist." A podiatrist acting within the scope of practice contained in the act of March 2, 1956 (1955 P.L.1206, No.375), known as the Podiatry Practice Act.
(July 11, 1980, P.L.550, No.113, eff. 60 days; Oct. 10, 1980, P.L.791, No.147, eff. imd.; May 9, 1986, P.L.158, No.51, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; July 11, 1990, P.L.432, No.105, eff. 60 days; July 19, 1991, P.L.88, No.20, eff. 90 days; Apr. 29, 1994, P.L.148, No.25, eff. imd.; July 6, 1995, P.L.246, No.30, eff. 60 days; Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 15, 2004, P.L.698, No.76, eff. 60 days; Dec 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days; June 23, 2016, P.L.390, No.55, eff. 60 days; Oct. 25, 2017, P.L.374, No.37, eff. 60 days)

2017 Amendment. Act 37 amended subsec. (c)(1) and (2).
2016 Amendment. Act 55 amended subsec. (a).
2004 Amendment. Section 2 of Act 76 provided that any regulations of the Department of Transportation that are inconsistent with Act 76 are hereby abrogated to the extent of that inconsistency.
Cross References. Section 1338 is referred to in sections 1334, 1341.1, 1342, 3354 of this title.

§ 1339. Legislative plate.

Upon application by a member or retired member of the General Assembly of the Commonwealth or the Congress of the United States, the department may issue special registration plates indicating that the vehicle is owned by a member or retired member of the Pennsylvania or United States Senate or House of Representatives, as appropriate.
(June 26, 2001, P.L.734, No.75, eff. 60 days)

§ 1340. Antique, classic and collectible plates.

(a) General rule.--Upon submission by a vehicle owner of information satisfactory to the department that a motorcycle or motor vehicle is an antique motorcycle or motor vehicle or classic motorcycle or motor vehicle or collectible motorcycle or motor vehicle, accompanied by the appropriate fee, the department may issue special plates for the motorcycle or vehicle. The special plate for antique motor vehicles, except antique motorcycles, shall bear the designation "antique vehicle." The applicant shall provide photographic proof in a manner specified by the department to demonstrate the condition of the motor vehicle. No annual registration fee may be charged for antique, collectible or classic motorcycles or motor vehicles. A holder of the special plates may obtain replacement plates bearing the designation "antique vehicle" upon payment of the appropriate fee.

(a.1) Vintage registration plates.--In lieu of a special plate issued under subsection (a), the owner of an antique or classic motor vehicle may request permission from the department to display a vintage registration plate from the model year of the motor vehicle. The vintage registration plate shall be:

(1) Provided by the motor vehicle owner.
(2) A Pennsylvania registration plate issued between the years 1906 and 1976.
(3) Legible from a reasonable distance.

The applicant shall provide information as the department may require for processing the request and a $75 application fee. The

department may deny a request to use a vintage registration plate for cause.

(a.2) Historic military vehicle plates.--In lieu of a special plate issued under subsection (a), the owner of a historic military vehicle may be issued by the department special plates for the vehicle which shall have the same force and effect as antique or classic registration plates. The applicant shall provide information as the department may require for processing the request and a $75 application fee.

(b) Use of plates.--It is unlawful for any person to operate a motorcycle or vehicle with antique, classic, vintage, collectible or historic military vehicle registration plates for general daily transportation. Permitted use shall be limited to participation in club activities, exhibits, tours, parades, occasional transportation and similar uses. Occasional transportation shall mean no more than one day per week.

(c) Definition.--As used in this section, the term "historic military vehicle" means an antique or classic vehicle, including a trailer, that was manufactured for use in any country's military forces and is maintained to represent the vehicle's military design and markings accurately.

(May 30, 1990, P.L.173, No.42, eff. 60 days; Apr. 29, 1994, P.L.148, No.25, eff. 60 days; Dec. 20, 1995, P.L.669, No.75, eff. 120 days; Dec. 1, 2004, P.L.1767, No.228, eff. 60 days; Apr. 12, 2012, P.L.227, No.25, eff. 120 days; July 2, 2014, P.L.988, No.109, eff. 60 days; Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 amended subsec. (b) and added subsecs. (a.2) and (c).

2014 Amendment. Act 109 amended subsec. (a.1)(2).

Cross References. Section 1340 is referred to in sections 102, 1786, 4703 of this title.

§ 1340.1. Street rod plate.

Upon submission by a vehicle owner of information satisfactory to the department that a motor vehicle is a street rod, accompanied by the appropriate fee, the department shall issue special plates for the vehicle which shall have the same force and effect as regular registration plates. The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees.

(July 10, 1981, P.L.250, No.82, eff. imd.)

1981 Amendment. Act 82 added section 1340.1.

§ 1341. Special registration plates.

(a) General rule.--Upon request by the applicant, the department may issue registration plates consisting of any combination of numbers, letters or numbers and letters. They shall have the same force and effect as regular registration plates. The department may refuse any combination of letters and numbers for cause and shall adopt reasonable rules and regulations for the issuance of the plates and for carrying out the provisions of this section. The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees.

(b) Personal registration plates.--Upon request by the applicant, the department is authorized to issue personal registration plates. The department is authorized to reissue a

combination of numbers or letters for a personal plate if the department records reveal that no activity, such as renewal or transfer of the personal registration plate, has occurred for a period of five or more consecutive years and provided that the personal registration plate was never reported as lost or stolen. Whenever the department reissues an inactive personal plate, the department may purge its records of all references to the previous owners of that personal plate. The department shall, however, note upon its records the reissuance of the personal plate and to whom the plate was issued. A personal registration plate may be used only on a passenger car or truck, with a registered gross weight of not more than 14,000 pounds, motorcycle, trailer or motor home.

(c) Organization registration plates.--Upon request by the applicant, the department is authorized to issue organization registration plates. Organization registration plates may be issued for special groups or for special purposes and bear an appropriate designation. Special groups may charge an initial fee for authorization to request a registration plate bearing the name of the group or an abbreviation of the group name desired by the organization and as approved by the department. Special groups with more than 2,000 organization registration plates may charge a renewal fee for authorization to renew a registration plate bearing the name of the group. The imposition or collection of initial or renewal fees for authorization to request or continue use of a special group's plate is at the special group's discretion and does not require any action by the department. If the vehicle is licensed to a business that is not a member of the special group, the department shall issue the plate as long as the business owner or officer making application is a member of that group. An organization registration plate may be used only on a passenger car or truck, with a registered gross weight of not more than 14,000 pounds, trailer, motorcycle or motor home.

(Apr. 29, 1994, P.L.148, No.25, eff. imd.; June 26, 2001, P.L.734, No.75, eff. 60 days; Nov. 29, 2006, P.L.1449, No.159, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Mar. 19, 2014, P.L.361, No.23, eff. 120 days; Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 amended subsec. (c).

Cross References. Section 1341 is referred to in sections 1333, 1786 of this title.

§ 1341.1. Personal organization registration plates.

(a) General rule.--The department may, upon application of any person and upon payment of the additional fee under this section, issue a personal organization registration plate to applicants for special registration plates authorized in this chapter.

(b) Additional fee.--

(1) The department shall collect an additional fee of $100 for personal organization registration plates issued under subsection (a).

(2) For any personal plate issued under sections 1338 (relating to person with disability plate and placard) and 1342 (relating to veteran plates and placard), the department shall collect only an additional fee of $50.

(Mar. 19, 2014, P.L.361, No.23, eff. 120 days)

2014 Amendment. Act 23 added section 1341.1.

§ 1342. Veteran plates and placard.

(a) Severely disabled veteran plate.--On the application of a veteran whose service-connected disability is certified at 100% by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration or who has a service-connected disability of the type enumerated in section 1338 (relating to person with disability plate and placard), the department shall issue a special registration plate designating the vehicle as belonging to a severely disabled veteran. The registration plate shall have a white background, shall have blue numbers or letters as the department may determine, shall have the words "disabled veteran" in at least ten-point bold type inscribed in red at the bottom of the plate and shall include the international symbol for access for persons with disabilities. A special registration plate issued to a veteran under this section may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. In the case of a motorcycle, the department shall issue a decal containing the international symbol for access for persons with disabilities and the words "disabled veteran" for display on the registration plate.

(b) Severely disabled veteran placard.--On the application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of a severely disabled veteran. When parking the designated vehicle, the severely disabled veteran parking placard shall be prominently displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be prominently displayed on the dashboard of the vehicle when it is in use for the transportation of such severely disabled veteran. Placards may also be issued for use in vehicles when operated for the use and benefit of severely disabled veterans provided that a severely disabled veteran is being transported in the vehicle.

(c) Disabled veteran plates.--On the application of any veteran having a disability certified by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration as service-connected, the department shall issue a special registration plate designating the vehicle as belonging to a disabled veteran. The registration plate shall have a white background, shall have numbers or letters as the department may determine and shall have the words "disabled veteran" in at least ten-point bold type inscribed at the bottom of the plate. A special registration plate issued to a veteran under this section may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(d) Prisoner of war plate.--On the application of an ex-prisoner of war whose imprisonment while in the service of the armed forces of the United States is certified by the appropriate branch of the armed forces, the department shall issue a special registration plate designating the vehicle as belonging to an ex-prisoner of war. The registration plate shall contain the letters "POW" and such other numbers or letters as the department may

determine and shall have the words "prisoner of war" in at least ten-point bold type inscribed at the bottom of the plate. A special registration plate issued to an ex-prisoner of war under this subsection may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(e) Documentation of eligibility.--The department may require current holders of disabled veteran registration plates and placards to provide documentation of their eligibility under this section where current documentation is not sufficient.

(f) Return of plates and placard.--Upon the death of a veteran to whom a severely disabled veteran plate or placard has been issued under this section, the severely disabled veteran plate or placard shall be void 30 days after death and shall not be displayed on any vehicle. The personal representative of the deceased shall return the plate to the department. If there is no personal representative, the spouse or, if there is no spouse, the next of kin of the deceased shall return the plate or placard to the department.

(July 11, 1980, P.L.550, No.113, eff. 60 days; July 10, 1981, P.L.250, No.82, eff. imd.; May 9, 1986, P.L.158, No.51, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Apr. 29, 1994, P.L.148, No.25, eff. imd.; Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

2014 Amendment. Act 109 amended subsecs. (a), (c) and (d).

1998 Amendment. Act 151 amended subsecs. (a), (b), (c) and (d).

1995 Amendment. Act 72 added subsec. (f).

Cross References. Section 1342 is referred to in sections 1341.1, 1346, 3354 of this title.

