

REQUIREMENTS ON BECOMING A DEALER

REQUIREMENTS TO BECOME A DEALER

1. Follow instructions on Form MV-349, "Application for Vehicle Dealer Registration Plates for Dealers Licensed by Department of State."
2. If desired to issue Temporary Registration Plates, follow requirements for "Agent Service Application Requirements."
3. Complete Form MV-375 for bond for each place of business of Manufacturer/Dealer (ORIGINAL FORM MUST BE SUBMITTED).
4. Sample Contract
5. Obtain an original criminal history record on Form SP4-164 from the State Policy (NOT A COPY), for each owner, partner or corporate officer.
6. Read and become familiar with Chapter 13 of the Pennsylvania Vehicle Code, Title 75.
7. Read and become familiar with the Title 67 relating to the "Issuance and Use of Dealer and Miscellaneous Dealer Motor Vehicle Business Plates," Chapter 53.
8. Read and become familiar with Title 67 relating to "Temporary Registration Cards and Plates," Chapter 43.



**APPLICATION FOR VEHICLE
DEALER REGISTRATION PLATES
FOR DEALERS LICENSED BY
DEPARTMENT OF STATE**

DEPARTMENT USE ONLY

CHECK ALL APPLICABLE:

- New Application Change of Name Add Branch Lot
 Change of Address Change in Officers Change of Owner

Dept. of State Use Only (VD #)

TYPE OF DEALERSHIP YOU ARE APPLYING FOR:

- Manufacturer New Vehicle Used Vehicle Special Purpose
 Motorcycle New Trailer Dealer Mobile Home Dealer (**NOTE:** Request for Dealer Identification Number Only.)

A NAME AND ADDRESS OF BUSINESS (Exactly as registration is to be issued)			
Name		Federal I.D. #	
Street Address (Principal Place of Business)		List DIN Number	
City	County	State	Zip Code
Business Phone #	Home Phone # of President or Controlling Partner		

B TYPE OF BUSINESS (Check One)	This Location is (Check One)
<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation	<input type="checkbox"/> Owned <input type="checkbox"/> Leased

C LIST ALL OWNER(S), PARTNERS OR CORPORATE OFFICERS			
1. NAME	TITLE	DRIVER'S LICENSE #	
STREET ADDRESS	CITY	STATE	ZIP CODE
2. NAME	TITLE	DRIVER'S LICENSE #	
STREET ADDRESS	CITY	STATE	ZIP CODE
3. NAME	TITLE	DRIVER'S LICENSE #	
STREET ADDRESS	CITY	STATE	ZIP CODE
4. NAME	TITLE	DRIVER'S LICENSE #	
STREET ADDRESS	CITY	STATE	ZIP CODE

D LIST OF OTHER BUSINESSES AT THIS LOCATION

E INDICATE NUMBER OF REGISTRATION PLATES YOU ARE APPLYING FOR IN BLOCK PROVIDED BESIDE THE APPROPRIATE CLASSIFICATION	
MANUFACTURER (MFG) _____	SPECIAL PURPOSE (SP) _____
NEW VEHICLE DEALER (ND) _____	MOTORCYCLE DEALER (MCD) _____
USED VEHICLE (UD) _____	NEW TRAILER DEALER (ND) _____
Motor Vehicle, Trailer, Special Purpose Dealer - Annual Fee - \$36.00 each plate. Motorcycle Dealers - Annual Fee - \$18.00 each plate. Duplicate registration cards may be requested for all plates ordered for \$1.50 per duplicate. Duplicates requested per plate _____ x \$1.50 = _____ .	

F	PLEASE LIST THE TYPE OF VEHICLES YOU INTEND TO SELL - CARS, TRUCKS, MOTORCYCLES, TRAILERS (OVER 3,000 LBS.) , MOBILE HOMES, ETC. PLEASE INDICATE NEW OR USED.

G	INSURANCE INFORMATION
Insurance Company Name _____	
Policy Number _____	
Effective Date _____ Expiration Date _____	

H	AGENT SERVICES REQUIREMENTS
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Do you want to issue temporary registration plates? YES NO
 If yes, see agent service application requirements.

I	ADDITIONAL INFORMATION
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1. Is this application a change of ownership or was this location previously a vehicle dealership? YES NO
 If yes, explain and list name of dealership and dealer identification number if known.

Please list DIN Number: _____

2. Has this business or the owners, partners or officers thereof ever been registered as a dealer, miscellaneous motor vehicle business or issuing agent in this or any other state? YES NO If yes, list name(s), location(s), and identification number(s).

3. Have any owners, partners or corporate officers of this business ever been affiliated with a dealership, miscellaneous motor vehicle business, messenger service or full agent whose registration was suspended, cancelled or revoked or is currently under investigation or notice to attend a Departmental or court hearing or is awaiting a decision by a hearing officer of a Court?

YES NO If yes, explain: _____

4. Does any owners, partner, corporate officer or any business with which they were previously affiliated, have any outstanding liabilities which are due and owing to the Commonwealth including but not limited to taxes, fees, monetary penalties or outstanding plates or paperwork?

YES NO If yes, explain: _____

5. Have any owners partners or corporate officers of this business ever been convicted or administratively sanctioned for violations of Department regulations or Chapters 11, 13 or 23 of the Vehicle Code or Title 18 of the Crimes Code? YES NO

If yes, explain: _____

6. Have any owners, partners or corporate officers of this business ever been convicted of a felony or misdemeanor? YES NO

If yes, explain: _____

7. Have any owners, partners or corporate officers of this business ever remitted uncollectible checks payable to any agency of the Commonwealth of Pennsylvania? YES NO

If yes, explain: _____

8. Have any owners, partners or corporate officers filed bankruptcy within the past 7 years? YES NO

If yes, explain: _____

J MISCELLANEOUS INFORMATION

1. Does your business location meet all local zoning and land use ordinances and building codes? YES NO
2. Does your business meet ADA accessibility requirements? YES NO. **NOTE: A checklist to help you determine if you meet the guidelines is included in this package.**
3. Have all owners, partners and officers read and understood Chapter 53 of Title 67 (Manufacturer, Dealer and Motor Vehicle Business Registration Plates) and Chapters 11, 13 and 23 of the Vehicle Code? YES NO

K NOTARIZATION

(I/We) certify under penalty of law that the information contained herein is true and correct.

_____	_____	_____
Authorized Signature	Title	Date
_____	_____	_____
Authorized Signature	Title	Date
_____	_____	_____
Authorized Signature	Title	Date

SUBSCRIBED AND SWORN TO BEFORE ME:			
_____	MONTH	DAY	YEAR
SIGNATURE OF PERSON ADMINISTERING OATH			
S E A L	SIGN IN PRESENCE OF NOTARY		

WARNING: Misstatement of fact is a misdemeanor of the third degree punishable by a fine of up to \$2,500 and/or imprisonment up to 1 year [18 Pa.C.S. Section 4904(b)] in addition to any sanction imposed by this Department.

NOTE: When business is discontinued, dealer registration plates and cards must be returned to the Department within 5 days. If business is moved to another location, the Department must be notified within 10 days of the change. A completed Form MV-349 and a new agent service application requirement, if appropriate, photographs of new location, and a rider to the bond showing change of address must accompany this notification.

Applications for Vehicle Dealer Registration Plates

INSTRUCTIONS FOR COMPLETING MV-349

1. All information must be typed in full. List name of business exactly as Dealer registration is to be issued. Address must have physical street address. Post Office Box may be used in addition to street address. Include business phone and home phone numbers. The license issued will be valid only at the business address listed on this application.
2. Check appropriate box for type of business and if location is owned or leased.
3. List all owners, partners or corporate officers and do not forget to include their titles. Additional sheets may be used if necessary.
4. List other businesses at same location.
5. Answer each question and provide all information requested.
6. Sign, date and have notarized in Section K.

DOCUMENTS THAT MUST ACCOMPANY THIS APPLICATION

1. The bond prescribed by Title 75, Section 1335, on the form of the Department (MV-375). This does not apply to applications for Mobile Home Dealers who are requesting Dealer Identification Numbers only.
2. An original criminal history record (SP4-164) obtained from the State Police (not a copy), for each owner, partner or corporate officer.
3. A check payable to the Commonwealth in the amount of \$60.00 for payment of the Motor Vehicle Transaction Recovery Fund fee. This does not apply to applications for Mobile Home Dealers who are requesting Dealer Identification Numbers only.
4. When the Department is to issue a dealer registration plate, one of the following items must be used to serve as acceptable proof of insurance.
 1. An insurance identification card;
 2. The declaration page of insurance policy or a copy thereof;
 3. A copy of a valid binder of insurance which contains all of the information required to appear on the I.D. card, excluding the policy number, and is signed by a licensed insurance agent or broker; or,
 4. A copy of application for insurance to the Pennsylvania Automobile Insurance Plan (PAIP) which contains all of the information required to appear on the I.D. card, excluding the policy number, and is signed by a licensed insurance agent or broker.

A copy of one of the items listed above must be attached to the application.

5. Appropriate fee for number of dealer plates requested.
6. Copy of deed/lease or rental agreement.

Mail all completed forms to: Commonwealth of Pennsylvania
Department of Transportation
Bureau of Motor Vehicles
P.O. Box 68283
Harrisburg, PA 17106-8283



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES
HARRISBURG, PENNSYLVANIA
17104-2516

IN REPLY REFER TO

Dear Agent Service:

ACT 152 of 2002 mandates that all Agents, Card Agents and Messenger Services enter into contract with the Department of Transportation. This law took effect on June 9, 2003, for anyone applying to be an Agent, Card Agent or Messenger Service.

Enclosed is the requirements packet to enter into contract for all agent services. The packet includes information, samples and frequently asked questions. Once these requirements are met, a contract between you and the Department will be executed.

Contract requirements can be mailed to:

Bureau of Motor Vehicles
Regulated Client Services Section
1101 S. Front Street
Harrisburg, PA 17104

Requirements may also be submitted through the Dealer Services counter area.

Should you have any questions regarding this process, please call the Regulated Client Service Section at (717) 787-4291 or write to the address listed above.

Sincerely,

Anita M. Wasko, Director
Bureau of Motor Vehicles

AGENT SERVICE APPLICATION REQUIREMENTS

I. General Requirements

- ❖ Applicants must submit two copies of their completed applications to the Department.
- ❖ Applicants should provide as much information as possible regarding their ability to meet or exceed the requirements for agent service.
- ❖ Applicants must address each factor specified below.
- ❖ Information must be submitted in the format specified in the Sample Document.

II. Experience

- ❖ The cover of the application should include the business name, address, phone number, fax number and Federal ID number. If you are currently an agent service, your agent number should also be listed on the cover.
- ❖ If a Corporation, include the names of the president, vice-President, secretary, and treasurer; if a sole proprietorship, the name of the owner; if a partnership, the names of the partners; or if a limited partnership, the name of the general partner. All applicants must also include the name(s) of support staff who will be involved in the agent service and indicate the responsibilities each will have within the service.
- ❖ Neither applicant, nor any of applicant's employee(s) shall be under sanction or investigation by the Department for violations of 75 PA C.S. or Departmental regulations.
- ❖ Prior violations of 75 PA C.S. or Department regulations may disqualify an applicant, as such violations, depending on the circumstances, may be taken into account in the evaluation of the application.
- ❖ Applicants shall provide letter(s) of reference from a bank or other financial institution, which indicates that accounts of the applicant are handled in a satisfactory manner that is consistent with standard banking practices.
- ❖ Applicants shall provide three letters of reference from business concerns, on business stationery, attesting to the character of the applicant.
- ❖ Applicants shall provide a notarized statement that no monies are due and owing to the Commonwealth of Pennsylvania by the applicant business or by the owners and officers of the business.

III. Facilities

- ❖ Each applicant must submit photographs of the interior and exterior of the proposed place of business.
- ❖ The photographs must show the following items:
 - Entrance way
 - Exterior signs
 - Phone and desk area
 - Secure area for storage of temporary cards and plates
 - Display of the complete schedule of fees and charges relating to the issuance of temporary card and plates

IV. Notary Required

- ❖ Each issuing agent or full agent must provide the name, address, signature and impression of the notary stamp of a notary who will be employed during the hours of operation of the agent service. The owner of the agent service may be the notary. A card agent must be a notary.
- ❖ If verification in lieu of notarization is used, then a notary is not required for agents with an 85, 86 or 87 Dealer ID Number. All other issuing agents must continue to notarize documents. If verification in lieu of notarization is used, then please state this process is used.

V. Criminal Background Check

- ❖ A criminal background check must be obtained from the Pennsylvania State Police for each owner or corporate officer and every employee engaged in the agent service to determine if they have been convicted of a criminal offense. If such a conviction exists, the agent service must furnish the facts of the offense and secure Department approval before hiring or utilizing the person involved.
- ❖ The criminal background check must be less than one year old at the time the application is reviewed.

VI. Security Plan

- ❖ The agent service must submit its proposal for the method of security it intends to use for safeguarding all supplies including applications, temporary cards, temporary plates and permits.

