

and provide a symbol of the great Home side of Pennsylvania; and

Whereas, naming the Great Dane would pay tribute to internationally known Pennsylvania artist, Violet Oakley, for her historic works which beautify the entire Capitol; therefore

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

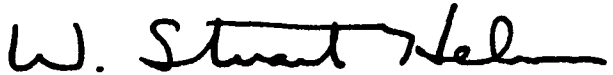
Section 1. The Great Dane is hereby selected, designated and adopted as the official dog of the Commonwealth of Pennsylvania.

Section 2. This act shall take effect immediately.

Office of the Secretary of the Commonwealth

Harrisburg, August 17, 1965

I do certify that the above bill, entitled "An act selecting, designating and adopting the Great Dane as the official dog of the Commonwealth of Pennsylvania." was presented to the Governor on the fourth day of August, one thousand nine hundred and sixty-five, and was not returned within ten days after it had been presented to him, wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed it.


Secretary of the Commonwealth.

No. 179

AN ACT

HB 1063

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," defining "Dealer" and "Miscellaneous Motor Vehicle Business," providing for the registration and use of plates for the same, establishing fees and providing penalties.

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

Section 1. The definition of "Dealer" in section 102, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," amended August 6, 1959 (P. L. 648) and November 12, 1959 (P. L. 1495), is amended to read:

Section 102. Definitions.—The following words and phrases when used in this act shall, for the purpose of this act, have the following meanings, respectively, except in those instances where the context

clearly indicates a different meaning:

* * *

“Dealer.” [(1) A person as defined in this act actively and principally engaged in and devoting a substantial portion of his time to the business of manufacturing tractors or in the business of buying, selling or exchanging new motor vehicles, tractors, trailers or semi-trailers on commission, or otherwise, who maintains a salesroom or garage devoted principally to the motor vehicle business, and who holds a contract in writing with a manufacturer, giving such person selling rights for new motor vehicles, tractors, trailers or semi-trailers, or with a jobber of such vehicles who, as such jobber, holds a manufacturer’s franchise or contract giving selling rights on new motor vehicles, tractors, trailers or semi-trailers in this Commonwealth, or (2) a person actively and principally engaged in and devoting a substantial portion of his time to the business of buying, selling or exchanging mobilehomes, house trailers or office trailers on commission or otherwise, who maintains a minimum useable display area of five thousand (5,000) square feet devoted principally to the mobilehome, house trailer or office trailer business, and who holds a contract in writing with a manufacturer giving such person selling rights for new mobilehomes, house trailers or office trailers, or with a jobber of such vehicles who as such jobber holds a manufacturer’s franchise or contract giving selling rights on new mobilehomes, house trailers or office trailers in this Commonwealth, or (3) a person as defined in this act actively and principally engaged in and devoting a substantial portion of his time to the business of buying, selling or exchanging used motor vehicles, tractors, trailers or semi-trailers, and who maintains a salesroom, garage, or used car lot, actually occupied by such person either continuously or at regular intervals, and upon which or adjacent thereto is a building, or a portion of a building, owned or rented by such person, where his books and records are kept, and which is devoted principally to the motor vehicle business, in which the repair of motor vehicles is subordinate or incidental to the business of buying, selling or exchanging the same, or (4) a person actively and principally engaged in and devoting a substantial portion of his time to the business of buying, selling or exchanging used mobilehomes, house trailers or office trailers, and who maintains a minimum useable display area of five thousand (5,000) square feet actually occupied by such person, either continuously or at regular intervals, and upon which or adjacent thereto is a building or a portion of a building owned or rented by such person where his books and records are kept, and which is devoted principally to the

