

## No. 2011-120

## AN ACT

## SB 366

Amending the act of December 22, 1983 (P.L.306, No.84), entitled "An act providing for the State Board of Vehicle Manufacturers, Dealers and Salespersons; and providing penalties," further providing for definitions, for licensure and for State Board of Vehicle Manufacturers, Dealers and Salespersons.

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

Section 1. The definitions of "dealer" and "vehicle" in section 2 of the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, amended April 19, 1996 (P.L.104, No.27), are amended and the section is amended by adding definitions to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Dealer." A person required to be licensed under this act who is engaged in the business of buying, selling or exchanging new or used vehicles or an interest in new or used vehicles, regardless of whether the vehicles are owned by that person. The term includes persons engaged in consignment sales for a seller, but does not include a person issued an identification number by the Department of Transportation, unless the board has also issued a dealer license to the person. Vehicle dealers shall be classified as one or more of the following:

(1) A new vehicle dealer, who is a person engaged in the business of buying, selling or exchanging new and used vehicles, trailers or semitrailers for commission, compensation or other consideration, who holds a franchise with a manufacturer or distributor, giving the dealer selling rights for that particular line-make of new vehicles, trailers or semitrailers, or who is a distributor of new vehicles, trailers or semitrailers who holds a franchise with a manufacturer or distributor of vehicles, trailers and semitrailers.

(2) A used vehicle dealer, who is a person engaged in the business of buying, selling or exchanging used vehicles, trailers or semitrailers for commission, compensation or other consideration. The term includes fleet owners who engage directly in the retail sale of its fleet vehicles.

(3) A new manufactured housing dealer, who is a person engaged in the business of selling new manufactured housing and buying, selling or exchanging used manufactured housing or mobile homes for commission, compensation or other consideration and who holds a franchise with a manufacturer or distributor giving the dealer selling rights for a particular line-make of new manufactured housing.

(4) A used manufactured housing or mobile home dealer, who is a person engaged in the business of buying, selling or exchanging used

manufactured housing or mobile homes for commission, compensation or other consideration.

(5) A new recreational vehicle dealer, who is a person engaged in the business of buying, selling or exchanging new and used recreational vehicles for commission, compensation or other consideration and who holds a franchise with a manufacturer or distributor giving the dealer selling rights for a particular line of new recreational vehicles.

(6) A used recreational vehicle dealer, who is a person engaged in the business of buying, selling or exchanging used recreational vehicles for commission, compensation or other consideration.

**(7) A mobility vehicle dealer.**

\* \* \*

**"Mobility vehicle." A vehicle that:**

**(1) Is designed and equipped to transport a person with a disability.**

**(2) Contains a lowered floor or frame or a raised roof and door.<sup>1</sup>**

**(3) Contains one of the following:**

**(i) an electronic or mechanical wheelchair, scooter or platform lift that enables a person to enter or exit the vehicle while occupying a wheelchair or scooter;**

**(ii) an electronic or mechanical wheelchair ramp; or**

**(iii) a system to secure a wheelchair or scooter to allow for a person to be safely transported while occupying the wheelchair or scooter that is installed as an integral part or permanent attachment to the vehicle chassis.**

**"Mobility vehicle dealer." A person engaged in the business of buying, selling or exchanging mobility vehicles for commission, compensation or other consideration.**

\* \* \*

"Vehicle." Every device which is or may be moved or drawn upon a highway, except devices which are infrequently operated or moved upon a highway but are designed primarily for use in construction or agriculture or road maintenance, devices moved by human or animal power, devices used exclusively upon rails or tracks, [and] motorized pedalcycles *and mobility vehicles*.

\* \* \*

Section 2. Section 3(a) of the act, amended April 19, 1996 (P.L.104, No.27), is amended to read:

Section 3. State Board of Vehicle Manufacturers, Dealers and Salespersons.

(a) Board.—The State Board of Vehicle Manufacturers, Dealers and Salespersons shall consist of 17 members, one of whom shall be the Commissioner of Professional and Occupational Affairs, or his designee, one of whom shall be the Secretary of the Department of Transportation, or his designee, one of whom shall be the Director of Consumer Protection in the Office of Attorney General, or his designee, and the remaining 14 of whom shall be appointed by the Governor as follows:

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<sup>1</sup>or lowered frame or a raised roof and raised door." in enrolled bill.

(1) Three members shall be new vehicle dealers who have been actively engaged as such for a period of five years immediately preceding their appointment.

(2) Three members shall be used vehicle dealers who have been actively engaged as such for a period of five years immediately preceding their appointment. One used vehicle dealer member beginning with the first vacancy for a used vehicle dealer after the effective date of this amendment shall also be an owner, partner or officer of a corporation or business which is licensed as a vehicle auction and which has been actively engaged as such for a period of five years immediately preceding the appointment.

(3) One shall be a manufactured housing or mobile home dealer who has been actively engaged as such for a period of five years immediately preceding appointment.

(4) One shall be a salesperson who has been actively engaged in the sale of new or used vehicles for a period of five years immediately preceding appointment. The member shall not be a dealer or an officer of a corporation or a member of a partnership engaged in the business of a dealer at the time of appointment.

(5) One shall be a recreational vehicle dealer who has been actively engaged as such for a period of five years immediately preceding appointment.

(6) One shall be a motorcycle dealer who has been actively engaged as such for a period of five years immediately preceding appointment.

***(6.1) One member shall be a mobility vehicle dealer who has been actively engaged as such for a period of five years immediately preceding appointment.***

(7) [Four] *Three* shall be members of the general public having no connection with the vehicle business.

\* \* \*

Section 3. Section 5 of the act is amended by adding a subsection to read:  
Section 5. License to engage in business.

\* \* \*

***(g.1) Mobility vehicle dealers.—***

***(1) A licensed dealer classified as a mobility vehicle dealer may do all of the following:***

***(i) Display, inventory, advertise, solicit, demonstrate, sell, offer for sale or deliver new and used mobility vehicles.***

***(ii) Arrange, negotiate and assist a customer regarding the purchase of a mobility vehicle.***

***(iii) Sell and install equipment and accessories in and provide services for mobility vehicles, in order to meet the needs of persons with disabilities as drivers or passengers.***

***(iv) Provide maintenance and repair services for mobility vehicles.***

***(v) Acquire a new vehicle with a lowered floor or frame or a raised roof and door in order to fit or equip the vehicle for retail sale as a new mobility vehicle.***

*(2) A licensed dealer that is classified only as a mobility vehicle dealer may not offer for sale or sell vehicles which are not mobility vehicles.*

\* \* \*

Section 4. This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A.D. 2011

TOM CORBETT