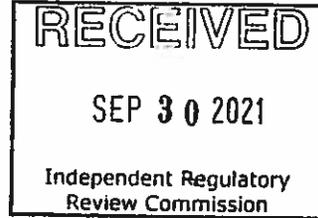


# Regulatory Analysis Form

(Completed by Promulgating Agency)

**INDEPENDENT REGULATORY  
REVIEW COMMISSION**



(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency:  
**Department of State, Bureau of Professional and  
 Occupational Affairs, State Board of Vehicle Manufacturers,  
 Dealers and Salespersons**

(2) Agency Number: **16A**  
 Identification Number: **16A-6011**

IRRC Number: **3280**

(3) PA Code Cite: **49 Pa. Code § 19.4**

(4) Short Title: **Out-of-State recreational vehicle dealer participation fee**

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: **C. William Fritz, II, Assistant Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251), chfritz@pa.gov.**

Secondary Contact: **Jacqueline Wolfgang, Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251), jawolfgang@pa.gov.**

(6) Type of Rulemaking (check applicable box):

- FINAL REGULATION**
- Final Regulation
- Final Omitted Regulation

- Emergency Certification Regulation;
- Certification by the Governor
- Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

**This final-form rulemaking amends § 19.4 of the Board's regulations (relating to fees) by adding a \$65 participation fee for out-of-State recreational vehicle dealers to participate in a recreational vehicle show, off-premise sale, exhibition or rally in this Commonwealth. This final-form rulemaking would set the participation fee to be charged by the Board to cover the cost of processing the application for registration. Since 2008, the Board has been receiving and processing these applications for participation for each event in which the out-of-State recreational vehicle dealer intends to participate, but it has not collected a participation fee and will not do so until the regulations are amended to provide for that participation fee.**

(8) State the statutory authority for the regulation. Include specific statutory citation.

**Section 332.1(c) of the Board of Vehicles Act (act) (63 P.S. § 818.332a(c)), as amended under the act of October 24, 2018 (P.L. 816, No. 134), regarding recreational vehicle shows, recreational vehicle off-premise sales, recreational vehicle exhibitions and recreational vehicle rallies, requires an out-of-State recreational vehicle dealer to register with the Board before participating in a recreational vehicle**

show, off-premise sale, exhibition or rally in this Commonwealth. Section 332.1(c)(1)(v) of the act requires the registration to include payment of a participation fee.

Section 302(a)(9) of the act (63 P.S. § 818.302(a)(9)), regarding powers and duties of the Board, authorizes the Board to promulgate regulations, consistent with the act, that it deems necessary and proper to effectuate the provisions of the act. Additionally, under section 330(a) of the act (63 P.S. § 818.330(a)), regarding fees, the Board must set fees required under the provisions of the act by regulation.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

Under section 332.1(c) of the act, prior to participating in a recreational vehicle show, recreational vehicle off-precise sales, recreational vehicle exhibition or recreational vehicle rally, all out-of-State recreational vehicle dealers must register with the Board. Section 332.1(c)(1)(v) requires payment of a participation fee with registration. Under section 330(a) of the act (relating to fees), 63 P.S. § 818.330(a)), the Board must set fees required under the provisions of the act by regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Before the act was amended in 2008, recreational vehicle dealers from states that did not provide for reciprocity with this Commonwealth would set up “shell” dealerships in contiguous states with reciprocity for the sole intent of participating in shows and other sales events in this Commonwealth. Many contiguous states did not have facility requirements for a recreational vehicle dealership. Consumers in this Commonwealth were led to believe they were buying from a full-service dealership in a contiguous state. However, the actual dealership and facilities necessary to pick up the recreational vehicle and later service the recreational vehicle may have been far beyond the borders of this Commonwealth.

Section 332.1(c) of the act permits recreational vehicle dealers licensed in another state or domiciled in another jurisdiction that does not require licensure of recreational vehicle dealers to participate in recreational vehicle shows, off-premise sales, exhibitions and rallies in this Commonwealth under certain circumstances and requires the out-of-State recreational vehicle dealer to register with the Board and pay a participation fee. Since this provision became effective, the Board has been receiving, reviewing, and accepting these registration applications for each event in which an out-of-State recreational vehicle dealer intends to participate without charging a participation fee for this service.

The requirements mandated under section 332.1(c) of the act require substantial expenditure of staff time to evaluate the applications for registration and ensure that reasonable protections are in place for consumers in this Commonwealth. In order to cover the cost of providing this service, the Board proposes charging a participation fee of \$65. Currently, the Board processes these applications without collecting a fee. The purpose of this rulemaking is to set a participation fee for out-of-State recreation vehicle dealer registrations.

