

to pay a fine of not less than five hundred dollars (\$500.00) or undergo imprisonment in the county jail for a period of not less than six (6) months, or both, at the discretion of the court.

Section 14. This act shall become effective immediately upon its final enactment.

When
effective.

Section 15. The act approved the seventeenth day of May, one thousand nine hundred twenty-one, (Pamphlet Laws, eight hundred thirty-one), entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth; prescribing the qualifications, defining the powers and duties, and fixing the compensation of such examiners; providing for the appointment and removal of inspectors of anthracite mines; prescribing their qualifications, and regulating their salaries and term of office; and abolishing the terms of office of the present mine inspectors of the anthracite mines," is hereby repealed.

Act of May 17,
1921 (P. L. 831),
repealed.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 461

AN ACT

Relating to motor vehicles, new and used; creating a motor vehicle dealers' commission; establishing its jurisdiction, powers and duties; and creating and providing for approved motor vehicle appraisers; establishing their powers and duties; regulating the sale, trade-in allowance, appraisals and information furnished the Commonwealth on motor vehicles, new and used, and establishing regulations concerning speedometers; authorizing the commission to establish periodical prices for used motor vehicles, either sold or traded, in establishing the appraisal value of motor vehicles, new or used, either for sale or used trade-in allowances; providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicle appraisers, and the payment of fees therefor; authorizing examination of the business papers and affairs of, and requiring the filing of reports by, licensees; authorizing and empowering the commission to hold hearings and to issue rules and orders, and the issuance of subpoena by the commission or its agents; and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the commission; providing for appeals to the courts from decisions of the commission; imposing penalties; and making appropriation.

PREAMBLE

Whereas, Unsafe, unfair, unjust, destructive, demoralizing, and uneconomic trade practices have been and are now carried on in the sale and resale of motor vehicles, new and used, in this Commonwealth, whereby the motor vehicle industry in the Commonwealth, and

the safety of motor vehicles on the highways, and the safety of the inhabitants of the Commonwealth using the various highways are imperiled; and

Whereas, Such conditions constitute a danger to the health, industry, safety, and welfare of the inhabitants of the Commonwealth; and

Whereas, It is necessary to protect the well being of the inhabitants of the Commonwealth, to promote the public welfare; and

Whereas, The motor vehicle industry is one of the paramount industries upon which the prosperity of the Commonwealth, to a large extent, depends, and is an industry affected by a public interest; and

Whereas, The present acute economic conditions being in part the consequence of a severe and increased disparity between the prices allowed and paid for used motor vehicles by different dealers, has broken down the orderly sale, trade-in, and market of used motor vehicles, has tended to lower wages, lengthen working hours, and encourages misrepresentation, and has seriously impaired the assets supporting the motor vehicle industry, and places the inhabitants, particularly those in the small income brackets, in the Commonwealth in jeopardy both as to safety of the vehicle and as to the value of the vehicle; and

Whereas, Legislation is necessary to remove unsafe motor vehicles from the highways, prevent fraud, and prevent padding of finance charges and insurance charges.

Purpose of the act.

Section 1. Be it enacted, &c., That in the exercise of the police power of the Commonwealth and to protect public safety, health and welfare, it is hereby declared that the sale and trade-in allowance and appraisals of new and used motor vehicles in the Commonwealth is a business affected with the public interest and affecting the public health and safety, and it is hereby declared to be the legislative intent that this act shall be a measure for the purpose of regulating and controlling the sale and resale of motor vehicles, new and used, for the protection of health, safety, and welfare of the inhabitants thereof.

Title.

Section 2. Short Title.—This act shall be known, and may be cited, as the “Motor Vehicle Dealers’ Commission Law.”

Definitions.

Section 3. Definitions.—The following terms shall be construed in this act to have the following meanings, except in those instances where the context clearly indicates otherwise:

“Board or Commission” means the State agency created by this act to be known as the “Motor Vehicle Dealers’ Commission.”

“Licensee” means a licensed motor vehicle dealer, salesman or State approved appraiser.

“Motor Vehicle” means any conveyance propelled by kerosene, oil or gasoline motor or engine used for highway transportation, including passenger automobiles and trucks up to and including one and one-half tons rated capacity, excluding busses and motorcycles.