mobilehome, house trailer or office trailer business, in which the repair of such vehicles is subordinate or incidental to the business of buying, selling or exchanging the same or (5) any person as defined in this act regularly engaged in the business of transporting new motor vehicles, tractors, trailers or semi-trailers on their own wheels, and who has an established place of business, or (6) a person as defined in this act who is duly authorized to do business in this Commonwealth, and is actively engaged in the business of financing sales or making loans on security of motor vehicles or mobilehomes, house trailers or office trailers, or (7) any person as defined in this act who maintains an established place of business and who is engaged in the business of buying, selling or exchanging secondhand motor vehicles or mobilehomes, house trailers or office trailers, for the purpose of remodeling, taking apart or rebuilding the same or buying or selling of parts of secondhand motor vehicles or mobilehomes, house trailers or office trailers, or the assembling of secondhand motor vehicle or mobilehome, house trailer or office trailer parts, or (8) any person as defined in this act engaged in the repair service or towing of motor vehicles, or (9) a fleet owner who is engaged in his own repair service, or (8) any duly licensed collector-repossessor regularly engaged as an independent contractor in the business of repossessing motor vehicles, trailers or semi-trailers, which are the subject of installment sale contracts.] (1) New Car Dealer.—A person, as defined in this act, actively engaged in and devoting a substantial portion of his time in the business of buying, selling or exchanging new and used motor vehicles, trailers or semi-trailers on commission or otherwise, who maintains a salesroom or garage devoted principally to the motor vehicle business and an established place of business, and who holds a contract in writing with a manufacturer, importer or distributor, giving such person selling rights for new motor vehicles, trailers or semi-trailers or who is a manufacturer of motor vehicles, trailers or semi-trailers or who is an importer or distributor of new motor vehicles, trailers or semi-trailers who holds a contract in writing with the manufacturer of motor vehicles, trailers and semi-trailers.

(2) Used Car Dealer.—A person, as defined in this act, actively and principally engaged in and devoting a substantial portion of his time to the business of buying, selling or exchanging used motor vehicles,

tractors, trailers or semi-trailers, and who maintains a salesroom, garage, or used car lot, actually occupied by such person and maintains an established place of business, which established place of business shall include at least a two bay garage equipped to perform the usual and normal repair and servicing of motor vehicles or said dealer shall by written contract have available to him at all times such repair and servicing facilities and upon which or adjacent thereto is a building or a portion of a building, owned or rented by such person, where his books and records are kept, and which is devoted principally to the motor vehicle business, in which the repair of motor vehicles is subordinate or incidental to the business of buying, selling, or exchanging the same.

(3) New Mobilehome Dealer.—A person actively and principally engaged in and devoting a substantial portion of his time to the business of buying, selling or exchanging mobilehomes, house trailers or office trailers on commission, or otherwise, who maintains a minimum useable display area of five thousand (5,000) square feet devoted principally to the mobilehome, house trailer or office trailer business, who maintains an established place of business and who holds a contract in writing with a manufacturer giving such person selling rights for new mobilehomes, house trailers or office trailers.

(4) Used Mobilehome Dealer.—A person actively and principally engaged in and devoting a substantial portion of his time to the business of buying, selling or exchanging used mobilehomes, house trailers or office trailers, and who maintains a minimum useable display area of five thousand (5,000) square feet, actually occupied by such person, and upon which or adjacent thereto is a building, or a portion of a building, owned or rented by such person, where his books and records are kept, and which is devoted principally to the mobilehome, house trailer or office trailer business, in which the repair of such vehicles is subordinate or incidental to the business of buying, selling or exchanging

ing the same, and who maintains an established place of business.

(5) Motorcycle Dealer.—A person, as defined in this act, actively and principally engaged in and devoting a substantial portion of his time to the business of buying, selling or exchanging new or used motorcycles, and who maintains an established place of business.

(6) Tractor Dealer.—A person, as defined in this act, actively and principally engaged in and devoting a substantial portion of his time to the business of buying, selling or exchanging new or used farm or industrial tractors, and who maintains an established place of business.

* * *

Section 2. Section 102 of the act is amended by adding after the definition of "Metal Tire," a new definition to read:

Section 102. Definitions.—The following words and phrases when used in this act shall, for the purpose of this act, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

* * *

"Miscellaneous Motor Vehicle Business." (1) Repair, Service and Towing.—Any person, as defined in this act, engaged in the repair, service or towing of motor vehicles, and who maintains an established place of business.

(2) Wrecking Lot.—Any person, as defined in this act, who maintains an established place of business and who is engaged in the business of buying, selling or exchanging secondhand motor vehicles, or mobilehomes, house trailers or office trailers for the purpose of remodeling, taking apart, or rebuilding the same, or buying or selling of parts of secondhand motor vehicles, or mobilehomes, house trailers or office trailers, or the assembling of secondhand motor vehicle, or mobilehome, house trailer or office trailer parts.

(3) Body Manufacturer.—A person, as defined in this act, engaged in the business of manufacturing motor vehicle, tractor, trailer or semi-trailer bodies, and who maintains an established place of business.

(4) Transporter.—A person, as defined in this act, regularly engaged

in the business of transporting new motor vehicles, tractors, trailers, or semi-trailers on their own wheels, and who maintains an established place of business.

(5) Financer.—A person, as defined in this act, who is duly authorized to do business in this Commonwealth, and is actively engaged in the business of financing sales or making loans on the security of motor vehicles, mobilehomes, house trailers or office trailers.

