
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1161 Session of
2024

INTRODUCED BY GEBHARD, FLYNN, PENNYCUICK, ROBINSON AND MILLER,
MAY 1, 2024

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MAY 1, 2024

AN ACT

1 Amending the act of December 22, 1983 (P.L.306, No.84), entitled
2 "An act providing for the State Board of Vehicle
3 Manufacturers, Dealers and Salespersons; and providing
4 penalties," in preliminary provisions, further providing for
5 definitions; in vehicles, further providing for grounds for
6 disciplinary proceedings and repealing provisions relating to
7 recreational vehicle shows, recreational vehicle off-premise
8 sales, recreational vehicle exhibitions and recreational
9 vehicle rallies and to off-premise sales, shows, exhibitions
10 or rallies on Sundays; and, in recreational vehicles, further
11 providing for definitions and for warranty obligations and
12 providing for recreational vehicle events and for
13 recreational vehicle events on Sundays.

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

16 Section 1. The definition of "recreational vehicle show,"
17 "recreational vehicle off-premise sale," "recreational vehicle
18 exhibition" or "recreational vehicle rally" in section 102 of
19 the act of December 22, 1983 (P.L.306, No.84), known as the
20 Board of Vehicles Act, is amended to read:

21 Section 102. Definitions.

22 The following words and phrases when used in this act shall
23 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 ["Recreational vehicle show," "recreational vehicle off-
4 premise sale," "recreational vehicle exhibition" or
5 "recreational vehicle rally." A sale, show, exhibition or
6 rally, held by one or more recreational vehicle dealers,
7 distributors, manufacturers or manufacturers' representatives
8 who display, sell or attempt to sell recreational vehicles for a
9 fixed and limited period of time, which shall not exceed ten
10 days in a calendar month, 20 days in three consecutive calendar
11 months and 60 days in a calendar year. Set-up and tear-down days
12 and days when the events are not open shall be excluded from the
13 calculation of the applicable time period.]

14 * * *

15 Section 2. Section 318(40) of the act is amended to read:

16 Section 318. Grounds for disciplinary proceedings.

17 In addition to any criminal or civil penalties otherwise
18 provided in this act, the board shall have the power to formally
19 reprimand, suspend or revoke any license or refuse to issue or
20 renew any license of an applicant or licensee or a person
21 required to be licensed under this act, if after due notice of
22 and hearing, the person charged is found in violation of or
23 fails to carry out the acts and procedures set forth in this act
24 or is found guilty of committing or attempting to commit any of
25 the acts set forth in section 322 or any of the following acts:

26 * * *

27 (40) Being an out-of-State recreational vehicle dealer
28 who fails to demonstrate, upon direction of or investigation
29 by the board or its agents, that the out-of-State
30 recreational vehicle dealer satisfies the provisions of

1 section [332.1(c) regarding participation in this
2 Commonwealth in a recreational vehicle show, recreational
3 vehicle off-premise sale, recreational vehicle exhibition or
4 recreational vehicle rally] 511.1(c) regarding participation
5 in this Commonwealth in a recreational vehicle event.

6 Section 3. Sections 332.1 and 333 of the act are repealed:

7 [Section 332.1. Recreational vehicle shows, recreational
8 vehicle off-premise sales, recreational vehicle
9 exhibitions and recreational vehicle rallies.

10 (a) Participation.--A recreational vehicle dealer,
11 salesperson, distributor, manufacturer or manufacturer's
12 representative licensed under this act may participate in a
13 recreational vehicle show, recreational vehicle off-premise
14 sale, recreational vehicle exhibition or recreational vehicle
15 rally. A recreational vehicle dealer shall be permitted to
16 conduct a recreational vehicle show, recreational vehicle
17 exhibition or recreational vehicle rally at its established
18 place of business.

