

No. 177

## AN ACT

HB 564

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," providing for utility trailer dealers.

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

Section 1. The definition "Dealer" in section 102, act of April 29, 1959 (P.L.58), known as "The Vehicle Code," amended August 17, 1965 (P.L.332), 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) 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 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, *trailers, or semi-trailers or utility trailers*, and who maintains an established place of business.

(7) **Utility Trailer Dealer.**—*A person, as defined in this act, who actively engages in and devotes a portion of his time to the business of buying, selling or exchanging new and used utility trailers, and who maintains an established place of business.*

\* \* \*

Section 2. Section 102 of the act is amended by adding a 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:

\* \* \*

**“Utility Trailers.”**—*Any boat trailer, livestock trailer or trailer or semi-trailer which when standing alone has a gross weight not exceeding three thousand (3,000) pounds.*

\* \* \*

Section 3. Section 502 of the act, amended September 1, 1967 (P.L.302), is amended to read:

Section 502. Use of Dealer's Registration Plates Limited.—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 (Motorcycle Dealer) may only use dealer's registration plates in the regular course of his business and: *Provided further, That a person entitled to dealer registration under "(7)" of the definition of "Dealer" in section 102 of this act (Utility Trailer Dealer) may only use dealer's registration plates on trailers or semi-trailers in the regular course of his business as such trailer dealer and:* 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.

APPROVED—The 10th day of January, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly  
No. 177.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

*Secretary of the Commonwealth.*