VII. Bond

- ❖ The full or issuing agent service shall file and maintain with the Department a bond in the amount of \$30,000 for each approved agent service. The bonds shall be executed by a surety company authorized by law to transact business in this Commonwealth of PA and shall state that it is for the use and benefit of the Commonwealth of PA and persons who have sustained a monetary loss within the limitations of this bond attributable to the intentional or negligent conduct of the agent service or employees, including, losses incurred in negotiating checks or other instruments drawn by the agent service.
- ❖ If the Department does not currently have a \$30,000 bond on file, you must submit to us your original bond information.

VIII. Recovery Fund

- ❖ Every applicant for authority to act as an agent for the Department with respect to titling and registration shall pay an assessment of \$60 to the Motor Vehicle Recovery Fund, in addition to any other license fees and bonds.
- ❖ This fund is used to cover the amount of any fees and taxes pertaining to an application for titling and registration of a vehicle due to bankruptcy of the dealer or agent and therefore has failed to forward to the Department.
- ❖ Existing agents do not need to pay this fee again.

IX. Denial of Application

- ❖ The Department may deny an application for agent service agreement upon determining that the applicant is not capable of performing the duties of an agent service in a manner consistent with the public interest.

X. Ineligible

- ❖ No official or employee of the Commonwealth of PA shall be eligible to enter into a contract with the Department to own or operate a messenger or agent service nor shall a messenger or agent employ an official or employee of the Commonwealth of PA.

SAMPLE DOCUMENT

Cover page of Requirement Packet

John Q. Customers Issuing Agent Service, Inc.
1101 S. Front Street
Harrisburg, PA 17104
Agent # 00000000
(717) 999-9999
Fax #: (717)111-1111
E-mail address: johnqcustomer@xxx.com
Federal ID #: 123456789

P A G E B R E A K

Requirements

Experience

John Q. Customers Issuing Agent Service, Inc. located at 1101 S. Front Street has been an issuing agent for the past five years.

The owner of the corporation is John Q. Customer, Vice President is Joan A. Customer, Secretary is Mary B. Customer and Treasurer is Joe C. Customer.

The support staff consists of (place name of each employee who will be involved in the agent service and indicate their responsibilities within the service).

Neither John Q. Customer Agent Service, nor any of its employees are under sanction or have ever been sanctioned by PennDOT for violations under 75 PA C.S. or Departmental regulations.

P A G E B R E A K

Attach your letter of reference from a bank or financial institution. Please make sure your letter indicates that accounts are handled in a satisfactory manner consistent with standard banking practices.

P A G E B R E A K

Attach three letters of reference from business concerns on business stationery, attesting to the character of the applicant.

P A G E B R E A K

Attach a notarized statement that no monies are due and owed to the Commonwealth of PA by the applicant business or by the owners and officers of the business.

P A G E B R E A K

Facilities

Attach photographs of the interior and exterior of the place of business. The photographs of the exterior must show the entranceway and signs and business hours. The interior photographs must show the desk, phone, secure area for storage of products and forms, and a complete schedule of fees and charges for Motor Vehicles/Driver Licensing and the contractor fees.

Notary Requirements

Attach the name, address, signature and impression of the notary stamp of all notaries who will be employed during the hours of operation of the agent service. The owner of the agent service may be the notary. If verification of signature in lieu of notarization, then a notary is not required for agents with a 85, 86 or 87 Dealer ID Number. All other issuing agents must continue to notarize documents. If verification in lieu of notarization is used, please state this process is used.

Criminal Background Check

Attach a criminal background check, obtained from the Pennsylvania State Police for each owner or corporate officer and every employee engaged in the issuing agent service. If a conviction exists, the issuing agent service must furnish the facts of the offense and secure Department approval before hiring or retaining employee.

Security Plan

Attach the issuing agent service's proposal for the method of security, which it intends to use for safeguarding all supplies, products and applications.

Bond

Attach your bond information (MV-375 or Rider to the bond). Each issuing agent service must file and maintain a bond in the amount of \$30,000 for each approved issuing agent service.

**PENNSYLVANIA AGENT ADA CHECKLIST
AMERICANS WITH DISABILITIES ACT**

As a provider of a public service, you are required to ensure that the areas of your facility used for customer transactions involving Department of Transportation documents meet the accessibility requirements of Title II of the Americans with Disabilities Act (ADA). If you answer "no" to questions 2, 3, 4, 6, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21 and 22, your facility does not meet the ADA accessibility requirements.

EXTERIOR

- | | | | |
|-----|--|-----|----|
| 1. | Does your place of business provide parking spaces for the general public?
If no, skip to Question 4. | YES | NO |
| 2. | Are there designated persons with disability parking spaces?
If no, skip to Question 4. | YES | NO |
| 3. | Are there signs designating person with disability parking space(s)? | YES | NO |
| 4. | Is there a clear unobstructed path of travel at least 36 inches from where your customers park to your door? | YES | NO |
| 5. | Are curb cuts necessary for access?
If no, skip to Question 9. | YES | NO |
| 6. | Have the curb cuts been installed?
If no, skip to Question 9. | YES | NO |
| 7. | Is the length of the curb cut at least one foot for every inch of curb height? | YES | NO |
| 8. | Is the width of the curb cut at least 36 inches? | YES | NO |
| 9. | Are ramps necessary for access?
If no, skip to Question 14. | YES | NO |
| 10. | Have the ramps been installed? | YES | NO |
| 11. | Is the height of the ramp such to reach the level of the entrance? | YES | NO |
| 12. | Is the length of the ramp at least one foot long for every inch of height? | YES | NO |

13. Is the width of the ramp at least 36 inches? YES NO

ENTRY:

14. Does your entrance door provide a minimum of 32 inches of clearance? YES NO

15. Is your entrance door's threshold less than one-half inch high?
NOTE: Thresholds at doorways should not exceed $\frac{3}{4}$ inch in height for exterior sliding doors of $\frac{1}{2}$ inch for other types of doors. YES NO

16. Is your entrance door's threshold beveled or slanted on both ends? YES NO

17. Is your door handle 48 inches high or less? YES NO

18. Can the door be easily opened using a close fist? YES NO

19. Is there an interior door? YES NO
If no, skip to Question 21.

20. Does the interior door meet the same specifications of the entry door as described above? YES NO

INTERIOR:

21. Is the route to where PennDOT customer services are provided 36 inches wide? YES NO

22. Are the counters where PennDOT customer services are provided no more than 36 inches high and at least 36 inches? YES NO

MANUFACTURER/DEALER/FULL AGENT/CARD AGENT/MESSENGER SERVICE/SALVOR BOND

(Name of Principal)
doing business as _____
(Business Name)
located at _____
(Street)

(City) (State) (Zip Code) (County)

(NOTE: If there are any branch offices, check here _____ and list them at the bottom of the last page, or attach a list). as Principal,
and _____
(Name of Surety Company)
located at _____
(Street) (City)
()

(State) (Zip Code) (County) (Telephone)

a corporation incorporated under the laws of the State of _____, authorized to do business in the Commonwealth of Pennsylvania, with a Pennsylvania main office located at _____
(Street) (City) (State) (Zip Code)

as Surety, are held bound unto the Commonwealth of Pennsylvania (Commonwealth), and to any person who shall enter into any transaction with the Principal in the Principal's official capacity as authorized by the Commonwealth, as obligees in the full and just sum of \$_____ to be paid to the Commonwealth or its assigns, to which payment we do hereby bind ourselves jointly and severally, our heirs, executors, administrators, successors and assigns.

Signed and sealed on _____.

Whereas the Principal is applying for designation as one or more of the following and is required to file this bond as provided in the corresponding department laws/regulations:

- | | | | |
|--------------------------|--------------------------|---------------------|--------------------|
| Yes | No | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Manufacturer/Dealer | 75 Pa. C.S. 1335 |
| <input type="checkbox"/> | <input type="checkbox"/> | Full/Issuing Agent | 75 Pa. C.S. 7503.1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Card Agent | 75 Pa. C.S. 7503.1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Messenger Service | 75 Pa. C.S. 7503.1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Salvor | 75 Pa. C.S. 7302 |

NOW, THEREFORE, the conditions of this obligation is that if the Principal, during the term of this bond or any renewal, in conduct of the business of manufacturer, dealer, full agent, card agent, messenger service, and/or salvor shall comply with the provisions of the law and regulations governing the conduct of such business and shall not cause any monetary loss to the Commonwealth in connection with the business limited to fees, sales tax and monetary penalties, then this obligation shall be null and void; otherwise it shall remain in full force, virtue, and effect.

This bond shall cover all transactions entered into pursuant to the authorization granted to the Principal by the Commonwealth in the course of the authorized business of the Principal. However, any claims presented after the amount of the bond limit has been exhausted may be denied for lack of adequate coverage under the bond.

The Commonwealth may assign its interest in this bond to any person who shall make a claim against the bond. In such a case, the Commonwealth may release the surety company from liability to the Commonwealth.

This bond shall be considered as being continuous in nature, except that, in the event that this bond is cancelled, or not renewed for any reason, the surety shall notify the Bureau of Motor Vehicles, Department of Transportation, Manager of the Regulated Client Services Section, Riverfront Office Center, 1st Floor, 1101 S. Front Street, Harrisburg, PA 17104-2516, and the principal, at least sixty (60) days prior to the date that such action is to be taken. No cancellation shall take effect until a period of at least sixty (60) days has elapsed from the date of the notice given to the Bureau of Motor Vehicles.

If the Principal and/or Surety shall fail to keep any promise under this Bond, the Principal and Surety authorize and empower any attorney of any court of record within the United States, or elsewhere to appear for the Department and confess judgment against the Principal and/or Surety in favor of the Department. The Principal and Surety further authorize the Department to permit any other person to so confess judgment if the Department believes such person has been adversely affected by failure to keep any promise under this Bond, as often as necessary, as of any term, with or without declaration filed, without stay of execution and without presentment, for such sum or sums as may be payable, together with costs of suit and attorney fees, and with release of all errors. Principal and Surety waive inquisition on any real estate and exemption of any property whatsoever, and authorize condemnation of same and immediate issuance of a Writ of Execution, or exemption, and release and waive relief from any and all appraisal, stay of execution, or exemption laws of any state or nation, now in force or hereinafter to be passed, to the extent such statutes may be waived.

NOTE: Pennsylvania Statutes (71 P.S. Section 240.19A and 75 Pa C.S. Section 1957) authorize the Department to collect an uncollectible check penalty fee of \$20.00 for each check returned to the Department, and a fee of \$10.00 for each driver's license, registration, replacement of tags, transfer of registration, certificate of title, whether original or duplicate, and each other unit of issue by the Department plus all protest fees to cover the cost of collection. This penalty is reflected on your billing.

Payment Procedure

In the event that a claim is made on this bond the following procedure shall be employed.

1. The surety company shall hold claims in abeyance for a period of ninety (90) days commencing either on the date such claim is filed by the Commonwealth or the date on which the surety notifies the Commonwealth of a claim filed by any person. Such notification shall be made to the Manager of the Regulated Client Services Section, Riverfront Office Center, 1st Floor, 1101 S. Front Street, Harrisburg, PA 17104-2516. This notification shall include the name of the individual claimant, the reason for the claim and the amount of the claim. The surety shall not provide the Commonwealth or any private individual with any remuneration until the end of the ninety (90) day period.

2. At the end of the ninety (90) day period, if the claims exceed the amount of the bond limit, payment will be made in the following manner: In all cases the Commonwealth shall have priority and be paid in full before any private claims. The balance of the bond amount, if any, will be divided pro rata amount the private claimants. If, at the end of the ninety (90) day period the total amount of all claims filed does not exceed the bond limit, then all claims covered will be paid in full.

3. Any claims filed after the ninety (90) day period has expired shall be paid from the remainder of the bond amount, if any. The date on which the claim has been filed shall determine the order in which payment shall be made. Those claimants who have filed at the earliest date after expiration of the ninety (90) day period shall have priority.

CERTIFICATION BY PRINCIPAL

BOND NUMBER _____

WITNESS OR ATTEST:

NAME OF PRINCIPAL

BY _____

TITLE _____

CERTIFICATION BY SURETY

NAME OF SURETY COMPANY

WITNESS OR ATTEST:

BY _____
AGENT'S NAME

TITLE _____

ADDRESS OF AGENT

TELEPHONE () _____

SURETY
COMPANY
SEAL

Branch office(s), if any. Attach additional sheet(s), if necessary. (See instruction sheet to determine bond amounts for each branch office.)

Street

City

County

Street

City

County

Street

City

County

Street

City

County

NOTE: If this bond is being executed by power of attorney, a copy must be attached.

INSTRUCTIONS FOR BOND AMOUNT

Manufacturer/Dealer: \$20,000 for each place of business.

Messenger Service: \$50,000 - Additional \$50,000 per branch office

Full Agent: \$30,000 for each place of business.

Salvor: \$10,000 for each place of business.

Card Agent: \$3,000

The required bond amount must be maintained at all times, with no exceptions. If, at any time, the amount for which the Principal is bonded shall fall below the required amount, the Principal's authorization to operate in accordance with the applicable regulations shall be void.