19 (b) Bond required.--Any person acting as a recreational
20 vehicle dealer in this Commonwealth shall have posted a bond
21 payable to the Commonwealth in the amount of \$30,000 to ensure
22 compliance with all Commonwealth laws and regulations. The bond
23 shall be executed by a surety company authorized to transact
24 business in this Commonwealth. The bond shall be security for
25 any claim filed by an agency of the Commonwealth, for moneys
26 due, including unpaid taxes, fees, licenses, payment of a
27 criminal penalty or fine after conviction or payment of a civil
28 penalty or monetary amount after the entry of judgment. The bond
29 shall remain valid until canceled in writing by the issuer. This
30 provision shall not limit the authority of any government agency

1 or private individual to institute civil, criminal or
2 disciplinary action against a person for a violation of a
3 Commonwealth law or regulation. A recreational vehicle dealer
4 who has a current bond in the amount of at least \$30,000 on file
5 with the Department of Transportation shall not be required to
6 post a bond under this subsection.

7 (c) Out-of-State recreational vehicle dealers.--An out-of-
8 State recreational vehicle dealer licensed in another state or
9 jurisdiction or domiciled in another state or jurisdiction that
10 does not require licensure shall register with the board on a
11 form prescribed by the board before participating in this
12 Commonwealth in a recreational vehicle show, recreational
13 vehicle off-premise sale, recreational vehicle exhibition or
14 recreational vehicle rally. The following apply:

15 (1) Registration shall include all of the following:

16 (i) Notification of the out-of-State recreational
17 vehicle dealer's intent to participate in this
18 Commonwealth in a recreational vehicle show, recreational
19 vehicle off-premise sale, recreational vehicle exhibition
20 or recreational vehicle rally.

21 (ii) Agreement to comply with all Federal and State
22 laws and regulations relating to the buying, selling,
23 exchanging, titling, registration or financing of
24 recreational vehicles.

25 (iii) Agreement by the out-of-State recreational
26 vehicle dealer to submit to the jurisdiction of the
27 Commonwealth for purposes of disciplinary action or
28 imposition of a civil or criminal penalty or assessment
29 under subsection (b) resulting from a violation under
30 subparagraph (ii).

1 (iv) Evidence of the posting of a bond under
2 subsection (b).

3 (v) Payment of a participation fee.

4 (vi) A list of all individuals engaged as sales
5 people for the out-of-State recreational vehicle dealer
6 while operating in this Commonwealth.

7 (2) If the board has taken action within the last five
8 years to sanction an out-of-State recreational vehicle
9 dealer, the board may:

10 (i) refuse to accept the registration and
11 participation fee of the out-of-State recreational
12 vehicle dealer permanently or for a fixed period; and

13 (ii) order that the out-of-State recreational
14 vehicle dealer be denied access to all recreational
15 vehicle shows, recreational vehicle off-premise sales,
16 recreational vehicle exhibitions and recreational vehicle
17 rallies in this Commonwealth.

18 (3) An out-of-State recreational vehicle dealer licensed
19 in another state or jurisdiction or domiciled in a state or
20 jurisdiction that does not require licensure may participate
21 in this Commonwealth in a recreational vehicle show,
22 recreational vehicle off-premise sale, recreational vehicle
23 exhibition or recreational vehicle rally under the
24 circumstances set forth either in subparagraph (i) or (ii):

25 (i) When the show, sale, exhibition or rally has
26 less than a total of 50 recreational vehicle dealers
27 participating with permission of the dealer's licensed
28 manufacturer and meets all of the following requirements:

29 (A) A minimum of ten recreational vehicle
30 dealers at the show are licensed in this

1 Commonwealth.

2 (B) More than 50% of the participating
3 recreational vehicle dealers are licensed in this
4 Commonwealth.

5 (C) The state in which the out-of-State
6 recreational vehicle dealer is licensed is contiguous
7 to this Commonwealth and permits recreational vehicle
8 dealers licensed in this Commonwealth to participate
9 in recreational vehicle shows in that state under
10 conditions substantially equivalent to the conditions
11 imposed upon dealers from that state to participate
12 in recreational vehicle shows in this Commonwealth.