§ 1343. Use of school bus or school vehicle plates.

(a) General rule.--A motor vehicle bearing school bus or school vehicle registration plates shall be used exclusively for the transportation of children and their chaperons to or from public, private, parochial or Sunday school or in connection with any public, private, parochial or Sunday school-related activity. Each school district shall adopt regulations regarding the number of chaperons to accompany students in connection with these activities. Except when transporting children to and from public, private, parochial or Sunday school or public, private, parochial or Sunday school-related activities, the words "school bus" on the front and rear of the vehicle shall be concealed and the red and amber visual signals shall not be operable.

(b) Penalty.--Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $25.

(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

§ 1344. Use of farm vehicle plates.

(a) General rule.--A truck or truck tractor bearing farm vehicle registration plates shall be used exclusively upon a farm or farms owned or operated by the registrant of the vehicle or upon highways between:

(1) Parts of one such farm.

(2) Such farms.

(3) Such a farm or farms and a place of business for the purpose of buying or selling agricultural commodities or supplies.

(4) Such place of business, if transported to the place of business pursuant to paragraph (3) and the place of delivery of the agricultural commodities, provided that:

(i) delivery is made pursuant to the sale of the commodities by the registrant of the vehicle, by an employee of the vehicle registrant or by an auctioneer; and

(ii) if transported to the place of business pursuant to paragraph (3), delivery is made by the same vehicle of the registrant which transported the commodities to the place of business.

(5) Such farm or farms and a department site for the examination of an applicant for a driver's license.

(6) Such farm or farms and a place of business for the inspection, repair or servicing of the vehicle.

(b) Penalty.--Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $50 and shall, upon conviction for a second or subsequent offense, be sentenced to pay a fine of $200.

(July 20, 1979, P.L.168, No.55, eff. imd.; Nov. 23, 1987, P.L.399, No.82, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days)

1993 Amendment. Act 10 amended the section heading and subsec. (a).

Cross References. Section 1344 is referred to in section 2105 of this title.

§ 1344.1. Use of farm equipment dealer registration plates.

A truck or truck tractor bearing farm equipment dealer registration plates shall be used solely in the business of the dealer and operated exclusively by the dealership or its employees only when the vehicle is used:

(1) for delivering farm equipment to a farm for the purpose of sale, demonstration, loaning to customers whose farm equipment is being repaired or loaning to prospective purchasers;

(2) for pickup of new farm equipment from the manufacturer or distributor;

(3) for pickup of used farm equipment for the purpose of resale; or

(4) for inspection, repair or servicing the vehicle.

(Aug. 5, 1991, P.L.238, No.26, eff. 120 days)

1991 Amendment. Act 26 added section 1344.1.

§ 1345. Special plates for recipients of the Medal of Honor.

Upon application of any person who is a recipient of the Medal of Honor, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Medal of Honor. The plate shall have a light blue background interspersed with 13 white stars. The center of the plate shall bear a golden bronze replica of the appropriate medal. The initials of each recipient shall be embossed in red to the left of the medal and the letters "CMH" (for Congressional Medal of Honor) shall be embossed in red to the right of the medal.

(Nov. 23, 1982, P.L.689, No.197, eff. 60 days)

1982 Amendment. Act 197 added section 1345.

§ 1346. Special plates for recipients of Purple Heart.

Upon application of any person who is a recipient of the Purple Heart, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Purple Heart. A severely disabled veteran, as described in section 1342(a) (relating to veteran plates and placard), who is qualified to receive a plate under this section may also elect to receive a placard under section 1342(b). The special registration plate may be used only on a passenger car, motorcycle or truck with a registered gross weight of not more than 14,000 pounds.

(June 12, 1986, P.L.252, No.65, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days; Oct. 24, 2018, P.L.705, No.108, eff. 120 days)

§ 1347. Hearing impaired plates.

On the application of any person with a hearing impairment, verified by a licensed physician and accompanied by the appropriate fee, the department shall issue to that person a special registration plate designating the vehicle as belonging to a person who has a hearing impairment, which plate shall have the same effect as a regular registration plate.

(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days)

1986 Amendment. Act 166 added section 1347.

§ 1348. Special plates for Pearl Harbor survivors.

Upon application of any person who is a survivor of Pearl Harbor, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a survivor of Pearl Harbor. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(July 10, 1990, P.L.356, No.83, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1349. Circus or carnival plates.

Upon submission by a truck or truck tractor owner of information to the department that a truck or truck tractor is used exclusively for the purpose of transportation of circus or carnival personnel or equipment or machinery and only so used during the period from April 1 through September 30 of any year, the department may issue special plates for the vehicle. The registration fee for the truck or truck tractor shall be one-half the fee for a similar truck or truck tractor not used for the purposes described in this section.

(July 10, 1990, P.L.356, No.83, eff. 180 days)

1990 Amendment. Act 83 added section 1349.

§ 1350. Special plates for veterans of Korean War.

Upon application of any person who is a veteran of the Korean War, accompanied by a fee of $20, which shall be in addition to the annual registration fee, and by such documentation as the

department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Korean War. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Nov. 24, 1992, P.L.702, No.105, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1350.1. Special plates for recipients of Korean Defense Service Medal.

Upon application of any person who is a recipient of the Korean Defense Service Medal, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Korean Defense Service Medal. The department shall design and produce the special registration plate. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 7, 2006, P.L.389, No.82, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1351. Special plates for veterans of Persian Gulf War.

Upon application of any person who is a veteran of the Persian Gulf War, accompanied by a fee of $20, which shall be in addition to the annual registration fee, and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Persian Gulf War. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Nov. 24, 1992, P.L.702, No.105, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1352. Wild resource conservation plate.

The department, in consultation with the Wild Resource Conservation Board, shall design a special wild resource conservation registration plate. Upon application of any person, accompanied by a fee of $35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 14,000 pounds. The Wild Resource Conservation Fund shall receive $15 of each additional fee for this plate.
(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1352.1. Appalachian Trail organization registration plates.

(a) General rule.--The department, in consultation with the Appalachian Trail Conservancy, shall design a special Appalachian Trail organization registration plate. The plate, at a minimum, shall contain the image of a hiker and the Appalachian Trail Conservancy logo and distinctive coloring. The Appalachian Trail Conservancy may charge a fee for the authorization to request the

registration plate. Upon request by the applicant, the department shall issue the plate for a passenger car or truck with a registered gross weight of not more than 14,000 pounds or a motor home. The fee provided under section 1931(b) (relating to personal and organization registration plates) shall apply.

(b) Proceeds.--It is the intent of the General Assembly that proceeds received by the Appalachian Trail Conservancy under this section are to be used exclusively for trail maintenance and improvement.

(Mar. 19, 2014, P.L.361, No.23, eff. 120 days; July 2, 2014, P.L.988, No.109, eff. imd.)

2014 Amendments. Act 23 added section 1352.1 and Act 109 amended subsec. (a).

§ 1352.2. Pollinator conservation registration plate.

The department, in consultation with the Department of Agriculture, shall design a special pollinator conservation registration plate. Upon application of any person, accompanied by a fee of $38 which shall be in addition to the registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 14,000 pounds. The Pollinator Habitat Program Fund shall receive $25 of the fee paid by the applicant for the plate.

(Nov. 3, 2022, P.L.1734, No.112, eff. 120 days)

2022 Amendment. Act 112 added section 1352.2.

Cross References. Section 1352.2 is referred to in section 1905 of this title.

§ 1353. Preserve our heritage registration plate.

The department, in consultation with the Pennsylvania Historical and Museum Commission, shall design a special preserve our heritage registration plate. Upon receipt of an application, accompanied by a fee of $54 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 14,000 pounds. The Historical Preservation Fund shall receive $23 of each additional fee for this plate.

(Dec. 28, 1994, P.L.1441, No.170, eff. 120 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014; July 2, 2014, P.L.988, No.109, eff. 60 days)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 1353.1. Pennsylvania monument registration plate.

(a) Design.--The department shall design a Pennsylvania monument registration plate which shall have a replica of the Pennsylvania Memorial Monument at the Gettysburg National Military Park and shall display the words "Gettysburg 1863."

(b) Application.--Upon application of any person, accompanied by a fee of $54 which shall be in addition to the annual registration fee, the department shall issue the registration plate under subsection (a) for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 14,000 pounds.

(c) Proceeds.--The Pennsylvania Veterans' Monuments and Memorial Trust Fund shall receive $23 of the fee paid by the applicant for the registration plate under subsection (a).

(d) Use of proceeds.--Proceeds under subsection (c) shall be used exclusively to provide grants to nonprofit organizations for the cleaning, repair and restoration of Pennsylvania monuments and memorials by the Gettysburg National Military Park. A grant under this subsection may not be used to pay for the cost of cleaning, repair or restoration of the grounds surrounding a Pennsylvania monument or memorial.

(July 2, 2014, P.L.988, No.109, eff. 120 days; June 28, 2018, P.L.432, No.64, eff. 60 days)

2018 Amendment. Act 64 amended subsecs. (c) and (d).

2014 Amendment. Act 109 added section 1353.1.

§ 1354. Flagship Niagara commemorative registration plate (Repealed).

2013 Repeal. Section 1354 was repealed November 25, 2013, P.L.974, No.89, effective in 60 days.

§ 1354.1. United States Olympic plate.

(a) General rule.--The department, in consultation with the United States Olympic Committee or its designees, shall design a special United States Olympic registration plate, which shall display the official United States Olympic Committee logo and wording, which indicates support for the advancement of excellence in amateur athletic competition in this Commonwealth. The United States Olympic Committee may charge a fee for the authorization to request the registration plate. Upon request by the applicant, the department shall issue the plate for a passenger car or truck with a registered gross weight of not more than 14,000 pounds or a motor home. The fee provided under section 1931(b) (relating to personal and organization registration plates) shall apply.

(b) Proceeds.--It is the intent of the General Assembly that proceeds received by the United States Olympic Committee under this section are to be used exclusively to provide funding to one or more nonprofit organizations, as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), in this Commonwealth that focus on the advancement of excellence in amateur athletics.

(July 2, 2014, P.L.988, No.109, eff. 120 days)

2014 Amendment. Act 109 added section 1354.1.

§ 1355. Zoological plate.

The department, in consultation with the Pennsylvania Zoological Council, shall design a special zoological registration plate. Upon application of any person, accompanied by a fee of $54 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 14,000 pounds. The Zoological Enhancement Fund shall receive $23 of the fee paid by the applicant for the plate.

