

# PROPOSED RULEMAKING

## STATE BOARD OF BARBER EXAMINERS

[49 PA. CODE CH. 3]

### Standards for Disinfection and Sanitation

The State Board of Barber Examiners (Board) proposes to amend its regulations in Chapter 3 (relating to State Board of Barber Examiners) to read as set forth in Annex A. These amendments are proposed under the Governor's Executive Order 1996-1, which directs that Commonwealth agencies revise their regulations to delete unnecessary provisions and consolidate provisions where applicable. In addition, the Board proposes to amend its regulations to reflect current knowledge and procedures for sanitation and disinfection in barber shops and barber schools.

#### A. Effective date

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

#### B. Statutory Authority

The amendments are authorized under section 15-A.4(b) of the Barber License Law (act) (63 P. S. § 566.4(b)).

#### C. Background and Purpose

The purpose of the amendments is twofold. First, the amendments would update and implement standards for disinfection and sanitation that reflect current knowledge and practices for preventing the spread of pathogens in barber shops and barber schools. Second, the amendments would delete unnecessary provisions and make editorial changes.

#### *Description of Proposed Sanitation Amendments*

The Board has jurisdiction over sanitation and disease control measures in barber shops. Under section 15-A.4(b) of the act, the Board is authorized to prescribe rules for sanitary requirements. The substantive requirements of the Board regulations on sanitation and disease control were last substantively amended in 1992. Since that date, advances in the chemical treatment of pathogens have made products available to Board licensees and others which substantially reduce the threat of transmission of disease through the use of shop equipment. Also, the generally accepted terminology for controlling the spread of disease has been substantially revised to more precisely reflect the level of disease control. These terms are now commonly used in products.

First, the Board proposes to delete from the regulations the term "sterilization" and to add the terms "disinfect" and "cleanse." Sterilization now is used in connection with infection control to refer to infection control in highly sensitive environments such as hospitals. The Board recognizes the importance of controlling the spread of disease by both cleansing and disinfecting surface materials. The Federal Environmental Protection Agency (EPA) regulates and registers chemicals and products which disinfect. These changes are reflected in definitions added to § 3.1 (relating to definitions).

As sterilization is not required of tools and instruments used in barber shops or schools, references to sterilization

have been removed. Section 3.1 contains definitions for "disinfect," "EPA registered disinfectant" and "cleanse."

Section 3.54 (relating to minimum equipment requirements) is amended to reflect the new disinfection requirement, as opposed to sterilization. Section 3.55 (relating to maintenance) pertaining to barber shops and § 3.86 (relating to maintenance and sterilization) pertaining to barber schools have been amended to contain the primary requirements for sanitation and disinfection of equipment and implements, which must be subjected to a four-step cleanse, disinfect, rinse and dry, and store procedure.

#### *Description of Proposed Amendments Pertaining to General Revisions*

The secondary purpose of these amendments is to replace antiquated provisions with more modern approaches to the practice and teaching of barbering.

Section 3.12(c) (relating to license limitations) would be deleted because the language is superfluous with § 3.12(a).

Section 3.43(b) (relating to practical test) would be amended to include mannequins in the list of tools an applicant for a practical test should furnish at the exam and § 3.43(d) would delete scalp manipulations and facial massage from the procedures that an applicant for a practical test must demonstrate, and includes the demonstration of permanent waving and hair coloring. This change reflects the more contemporary services that are performed in barber shops and taught in schools.

Section 3.51(b) (relating to licenses and permits) will make it clear that the reference is to the Department of State. Section 3.52 (relating to minimum general requirements) amends the word "toilet" and "lavatory" to refer to "restrooms."

The Board proposes to amend § 3.54 regarding minimum equipment requirements in barber shops to more clearly delineate what is required. These changes reflect current trends in barber shops. For example, because strops, tweezers and hones are not used often, the Board is proposing that only one strop, one tweezer and one hone be required in a shop rather than one for each barber chair in operation. In addition, the Board would require two razors for each chair rather than three and require that at least one of these must be nondisposable.

Since there is no statutory authority to regulate shampoo personnel, the Board proposes to delete § 3.57 (relating to shampoo personnel) that requires shampoo personnel to obtain a record from a physician certifying that the shampoo personnel are free from contagious or infectious diseases. Since section 13(a) of the act (63 P. S. § 563) permits nonlicensed persons to shampoo hair under the supervision of a barber-manager or barber-owner, regulatory language is redundant. Therefore, the Board is proposing to delete § 3.57.

Section 3.71 (relating to curriculum), pertaining to curriculum in barber shops, will reflect the teaching of students by both barber teachers and barber managers. In addition, shaving and various uses of the straight razor will be added as a subject in the students' curriculum for practical work as well as permanent waves, color and facials as being part of the practice of massage. The approximate number of instructional hours for permanent waves and color will be 50 hours of each. The number of

instructional hours for facial massage and shampoo would be decreased from 100 to 50 hours.

The Board proposes to amend § 3.71(d) pertaining to a licensed cosmetologist who wishes to take the barber examination. The amendment will make it clear that the subject matter being taught is the State barber laws. Also, the Board would update the language "cutting and styling" to reflect the more accurate procedures of "hair-cutting, hairstyling and hairpieces."

The proposal would revise § 3.72 (relating to student's records) pertaining to students' records in barber shops. The Board is adding a new subsection (b) to require that barber managers or teachers who train a student in a shop must keep quarterly reports of the hours earned by the student. The quarterly reports would be required to be provided to the student upon request. Subsection (a) of this provision would be amended to more clearly require student records to be kept for inspection by the Board's representative.

Section 3.73 (relating to books) relating to books in a shop will be amended to delete the list of books required and instead permit the shop to include a standardized textbook on barbering.

The Board intends to amend § 3.84 (relating to space) by changing the language to more accurately describe the size of a clinic room.