**The Board estimates that it will receive approximately 100 registration applications annually. The final-form rulemaking will benefit every citizen of this Commonwealth in that it ensures the fiscal integrity of the Board so that it can carry out its mission. The costs to the out-of-State applicants is outweighed by the Board's duty to register and regulate out-of-state recreational vehicle dealers coming into this Commonwealth for recreational vehicle shows.**

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

**There are no applicable federal licensure standards.**

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

**This regulation will not adversely affect this Commonwealth's ability to compete with other states. The Board has determined that surrounding states (Delaware, Maryland, New Jersey, New York, Ohio, West Virginia, Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont) do not require a registration or charge a fee for out-of-State recreational vehicle dealers to enter those states to participate in recreational vehicle shows, off-premise sales, exhibitions or rallies. Notably, the decision to charge a participation fee for registration was made by the General Assembly when it included payment of a participation fee as a requirement for registration. Thus, in setting the participation fee, the Board is carrying out a statutory requirement. Regardless, the Board does not believe the participation fee will place Pennsylvania at a competitive disadvantage. This regulation will only affect out-of-State recreational vehicle dealers who will be required to register with the Board and pay this minimal fee. The Board does not believe this minimal fee will deter dealers from participating in recreational vehicle shows, off-premise sales, exhibitions, or rallies. As stated above, the fee is needed to cover the administrative work done by Board staff related to out-of-State recreational vehicle dealers registering with the Board in order to attend recreational vehicle shows in Pennsylvania, as required by section 332.1(c) of the act.**

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

**This rulemaking will not affect other regulations of the Board or other state agencies.**

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

Because the rulemaking merely sets a participation fee to recover the cost of providing a service, which is based upon the cost of processing applications, the Board did not solicit input from the public prior to the proposed rulemaking. The Board discussed this fee multiple times at public Board meetings in 2014, 2017, 2018, 2019 and most recently at its Board meeting on February 18, 2020.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

**This rulemaking will only affect out-of-State recreational vehicle dealers who intend to participate in recreational vehicle shows, off-premise sales, exhibitions and rallies in this Commonwealth by requiring those dealers to participate pay a fee for registering with the Board as required by the act at 63 P.S. § 818.332a(c).**

According to the Small Business Administration (SBA), there are approximately 1,079,103 businesses in Pennsylvania; of which 1,074,787 are small businesses. Of the 1,074,787 small businesses, 225,751 are small employers (those with fewer than 500 employees) and the remaining 849,036 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses. Pursuant to Section 3 of the Regulatory Review Act, (71 P.S. § 745.3), a small business is defined in accordance with the U.S. Small Business Administration size regulations and classified by the North American Industry Classification Systems (NAICS), which is set forth in 13 CFR 121.201. To be considered a small business under NAICS, a recreational vehicle dealer (441210) is a small business when annual receipts are less than \$35,000,000.

The Board does not collect data regarding the size of businesses where its licensees work or the size of the businesses it licenses. However, with only .0004% of Pennsylvania businesses deemed by the SBA to be large businesses, it is highly likely that the majority of applicants are employed by a small business or owners of a small business. The increase in the cost of doing business for owners is attendant to the services provided by the Board thus conferring a benefit upon the licensees that is essential to maintenance of their chosen occupation. Even if you assume that the 100 applications received by the Board on an annual basis are small businesses, the rulemaking would only impact 100 out-of-state small businesses, at \$65 per application.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

**The rulemaking will affect all out-of-State recreational vehicle dealers who intend to participate in recreational vehicle shows, off-premise sales, exhibitions and rallies in this Commonwealth by requiring those dealers to pay a participation fee of \$65 when registering with the Board. Out-of-State recreational vehicle dealers already submit registrations to the Board; this regulation now implements the statutory requirement to pay a participation fee with registration. The Board estimates that it will receive approximately 100 out-of-State recreational vehicle dealer registration applications each year. The Board does not foresee any other groups being adversely affected by the rulemaking.**

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

**All out-of-State applicants for registration will be affected by the rulemaking. To the extent that those applicants are small businesses, there will be a minor fiscal impact. This participation fee is necessary to ensure the fiscal integrity of the Board and to ensure that the Board's mandate to protect the public is carried out. The Board does not expect this rulemaking to have any other financial, economic or social impact on individuals, small businesses, businesses or labor communities or other public or private organizations.**