(Dec. 28, 1994, P.L.1441, No.170, eff. 60 days; Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Nov. 25, 2013, P.L.974, No.89, eff. July 1, 2014; July 2, 2014, P.L.988, No.109, eff. 60 days)

2013 Amendment. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

Cross References. Section 1355 is referred to in section 1905 of this title.

§ 1355.1. Pennsylvania Hunting Heritage registration plates.

(a) General rule.--The department, in consultation with the Pennsylvania Game Commission, shall design a special Pennsylvania Hunting Heritage registration plate. The Pennsylvania Game Commission shall charge a fee for the authorization to request the registration plate. Upon request by the applicant, the department shall issue the plate for a passenger car or truck with a registered gross weight of not more than 14,000 pounds or a motor home. The fee provided under section 1931(b) (relating to personal and organization registration plates) shall apply.

(b) Proceeds.--Proceeds received by the Pennsylvania Game Commission under this section are to be used as follows:

(1) Thirty-three percent shall be allocated to nonprofit organizations that coordinate the processing and distribution of donated wild game from hunters and municipal herd reduction sources to Pennsylvania residents through a distribution network of food banks in this Commonwealth.

(2) Sixty-seven percent shall be allocated as grants to nonprofit sportsmen's clubs and organizations to conduct activities that promote sport hunting, youth hunter education or the conservation and enhancement of game species in this Commonwealth for current and future generations of hunters.

(c) Limitation.--A nonprofit organization may not use funding under this section for salaries or administrative expenses.

(d) Expenditures.--Estimates of amounts to be expended under this subsection shall be submitted to the Governor by the Pennsylvania Game Commission for approval by the Governor.
(July 2, 2014, P.L.988, No.109, eff. 120 days)

2014 Amendment. Act 109 added section 1355.1.

§ 1356. Special plates for recipients of Expeditionary Forces Medal.

Upon application of any person who is a recipient of the Expeditionary Forces Medal, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate designating the vehicle so registered as belonging to a person who is a recipient of the Expeditionary Forces Medal. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1357. Special plates for World War II veterans.

Upon application of any person who is a veteran of World War II, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate carrying the symbol of a ruptured duck designating the vehicle so registered as belonging to a person who is a veteran of World War II. The special

registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1357.1. Special plates for individuals in the service of the United States Merchant Marine.

Upon application of any person who was in the service of the United States Merchant Marine during World War II, the Korean War, the Vietnam Conflict or any of the Gulf Wars, including Operation Desert Storm, Operation Iraqi Freedom and Operation Desert Shield, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who was in the service of the United States Merchant Marine during World War II, the Korean War, the Vietnam Conflict or any of the Gulf Wars, including Operation Desert Storm, Operation Iraqi Freedom and Operation Desert Shield. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Oct. 24, 2012, P.L.1282, No.158, eff. 180 days; July 2, 2014, P.L.988, No.109, eff. 120 days)

§ 1358. DARE plate (Repealed).

2014 Repeal. Section 1358 was repealed April 7, 2014, P.L.381, No.27, effective in 60 days.

§ 1358.1. Share the Road plate.

The department shall design a Share the Road registration plate. Upon application of any person, accompanied by a fee of $40, which shall be in addition to the registration fee, the department shall issue the plate for a passenger car or truck with a registered gross weight of not more than 14,000 pounds or a motor home. The fee shall be used exclusively to maintain the department's central office position of Bicycle and Pedestrian Coordinator and to fund highway pedalcycle signage approved by the department.
(June 8, 2016, P.L.257, No.36, eff. 60 days)

2016 Amendment. Act 36 added section 1358.1. The preamble of Act 36 provided that Act 36 shall be known and may be cited as the Dave Bachman Act.

§ 1358.2. Distracted Driving Awareness plate.

(a) Distracted Driving Awareness plate.--The department shall design a Distracted Driving Awareness registration plate. Upon application of any person, accompanied by a fee of $40, which shall be in addition to the registration fee, the department shall issue the plate for a motorcycle and a passenger car or truck with a registered gross weight of not more than 14,000 pounds or a motor home. The fee shall be used exclusively to advance public education and outreach on the dangers posed by distracted driving, at the department's discretion.

(b) Expiration.--This section shall expire December 31, 2025.
(Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 added section 1358.2.

§ 1359. Special plates for steelworkers.

(a) General rule.--Upon application of any person who is a steelworker, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a steelworker. The special registration plate may be used only on a passenger car or a truck with a registered gross weight of not more than 14,000 pounds. The plate shall bear the likeness of the official emblem of the American Iron and Steel Institute.

(b) Definition.--As used in this section, the term "steelworker" means a person currently or formerly employed in the manufacture of steel or a surviving member of the steelworker's family.

(July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

2014 Amendment. Act 109 amended subsec. (a).

1996 Amendment. Act 115 added section 1359.

§ 1360. Special plates for veterans of Vietnam Conflict.

Upon application of any person who is a veteran of the Vietnam Conflict as that term is defined for the awarding of the Vietnam Service Medal, accompanied by a fee of $20 in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Vietnam Conflict. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1361. Special motorcycle plates related to veterans.

(a) Honorably discharged veterans.--Upon application of any person who is an honorably discharged veteran of the armed forces of the United States, or a reserve component of the armed forces as defined in 51 Pa.C.S. § 7301 (relating to definitions), accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is a veteran. The special registration plate may be used only on a motorcycle.

(b) Honoring our veterans.--Upon application of any person, accompanied by a fee of $35 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the motorcycle as belonging to a person who is honoring veterans of the armed forces of the United States. The special registration plate may be used only on a motorcycle. The Veterans' Trust Fund shall receive $15 of the fee paid by the applicant for the plate.

(Feb. 9, 2004, P.L.65, No.8, eff. 60 days; July 8, 2015, P.L.119, No.17, eff. 90 days)

Cross References. Section 1361 is referred to in section 1721 of Title 51 (Military Affairs).

§ 1362. Operation Iraqi Freedom veterans plate.

Upon application of any person who is a veteran of the liberation or occupation of Iraq, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Iraqi Freedom. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(July 14, 2005, P.L.285, No.50, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1363. Operation Enduring Freedom veterans plate.

Upon application of any person who is a veteran of the liberation or occupation of Afghanistan, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Enduring Freedom. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(July 14, 2005, P.L.285, No.50, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

§ 1363.1. Afghanistan and Iraq veterans plate.

Upon application of any person who is a veteran of the liberation or occupation of Afghanistan and Iraq, accompanied by a fee of $23 which shall be in addition to the registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Afghanistan and Iraq. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(Nov. 3, 2022, P.L.1734, No.112, eff. 120 days)

2022 Amendment. Act 112 added section 1363.1.

§ 1364. Special plates for veterans.

(a) Honorably discharged veterans.--Upon application of any person who is an honorably discharged veteran of the armed forces of the United States or a reserve component of the armed forces as defined in 51 Pa.C.S. § 7301 (relating to definitions), accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is a veteran of the armed forces of the United States. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(b) Honoring our veterans.--Upon application of any person, accompanied by a fee of $35, which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person

a special registration plate designating the vehicle as belonging to a person who is honoring veterans of the armed forces of the United States. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. The Veterans' Trust Fund shall receive $15 of the fee paid by the applicant for the plate.

(c) Honoring our women veterans.--Upon application of any person, accompanied by a fee of $35, which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is honoring women veterans of the armed forces of the United States. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. The Veterans' Trust Fund shall receive $15 of the fee paid by the applicant for the plate. The portion of the fee transferred to the Veterans' Trust Fund under this subsection shall be used for programs and resources that assist women veterans.

(July 14, 2005, P.L.285, No.50, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. 60 days; Oct. 24, 2012, P.L.1602, No.194, eff. 30 days; July 2, 2014, P.L.988, No.109, eff. 60 days; Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 added subsec. (c).

Cross References. Section 1364 is referred to in section 1721 of Title 51 (Military Affairs).

§ 1364.1. Special plates for current members of the armed forces of the United States.

(a) General rule.--A special registration plate shall, upon application, be issued to an individual who is a member of the armed forces of the United States, including a member of a reserve component or the National Guard, under the following conditions:

(1) A fee of $20 has been paid in addition to the registration fee.

(2) Documentation required by the department has been provided.

(3) The vehicle belongs to the applicant.

(4) The plate issued appropriately designates the branch of service and includes the service emblem of which the applicant is a member.

(b) Eligibility.--A plate issued under subsection (a) shall be for members of the Pennsylvania National Guard and the following branches of the armed forces of the United States:

(1) Army.

(2) Navy.

(3) Air Force.

(4) Marine Corps.

(5) Coast Guard.

(c) Limitation.--A plate issued under this section may only be used on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(Oct. 4, 2016, P.L.881, No.108, eff. 120 days)

2016 Amendment. Act 108 added section 1364.1.

§ 1365. Gold Star Family plate.

(a) General rule.--Upon application of a family member of a person who was killed while serving on active duty in the

military, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the family member a special registration plate designating the vehicle so licensed as belonging to a family member of a person who was killed while serving on active duty in the military. The department shall design and produce the special registration plate carrying the Service Flag Gold Star rimmed with blue which represents sacrifice to the cause of liberty and freedom. The words "Gold Star Family" shall be clearly displayed along the bottom of the plate. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(b) Documentation required.--An applicant for a Gold Star Family plate shall certify on a form approved by the department that the applicant is a family member of a person who was killed while serving on active duty in the military.

(c) Definition.--As used in this section, the term "family member" includes the following:

(1) Widow.
(2) Widower.
(3) Mother.
(4) Father.
(5) Stepmother.
(6) Stepfather.
(7) Mother through adoption.
(8) Father through adoption.
(9) Foster mother in loco parentis.
(10) Foster father in loco parentis.
(11) Son.
(12) Daughter.
(13) Stepson.
(14) Stepdaughter.
(15) Son by adoption.
(16) Daughter by adoption.
(17) Brother.
(18) Sister.
(19) Half brother.
(20) Half sister.

(Oct. 4, 2006, P.L.1143, No.117, eff. 60 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

2014 Amendment. Act 109 amended subsec. (a).

2006 Amendment. Act 117 added section 1365.

§ 1366. Special plates for recipients of Silver Star.

Upon application of any person who is a recipient of the Silver Star, accompanied by a fee of $10 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Silver Star. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(July 5, 2012, P.L.960, No.103, eff. 120 days)

2012 Amendment. Act 103 added section 1366.

§ 1366.1. Special plates for United States military airborne units.