“Motor Vehicle Dealer” means an individual, corporation or copartnership purchasing or handling for an individual, corporation or copartnership motor vehicles, used or new, for sale.

“Person” includes any individual, corporation, partnership, limited partnership, or any other unincorporated enterprise owned by two or more individuals.

“Salesman” means any person who works for or sells or buys motor vehicles for a motor vehicle dealer.

“Appraiser” means any person who is authorized by the Commonwealth to appraise used motor vehicles.

“Demonstrator” means any motor vehicle which has been in use for a period of not less than sixty (60) days and which has been driven thirty-five hundred (3,500) road miles or more.

Section 4. Creation of Motor Vehicle Dealers’ Commission; Membership; Applicability of Administrative Code.—(a) And there is hereby created an independent administrative commission, to be known as the Motor Vehicle Dealers’ Commission. The commission shall consist of five (5) members who shall be nominated and appointed by the Governor, by and with the advice and consent of the Senate.* This commission shall be a part time commission, and for which each day they shall serve, the members thereof shall receive twenty-five dollars (\$25.00) and expenses.

(b) Each member of the commission, at the time of his appointment and qualification, shall be a citizen of the United States and a resident of the Commonwealth, and shall have been a qualified elector of the Commonwealth for one year next preceding his appointment.

One member shall be exclusively a used motor vehicle dealer at present, with at least five years’ experience in the automobile industry, and two shall be new motor vehicle dealers at present, with at least five years’ experience in the automobile industry, and one shall be a salesman of new motor vehicles at present, with at least five years’ experience in the automobile industry, and a fifth shall be neither a used motor vehicle or a new motor vehicle dealer or a new motor vehicle or used motor vehicle salesman. No member of the commission, during his period of service as such, shall hold any other office under the laws of the Commonwealth or of the United States.

* “appointed by the Governor” duplicated in the original.

The Governor shall designate one of the members of the commission as chairman. The chairman shall, when present, preside at all meetings, and in his absence, a member designated by the chairman shall preside. Three (3) members of the commission shall constitute a quorum, and any action or order of the commission shall require the approval of at least three (3) members.

The board may appoint a secretary to hold office at its pleasure. The secretary, if appointed, shall have such power and perform such duties, not contrary to law, as the commission shall prescribe, and shall receive such compensation as the commission, with the approval of the Governor, shall determine. The secretary shall have power and authority to designate, from time to time, one of the clerks appointed by the commission to perform the duties of the secretary during his absence, and the clerk, so appointed, shall exercise for the time so designated the powers of the secretary of the commission.

The secretary shall call all meetings of the board, designating the time and place, upon request, in writing, addressed to the secretary of two (2) or more members of the commission.

Except as otherwise specifically provided in this act, the commission and its employes shall be subject to all the provisions of the Administrative Code of one thousand nine hundred and twenty-nine, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, 177), its amendments and supplements, which apply generally to independent boards or commissions.

Section 5. General Powers and Duties of the Commission.—The commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed, and it is hereby vested with power—

1. To supervise and regulate the entire sales industry of motor vehicles in so far as it includes the licensing of all motor vehicle dealers and salesmen, and to examine and issue certificates of appointment to appraisers of used motor vehicles, and establish standards to determine the maximum appraisal price of all used motor vehicles that are sold or traded in, and the commission shall notify all appraisers of the basic value of all such vehicles periodically. The maximum appraisal prices are to be determined by the commission as provided for in this act.

2. The operation and effect of any provision of this act conferring a general power upon the commission, shall not be impaired or qualified by the granting to the commission by this act of a specific power or powers.

3. The commission, either itself or through its duly authorized agent, shall hold such hearings, either at the Capitol or elsewhere, as it deems necessary to carry out the provisions of this act.

4. The commission shall meet upon a day determined by the members of the commission, at least once every thirty (30) days.

5. The commission shall prescribe the form of certificates of appraisal, and shall have the original printed on white paper, the duplicate to be sent to the commission by the certified appraiser on pink paper, and the second duplicate to be kept in the office of the certified appraisers on blue paper, and shall sell these to all certified appraisers at the rate of twenty-five cents (\$.25) a certificate, including the two duplicates.