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

**The registration and participation fee requirement are statutory requirements under section 332.1(c) of the act. Under section 332.1(c)(1)(v) of the act, registration must include payment of a participation fee. The Board currently processes registrations without collecting a fee. The final-form rulemaking sets the participation fee at \$65. The rulemaking better assures the fiscal integrity of the Board by permitting the Board to recover the cost of providing this service. No adverse effects or costs other than necessary application fees have been associated with compliance with the rulemaking. Therefore, the above-identified benefits outweigh the minimal \$65 cost for registration.**

(19) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

**Out-of-State recreational vehicle dealers intending to participate in recreational vehicle shows, off-premise sales, exhibitions and rallies in this Commonwealth are required to register with the Board for each event and will have to pay the participation fee of \$65. This fee has been calculated to recover the cost of this service provided by the Board. Because this fee covers the cost of processing the application, there should be no net cost or savings to the Board associated with the implementation of the final-form rulemaking. The Board estimates that it will receive approximately 100 out-of-State recreational vehicle dealer registration applications during each year or \$6,500 annually. The registration is only valid for the duration of the recreational vehicle show, off-premise sale, exhibition or rally. Should an out-of-State recreational vehicle dealer return to Pennsylvania for another show the same year, they will be required to file another application with the Board and payment of another \$65 participation fee.**

**There are no other costs or savings to the regulated community associated with compliance with the rulemaking.**

(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

**There are no costs or savings to local governments associated with compliance with the rulemaking.**

(21) Provide a specific estimate of the costs and/or savings to the state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

**The Board will charge a participation fee of \$65 to review an application for registration by an out-of-State recreational vehicle dealer intending to participate in recreational vehicle shows, off-premise sales, exhibitions or rallies in this Commonwealth. This fee has been calculated to recover the cost of the providing the service. Because this fee covers the cost of processing the application, there should be no net cost or savings to the Board associated with the implementation of the final-form rulemaking. There are no other costs or savings to state government associated with compliance with the rulemaking.**

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

**This rulemaking will not require any additional record keeping nor will there be any legal, accounting or consulting procedures required for implementation of the final-form rulemaking.**

(22a) Are forms required for implementation of the regulation?

**The new participation fee will require no additional paperwork, as the participation fee is being imposed to cover the Board’s costs associated with services that are already being provided and paperwork that is already required. Minor revisions will need to be made to the existing form in order to indicate the new fee and acceptable forms of payment.**

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here.** If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

**The Out-of-State RV Registration Application is attached as “Attachment A.”**

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	<b>Current FY Year (20-21)</b>	<b>FY +1 Year (21-22)</b>	<b>FY +2 Year (22-23)</b>	<b>FY +3 Year (23-24)</b>	<b>FY +4 Year (24-25)</b>	<b>FY +5 Year (25-26)</b>
<b>SAVINGS:</b>						
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						

<b>Total Savings</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>COSTS:</b>						
<b>Regulated Community</b>	\$6,500	\$6,500	\$6,500	\$6,500	\$6,500	\$6,500
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Costs</b>	\$6,500	\$6,500	\$6,500	\$6,500	\$6,500	\$6,500
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Revenue Losses</b>	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -3 (2018-2019)</b>	<b>FY -2 (2019-2020)</b>	<b>FY -1 (2020-2021)</b>	<b>Current FY (2021-2022)</b>
<b>State Board of Vehicle Manufacturers, Dealers and Salespersons</b>	(actual) \$3,153,485.29	(actual) \$2,891,103.52	(projected) \$3,027,000.00	(projected) \$2,298,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
  - (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
  - (c) A statement of probable effect on impacted small businesses.
  - (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.
- (a) This rulemaking would minimally impact out-of-State small businesses. The Board does not collect data relating to the size of the businesses applying for registration; however, even if you assume that the 100 applications received by the Board on an annual basis are small businesses, the rulemaking would only impact 100 out-of-State small businesses, at \$65 per application. Please also see the response to Question 15.**
- (b) There are no projected reporting or recordkeeping costs required for compliance. There are only negligible additional administrative costs required to complete applications.**

(c) **The rulemaking would only impact approximately 100 out-of-State small businesses (assuming all of the 100 applicants will be small businesses) on an annual basis, at \$65 per application.**

(d) **The Board considered a lower fee but determined that a \$65 participation fee was needed to recover the cost of the processing applications for out-of-State recreational vehicle dealers intending to participate in recreational vehicle shows, off-premise sales, exhibitions or rallies in this Commonwealth.**

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

**The Board has determined that there are no special needs of any subset of its applicants or licensees for whom special accommodations should be made.**

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

**The Board considered a \$50 participation fee and determined that \$65 was more effective to recover the cost of providing the service already provided to out-of-State recreational vehicle dealers intending to participate in recreational vehicle shows, off-premise sales, exhibitions or rallies in this Commonwealth. The Board believes this proposal represents the least burdensome acceptable alternative.**