13 (ii) When the recreational vehicle show, sale,
14 exhibition or rally opens to the public, it has a total
15 of at least 50 recreational vehicle dealers from this
16 Commonwealth and from another state participating with
17 permission of the dealer's licensed manufacturer and
18 meets all of the following requirements:

19 (A) The show, sale, exhibition or rally is trade
20 oriented and predominantly funded by recreational
21 vehicle manufacturers.

22 (B) All of the participating dealers who are not
23 licensed in this Commonwealth are from a state
24 contiguous to this Commonwealth which permits
25 recreational vehicle dealers licensed in this
26 Commonwealth to participate in recreational vehicle
27 shows in that state under conditions substantially
28 equivalent to the conditions imposed upon dealers
29 from that state to participate in recreational
30 vehicle shows in this Commonwealth.

1 (4) The board shall report a violation of Pennsylvania
2 law or regulation to the state or jurisdiction in which the
3 out-of-State recreational vehicle dealer is licensed or
4 domiciled.

5 (5) Forms for out-of-State recreational vehicle dealers
6 shall be published in the Pennsylvania Bulletin and shall be
7 maintained on the board's Internet website.

8 (6) The board may accept registration information and
9 payment electronically.

10 (7) An out-of-State recreational vehicle dealer may not
11 participate in a recreational vehicle show, recreational
12 vehicle off-premise sale, recreational vehicle exhibition or
13 recreational vehicle rally in this Commonwealth, unless the
14 out-of-State recreational vehicle dealer satisfies at least
15 four of the listed activities at its facility in the
16 contiguous state in which it is licensed or domiciled that
17 does not require licensure:

18 (i) Accepting delivery of new recreational vehicles
19 from the recreational vehicle dealer's manufacturer for
20 which the recreational vehicle dealer possesses an
21 agreement with the manufacturer to sell its new
22 recreational vehicles.

23 (ii) Maintaining inventory and offering recreational
24 vehicles for sale to the public.

25 (iii) Consummating and finalizing recreational
26 vehicle sales.

27 (iv) Servicing or repairing recreational vehicles.

28 (v) Delivering recreational vehicles to purchasers
29 with recreational vehicle titling, registrations issued
30 and taxes collected and paid to the dealer's appropriate

1 home state agencies.

2 Section 333. Off-premise sales, shows, exhibitions or rallies
3 on Sundays.

4 (1) The following shall be permitted to be open on
5 Sundays:

6 (i) Off-premise vehicle sales, shows and
7 exhibitions.

8 (ii) Recreational vehicle shows, recreational
9 vehicle off-premise sales, recreational vehicle
10 exhibitions and recreational vehicle rallies.

11 (2) Except as provided in paragraphs (3) and (4), normal
12 vehicle business practices shall be allowed at off-premise
13 sales, vehicle shows or exhibitions on Sunday except that no
14 final sales contract may be consummated on a Sunday.

15 (3) Normal vehicle business practices shall be allowed
16 at recreational vehicle shows, recreational vehicle off-
17 premise sales, recreational vehicle exhibitions and
18 recreational vehicle rallies. Recreational vehicle dealers
19 are permitted to consummate final sales contracts on Sundays.

20 (4) Manufactured housing dealers are permitted to
21 consummate final sales contracts on Sundays.]

22 Section 4. Section 502 of the act is amended by adding a
23 definition to read:

24 Section 502. Definitions.

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

28 * * *

29 "Recreational vehicle event." A recreational vehicle show,
30 off-premise sale, exhibition or rally held by more than one

1 participating licensed dealer or manufacturer who display, sell
2 or attempt to sell recreational vehicles for a fixed and limited
3 period of time, which does not exceed 10 calendar days in a
4 month, 20 days in three consecutive calendar months and 60 days
5 in a calendar year. For the purpose of this definition, set-up
6 and tear-down days and days when the events are not open shall
7 be excluded from the calculation of the applicable time period.

