

Comments of the Independent Regulatory Review Commission



State Board of Vehicle Manufacturers, Dealers and Salespersons Regulation #16A-6011 (IRRC #3280)

Out-of-State RV Dealer Registration Fee

February 10, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the December 12, 2020 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) to respond to all comments received from us or any other source.

1. Terminology. – Clarity.

Section 332.1(c) of the Board of Vehicles Act (Act) 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. Registration must include payment of a “participation fee.” To be consistent with the terminology in the statute, the Board should replace "registration" with "participation" in the regulation. If the Board retains the proposed language in the final-form regulation, it should revise the Preamble and Regulatory Analysis Form to clarify that the registration fee is the "participation fee" authorized in the Act.

2. Possible conflict with existing regulations.

Act 90 of 2008 (Act 90) established the requirements for recreational vehicle shows, off-premise sales, exhibitions and rallies. It also provided for the participation of out-of-state recreational vehicle dealers in these types of events. The Act 90 amendments, upon which the proposed fee and registration form (Attachment A) are based, have not been addressed in the existing Chapter 19 regulations. As such, we are concerned about the regulated community's ability to be informed and in compliance with the requirements of the Act. We suggest the Board initiate a separate proposed rulemaking for those updates which would allow affected parties the opportunity to comment.