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
  - b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
  - c) The consolidation or simplification of compliance or reporting requirements for small businesses;
  - d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
  - e) The exemption of small businesses from all or any part of the requirements contained in the regulation.
- a) & b) **All applicants pay the participation fee at the time the application is submitted. The Board did not consider less stringent reporting requirements or deadlines for small businesses or for licensees who work for small businesses.**
- c) **There are no compliance or reporting requirements that could be consolidated or simplified. The application processes are the same whether a particular applicant is, or is not, employed by, a small business or a large business.**

d) **The regulations do not contain design or operational standards that need to be altered for small businesses.**

f) **The exclusion of any applicants from the requirements contained in the rulemaking based on the size of the business would not be consistent with public health and welfare because it would prevent the Board from obtaining adequate revenue to meet projected expenditures and the Board would not be able to carry out its legislative mandate.**

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

**This rulemaking is not based upon any scientific data, studies, or references. The Board did rely on the Department of State's Bureau and Finance Operations fee report form that provides a breakdown of costs for the application fee. See "Attachment B."**

(29) Include a schedule for review of the regulation including:

A. The length of the public comment period: **30 days**

B. The date or dates on which any public meetings or hearings will be held:

**The proposal was discussed at public Board meetings in 2014, 2017, 2018, 2019, 2020 and on February 23, 2021. No specific date has been scheduled for future discussions. The Board holds regularly scheduled meetings and considers public comment at those meetings. A schedule is provided in item (30) below.**

C. The expected date of delivery of the final-form regulation: **Fall of 2021**

D. The expected effective date of the final-form regulation: **Upon publication as final.**

E. The expected date by which compliance with the final-form regulation will be required: **Upon publication as final**

F. The expected date by which required permits, licenses or other approvals must be obtained: **N/A**

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

**The Board regularly evaluates the effectiveness of its regulations. Additionally, the Board regularly reviews requests by licensees and members of the public to amend its regulations causing the Board to evaluate impact and necessity of the regulation. The Board reviews all regulatory proposals at regularly scheduled meetings. The Board's 2021 meeting dates are: September 27, October 26 and December 7. The Board's 2022 meeting dates are: January 11, February 22, April 12, May 17, July 12, August 23, October 4 and November 22.**

# **ATTACHMENT “A”**



STATE BOARD OF VEHICLE MANUFACTURERS,  
DEALERS & SALESPERSONS  
PO Box 2649  
Harrisburg PA 17105-2649

Phone Number: 717-783-1697  
Fax Number: 717-787-0250  
[www.dos.pa.gov/vehicle](http://www.dos.pa.gov/vehicle)  
**Revised 8/2021**

## OUT-OF-STATE RECREATIONAL VEHICLE DEALERSHIP REGISTRATION

### INSTRUCTIONS AND REQUIREMENTS

Before completing any part of this registration application, make sure this is the most recent version by comparing it with the one posted on the Board's website.

This registration application may only be used by an **OUT-OF-STATE DEALERSHIP** wishing to participate in a Pennsylvania RV show. This registration application *must* be completed and submitted for *each* Pennsylvania RV show your dealership is participating in.

Once registered in the state of Pennsylvania, the dealership will maintain the same registration number.

This registration application and all required documentation must be submitted to the Vehicle Board at P.O. Box 2649; Harrisburg, PA 17105-2649. Upon receipt of a correctly completed application and required documents, the application will be processed as soon as possible.

### INSTRUCTIONS

- Application responses must be typed or printed neatly in black or blue ink.
- All questions in all sections **MUST** be answered **completely and truthfully**. Statements are made under oath and are subject to Board investigation. Falsification of answers or failure to answer any question may constitute grounds for refusing the registration or taking disciplinary action against a registrant.
- **Attach** the following document to this application:
  1. **A check or money order (cash is not acceptable)** for the amount below made payable to the Commonwealth of Pennsylvania.
    - \$65.00 participation fee.
    - If multiple applications are submitted, a separate check or money order is required for each application.
    - The participation fee is **NON-REFUNDABLE** and **NON-TRANSFERABLE** regardless of the issuance of a license. A \$20.00 processing fee will be charged for any unpaid check regardless of the reason.