ATTACHED IS A SAMPLE CONTRACT

THE CONTRACT HAS NO VAILIDTY UNTIL:

ALL REQUIREMENTS ARE MET

AND

ALL SIGNATURES ARE OBTAINED

AND

A COMPLETELY EXECUTED CONTRACT IS RETURNED TO YOU

This sample is being provided for your review.

Should you meet all the requirements and enter into contract with the Department, you will become bound by this contract. Once again, this is only a SAMPLE for information and does not guarantee that a contract will be offered.

THANK YOU.

Effective Date: _____
(Department will insert)

Contract #:
Federal ID #:

AGENT SERVICES AGREEMENT

This Agreement, made and entered into by and between the Commonwealth of Pennsylvania, acting through the Department of Transportation (Department),

a n d

John Doe Auto Tag Agent Services, LLC (Contractor).

WHEREAS Act 152 of 2002 requires the Department to enter into contracts for the provision of agent services for the issuance and processing of vehicle registration documents and fees; and,

WHEREAS, Contractor desires to contract with the Department to provide such services to vehicle owners and operators in the Commonwealth; and

WHEREAS, the Department has determined that Contractor is qualified to provide the necessary agent services.

NOW THEREFORE, the parties agree, with the intention of being legally bound, to the following:

AUTHORITY TO PROVIDE AGENT SERVICES

1. The Department will provide Contractor with temporary registration cards, plates, permits or other products designated by the Department as necessary to allow Contractor to offer agent services to consumers in the Commonwealth.
2. The Department will recognize as valid temporary registration cards, plates, permits or other products designated by the Department, when appropriate applications and fees are submitted by Contractor.

3. Contractor may charge a reasonable service fee, in addition to Department fees, for the processing and issuance of temporary registration cards, plates, permits or other products designated by the Department. It is understood that the Department will make no payment to the Contractor; payment for any services rendered shall be billed by the Contractor to the public users of its services.

FACILITIES

4. Contractor shall at all times maintain a facility which is acceptable in appearance to the Department and is in compliance with all applicable federal, state, and local laws, including local zoning ordinances and building codes, and is fully accessible to persons with disabilities in accordance with the provisions of Title II of the Americans with Disabilities Act.
5. The facility(ies) of the Contractor shall provide for adequate parking to accommodate the anticipated volume of business and shall provide specified parking for persons with disabilities, in accordance with applicable standards promulgated by the Department of Labor and Industry, at 34 Pa. Code, Chapter 47.
6. The facility shall include secure storage for temporary registration cards, license plates, permits and other products designated by the Department, as described in the Contractor's Application and approved by the Department. The Department expressly reserves the right to amend this Agreement to provide for the implementation of additional security measures as shall be determined to be required by the Department in its discretion.
7. The facility shall have active telephone service, a fax machine and a copy machine; the Department, at its discretion, may require the Contractor to also have on-site a connection through a personal computer to the Internet, and an active e-mail account accessible via the Internet, or may require other technology the Department may deem appropriate for the provision of agent services.

8. Prior to the relocation of the agent service business to another location, Contractor agrees to submit to the Department only the facility-related information required as if the Contractor were making and initial application to contract to provide agent services.

HOURS OF OPERATION

9. Each agent or service facility shall be open to the public for business a minimum of 20 hours per week between the hours of 7:00 a.m. and 9:00 p.m., or open to the public 10 hours per week with an additional 10 hours per week between the hours of 7:00 a.m. and 9:00 p.m. during which consumers may schedule an appointment. The facility may be closed for reasonable periods of time due to vacation or illness, subject to the requirements of paragraph 15.

STAFFING

10. Contractor will employ at least one notary public, licensed by the Department of State, Bureau of Commissions, Elections and Legislation, to be present on the premises during hours of operation, unless Contractor is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons.
11. Contractor will, at the time of appointment or hiring and annually thereafter, obtain a criminal record check from the Pennsylvania State Police for all corporate officers of the Contractor and employees who are involved in providing the agent service and will make such criminal record checks available to the Department upon request.
12. Contractor will, at the time of hiring and annually thereafter secure an affidavit from each person involved in providing the agent service that the person has read and understood the provisions of 75 Pa. C.S. Chapters 11(relating to certificate of title and security interests), 13 (relating to registration of vehicles), 23 (relating to motor vehicle transaction recovery fund), § 6114 (relating to limitation on sale, publication and disclosure of records), 75 (relating to authorization of agent and messenger services) and 67 Pa. Code, Chapter 43 (relating to temporary cards and plates) and will retain the statement(s) on file for inspection upon request by the Department.

13. Contractor will direct all employees involved in providing the agent service to complete a Department authorized and approved training course at the earliest time available, but not more than one year after allowing the employee to provide service to customers.
14. Contractor will direct all employees involved in providing the agent service to complete a Department authorized and approved refresher training course at least every two years.

SIGNING AND MATERIALS

15. Contractor will prominently post the hours of operation during which the agent service is provided. If the facility is closed due to vacation or illness, the closure will be prominently posted at the entrance to the facility.
16. Contractor will conspicuously post a schedule of Department motor vehicle fees and fees charged by Contractor for the five (5) most common transactions for which services are provided on a sign at least 3 square feet in size (approximately 22" x 20") with lettering at least ¼ inch high
17. Contractor will prominently post the certificate of authorization for the agent service at the place of business.

SECURITY

18. At the close of the hours of operation of the agent service, Contractor shall place all temporary cards, plates, permits or other products designated by the Department in the place of secured storage approved by the Department.
19. Supplies of temporary cards, plates, permits or other products designated by the Department shall not be held or placed at any time on any workstation area within the grasp of the public. Individual temporary cards, plates, permits or other products designated by the Department shall at no time be left unattended on any workstation area within the grasp of the public.

20. If temporary cards, registration plates, permits or other products designated by the Department are lost or stolen, the Contractor must notify the Department of the loss or theft immediately or the next business day after discovery of the loss. This notice shall be in the form of an affidavit and shall give complete details of the loss or theft of the materials. In the event of theft, the theft shall be reported to appropriate police officials within 48 hours of discovery of the theft.

PROVISION OF TIMELY SERVICE

21. Completed applications and fees for vehicle registration should be submitted to the Department as soon as practicable, but must be submitted within 20 calendar days of issuance of the temporary registration card, plate or other product designated by the Department either by authorized messenger service or by mail. If Contractor has also contracted with the Department as a Messenger Service, Contractor must submit completed applications and fees within 5 calendar days in accordance with the requirements of the Messenger Service Agreement.
22. The Department, at its sole discretion, may require Contractor to submit source documents and fees to the Department utilizing digital imaging technology or electronically in a manner prescribed by the Department.

BOND

23. Contractor shall file and maintain with the Department a bond in the amount of \$30,000 for each approved agent service. The bonds shall be executed by a surety company authorized by law to transact business in this Commonwealth and shall be for the use and benefit of the Commonwealth and persons who have sustained a monetary loss attributable to the intentional or negligent conduct of the Contractor or Contractor's employees, including losses incurred in negotiating checks or other instruments drawn by the Contractor, in accordance with the limitations in 67 Pa. Code § 43.9(d).

24. If the amount available under the bond is decreased, or if there is a final judgment outstanding on the bond, the rights of the Contractor to issue temporary registration cards, plates, permits or other products designated by the Department will be suspended or terminated until steps are taken, satisfactory to the Department, to restore the original amount of the bond, provide an additional bond or satisfy the outstanding judgment.
25. If the bond is terminated or becomes unsatisfactory for any reason, the Contractor's authorization to operate the agent service will be suspended until the Contractor furnishes the Commonwealth with a satisfactory substitute bond in the amount required by the Department.

AUDITS AND INSPECTION

26. The Department reserves the right to make unannounced visits to audit, observe and inspect Contractor's agent service operations. Temporary registration plates and related documents shall be available for inspection, with or without notice, by authorized Commonwealth employees or designees, including the Pennsylvania State Police. Records required by the Department to be maintained by the Contractor in carrying out the duties under this Agreement shall be subject to periodic inspection by authorized representatives of the Commonwealth or its designated agents under the following conditions:
 - (1) Place-The inspection may be conducted at the issuing agent's established place of business.
 - (2) Time-The inspection may be conducted during regular and usual business hours.
 - (3) Scope-The inspection may be limited to examination of the records, plates, permit or other products designated by the Department, inventory which are subject to the record keeping requirement of this Agreement and Department regulations or, based on the initial findings, may be expanded to include investigation of violations of the other terms of this Agreement or Department regulations.

RENEWAL

27. This Agreement shall be for a term of three (3) years commencing with the effective date. The parties shall have the option to renew this Agreement by letter agreement for additional three (3) year periods.

SUSPENSION AND TERMINATION

28. Contractor agrees that Contractor and its employees will be bound by the provisions of 75 Pa. C.S. Chapters 11 (relating to certificate of title and security interests), 13 (relating to registration of vehicles), 23 (relating to motor vehicle transaction recovery fund), § 6114 (relating to limitation on sale, publication and disclosure of records), 75 (relating to authorization of agent and messenger services), and 67 Pa. Code Chapter 43 (relating to temporary cards and plates), as well as the provision in this Agreement. where this Agreement provides a more rigorous standard of conduct, the provisions of this Agreement shall control.
29. Contractor agrees that if it is determined by the Department that Contractor or any of its employees has engaged in any of the activity described in the following table, operation of the agent service may be suspended in accordance with the corresponding time period in the table which follows. Second and subsequent offenses will be determined on the basis of previous offenses of the same nature committed within a three (3) year period.

Prohibited Activity	Period of Suspension of Operation
(1) The agent has failed to allow inspection of documents or plates in the possession of the agent service by authorized Commonwealth employees - first offense.	Operation suspended until 30 days after the documents and/or plates are made available for inspection.
(2) The agent service has consigned or transferred plates to other issuing agents, notaries or persons - first offense.	Operation suspended for three (3) months.
(3) The agent service has issued temporary plates but failed to deliver proper documents, fees or taxes to the Department - first offense.	Operation suspended until 30 days after the documents, fees or taxes are delivered.
(4) The agent service has issued a temporary registration card or plate containing a misstatement of fact or other false information which the agent service knew or should have know to be incorrect or false - first offense.	Operation suspended for three (3) months.
(5) The agent service has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the agent service - first offense.	Written warning and operation suspended until the uncollectible checks, protest fees and collection charges are paid.
(6)The agent service has submitted a document to the Department for processing which has been accompanied by an uncollectible for dishonored check drawn on an account used by the agent service - second offense.	Operation suspended until 30 days after the uncollectible checks, protest fees and collection charges are paid.
(7) The agent service has failed to comply with an order from the Department to submit certified checks, postal or other money orders with a document to the Department for processing - first offense.	Operation suspended for one (1) month.
(8) The agent service has failed to provide the Department with an inventory report within 30 days, as required by Department regulations - first offense.	Operations suspended until report is provided.
(9) The agent service has charged a fee in excess of the fee allowed for providing an applicant with a temporary plate under Department regulations - first offense.	Operation suspended for three (3) months.
(10) The agent service has issued temporary registration plates at a location not approved by the Department - first offense.	Written warning.

(10) The agent service has issued temporary registration plates at a location not approved by the Department - first offense.	Written warning.
(11) The agent service has issued temporary registration plates at a location not approved by the Department - second offense.	Operation suspended for three (3) months.
(12) The agent service has operated an additional location or locations without notifying the Department - first offense.	Operation suspended until the additional location(s) approved by the Department or closed by the agent service.
(13) The agent service has not listed or obtained proper insurance information as required by 75 Pa. C. S § 1318(b) - first offense.	Operation suspended for three (3) months.
(14) The agent service has reissued a temporary registration card without written authorization from the Department - first offense.	Written warning.
(15) The agent service has reissued a temporary registration card without written authorization from the Department - second offense.	Operation suspended for three (3) months.
(16) The agent service has charged a fee for issuance of a temporary registration card in violation of 75 Pa. C.S. § 1310(c) - first offense.	Written warning.
(17) The agent service has charged a fee for issuance of a temporary registration card in violation of 75 Pa. C.S. § 1310(c) - second offense.	Operation suspended for three (3) months.
(18) The agent service has failed to maintain the established place of business in accordance with contract requirements - first offense.	Operation suspended until the established place of business is brought into compliance with contract requirements.
(19) The agent service has failed to report a transaction involving the sale or transfer of a vehicle as required by statute, regulation or rule administered or enforced by the Internal Revenue Service - first offense.	Operation suspended for three (3) months.
(20) The agent service has not issued temporary registration plates in consecutive order, beginning with the lowest number in each series - first offense.	Written warning.
(21) The agent service has not issued temporary registration plates in consecutive order, beginning with the lowest number in each series - second offense.	Operation suspended for three (3) months.

