

No. 149

AN ACT

HB 72

Amending the act of September 9, 1965 (P.L.499), entitled "An act providing for and regulating the registration and licensing of motor vehicle and mobilehome salesmen, fixing fees, creating the State Board of Motor Vehicle Salesmen, imposing powers and duties on the Department of State, the Commissioner of Professional and Occupational Affairs and the board and prescribing unlawful acts and penalties and making an appropriation," changing certain definitions and adding definitions.

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

Section 1. Clause (3) of section 3, act of September 9, 1965 (P.L.499), known as the "Motor Vehicle Salesmen's License Act," amended July 15, 1968 (Act No. 170), is amended to read:

Section 3. 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:

* * *

(3) [**"Motor vehicle dealer"**] **"Dealer"** means any person defined as a new car *dealer*, [or] new mobilehome dealer [or], used car *dealer* or used mobilehome dealer in "The Vehicle Code." [and who is required to be registered in the "Dealer's Class" under section 409 of "The Vehicle Code."] *For the purposes of this act, "dealer" shall also include any person who buys, sells or exchanges house trailers or recreational vehicles at retail, whether or not such activity is a principal or substantial portion of his business.*

* * *

Section 2. Clauses (4), (5) and (6) of section 3 of the act are amended to read:

Section 3. 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:

* * *

(4) "Motor vehicle salesman" means any person who, for a commission, compensation or other valuable consideration, is employed as a salesman by a [**motor vehicle or mobilehome**] dealer to sell at retail motor vehicles [or], mobilehomes, *house trailers or recreational vehicles*. Any motor vehicle salesman licensed hereunder shall be licensed to sell only for one dealer at a time and his license shall indicate the name of the [**motor vehicle**] dealer. Included in the definition of "motor vehicle salesman" shall be the principal, an officer, or a partner of a [**motor vehicle or mobilehome**] dealer

if he personally is actively engaged in the retail sale of motor vehicles, *mobilehomes, house trailers or recreational vehicles.*

(5) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging or otherwise disposing of a motor vehicle [or], mobilehome, *house trailer or recreational vehicle* to an ultimate purchaser for use as a consumer.

(6) "Engaging in the occupation of motor vehicle salesman" means the retail sale during a twelve-month period of *a total of* five or more motor vehicles [or], mobilehomes, *house trailers and/or recreational vehicles.*

Section 3. Section 3 of the act is amended by adding the following clauses to read:

Section 3. 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:

* * *

(7) "*Recreational vehicle*" means a vehicular unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle but shall not include a camping trailer. The basic entities are: travel trailer, truck camper and motor home.

(8) "*Camping trailer (tent trailer)*" means a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

APPROVED—The 1st day of December, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 149.

C. McLaren Tucker

Secretary of the Commonwealth.