The Board intends to amend § 3.85 (relating to equipment) pertaining to equipment in barber schools. In particular, ultraviolet ray lamps are no longer used in barber schools or barber shops and, accordingly, that piece of equipment will be deleted. Also, the book, "Gray's Anatomy" will be deleted and replaced by the requirement that a school have a medical dictionary. Also, one electric lather mixer will be required for every ten students rather than every five students. In addition, two razors, rather than three, will be required and at least one of the razors must be nondisposable. Section 3.87 (relating to student's records) will be amended to include a subsection (b), which would require that each barber school keep quarterly reports of the hours earned by the student. The quarterly reports will be provided to the student upon request. The Board intends to amend § 3.88 (relating to supervisor and teachers) to reflect that a school shall be, at all times, under the immediate supervision of a licensed teacher rather than a supervisor who possesses a teacher's certificate. Because a licensed teacher has at least 5 years practical experience in a barber shop, the requirement that the supervisor be a teacher with at least 5 years practical experience is unnecessary. Section 3.90 (relating to student curriculum) pertaining to students' curriculum in barber schools will be amended by requiring that various uses of the straight razor be incorporated into the students' curriculum.

*D. Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1, the Board solicited input from the regulated community in the drafting and promulgating this proposal. On January 20, 1999, the Board wrote to barber schools and associations soliciting input on the proposed amendments.

*E. Fiscal Impact and Paperwork Requirements*

The proposed amendments will have no fiscal impact on the Commonwealth or its political divisions. The Board will be receiving applications for registration for students who are training in barber shops.

*F. Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

*G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 14, 2001, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has any objections to any portion of the proposed amendments, it will notify the Board within 10 days after the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion of the proposed amendments. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Board, the General Assembly and the Governor of objections raised.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Reference No. 16A-424 (General Revisions), when submitting comments.

RICHARD SCIORILLO,  
*Chairperson*

**Fiscal Note:** 16A-602. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 3. STATE BOARD OF BARBER EXAMINERS**

**GENERAL PROVISIONS**

**§ 3.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Cleanse**—To clean and remove debris by washing with soap and water.

**Disinfect**—To destroy pathogenic micro-organisms by complete immersion in an EPA registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.

**EPA**—The Environmental Protection Agency.

**EPA registered disinfectant**—A product used to destroy pathogenic micro-organisms that is registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C.A. §§ 136—136y).

**LICENSES**

**§ 3.12. License limitations.**

\* \* \* \* \*

**[(c) An individual to whom a barber-teacher's license has been issued shall be deemed qualified to perform the functions of a barber-teacher, barber-manager or barber.]**

**STUDENTS**

**§ 3.22. Credit.**

A student will be given credit only for the actual time spent performing barbering services, or being instructed in theory by a licensed barber-teacher **or barber-manager.**

**EXAMINATIONS**

**§ 3.41. Applications for examinations.**

\* \* \* \* \*

(b) An examination application shall include payment of the fee, a notarized statement certifying the completion of the hours of **[ instructions ] instruction**, from either a barber school or a barber-teacher **or barber-manager** with whom the student has studied and trained, and a notarized statement from a physician indicating that the student is free from contagious and infectious diseases.

**§ 3.43. Practical test.**

\* \* \* \* \*

(b) An applicant shall furnish his own tools, such as **mannequins**, clippers, shears, combs, razors, hone, strop, shaving brush, hair cloth, tonics, creams, towels and spatula to perform the practical operations of barbering.

\* \* \* \* \*

(d) The applicant shall demonstrate haircutting, **[ scalp manipulations ] permanent waving, hair coloring**, shaving, **[ facial massage ]** and honing and stropping.

\* \* \* \* \*

**BARBER SHOPS**

**§ 3.51. Licenses and permits.**

\* \* \* \* \*

(b) Trade names and fictitious names shall be registered with **the Corporation Bureau** of the Department of **State** before a permit will be issued.

\* \* \* \* \*

**§ 3.52. Minimum general requirements.**

(a) Every barbershop shall provide for the following:

\* \* \* \* \*

(8) Readily **[ accessible toilet ] available restroom** facilities.

\* \* \* \* \*

(c) When a barbershop and a cosmetology shop are located side by side in the same building and owned by the same individual, partnership or corporation, the shops may share **[ lavatory ] restroom** facilities.

**§ 3.54. Minimum equipment requirements.**

Every barbershop shall provide for the following:

\* \* \* \* \*

(5) A sanitary headrest **for every two chairs.**

\* \* \* \* \*

(8) One **[ covered ]** soiled towel receptacle for each chair.

\* \* \* \* \*

(13) One clothes tree or its equivalent **[ to accommodate the wraps of at least three customers ]**.

\* \* \* \* \*

(16) **[ Three ] Two** razors for each chair in operation, **at least one of which is nondisposable.**

\* \* \* \* \*

(18) **[ Six combs ] Combs** for each chair in operation.

(19) One strop **[ for each chair in operation ]**.

(20) One tweezer **[ for each chair in operation ]**.

(21) One hone **[ for each chair in operation ]**.

\* \* \* \* \*

(25) **[ Sterilizing ] Disinfection** solution.

(26) Proper **[ sterilizing ] disinfection** equipment.

\* \* \* \* \*

**§ 3.55. Maintenance and sanitation.**

\* \* \* \* \*

(c) **[ Tools and instruments, such as razors, tweezers, combs, hairbrushes, rubber discs, parts of vibrators or massaging machines, and other utensils or appliances that come into contact with the neck, face or head, except neck dusters, which shall be thoroughly cleaned once a day, shall be cleaned immediately after each use and shall be sterilized immediately before using on another customer. Instruments shall be sterilized by placing them in live steam for at least 12 minutes, or by immersing in disinfecting solution equal to a 5% solution of carbolic acid or alcohol solution of at least 70% strength for at least 1 minute before serving each patron. Shaving mugs and brushes shall be thoroughly rinsed in boiling water before each separate use. All methods of sterilization that are bacteriologically effective are permitted. ]** All equipment and implements that come into contact with a patron's skin, scalp or hair shall be subject to the following procedure following each patron use:

(1) **Step 1: Cleanse.** All debris shall be removed and the objects washed with soap and water.