8 * * *

9 Section 5. Section 508(a), (b), (c), (f) and (h) of the act
10 are amended to read:

11 Section 508. Warranty obligations.

12 (a) General rule.--Each warrantor shall:

13 (1) Specify in writing to each of its dealer
14 obligations, if any, for preparation, delivery and warranty
15 service on its products.

16 (2) Compensate the dealer for warranty service required
17 of the dealer by the warrantor.

18 [(3) Provide to the dealer the schedule of compensation
19 to be paid and the time allowances for the performance of
20 work and service. The schedule of compensation must include
21 reasonable compensation for diagnostic work as well as
22 warranty labor.]

23 (4) Permit the dealer to purchase warranty parts from a
24 supplier other than the warrantor.

25 (5) Identify parts to be returned by the dealer at the
26 beginning of warranty repair process.

27 (b) Time allowances and compensation.--Time allowances for
28 the diagnosis and performance of warranty labor must be
29 reasonable for the work to be performed. [In the determination
30 of what constitutes reasonable compensation under this section,

1 the principal factors to be given consideration shall be the
2 actual wage rates being paid by the dealer and the actual retail
3 labor rate being charged by the dealers in the community in
4 which the dealer is doing business. The compensation of a dealer
5 for warranty labor may not be less than the posted labor rates
6 actually charged by the dealer for similar nonwarranty labor as
7 long as the rates are reasonable.] Compensation for labor used
8 for warranty service, including diagnostic and repairs, shall be
9 at a dealer's retail rate. A dealer's hourly retail rate for
10 labor shall be established by the dealer submitting the lesser
11 of the following orders to the manufacturer or distributor,
12 which cover repairs made no more than 180 days before the
13 submission:

14 (1) One hundred sequential nonwarranty customer-paid
15 service repair orders.

16 (2) Ninety consecutive days of nonwarranty customer-paid
17 service repair orders.

18 (c) Reimbursement.--The warrantor shall reimburse the dealer
19 for the following:

20 (1) All warranty parts at actual wholesale cost plus a
21 minimum 30% handling charge and [the cost] all shipping
22 costs, including return shipping costs, if any, [of freight]
23 to return warranty parts to the warrantor.

24 (2) A minimum 30% handling charge of the wholesale cost
25 of warranty parts if the parts were sent to the dealer at no
26 charge.

27 * * *

28 (f) Warrantor notification.--If a dealer receives a [written
29 or verbal] complaint from a consumer relative to a warranty
30 repair, the dealer must notify the warrantor about the complaint

1 in writing within [10] 60 business days of [receiving the
2 complaint] scheduled repairs if the dealer cannot satisfy the
3 consumer's complaint.

4 * * *

5 (h) Violation.--It is a violation of this chapter for a
6 warrantor to:

7 (1) Fail to perform any of its warranty obligations with
8 respect to its warranted products.

9 (2) Fail to include, in written notices of factory
10 campaigns to recreational vehicle owners and dealers, the
11 expected date by which necessary parts and equipment,
12 including tires and chassis or chassis parts, will be
13 available to dealers to perform the campaign work. The
14 warrantor may ship parts to the dealer to effect the campaign
15 work, and, if the parts are in excess of the dealer's
16 requirements, the dealer may return unused parts to the
17 warrantor for credit after completion of the campaign.

18 (3) Fail to compensate its dealers for authorized
19 repairs effected by the dealer on merchandise damaged in
20 manufacture or transit to the dealer, if the carrier is
21 designated by the warrantor, factory branch, distributor or
22 distributor branch.

23 (4) Fail to compensate its dealers in accordance with
24 the schedule of compensation provided to the dealer under
25 this section if repairs are performed in a timely and
26 competent manner.