(a) General rule.--Upon application of any person who is a veteran of or a member of a United States military airborne unit, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of or a member of a United States military airborne unit. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. The department shall design and produce the special registration plate to display a set of jump wings and glider wings.

(b) Definition.--As used in this section, the term "veteran of or a member of a United States military airborne unit" includes parachutist or glider units, glider troopers, paratroopers, air assault troopers, Rangers, U.S. Army Special Forces, USMC Recon, U.S. Navy Seals, U.S. Air Force Special Operations, Troop Carrier Command, including glider pilots and the 160th SOAR, military personnel who satisfactorily completed the prescribed proficiency tests while assigned or attached to an airborne unit and any other military personnel determined by the department to be appropriately classified as a member of a United States military airborne parachutist or glider unit.

(Oct. 24, 2012, P.L.1282, No.158, eff. 180 days; July 2, 2014, P.L.988, No.109, eff. 60 days)

2014 Amendment. Act 109 amended subsec. (a).

2012 Amendment. Act 158 added section 1366.1.

§ 1366.2. Blue Star Family plate.

(a) General rule.--Upon application of a family member of a person who is an active duty service member in the military, including a reserve component or National Guard, accompanied by a fee of $23 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the family member a special registration plate designating the vehicle so licensed as belonging to a family member of a person serving on active duty in the military, including a reserve component or National Guard. The department shall design and produce the special registration plate carrying the Blue Star which signifies that a family member is an active duty service member, including a reserve component or National Guard. The words "Blue Star Family" shall be clearly displayed along the bottom of the plate. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(b) Documentation required.--An applicant for a Blue Star Family plate shall certify on a form approved by the department that the applicant is a family member of a person who is an active duty service member in the military, including a reserve component or National Guard.

(c) Construction.--Nothing in this section shall be construed to require:

(1) A person issued a Blue Star Family plate to return the plate to the department if a family member no longer serves on active duty in the military, including a reserve component or National Guard.

(2) The department to periodically verify that a person issued a Blue Star Family plate has a family member serving on active duty in the military, including a reserve component or National Guard, after the initial issuance of the plate.

(d) Definition.--As used in this section, the term "family member" includes the following:

(1) Mother.
(2) Father.
(3) Stepmother.
(4) Stepfather.
(5) Mother through adoption.
(6) Father through adoption.
(7) Foster mother in loco parentis.
(8) Foster father in loco parentis.
(9) Son.
(10) Daughter.
(11) Stepson.
(12) Stepdaughter.
(13) Son by adoption.
(14) Daughter by adoption.
(15) Brother.
(16) Sister.
(17) Half-brother.
(18) Half-sister.
(19) Grandfather.
(20) Grandmother.
(21) Spouse.

(Nov. 3, 2022, P.L.1734, No.112, eff. 120 days)

2022 Amendment. Act 112 added section 1366.2.

§ 1366.3. Special plates for recipients of Air Medal.

Upon application of any person who is a recipient of the Air Medal, accompanied by a fee of $23 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Air Medal. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(Nov. 3, 2022, P.L.1746, No.113, eff. 120 days)

2022 Amendment. Act 113 added section 1366.3.

§ 1367. Special plates for recipients of Bronze Star.

Upon application of any person who is a recipient of the Bronze Star, accompanied by a fee of $20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Bronze Star. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

(July 5, 2012, P.L.960, No.103, eff. 120 days)

2012 Amendment. Act 103 added section 1367.

§ 1368. Special plates for recipients of Bronze Star for Valor.

Upon application of any person who is a recipient of the Bronze Star for Valor, accompanied by a fee of $10 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Bronze Star for Valor. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 5, 2012, P.L.960, No.103, eff. 120 days)

2012 Amendment. Act 103 added section 1368.

§ 1368.1. Special plates for recipients of Soldier's Medal.

Upon application of any person who is a recipient of the Soldier's Medal, accompanied by a fee of $20 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Soldier's Medal. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 added section 1368.1.

§ 1368.2. Special plates for recipients of Presidential Service Badge.

Upon application of any person who is a recipient of the Presidential Service Badge, accompanied by a fee of $20 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Presidential Service Badge. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 added section 1368.2.

§ 1368.3. Special plates for recipients of Legion of Merit.

Upon application of any person who is a recipient of the Legion of Merit, accompanied by a fee of $20 which shall be in addition to the registration fee and any documentation the department requires, the department shall issue to the person a special registration plate designating the vehicle licensed as belonging to a person who is a recipient of the Legion of Merit. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Oct. 24, 2018, P.L.705, No.108, eff. 120 days)

2018 Amendment. Act 108 added section 1368.3.

§ 1369. Special plates for recipients of Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross.

Upon application of any person who is a recipient of the Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross, accompanied by a fee of $10 which shall

be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 5, 2012, P.L.960, No.103, eff. 120 days)

2012 Amendment. Act 103 added section 1369.

§ 1369.1. Special plates for recipients of Combat Action Badge, Combat Infantryman Badge, Combat Action Ribbon, Combat Action Medal or Combat Medical Badge.

Upon application of any person who is a recipient of the Combat Action Badge, Combat Infantryman Badge, Combat Action Ribbon, Combat Action Medal or Combat Medical Badge accompanied by a fee of $20, which shall be in addition to the annual registration fee, and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Combat Action Badge, Combat Infantryman Badge, Combat Action Ribbon, Combat Action Medal or Combat Medical Badge. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 2, 2014, P.L.988, No.109, eff. 120 days)

2014 Amendment. Act 109 added section 1369.1.

§ 1369.2. Special "In God We Trust" plates.

Upon application of any person, accompanied by a fee of $20 which shall be in addition to the annual registration fee, the department shall issue to the person a special "In God We Trust" registration plate. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(July 2, 2014, P.L.988, No.109, eff. 120 days)

2014 Amendment. Act 109 added section 1369.2.

§ 1369.3. Special plates for veterans of an ally foreign country.

Upon application of a person who was a citizen of a foreign country that allied with the United States in a military conflict and served in a military branch of that foreign country during the military conflict, accompanied by a fee of $20 which shall be in addition to the registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of a military branch of a foreign country that allied with the United States in a military conflict. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.
(Oct. 24, 2018, P.L.645, No.91, eff. 120 days)

2018 Amendment. Act 91 added section 1369.3.

§ 1369.4. USA semiquincentennial registration plates.

(a) General rule.--The department shall design a special USA semiquincentennial registration plate.

(b) Application and payment.--Upon application and payment of a fee of $52 by a person, which shall be in addition to the registration fee, the department shall issue a USA semiquincentennial registration plate for a motorcycle, a passenger car or a truck with a registered gross weight of not more than 14,000 pounds or a motor home.

(b.1) Disposition of fee.--The Semiquincentennial Restricted Account is established in the State Treasury. Twenty-five dollars of the fee under subsection (b) shall be deposited into the Semiquincentennial Restricted Account for use by the Pennsylvania Commission for the United States Semiquincentennial for activities related to the semiquincentennial.

(c) Description of plate.--The plate shall include the phrase "Let Freedom Ring - 250 years" and feature the Liberty Bell.

(d) Expiration.--This section shall expire December 31, 2026.

(July 1, 2020, P.L.555, No.48, eff. 120 days; July 7, 2022, P.L.503, No.51, eff. 60 days)

2022 Amendment. Act 51 amended subsec. (b) and added subsec. (b.1).

2020 Amendment. Act 48 added section 1369.4.

§ 1370. Report to General Assembly.

No later than January 1, 2015, and on January 1 of every fifth year thereafter, the department shall report to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives on the utilization of special registration plates provided for in this chapter. For each special registration plate, the report shall include the number of plates then in use, the number of new plates issued annually since the preceding report and make recommendations regarding the need for the continued issuance of such plates, including an analysis of usage, cost of issuance and any required revision to fees so as to maintain necessary financial support for the highway system in this Commonwealth.

(Nov. 25, 2013, P.L.974, No.89, eff. 60 days)

2013 Amendment. Act 89 added section 1370. See the preamble to Act 89 in the appendix to this title for special provisions relating to legislative findings and declarations.

SUBCHAPTER C
VIOLATIONS AND SUSPENSIONS

Sec.

1371. Operation following suspension of registration.
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1373. Suspension of registration.
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1375. Suspension of registration of unapproved carriers.
1376. Surrender of registration plates and cards upon suspension or revocation.
1377. Judicial review.

1378. Suspension of motor carrier vehicle registration.
1379. Suspension of registration upon sixth unpaid parking violation in cities of the first class.
1380. Suspension of registration upon unpaid tolls.

§ 1371. Operation following suspension of registration.

(a) General rule.--No person shall operate and no owner shall permit to be operated upon any highway a vehicle the registration of which has been suspended.

(b) Penalty.--Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $100 nor more than $500. In the case of a motor carrier vehicle other than a trailer, the fine shall be double the registration fee for the maximum weight at which the vehicle could have been registered in this Commonwealth.

(Dec. 23, 2002, P.L.1982, No.229, eff. imd.)

2002 Amendment. Act 229 amended subsec. (b).

Cross References. Section 1371 is referred to in sections 1532, 6309, 6309.1 of this title.

§ 1372. Unauthorized transfer or use of registration.

No person shall:

(1) allow a registration card or plate or permit to be used by any person not authorized to use it or on any vehicle other than the vehicle for which it was issued;

(2) use any registration card or plate or permit unless authorized to do so; or

(3) display a registration card or plate in, on or in connection with any vehicle other than the vehicle for which it was issued.

§ 1373. Suspension of registration.

(a) Suspension after opportunity for hearing.--The department may suspend any registration after providing opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

(1) The vehicle is unsafe or unfit for operation or is not equipped as required by this title.

(2) The owner or registrant has made, or permitted to be made, any unlawful use of the vehicle or registration plate or plates, or registration card, or permitted the use by a person not entitled thereto.

(3) The owner or registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in any application or form required to be filed by this title.

(4) The registrant or any agent or employee has repeatedly violated any of the provisions of this chapter or Chapter 11 (relating to certificate of title and security interests).

(b) Suspension without hearing.--The department may suspend a registration without providing an opportunity for a hearing in any of the following cases:

(1) Upon the request or order of any court of record.

(2) The required fees have not been paid.

(3) An out-of-service order has been issued for the vehicle, the owner or the operator by the department or by the United States Department of Transportation.

(4) The vehicle is being operated in violation of section 4704(b)(1) (relating to inspection by police or Commonwealth personnel).