2. Copy of your posted \$30,000 bond payable to the Commonwealth of Pennsylvania. A copy *must* be submitted with each registration application.
3. **Be sure to keep a copy of your completed registration application for your records.**



**STATE BOARD OF VEHICLE MANUFACTURERS,  
DEALERS & SALESPERSONS**  
PO Box 2649  
Harrisburg PA 17105-2649

Phone Number: 717-783-1697  
Fax Number: 717-787-0250  
[www.dos.pa.gov/vehicle](http://www.dos.pa.gov/vehicle)

**Page 1 of 2**  
**Revised 8.2021**

**OUT-OF-STATE RECREATIONAL VEHICLE DEALERSHIP REGISTRATION**

**DEALERSHIP INFORMATION:**

Dealership Name: \_\_\_\_\_  
(Name of Corporation, Limited Liability Company, Partnership, if Sole Proprietorship, use personal name)

Dealership's Trade Name: \_\_\_\_\_  
(Name under which Dealership will conduct business)

Business address: \_\_\_\_\_  
(STREET (CITY) (COUNTY) (STATE) ZIP CODE)

Contact person: \_\_\_\_\_ Telephone number: \_\_\_\_\_

Registration number (if previously registered): \_\_\_\_\_

**THE RV DEALERSHIP MUST SATISFY AT LEAST FOUR OF THE FIVE LISTED ACTIVITIES AT ITS FACILITY INDICATED ABOVE:**

- 1) Accepting delivery of new recreational vehicles from the recreational vehicle dealer's manufacturer for which the dealer possesses an agreement with the manufacturer to sell its recreational vehicles.  Yes  No
- 2) Maintaining inventory and offering recreation vehicles for sale to the public.  Yes  No
- 3) Consummating and finalizing recreational vehicle sales.  Yes  No
- 4) Servicing or repairing recreational vehicles.  Yes  No
- 5) Delivering recreation vehicles to purchasers with RV titling, registrations issued and taxes collected and paid to the dealer's appropriate home state agencies.  Yes  No

**SHOW INFORMATION:**

Name of Show: \_\_\_\_\_

Address of Show: \_\_\_\_\_  
(STREET) (CITY) (COUNTY) (STATE) (ZIP CODE)

Telephone number: \_\_\_\_\_

Show dates: Start date: \_\_\_\_\_ End date: \_\_\_\_\_

How many recreation vehicle dealers will be attending the show? \_\_\_\_\_ less than 50 \_\_\_\_\_ 50 or more

**SALESPERSONS:** Please provide names of salespersons that will be working the show:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I/we understand that any false statement made is subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities and may result in the suspension or revocation of the license.

I/we verify that this form is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information pursuant to 18 Pa.C.S. Section 4911.

I/we agree to comply with all Federal and State laws and regulations relating to the buying, selling, exchanging, titling, registration or financing of recreational vehicles. I/we also agree to submit to the jurisdiction of the Commonwealth for purposes of disciplinary action or imposition of a civil or criminal penalty or assessment resulting from a violation of the law pursuant to 18 Pa.C.S. Section 332.1.

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**(Owner, Officer, Partner, or Member's Signature)** **Date**

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**(Owner, Officer, Partner, or Member's Signature)** **Date**

# **ATTACHMENT “B”**

## FEE REPORT FORM

Agency: State - BPOA

Date: June 10, 2020

Contact: K. Kalonji Johnson, Commissioner  
Bureau of Professional & Occupational Affairs

Phone No. 783-7194

### Fee Title, Rate and Estimated Collections: \$65.00

#### Out-Of-State Recreational Vehicle Dealership Registration:

Initial Application Revenue: \$6,500 (100 applications x \$65.00)

#### Fee Description:

The fee will be charged to each applicant for an Out-Of-State Recreational Vehicle Dealership Registration.

#### Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Vehicle Manufacturers, Dealers and Salespersons to review and process an application for an Out-Of-State Recreational Vehicle Dealership Registration and (2) defray a portion of the Board's administrative overhead.

#### Fee-Related Activities and Costs:

Clerical review (.5hr) \$24.61  
Board Administrator review (.25hr) \$15.19  
Board Member review (.25hr) \$12.00  
Transaction Fee \$ 1.55  
Administrative Overhead: \$10.00  
Total Estimated Cost: \$63.35  
Proposed Fee: \$65.00

#### Analysis, Comment, and Recommendation:

It is recommended that a fee of \$65.00 be established to evaluate the application for Out-Of-State Recreational Vehicle Dealership Registration.

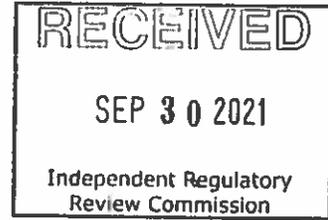
Clerical staff opens, date stamps application and processes fee. Staff enters demographic information into the licensing database and reviews any enclosed paperwork. Forwards

application materials to board administrator. Board administrator reviews all documents for completeness. If necessary, application is forwarded to Board Counsel for review. Once complete, application is reviewed by Board Members at the next scheduled board meeting. Once all reviews are completed, license is issued.

