

## TITLE 49

### PROFESSIONAL AND VOCATIONAL STANDARDS

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**Cross References**

This subpart cited in 25 Pa. Code § 215.24 (relating to human use).

**CHAPTER 1. STATE BOARD OF AUCTIONEER EXAMINERS**

**GENERAL PROVISIONS**

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### **SPONSORSHIP OF APPRENTICE AUCTIONEERS**

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#### **Authority**

The provisions of this Chapter 1 issued under section 35 of the Administrative Agency Law (71 P. S. § 1710.35) (Repealed), unless otherwise noted.

#### **Source**

The provisions of this Chapter 1 adopted October 17, 1975, effective October 18, 1975, 5 Pa.B. 2781, unless otherwise noted.

### **GENERAL PROVISIONS**

#### **§ 1.1. Applicability of general rules.**

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) is applicable to the activities of and proceedings before the State Board of Auctioneer Examiners.

#### **Source**

The provisions of this § 1.1 adopted October 17, 1975, effective October 18, 1975, 5 Pa.B. 2781.

#### **§ 1.2. Meeting of the Board.**

(a) The Board will meet at least twice a year to discharge its duties. The Board may hold additional meetings whenever necessary.

(b) The Board may take action at a meeting if a quorum of the Board is present. Five members of the Board constitute a quorum. A simple majority vote of the members present and voting is binding upon the Board. Under section 29(b) of the act (63 P. S. § 734.29(b)), the Board may not impose a civil penalty if the number of members voting in favor of the penalty is less than four.

(c) Minutes will be kept of Board meetings, and, upon approval by the Board, become the official minutes.

#### **Authority**

The provisions of this § 1.2 issued under sections 3(c), 5(c) and 32 of The Auctioneer and Auction Licensing Act (63 P. S. §§ 734.3(c), 734.5(c) and 734.32).

#### **Source**

The provisions of this § 1.2 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2655.

**§ 1.3. Definitions.**

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

*Act*—The Auctioneer and Auction Licensing Act (63 P. S. §§ 734.1—734.34).

*Board*—The State Board of Auctioneer Examiners.

**Authority**

The provisions of this § 1.3 issued under sections 6(a), 9(b) and 10(b) of The Auctioneer and Auction Licensing Act (63 P. S. §§ 734.6(a), 734.9(b) and 734.10(b)).

**Source**

The provisions of this § 1.3 adopted July 7, 1989, effective July 8, 1989, 19 Pa.B. 2951.



**EDUCATIONAL REQUIREMENTS****§ 1.11. Approved course of study.**

(a) The prescribed course of study in auctioneering shall consist of 20 credit hours of instruction in the areas of study set forth in subsection (c); the course shall be taken at schools approved by the Board.

(b) A credit hour of instruction is defined as 15 standard hours of instruction, each of which is composed of 50 minutes.

(c) The 20 credit hours shall consist of the following areas of study:

- (1) Audience communications.
- (2) Procurement of merchandise for auction.
- (3) Appraisal.
- (4) Auction law.
- (5) Preparation for auction.
- (6) Conducting an auction.

(d) Credit will only be given for a course of study which has been approved by the Board. A school may make application to the Board for course approval in writing upon a form provided by the Board.

(e) Credit for a course which is not included in the prescribed course of study will be considered by the Board on an individual basis, provided the course meets all the requirements of this section.

(f) An applicant for licensure shall submit an official transcript of coursework to prove acquisition of credits.

**Authority**

The provisions of this § 1.11 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and sections 6 and 30 of the Auctioneers License Act (63 P. S. §§ 706 and 730) (Repealed); amended under sections 3(c), 5(c) and 32 of the Auctioneer and Auction Licensing Act (63 P. S. §§ 734.3(c), 734.5(c) and 734.32).

**Source**

The provisions of this § 1.11 adopted August 13, 1982, effective September 1, 1982, 12 Pa.B. 2686; amended June 23, 1989, effective June 24, 1989, 19 Pa.B. 2655. Immediately preceding text appears at serial pages (78845) to (78846).

**LICENSURE****§ 1.21. Application for apprentice auctioneer license.**

The apprentice auctioneer shall list the name, address and license number of the sponsoring auctioneer on the apprentice license application. The sponsoring auctioneer shall verify on the apprentice application that the auctioneer will sponsor and employ the apprentice and not sponsor and employ more than one other apprentice auctioneer.