27 (5) Intentionally misrepresent in any way to purchasers
28 of recreational vehicles that warranties with respect to the
29 manufacture, performance or design of the vehicle are made by
30 the dealer as warrantor or cowarrantor.

1 (6) Require the dealer to make warranties to customers
2 in any manner related to the manufacture of the recreational
3 vehicle.

4 (7) Change the warranty of a recreational vehicle once
5 the dealer has taken possession of the recreational vehicle.

6 * * *

7 Section 6. The act is amended by adding sections to read:

8 Section 511.1. Recreational vehicle events.

9 (a) Participation.--A recreational vehicle dealer,
10 salesperson, distributor, manufacturer or manufacturer's
11 representative licensed under this act may participate in a
12 recreational vehicle event. A recreational vehicle dealer shall
13 be permitted to conduct a recreational vehicle event at its
14 established place of business. Except when a recreational
15 vehicle dealer or salesperson is participating in a recreational
16 vehicle event under subsection (c)(3)(i) or (ii), a recreational
17 vehicle dealer or salesperson may not participate in a
18 recreational vehicle event outside of the dealer's area of sales
19 responsibility if the dealer is the only participating dealer in
20 the event.

21 (b) Bond required.--Any person acting as a recreational
22 vehicle dealer in this Commonwealth shall have posted a bond
23 payable to the Commonwealth in the amount of \$30,000 to ensure
24 compliance with all Commonwealth laws and regulations. The bond
25 shall be executed by a surety company authorized to transact
26 business in this Commonwealth. The bond shall be security for
27 any claim filed by an agency of the Commonwealth, for moneys
28 due, including unpaid taxes, fees, licenses, payment of a
29 criminal penalty or fine after conviction or payment of a civil
30 penalty or monetary amount after the entry of judgment. The bond

1 shall remain valid until canceled in writing by the issuer. This
2 provision shall not limit the authority of any government agency
3 or private individual to institute civil, criminal or
4 disciplinary action against a person for a violation of a
5 Commonwealth law or regulation. A recreational vehicle dealer
6 who has a current bond in the amount of at least \$30,000 on file
7 with the Department of Transportation shall not be required to
8 post a bond under this subsection.

9 (c) Out-of-State recreational vehicle dealers.--An out-of-
10 State recreational vehicle dealer licensed in another state or
11 jurisdiction or domiciled in another state or jurisdiction that
12 does not require licensure shall register with the board on a
13 form prescribed by the board before participating in this
14 Commonwealth in a recreational vehicle event. The following
15 apply:

16 (1) Registration shall include all of the following:

17 (i) Notification of the out-of-State recreational
18 vehicle dealer's intent to participate in this
19 Commonwealth in a recreational vehicle event.

20 (ii) Agreement to comply with all Federal and State
21 laws and regulations relating to the buying, selling,
22 exchanging, titling, registration or financing of
23 recreational vehicles.

24 (iii) Agreement by the out-of-State recreational
25 vehicle dealer to submit to the jurisdiction of the
26 Commonwealth for purposes of disciplinary action of
27 imposition of a civil or criminal penalty or assessment
28 under subsection (b) resulting from a violation under
29 subparagraph (ii).

30 (iv) Evidence of the posting of a bond under

1 subsection (b).

2 (v) Payment of a participation fee.

3 (vi) A list of all individuals engaged as sales
4 people for the out-of-State recreational vehicle dealer
5 while operating in this Commonwealth.

6 (2) If the board has taken action within the last five
7 years to sanction an out-of-State recreational vehicle
8 dealer, the board may:

9 (i) refuse to accept the registration and
10 participation fee of the out-of-State recreational
11 vehicle dealer permanently or for a fixed period; and

12 (ii) order that the out-of-State recreational
13 vehicle dealer be denied access to all recreational
14 vehicle events in this Commonwealth.