6. The commission shall prepare and adopt all forms to be used by certified appraisers and all licensees for forwarding to the commission information required.

7. The commission shall daily from the Department of Revenue secure a list of all motor vehicles licensed, and shall check this list with the reports of the sales made by all licensees.

Section 6. Power of the Commission to Subpoena; Penalties.—In order to enable the commission to carry out the provisions of this act, it shall have the power to issue subpoenas* requiring the attendance of or the production of pertinent books or papers by motor vehicle dealers, salesmen, and appraisers whom the commission believes to have information of importance to it in carrying out the purposes and intent of this act. The commission may likewise issue commissions, letters rogatory or other appropriate processes outside the Commonwealth.

(a) The commission shall likewise have the power to question such witnesses under oath or affirmation and to examine such books and papers.

The commission may delegate to any member thereof or any employe designated by it the power granted to it under this section.

(b) Any witness who refuses to obey a subpoena* issued hereunder, or to be sworn or affirmed, or to testify, or who is guilty of any contempt after summons to appear, may be punished as for contempt of court. For this purpose, an application may be made by the commission to the court of common pleas within the territorial jurisdiction in which the offense was committed, for which purpose such court is hereby given jurisdiction.

(c) Each witness required to attend before the commission, or any member thereof, under the provisions of this section, shall be entitled to the fees and mileage

* "subpenas" in the original.

customarily paid to witnesses in the courts of Dauphin County.

Section 7. Rules, Regulations and Orders.—(a) The commission may adopt and enforce all rules, regulations, and orders necessary or desirable to carry out the provisions of this act, not inconsistent with law. Every general rule, regulation or order of the commission shall be posted for public inspection in the main office of the commission at least seven (7) days before it shall become effective, and at least five (5) days before it shall become effective, it shall be mailed to all licensees thereby affected. It shall be given such further publicity or advertisement in newspapers or otherwise as the commission shall deem it advisable. An order applying only to a particular person or persons named therein shall be served on the person or persons affected.

Section 8. Entry and Inspection Pursuant to Carrying Out the Purpose of this Act.—Any member of the commission, or any employe designated for the purpose, shall have access to and may enter at all reasonable hours all places where motor vehicles, new or used, are being sold. Any members of the commission, or any designated employe thereof, shall also have power at all reasonable hours to inspect all books, papers, records or documents in any place within the Commonwealth, for the purpose of ascertaining facts to enable the commission to administer this act.

The information obtained by any such inspection or by reports required by this act shall be for the confidential use of the commission and the various departments of the State Government, and shall not be disclosed by any person, except as may be required in the enforcement of the law or by order of the court. The commission, however, may use such information, together with other similar information, for compilation and publication of statistics of the industry in this Commonwealth.

Section 9. Violations.—(a) Except as otherwise specifically provided in this act, any person violating any provision of this act or any rule, regulation or order of the commission lawfully made, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

(b) The commission or any person or association composed of persons affected by the commission's orders, rules or regulations may institute such action at law or in equity, as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule, regulation or order of the commission made pursuant to the provisions of this act, or to obtain judicial interpretation of any of the foregoing,

and in addition to any other remedy, may apply to the court of common pleas of Dauphin County for relief by injunction.

Section 10. Licenses.—(a) No motor vehicle dealer, as defined in this act, shall deal in, handle, sell or trade in motor vehicles without first obtaining a license as herein provided.

(b) No salesman shall sell, handle or trade any motor vehicle without first being duly licensed.

(c) The commission shall prescribe the necessary forms requiring the desired information, and such forms shall be filled out by the applicants for licenses, and shall accompany the application for a license with the fee as is provided for in this act.

(d) Motor vehicle appraisers shall not appraise motor vehicles for the purpose of sale or trade-in to licensed motor vehicle dealers or salesmen, unless first duly obtaining a certificate of authority from the commission so to do, and the commission shall prescribe the forms setting forth the required information, which forms shall be filled out and sent to the commission by applicants for an appraiser's certificate, and the commission shall further set a time and place when an examination shall be given to such applicants for the purpose of determining their qualifications. The examination questions shall be composed by the commission, and the answers shall be graded by the commission, or an employe of the commission designated for that purpose, and only those passing shall be entitled to a certificate authorizing them to act as an approved appraiser.

