

No. 228

AN ACT

SB 1152

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," further providing for temporary registration plates or markers.

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

Section 1. Section 512, act of April 29, 1959 (P.L.58), known as "The Vehicle Code," amended August 22, 1961 (P.L.1031), and August 13, 1963 (P.L.756), is amended to read:

Section 512. Temporary Registration Plates or Markers.—

(a) The secretary may, subject to the limitations and conditions hereinafter set forth, deliver temporary registration plates or markers to a person who has registered as a dealer **[under clause (1) or clause (2) of the definition "Dealer" in section 102.]** when the application therefor is accompanied by the fee prescribed in this act. Such application shall be made upon a form prescribed and furnished by the department. Dealers subject to the limitations and conditions hereinafter set forth, may issue such temporary registration plates or markers to owners of vehicles, whether or not the vehicle is to be registered in Pennsylvania, provided that such owners shall comply with the pertinent provisions of this section.

(b) Every dealer who has made application for temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to him, and shall also maintain in permanent form a record of all temporary registration plates or markers issued by him, and in addition thereto, shall maintain in permanent form a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers that the secretary may require. Each record shall be kept for a period of at least three (3) years from the date of entry of such record. Every dealer shall allow full and free access to such records, during regular business hours, to duly authorized representatives of the department and to peace officers.

(c) Every dealer who issues temporary registration plates or markers shall, within five (5) days of the day that he issues such plates or markers, send to the department a copy of the temporary registration plate or marker certificate, properly executed by such dealer and the owner, together with the application for certificate of title and the annual registration plates when the vehicle is to be registered in Pennsylvania. If the vehicle is not to be registered in Pennsylvania, a statement setting forth such fact shall accompany the copy of the temporary registration plate or marker certificate.

(d) *Every dealer shall issue to the owner of a motor vehicle, upon proper application, temporary registration plates regardless whether the vehicle was purchased from said dealer. In addition to the normal fees prescribed by law, an additional fee may be charged by the dealer providing said service, the amount of such fee to be disclosed by the dealer to the applicant prior to the execution of the application forms and shall not exceed any such fee normally charged by the dealer to his own customers.* No dealer by himself, agent, servant or employe, shall issue, assign, transfer or deliver temporary registration plates or markers [to any one except a bona fide purchaser of a vehicle or motor vehicle owned and sold by him, nor shall temporary registration plates or markers be issued] to any one possessed of annual registration plates for a vehicle that has been sold or exchanged; nor shall temporary registration plates or markers be loaned or used on any vehicle which the dealer may own nor shall any temporary registration plates or markers be issued containing any misstatement of fact, or any false information upon the face thereof. Any dealer who has committed three (3) or more violations of the provisions of this section shall not make application for or issue any temporary registration plates or markers.

(e) Every person who issues temporary plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance and expiration, and the make and serial number of the vehicle for which issued.

(f) If the secretary finds that the provisions of this section or any directions of the secretary are not being complied with by the dealer, he may suspend, after a hearing, the right of a dealer to issue temporary registration plates or markers.

(g) Every person who makes application for temporary registration plates or markers shall execute the temporary registration plate or marker application [and shall return such application to the dealer from whom the vehicle to be registered has been or will be purchased].

(h) Every purchaser who makes application for temporary registration plates or markers shall execute and send an application for annual registration plates to the department, accompanied by a copy of the temporary registration certificate prepared by the dealer. In no event shall such application for annual registration plates be made later than five (5) days from the day on which the temporary registration plates or markers are issued to such owner. This subsection (h) shall only be applicable when the vehicle is to be registered in Pennsylvania.

(i) Every person to whom temporary registration plates or markers have been issued shall permanently destroy such temporary registration plates or markers immediately upon receiving the annual registration plates from the department. If the annual registration plates are not received within [thirty (30) *forty-five (45)*] days of the issuance of the temporary registration plates or markers, the owner shall, notwithstanding immediately upon the expiration of such [thirty-] ¹*forty-five* day period, permanently destroy the temporary registration plates or markers.

¹"*forty-five*" not in original.

(j) Temporary registration plates or markers shall expire and become void upon the receipt of the annual registration plates from the department, or upon the rescission of a contract to purchase a vehicle, or upon the expiration of [twenty (20)] *forty-five (45)* days from the date of issuance, depending upon whichever event shall first occur. No refund or credit for fees paid by dealers to the department for temporary registration plates or markers shall be allowed, except that in the event that the secretary discontinues the issuance of temporary registration plates or markers, dealers returning temporary registration plates or markers to the department may petition for refund or a credit thereof.

(k) The secretary shall have the power to make such rules and regulations not inconsistent herewith as he shall deem necessary for the purpose of carrying out the provisions of this section.

Penalty.—Any person violating any of the provisions of subsection (b), (c), (d) or (e) of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution for the first offense; fifty dollars (\$50.00) and costs of prosecution for any subsequent offense, and in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days; and upon conviction of a third offense, no temporary registration plates or markers shall thereafter be delivered to such person for the purpose of issuing such plates or markers to any owner, nor shall such person thereafter issue any temporary registration plates or markers. Any person violating any of the provisions of subsection (g), (h) or (i) of this section, or any rule or regulation made by the secretary as hereinbefore provided, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution for the first offense, and twenty-five dollars (\$25.00) and costs of prosecution for any subsequent offense, and in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Limitation.—The provisions of this section are subject to the limitation of actions as set forth in section 1201 of this act.

APPROVED—The 18th day of October, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 228.

A handwritten signature in cursive script, reading "C. McLaughlin Tucker".

Secretary of the Commonwealth.