(2) **Step 2: Disinfect.** The cleansed objects must be disinfected by complete immersion in an EPA registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.

(3) **Step 3: Rinse and dry.** The cleansed and disinfected objects shall be rinsed with clean water and dried with a clean towel.

(4) **Step 4: Store.** The cleansed, disinfected, rinsed and dried objects shall be stored in a clean, dry and

closed container clearly marked as such. Sharp implements shall be stored upright with the points down.

(d) Only cleansed, disinfected and rinsed equipment and implements properly stored shall be used on patrons.

(e) Equipment and implements which have been dropped onto the floor or any other unclean surface shall be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

(f) Every barbershop shall use only freshly laundered and [sterilized] sanitized towels, kept in a closed dustproof container, for each patron. The headrest of the barber chair shall be covered with a freshly laundered towel or fresh paper for each patron. In cutting the hair of a person, a newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin. Towels used on each patron shall be discarded in a closed receptacle, and towels may not be left lying on a workbench or washbowl.

- (g) \* \* \*
- (h) \* \* \*
- (i) \* \* \*
- (j) \* \* \*

(k) [A patch test shall be performed before using a dye or tint. The test shall be made on a skin area either behind the ear or on the forearm. If no swelling, itching, redness or other reaction occurs after 24 hours, the barber may proceed with the dyeing or tinting process.] All products shall be used in accordance with the manufacturer's instructions.

- (l) \* \* \*

§ 3.57. [Shampoo personnel] (Reserved).

[Unlicensed personnel are permitted to administer shampoos in barbershops under the supervision of a manager-barber or barber owner if the shop owner and the shop manager have on record a physician's certificate certifying that they are free from contagious or infectious diseases. It is the responsibility of the shop owner and the shop manager to insure that the shampoo personnel obtain the certificate. The certificate shall be made available to inspectors for the Commonwealth when requested.]

SERVICES PERFORMED OUTSIDE THE SHOP

§ 3.61. Out-of-shop services.

When barbering services are provided outside a licensed barbershop, the following requirements apply:

\* \* \* \* \*

(4) The owner of the sponsoring shop shall comply with sanitary requirements as if out-of-shop services were performed in the shop.]

STUDY [UNDER LICENSED BARBER-TEACHERS] IN BARBER SHOPS

§ 3.71. Curriculum.

(a) Schedule. Every [barber-teacher who is teaching a] student shall [instruct the student] be instructed in accordance with the following schedule:

<i>Subject</i>	<i>Approximate Hours</i>
* * * * *	
Shaving and various uses of the straight razor	240
* * * * *	

(b) Practical work.

(1) Each student [studying under a licensed barber-teacher] shall perform the following amount of practical work during his training:

<i>Subject</i>	<i>Approximate Hours</i>
Permanent waves	50
Color	50
Haircuts	200
Shaves	150
Massages (facial)	[ 100 ] 50
[ Shampoos ] Shampoo	[ 100 ] 50
Total operations	550
* * * * *	

(d) Examination.

(1) If a licensed cosmetologist wishes to take the barber examination, the cosmetologist shall have successfully completed the following subjects:

<i>Subject</i>	<i>Approximate Hours</i>
[ Laws ] State Barber laws, rules and regulations	50
[ Cutting and styling ] Haircutting, hairstyling and hairpieces	330
* * * * *	
Honing [ - ] and stropping	50
* * * * *	

§ 3.72. Student's records.

(a) [Every licensed barber-teacher under whom a student is studying shall keep, at all times and] Student records shall be kept for inspection by the Board's representative, [a file of the student regarding] which shall include proofs of age, education, blood test results, daily attendance and progress. The file shall be provided to the student at the student's request. The file shall be maintained for at least 5 years, beginning with the date when the student studies in the shop. If the shop is closed within this 5-year period, the student's file shall be forwarded to the Board and the student shall be so notified by the shop.

(b) A barber manager or teacher who is training a student under subsection (a) shall keep quarterly reports of the hours earned by the student. The quarterly reports shall be provided to the student upon request.

§ 3.73. Books.

Library and textbooks for teaching students shall include adequate books needed by the students. Among these shall be included a medical dictionary and a standardized textbook on barbering. [ , one Gray's Anatomy and one of the following:

(1) *Standardized Textbook on Barbering*, published by the Associated Master Barbers and Beauticians of America.

(2) *Practical and Scientific Barbering*, published by the Journeymen Barbers' International Union of America.

(3) *Modern Textbook on Barbering* by S.C. Thorpe, published by the Milady Publishing Corporation.

(4) *Manual on Barber Practice and Science*, published by the Milady Publishing Corporation. ]

**SCHOOLS OF BARBERING**

**§ 3.84. Space.**

Clinic rooms shall be a minimum length of at least 10 feet for the first chair and 5 [feet for each additional chair] additional feet centerpoint between each additional chair with a minimum width of 12 feet for one row of chairs. Where two rows of chairs are opposite of each other, the room shall be a minimum of 20 feet wide.

**§ 3.85. Equipment.**

(a) Every barber school shall have the following equipment for each school:

\* \* \* \* \*

(5) [ Ultra violet ray lamps.

(6) ] One microscope.

[ (7) (6) One twin vibrator [ for each instructor ].

[ (8) ] (7) [ Medical dictionaries and *Gray's Anatomy* ] One medical dictionary.

[ (9) ] (8) \* \* \*

[ (10) ] (9) \* \* \*

[ (11) ] (10) \* \* \*

[ (12) ] (11) One electric lather mixer for every [ five ] ten students.

[ (13) ] (12) \* \* \*

(b) Every barber school shall have the following equipment for each student:

\* \* \* \* \*

(10) [ Three ] Two razors, at least one of which is nondisposable.