(May 26, 1982, P.L.435, No.129, eff. imd.; Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; Apr. 26, 1989, P.L.13, No.4, eff. imd.; July 10, 1990, P.L.356, No.83, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months)

2002 Amendment. Act 229 amended subsec. (b).

Cross References. Section 1373 is referred to in section 1376 of this title.

§ 1374. Suspension or revocation of vehicle business registration plates.

(a) Suspension or revocation after opportunity for hearing.-- The department may impose a monetary penalty for certain violations and offenses as prescribed by regulation or this section or suspend or revoke registration plates for dealers, manufacturers or members of the "Miscellaneous Motor Vehicle Business" class after providing an opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

(1) Except as provided in subsection (g)(1) the registrant is no longer entitled to licensing as a dealer or manufacturer or to registration in the "Miscellaneous Motor Vehicle Business" class.

(2) The registrant has made or permitted to be made any unlawful use of the vehicle or registration plate or plates or registration card or permitted the use by a person not entitled thereto.

(3) The registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in any application.

(4) The registrant has failed to give notice of transfer of ownership or of the destruction or junking of any vehicle when and as required by this title.

(5) The registrant has failed to deliver to a transferee lawfully entitled thereto or to the department, when and as required by this title, a properly assigned certificate of title.

(6) The registrant has repeatedly violated any of the provisions of this title.

(7) Any fee payable to the Commonwealth in connection with the operation of the business of the registrant has not been paid.

(b) Mitigating events.--The opportunity for a hearing as authorized by subsection (a) shall include the consideration of relevant mitigating events as prescribed by regulation for violations and offenses of subsection (a)(2), (5) and (7).

(c) Written warning for first offense.--If the registrant violates subsection (a)(2), (5) or (7) as a first offense, the department shall sanction the registrant with a written warning without providing the opportunity for a hearing.

(d) Schedule of sanctions.--The department shall impose the following sanctions for violations:

(1) If the department finds that the registrant has violated subsection (a)(5) or (7) as a second offense, the registrant may be sanctioned with a monetary penalty of not less than $50 and not more than $100 per violation.

(2) If the department finds that the registrant has violated subsection (a)(5) or (7) as a third offense, the

registrant may be sanctioned with a monetary penalty of not less than $100 and not more than $200 per violation.

(2.1) If the department finds that the registrant has violated subsection (a)(5) as a fourth or subsequent offense, the department may suspend for not less than three months or revoke the registration plates and cards of the registrant.

(3) A monetary penalty imposed for a violation of subsection (a)(5) shall be in addition to the requirement that the registrant deliver a properly assigned certificate of title. Unless extended by the department, if the registrant fails to pay the monetary penalty or to deliver the certificate of title within 45 days after notice was sent by the department, except as otherwise provided by section 1377 (relating to judicial review), the department shall suspend the registrant's registration plates until the monetary penalty has been paid and the title delivered.

(4) A monetary penalty imposed for a violation of subsection (a)(7) shall be in addition to payment of the original amount due for taxes and fees and any other penalty provided by law for submission of an uncollectible or dishonored check. Unless extended by the department, if the registrant fails to pay the monetary penalty, the original amount due or any other penalty within 45 days after notice was sent by the department, except as otherwise provided by section 1377, the department shall suspend the registrant's registration plates until all fees, taxes and penalties have been paid.

(5) A violation of subsection (a)(2) or (5) shall remain on the registrant's record for a period of 18 months from the date that the violation was sanctioned by the department. If the registrant does not commit another violation of subsection (a)(2) or (5) within that 18-month period, the department shall rescind from the registrant's record the prior sanction that was imposed. After rescission of the prior sanction, if the registrant thereafter commits a subsequent violation of subsection (a)(2) or (5), that violation shall be considered the same degree of offense as was previously imposed, unless more than three years have elapsed since the last date that the registrant was sanctioned for a violation of subsection (a)(2) or (5), in which case said subsequent violation shall be deemed a first offense.

(6) If the department has previously given notice of, and considered at a departmental hearing, violations of subsection (a)(5), no sanction shall be imposed for an alleged violation of subsection (a)(5) which was not included within said notice if said violation occurred prior to the date of the notice, the department's records reflected that the violation existed and the violation could have been included in the notice as an additional subject of the departmental hearing.

(7) If a registrant is sanctioned pursuant to subsection (c) or paragraph (1) or (2) or the corresponding provisions of departmental regulations, 67 Pa. Code Ch. 53 (relating to manufacturers, dealers and miscellaneous motor vehicle businesses registration plates), and the department also sanctions the registrant for corresponding violations as an issuing agent pursuant to departmental regulations, 67 Pa. Code Ch. 43 (relating to temporary registration cards and plates), the department shall only impose the sanction prescribed by

this section or the corresponding section of 67 Pa. Code Ch. 53. Notwithstanding, the department shall note the offense pertaining to the registrant and the offense pertaining to the issuing agent upon each record, and the department shall consider each record when calculating second, third or subsequent offenses by the registrant and the issuing agent.

(e) Hearing.--Until regulations are prescribed by the department as authorized by subsection (b), the hearing shall include the consideration of relevant mitigating events for a violation of subsection (a)(2), (5) or (7).

(f) Interim regulations.--Until such regulations are prescribed by the department as authorized by subsections (a) and (b), the applicable departmental regulations as currently promulgated shall remain in full force and effect, except as specifically superseded by the provisions of subsections (c), (d) and (e).

(g) Suspension without hearing.--The department may suspend or revoke registration plates for dealers, manufacturers or members of the "Miscellaneous Motor Vehicle Business" class without providing the opportunity for a hearing in any of the following cases:

(1) The registrant's license as a dealer or manufacturer has been suspended or revoked by the State Board of Vehicle Manufacturers, Dealers and Salespersons or the board has determined that the registrant is not entitled to such a license.

(2) If the Pennsylvania State Police shall certify that the dealer, manufacturer or member of the "Miscellaneous Motor Vehicle Business" class is no longer in business.

(h) Recommended action by State licensing board.--The department may also audit and investigate dealers and manufacturers registered by the State Board of Vehicle Manufacturers, Dealers and Salespersons to determine whether any dealer or manufacturer has violated any provision of this title pertaining to dealers or manufacturers or any regulation promulgated by the department. The department may recommend that the State Board of Vehicle Manufacturers, Dealers and Salespersons suspend the license of any dealer or manufacturer which it finds has committed a violation and the board shall take prompt action on any such recommendations under the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.
(July 10, 1990, P.L.356, No.83, eff. 30 days; June 28, 1993, P.L.137, No.33, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsecs. (d)(5) and (e).

1996 Amendment. Act 115 amended subsec. (d).

Cross References. Section 1374 is referred to in section 1376 of this title.

§ 1375. Suspension of registration of unapproved carriers.

(a) General rule.--The department shall suspend the registration of any vehicle upon the presentation to the department of a certificate of the Pennsylvania Public Utility Commission or notice of the Philadelphia Parking Authority setting forth, after hearing and investigation, that the commission or the Philadelphia Parking Authority has found and determined that the vehicle has been operated as a common carrier or contract carrier by motor vehicle within this Commonwealth without the approval of

the commission or the Philadelphia Parking Authority and either that no appeal was filed from such determination in the manner and within the time provided by law or that the determination was affirmed on appeal.

(b) Rescission of suspension.--Any suspension of registration under this section may be rescinded by the department upon the petition of the owner of such vehicle or of the lessee provided the petition is accompanied by a certificate of the Pennsylvania Public Utility Commission setting forth that the commission does not object to the rescission.

(July 14, 2005, P.L.285, No.50, eff. 60 days)

2005 Amendment. Act 50 amended subsec. (a).

Cross References. Section 1375 is referred to in section 3310 of Title 66 (Public Utilities).

§ 1376. Surrender of registration plates and cards upon suspension or revocation.

(a) General rule.--The department, upon suspending or revoking any registration, shall require the registration plate or plates and registration card or cards to be surrendered immediately to the department.

(b) Delegation of authority.--If after 30 days from the mail date of a notice of suspension or revocation, the registration plates and cards are not surrendered under subsection (a), the department may delegate authority to the following persons to seize a registration plate and registration card which are required to be surrendered under subsection (a):

(1) A designated department employee.
(2) Members of the Pennsylvania State Police.
(3) Local police officers.
(4) Sheriffs or deputy sheriffs.
(5) Constables or deputy constables.

(b.1) Immediate seizure of registration plates and cards.--The department may delegate authority to the persons described in this section to immediately seize registration plates and cards upon imposition of the following:

(1) a suspension imposed pursuant to section 1374(d)(3) or (4) (relating to suspension or revocation of vehicle business registration plates) until all fees, taxes and penalties have been paid;

(2) a suspension or revocation imposed pursuant to section 1373(b)(3) (relating to suspension of registration) or 1374(g);

(3) a suspension or revocation is reinstated after determination of a matter as provided in section 1377 (relating to judicial review);

(4) a suspension imposed pursuant to section 1379 (relating to suspension of registration upon sixth unpaid parking violation in cities of the first class) until all fines, penalties and costs have been paid; or

(5) a suspension imposed pursuant to section 1380 (relating to suspension of registration upon unpaid tolls) until all tolls, administrative fees and costs have been paid, dismissed, reversed on appeal or canceled or if the owner or registrant enters into an agreement with the tolling entity to make installment payments.

(c) Regulations.--The department shall, by regulation, prescribe the manner of selecting those persons who are delegated authority under this section to seize the registration plates and

registration cards. This requirement does not apply to persons described in this section who have been trained pursuant to the provisions of section 6117 (relating to authority of qualified employees of department and Department of Revenue).

(d) Penalty.--Any person failing or refusing to surrender to the department or its authorized delegate, upon demand, any registration plate or card which has been suspended or revoked is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $300, plus costs. Costs shall include a reasonable fee for official seizure of the unsurrendered items.

(June 19, 1985, P.L.49, No.20, eff. 60 days; Feb. 7, 1990, P.L.11, No.6, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 14, 2005, P.L.285, No.50, eff. 60 days; Oct. 9, 2009, P.L.494, No.49, eff. 60 days; Nov. 4, 2016, P.L.1277, No.165, eff. 9 months)

2016 Amendment. Act 165 amended subsec. (b.1).

2009 Amendment. Act 49 amended subsec. (b)(5).

1998 Amendment. Act 151 amended subsecs. (b.1)(2) and (c).

Cross References. Section 1376 is referred to in section 7165 of Title 44 (Law and Justice).