(22) The agent service has not listed the date of the issuance of the temporary cards, plates, permits or other products designated by the Department - first offense.	Written warning.
(23) The agent service has not listed the date of the issuance of the temporary cards, plates, permits or other products designated by the Department - second offense.	Operation suspended for three (3) months.
(24) The agent service has failed to notify the Department of a change in facility location before or within 10 days after the change - first offense.	Operation suspended until an application related to the change in location has been submitted and approved.
(25) The agent service has failed to keep the temporary registration card or documents related to an application for title or registration in strict confidence - first offense.	Written warning.
(26) The agent service has failed to keep the temporary registration card or documents related to an application for title or registration in strict confidence - second offense.	Operation suspended for six (6) months.
(27) The agent service has issued temporary plates for a vehicle for which a title has already been issued, unless permitted under Department regulations - first offense.	Written warning.
(28) The agent service has issued temporary plates for a vehicle for which a title has already been issued, unless permitted under Department regulations - second offense.	Operation suspended for three (3) months
(29) The agent service has issued a metal plate for transporting a vehicle out of State - first offense.	Written warning.
(30) The agent service has issued a metal plate for transporting a vehicle out of State - second offense.	Operation suspended for three (3) months.
(31) The agent service has not listed its name and identification number on two or more applications and checks submitted to the Department - first offense.	Written warning.
(32) The agent service has not listed its name and identification number on two or more applications and checks submitted to the Department - second offense.	Operation suspended for three (3) months.
(33) The agent service has issued the incorrect type of plate for a particular vehicle - first offense.	Written warning.

(34) The agent service has issued the incorrect type of plate for a particular vehicle - second offense.	Operation suspended for three (3) months.
(35) The agent service has failed to post fees, hours of operation, or certificate of authorization under paragraph 15, 16 and 17 of this Agreement - first offense.	Written warning.
(36) The agent service has failed to post fees, hours of operation, or certificate of authorization under paragraph 15, 16 and 17 of this Agreement - second offense.	Operation suspended for one (1) month.
(37) The agent service has failed, on more than two occasions, to be open during posted business hours - first offense.	Written warning
(38) The agent service has failed, on more than two occasions, to be open during posted business hours - second offense.	Operation suspended for three (3) months.
(39) The agent service has refused to accept or service a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth - first offense.	Written warning.
(40) The agent service has refused to accept or service a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth - second offense.	Operation suspended for three (3) months.
(41) The agent service has failed to provide proper security for temporary registration cards and plates - first offense.	Written warning.
(42) The agent service has failed to provide proper security for temporary registration cards and plates - second offense.	Operation suspended for three (3) months.
(43) The agent service has refused to issue, upon request, a temporary registration card to an owner or lessee of a vehicle who has proper documentation - first offense.	Written warning.
(44) The agent service has refused to issue, upon request, a temporary registration card to an owner or lessee of a vehicle who has proper documentation - second offense.	Operation suspended for three (3) months.
(45) The agent service has failed to maintain an adequate schedule of business hours - first offense.	Written warning.

(46) The agent service has failed to maintain an adequate schedule of business hours - second offense.	Operation suspended for three (3) months.
(47) The agent service has issued a cardboard tag without verification that the vehicle will be transported to another state for registration - first offense.	Written warning.
(48) The agent service has issued a cardboard tag without verification that the vehicle will be transported to another state for registration - second offense.	Operation suspended for three (3) months.
(49) The agent service has failed to furnish receipts as required or failed to retain duplicate copies of receipts for three (3) years - first offense.	Written warning.
(50) The agent service has failed to furnish receipts as required or failed to retain duplicate copies of receipts for three (3) years - second offense.	Operation suspended for three (3) months.
(51) The agent service has issued a temporary registration to an applicant without proper documentation - first offense.	Written warning.
(52) The agent service has issued a temporary registration to an applicant without proper documentation - second offense.	Operation suspended for three (3) months.
(53) The agent service has failed to notify the Department of a change in ownership or other changes affecting the agent service business before or within 10 days after the change - first offense.	Operation suspended until an application related to the change has been submitted to, and approved by, the Department.
(54) The agent service has failed to retain proper records under this Agreement - first offense.	Written warning.
(55) The agent service has failed to retain proper records under this Agreement - second offense.	Operation suspended for three (3) months.
(56) The agent service has on more than one occasion failed to comply with any provision of the Vehicle Code or Department regulations not specifically noted elsewhere in this table or in paragraph 30, 31 & 32 - first offense.	Operation suspended for one (1) month.

(57) The agent service has on more than one occasion failed to comply with any provision of the Vehicle Code or Department regulations not specifically noted elsewhere in this table or the listing in paragraph 30, 31 & 32 - second offense.	Operation suspended for three (3) months.
(58) An owner, officer or employee of the agent service has been convicted of a summary offense related to the titling, registration or payment of sales tax for a vehicle which was committed in connection with the agent service - first offense.	Operation suspended for three (3) months.

In the case of multiple instances of prohibited activity at one time, the Department may impose separate sanctions for each instance under the schedule in the table above.

The Department may also direct that suspensions be served concurrently or consecutively.

30. Contractor agrees that if it is determined by the Department that Contractor or any of its employees has engaged in any of the activity described in the following listing, such activity shall be considered breach of this Agreement and operation of the agent service under this Agreement may be terminated:

- (1) The agent service, one of its owners, officers or employees, has committed a fraudulent act including the fraudulent keeping of records, or the fraudulent completion of an application submitted to the Department, or has failed to submit to the Department completed applications and fees and taxes due the Commonwealth in connection with the issuance of the temporary cards or plates.
- (2) The agent service has failed to allow inspection of documents or plates in the possession of the agent service by authorized Commonwealth employees - second offense.
- (3) The agent service has consigned or transferred plates to other issuing agents, notaries or persons - second offense.
- (4) The agent service has issued temporary plates but has failed to deliver proper documents, fees or taxes to the Department - second offense.
- (5) The agent service has issued a temporary registration card or plate containing a misstatement of fact or other false information, which the agent service knew or should have known to be incorrect or false - second offense.
- (6) An owner, officer or employee of the agent service has been convicted of a felony or misdemeanor relating to the titling, registration or collection of sales tax and fees for a vehicle or the agent has been convicted of another felony relating to motor vehicles within the last 10 years.
- (7) The agent service has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the agent service - third offense.

- (8) The agent service has failed to comply with an order from the Department to submit certified checks, postal or other money orders with a document to the Department for processing - second offense.
- (9) The agent service has failed to provide the Department with an inventory report within 30 days, as required by Department regulations - second offense.
- (10) The agent service has charged a fee in excess of the fee allowed for providing an applicant with a temporary plate under Department regulations - second offense.
- (11) The agent service, or any of its owners, officers or employees has offered or delivered money, gifts or other items of substantial value to a Commonwealth employee.
- (12) The agent service has issued temporary registration plates at a location not approved by the Department - third offense.
- (13) The agent service has operated an additional location without notifying the Department - second offense.
- (14) The agent service has failed to disclose material information or has made a materially false statement on the application for certificate of authorization, which was discovered after issuance of the certificate and which would have caused the Department to deny the certificate of authorization.
- (15) The agent service has not listed or obtained proper insurance information as required by 75 Pa.C.S. § 1318(b) - second offense.
- (16) The agent service has reissued a temporary registration card without written authorization from the Department - third offense.
- (17) The agent service has charged a fee for the issuance of a temporary registration card in violation of 75 Pa.C.S. § 1310(c) - third offense.
- (18) The agent service has failed to maintain the established place of business in accordance with contract requirements - second offense.
- (19) The agent service has failed to report a transaction involving the sale or transfer of a vehicle as required by statute, regulation or rule administered or enforced by the Internal Revenue Service - second offense.
- (20) The agent service has not issued temporary registration plates in consecutive order, beginning with the lowest number in each series - third offense.
- (21) The agent service has not listed the date of the issuance of the temporary cards, plates, permits or other products designated by the Department - third offense.

- (22) The agent service has failed to notify the Department of a change in facility location before or within 10 days after the change - second offense.
- (23) The agent service has failed to keep the temporary registration card and documents related to the application for title or registration, or both, in strict confidence - third offense.
- (24) The agent service has issued temporary plates for a vehicle for which a title has already been issued, unless permitted under Department regulations - third offense.
- (25) The agent service has issued a metal plate for transporting a vehicle out-of-State - third offense.
- (26) The agent service has not listed its name and identification number, as required, on two or more applications and checks submitted to the Department - third offense.
- (27) The agent service has issued the incorrect type of plate for a particular vehicle - third offense.
- (28) The agent service has failed to post fees, hours of operation, or certificate of authorization under paragraph 15, 16 and 17 of this Agreement - third offense.
- (29) The agent service has failed on two or more occasions to open during posted business hours - third offense.
- (30) The agent service has refused to accept a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth - third offense.
- (31) The agent service has failed to provide proper security for temporary registration cards and plates - third offense.
- (32) The agent service has refused to issue, upon request, a temporary registration card to an owner or lessee of a vehicle who possesses proper documentation - third offense.
- (33) The agent service has failed to maintain an adequate schedule of business hours - third offense.
- (34) The agent service has issued a cardboard temporary tag without verification that the vehicle will be transported to another state for registration - third offense.
- (35) The agent service has failed to furnish receipts as required or failed to retain duplicate copies of receipts for three (3) years - third offense.
- (36) The agent service has issued a temporary registration to an applicant without proper documentation - third offense.
- (37) The agent service has failed to notify the Department of a change in ownership or other changes affecting the business of the issuing agent before or within 10 days after the change - second offense.

- (38) The agent service has failed to retain proper records under this agreement - third offense.
- (39) The agent service has on more than one occasion failed to comply with any provision of the Vehicle Code or Department regulations not specifically noted elsewhere in this listing, in paragraph 31, or the table in paragraph 29 - third offense.
- (40) An owner, officer or employee of the agent service has been convicted of a summary offense, relating to the titling, registration or payment of sales tax for a vehicle which was committed in connection with the agent service - second offense.

31. Contractor agrees that if it is determined by the Department that the agent service has issued temporary plates but has not timely delivered proper documents, fees or taxes to the Department within the time specified under this Agreement, the Department may issue a warning letter for the first offense, impose liquidated damages in an amount consistent with the parameters in 75 Pa. C.S. § 1374 for the second and third offenses, and may impose a suspension of operation of the agent service or terminate the contract for fourth and subsequent offenses.

32. In determining whether to suspend service under this Agreement or terminate the Agreement pursuant to paragraphs 29, 30 or 31, the Department will consider any mitigating circumstances or factors presented by the Contractor and may take such lesser action under the terms of those paragraphs as it may deem appropriate. Within 5 business days after the Department has suspended service or terminated this Agreement pursuant to paragraphs 29, 30 or 31, or terminated the Agreement under paragraph 33, Contractor may request a meeting with the Department to present mitigating circumstances or factors; such meeting shall be held within 30 days of the request.

33. The Department may also terminate this Agreement at any time for good cause shown, including, but not limited to, misrepresentation or fraud in the Contractor's application which formed the basis for this contract, or if the agent service is operated, managed, controlled or affiliated with a person who has been convicted of a felony involving dishonesty or breach of trust, who has had an agent, card agent, messenger service, or on-line messenger contract terminated by the Department in the past, or who would be ineligible to be authorized to engage in providing agent services.

CONTRACTOR INTEGRITY

34. The Contractor agrees to be bound by the Provisions Concerning the Americans with Disabilities Act, attached hereto as Exhibit "A."
35. The Contractor shall comply with the Commonwealth Contractor Integrity Provisions attached hereto as Exhibit "B."
36. The Contractor shall comply with the Commonwealth Nondiscrimination/Sexual harassment Clause, attached hereto as Exhibit "C."

INDEMNIFICATION

37. The Contractor, its agents and employees, shall act in independent capacity and shall not act or be deemed to act as officers, employees or agents of the Department.
38. The Contractor agrees to comply with all applicable federal and state laws and regulations and local ordinances in carrying out its obligations under this Agreement.
39. The Contractor agrees to save harmless, indemnify and, if requested, defend the Commonwealth of Pennsylvania, the Department, their officers, employees or agents from and against all claims, suits or actions for damages, costs or expenses arising, or alleged to have arisen from death or injury to person or property, or other damage as a result of any act or omission of the Contractor.

CONFLICT OF LAWS

40. Regardless of any provision to the contrary found elsewhere in the provisions of this Agreement, the laws of the Commonwealth of Pennsylvania shall be used in the interpretation of this Agreement.
41. In the event of conflict between the provisions of this Agreement and any attachment hereto, the provisions of the Agreement shall control.

AMENDMENT

42. This Agreement and attachments hereto constitute the entire agreement between the parties.
43. This Agreement may be amended at any time by letter agreement executed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement the date first above written.

ATTEST

CONTRACTOR

Title: DATE

BY _____
Title: DATE

If a Corporation, the President or Vice-president must sign and the Secretary, Treasurer, Assistant Secretary or Assistant Treasurer must attest; if a sole proprietorship, only the owner must sign; if a partnership, only one partner need sign; if a limited partnership, only the general partner must sign. If a Municipality, Authority or other entity, please attach a resolution.