(e) In all the applications for motor vehicle dealer's licenses, for salesman's licenses or for appraisers' certificate, among other things, the forms shall require the applicant to set forth his experience in the automobile industry, length of time, nature of work, type of business he proposes to conduct, and in the case of dealers or salesmen, they shall set forth with whom they have a contract for selling motor vehicles. The commission shall be satisfied that these applicants for motor vehicle dealer's license, in so far as it applies to new motor vehicles, shall have a bona fide contract with some motor vehicle manufacturer, distributor or agent, and with some motor vehicle dealer in the case of an applicant for a motor vehicle salesman's license.

These licensing provisions are applicable to both new and used motor vehicles, except as otherwise specified in this act. The financial responsibility shall be set forth on the license application forms of motor vehicle dealers.

All appraisers and licensees shall be full-time appraisers or dealers or salesmen, no remuneration of any kind shall be permitted for persons informing any licensees as to where a possible sale can be made.

Section 11. Rejection, Revocation or Suspension of Licenses.—The commission before refusing to issue or reissue a license, or before revoking or suspending a license already issued, shall hold a hearing for the purpose of determining whether an application for a license should be rejected, or whether a license issued should be suspended or revoked for any violation on the part of the applicant or a licensee of this law or any rules, regulations or orders of the commission, or to determine, if for any other reason, a license should be denied, revoked or suspended, and shall give the applicant or licensee five (5) days' notice that there will be such a hearing, and set forth in writing the matters complained of. The applicant or licensee may appear at the hearing and show cause, if any he has, why such license should not be refused, suspended or revoked. After such hearing, the commission shall file at its office a copy of its order and a statement in writing of the findings of fact in support of and the reasons for said order.

Section 12. Bonds.—All applicants for licenses or for certificates of appraisal shall furnish to the Commonwealth a penal bond in the sum of five hundred dollars (\$500.00) for the purpose of guaranteeing that the licensee or certified appraiser will comply with this law and all rules, regulations, and orders promulgated by the commission pursuant to the law, and such bond shall be forfeited if the licensee or appraiser shall be determined guilty of any violation: Provided, however, Nothing in this section shall apply to applicants for a salesman's license.

Section 13. Appeal.—If any application for a license or a certificate of appraiser is rejected by the commission, or if any licensee or certificate of appraiser is revoked or suspended by the commission, the applicant or licensee or appraiser, as the case may be, may appeal within twenty (20) days to the common pleas court of the county in which he has his principal place of business, and the case shall be heard de novo.

Section 14. Fees for Dealers, Salesmen, and Appraisers.—

(a) A license fee of two dollars (\$2.00) shall be paid by all licensed salesmen annually.

(b) A fee of twenty-five dollars (\$25.00) annually shall be paid by all approved appraisers. Ten dollars (\$10.00) shall be paid at the time application is made, and the additional fifteen dollars (\$15.00) shall be paid in the event the applicant is certified.

(c) Licensed dealers shall pay the following fees:

If the gross total sales of new and used motor vehicles does not exceed \$75,000 annually, the annual fee shall be \$25.00.

If the gross total sales of new and used motor ve-

hicles exceeds \$75,000, but does not exceed \$250,000, the annual fee shall be \$50.00.

If the gross total sales of new and used motor vehicles exceeds \$250,000, but does not exceed \$500,000, the annual fee shall be \$75.00.

If the gross total sales of new and used motor vehicles exceeds \$500,000, but does not exceed \$750,000, the annual fee shall be \$100.00.

If the gross total sales of new and used motor vehicles exceeds \$750,000, but does not exceed \$1,000,000, the annual fee shall be \$125.00.

If the gross total sales of new and used motor vehicles exceeds \$1,000,000, the fee shall be \$150.00.

Section 15. Orders Fixing Prices for Used Motor Vehicles, and Establishing Standard Charges Which Shall Be Deducted for Various Repairs or Replacement on the Used Motor Vehicle.—(a) The commission shall, within thirty (30) days from the time it is established, determine by a survey what the average sale price for used motor vehicles was for each make, model, body type, and year, and shall issue orders that for the ensuing thirty (30) days no appraiser shall appraise a used motor vehicle for a greater amount, and shall deduct from that amount the list price necessary for repairing the used motor vehicle in order to make it safe to be on the highways and saleable. These deductions, in so far as possible, shall be set forth by a general order of the commission, which may accept the list price flat rate schedule, including labor and material, published by the various motor vehicle manufacturers. These general orders shall be printed in a form determined by the commission, and mailed to all certified approved appraisers at least seven (7) days before they are to be effective.