(6) Collector-Repossessor.—A person, as defined in this act, who is duly licensed by the Pennsylvania Department of Banking as a collector-repossessor and who is regularly engaged as an independent contractor in the business of repossessing motor vehicles, trailers or semi-trailers which are the subject of installment sales contracts.

(7) Fleet Owner Repair Service.—A person, as defined in this act, who as a fleet owner is engaged in his own repair service, and who maintains an established place of business.

* * *

Section 3. Section 409 and subsection (b) of section 414 of the act are amended to read:

Section 409. Registration of Manufacturers [Jobbers] and Dealers.—

(a) Motor vehicles, tractors, trailers and semi-trailers, owned or in the possession of manufacturers [jobbers] or dealers, shall be exempt from individual registration, if said manufacturer [jobber] or dealer registers with the department in the "Dealer's Class."

(b) Application for such registration 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, and shall be signed by such manufacturer [jobber] or dealer. Upon receipt of the application, accompanied by the fee provided in this act for each registration desired, the department, if it finds that the applicant is a bona fide dealer as defined in this act, shall register the manufacturer [jobber] or dealer in the "Dealer's Class."

(b.1) Any person, as defined in this act, other than a "Fleet Owner," as defined in this act, who during a twelve month period sells at retail or exchanges, for his own account and not as an employe of a registrant

hereunder, five or more motor vehicles, trailers, semi-trailers, mobile-homes, house trailers or office trailers whether new or used shall register in the "Dealer's Class."

(b.2) Registration may be renewed annually by the application for Dealer's Registration Plates upon a form of application provided by the department which shall state that the applicant continues to be a bona fide dealer, as defined in this act, and such other information as the department shall require.

(b.3) Application for such registration and for such annual renewal registration shall be accompanied by a bond, in the form prescribed by the department, in the penal sum of five thousand dollars (\$5,000.00). Such bond shall be executed by a surety company authorized by the laws of Pennsylvania to transact business within this Commonwealth. The bond shall be executed to the Commonwealth of Pennsylvania and shall be for the use of the Commonwealth and for any person or persons. The condition of the bond shall be that the registrant shall not practice, in the conduct of his motor vehicle business, any fraud or make any fraudulent representation which shall cause a monetary loss to a purchaser, seller, financing agency, or governmental agency. If any person or governmental agency shall be aggrieved by the misconduct of a registrant and shall recover judgment against such registrant for a monetary loss, such person or governmental agency may, on any execution issued under such judgment, maintain an action upon the bond in any court having jurisdiction of the amount claimed. Liability under such bond is to remain at five thousand dollars (\$5,000.00). If the amount of liability under the bond is decreased or there is outstanding a final judgment on the bond, the registrant's registration shall be automatically suspended. In order to reinstate such registration, the registrant shall either file an additional bond or restore the bond on file to the original amount, or shall satisfy the outstanding judgment on the bond.

(c) No motor vehicle, tractor, trailer or semi-trailer shall, under any

circumstances, be operated under a manufacturer's [jobber's] or dealer's registration, unless the registration card for the registration plate or plates displayed is carried in the motor vehicle, tractor, trailer or semi-trailer, or is in the immediate possession of the operator, and bears the signature of the manufacturer [jobber] or dealer to whom issued.

Penalty.—Any person violating any of the provisions of subsection (c) of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of five dollars (\$5.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than three (3) days.

Section 414. Registration Suspended.—

* * *

(b) The secretary may suspend registrations in the dealer's class [of any manufacturer, jobber or dealer,] or the miscellaneous motor vehicle business class of any person, as defined in this act, after a hearing before the secretary or his representative, whenever the secretary finds upon sufficient evidence:

(1) The registrant is not lawfully entitled to registration in the dealer's class or the miscellaneous motor vehicle business class.

(2) The registrant has committed a fraud in the registration of motor vehicles, tractors, trailers or semi-trailers.

(3) The registrant has failed to give notice of transfer of ownership when and as required by this act.

(4) The registrant has failed to deliver to a transferee lawfully entitled thereto a properly assigned certificate of title.

(5) The registrant has habitually violated any of the provisions of this act.