DO NOT WRITE BELOW THIS LINE--FOR COMMONWEALTH USE ONLY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY _____
Deputy Secretary of Transportation DATE

APPROVED AS TO LEGALITY
AND FORM

PRELIMINARILY APPROVED

BY _____
for Chief Counsel DATE

BY _____
Assistant Counsel DATE

Preapproved Form:
OGC No. 18-K-
Approved OAG

RECORDED NO. _____
CERTIFIED FUNDS AVAILABLE UNDER
ACTIVITY PROGRAM _____
SYMBOL _____
AMOUNT _____

BY _____
for Comptroller DATE

EXHIBIT A

PROVISIONS CONCERNING THE AMERICANS WITH DISABILITIES ACT

During the term of this Agreement, the Contractor agrees as follows:

1. Pursuant to federal regulations promulgated under the authority of The Americans With Disabilities Act, 28 C. F. R. Subsection 35.101 et seq., the Contractor understands and agrees that no individual with a disability shall, on the basis of the disability, be excluded from participation in this contract or from activities provided for under this contract. As a condition of accepting and executing this contract, the contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 C. F. R. Subsection 35.130, and all other regulations promulgated under Title II of The Americans With Disabilities Act which are applicable to the benefits, services, programs, and activities provided by the Commonwealth of Pennsylvania through contracts with outside contractors.
2. The Contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth of Pennsylvania from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth of Pennsylvania as a result of the Contractor's failure to comply with the provisions of paragraph 1, above.

EXHIBIT B

CONTRACTORS INTEGRITY PROVISIONS

1. Definitions
 - a. Confidential Information means information that is not public knowledge, or available to the public on request, disclosure of which would give an unfair, unethical, or illegal advantage to another desiring to contract with the Commonwealth.
 - b. Consent means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by requalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of execution of this Agreement.
 - c. Contractor means the individual or entity that has entered into this Agreement with the Commonwealth, including directors, officers, partners, managers, key employees, and owners of more than five percent interest.
 - d. Financial Interest means:
 - (1) Ownership of more than five percent interest in any business; or
 - (2) Holding a position as an officer, director, trustee, partner, employee, or the like, or holding any position of management.
 - e. Gratuity means any payment of more than nominal monetary value in the form of cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind.
2. The Contractor shall maintain the highest standards of integrity in the performance of this Agreement and shall take no action in violation of state or federal laws, regulations, or other requirements that govern contracting with the Commonwealth.
3. The Contractor shall not disclose to others any confidential information gained by virtue of this Agreement.
4. The Contractor shall not, in connection with this or any other Agreement with the Commonwealth, directly or indirectly, offer, confer, or agree to confer any pecuniary benefit on anyone as consideration for discretion, or violation of a known legal duty by any officer or employee of the Commonwealth.
5. The contractor shall not, in connection with this, or any other Agreement with the Commonwealth, directly or indirectly, offer, give, or agree or promise to give to anyone any gratuity for the benefit of or at the direction or request of any officer or employee of the Commonwealth.
6. Except with the consent of the Commonwealth, neither the Contractor nor anyone in privity with him or her shall accept or agree to accept from, or give or agree to give, to any person any gratuity from any person in connection with the performance of work under this Agreement except as provided therein.

7. Except with the consent of the Commonwealth, the Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material on this project.
8. The Contractor, upon being informed that any violation of these provisions has occurred or may occur, shall immediately notify the Commonwealth in writing.
9. The Contractor, by execution of this Agreement and by the submission of any bills or invoices for payment pursuant thereto, certifies and represents that he or she has not violated any of these provisions.
10. The Contractor, upon the inquiry or request of the Inspector General of the Commonwealth or any of that official's agents or representatives, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Inspector General to the Contractor's integrity or responsibility, as those terms are defined by the Commonwealth's statutes, regulations, or management directives. Such information may include, but shall not be limited to, the Contractor's business or financial records, documents or files of any type or form, which refer to or concern this Agreement. The Contractor shall retain such information for a period of three years beyond the termination of the contract unless otherwise provided by law.
11. For violation of any of the above provisions, the Commonwealth may terminate this and any other Agreement with the Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these provisions, claim damages for all expenses incurred in obtaining another contractor to complete performance hereunder, and debar and suspend the contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or nonuse of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

Enclosure 1 to Management Directive 215.8 Amended

EXHIBIT "C"

NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE

Each contract entered into by a governmental agency shall contain the following provisions by which the contractor agrees:

1. In the hiring of any employees(s) for the manufacture of supplies, performance of work, or any other activity required under the contract or any subcontract, the contractor, subcontractor, or any person acting on behalf of the contractor or subcontractor shall not, by reason of gender, race, creed, or color, discriminate against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.
2. Neither the contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against or intimidate any employee involved in the manufacture of supplies, the performance of work, or any other activity required under the contract on account of gender, race, creed, or color.
3. Contractors and subcontractors establish and maintain a written sexual harassment policy and shall inform their employees of the policy. The policy must contain a notice that sexual harassment will not be tolerated and employees who practice it will be disciplined.
4. Contractors shall not discriminate by reason of gender, race, creed, or color against any subcontractor or supplier who is qualified to perform the work to which the contracts relates.
5. The contractor and each subcontractor shall furnish all necessary employment documents and records to and permit access to their books, records, and accounts by the contracting agency and the Bureau of Contract Administration and Business Development, for purposes of investigations, to ascertain compliance with provisions of this Nondiscrimination/Sexual Harassment Clause. If the contractor or any subcontractor does not possess documents or records reflecting the necessary information requested, the contractor or subcontractor shall furnish such information on reporting forms supplied by the contracting agency or the Bureau of Contract Administration and Business Development.
6. The contractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subcontractor so that such provisions will be binding upon each subcontractor.
7. The Commonwealth may cancel or terminate the contract, and all money due or to become due under the contract may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the agency may proceed with debarment or suspension and may place the contractor in the Contractor Responsibility File.

**REQUIREMENTS FOR MESSENGER, DEALERS, FULL AGENTS, CARD AGENTS
AND MISCELLANEOUS MOTOR VEHICLE BUSINESS APPLICANTS**

ALL APPLICANTS FOR FULL AGENT AUTHORIZATION, MOTOR VEHICLE MESSENGER SERVICE CERTIFICATION, DEALER AND MISCELLANEOUS MOTOR VEHICLE REGISTRATION REQUIRED TO COMPLETE FORM SP4-164, "REQUEST FOR CRIMINAL HISTORY RECORD INFORMATION" AND INCLUDE THE RESULTS RECEIVED FROM THE PENNSYLVANIA STATE POLICE WITH THEIR COMPLETED APPLICATION AS PART OF THE DOCUMENTATION REQUIRED FOR REVIEW. FORMS MAY BE OBTAINED FROM YOUR LOCAL PENNSYLVANIA STATE POLICE BARRACKS OR:

DIRECTOR, RECORD AND IDENTIFICATION DIVISION
PENNSYLVANIA STATE POLICE
1800 ELMERTON AVENUE
HARRISBURG, PA 17110

APPLICANTS ARE REQUIRED TO COMPLETE PART 1, IDENTIFICATION DATA IN THE PLACE MARKED "REASON FOR REQUEST", CHECK OTHER AND INDICATE TYPE OF AUTHORIZATION BEING APPLIED FOR. UNDER "REQUESTER INFORMATION", CHECK INDIVIDUAL/NON-CRIMINAL JUSTICE AGENCY. IN THE AREA FOR REQUESTER ADDRESS, PLEASE ENTER YOUR ADDRESS, SINCE THE COMPLETED FORM YOU RECEIVE FROM THE STATE POLICE MUST BE INCLUDED WITH YOUR APPLICATION.

FORWARD THE COMPLETED FORM AND THE REQUIRED FEE TO THE APPROPRIATE ADDRESS LISTED ON THE SPF-164.

**Vehicle Code
Provisions relating
to the issuance and
use of Dealer and
Miscellaneous
Motor Vehicle
Business Plates**

§1335. Registration plates for manufacturers and dealers.

(a) General rule. -- Upon posting of a bond in the amount of \$20,000 and approval of an application in accordance with departmental regulations, the department shall issue to dealers and manufacturers who are licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons and to other dealers designated by departmental regulations, special registration plates which may be displayed on vehicles in lieu of registering each vehicle separately.

(a.1) Bond already on file. -- An authorized dealer or manufacturer who has filed a bond with the Commonwealth shall not be required to file a separate bond under this section if the bond already on file with the Commonwealth is in the name of the Commonwealth and in an amount and coverage at least equal to that required under this section.

(a.2) Exemption. -- The following types of dealers and manufacturers are exempt from posting of the bond specified in subsection (a):

- (1) Farm equipment dealers.
- (2) Mobile home dealers and manufacturers.
- (3) Modular housing manufacturers.

(b) Application for plates. -- Application for dealer registration plates shall be made by the dealer or manufacturer on a form provided by the department together with a copy of his license from the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen.

(c) Exemption from individual registration. -- Vehicles displaying dealer registration plates may be operated on the highway without registering each vehicle individually, provided that the plates are used in accordance with the limitations of sections 1336 (relating to use of dealer registration plates) and 1336.1 (relating to use of multipurpose dealer registration plates).

(d) Modular housing manufacturers. -- For the purposes of this section, no modular housing manufacturer shall be required to be licensed by the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen of the Department of State in order to receive registration plates.

§ 1336. Use of dealer registration plates.

(a) General rule. -- Dealer registration plates may be displayed on any vehicle which is owned or in the possession of a dealer or manufacturer and such a vehicle may be operated upon the highway, but only if the vehicle is being held for sale and is being used for any of the following purposes:

- (1) For teaching students enrolled in an approved driver education course, how to operate a vehicle and for the new driver to take an examination for a driver's license.
- (2) For testing, for safety inspection, repairing or transporting to or from a repair facility vehicles in the possession of the dealer within a radius of 25 miles of the place of business of the dealer. Vehicles in the possession of the manufacturer may be tested within a radius of 50 miles of the place of business of the manufacturer.
- (3) For demonstrating vehicles in the possession of the dealer or manufacturer at no cost to a prospective purchaser.
- (4) For loaning to customers whose vehicles are being repaired if the loan period does not exceed 30 days.

- (5) For loaning to a prospective purchaser for a period not exceeding five days for the purpose of demonstrating the vehicles.
- (6) For loaning to charitable organizations as defined by departmental regulations for use in charitable activities authorized by departmental regulations.
- (7) For transit to or from a dealer, show, exhibit or auction where the vehicle is purchased by the dealer or offered for sale to prospective purchasers.
- (8) For delivery to or from a second-stage manufacturer for or upon completion. Vehicles operated pursuant to this paragraph must be unladen.
- (9) For transit to or from a prospective purchaser or customer for the purpose of demonstrating or loaning as permitted by subsection (a).
- (10) For use in the conduct of the dealer's administrative functions, such as attending meetings or events, transporting department-required paperwork or transporting financial paperwork.
- (11) For a trailer being held for sale hauling other trailers being held for sale as long as the combined weight of all trailers does not exceed 3,000 pounds.

(b) Personal use. -- A vehicle displaying dealer registration plates which is owned by a dealer or manufacturer, is held for sale and does not exceed a gross vehicle weight rating of 7,500 pounds may be operated upon the highways of this Commonwealth for the personal use of the following:

- (1) The dealer or members of his or her immediate family when the dealer is a sole proprietorship.
- (2) The officers, partners or members of their immediate families when the dealer is a corporation or partnership.
- (3) The regular employees of the dealer.

(c) Commercial use prohibited. -- Except as specifically authorized by subsections (a) and (b), dealer registration plates shall not be used on vehicles for a commercial purpose, including parts or delivery vehicles, courtesy shuttle vehicles, wreckers, roll backs, truck tractors and trucks.

(d) Limited use. -- Limited use of certain types of dealer plates shall be as follows:

- (1) A motor driven cycle or motorized pedalcycle dealer plate shall be used only on motor driven cycles and motorized pedalcycles.
- (2) A motorcycle dealer plate shall be used only on motorcycles, motor driven cycles and motorized pedalcycles. In addition, a motorcycle dealer plate may be used on other vehicles owned or in possession of the motorcycle dealer only when the vehicle is being demonstrated for a prospective purchaser.
- (3) A trailer dealer plate shall be used only on trailers.

(e) Records. -- Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as permitted by subsection (a)(1), (4), (5) and (6). The records shall indicate the name of the person to whom the vehicle was loaned. If the vehicle was loaned to a business or an organization with more than one driver, it is sufficient to list only the name of the business or organization. The records shall be open to inspection by representatives of the department and police officers.

(f) Penalty. -- Any person who violates this section, in addition to any penalty, suspension or revocation imposed by the department, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100.

§ 1336.1. Use of multipurpose dealer registration plates.

(a) General rule. -- Subject to the requirement that the vehicles on which multipurpose dealer registration plates are used, conform to or are lower than the weight limits for which the plates were purchased, the multipurpose dealer registration plates may be used on vehicles owned by or in possession of a dealer or manufacturer. All vehicles utilizing the multipurpose dealer registration plate shall be titled in the name of the business or family member, and sales and use tax must be paid.

(b) Exception for second-stage manufacturers. -- A title in the name of the business or family member and payment of sales and use tax are not required for a vehicle which has never been titled as long as the vehicle:

- (1) is in possession of a second-stage manufacturer and is being transported from a dealer or distributor for completion or delivered to a dealer or distributor upon completion; or
- (2) is owned or in possession of a dealer and is being delivered to the second-stage manufacturer for completion or is being transported back to the dealer upon completion.