\* \* \* \* \*

**§ 3.86. Maintenance and sterilization.**

\* \* \* \* \*

(b) [ Tools and instruments, such as razors, tweezers, combs, hairbrushes, rubber, discs, parts of vibrators or massaging machines, and all other utensils or appliances that come into contact with the neck, face or head shall be cleaned immediately after each use and shall be sterilized. Instruments may be sterilized by immersing in disinfecting solution equal to 5% solution of carbohic acid or alcohol solution of at least 70% strength for at least 1 minute before serving each patron. Shaving mugs and brushes shall be thoroughly rinsed in boiling water before each separate use. Any method of sterilization that is bacteriologically effective will be permitted. ] All equipment and implements that

come into contact with a patron's skin, scalp or hair shall be subject to the following procedure following each patron use:

(1) *Step 1: Cleanse.* All debris shall be removed and the objects washed with soap and water.

(2) *Step 2: Disinfect.* The cleansed objects shall be disinfected by complete immersion in an EPA registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.

(3) *Step 3: Rinse and dry.* The cleansed and disinfected objects shall be rinsed with clean water and dried with a clean towel.

(4) *Step 4: Store.* The cleansed, disinfected rinsed and dried objects shall be stored in a clean, dry and closed container clearly marked as such. Sharp instruments shall be stored upright with the points down.

(c) Only cleansed, disinfected, and rinsed equipment and implements properly stored shall be used on patrons.

(d) Equipment and implements which have been dropped onto the floor or any other unclean surface shall be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

[ (c) ] (e) Only freshly laundered and [sterilized] sanitized towels kept in a closed dustproof container shall be used for each patron. The headrest of a barber chair shall be covered with a freshly laundered towel or fresh paper for each patron. A newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin when cutting the hair of a person. Towels used on each patron shall be discarded in a closed receptacle, and may not be left lying on a workbench or washbowl.

[ (d) ] (f) \* \* \*

**§ 3.87. Student's records.**

(a) \* \* \*

(b) Each school shall keep quarterly reports of the hours earned by the student. The quarterly reports shall be provided to the student upon request.

**§ 3.88. Supervisor and teachers.**

(a) The school shall, at all times, be under the immediate supervision of a [supervisor who possesses the following qualifications:

(1) A teacher's certificate of registration.

(2) A verified record of at least 5 years practical experience in a registered barbershop and 1 year of satisfactory experience in teaching ] licensed teacher.

\* \* \* \* \*

**§ 3.90. Student curriculum.**

\* \* \* \* \*

(c) Every barber school is required to instruct students in barber science as follows:

<i>Subject</i>	<i>Approximate Hours</i>
* * * * *	
<b>Shaving and various uses of the straight razor</b>	240
* * * * *	

[Pa.B. Doc. No. 01-902. Filed for public inspection May 25, 2001, 9:00 a.m.]

# STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]  
Sanitation; General Revisions

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) proposes to amend Chapter 19 (relating to State Board of Vehicle Manufacturers, Dealers and Salespersons) to read as set forth in Annex A.

*Effective Date*

The amendments will be effective upon final publication in the *Pennsylvania Bulletin*.

*Statutory Authority*

The amendments are authorized under section 4 of the Board of Vehicles Act (act) (63 P. S. § 818.4).

*Background and Need for the Amendment*

Under the act of April 19, 1996 (P. L. 104, No. 27) (Act 27), the General Assembly amended the act (63 P. S. §§ 818.1—818.37). The statutory amendments did not change the substantive law; however, the amendments significantly changed the licensing framework and made many changes in terminology. For example, the license classes of “broker” and “wholesaler” were removed, and the license class of “auction” was created.

These changes are necessary to eliminate confusion among the regulated community because the Board’s current regulations use the terminology and licensure categories of the earlier act. The proposed amendments will bring the regulations up to date to conform to the statutory amendments.

*Description of Proposed Amendments*

The proposed amendments would make the language of the regulations, and their respective licensure categories, consistent with the act, as amended by the Act 27. Also, the amendments remove from the regulations those definitions and requirements that appear in the act.

The proposed amendments would make the following changes:

*Proposed amendments to § 19.2 (relating to definitions).*

The term “act” would be amended to conform to the new numbering of the act.

The term “Board” would be amended to delete references to the composition of the Board because the composition of the Board is set by section 3 of the act (63 P. S.

§ 818.3) and to delete the statement of the Board’s function because that is defined in section 4 of the act.

The term “camping trailer” would be amended to delete this definition because the term is not used in the act or regulations.

The term “dealer” would be deleted because it is defined in section 2 of the act (63 P. S. § 818.2).

The term “distributor or wholesaler” would be deleted. The term “distributor” is defined in section 2 of the act, and the act no longer refers to the former class of licensees known as wholesalers.

The term “distributor branch” would be deleted because the term is defined in section 2 of the act.

The term “distributor representative” would be deleted because the term is defined in section 2 of the act.

The term “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. The definition is further amended to reflect the intent of the act that the sale of even one vehicle, not owned by the seller, is engaging in the occupation of a vehicle salesperson.

The term “factory branch” would be deleted because the term is defined in section 2 of the act.

The term “factory representative” would be deleted because the term is defined in section 2 of the act.

The term “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 definition of “dealer” in section 2 of the act.

The term “motor vehicle” would be deleted because the act uses the term “vehicle” and defines “vehicle” in section 2 of the act.

The term “manufacturer” would be deleted because the term is defined in section 2 of the act.

The term “retail sale or sale at retail” would be deleted because the term is defined in section 2 of the act.

The term “vehicle salesperson” would be deleted because the act uses the term “salesperson” and defines “salesperson” in section 2 of the act.

*Proposed amendment to § 19.4 (relating to fees).*

The proposed deletion of the word “wholesale” from the distributor license application provision reflects the deletion of references to wholesalers in the act. The proposed deletion of the word “broker” reflects the new definitions of “dealer” and “auction” in the act. The statutory definitions divide between dealers and auctions those activities that were formerly performed by brokers. The references to the “used vehicle lot license application” would be deleted because the act no longer makes a distinction between the facilities requirements for new and used vehicle dealers.

