

BILL ANALYSIS

DATE: 11/26/2007

COMMITTEE: Consumer Protection and
Professional Licensure

BILL NO.: SB 1019

PRIME SPONSOR: Senator Gordner

PRINTER NO. 1277

Senate Bill 1019 amends the State Board of Vehicle Manufacturers, Dealers and Salespersons Act to address the issue of sales activities by out of state recreational vehicles (RV).

An amendment A 04401 will be offered to replace existing language.

The bill (printer's number 1277) creates a definition for "recreational vehicle shows, off-premise sales, exhibitions and rallies". The definition describes those events held by one or more RV dealer, distributor or manufacturer who display or sell RV's for a fixed period of time.

The legislation adds to the grounds for disciplinary proceedings, specific acts by out of state dealers who:

- Violate any Pennsylvania law regarding titling, registering or financing an RV
- Engages in conduct which would subject a PENNSYLVANIA RV dealer to sanction
- Violates the laws of the dealer's home state
- Employs a salesperson who represents another RV dealer

The bill creates a new section 32.1 titled Recreational vehicle shows, off premise sales, exhibition and rallies. The new section would permit an RV dealer; salesperson, distributor, manufacturer or manufacturer's representative licensed under the Act to participate in the aforementioned shows and exhibitions and to conduct these events at their place of business.

Any person acting as an RV dealer must post a bond with the Board in the amount of \$30,000 to ensure compliance with all laws and regulations. The Board may refuse to accept the bond for a person it has sanctioned or who is not licensed in Pennsylvania. RV dealers who presently have a current bond in the amount of at least \$30,000 with Department of Transportation would not be required to post the additional bond.

An RV dealer from another state may participate in an RV event if there are less than 50 RV and the dealer's licensed manufacturer provides permission and all of the following exist:

- Minimum of ten RV dealers participating are licensed in Pennsylvania
- 50% of the RV dealers are licensed in Pennsylvania
- The state is contiguous to Pa and permits Pa licensed RV dealers to participate in shows in that state under conditions substantially equivalent to PA shows

- Any salesperson participating on behalf of a dealer is licensed in a state or lives in a state that does not require licensure

(2) An out of state RV dealer may participate in an RV event provided when it is open to the public has at least 50 RV dealers participating and all of the following conditions exist

- Show is trade oriented and predominantly funded by RV manufacturers
- All dealers who are not licensed are from contiguous states and offer Pennsylvania reciprocal conditions
- Any salesperson of an RV dealer is licensed in his home state or licensure is not required in that state

The Board shall report any violations of Pennsylvania law to the appropriate authorities of that state and may impose sanctions by refusing to accept the bond.

RV dealers are permitted to "consummate final sales on Sundays.

Senate Bill 1019 takes effect in 60 days.

Amendment A04401 would strike the entire bill and insert language that would do the following:

The amendment creates a definition for "recreational vehicle shows, off-premise sales, exhibitions and rallies". The definition describes those events held by one or more RV dealer, distributor or manufacturer who display or sell RV's for a fixed period of time.

Section 19, grounds for disciplinary proceedings would add a new subsection 39, subjecting an out of state dealer to discipline for violating Pennsylvania law regarding selling titling registering or financing of RVs , or for failure to be in compliance with the laws of his resident state.

The bill creates a new section 32.1 titled Recreational vehicle shows, off premise sales, exhibition and rallies. The new section would permit an RV dealer; salesperson, distributor, manufacturer or manufacturer's representative licensed under the Act to participate in the aforementioned shows and exhibitions and to conduct these events at their place of business.

Any person acting as an RV dealer must post a bond with the Board in the amount of \$30,000 to ensure compliance with all laws and regulations. RV dealers who presently have a current bond in the amount of at least \$30,000 with Department of Transportation would not be required to post the additional bond.

The bill would require out of state dealers to register with the Board, provide a list of their salespeople, post the appropriate bond and fee prior to participating in a Pennsylvania show. If the Board has taken disciplinary action against within the last five years, the Board may refuse registration.

An RV dealer from another state may participate in an RV event if there are less than 50 RV and the dealer's licensed manufacturer provides permission and all of the following exist:

- Minimum of ten RV dealers participating are licensed in Pennsylvania
- 50% of the RV dealers are licensed in Pennsylvania
- The state is contiguous to Pennsylvania and permits Pennsylvania licensed RV dealers to participate in shows in that state under conditions substantially equivalent to Pennsylvania shows

(2) An out of state RV dealer may participate in an RV event provided when it is open to the public has at least 50 RV dealers participating and all of the following conditions exist

- Show is trade oriented and predominantly funded by RV manufacturers
- All dealers who are not licensed are from contiguous states and offer Pennsylvania reciprocal conditions
- The Board shall report any violations of Pennsylvania law to the appropriate authorities of the dealer.

Finally the bill provides that RV shows, off-premise sales, exhibitions and rallies may be open and dealers are permitted to consummate final sales on Sundays.

Senate Bill 1019 takes effect in 60 days.