(b) All subsequent orders affecting the prices to be allowed for used motor vehicles, and the necessary deductions to make the motor vehicle safe and saleable, are to be established in the following manner:

1. In the case of the maximum basic price to be allowed for used motor vehicles, the commission shall take the information sent it by the various licensed dealers and salesmen, and arrive at an average price from this information of the sale of such type, model, year, and make of motor vehicle for the thirty (30) days immediately prior to the determination of the general order, and these average prices shall establish the new allowance or prices which shall be the maximum allowed by the various approved appraisers.

2. As to the deductible items necessary to make the motor vehicle safe and saleable, the commission shall revise the schedule, from time to time, as new motor vehicle list price flat rate schedules for this type of work

are established, and shall, within a reasonable time, issue a new order.

3. These prices shall apply only to motor vehicles manufactured within eight (8) years. All motor vehicles that are more than eight (8) years old shall have a maximum value of fifty dollars (\$50.00).

(c) The commission shall, in arriving at the average price to be allowed for the purchase of used motor vehicles, consider only those that were purchased or traded in by the licensed dealers or salesmen from residents of this Commonwealth.

(d) If less than twenty-five (25) motor vehicles of any particular type, model, year or make are sold within the thirty (30) day period, then the commission shall fix the maximum basic price to be allowed for this type of motor vehicle for the ensuing thirty (30) days without arriving at the average selling price.

Section 16. Appraisers.—(a) No appraiser shall appraise a used motor vehicle for an amount greater than the basic price established by the general orders of the commission, and shall make a careful inspection of the used motor vehicle, and deduct from the basic price allowed the list price established by the commission for the necessary repairs to make the used motor vehicle safe and saleable, and shall also deduct a fair and reasonable amount necessary for replacement or repairs of any items not set forth by the orders of the commission.

(b) The appraiser shall then issue to the owner of the used motor vehicle a certificate setting forth the basic price determined by the appraiser, the amount of repairs or replacements necessary, and the price thereof itemized, and the net price or allowance that may be allowed or paid by a licensed dealer or salesman as a maximum.

(c) The approved appraiser shall charge the used motor vehicle owner for appraisal a fee of one dollar and a half (\$1.50), and shall set forth on the certificate of appraisal that the fee had been paid.

(d) The appraiser shall keep two (2) duplicate copies of all certificates of appraisal issued, and at the end of each day shall mail one duplicate to the commission, and shall retain the other in his office for a period of sixty (60) days.

(e) The appraisers shall use only certificates of appraisal prepared by the commission, and shall purchase them from the commission at the rate of twenty-five cents (\$.25) per certificate. All certificates are to include the two duplicates.

Section 17. Prices to Be Paid; Allowances.—(a) A licensed dealer or salesman shall not allow more for a used motor vehicle than is set forth as the net value of the used motor vehicle on the certificate of appraisal,

and a licensed dealer or salesman shall require the used motor vehicle to be rechecked by an approved appraiser if the certificate of appraisal is more than seven days old. The dealer who buys or takes in trade a used motor vehicle may return to the used motor vehicle owner one fee paid by the used motor vehicle owner to an approved appraiser who has issued the certificate of appraisal.

(b) Nor shall any licensed dealer or salesman allow as a rebate or an inducement to purchase a new motor vehicle any additional equipment or accessories or any other thing of value. Nor shall he sell the new motor vehicle for less than the manufacturer's advertised price plus transportation. Except he may sell to members of his immediate family or to a member of his organization when for the personal use of such buyer, but he shall immediately notify the commission that he has done so, and setting forth the name, address, and the relationship between himself and the buyer, and describing the car fully, including the make, model, body type, motor, and serial numbers. Except that, in the case of a clean up of new motor vehicles that are about to become obsolete, or about to become discontinued or replaced by new models, in which event the licensee may apply to the Motor Vehicle Dealers' Commission for permission to sell the motor vehicles he has on hand for less than the price heretofore established, setting forth in his application all the facts surrounding the motor vehicles he has on hand, and the reasons why they will become obsolete, and set forth fully when the motor vehicles on hand will be replaced or discontinued, and shall state at what price he wishes to sell them. The commission shall act within ten (10) days from the receipt of the application, either rejecting or granting the permission requested. These new models, however, shall only be considered so, if there is a substantial change in the motor vehicle. A mere change of appointments or incidental equipment will not be considered a new model. The new model to be so considered must be the new and current model and so advertised.