*Proposed amendment to § 19.11 (relating to license).*

The Board proposes to delete the reference to “manufacturer or dealer” in § 19.11 because the section relates to vehicle salesperson’s license and, therefore, references to manufacturers or dealers in § 19.11 are misplaced. In addition, other sections of the chapter address licensure for manufacturers and dealers.

*Proposed amendment to § 19.12 (relating to application for license).*

The Board proposes to delete the reference to “manufacturer and dealer” in § 19.12 because vehicle salesperson’s license and, therefore, references to manufacturers or dealers in § 19.12 are misplaced. In addition, other sections of the regulations address application for licensure for manufacturers and dealers. The Board proposes to delete the word “motor” from the phrase “motor vehicle” because the act uses the term “vehicle” and not the term “motor vehicle.”

*Proposed amendment to § 19.15 (relating to termination of employment).*

The Board proposes to delete the requirement that a dealer surrender a salesperson’s license to the Board within 10 days after termination of employment because section 25 of the act (63 P. S. § 818.25), requires that the dealer surrender the salesperson’s license within 10 days after termination. This provision in § 19.15 is, therefore, duplicative.

*Proposed amendment to § 19.16 (relating to penalties).*

The Board proposes to delete § 19.16 because the penalties for unlicensed practice are set forth in section 28 of the act (63 P. S. § 818.28).

*Proposed amendment to § 19.17 (relating to separate business identity for brokers and dealers).*

The Board proposes to delete references to brokers, which are no longer a class of persons licensed under the act.

*Proposed amendment to § 19.18 (relating to established place of business for dealers).*

The Board proposes to delete references to trailers, semitrailers, recreational vehicles, mobile homes, house trailers or office trailers in § 19.18(a)(3) because the act does not distinguish between types of trailers. Instead, section 2 of the act defines “semitrailers and trailers” and “recreational vehicles.” The Board proposes to delete references to trailers or semitrailers in § 19.18(a)(3)(i) because these terms are defined in section 2 of the act. In addition, the Board proposes to add manufactured housing to the list of vehicles encompassed by the display area regulation because the act refers to manufactured housing and imposes licensure requirements similar to vehicle dealers on dealers of manufactured housing.

The Board proposes to delete subsection (b) relating to the waiver of the certificate of occupancy requirement because the Board does not have the authority to waive a requirement of the Department of Labor and Industry.

*Proposed amendment to § 19.21 (relating to powers and duties).*

The Board proposes to delete § 19.21, powers and duties of the Board, because the powers and duties of the Board are set forth in section 4 of the act.

*Proposed amendment to § 19.22 (relating to investigation).*

The Board proposes to amend § 19.22 by deleting current paragraphs (1)—(8) and (18)—(23), and renumbering the remaining sections. Sections (1)—(8) are being deleted because they address matters addressed in the act. The following table sets forth the regulatory sections the Board proposes to delete because the sections are addressed by statutory sections.

**49 Pa. Code § to be Deleted**

§ 19.22(1)	section 818.19(2)
§ 19.22(2)	section 818.19(3)
§ 19.22(3)	section 818.19(4)
§ 19.22(4)	section 818.19(5)
§ 19.22(5)	section 818.19(7)
§ 19.22(6)	section 818.19(8)
§ 19.22(7)	section 818.19(9)
§ 19.22(8)	section 818.19(10)
§ 19.22(18)	section 818.19(12)
§ 19.22(19)	section 818.19(12) and (17)
§ 19.22(20)	section 818.19(12) and (17)
§ 19.22(21)	section 818.19(11), (12) and (17)
§ 19.22(22)	section 818.19(22)—(24)
§ 19.22(23)	section 818.19(11), (12) and (17)

**Corresponding section of Act, 63 P. S.**

*Proposed amendment to § 19.23 (relating to auto and recreation vehicle exhibitions).*

The Board proposes to delete the current § 19.23 because these items are addressed in sections 32 and 33 of the act (63 P. S. §§ 818.32 and 818.33). In addition, the Board proposes to rename § 19.23, to be titled “Vehicle shows, off-premise sales and exhibitions” and to add a new subsection (a). Section 19.23 would then limit the amount of time an off-premise sale may run, to effectuate the intent of the act that vehicles be sold from licensed premises.

*Compliance with Executive Order 1996-1*

The Board sent this proposed amendment to dealer and vehicle auction organizations as required under the directives of Executive Order 1996-1. In addition, the Board considered the impact the regulation would have on the regulated community and on public safety and welfare. The Board finds that the proposed amendments address a compelling public interest as described in this Preamble and otherwise comply with Executive Order 1996-1.

*Fiscal Impact and Paperwork Requirements*

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Sunset Date*

The Board continuously monitors the 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 May 14, 2001, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and Senate Consumer Protection and Professional Licensure Committee for review and comment. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, “Regulatory Review and Promulgation.” A copy of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed amendments, it will notify the Board within 10 days after the expiration of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Board, the General Assembly and the Governor of objections raised.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Board Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

ROBERT G. PICKERILL,  
*Chairperson*

**Fiscal Note:** 16A-424. No fiscal impact; (8) recommends adoption.

**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**

**§ 19.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Board of Vehicles Act (63 P.S. §§ 818.1—[ **818.28** ] **818.37**).

*Board*—The State Board of Vehicle Manufacturers, Dealers and Salespersons[, which shall consist of persons to be appointed by the Governor, which shall aid and assist in the administration of the act.

*Camping trailer (tent trailer)*—A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping or travel use.

*Dealer*—A person defined as a new car dealer, or used car dealer in 75 Pa.C.S. §§ 101—9909 (relating to the Vehicle Code). For the purposes of this act, the term shall also include a person who buys, sells or exchanges house trailers or recreational vehicles at retail, whether or not the activity is a principal or substantial portion of his business.