CDL-1

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU**

**(Pursuant to Commonwealth Documents Law)**



DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>State Board of Vehicle Manufacturers, Dealers and Salespersons</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. 16A-6011</p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u>Kirk Davis</u> Kirk Davis</p> <p>TITLE: <u>Chairman</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: _____ (Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p>September 20, 2021 _____ DATE OF APPROVAL</p> <p>Deputy General Counsel</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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**FINAL RULEMAKING**

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

**49 PA CODE § 19.4**

**OUT-OF-STATE RECREATIONAL VEHICLE DEALER PARTICIPATION FEE**

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) hereby amends § 19.4 (relating to fees) to read as set forth in Annex A.

*Effective date*

The amendment will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

*Statutory Authority*

Section 332.1(c) of the Board of Vehicles Act (act) (63 P.S. § 818.332a(c)), as amended under the act of October 24, 2018 (P.L. 816, No. 134), regarding recreational vehicle shows, recreational vehicle off-premise sales, recreational vehicle exhibitions and recreational vehicle rallies, requires an out-of-State recreational vehicle dealer to register with the Board before participating in a recreational vehicle show, off-premise sale, exhibition or rally in this Commonwealth. Section 332.1(c)(1)(v) of the act requires the registration to include payment of a participation fee.

Section 302(a)(9) of the act (63 P.S. § 818.302(a)(9)), regarding powers and duties of the Board, authorizes the Board to promulgate regulations, consistent with the act, that it deems necessary and proper to effectuate the provisions of the act. Additionally, under section 330(a) of the act (63 P.S. § 818.330(a)), regarding fees, the Board must set fees required under the provisions of the act by regulation.

*Background and Need for the Amendment*

Section 332.1(c) of the act permits recreational vehicle dealers licensed in another state or domiciled in another jurisdiction that does not require licensure of recreational vehicle dealers to participate in recreational vehicle shows, off-premise sales, exhibitions and rallies in this Commonwealth under certain circumstances and requires the out-of-State recreational vehicle dealer to register with the Board. Since this provision became effective, the Board has been receiving, reviewing and accepting these registration applications for each event in which an out-of-State recreational vehicle dealer intends to participate without charging a participation fee for this service.

Section 332.1(c)(7) of the act requires the out-of-State recreational vehicle dealer to engage in at least four of five business activities in a state that is contiguous to this Commonwealth. Those activities include: (1) accepting delivery of recreational vehicles from the manufacturer; (2) maintaining of inventory offered for sale to the public; (3) consummating and finalizing recreational vehicle sales; (4) service and repair of recreational vehicles; and (5) delivery of recreational vehicles to buyers along with titling, registration and collection of taxes. Section 318 of the act (63 P.S. § 818.318) also authorizes the Board to take disciplinary action against recreational vehicle dealers for violations of these provisions.

Before the act was amended in 2008 under the act of October 8, 2008 (P.L. 1086, No. 90) (Act 90), recreational vehicle dealers from states that did not provide for reciprocity with this Commonwealth would set up “shell” dealerships in contiguous states with reciprocity for the sole intent of participating in shows and other sales events in this Commonwealth. Many contiguous states did not have facility requirements for a recreational vehicle dealership. Consumers in this Commonwealth were led to believe they were buying from a full-service dealership in a contiguous state. However, the actual dealership and facilities necessary to pick up the recreational vehicle, and later service the recreational vehicle, may have been far beyond the borders of this Commonwealth.

The requirements mandated under section 332.1(c) of the act require expenditure of staff time to evaluate the applications for registration and ensure that reasonable protections are in place for consumers in this Commonwealth. To cover the cost of providing this service, the Board’s regulations add a participation fee of \$65. Currently, the Board processes these applications without collecting a participation fee. The purpose of this final-form rulemaking is to set a participation fee for out-of-State recreation vehicle dealer registrations.

*Summary of Comments to the Proposed Rulemaking and the Board’s Response*

Comments from the public

There were no comments received from the public.

Comments from the House Professional Licensure Committee (HPLC)

There were no comments received from the HPLC.

Comments from the Independent Regulatory Review Committee (IRRC)

Under section 332.1(c) of the act, an out-of-State recreational vehicle dealer must register with the Board before participating in a recreational vehicle show, off-premise sale, exhibition or rally. The language of the act states that the registration must include payment of a “participation fee.” To be consistent with the terminology in the act, IRRC recommended that the Board replace “registration” with “participation” in the regulation. As a result of IRRC’s comments, the Board has revised § 19.4 from “out-of-State recreation vehicle dealer registration” to “out-of-State recreation vehicle dealer participation fee,” consistent with the wording of section 332.1(c) of the act.