(c) Rules and regulations governing the sale price of motor vehicles shall not apply to vehicles purchased by the Federal Government or by the State Government, municipal government, or any subdivision thereof.

(d) If any licensee shall take in trade anything other than used motor vehicles which shall apply on the purchase of another motor vehicle, the licensee shall set forth what was taken in trade, the price allowed, and what disposition was made or intended to be made of it.

(e) If any licensee takes a motor vehicle on consignment, and later sells the consigned vehicle and applies the selling price on another motor vehicle which he has either sold previously or subsequently, such consigned

motor vehicle shall be governed by the law, rules, regulations or orders applicable to used motor vehicles.

(f) If a licensee purchases from out of the Commonwealth used motor vehicles, he shall immediately forward to the commission detailed information concerning these motor vehicles, singly setting forth, among other things required by the commission, the make, model, and type, the miles indicated by the speedometer, the condition and what purpose the motor vehicles had been put to previously, and what disposition he proposes to make of such used motor vehicles.

Section 18. Duties of Licensed Dealers and Salesmen as to Forms.—(a) The licensed dealer or salesman upon buying or taking as trade allowance any used motor vehicle, shall, upon doing so, lift the certificate of appraisal issued to the owner of the motor vehicle, and shall keep it so long as he has possession of the used motor vehicle. And shall, upon the sale of used motor vehicles, set forth, among other information that may be required by the commission, the basic price allowed by the appraiser, the items of repair, the maximum net allowance established by the appraiser, and what the licensed dealer or salesman actually allowed for the used motor vehicle, and the repairs or replacements that were made, and the price received for the motor vehicle when sold by such licensed dealer or salesman, and shall then forward to the commission the appraisal certificate.

(b) And shall set forth in the case of the sale of a used motor vehicle, the itemized list prices of repairs and replacements actually made by dealer at list price basis, the cash received, and if sold on time basis or credit basis, the number of payments and the amounts to be made, and if a motor vehicle is taken in trade to set forth the information concerning that motor vehicle the same as is provided by this act where a used motor vehicle is taken in trade for a new motor vehicle sale.

(c) In the case of the sale of a new motor vehicle, the dealer or salesman shall set forth the manufacturer's advertised selling price, the list selling price of the additional accessories or equipment itemized, the transportation amount, and shall state that all these items have been paid for by the purchaser without rebate or reduction. And in the event that any new or used motor vehicle sold is financed, the name of the finance company, the amount of finance charges, and the number and amounts of payments to be made, and shall set forth the amount and specific kind of insurance coverage, the premium and name of the insurance company, and shall state that all these items were charged to the purchaser without discrimination, rebate or reduction.

(d) All licensed dealers and salesmen must trade in

or sell a demonstrator under the same provisions as govern a used motor vehicle.

(e) All dealers and salesmen must have the speedometers of all new or used motor vehicles connected at all times when the motor vehicles are in use, and shall not turn back or in any way falsify the reading on a speedometer.

(f) A dealer or salesman may junk a used motor vehicle, but, when doing so, must forward the certificate of appraisal* to the commission, together with a statement that a certificate of junk has been forwarded to the Department of Revenue, and shall set forth what junk price he received.

(g) A licensed motor vehicle dealer shall daily forward to the commission a list of all the motor vehicles sold, and, in the case of used motor vehicles, forward to the commission the certificate of appraisal accompanying the used motor vehicle when the dealer took possession of it, and give in detail all the other information required by this act or that may be required by the commission.