(i) *New car dealer.* A person, as defined in this act, actively engaged in and devoting a substantial portion of his time in the business of buying, selling or exchanging new and used motor vehicles, trailers or semitrailers on commission or otherwise, who maintains a salesroom or garage devoted principally to the motor vehicle business and an established place of business, and who holds a contract in writing with a manufacturer, importer or dis-

tributor, giving a person selling rights for new motor vehicles, trailers or semitrailers or who is a manufacturer of motor vehicles, trailers or semitrailers or who is an importer or distributor of new motor vehicles, trailers or semitrailers who holds a contract in writing with a manufacturer of motor vehicles, trailers and semitrailers.

(ii) *Used car dealer.* A person, as defined in the act, actively and principally engaged in and devoting a substantial portion of his time to the business of buying, selling or exchanging used motor vehicles, tractors, trailers or semitrailers and who maintains a salesroom, garage or used car lot, actually occupied by a person and maintains an established place of business, which established place of business shall include at least a two-bay garage equipped to perform the usual and normal repair and servicing of motor vehicles or the dealer shall by written contract have available to him at all times these repair and servicing facilities and upon which or adjacent thereto is a building or a portion of a building, owned or rented by the person, where his books and records are kept, and which is devoted principally to the motor vehicle business, in which the repair of motor vehicles is subordinate or incidental to the business of buying, selling or exchanging the same. ]

\* \* \* \* \*

[ *Distributor or wholesaler*—A person, resident or nonresident who in whole or part, sells, or distributes motor vehicles to motor vehicle dealers, or who maintains distributor representatives.

*Distributor branch*—A branch office similarly maintained by a distributor or wholesaler for the same purposes.

*Distributor representative*—A representative similarly employed by a distributor, distributor branch or wholesaler. ]

*Engaging in the occupation of vehicle salesperson*—The display, demonstration, offer for sale or retail sale [ during a 12-month period of five or more motor vehicles ] of any vehicle not owned by that person.

[ *Factory branch*—A branch office maintained by a person who manufactures or assembles motor vehicles, as defined in this section, for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers or for directing or supervising, in whole or part, its representatives.

*Factory representative*—A representative employed by a person who manufactures or assembles motor vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers. ]

*Interest in vehicles*—Does not include the lease of a vehicle.

[ *Motor vehicle*—otor vehicles, house trailers and mobile homes, as defined in 75 Pa.C.S. § 102 (relating to definitions) unless specifically exempt by this chapter.

*Manufacturer*—A person, resident or nonresident who manufactures or assembles motor vehicles or who manufactures or installs on previously as-



sembled truck chassis special bodies or equipment which when installed form an integral part of the motor vehicle and which constitutes a major manufacturing alteration.

**Retail sale or sale at retail**—The act or attempted act of selling, bartering, exchanging or otherwise disposing of a motor vehicle to an ultimate purchaser for use as a consumer.

**Vehicle salesperson**—A person who, for a commission, compensation or other valuable consideration, is employed as a salesman by a motor vehicle or mobile home dealer to sell at retail motor vehicles or mobile homes. This term shall include and apply to the following:

(i) A vehicle salesperson licensed shall be licensed to sell only for one dealer at a time and his license shall indicate the name of the motor vehicle dealer.

(ii) The principal, an officer or a partner of a motor vehicle or mobile home, truck or recreational vehicle dealer if he personally is actively engaged in the retail sale of motor vehicles.

(iii) If a dealer has a controlling or supervisory interest for more than one dealership, he may sell from any one of the dealerships.

(iv) If the dealer for whom the salesman is employed has more than one dealership, he may sell from any dealership. ]

§ 19.4. Fees.

	* * * * *	
Vehicle [ broker ] auction license application ..		65
Dealer [ or broker ] branch lot license application .....		\$65
[ Used vehicle lot license application .....		\$65 ]
	* * * * *	
Biennial Renewal—[ wholesale ] distributor license .....		\$70
	* * * * *	
Biennial Renewal—vehicle [ broker ] auction license .....		\$70
Biennial Renewal—dealer [ or broker ] branch license .....		\$70
[ Biennial Renewal—used vehicle lot license .....		\$70 ]

**VEHICLE SALESPERSON'S LICENSE**

§ 19.11. License.

It [ shall be ] is unlawful for a person, except as provided in this title, to engage in the occupation of vehicle salesperson [ , manufacturer or dealer ] within this Commonwealth unless he has secured a license as required under the act.

§ 19.12. Application for license.

(a) Application for license as a vehicle [ manufacturer, dealer, ] salesperson [ , wholesaler, distributor branch representative, factory branch representative, ] shall be made in writing to the Board, signed by the applicant, designating the business name and address of the [ motor ] vehicle dealer then employing him or

into whose employ he is then about to enter. Applications shall be made upon a form of application prepared by the Board which shall include the recommendation of his employer or prospective employer certifying that the applicant is honest, trustworthy, truthful and of good repute and recommending that a license be granted. In the case of an applicant who is himself a [ motor ] vehicle dealer, an officer of a corporation which is a [ motor ] vehicle dealer or a member of a partnership which is a [ motor ] vehicle dealer, a representative of a bank or sales finance company which has personal knowledge concerning the reputation and fitness of the applicant, shall complete affidavit No. 4 on transfer form or No. 18 on the original application. The form of application shall contain other information as the Board [ shall require ] requires.

(b) A person, resident or nonresident, who, in whole or in part, sells, distributes or exchanges [ motor ] vehicles to [ motor ] vehicle dealers within this Commonwealth, is required to be licensed in this Commonwealth as a distributor [ —wholesaler— ] or dealer.

§ 19.15. [ Termination of employment ] (Reserved).

[ Within 10 days after termination of employment, the dealer shall surrender to the Board the salesperson's licenses. ]

§ 19.16. [ Penalties ] (Reserved).