* * *

Section 4. Section 502 of the act, amended August 6, 1959 (P. L. 648) and August 28, 1959 (P. L. 782), is amended to read:

Section 502. Use of [Manufacturer's, Jobber's and] Dealer's Registration Plates Limited.—[Registration plate or plates issued in the "Dealer's Class" may be used on any motor vehicle, tractor, trailer or semi-trailer, owned or in the possession of a manufacturer, jobber or dealer, and operated by such manufacturer, jobber or dealer, or the employe of such manufacturer, jobber or dealer, when such motor vehicle, tractor, trailer or semi-trailer is used (1) in the motor vehicle or tractor business of such manufacturer, jobber or dealer, (2) for the personal pleasure or personal use of such manufacturer, jobber or dealer, or the members of his family, when operated by such manufacturer,

jobber or dealer, or an immediate member of his family, or when such manufacturer, jobber or dealer is a corporation for the personal pleasure or personal use of not more than three (3) officers thereof, who are actively engaged in its business, or the members of their families, or for the personal use of the regular employes of such manufacturer, jobber, dealer or corporation when operated by such employe, (3) for teaching a new operator how to operate a motor vehicle or tractor, if such new operator has procured a learner's permit, and for such new operator to take an examination for an operator's license, or (4) for testing motor vehicles, tractors, trailers or semi-trailers in the possession of such manufacturer, jobber or dealer, or (5) for demonstrating motor vehicles, tractors, trailers or semi-trailers in the possession of such manufacturer, jobber or dealer and such motor vehicles or tractors may be operated by a prospective purchaser, when licensed as an operator or permittee, and when accompanied by the manufacturer, jobber or dealer, or an employe of such manufacturer, jobber or dealer: Provided, That a person entitled to dealer registration under clause (3) of the definition of "dealer" in section 102 of this act may only use dealer's registration plates for the purpose of transporting new motor vehicles, tractors, trailers or semi-trailers on their own wheels, and a person entitled to dealer registration under clause (4) of said definition may only use dealer's registration plates for the purpose of moving or operating a motor vehicle, tractor, trailer or semi-trailer which he is repossessing or which after repossession he is moving for the purpose of repairing or having repaired, demonstrating for sale, or which he is moving for delivery to a bona fide purchaser in the regular course of his business, and a person entitled to dealer registration under clause (7) of said definition may only use dealer's registration plates in direct connection with his own repair business for repairing, servicing or delivering his own vehicles or tractors and a person entitled to dealer registration under clause (8) of said definition may only use dealer's registration plates for the purpose of moving or operating a motor vehicle, trailer or semi-trailer which he is repossessing: Provided further, That in no event shall manufacturer's, jobber's or dealer's registration plates be used for any purpose other than as limited in this section. Tractor dealer registration plates shall be restricted to use on tractors.] Registration plate or plates issued in the "Dealer's Class" may be used on any motor vehicle, tractor, trailer, semi-trailer, mobilehome, house trailer or office trailer, owned or in the possession of a dealer, and operated by such dealer, or the employe of such dealer when such vehicle is used: (1) in

the motor vehicle, tractor, mobilehome, house trailer or office trailer business of such dealer, (2) for the personal pleasure or personal use of such dealer, or the members of his family, when operated by such dealer, or an immediate member of his family, or when such dealer is a corporation for the personal pleasure or personal use of not more than three (3) officers thereof, who are actively engaged in its business, or the members of their families, or for the personal use of the regular employes of such dealer or corporation when operated by such employe, (3) for teaching a new operator how to operate a motor vehicle or tractor, if such new operator has procured a learner's permit, and for such new operator to take an examination for an operator's license, or (4) for testing motor vehicles, tractors, trailers or semi-trailers in the possession of such dealer, or (5) for demonstrating motor vehicles, tractors, trailers, semi-trailers, mobilehomes, house trailers or office trailers in the possession of such dealer and such motor vehicles or tractors as may be operated by a prospective purchaser, when licensed as an operator or permittee, and when accompanied by the dealer, or an employe of such dealer: Provided, That a person entitled to dealer registration under "(5)" of the definition of "Dealer" in section 102 of this act (Motor-cycle Dealer) may only use dealer's registration plates in the regular course of his business and Tractor Dealer registration plates shall be restricted to use on tractors: Provided further, That in no event shall dealer's registration plates be used for any purpose other than as limited in this section.

Penalty.—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 5. The act is amended by adding after section 502, a new section to read:

Section 502.1. Use of Miscellaneous Motor Vehicle Business Registration Plates Limited.—A person entitled to registration under clause

(1) (Repair, Service and Towing) of the definition of "Miscellaneous Motor Vehicle Business" in section 102 of this act may only use registration plates issued to him in that class in direct connection with the operation of his repair, service and towing business, and such registration plates shall not be used for his personal pleasure or personal use.