§ 1336.2. Farm equipment dealer registration plates.

Upon submission of an application accompanied by the appropriate fee and information on a farm equipment dealer that a truck or truck tractor with a registered gross weight of 11,001 pounds or over is used solely in the business of the dealer, the department shall issue a farm equipment dealer registration plate for the vehicle.

§ 1337. Use of "Miscellaneous Motor Vehicle Business" registration plates.

(a) General rule. -- The department shall issue to owners of miscellaneous motor vehicle businesses with established places of business special registration plates which may be displayed on vehicles operated on highways in lieu of registering each vehicle individually. Registration plates issued under this section may be displayed upon vehicles only as provided for each of the following classes of miscellaneous motor vehicle business:

- (1) For a repair or towing business:
 - (i) upon vehicles being used in the conduct of the repair business to retrieve, tow or deliver other vehicles or parts; and
 - (ii) upon vehicles being repaired.
- (2) For a vehicle salvage dealer business:
 - (i) upon vehicles being used in the conduct of the vehicle salvage dealer's business to retrieve or deliver vehicles, vehicle hulks, parts or materials; and
 - (ii) upon vehicles being transported on their own wheels for the purpose of being dismantled or recycled.
- (3) For a transporter business upon vehicles being transported on their own wheels in the conduct of the transporter business.
- (4) For a financier or collector-repossessor business:

- (i) upon vehicles being used to pick up vehicles that are being repossessed; and
- (ii) upon vehicles being repossessed.

(5) For a watercraft trailer business:

- (i) upon trailers used for the delivery of a new boat to its purchaser;
- (ii) upon trailers used for the transport of a used boat which is to be resold by the dealer; and
- (iii) upon trailers used for the transport of boats by a dealer to or from another boat dealer, warehouse, storage facility, boat show or repair facility or to and from a location where a boat is to be demonstrated, tested or inspected.

(6) For all classes of miscellaneous motor vehicle businesses upon vehicles used for the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of the owner's immediate family, or when the business is a corporation, upon vehicles used for the pleasure or use of not more than three officers or members of the officer's immediate family or for the personal use of the regular employees of the business when operated by the employee.

All vehicles specified in paragraphs (1)(i), (2)(i), (4)(i) and (6) must be titled in the name of the business or family member and sales tax must be paid.

(b) Application for registration. -- Application for registration in any of the "Miscellaneous Motor Vehicle Business" classes shall be made upon a form provided by the department and shall set forth the full name and business address of the applicant and such other information as the department shall require. The application shall be verified by the oath or affirmation of the applicant or, if the applicant is a partnership or a corporation, by a partner or officer.

(c) Classes of "Miscellaneous Motor Vehicle Business". --

- (1) Repair or towing.--Any person regularly engaged in the business of mechanical or body repairs or towing for direct compensation of motor vehicles owned and operated by other persons.
- (2) Vehicle salvage dealer.--Any person regularly engaged in the business of acquiring and dismantling used, wrecked, damaged, abandoned or salvage vehicles for the purpose of selling the usable parts and selling the remaining vehicle hulk materials for recycling or processing.
- (3) Transporter.--Any person regularly engaged in the business of transporting new or used vehicles on their own wheels, owned by or in possession of a manufacturer or dealer.
- (4) Financier or collector-repossessor.--Any person who is duly authorized by the Department of Banking to do business in this Commonwealth as a financier or collector/repossessor and who is regularly engaged in the business of financing sales, making loans on the security of vehicles or repossessing vehicles which are the subject of installment sales contracts as an independent contractor.
- (5) Watercraft trailer dealer.--Any person regularly engaged in the business of selling watercraft and trailers used exclusively for the transport of the watercraft.

§ 1337.1. Fleet owner transporter registration plate.

(a) General rule. -- The department shall issue to fleet owners special registration plates which may be displayed on passenger cars, trucks, truck tractors and trailers owned or leased by the fleet owner in lieu of registering each vehicle individually.

(b) Limitations on use of plates. --

(1) A registration plate issued under this section may be displayed only on an unladen vehicle.

(2) A registration plate issued under this section may be displayed only on a vehicle type for which it was purchased, except that a plate issued for a truck or truck tractor may be displayed on an unladen passenger car or an unladen trailer. The weight limits for trucks, truck tractors and trailers must conform to the weight limit for which the registration plate was purchased.

(3) A vehicle bearing a registration plate issued under this section may be used for any of the following:

(i) For transit of the vehicle to or from the place where the vehicle is offered for sale.

(ii) For transit from the place where the vehicle was purchased.

(iii) For transit to and from a location where the vehicle is modified, completed or enhanced for a period of not more than 30 days after the date of purchase.

(iv) For testing of the vehicle for a period of not more than 30 days after the date of purchase.

(v) For repair, servicing or inspection of a vehicle which is not normally operated on a highway.

(c) Records.--Records shall be kept by the fleet owner in a manner prescribed by the department indicating the vehicles which displayed each registration plate issued under this section. The records shall be open to inspection by department representatives and any police officer.

Annex A
Title 67. TRANSPORTATION
PART I. DEPARTMENT OF TRANSPORTATION
SUBPART A. VEHICLE CODE PROVISIONS
ARTICLE III. REGISTRATION

**Chapter 53 - Manufacturers, Dealers and Miscellaneous Motor Vehicle
Businesses Registration Plates**

§ 53.1. Purpose and scope.

- (a) Purpose. This chapter establishes procedures for distribution and use of manufacturer, dealer and miscellaneous motor vehicle business registration plates.
- (b) Scope. This chapter applies to persons who apply for or use manufacturer, dealer or miscellaneous motor vehicle business registration plates.

§ 53.2. Definitions.

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

Dealer—A person who maintains an established place of business and who is engaged in the business of buying, selling or exchanging vehicles, including but not limited to passenger cars, trucks, implements of husbandry, special mobile equipment and trailers.

Dealer plate—A registration plate issued to a dealer or manufacturer which may be displayed on vehicles owned or in possession of the dealer or manufacturer in lieu of registering each vehicle individually.

Established place of business—A permanent enclosed building which is accessible and open to the public at all reasonable times and at which the business of a dealer or miscellaneous motor vehicle business, including the display and repair of vehicles, may be lawfully conducted in accordance with the terms of applicable building codes, zoning and other land-use regulatory ordinances.

Financier or collector-repossessor—A person who is authorized to do business in this Commonwealth as a financier or collector-repossessor and who is regularly engaged in the business of financing sales, making loans on the security of vehicles or repossessing vehicles which are the subject of installment sales contracts as an independent contractor.

Immediate family—A spouse or child of the registrant or a parent, brother or sister of the registrant who lives in the same residence as the registrant.

Licensed dealer—A dealer licensed by the State Board of Motor Vehicle Manufacturers, Dealers and Salespersons.

Manufacturer—A person engaged in the business of constructing or assembling vehicles or motors or bodies of vehicles.

Miscellaneous motor vehicle business—A vehicle salvage dealer, transporter, financier or collector/repossessor, or a person who maintains an established place of business and who is engaged in the business of repair, service or towing of motor vehicles including but not limited to passenger cars, trucks, implements of husbandry and special mobile equipment.

Miscellaneous motor vehicle business plate—A registration plate issued to a miscellaneous motor

vehicle business which may be displayed on vehicles owned or in possession of the business in lieu of registering each vehicle individually.

Officer—A president, vice president, secretary or treasurer of a corporation.

Registered dealer—A dealer registered by the Department under § 53.3(b) (relating to issuance of plates).

Transporter—A person regularly engaged in the business of transporting new vehicles or new and used trailers on their own wheels, owned by or in possession of a registered dealer.

Vehicle salvage dealer—A person who maintains an established place of business and who is engaged in the business of buying or selling parts or buying, selling or exchanging used, wrecked or abandoned vehicles and junkers for the purpose of remodeling, taking apart or rebuilding them.

§ 53.3. Issuance of plates.

(a) To whom issued. Plates will be issued in the following manner:

- (1) Dealer plates will be issued to a manufacturer or dealer licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons and to a manufacturer or dealer of a type not licensed by the Board, if the manufacturer or dealer registers with the Department under subsection (b).
- (2) Miscellaneous motor vehicle business plates will be issued to a miscellaneous motor vehicle business which registers with the Department under subsection (b).

(b) Application for plates. Application for plates shall be made in the following manner:

- (1) Manufacturers, dealers and miscellaneous motor vehicle businesses may apply for registration plates by providing the Department with the following:
 - (i) A properly executed application furnished by the Department.
 - (ii) A copy of the deed or lease to the applicant's place of business and photos of the exterior and the interior.
 - (iii) A certificate of insurance or a statement from an insurance carrier authorized to do business in this Commonwealth—on its letterhead—that the applicant has sufficient liability insurance to cover as many vehicles as the number of plates applied for.
 - (iv) A remittance payable to the Department in the proper amount for the number of plates desired.
 - (v) A listing of outstanding liabilities due and owing to the Commonwealth, if any.
 - (vi) In the case of a transporter, a copy of an active contract with a registered dealer to regularly transport the dealer's vehicles. A copy of the contract shall also be included with each application for renewal of the registration plates.

(2) The Department will examine and determine the genuineness, regularity and legality of the application. The Department may investigate the applicant with regard to the following:

- (i) Condition of the premises.
- (ii) Departmental and other Commonwealth records pertaining to the applicant or an owner or officer.
- (iii) Personal history of an owner or officer.
- (iv) Unsatisfied judgments against the applicant, owner or officer.

(v) Credit rating of the business and its owners and officers.

(vi) Assets and liabilities of the applicant.

(3) For dealers and manufacturers licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, a separate Department investigation will not be required.

(4) The Department may deny an application for registration plates on the basis of information revealed in the investigation or if the applicant fails to disclose material information required or has made a materially false statement on the application. If the Department denies an application, the Department will provide the applicant with an opportunity to show cause why the application should not be denied.

(5) In the case of dealers who are not required to be licensed by the Department of State, the Department may approve an application for dealer registration on a temporary basis for a period of 1 year. At the end of this period, the condition of the business will be evaluated by the Department and a determination will be made as to whether permanent approval will be given to the application for dealer registration. Factors which will be considered in making this determination shall include, but not be limited to, the physical condition of the business and the number of vehicles sold by the business.

(c) Registration renewals. Dealer plates and miscellaneous motor vehicle business plates shall be renewed annually.

§ 53.4. Use of plates.

(a) Dealer plates.

(1) Dealer plates may be used on vehicles owned or in possession of a dealer or manufacturer and operated by the dealer or manufacturer or its employees only when the vehicle is used for one of the following purposes:

(i) In the business of the registrant as a dealer or manufacturer. If a dealer or manufacturer is engaged in a business other than the business of motor vehicle dealer or manufacturer, dealer plates may not be used on vehicles used in the other business, nor on vehicles used in both businesses.

(ii) For the personal pleasure or use of the dealer or members of the dealer's immediate family, or when the dealer is a corporation, for the personal pleasure or use of the officers or members of their immediate families, or for the personal use of the regular employees of the dealer.

(iii) For teaching students enrolled in an approved driver education course how to operate a vehicle and for taking an examination for a driver's license by the new driver.

(iv) For testing vehicles in the possession of the dealer or manufacturer.

(v) For demonstrating vehicles in the possession of the dealer or manufacturer.

(vi) For loaning to customers whose vehicles are being repaired.

(vii) For loaning to prospective purchasers for a period not exceeding 5 days for the purpose of demonstrating vehicles.

(2) Limited use of certain types of dealer plate shall be as follows:

(i) A motor driven cycle or motorized pedalcycle dealer plate shall be used only on motor driven cycles and motorized pedalcycles.

(ii) A motorcycle dealer plate shall be regularly used only on motorcycles, motor driven cycles and motorized pedalcycles. A motorcycle dealer plate may be used on other vehicles owned or in the possession of the motorcycle dealer only when the vehicle is being demonstrated for a prospective customer.

(iii) Other dealer plates may be used on any type of vehicle.

(3) See 75 Pa.C.S. § 1336(b) (relating to use of dealer registration plates). Permits for the use of manufacturer and dealer registration plates in the manner provided in paragraph (1)(iii), (vi) and (vii), shall be issued and records of their issuance shall be retained as follows:

(i) The dealer or manufacturer shall complete in ink or by typing, in duplicate, a dealer registration plate permit (form MV-355) for each use, including the name and address of the authorized user; the dealer registration plate number; the make and vehicle identification number of the vehicle; the date of issuance of the permit; the dealer or manufacturer's name, address and dealer identification number (DIN); and the purpose for which use of the vehicle was authorized. The form shall be signed by both the authorized user and the dealer or manufacturer.

(ii) The original copy of the dealer registration plate permit shall be given to the authorized user and shall be in the possession of the driver whenever the vehicle is being driven on a highway. The dealer registration card issued for the dealer registration plate attached to the vehicle shall also be in possession of the authorized user when the vehicle is being driven.

(iii) The duplicate copy of the dealer registration plate permit shall be retained at the dealer's or manufacturer's place of business for at least 6 months for inspection by police and authorized representatives of the Commonwealth.