[ Whoever engages in the occupation of vehicle salesperson or in the business of vehicle dealer manufacturer, factory branch, distributor branch, factory or distributor representative without being licensed and registered as required by the act or attempts to use as his own the license of another or gives a false or forged evidence of any kind to the Board or to a member of the Board in order to obtain a license, or uses an expired, suspended or revoked license, or otherwise violates the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding \$100 or undergo imprisonment for a period of not more than 90 days, or both. ]

**VEHICLE DEALERSHIP LICENSE**

§ 19.17. Separate business identity for [ brokers and ] dealers.

Every [ licensed brokerage and every ] licensed dealership shall have a business identity separate from other businesses owned or operated by the [ broker or ] dealer.

§ 19.18. Established place of business for dealers.

(a) *Criteria.* A licensed dealer shall maintain an established place of business that meets the following criteria:

\* \* \* \* \*

(3) *Display area.* The dealership shall have a display area—whether indoors, outdoors or partly indoors and partly outdoors—where the public is permitted and invited in the regular course of business to inspect or test drive the vehicles[ , trailers, semitrailers, recreational vehicles, mobile homes, house trailers or office trailers ] that are being offered for sale, purchase or exchange by the dealership. The display area may not include areas of the dealership premises on which are

placed vehicles [ , trailers, semitrailers, recreational vehicles, mobile homes, house trailers or office trailers ] that are wrecked or damaged, that are awaiting reconditioning or preparation for sale, purchase or exchange, that are being serviced or repaired, that are part of general inventory, or that are otherwise not being offered for sale, purchase or exchange to the public. The display area shall meet the following requirements:

(i) *Size.* The display area of a dealership that buys, sells or exchanges vehicles [ , trailers or semitrailers ] shall be large enough for the display of at least five vehicles [ , trailers or semitrailers ]—with doors opened—of the kind that are bought, sold or exchanged by the dealership. The display area of a dealership that buys, sells or exchanges recreational vehicles, **manufactured housing** and mobile homes [ , house trailers or office trailers ] shall have a display area of at least 5,000 square feet **unless the act provides otherwise.**

(ii) *Grading and surfacing.* An outdoor display area shall be properly graded. The outdoor display area of a dealership that buys, sells or exchanges [ vehicles, trailers, semitrailers or recreational ] vehicles shall be surfaced with concrete, asphalt, slag, brick, stone, aggregate, gravel, cinder or similar material.

\* \* \* \* \*

(4) *Repairs and ancillary services.*

[ (i) A dealership that buys, sells or exchanges vehicles, trailers, semitrailers or recreational vehicles shall have one of the following:

(A) A garage or other facility, separate from the display area, that has at least two bays and that is equipped to perform the usual and normal repairs and servicing of the vehicles, trailers, semitrailers or recreational vehicles that it buys, sells or exchanges.

(B) A written contract—and attached notarized acknowledgment—with a garage, licensed to perform State inspections, to have the repairs and servicing provided.

(ii) ] A dealership that buys, sells or exchanges mobile homes [ , office trailers or house trailers ] or **manufactured housing** shall do one of the following:

[ (A) ] (i) \* \* \*

[ (B) ] (ii) \* \* \*

\* \* \* \* \*

[ (b) *Waiver of Certificate of Occupancy requirement.*

(1) A waiver may be granted to a dealer who is experiencing a hardship in obtaining a Certificate of Occupancy, as required by subsection (a)(8), if the dealer has:

(A) Filed a written application for a waiver with the Board.

(B) Applied for a Certificate of Occupancy through the Department of Labor and Industry by March 31, 1988.

(C) Obtained, and filed a copy with the Board, the documentation from the Department of Labor

and Industry outlining repairs or construction required in the dealer's facility to obtain the Certificate of Occupancy.

(D) File a sworn affidavit indicating that he is complying with the Department of Labor and Industry's requirements, within the time limit established by the Department of Labor and Industry in the documentation, or under 34 Pa. Code (relating to Labor and Industry).

(2) A dealer who had the Certificate of Occupancy requirement waived for the May 31, 1987 or May 31, 1989 renewals, shall complete the repairs and construction required by the Department of Labor and Industry and obtain the Certificate of Occupancy from the Department of Labor and Industry on or before March 31, 1991. If the Certificate of Occupancy is not issued for the dealership facility, the dealership license will not be renewed until a copy of the Certificate of Occupancy has been filed with the Board. ]

**POWERS AND DUTIES OF THE BOARD**

§ 19.21. [ Powers and duties ] (Reserved).

[ The Board will have power and its duty will be to provide for and regulate the licensing of vehicle salesperson, manufacturers, dealers, wholesalers, distributor branch representatives, factory branch representatives, and to issue except as otherwise provided a license to engage in the occupations as covered by the act, to an applicant who meets requirements of the act. ]

**§ 19.22. Investigation.**

The Board will investigate on its own initiative or upon the verified complaint in writing of a person, allegations of the wrongful act of a licensee of the act and will have the power to suspend or revoke licenses issued by the Board if, after notice and hearing, the person charged is found guilty of committing or attempting to commit the following acts:

(1) [ Knowingly making a substantial misrepresentation of material facts.

(2) Knowingly making false promise of a character likely to influence, persuade or induce the sale of a motor vehicle.

(3) Having within 3 years prior to the issuance of the license then in force or while his current license is in force pleaded guilty, entered a plea of nolo contendere, or been found guilty in a court of competent jurisdiction of this Commonwealth or another state of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud, bribery or other crime involving moral turpitude.

(4) Having knowingly failed or refused to account for or to pay over monies or other valuables belonging to others which have come into his possession arising out of the sale of motor vehicles.

(5) Having committed an act or engaged in conduct in connection with the sale of motor vehicles which clearly demonstrates incompetency.

(6) Having made a material misstatement in application for a motor vehicle salesperson's license.

(7) Having set up, promoted or aided in the promotion of a plan by which motor vehicles are

sold to a person for a consideration, and upon the further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in the plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining in the plan.

(8) Having engaged in the buying, selling, exchanging, trading or otherwise dealing in new or used motor vehicles on Sunday in violation of the Sunday Closing Law, 18 Pa.C.S. § 7365 (relating to trading in motor vehicles and trailers).