Section 19. Payments of Fees into the State Treasury; "Motor Vehicle Dealers' Fund"; Appropriation; Expenses of Commission.—

(a) All moneys collected or received by the commission arising from license fees, penalties or any other source, shall be paid by the commission into the State Treasury, through the Department of Revenue, and shall by the State Treasurer be placed in a separate fund to be known as the "Motor Vehicle Dealers' Fund."

(b) As much of the money, from time to time, in the Motor Vehicle Dealers' Fund as may be necessary is hereby specifically appropriated to the Motor Vehicle Dealers' Commission to be used to pay its expenses, including the following:

1. Salaries of the commission, of its employes, and of any deputy attorney general, special deputy attorney general, assistant deputy attorney general, or other counsel as may be assigned by the Department of Justice to the commission for the handling of any legal work pertaining to its business.

2. Rental and other expenses for offices, rooms, garage space, and other accommodations outside of the Capitol Buildings, either in or outside of the capital city, occupied by the commission.

3. Premiums for workmen's compensation insurance covering the officers and employes of the commission.

4. Premiums for surety bonds for such officers or employes of the commission as may be required by law to furnish such bonds.

* "appraised" in the original.

5. Purchase and operating costs of motor vehicles required by the commission for full-time use, including premiums for liability insurance covering such motor vehicles and the members of the commission and employes operating them, also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the commission.

6. Furniture, stationery, materials, supplies, and all other overhead expenses of the commission.

7. All other expenses of every kind and description necessary for the performance by the commission of its work.

All such purchases and leases shall be made, and all such contracts of insurance and surety bonds shall be placed, through the Department of Property and Supplies as agent.

(c) As much of the money, from time to time, in the Motor Vehicle Dealers' Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the payment of approved claims for refund made to the Board of Finance and Revenue for moneys heretofore or hereafter paid into the Motor Vehicle Dealers' Fund to which the Commonwealth is not rightfully entitled.

(d) Estimates of the amounts to be expended under this act by the Motor Vehicle Dealers' Commission, either itself or through the Department of Property and Supplies as agent, or by the Board of Finance and Revenue in the payment of claims for refund, shall be submitted to the Governor, from time to time, for his approval or disapproval as in the case of other appropriations made to administrative departments, boards, and commissions, and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Motor Vehicle Dealers' Commission, or by the Department of Property and Supplies as its agent, or by the Board of Finance and Revenue, in excess of the estimates approved by the Governor. Subject to this provision, the Auditor General shall, from time to time, draw warrants upon the State Treasury for the amounts specified in such requisitions, not exceeding, however, the amount in the Motor Vehicle Dealers' Fund at the time of the making of any such requisition.

Section 20. Legislative Intent.—It is hereby declared to be the legislative intent that this law shall apply to all persons in the used and new motor vehicle sales industry both, but shall not be deemed to apply in the case of an individual who is not engaged in the business of selling and purchasing motor vehicles from selling to

another individual not in the motor vehicle business his own personal motor vehicle at any price agreed upon.

Section 21. Constitutional Construction.—It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof, the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein: Provided, however, That if any part or parts of this act relating to fixing the value for used motor vehicles or the amount to be allowed by motor vehicle dealers for used motor vehicles is held unconstitutional, then the remainder of the act shall be given no effect.

Constitutional provision.

Section 22. Saving Clause.—No provisions of this act shall apply or be construed to apply to foreign or interstate commerce, except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto.

Saving clause.

Section 23. The expenses for administering this act shall be paid entirely from the various fees collected by the commission.

Expenses.

Section 24. This act shall take effect immediately upon its approval by the Governor, and shall expire midnight May thirty, one thousand nine hundred thirty-nine.

When effective.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 462

AN ACT

To amend section six as amended in part, and section ten of the act, approved the thirty-first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred eighty-one), entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen, assistant mine foremen, and fire bosses in the bituminous coal mines of this Commonwealth; prescribing the qualifications; defining the powers and duties, and fixing the compensation of such examiners; authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations, and to designate the boards before whom applicants in the various inspection districts shall appear; providing for the issuance of certificates of qualification to successful applicants; fixing the fees to be paid by applicants, and providing for their disposition; forbidding the employment of unqualified persons as mine foremen, assistant mine foremen, and fire bosses; providing a penalty for forging or making false statements regarding certificates," further regulating the qualifica-