A person entitled to registration under clause (2) (Wrecking Lot) of the definition of "Miscellaneous Motor Vehicle Business" in section 102 of this act may only use registration plates issued to him in that class in direct connection with the operation of such business, and such registration plates shall not be used for his personal pleasure or personal use.

A person entitled to registration under clause (3) (Body Manufacturer) of the definition of "Miscellaneous Motor Vehicle Business" in section 102 of this act may only use registration plates issued to him in the class in connection with the operation of his body manufacturing business, and such registration plates shall not be used for his personal pleasure or personal use.

A person entitled to registration under clause (4) (Transporter) of the definition of "Miscellaneous Motor Vehicle Business" in section 102 of this act may only use registration plates issued to him in that class for the purpose of transporting new motor vehicles, tractors, trailers or semi-trailers on their own wheels.

A person entitled to registration under clause (5) (Financer) of the definition of "Miscellaneous Motor Vehicle Business" in section 102 of this act may only use registration plates issued to him in that class for the purpose of moving or operating a motor vehicle, trailer, semi-trailer, mobilehome, house trailer or office trailer which he is repossessing or which after repossessing he is moving for the purpose of repairing or having repaired, demonstrating for sale, or which he is moving for delivery to a bona fide purchaser in the regular course of his business.

A person entitled to registration under clause (6) (Collector-

Repossessor) of the definition of "Miscellaneous Motor Vehicle Business" in section 102 of this act may only use registration plates issued to him in that class for the purpose of moving or operating a motor vehicle, trailer, semi-trailer, mobilehome, house trailer or office trailer which he is repossessing.

A person entitled to registration under clause (7) (Fleet Owner Repair Service) of the definition of "Miscellaneous Motor Vehicle Business" in section 102 of this act may only use registration plates issued to him in that class in direct connection with his own repair business for repairing, servicing or delivering his own vehicles or tractors.

Penalty.—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 6. Sections 510 and 714 of the act are amended to read:

Section 510. Return of [Manufacturer's, Jobber's or] Dealer's or Miscellaneous Motor Vehicle Business Registration Plates.—Registration plate or plates and registration cards issued in the dealer's class or the miscellaneous motor vehicle business class shall be returned to the department for cancellation when the [manufacturer, jobber or dealer] registrant discontinues motor vehicle, trailer, mobilehome or tractor business.

Penalty.—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of fifty dollars (\$50.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.

Section 714. [Manufacturers, Jobbers and] Dealers and Persons in Miscellaneous Motor Vehicle Business.—The fee shall be five dollars (\$5.00) for each registration issued to manufacturers [jobbers,] or dealers in motorcycles, registered in the "Dealer's Class."

The fee shall be twenty-five dollars (\$25.00) for the first registration, and five dollars (\$5.00) for each additional annual registration issued to [manufacturers, jobbers or dealers in motor vehicles, trailers and

semi-trailers registered] persons in the "Dealer's Class" or "Miscellaneous Motor Vehicle Business Class."

The fee shall be twenty-five dollars (\$25.00) for the first annual registration, and two dollars (\$2.00) for each additional annual registration issued to persons registered as dealers in tractors.

The fee for such registration, when registration is issued on or after the beginning of the seventh month of the registration year, but prior to the beginning of the tenth month of the registration year, shall be one-half (1/2) of the fee for annual registration. The fee for such registration, when registration is issued on or after the beginning of the tenth month of the registration year, shall be one-fourth (1/4) of the fee for annual registration.

Section 7. Section 720 of the act, amended August 6, 1959 (P. L. 648), is amended to read:

Section 720. Certificates of Title; Duplicate Certificates of Title.—The fee for each certificate of title shall be two dollars (\$2.00), except in the case where the certificate of title is issued in the name of [the manufacturer, jobber or dealer, and the dealer, manufacturer or jobber] a person who is possessed of current [manufacturer's, dealer's or jobber's] registration plates issued to him as a dealer or as a person entitled to registration under clause (5) (Financer) of the definition of "Miscellaneous Motor Vehicle Business" in section 102 of this act, in which case the fee shall be fifty cents (50¢) [Provided, That the fee for each certificate of title for a duly licensed collector-repossessor, for a fleet owner and for a person regularly engaged in the business of transporting new motor vehicles, trailers or semi-trailers on their own wheels, shall be two dollars (\$2.00)]. The fee for a duplicate certificate of title shall be one dollar (\$1.00), except when issued for the purpose of recording a lien in which case the fee shall be two dollars (\$2.00).

Section 8. This act shall take effect for the registration year beginning in 1966.

APPROVED—The 17th day of August, A. D. 1965.

WILLIAM W. SCRANTON