§ 1377. Judicial review.

(a) General rule.--Any person who has been sanctioned by the department under this chapter or whose registration or authority to issue registration cards or plates has been denied, suspended or otherwise sanctioned by the department shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The filing of the appeal shall act as a supersedeas, except for a warning or a revocation, and the suspension or monetary penalty shall not be imposed until determination of the matter as provided in this section. Upon application of the registrant and prior notice to the department, the court may grant a supersedeas from a revocation of registration or authority to issue registration. The court shall schedule the appeal for hearing upon 30 days' written notice to the department, and thereupon take testimony and examine into the facts of the case and determine whether the petitioner is entitled to registration, subject to suspension of registration or other sanction under the provisions of this title or departmental regulations.

(b) Documentation.--

(1) In any proceeding under this section, documents received by the department from a court or from an insurance company shall be admissible into evidence to support the department's case. In addition, if the department receives information from a court by means of electronic transmission or from an insurance company which is complying with its obligation under Subchapter H of Chapter 17 (relating to proof of financial responsibility) by means of electronic transmission, it may certify that it has received the information by means of electronic transmission, and that certification shall be prima facie proof of the adjudication and facts contained in such an electronic transmission.

(2) In a proceeding relating to the suspension of the registration of a motor vehicle imposed under section 1786 (relating to required financial responsibility), the department's certification of its receipt of documents or electronic transmission from an insurance company informing the

department that the person's coverage has lapsed, been canceled or terminated shall also constitute prima facie proof that the lapse, cancellation or termination of the policy of insurance described in the electronic transmission was effective under the laws of this Commonwealth.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days; June 28, 1993, P.L.137, No.33; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 amended subsec. (b).

Cross References. Section 1377 is referred to in sections 102, 1374, 1376, 1786, 3753 of this title; section 933 of Title 42 (Judiciary and Judicial Procedure).

§ 1378. Suspension of motor carrier vehicle registration.

(a) Suspension.--The department shall suspend the registration of a motor carrier vehicle for three months if it determines that at the time the registration was renewed by the department the vehicle did not have a currently valid certificate of inspection.

(b) Documentation.--In any proceeding under this section, documents obtained by the department from an official inspection station shall be admissible into evidence to support the department's case. In addition, reports received by the department from police officers, qualified Commonwealth employees or department designees shall be admissible into evidence to support the department's case. In addition, the department may treat the documents and reports as documents of the department and use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). The department may certify that it has received or obtained documents and reports from inspection stations, police officers, qualified Commonwealth employees and department designees and that certification shall be prima facie proof of the facts contained in the documents and reports.

(c) Presumption.--False, illegible or incomplete information on a renewal application shall create a presumption that the vehicle did not have a currently valid certificate of inspection at the time of renewal.

(d) Restoration.--Whenever the department suspends the registration of a vehicle under this section, the department shall not restore the registration until the registration card and registration plate have been surrendered for three months, the vehicle owner pays a $50 restoration fee and the vehicle owner furnishes proof, satisfactory to the department, that the vehicle is covered by financial responsibility and has a currently valid certificate of inspection.

(Dec. 23, 2002, P.L.1982, No.229, eff. 6 months)

2002 Amendment. Act 229 added section 1378.

§ 1379. Suspension of registration upon sixth unpaid parking violation in cities of the first class.

(a) Suspension of registration.--The department shall suspend the registration of a vehicle upon the notification from the parking authority that the owner or registrant of the vehicle has failed to respond, failed to pay or defaulted in the payment of six or more tickets or citations issued for parking violations in cities of the first class.

(b) Notice to the department.--No sooner than 30 days after mailing the notice provided under subsection (b.1), the parking authority shall notify the department electronically in a format prescribed by the department whenever an owner or registrant fails to respond, fails to pay or defaults in payment of six or more tickets or citations issued for parking violations. When a notice has been provided under this subsection and all of the tickets and citations are subsequently paid, dismissed, reversed on appeal or canceled, the parking authority shall notify the department electronically in a format prescribed by the department of the disposition of the tickets and shall provide the owner or registrant with a release from the suspension.

(b.1) Notice by the parking authority.--Prior to notifying the department under subsection (b), the parking authority shall provide the owner or registrant written notice by first class mail of its intent to seek suspension of the vehicle registration pursuant to this section.

(c) Period of suspension.--A suspension under subsection (a) shall continue until the department receives notice from the parking authority that all of the tickets and citations are paid, dismissed, reversed on appeal or canceled or the defendant enters into an agreement to make installment payments for the fines and penalties imposed, provided that the suspension may be reimposed by the department if the defendant fails to make regular installment payments and pays the fee prescribed in section 1960 (relating to reinstatement of operating privilege or vehicle registration).

(d) Additional suspension.--The department shall impose an additional period of registration suspension if, subsequent to the issuance of a suspension under subsection (a) but prior to the restoration of the registration, the department is notified by the parking authority that the owner or registrant has failed to respond, failed to pay or defaulted in the payment of an additional ticket or citation issued for a parking violation.

(e) Three-year limitation.--No suspension may be imposed based upon a parking violation more than three years after the commission of the violation.

(f) Definition.--As used in this section, the term "parking authority" means a parking authority in a city of the first class known as the Philadelphia Parking Authority.

(July 14, 2005, P.L.285, No.50; July 10, 2006, P.L.1086, No.113, eff. imd.)

2006 Amendment. Act 113 amended subsec. (b.1).

2005 Amendment. Act 50 added section 1379. Section 13(3) of Act 50 provided that section 1379 shall take effect in nine months or 60 days after publication of notice in the Pennsylvania Bulletin required under section 12 of Act 50, whichever is earlier. See sections 11 and 12 of Act 50 in the appendix to this title for special provisions relating to agreement and publication in Pennsylvania Bulletin.

Cross References. Section 1379 is referred to in sections 1376, 1960 of this title.

§ 1380. Suspension of registration upon unpaid tolls.

(a) General rule.--

(1) The department shall suspend the registration of a vehicle upon notification from a tolling entity that the owner or registrant of the vehicle has either:

(i) failed to pay or defaulted in the payment of four or more invoices issued under 74 Pa.C.S. § 8116(a) (relating to collection and disposition of tolls and other revenue) or 8117(a)(1) (relating to electronic toll collection), including violation notices issued prior to March 16, 2020, or other law, regulation, ordinance or standard applicable to the toll collection or payment requirements for a tolling entity; or

(ii) incurred unpaid tolls or administrative fees or costs that collectively total a minimum of $250, regardless of the number of unpaid invoices.

(2) Nothing in paragraph (1) shall be construed to limit a tolling entity's ability to recoup unpaid tolls or administrative fees or costs by any means available under the law.

(b) Notice.--Prior to notifying the department under subsection (c), the tolling entity shall provide the owner or registrant written notice by first class mail of its intent to seek suspension of the vehicle registration under this section and afford the owner or registrant with the opportunity to be heard during an administrative proceeding.

(c) Notice to department.--

(1) Not sooner than 30 days after mailing the notice under subsection (b), the tolling entity, provided it has entered into an agreement with the department to enforce the provisions of this section, may notify the department electronically in a format prescribed by the department whenever an owner or registrant meets the requirements for suspension under subsection (a)(1).

(2) When a tolling entity has provided notice under this subsection and all of the unpaid invoices are subsequently paid, dismissed, reversed on appeal or canceled, the tolling entity shall notify the department electronically in a format prescribed by the department of the disposition of the unpaid invoice and shall provide the owner or registrant with a release from the suspension.

(d) Period of suspension.--A suspension under subsection (a) shall continue until the department receives notice from the tolling entity that the unpaid invoices are paid, dismissed, reversed on appeal or canceled or the owner or registrant enters into an agreement with the tolling entity to make installment payments for tolls, administrative fees and costs imposed and pays the fee prescribed in section 1960 (relating to reinstatement of operating privilege or vehicle registration), provided that the suspension may be reimposed by the department if the owner or registrant fails to make regular installment payments.

(e) Additional suspension.--The department shall impose an additional period of registration suspension if, subsequent to the issuance of a suspension under subsection (a) but prior to the restoration of the registration, the department is notified by the tolling entity that the owner or registrant has failed to pay, failed to respond or defaulted in the payment of an additional invoice issued under 74 Pa.C.S. § 8116(a) (relating to collection and disposition of tolls and other revenue) or 8117(a)(1).

(f) Violations outside Commonwealth.--

(1) The department shall suspend the registration of a vehicle upon the notification from a tolling entity that has entered into an enforcement agreement with the department as

authorized under section 6146 (relating to enforcement agreements) for any toll violation of that state or an authority or for failure to pay any fine or costs imposed in accordance with the laws of the jurisdiction in which the violation occurred.

(2) An owner or registrant who provides proof satisfactory to the department that the full amount of the fine and costs has been forwarded to and received by the other state may not be regarded as having failed to pay for the purposes of this subsection.

(g) Documentation.--

(1) In any proceeding under this section, documents obtained by the department from a tolling entity or from the appropriate agency of the Commonwealth or another state shall be admissible into evidence to support the department's case.

(2) The department may treat the documents and reports as documents of the department and use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce the documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records).

(3) The department may certify that it has received or obtained documents and reports from a tolling entity, the Commonwealth or other states, and the certification shall be prima facie proof of the facts contained in the documents and reports.

(h) Statute of limitations.--No suspension may be imposed based upon a violation of 74 Pa.C.S. § 8117(a)(1) or similar provision from another state more than five years after the violation is committed.

(i) Collection of out-of-State tolls.--The department or a tolling entity may collect the civil penalties and tolls imposed by an out-of-State tolling entity if the department or tolling entity has entered into a reciprocity agreement that confirms the following:

(1) The other state or tolling entity has its own effective reciprocal procedure for collecting penalties and tolls imposed by a Commonwealth tolling entity and agrees to collect penalties and tolls of the Commonwealth tolling entity by employing sanctions that include denial of an owner's or registrant's right to register or reregister a motor vehicle.

(2) The penalties, exclusive of tolls, claimed by the other state or tolling entity against an owner or registrant of a motor vehicle registered in this Commonwealth do not exceed $100 for a first violation or $600 for all pending violations.

(3) The other state or tolling entity provides due process and appeal protections to avoid the likelihood that a false, mistaken or unjustified claim will be pursued against an owner or registrant.

(4) An owner or registrant of a motor vehicle registered in this Commonwealth may present evidence to the other state or tolling entity by mail, telephone, electronic means or other means to invoke rights of due process without having to appear personally in the jurisdiction where the violation is alleged to have occurred.