(b) Miscellaneous motor vehicle business plates.

(1) Miscellaneous motor vehicle business plates may be used only when the vehicle is used for one of the following purposes:

(i) In the conduct of the miscellaneous motor vehicle business. If the owner of the miscellaneous motor vehicle business is engaged in another business, the miscellaneous motor vehicle business plates may not be used on vehicles used in the other business, nor on vehicles used in both businesses.

(ii) For the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of the owner's immediate family, or when the business is a corporation, for the pleasure or use of not more than three officers or members of their families, or for the personal use of the regular employees of the business when operated by the employee.

(2) Miscellaneous motor vehicle business plates shall be used by transporters only on motor vehicles which are hauling loads no greater than 1,000 pounds. The plates may not be used by transporters on truck tractors towing mobile homes or loaded trailers, or on loaded trailers.

§ 53.5. Registration cards for manufacturers, dealers and miscellaneous motor vehicle businesses.

(a) General rule. The Department, upon issuing manufacturer, dealer or miscellaneous motor vehicle business registration plates, will issue cards which will include the name and address of the registrant, the identification number assigned to the registrant, the expiration date of the registration and the number of the registration plates assigned.

(b) Types of cards. Registrants will be furnished two types of registration cards:

(1) A separate, original card for each registration plate, containing the name and address of the registrant, the identification number assigned to the registrant, the expiration date of the registration and the number of the plate.

(2) A summary card in the form of a computer printout, containing the name and address of the registrant, the identification number assigned to the registrant, the registration plate number for each plate assigned to the registrant, and the expiration date of the registration. The registrant may make photocopies of this type of card which shall have the same force as the original card and may be exhibited, when required, in lieu of the original card.

(c) Signature. Upon receiving the registration card or a duplicate thereof, the registrant shall sign his name in ink in the space provided.

(d) Exhibition of card. One of the two types of registration cards for the registration plate being displayed on a vehicle shall be, at all times while the vehicle is being operated upon the highway, in the possession of the person driving or in control of the vehicle or carried in the vehicle and exhibited upon demand of a police officer.

§ 53.6. Responsibilities of dealer, manufacturer and miscellaneous motor vehicle business registrants.

(a) Change of ownership. The registrant shall notify the Department on the prescribed form within 5 days of any change of ownership. The following are regarded as changes of ownership:

(1) Whenever the owner takes a new partner.

(2) Whenever the owner sells the business.

(3) Incorporation of a business.

(4) Sale of controlling interest in a corporation.

(b) Change of address. The registrant shall notify the Department before changing its place of business or before opening any branch office, and shall notify the Department immediately of any change in its post office address.

(c) Lost or stolen plate. The registrant shall notify the Department within 2 days of discovering the loss or theft when any registration plate is lost or stolen. The requirement of this section is in addition to the requirement to notify police of loss or theft of a registration plate under 75 Pa.C.S. §1333(a) (relating to lost, stolen, damaged or illegible registration plates).

§ 53.7. Return of dealer, manufacturer and miscellaneous motor vehicle business registration plates.

(a) Registration plates shall be returned to the Department immediately, if one of the following occur:

(1) The registration has been revoked or suspended by the Department.

(2) The State Board of Vehicle Manufacturers, Dealers and Salespersons has suspended, revoked or not renewed the license of the registered manufacturer or dealer.

- (b) Registration plates shall be returned to the Department within 5 days if one of the following occur:
- (1) A change in the nature of the registrant's business so that the registrant is no longer a dealer, manufacturer or miscellaneous motor vehicle business.
 - (2) The discontinuation of business as a dealer, manufacturer or miscellaneous motor vehicle business by the registrant.

§ 53.8. Certified checks.

The Department may, in its discretion, require certified checks, postal or other money orders or cash from any registrant after a default in the payment of checks or drafts of the registrant.

§ 53.9. Sanctions for violations by dealer, manufacturer or miscellaneous motor vehicle business registrants.

(a) Schedule. After providing an opportunity for a hearing, the Department may impose suspensions on a registrant according to the following schedule of violations by the registrant, when the Department finds upon sufficient evidence that:

	1st Offense	2nd Offense	3rd Offense	4th and Subsequent Offense
(1) The registrant has failed to report a change of business address before the change.	Written Warning	3 months	6 months	Revocation
(2) The registrant has operated a branch office without notifying the Department.	Written Warning	3 months	6months	Revocation
(3) The registrant has made or permitted to be made an unlawful use of the vehicle, registration plates or registration cards or permitted the use by a person not entitled thereto.	1 month	3 months	Revocation	
(4) The registrant has knowingly made a false statement or knowingly concealed a material fact or other wise committed a fraud in an application submitted to the department	1 month	3 months	Revocation	

	1st Offense	2nd Offense	3rd Offense	4th and Subsequent Offense
(5) The registrant has failed to notify the Department of a change of ownership.	Written Warning	3 Months	6 Months	Revocation
(6) The registrant has submitted documents to the Department which have been accompanied by uncollectible checks drawn on the account of the registrant	Until all uncollectible checks, protest fees, and collection charges under the Vehicle Code are paid	Until all uncollectible checks, protest fees, and collection charges under the Vehicle Code are paid, plus 1 month	Until all uncollectible checks, protest fees, and collection charges under the Vehicle Code are paid, plus 6 months	Revocation
(7) The registrant has used or has allowed the use of a motor-driven cycle or motorized pedalcycle dealer plate on a vehicle other than a motor-driven cycle or a motorized pedalcycle.	Written Warning	1 month	6 Months	Revocation
(8) The registrant has used or has allowed the use of a motorcycle dealer plate on a vehicle other than a motorcycle, motor-driven cycle or motorized pedalcycle, except for purposes of demonstration.	Written Warning	1 month	6 months	Revocation
(9) The registrant has failed to allow inspection of the records prescribed in §53.4 (relating to use of plates) by authorized Commonwealth employees.	1 month	3 months	Revocation	
(10) The registrant has failed to properly issue or maintain records of the issuance of a dealer registration plate permit, as prescribed in § 53.4 when loaning a vehicle with a dealer plate.	Written Warning	1 month	3 months	6 months
(11) The registrant has offered or paid money, gifts or other rewards to Commonwealth employees.	6 months	Revocation		

	1st Offense	2nd Offense	3rd Offense	4th and Subsequent Offense
(12) The registrant has failed to deliver to a lawfully entitled transferee or to the Department, when and as required by law, a properly assigned certificate of title.	Written Warning	1 month	6 months	Revocation
(13) The registrant has repeatedly violated the Vehicle Code (75 Pa.C.S. § § 101—9909) or this chapter.	1 month	6 months	Revocation	
(14) The registrant has failed to provide information regarding the location and use of all registration plates issued to the registrant to an authorized Commonwealth employee.	1 month	6 months	Revocation	
(b) Warning. The Department may, in its discretion, permit the registrant to consent to the acceptance of a warning in lieu of the first violation suspension outlined in subsection (a)(3), if no owner or officer had knowledge of the violation. The consent warning shall only be issued to registrants which have had no suspendible violations for 3 years prior to the date of the violation which is being considered. The registrant bears the burden of proving that they provided proper supervision of the employee who committed the violation but that the supervision could not have prevented the violation. Consent warnings replace the first violation suspension, and a second violation will be considered a second violation.				
(c) Second and subsequent violations. Second and subsequent violations will be determined on the basis of previous violations of the same nature committed within a 3 year period. If a third or subsequent violation occurs within 3 years of the last previous violation, it will be deemed a third or subsequent violation regardless of when other previous violations occurred.				
(d) Multiple violations. In the case of multiple violations considered at one time, the Department will impose separate penalties for each violation as required by the schedule. The Department may, in its discretion, direct that a suspension imposed be served concurrently or consecutively.				
(e) Suspension authority reserved. The descriptions of reasons for suspension in subsection (a) are of a general nature, and should not be deemed to limit the suspension authority of the Department granted by 75 Pa.C.S. § 1374 (relating to suspension of vehicle business registration plates).				
(f) Revocation. Upon revocation of registration, the dealer, manufacturer or miscellaneous motor vehicle business shall be barred from reapplying for a new registration for 1 year. The dealer, manufacturer or miscellaneous motor vehicle business shall immediately return all the registration cards and plates in its possession to the Department				

Annex A
Title 67. TRANSPORTATION
PART I. DEPARTMENT OF TRANSPORTATION
SUBPART A. VEHICLE CODE PROVISION
ARTICLE III. REGISTRATION
CHAPTER 43. TEMPORARY REGISTRATION CARDS
AND PLATES

§ 43.1. Purpose.

This chapter establishes rules and regulations governing the issuance of temporary registration plates and cards by authorized dealers, manufacturers, full agents and card agents to 75 Pa. C.S. §§ 1310 and 1331 (relating to temporary registration cards; and issuance of registration plates).

§ 43.2. Definitions.

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

Act—75 Pa.C.S. §§ 101—9821 (relating to the Vehicle Code).

Applicant—A person, as defined in the act, who applies for registration of a vehicle and for a temporary registration card or plate.

Bureau—The Bureau of Motor Vehicles of the Department.

Card agent—A notary public, commissioned by the Department of State, Bureau of Legislation, Commissions and Elections, who is approved by the Department to issue temporary registration cards in conjunction with applications for transfer of registration plates. A notary public from another state may also serve as a card agent and may issue a temporary registration card to a Commonwealth registrant who has purchased a vehicle in the state and who wishes to apply for transfer of a Commonwealth registration plate. The notary shall be commissioned or licensed as a notary by a governmental agency of the state.

Certificate of authorization—The document issued to an agent which indicates the agent has complied with the requirements of the Department and is permitted to issue temporary registration cards or plates, or both.

Dealer—A person engaged in the business of buying, selling or exchanging vehicles, including passenger cars, trucks, implements of husbandry, special mobile equipment and trailers, who is registered by the Department under § 53.3(b) (relating to issuance of plates). The term does not include a miscellaneous motor vehicle business, unless the business is also registered as a dealer under § 53.3(b).

Department—The Department of Transportation of the Commonwealth.

Established place of business—The place occupied either continuously or at regular periods by a dealer, manufacturer or full agent, where the books and records are kept, where a large share of the

business is transacted and which meets local zoning rules, ordinances and building codes.

Full agent—A county treasurer or a person other than a manufacturer or dealer authorized by the Bureau to issue temporary registration cards and plates.

Issuing agent—A full agent or card agent, or a dealer or manufacturer, who has been authorized by the Bureau to issue temporary registration cards and plates.

Manufacturer—A person engaged in the business of constructing or assembling vehicles, motors or bodies of vehicles.

Regular registration plate—A metal registration plate issued by the Bureau for a specific vehicle in conjunction with a permanent registration card, or a metal registration plate issued by an authorized dealer, manufacturer or full agent as a temporary plate and validated for regular use by issuance of a regular registration card.

Temporary registration card—A form provided by the Department for issuance to an applicant for registration or transfer of registration for use by the applicant until receipt of the regular registration card. A form issued with a temporary registration plate for a vehicle which is to be driven or otherwise moved to another state or country for titling, registration, use or resale there.

Temporary registration plate—A registration plate to be used by the applicant until regular registration is received. There are two types of temporary registration plates: metal registration plates, for issuance only for vehicles which are being registered in this Commonwealth, and cardboard registration plates for issuance only for vehicles which are to be driven or otherwise moved to another state or country for titling, registration, use or resale there.

(i) Metal temporary plates are issued to an applicant for use during the time in which the application for regular registration is being submitted to and processed by the Department.

(ii) A cardboard registration plate may also be issued under special conditions, as authorized by the Department.

§ 43.3. Card agents.

(a) Card agent shall be a notary public. In order to be approved as a card agent by the Department, a person shall be commissioned as a notary public by the Department of State, Bureau of Legislation, Commissions and Elections, or by a similar agency in another state.

(b) Application for forms. When a card agent applies to the Department for an official form, he shall affix his notarial seal and signature to the application to the Department for forms to be issued by the card agent.

(c) Revocation of commission as a notary public. A card agent shall comply with rules and regulations under The Notary Public Law (57 P. S. § § 147—169). In the event that the commission of a notary public is revoked, his status as a card agent will also be revoked until the commission as a notary public has been reinstated.

(d) Other requirements. A card agent is subject to other provisions of this chapter concerning the issuance of temporary registration cards.

§ 43.4. Authorization to issue temporary registration plates.

