

Original: 2200
MARIO J. CIVERA, JR., MEMBER
HOUSE POST OFFICE BOX 202020
MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120-2020
PHONE: (717) 787-3850
FAX: (717) 705-1851

830 N. LANSDOWNE AVENUE
DREXEL HILL, PENNSYLVANIA 19026
PHONE: (610) 853-4115
FAX: (610) 853-4116

232 LONG LANE
UPPER DARBY, PENNSYLVANIA 19082
PHONE: (610) 352-7800
FAX: (610) 352-3389



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

June 11, 2002

COMMITTEES

PROFESSIONAL LICENSURE,
MAJORITY CHAIRMAN
LIQUOR CONTROL
FIREFIGHTERS' CAUCUS,
COCHAIRMAN EMERITUS

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harrisstown 2
333 Market Street
Harrisburg, PA 17101

Dear Chairman McGinley:

I am writing to inform you that the House Professional Licensure Committee held a meeting on June 11, 2002.

The committee voted to approve Regulation 16A-602, State Board of Vehicle Manufacturers, Dealers and Salespersons.

In addition, the committee voted to disapprove Regulation 16A-4913, State Board of Medicine; and Regulation 16A-5311, State Board of Osteopathic Medicine.

Please feel free to contact my office if any questions should arise.

Sincerely,

A handwritten signature in cursive script that reads "Mario J. Civera".

Mario J. Civera, Chairman
House Professional Licensure Committee

MJC/sms
Enclosures

cc: Edward J. Cernic, Jr., Chairperson
State Board of Vehicle Manufacturers,
Dealers and Salespersons
Charles D. Hummer, Jr., M.D., Chairperson
State Board of Medicine
Daniel D. Dowd, Jr., D.O., Chairperson
State Board of Osteopathic Medicine
The Honorable C. Michael Weaver
Acting Secretary of the Commonwealth

Vertical stamp: RECEIVED JUN 12 11:50 AM '02

Regulation 16A-602

State Board of Vehicle Manufacturers, Dealers and Salespersons

PROPOSAL: Regulation 16A-602 amends 49 PA Code, Chapter 19, regulations of the State Board of Vehicle Manufacturers, Dealers and Salespersons. The amendment would make regulatory language consistent with amendments made in 1996 to the Board of Vehicles Act.

Regulation 16A-602 is Final Rulemaking which was delivered to the Professional Licensure Committee on May 22, 2002. The Professional Licensure Committee has until June 11, 2002 to approve or disapprove the regulation.

ANALYSIS: The Board of Vehicles Act, (P.L. 306, No. 84), was amended by Act 27 of 1996 to change terminology and licensure categories. The proposed regulatory amendments bring the regulations up to date and conform to the statutory amendments. The following definitions would be deleted from Sec. 19.2 in that they are defined in the Act: Board, Dealer, Distributor branch, Factory branch, Factory representative, Manufacturer, Retail sale or sale at retail, Motor vehicle and Vehicle salesperson. The definition for "Camping trailer" would be deleted because the term is not used in the Act or regulations. The definition for "Department" would be deleted because it is not used elsewhere in the regulations. The definition for "Engaging in the occupation of vehicle salesperson" would be amended to clarify that the display, demonstration and offer for sale of vehicles is part of the business of a vehicle salesperson. A definition for "Dealer's interest in vehicles" would be added to reflect the Board's interpretation that the lease of a vehicle is not encompassed in the phrase "interest in vehicles" as used in the Act's definition of "dealer."

Sec. 19.4, pertaining to fees, would delete references to "wholesale" distributor license since there is no longer a reference to wholesalers in the act. The term "broker" would be deleted since dealers and auctions now perform broker activities. "Used vehicle lot license application" would be deleted since the Act no longer distinguishes between new and used vehicle dealers.

Sec. 19.15, pertaining to termination of employment would delete the requirement that a dealer surrender a salesperson's license to the Board within 10 days of termination since that provision is contained in the Act. Sec. 19.16, pertaining to penalties, would be deleted in its entirety since the penalties for unlicensed practice are set forth in Sec. 28 of the Act. Reference to brokers in Sec. 19.17 would be deleted since brokers are no longer a class of licensee under the Act. References to trailers, semi trailers, recreational vehicles, mobile homes, house trailers and office trailers in Sec. 19.18(a)(3) because the Act does not distinguish between types of trailers.

Sec. 19.22, pertaining to investigation, would be amended by deleting subsections 1 through 8 and 18 through 23, and renumbering the remaining sections. These sections would be deleted because they address matters addressed in the Act. Current Sec. 19.23 would be deleted because the provisions are addressed by Sec. 32 and 33 of the Act. Sec. 19.23 would be retitled "Vehicle

shows, off-premises sales and exhibitions.” This section would limit the amount of time an off-premises sale may run, in order to effectuate the intent of the Act that vehicles be sold from licensed premises.

In final form, the Board has corrected a number of typographical errors identified by the Committee in the proposed draft. The Board also adopted the Committee’s suggestion that wholly deleted sections be marked as “Reserved.” Finally, in Sec. 19.22, which sets forth wrongful act subject Board investigation and discipline, the Board adopted the Committee’s suggestion that the phrase “In addition to those acts enumerated in the Board of Vehicles Act” be included.

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee approve the regulation.

House of Representatives
Professional Licensure Committee
June 4, 2002