(9) ] Has required a purchaser of new motor vehicle, as condition of sale and delivery of the vehicle, to also purchase special features, appliances, accessories or equipment not desired or requested by the purchaser.

[ (10) ] (2) \* \* \*

[ (11) Having failed to maintain an established place of business as defined in § 19.18(a) (relating to established place of business for dealers).

(12) ] (3) Having used the words "lease" or "leasing" in a [ broker's or ] dealer's trade name.

[ (13) ] (4) \* \* \*

[ (14) ] (5) \* \* \*

[ (15) ] (6) \* \* \*

[ (16) ] (7) \* \* \*

[ (17) ] (8) \* \* \*

[ (18) A dealer, new or used car, mobile home or recreational vehicle dealer, who advertises or otherwise holds out to the public that this dealer is selling new motor vehicles for which he does not hold a contract in writing with a manufacturer, importer or distributor giving said dealer authority to sell the motor vehicles will be held to be in violation.

(19) A dealer, new or used car, mobile home or recreational vehicle, who sells new motor vehicles for which he does not hold a contract in writing with a manufacturer, importer or distributor giving the dealer authority to sell these motor vehicles, will be held to be in violation. It is the clear legislative intent as expressed in section 5(2)(xv) and (xvi) of the act (63 P. S. § 805(2)(xv) and (xvi)) (Repealed) that new vehicles may be advertised and sold only by new vehicle dealers having a franchise to sell the vehicles. The purpose to be served by this provision of the act is to protect the public from being misled into believing that they are purchasing from an authorized dealer and thereby being defrauded as to warranty and other rights against the dealer and the manufacturer.

(20) A dealer (used) who sells a new motor vehicle.

(21) A dealer (used) who sells a motor vehicle which has never been registered or titled in the Commonwealth or another state or foreign country under the manufacturer's identification number indicated on the motor vehicle or, if registered or titled within the Commonwealth, the following affi-

davit by the previous owner of the motor vehicle is not in possession of the dealer.

I, the undersigned, do hereby swear and affirm that the applicable Pennsylvania Sales Tax was paid on the motor vehicle bearing manufacturer's identification number \_\_\_\_\_ at the time of my application for title.

(22) Failure of a licensee to remit to the Bureau of Sales and Use Tax of the Department of Revenue any sales tax entrusted to the licensee by the purchaser of a motor vehicle.

(i) A licensee may, as an accommodation to a purchaser, act as agent for the purchaser by submitting the check or draft of the licensee in fulfillment of the sales tax obligation of the purchaser; however, the licensee shall advise the purchaser that the vehicle registration and title of the purchaser may be suspended or revoked if the money represented by the check or draft of the licensee is uncollectible upon the Department of Revenue's attempt to negotiate the check or draft. Failure to comply with this requirement shall be a violation of this paragraph.

(ii) If, as an accommodation to a purchaser, the licensee accepts the responsibility of fulfilling the sales tax obligation of the purchaser, the tax shall be remitted to the Bureau of Sales and Use Tax within 10 days after the date of the transfer. Failure to comply with this requirement shall be a violation of this paragraph.

(iii) A licensee is deemed to violate this paragraph if the check or draft of the licensee is uncollectible upon the Department of Revenue's attempt to negotiate the check or draft.

(23) ] (9) Having used the word "new" in the trade name, in the advertising, or on the checks or business stationery of a [ broker or ] dealer who engages only in the sale, purchase or exchange of used vehicles [, trailers, semitrailers, mobile homes, house trailers, office trailers or recreational vehicles ].

[ (24) ] (10) Having used the words "broker" or "brokering" in the trade name, in the advertising, or on the checks or business stationery of a dealer [ who does not have a broker's license ] or auction.

§ 19.23. [ Auto and recreational vehicle ] Vehicle shows, off-premise sales and exhibitions.

[ (a) Manufacturers, distributors, dealers and salespersons may participate and exhibit motor vehicles at annual expositions in public buildings on Sundays.

(b) At the exhibitions no orders may be written, discounts offered, terms and financing arrangements discussed, nor trade-in estimates given. Any other acts which may be construed as negotiating a sale are also prohibited. Sales representatives may be present at these expositions solely to demonstrate their products and to provide the attending public price lists. Signs may be posted indicating prices and that financing is available. Vehicles may be open for inspection.

(c) Out-of-State manufacturers, distributors, dealers and salespersons may be licensed in the same manner as Commonwealth licensees with the fur-

ther proviso that the public exhibition facility is to be considered their showroom or lot for the period of the exposition. The producer of the exposition is to be appointed by the licensee, in writing, as its agent for the purposes of accepting legal process and any other legal documents relating to the act including, but not limited to, Sunday sales violations.

(d) Each exhibitor shall provide the attending public with a list of specifications required by the Commonwealth for the licensing of a vehicle offered for sale by the exhibitor.

(e) The producer of the exhibition shall apply for and receive written authorization from the Board at least 90 days previous to the scheduled opening of the exhibition.

(f) Out-of-State manufacturers, distributors, dealers and salesperson wishing to exhibit vehicles shall first obtain licensure from the Board.

(g) In order to present an exhibition at least 20 dealers shall participate, with a minimum of 50 units for display, unless special permission for

fewer dealers or vehicles is granted by the Board. The number of dealers and the names of those who intend to participate shall be given to the Board 60 days prior to the date of the show.

(h) Signs shall be prominently posted at the entrance to the exhibition hall, the signs indicating that Sunday Sales are prohibited. ]

A vehicle show, off-premise sale or exhibition may not last for more than 14 consecutive days. To preclude the operation of an unlicensed branch location, a dealer may not participate in any show or combination of shows at a given location for more than 15 days in any period of 30 days, for more than 30 days in any period of 3 months or for more than 60 days in any period of 12 months.

[Pa.B. Doc. No. 01-903. Filed for public inspection May 25, 2001, 9:00 a.m.]