(5) The reciprocal collection agreement between the department or a tolling entity and the other state or tolling

entity provides that each party may charge the other a fee sufficient to cover the costs of collection services, including costs incurred by the agency that registers motor vehicles.

(j) Definition.--As used in this section, the term "tolling entity" means any of the following:

(1) The Pennsylvania Turnpike Commission.

(2) An entity authorized to impose and collect tolls in accordance with any of the following:

(i) The laws of this Commonwealth.

(ii) The laws of another state.

(iii) The terms of an interstate compact or agreement.

(3) An authorized agent of an entity under paragraph (2).

(Nov. 4, 2016, P.L.1277, No.165, eff. 9 months; Nov. 3, 2022, P.L.1734, No.112, eff. 60 days)

2022 Amendment. Act 112 amended subsecs. (a)(1), (c)(2), (d), (e) and (h).

2016 Amendment. Act 165 added section 1380.

Cross References. Section 1380 is referred to in sections 1376, 1960, 6110.1 of this title.

TITLE 75
VEHICLES

Chapter 13. Registration of Vehicles
Subchapter B. Registration Plates

§ 1335. Registration plates for manufacturers and dealers.

(a) General rule.--Upon posting of a bond in the amount of $20,000 and approval of an application in accordance with departmental regulations, the department shall issue to dealers and manufacturers who are licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons and to other dealers designated by departmental regulations, special registration plates which may be displayed on vehicles in lieu of registering each vehicle individually.

(a.1) Bond already on file.--An authorized dealer or manufacturer who has filed a bond with the Commonwealth shall not be required to file a separate bond under this section if the bond already on file with the Commonwealth is in the name of the Commonwealth and in an amount and coverage at least equal to that required under this section.

(a.2) Exemption.--The following types of dealers and manufacturers are exempt from posting of the bond specified in subsection (a):

(1) Farm equipment dealers.
(2) Mobile home dealers and manufacturers.
(3) Modular housing manufacturers.

(b) Application for plates.--Application for dealer registration plates shall be made by the dealer or manufacturer on a form provided by the department together with a copy of his license from the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen.

(c) Exemption from individual registration.--Vehicles displaying dealer registration plates may be operated on the highway without registering each vehicle individually, provided that the plates are used in accordance with the limitations of sections 1336 (relating to use of dealer registration plates) and 1336.1 (relating to use of multipurpose dealer registration plates).

(d) Modular housing manufacturers.--For the purposes of this section, no modular housing manufacturer shall be required to be licensed by the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen of the Department of State in order to receive registration plates.

(July 20, 1979, P.L.168, No.55, eff. imd.; Mar. 7, 1982, P.L.152, No.49, eff. imd.; July 10, 1984, P.L.679, No.146, eff. 60 days; July 10, 1990, P.L.356, No.83, eff. 30 days; Aug. 5, 1991, P.L.238, No.26; Dec. 7, 1994, P.L.820, No.115, eff. 60 days)

1994 Amendment. Act 115 amended subsec. (a).

1991 Amendment. Act 26 amended subsec. (c) and added subsec. (a.2), effective immediately as to subsec. (a.2) and 120 days as to subsec. (c).

References in Text. The State Board of Motor Vehicle Manufacturers, Dealers and Salesmen, referred to in this section, was changed to the State Board of Vehicle Manufacturers, Dealers and Salespersons by the act of December 22, 1983 (P.L.306, No.84).

§ 1336. Use of dealer registration plates.

(a) General rule.--Dealer registration plates may be displayed on any vehicle which is owned or in the possession of a dealer or manufacturer and such a vehicle may be operated upon the highway, but only if the vehicle is being held for sale and is being used for any of the following purposes:

(1) For teaching students enrolled in an approved driver education course, how to operate a vehicle and for the new driver to take an examination for a driver's license.

(2) For testing, for safety inspection, repairing or transporting to or from a repair facility vehicles in the possession of the dealer within a radius of 25 miles of the place of business of the dealer. Vehicles in the possession of the manufacturer may be tested within a radius of 50 miles of the place of business of the manufacturer.

(3) For demonstrating vehicles in the possession of the dealer or manufacturer at no cost to a prospective purchaser.

(4) For loaning to customers whose vehicles are being repaired if the loan period does not exceed 30 days.

(5) For loaning to a prospective purchaser for a period not exceeding five days for the purpose of demonstrating the vehicles.

(6) For loaning to charitable organizations as defined by departmental regulations for use in charitable activities authorized by departmental regulations.

(7) For transit to or from a dealer, show, exhibit or auction where the vehicle is purchased by the dealer or offered for sale to prospective purchasers.

(8) For delivery to or from a second-stage manufacturer for or upon completion. Vehicles operated pursuant to this paragraph must be unladen.

(9) For transit to or from a prospective purchaser or customer for the purpose of demonstrating or loaning as permitted by subsection (a).

(10) For use in the conduct of the dealer's administrative functions, such as attending meetings or events, transporting department-required paperwork or transporting financial paperwork.

(11) For a trailer being held for sale hauling other trailers being held for sale as long as the combined weight of all trailers does not exceed 3,000 pounds.

(b) Personal use.--A vehicle displaying dealer registration plates which is owned by a dealer or manufacturer, is held for sale and does not exceed a gross vehicle weight rating of 7,500 pounds may be operated upon the highways of this Commonwealth for the personal use of the following:

(1) The dealer or members of his or her immediate family when the dealer is a sole proprietorship.

(2) The officers, partners or members of their immediate families when the dealer is a corporation or partnership.

(3) The regular employees of the dealer.

(c) Commercial use prohibited.--Except as specifically authorized by subsections (a) and (b), dealer registration plates shall not be used on vehicles for a commercial purpose, including parts or delivery vehicles, courtesy shuttle vehicles, wreckers, roll backs, truck tractors and trucks.

(d) Limited use.--Limited use of certain types of dealer plates shall be as follows:

(1) A motor driven cycle or motorized pedalcycle dealer plate shall be used only on motor driven cycles and motorized pedalcycles.

(2) A motorcycle dealer plate shall be used only on motorcycles, motor driven cycles and motorized pedalcycles. In addition, a motorcycle dealer plate may be used on other vehicles owned or in possession of the motorcycle dealer only when the vehicle is being demonstrated for a prospective purchaser.

(3) A trailer dealer plate shall be used only on trailers.

(e) Records.--Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as permitted by subsection (a)(1), (4), (5) and (6). The records shall indicate the name of the person to whom the vehicle was loaned. If the vehicle was loaned to a

business or an organization with more than one driver, it is sufficient to list only the name of the business or organization. The records shall be open to inspection by representatives of the department and police officers.

(f) Penalty.--Any person who violates this section, in addition to any penalty, suspension or revocation imposed by the department, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than $100.

(July 10, 1990, P.L.356, No.83, eff. 30 days; Aug. 5, 1991, P.L.238, No.26, eff. 120 days; June 11, 1992, P.L.266, No.47, eff. 60 days; Dec. 7, 1994, P.L.820, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsecs. (a)(2) and (7), (b) intro. par. and (e) and added subsec. (a)(8), (9), (10) and (11).

Cross References. Section 1336 is referred to in section 1335 of this title.

§ 1336.1. Use of multipurpose dealer registration plates.

(a) General rule.--Subject to the requirement that the vehicles on which multipurpose dealer registration plates are used, conform to or are lower than the weight limits for which the plates were purchased, the multipurpose dealer registration plates may be used on vehicles owned by or in possession of a dealer or manufacturer. All vehicles utilizing the multipurpose dealer registration plate shall be titled in the name of the business or family member, and sales and use tax must be paid.

(b) Exception for second-stage manufacturers.--A title in the name of the business or family member and payment of sales and use tax are not required for a vehicle which has never been titled as long as the vehicle:

(1) is in possession of a second-stage manufacturer and is being transported from a dealer or distributor for completion or delivered to a dealer or distributor upon completion; or

(2) is owned or in possession of a dealer and is being delivered to the second-stage manufacturer for completion or is being transported back to the dealer upon completion.

(Aug. 5, 1991, P.L.238, No.26, eff. 120 days; July 6, 1995, P.L.246, No.30, eff. 60 days)

Cross References. Section 1336.1 is referred to in section 1335 of this title.

§ 1336.2. Farm equipment dealer registration plates.

Upon submission of an application accompanied by the appropriate fee and information on a farm equipment dealer that a truck or truck tractor with a registered gross weight of 11,001 pounds or over is used solely in the business of the dealer, the department shall issue a farm equipment dealer registration plate for the vehicle.

(Aug. 5, 1991, P.L.238, No.26, eff. 120 days)

1991 Amendment. Act 26 added section 1336.2.

§ 1337. Use of "Miscellaneous Motor Vehicle Business" registration plates.

(a) General rule.--The department shall issue to owners of miscellaneous motor vehicle businesses with established places of business special registration plates which may be displayed on vehicles operated on highways in lieu of registering each vehicle individually. Registration plates issued under this section may be displayed upon vehicles only as provided for each of the following classes of miscellaneous motor vehicle business:

(1) For a repair or towing business:

(i) upon vehicles being used in the conduct of the repair business to retrieve, tow or deliver other vehicles or parts; and

(ii) upon vehicles being repaired.

(2) For a vehicle salvage dealer business:

(i) upon vehicles being used in the conduct of the vehicle salvage dealer's business to retrieve or deliver vehicles, vehicle hulks, parts or materials; and

(ii) upon vehicles being transported on their own wheels for the purpose of being dismantled or recycled.

(3) For a transporter business upon vehicles being transported on their own wheels in the conduct of the transporter business.

(4) For a financier or collector-repossessor business:

(i) upon vehicles being used to pick up vehicles that are being repossessed; and

(ii) upon vehicles being repossessed.

(5) For a watercraft trailer business:

(i) upon trailers used for the delivery of a new boat to its purchaser;

(ii) upon trailers used for the transport of a used boat which is to be resold by the dealer; and

(iii) upon trailers used for the transport of boats by a dealer to or from another boat dealer, warehouse, storage facility, boat show or repair facility or to and from a location where a boat is to be demonstrated, tested or inspected.

(6) For all classes of miscellaneous motor vehicle businesses upon vehicles used for the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of the owner's immediate family, or when the business is a corporation, upon vehicles used for the pleasure or use of not more than three officers or members of the officer's immediate family or for the personal use of the regular employees of the business when operated by the employee.