**Authority**

The provisions of this § 1.21 issued under sections 3(c), 5(c) and 32 of the Auctioneer and Auction Licensing Act (63 P. S. §§ 734.3(c), 734.5(c) and 734.32).

**Source**

The provisions of this § 1.21 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2655.

**§ 1.22. Changing apprentice auctioneer sponsors.**

(a) If the apprentice auctioneer changes sponsors, the apprentice auctioneer shall notify the Board by letter within 10 days after terminating the sponsorship.

(b) The apprentice who changes sponsors shall submit a transfer form, supplied by the Board, when the apprentice obtains a new sponsor.

(c) An apprentice auctioneer license is invalid when there is no sponsoring auctioneer and credit for apprentice auctioneering does not accrue during that time period.

(d) The Board will reissue an apprentice auctioneer license when the apprentice auctioneer submits the transfer form and informs the Board that the apprentice auctioneer has secured a new sponsor.

(e) The sponsoring auctioneer named in the license shall notify the Board within 10 days of a change in status of the apprentice that would affect the ability of the apprentice to complete the apprenticeship.

**Authority**

The provisions of this § 1.22 issued under sections 3(c), 5(c) and 32 of the Auctioneer and Auction Licensing Act (63 P. S. §§ 734.3(c), 734.5(c) and 734.32).

**Source**

The provisions of this § 1.22 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2655.

**§ 1.23. Auctioneer licensure examination.**

(a) The Board will have a professional testing organization conduct the auctioneer licensure examination at least two times each year.

(b) The applicant for auctioneer's license shall apply to the professional testing organization designated by the Board for admission to the licensure examination and pay the fee directly to that organization.

(c) If an applicant fails the examination once, the applicant may take the next scheduled examination or the examination following the next scheduled examination. If an applicant fails the licensure examination twice, the Board, upon notice to the applicant, may require the applicant to complete additional training approved by the Board.

**Authority**

The provisions of this § 1.23 issued under sections 3(c), 5(c) and 32 of the Auctioneer and Auction Licensing Act (63 P. S. §§ 734.3(c), 734.5(c) and 734.32); amended under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and section 6 of the Auctioneer and Auction Licensing Act (63 P. S. § 734.6).



**Source**

The provisions of this § 1.23 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2655; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1883; amended March 1, 1996, effective March 2, 1996, and apply to examinations administered on and after September 1, 1995, 26 Pa.B. 866; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5869; amended March 18, 2005, effective March 19, 2005, 35 Pa.B. 1763. Immediately preceding text appears at serial pages (250688) to (250689).

**§ 1.24. Application for auctioneer license for individuals.**

(a) A licensed apprentice auctioneer seeking to qualify for an auctioneer license on the basis of an apprenticeship shall submit an application accompanied by satisfactory evidence that the applicant:

(1) Was in the employ of a sponsor for at least 2 years.

(2) Has participated for compensation in at least 30 auctions. The applicant shall submit information for each of these auctions specifying the type of auction, the name of the consignor, the location and the date of the auction. For the purposes of this requirement, participation in an auction on any 1 calendar day constitutes one auction.

(b) The sponsoring auctioneer shall verify that the apprentice was in the sponsor's employ for at least 2 years and participated for compensation in at least 30 auctions as listed on the application.

(c) The applicant shall also submit a statement indicating whether the applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud or other like offense in the last 5 years.

(d) The Board may require the apprentice applicant to appear before the Board upon notice to the applicant for a personal interview.

**Authority**

The provisions of this § 1.24 issued under sections 3(c), 5(c) and 32 of The Auctioneer and Auction Licensing Act (63 P. S. §§ 734.3(c), 734.5(c) and 734.32).

**Source**

The provisions of this § 1.24 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2655.

**§ 1.25. Application for auctioneer license for partnerships, associations or corporations.**

(a) A partnership applying for licensure shall submit, in addition to the application, a statement indicating whether a member has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud or other like offense in the past 5 years.

(b) An association applying for licensure shall submit, in addition to the application, a statement indicating whether a member, officer or employe has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud or other like offense in the past 5 years.

(c) A corporation applying for licensure shall submit, in addition to the application, a statement indicating whether an officer, employe or stockholder who either directly or indirectly exercises a controlling interest has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud or other like offenses in the past 5 years.

**Authority**

The provisions of this § 1.25 issued under sections 3(c), 5(c) and 32 of The Auctioneer and Auction Licensing Act (63 P. S. §§ 734.3(c), 734.5(c) and 734.32).