15 (3) An out-of-State recreational vehicle dealer licensed
16 in another state or jurisdiction or domiciled in a state or
17 jurisdiction that does not require licensure may participate
18 in this Commonwealth in a recreational vehicle event under
19 the circumstances specified either in subparagraph (i) or
20 (ii):

21 (i) When the event has less than a total of 50
22 recreational vehicle dealers participating with
23 permission of the dealer's licensed manufacturer and
24 meets all of the following requirements:

25 (A) A minimum of 10 recreational vehicle dealers
26 at the event are licensed in this Commonwealth.

27 (B) More than 50% of the participating
28 recreational vehicle dealers are licensed in this
29 Commonwealth.

30 (C) The state in which the out-of-State

1 recreational vehicle dealer is licensed is contiguous
2 to this Commonwealth and permits recreational vehicle
3 dealers licensed in this Commonwealth to participate
4 in recreational vehicle events in that state under
5 conditions substantially equivalent to the conditions
6 imposed upon dealers from that state to participate
7 in recreational vehicle events in this Commonwealth.

8 (ii) When the recreational vehicle event opens to
9 the public, it has a total of at least 50 recreational
10 vehicle dealers from this Commonwealth and from another
11 state participating with permission of the dealer's
12 licensed manufacturer and meets all of the following
13 requirements:

14 (A) The event is trade oriented and
15 predominantly funded by recreational vehicle
16 manufacturers.

17 (B) All of the participating dealers who are not
18 licensed in this Commonwealth are from a state
19 contiguous to this Commonwealth which permits
20 recreational vehicle dealers licensed in this
21 Commonwealth to participate in recreational vehicle
22 events in that state under conditions substantially
23 equivalent to the conditions imposed upon dealers
24 from that state to participate in recreational
25 vehicle events in this Commonwealth.

26 (4) The board shall report a violation of Pennsylvania
27 law or regulation to the state or jurisdiction in which the
28 out-of-State recreational vehicle dealer is licensed or
29 domiciled.

30 (5) Forms for out-of-State recreational vehicle dealers

1 shall be transmitted to the Legislative Reference Bureau for
2 publication in the next available issue of the Pennsylvania
3 Bulletin and shall be maintained on the board's publicly
4 accessible Internet website.

5 (6) The board may accept registration information and
6 payment electronically.

7 (7) An out-of-State recreational vehicle dealer may not
8 participate in a recreational vehicle event in this
9 Commonwealth, unless the out-of-State recreational vehicle
10 dealer satisfies at least four of the listed activities at
11 its facility in the contiguous state in which it is licensed
12 or domiciled that does not require licensure:

13 (i) Accepting delivery of new recreational vehicles
14 from the recreational vehicle dealer's manufacturer for
15 which the recreational vehicle dealer possesses an
16 agreement with the manufacturer to sell its new
17 recreational vehicles.

18 (ii) Maintaining inventory and offering recreational
19 vehicles for sale to the public.

20 (iii) Consummating and finalizing recreational
21 vehicle sales.

22 (iv) Servicing or repairing recreational vehicles.

23 (v) Delivering recreational vehicles to purchasers
24 with recreational vehicle titling, registrations issued
25 and taxes collected and paid to the dealer's appropriate
26 home state agencies.

27 Section 511.2. Recreational vehicle events on Sundays.

28 The following shall apply:

29 (1) Recreational vehicle events shall be permitted to be
30 open on Sundays.

1 (2) Except as provided in paragraphs (3) and (4), normal
2 vehicle business practices shall be allowed at recreational
3 vehicle events on Sunday except that no final sales contract
4 may be consummated on a Sunday.

5 (3) Normal vehicle business practices shall be allowed
6 at recreational vehicle events. Recreational vehicle dealers
7 are permitted to consummate final sales contracts on Sundays.

8 (4) Manufactured housing dealers are permitted to
9 consummate final sales contracts on Sundays.

10 Section 7. This act shall take effect in 60 days.