All vehicles specified in paragraphs (1)(i), (2)(i), (4)(i) and (6) must be titled in the name of the business or family member and sales tax must be paid.

(b) Application for registration.--Application for registration in any of the "Miscellaneous Motor Vehicle Business" classes shall be made upon a form provided by the department and shall set forth the full name and business address of the applicant and such other information as the department shall require. The application shall be verified by the oath or affirmation of the applicant or, if the applicant is a partnership or a corporation, by a partner or officer.

(c) Classes of "Miscellaneous Motor Vehicle Business".--

(1) Repair or towing.--Any person regularly engaged in the business of mechanical or body repairs or towing for direct compensation of motor vehicles owned and operated by other persons.

(2) Vehicle salvage dealer.--Any person regularly engaged in the business of acquiring and dismantling used, wrecked, damaged, abandoned or salvage vehicles for the purpose of selling the usable parts and selling the remaining vehicle hulk materials for recycling or processing.

(3) Transporter.--Any person regularly engaged in the business of transporting new or used vehicles on their own wheels, owned by or in possession of a manufacturer or dealer.

(4) Financier or collector-repossessor.--Any person who is duly authorized by the Department of Banking to do business in this Commonwealth as a financier or collector-repossessor and who is regularly engaged in the business of financing sales, making loans on the security of vehicles or repossessing vehicles which are the subject of installment sales contracts as an independent contractor.

(5) Watercraft trailer dealer.--Any person regularly engaged in the business of selling watercraft and trailers used exclusively for the transport of the watercraft.

(July 20, 1979, P.L.168, No.55, eff. imd.; Feb. 10, 1994, P.L.10, No.2, eff. 60 days)

Cross References. Section 1337 is referred to in sections 1162, 7301, 7302, 7322 of this title.

§ 1337.1. Fleet owner transporter registration plate.

(a) General rule.--The department shall issue to fleet owners special registration plates which may be displayed on passenger cars, trucks, truck tractors and trailers owned or leased by the fleet owner in lieu of registering each vehicle individually.

(b) Limitations on use of plates.--

(1) A registration plate issued under this section may be displayed only on an unladen vehicle.

(2) A registration plate issued under this section may be displayed only on a vehicle type for which it was purchased, except that a plate issued for a truck or truck tractor may be displayed on an unladen passenger car or an unladen trailer. The weight limits for trucks, truck tractors and trailers must conform to the weight limit for which the registration plate was purchased.

(3) A vehicle bearing a registration plate issued under this section may be used for any of the following:

(i) For transit of the vehicle to or from the place where the vehicle is offered for sale.

(ii) For transit from the place where the vehicle was purchased.

(iii) For transit to and from a location where the vehicle is modified, completed or enhanced for a period of not more than 30 days after the date of purchase.

(iv) For testing of the vehicle for a period of not more than 30 days after the date of purchase.

(v) For repair, servicing or inspection of a vehicle which is not normally operated on a highway.

(c) Records.--Records shall be kept by the fleet owner in a manner prescribed by the department indicating the vehicles which displayed each registration plate issued under this section. The records shall be open to inspection by department representatives and any police officer.

(Dec. 18, 1992, P.L.1411, No.174, eff. 60 days)

1992 Amendment. Act 174 added section 1337.1.

CHAPTER 23
MOTOR VEHICLE TRANSACTION RECOVERY FUND

Sec.

2301. Definitions.
2302. Establishment and maintenance of fund.
2303. Disbursements.
2304. Assignment of claims.
2305. Appeals.
2306. Exemptions.
2307. Enforcement.

Enactment. Chapter 23 was added July 10, 1990, P.L.356, No.83, effective in 60 days.

§ 2301. Definitions.

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

"Fund." The Motor Vehicle Transaction Recovery Fund established in this chapter.

"Member." Every holder of motor vehicle dealer registration plates and every person authorized to act as an agent of the department with respect to vehicle titling and registration.

§ 2302. Establishment and maintenance of fund.

(a) Establishment.--There is hereby established in the General Fund a Motor Vehicle Transaction Recovery Fund.

(b) Assessments.--Every applicant for motor vehicle dealer registration plates or for the authority to act as an agent for the department with respect to vehicle titling and registration shall pay, in addition to any other license fees and bonds, an assessment of $60 to the fund.

(c) Use and maintenance of fund.--The assessments shall be used to establish and maintain the fund and shall be deposited into the State Treasury and credited to the fund. The fund shall be used solely to provide the Department of Transportation and the Department of Revenue with the money necessary to process documents relating to the titling and registration of vehicles as described in this chapter. The fund shall be invested and interest and dividends shall accrue to the fund.

(d) Minimum balance.--Whenever the balance of the fund falls below $500,000, the secretary may assess all members an additional assessment of up to $50 to bring the fund up to at least the $500,000 minimum. Not more than one additional assessment may be made against a member in any 12-month period. (Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (b).

§ 2303. Disbursements.

(a) Authorization.--The secretary, or his designee, may, in his discretion, authorize a disbursement from the fund to cover the amount of any fees and taxes pertaining to an application for titling or registration of a vehicle which a member failed to forward to the department or the department's contracted agent or third-party representative. The disbursement may not exceed the amount paid to the member for the fees and taxes associated with the titling and registration.

(b) Proof of loss.--In order to substantiate a disbursement from the fund, an aggrieved party shall forward to the department an application provided by the department. Along with other documentation, the department shall require the aggrieved party to provide the original or acceptable copies of the canceled check or money order paid to the member and the registration or other document issued to the aggrieved party by the member.

(c) Procedure.--Upon receipt of an application for disbursement, the department shall notify the member. If the member fails to forward the necessary titling or registration documents, fees and taxes within 15 days, the secretary may suspend the member and, where applicable, direct the Department of State to do so. If payment is not made by the member within 15 days and the secretary is satisfied concerning the proof of the claim, he shall direct that the titling and registration documents be processed with moneys from the fund.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (a).

§ 2304. Assignment of claims.

By making application to the fund, an aggrieved party assigns to the Commonwealth any claim he may have for restitution arising out of the failure of the member to forward the titling and registration documents, fees and taxes. The department may coordinate with applicable Commonwealth agencies the filing of a civil complaint against the member for reimbursement to the fund. Nothing contained in this chapter shall limit the authority of the department, the Department of Revenue or any other government agency to take civil, criminal or disciplinary action against any member for any violation of this title or any statute or regulation. Payment by the fund shall not relieve payment by any surety.

§ 2305. Appeals.

Any aggrieved party may appeal the decision of the secretary to the court of common pleas vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure).

§ 2306. Exemptions.

No person who acts solely as either a notary or messenger for motor vehicle forms or a farm equipment dealer, mobile home dealer and manufacturer or modular housing manufacturer shall be bound by the provisions of this chapter.

(Aug. 5, 1991, P.L.238, No.26, eff. imd.)

§ 2307. Enforcement.

(a) Criminal penalty.--Any member who issues or forwards to the department any documents relative to the titling or registration of a vehicle without having paid the requisite fee to the fund commits a summary offense and shall, upon conviction, be sentenced to pay a fine of $100 for each document submitted.

(b) Administrative penalties.--The department and the Department of State may suspend the license and recall motor vehicle dealer plates and the authority to issue temporary registrations of any member who does not pay the requisite fee to the fund prior to acting as a member. The suspension and recall shall remain in effect until the requisite fee is paid, plus an additional 30 days.

§ 6114. Limitation on sale, publication and disclosure of records.

(a) Offenses defined.--It is unlawful for:

(1) Any police officer, or any officer, employee or agent of any Commonwealth agency or local authority which makes or receives records or reports required to be filed under this title to sell, publish or disclose or offer to sell, publish or disclose records or reports which relate to the driving record of any person.

(2) Any person to purchase, secure or procure or offer to purchase, secure or procure records or reports described in paragraph (1).

(b) Exceptions.--This section does not apply to records or reports:

(1) Required or authorized under this title to be sold, published or disclosed.

(2) Authorized in writing by the person who is the subject of the record or report to be sold, published or disclosed. A police officer, or officer, employee or agent of a Commonwealth agency or local authority may rely on a certification from a person requesting a record or report under this paragraph that its sale, publication or disclosure has been authorized by the person who is the subject of the record or report. In the event such sale, publication or disclosure shall not have been authorized, the person who made the false certification, rather than the police officer or officer, employee or agent of the Commonwealth agency or local authority, shall be guilty of the offense defined by this section.

(3) Required to be released by order of court.

(4) Authorized by departmental regulation to be sold, published or disclosed to any Federal, State or local governmental agency for the sole purpose of exercising a legitimate governmental function or duty. Such records or reports shall not be resold, published or disclosed by the receiving agency for any commercial purpose nor without prior departmental approval.

(4.1) Of a constituent released to a member of Congress or of the General Assembly or to an employee of a member of Congress or of the General Assembly. Under this paragraph, records or reports may not be sold, published or disclosed by the member or the employee for any commercial purpose without prior approval by the department.

(5) Purchased by a person who, in compliance with the Fair Credit Reporting Act (84 Stat. 1127-1136, 15 U.S.C. § 1601 et seq.), has filed with the department an affidavit, in form acceptable to the department, certifying the intended use of said record or reports.

(6) Obtained in any form, including computer access, by a messenger service which has filed an affidavit of intended use with the department and which maintains on file at its office of record an authorization in writing by the person who is the subject of the obtained record or report. The authorizations are subject to inspection by the department and shall be retained for a period of two years. The records

or reports may not be accessed, sold, published or disclosed by the messenger service for any commercial purpose except the filed intended use without prior approval by the department.

(c) Penalty.--Any offense under this section is a summary offense punishable by a fine of not less than $500 nor more than $1,000.

(d) Additional requirement.--Notwithstanding any other provision of this section, in the case of a driver under 18 years of age, the department shall notify the parent or guardian of the minor licensee, at the address of record of the minor, of any convictions recorded against the minor's record or any action to suspend or revoke the minor's operating privilege. Failure of the person to receive the notice shall not prevent the action taken by the department.

(Apr. 29, 1993, P.L.3, No.3, eff. imd.; June 25, 1999, P.L.164, No.23, eff. 180 days; Oct. 4, 2002, P.L.845, No.123, eff. 60 days)

2002 Amendment. Act 123 amended subsec. (c).

1999 Amendment. Act 23 added subsec. (d).

1993 Amendment. Act 3 added subsec. (b)(4.1) and (6).

Cross References. Section 6114 is referred to in section 1955 of this title; section 8619 of Title 20 (Decedents, Estates and Fiduciaries).