**Source**

The provisions of this § 1.25 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2655.

**§ 1.26. Application for auction house and auction company licenses.**

- (a) An applicant for an auction house or auction company license shall:
- (1) Complete and submit the application provided by the Board.
  - (2) Submit with the application a check or money order for the required fee, payable to the "Commonwealth of Pennsylvania."
  - (3) File with the Board an approved surety bond payable to the Commonwealth in the amount of \$5,000 in accordance with section 13 of the act (63 P. S. § 734.13).
- (b) Auction houses and auction companies which were issued licenses prior to July 8, 1989, and have not paid the required fee shall remit the fee within 30 days of receipt of notice from the Board and thereafter will be required to pay the biennial renewal fee. Failure to remit the required licensure fee within that time will result in the license being placed on inactive status. The Board may take disciplinary action against a license holder for operation of an auction house or auction company when the license is on inactive status.

**Authority**

The provisions of this § 1.26 issued under sections 6(a), 9(b) and 10(b) of The Auctioneer and Auction Licensing Act (63 P. S. §§ 734.6(a), 734.9(b) and 734.10(b)).

**Source**

The provisions of this § 1.26 adopted July 7, 1989, effective July 8, 1989, 19 Pa.B. 2951; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5869. Immediately preceding text appears at serial page (201638).

**SPONSORSHIP OF APPRENTICE AUCTIONEERS**

**§ 1.31. Sponsorship and employment of apprentice auctioneers.**

- (a) An apprentice auctioneer is a person who is licensed under the act as an apprentice for the purpose of learning the profession of auctioneering, and who is sponsored and employed for compensation by a qualified auctioneer.

(b) A qualified auctioneer may not employ more than two apprentice auctioneers.

(c) The auctioneer who sponsors and employs an apprentice auctioneer shall directly supervise the apprentice while the apprentice is conducting an auction or a sale at auction.

(d) The sponsoring auctioneer may provide for substitute supervision of the apprentice for a particular auction if the sponsoring auctioneer is unavailable, if the substitute supervisor is a qualified auctioneer who provides direct supervision.

(e) The apprentice auctioneer may not conduct or attempt to conduct an auction or sale at auction without the sponsorship and employment of the sponsor or authorized substitute sponsor.

**Authority**

The provisions of this § 1.31 issued under sections 3(c), 5(c) and 32 of the Auctioneer Licensing and Trading Assistant Registration Act (63 P. S. §§ 734.3(c), 734.5(c) and 734.32).

**Source**

The provisions of this § 1.31 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2655.

**Cross References**

This section cited in 49 Pa. Code § 43b.12a (relating to schedule of civil penalties—auctioneers, apprentice auctioneers, auction houses and auction companies).

**FEES**

**§ 1.41. Schedule of fees.**

Applicants shall pay the following fees:

Application fee for auctioneer license . . . . .	\$50
Biennial renewal fee for auctioneer license . . . . .	\$260
Application fee for apprentice auctioneer license . . . . .	\$30
Biennial renewal fee for apprentice auctioneer . . . . .	\$130
Application fee for auction house and auction company . . . . .	\$50
Biennial renewal fee for auction house and auction company . . . . .	\$260
Special license to conduct auction . . . . .	\$200
Application fee to approve course . . . . .	\$45
Application fee to change sponsor . . . . .	\$15
Application fee to change auction house or auction company license . . . . .	\$15
Nonresident exam eligibility review . . . . .	\$25
Certification of scores, permit or registration . . . . .	\$25
Verification of license, registration, permit or approval . . . . .	\$15

**Authority**

The provisions of this § 1.41 issued under sections 5 and 6 of the Auctioneer Licensing and Trading Assistant Registration Act (63 P. S. §§ 734.5 and 734.6); amended under section 6 of the Auctioneer Licensing and Trading Assistant Registration Act (63 P. S. § 734.6).

**Source**

The provisions of this § 1.41 adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5869; amended December 21, 2001, effective December 22, 2001, 31 Pa.B. 6941; amended March 18, 2005, effective March 19, 2005, 35 Pa.B. 1763; amended March 31, 2006, effective April 1, 2006, 36 Pa.B. 1496; amended May 22, 2015, effective May 23, 2015, 45 Pa.B. 2466. Immediately preceding text appears at serial pages (342079) to (342080).

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