IRRC also commented that Act 90 established the requirements for recreational vehicle shows, off-premise sales, exhibitions and rallies. Act 90 also provided for the participation of out-of-State recreational vehicle dealers in these types of events. IRRC suggested that the Board draft a separate rulemaking to ensure that the regulated community is informed and in compliance with the requirements of the act. By way of background, when Act 90 was enacted, the Board considered the law and concluded that, other than considering the implementation of a fee, the amendments under Act 90 did not require the promulgation of regulations to implement it because

Act 90 and its requirements were sufficiently specific. Nevertheless, as suggested by IRRC, the Board will re-evaluate whether it should initiate a rulemaking to ensure that the regulated community is adequately informed regarding the requirements of the act. In the meantime, the Board will add additional information on its website to ensure that the regulated community has sufficient information regarding the application process, including requirements for recreational vehicle shows, off-premise sales, exhibitions and rallies and the participation fee.

#### *Fiscal Impact and Paperwork Requirements*

Under this final-form rulemaking, out-of-State recreational vehicle dealers applying for registration will incur costs by having to pay a \$65 participation fee for registration. Should an out-of-State recreational vehicle dealer return to this Commonwealth for another show the same year, they will be required to file another application with the Board. The Board anticipates approximately 100 applications per year, for a total fiscal impact of \$6,500 annually. This final-form rulemaking should have no adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector.

Because the Board has already been receiving and processing these applications without collecting a participation fee, other than making minor revisions to the application form, this final-form rulemaking will impose no additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

#### *Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 24, 2020, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the Board is required to provide to IRRC, the HPLC and the SCP/PLC copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC. The Board did not receive any comments from the HPLC, SCP/PLC or the public.

On September 30, 2021 the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on \_\_\_\_\_ 2021, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_, 2021, and approved the final-form rulemaking.

*Additional Information*

Additional information may be obtained by contacting Janice Cline, Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649, ST-VEHICLE@PA.GOV

*Findings*

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.
- (3) This final-form rulemaking does not include any amendments that would enlarge the scope of the proposed rulemaking published at 50 Pa.B. 7024.
- (4) This final-form regulation is necessary and appropriate for administration and enforcement of the act.

*Order*

The Board orders that:

- (a) The regulations of the Board at 49 Pa. Code, Chapter 19, are amended by amending § 19.4 to read as set forth in Annex A.
- (b) The Board shall submit this final-form rulemaking to the Office of General Counsel and to the Office of Attorney General as required by law.
- (c) The Board shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC for approval as required by law.
- (d) The Board shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

Kirk Davis  
*Chairperson*

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND**

**SALESPERSONS**

**GENERAL PROVISIONS**

**§ 19.4. Fees.**

The following is the schedule of fees charged by the Board:

	*   *   *   *   *
Salesperson change of employer transfer application.....	\$25
<u>Out-of-State recreational vehicle dealer registration PARTICIPATION FEE.....</u>	<u>\$65</u>
Business name or post office address change.....	\$30

\*   \*   \*   \*   \*

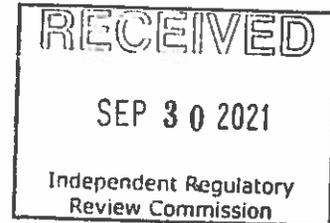
## Worthington, Amber

---

**From:** Smeltz, Jennifer <jmsmeltz@pasen.gov>  
**Sent:** Thursday, September 30, 2021 9:56 AM  
**To:** Worthington, Amber  
**Cc:** Blauch, Tammy  
**Subject:** RE: DELIVERY 16A-6011 Out-of-State RV Dealer Participation Fee

Received.

*Jen Smeltz*  
*Executive Director*  
*Consumer Protection and Professional Licensure Committee*  
*Office of Senator Robert M. Tomlinson*  
*Phone: (717) 787-5072*



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**From:** Worthington, Amber <agontz@pa.gov>  
**Sent:** Thursday, September 30, 2021 8:03 AM  
**To:** Smeltz, Jennifer <jmsmeltz@pasen.gov>  
**Cc:** Blauch, Tammy <tblauch@pasen.gov>  
**Subject:** DELIVERY 16A-6011 Out-of-State RV Dealer Participation Fee  
**Importance:** High

⦿ CAUTION : External Email ⦿

Attached for delivery is a Final Regulation from the State Board of Vehicle Manufacturers, Dealers and Salespersons:

- State Board of Vehicle Manufacturers, Dealers and Salespersons: 16A-6011 Out-of-State Recreational Vehicle Dealer Participation Fee

**Please provide a written (email) confirmation of receipt of this notice.**

Amber A. Worthington, PLS | Legal Assistant Supervisor  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel  
P.O. Box 69523 | Harrisburg, PA 17106-9523  
Office Phone 717.783.7200 | Fax: 717.787.0251  
[agontz@pa.gov](mailto:agontz@pa.gov) | [www.dos.pa.gov](http://www.dos.pa.gov)

(preferred pronouns: they, them, theirs)

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

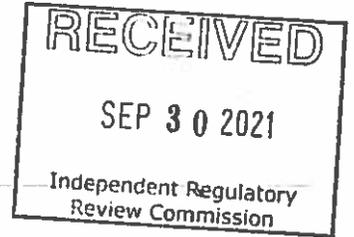
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**Worthington, Amber**

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**From:** Livingston, Jerry <Jerry.Livingston@pasenate.com>  
**Sent:** Thursday, September 30, 2021 11:39 AM  
**To:** Worthington, Amber  
**Subject:** RE: DELIVERY 16A-6011 Out-of-State RV Dealer Participation Fee

Received. Thank you Amber.  
-JJ



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**From:** Worthington, Amber <agontz@pa.gov>  
**Sent:** Thursday, September 30, 2021 8:03 AM  
**To:** Livingston, Jerry <Jerry.Livingston@pasenate.com>  
**Cc:** Keim, Jennifer <Jennifer.Keim@pasenate.com>  
**Subject:** DELIVERY 16A-6011 Out-of-State RV Dealer Participation Fee  
**Importance:** High

■ EXTERNAL EMAIL ■

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P.O. Box 69523 | Harrisburg, PA 17106-9523  
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**Worthington, Amber**

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**From:** Nicole Sidle <Nsidle@pahousegop.com>  
**Sent:** Thursday, September 30, 2021 9:11 AM  
**To:** Worthington, Amber  
**Cc:** Emily Hackman  
**Subject:** RE: DELIVERY 16A-6011 Out-of-State RV Dealer Participation Fee

Received.

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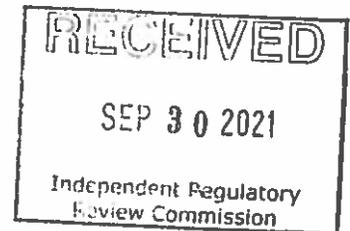
**From:** Worthington, Amber <agontz@pa.gov>  
**Sent:** Thursday, September 30, 2021 8:03 AM  
**To:** Nicole Sidle <Nsidle@pahousegop.com>  
**Cc:** Emily Hackman <Eepler@pahousegop.com>  
**Subject:** DELIVERY 16A-6011 Out-of-State RV Dealer Participation Fee

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- State Board of Vehicle Manufacturers, Dealers and Salespersons: 16A-6011 Out-of-State Recreational Vehicle Dealer Participation Fee

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(preferred pronouns: they, them, theirs)

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**Worthington, Amber**

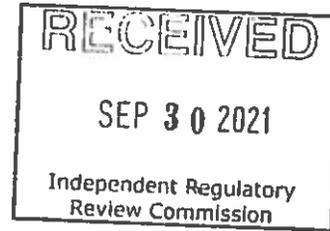
---

**From:** Wilson, Marlene <MWilson@pahouse.net>  
**Sent:** Thursday, September 30, 2021 10:18 AM  
**To:** Worthington, Amber  
**Subject:** RE: DELIVERY 16A-6011 Out-of-State RV Dealer Participation Fee

Received. Thank you.



*Marlene Wilson, Esquire*  
*Senior Committee Executive Director*  
*House Professional Licensure Committee*  
*Rep. Jake Wheatley, Jr., Chairman*  
*Phone: (717) 787-4032*  
*Internal Phone: 6253*  
*Email - [mwilson@pahouse.net](mailto:mwilson@pahouse.net)*



---

**From:** Worthington, Amber <agontz@pa.gov>  
**Sent:** Thursday, September 30, 2021 8:03 AM  
**To:** Wilson, Marlene <MWilson@pahouse.net>  
**Subject:** DELIVERY 16A-6011 Out-of-State RV Dealer Participation Fee  
**Importance:** High

Attached for delivery is a Final Regulation from the State Board of Vehicle Manufacturers, Dealers and Salespersons:

- State Board of Vehicle Manufacturers, Dealers and Salespersons: 16A-6011 Out-of-State Recreational Vehicle Dealer Participation Fee

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