(a) Application procedure. A person wishing to be authorized to issue temporary registration plates shall apply to the Department on forms furnished by the Department. For a person to be authorized, the person shall be a resident of this Commonwealth. The application shall include:

- (1) Photographs, interior and exterior, of the proposed place of business, including branch offices. The photographs of the exterior shall show the entrance way and signs, required under subsection (b)(2). Photographs of the interior of the proposed agent's office shall show the desk, phone, secure area for storage of temporary cards and plates, and the complete schedule of fees and charges relating to the issuance of temporary cards and plates, posted in accordance with subsection (b)(1).
 - (2) A letter of reference from a bank or other financial institution which indicates that accounts of the applicant are handled in a satisfactory manner that is consistent with standard banking practices.
 - (3) Three letters of reference from business concerns, on their business stationery, attesting to the character of the applicant.
 - (4) The bond prescribed by § 43.9 (relating to bond), on the form of the Department, or a surety's binding commitment to issue the bond upon approval of the application.
 - (5) A notarized statement listing outstanding liabilities of the business or of the owners and officers of the business that are due and owing to the Commonwealth or, if none, a notarized statement to that effect.
 - (6) The names, addresses and social security numbers of owners or corporate officers, and employees authorized to issue temporary registration cards and plates, of the manufacturer's, dealer's or full agent's business.
 - (7) A criminal history record, obtained from the State Police, of each owner or corporate officer.
 - (8) A notarized statement attesting that the applicant has read and understands this chapter.
 - (9) The name, address and notary seals of a notary who is an employee during all of the hours of operation. The owner may be the notary.
 - (10) A schedule of business hours. This schedule shall contain a minimum of 20 business hours per week, or a minimum of 10 business hours per week plus an additional 10 business hours when a person may make an appointment. Business hours of operation shall be convenient to the public and be indicated on the sign required under subsection (b)(2).
 - (11) A statement that the business location meets local zoning ordinances and building codes.
- (b) Established place of business. Authorized dealers and full agents shall maintain an established place of business. A copy of business records shall be maintained at the established place of business for 3 years. The following shall be posted in a conspicuous place in view of the public:
- (1) A complete schedule of fees and charges pertaining to the issuance of temporary registration cards and plates.
 - (i) The schedule shall indicate amounts payable to the Department and amounts charged by the issuing agent.
 - (ii) The schedule shall be at least 3 square feet in size with lettering at least 1/2-inch high.
 - (2) The hours during which the place of business is open to the public.
 - (3) The certificate of authorization to issue temporary registration plates.
- (c) Review of application. The Department will examine and determine the genuineness, regularity and legality of every application for a certificate of authorization. The Department may investigate the applicant with regard to one or more of the following:

- (1) The condition of the applicant's proposed business premises.
- (2) Departmental and other Commonwealth records pertaining to the business of an owner or officer.
- (3) The personal history of an owner, officer or employee related to a conviction for a crime, under 18 Pa.C.S. (relating to the Crimes Code) or under the penal law of the United States, which involves moral turpitude or which reflects adversely on the owner's or officer's business integrity or responsibility.
- (4) Unsatisfied judgments against the business, owner or officer.
- (5) The credit rating of the business and its owners and officers.
- (6) The assets and liabilities of the business.

(d) Denial of application. The Department may deny an application for a certificate of authorization on the basis of information revealed in an investigation, or if the applicant fails to disclose material information required or if the applicant has made a materially false statement on the application, or if the applicant's business is operated, managed or otherwise controlled or affiliated with a person who is ineligible for authorization, including a relative, family member, corporate officer or shareholder.

(e) Opportunity for review. If the Department denies an application for a certificate of authorization, the Department will provide the applicant with an opportunity to show cause why the application should not be denied.

(f) Temporary certificate of authorization. After reviewing an application, the Department may issue a temporary certificate of authorization. The temporary certificate of authorization will be issued for 60 days, during which period the Bureau may investigate the operations of the dealer, manufacturer or full agent. When the temporary certificate of authorization expires, the Bureau may issue a regular certificate of authorization.

(g) Issuance of a certificate of authorization. The Department will issue a certificate of authorization to an approved applicant.

(h) Transfer of certificate of authorization. A certificate of authorization may not be transferred and shall be valid only for the owner in whose name it is issued.

(1) In the case of a change of ownership, the dealer, manufacturer or full agent shall notify the Bureau within 10 days. It is the responsibility of a new owner to comply with this section.

(2) The following are regarded as changes of ownership:

- (i) The owner takes on a new partner.
- (ii) The owner sells the business.
- (iii) The business is incorporated.
- (iv) A controlling interest in a corporation is sold.
- (v) The owner retires or dies.

(i) Change in location of place of business. If a manufacturer, dealer or full agent changes the location of the office, he shall notify the Department within 10 days. Other provisions of this chapter concerning the place of business shall apply to a change in location of the office. The issuance or transfer of temporary registration plates may not be conducted at the new location until the location has been approved by the Department.

§ 43.5. Issuance of temporary registration cards.

(a) General rule. Cards will be issued in the following manner:

(1) Temporary registration cards will be issued only by the Bureau, by dealers, manufacturers, card agents and full agents authorized by the Bureau and by government agencies authorized by the Bureau. When required by law, dealers and manufacturers shall be licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons as a prerequisite to authorization by the Bureau.

(2) Temporary registration cards will be issued only in conjunction with issuance of a temporary registration plate by the Bureau, an authorized dealer, manufacturer, full agent or authorized government agency, or in conjunction with the transfer of a registration plate.

(b) Obtaining temporary registration cards. Issuing agents may obtain temporary registration cards at offices of the Bureau or upon written request to the Bureau.

(c) Issuance of temporary registration cards in connection with transfer of registration. Every issuing agent shall, upon request, issue a temporary registration card to the owner or lessee of a vehicle who has made proper application for transfer of registration on an application for certificate of title or other appropriate Departmental form. The agent information on the Departmental forms shall be completed in full by the agent.

(d) Duty to examine documents. The duty to examine documents includes the following:

(1) Before issuing a temporary registration card, the issuing agent shall examine the documents necessary to the transaction.

(2) A temporary registration card may not be issued unless the following items are found to be in order:

(i) Insurance information.

(A) Except as provided in clause (B), determination shall be made that the vehicle is insured by examining one of the following documents covering the subject vehicle, the vehicle traded for the subject vehicle or another vehicle owned by the applicant:

(I) An identification card as required in 31 Pa. Code Chapter 67, Subchapter B (relating to evidence of financial responsibility).

(II) The declaration page of an insurance policy.

(III) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(IV) A copy of an application to the Pennsylvania Automobile Insurance Plan.

(V) A certificate of self-insurance issued by the Department.

(B) The requirement to check one of the documents listed in clause (A) does not require the agent to verify the information submitted unless the agent has reason to believe the documents are fraudulent.

(C) If the vehicle was acquired in this Commonwealth for transportation under its own power to another state for registration there, the issuing agent shall examine the driver's license or other appropriate identification of the applicant to ascertain that:

(I) The applicant is an out-of-State resident.

(II) The vehicle was purchased within the previous 60 days.

(III) The applicant possesses one of the proof of insurance items identified in clause (A) issued by a company authorized to transact business in this Commonwealth or in the state to which the vehicle is being transported for title and registration therein.

(ii) Application. The application shall be properly and completely executed and notarized, as required, accompanied by the correct fees, taxes and other required forms or documents.

(e) Preparation of application. The issuing agent shall complete in ink, or by typewriter, or by data processing equipment the application for temporary registration. The issuing agent identification number shall be on all documents, including checks submitted by the issuing agent, submitted to the Bureau for processing.

(f) Copies of temporary registration card. Copies of the temporary registration card shall be handled as follows:

(1) The original copy of the temporary registration card, including the copy completed for the cardboard temporary, the regular registration card, and documents and fees necessary to the transaction shall be forwarded by the issuing agent to the Bureau within 20 days of issuance of the temporary registration card. These materials shall be forwarded either by an authorized messenger service, by mail or by delivery to an area designated by the Bureau.

(2) The applicant's copy of the temporary registration card shall be given to the applicant, for possession by the driver of the vehicle whenever the vehicle is being driven on the highway.

(3) The agent's copy of the temporary registration card, copies of related documents including bills of sale when the agent is also the dealer and a copy of the document used for identification and copies of the documents used for insurance verification shall be retained at the place of business of the issuing agent for at least 3 years and shall be made available for inspection only by police and authorized representatives of the Department. Cards issued in conjunction with the transfer of registration plates shall be kept separate from cards issued in conjunction with temporary registration plates. Cards shall be kept in chronological order according to the date of issuance.

(g) Fee not to be charged. An issuing agent may not charge a fee for issuing a temporary registration card in connection with transfer of registration except fees for notarization and messenger service, if requested by the applicant.

(h) Expiration or voidance of temporary registration cards. Temporary registration cards shall expire and become void upon the occurrence of one of the following:

(1) The receipt of the regular registration card from the Bureau.

(2) The rescission of a contract to purchase a vehicle.

(3) The expiration of 60 days from the date of issuance, or, in the case of a vehicle which was acquired in this Commonwealth for transportation to another state for registration or other use there, the expiration of 30 days from the date of issuance.

(4) The temporary registration plate is lost, stolen or defaced.

(i) Confidentiality. The agent's copy of the temporary registration card and documents related to the application for title or registration shall be kept in strict confidentiality by the issuing agent, unless otherwise required by law or legal purpose.

(j) Receipts. An agent shall complete an itemized receipt, in duplicate, which lists the total fees payable to the Commonwealth on one line, and each fee charged for the agent's services on a separate line. A copy shall be given to the customer and the other copy shall be retained by the agent for 3 years and shall be made available for inspection.

§ 43.6. Issuance of temporary registration plates.

(a) Limits on issuance. Temporary registration plates will be issued in the following manner:

(1) Temporary registration plates other than those specified in paragraph (4) will be issued only by the Bureau, approved governmental agencies, dealers, manufacturers and full agents authorized by the Bureau.

(2) Temporary registration plates shall be issued only in conjunction with an application for title and registration of a vehicle within this Commonwealth or for the purpose of driving or otherwise moving a vehicle purchased in this Commonwealth to another state or country for titling, registration, use or resale there.

(3) Notwithstanding paragraphs (1) and (2), a full agent who is also an authorized messenger service under Chapter 255 (relating to messenger services), may issue a temporary registration plate in one of the following circumstances after receiving authorization from the Department indicating the vehicle record is clear of a suspension or other impediment to issuance of the registration plate:

(i) For a vehicle for which the applicant already has a Pennsylvania certificate of title.

(ii) To a person who is applying for replacement of a lost, stolen or defaced registration plate.

(iii) For a vehicle for which the applicant has an out-of-State title and registration, but is also required to be registered, but not titled, in this Commonwealth.

(4) Temporary registration plates for reconstructed and specially constructed vehicles will be issued only by the Bureau.

(b) Issuance at other locations. The Department may provide written authorization for individual dealers, manufacturers or full agents to issue temporary registration plates at a location other than the places of business of the dealer, manufacturer or full agent for a period not to exceed 1 year. The privilege to issue temporary registration plates from a location other than the designated dealer, manufacturer or full agent's place of business is revocable if the Department finds that the dealer, manufacturer or full agent has violated this chapter or the terms of the written authorization.

(c) Obtaining temporary registration plates. Temporary registration plates shall be obtained by submitting the appropriate form and paying the applicable fee to the Bureau.

(d) Issuance of temporary registration card in conjunction with issuance of temporary registration plates. Upon the issuance of a temporary registration plate, the authorized dealer, full agent or manufacturer shall issue a temporary registration card, in the manner prescribed on forms provided by the Department and in § 43.5 (relating to issuance of temporary registration cards).

- (1) The number of the temporary registration plate shall be indicated on the temporary registration card.
 - (2) If the vehicle is not to be titled in this Commonwealth, it shall be noted on the temporary registration card.
- (e) Issuance of temporary registration plates. Temporary registration plates shall be issued in consecutive order, beginning with the lowest number in each series.
- (f) Issuance of cardboard temporary registration plates. Upon issuance of a cardboard temporary registration plate, the authorized dealer, manufacturer or full agent shall punch out the month, day and year of expiration at the space provided and shall record the following information clearly and indelibly on the face of the temporary plate:
- (1) The date of issuance.
 - (2) The year, make and model of vehicle.
 - (3) The vehicle identification number.
 - (4) The identification number of the authorized dealer, manufacturer or full agent.
- (g) Fee charged. The fee charged for providing an applicant with a temporary plate may not exceed:
- (1) Ten dollars if the plate was obtained from the Department for a fee of \$5.
 - (2) Five dollars if the plate was obtained from the Department for a fee of \$1.

§ 43.7. Inventory of temporary registration cards and plates.

- (a) Inventory report. Every dealer, manufacturer and full agent is responsible for providing the Bureau with a report on the temporary registration plates which it has in inventory, within 30 days of the Bureau's request for the information.
- (b) Security. Temporary registration cards and plates shall be kept in a secure place, which shall meet the approval of the Bureau. Issuing agents shall be responsible for security of temporary registration cards and plates obtained by them until they are issued to applicants.
- (c) Report on lost or stolen plates. If plates are lost or stolen, the dealer, manufacturer or full agent shall notify the Department of the loss or theft within 48 hours of the occurrence. This notice shall be in the form of a notarized statement and shall give complete details of the loss or theft of the plates. In the event of theft, a police report shall be submitted to the Department within 10 days of the theft.
- (d) Available for inspection. Temporary registration plates and related documents shall be available for inspection, with or without notice, by authorized Commonwealth employees which includes the State Police. Records required by the Department to be maintained by the issuing agent in carrying out its duties under this chapter shall be subject to periodic inspection by authorized representatives of the Commonwealth or its designated agents under the following conditions:
- (1) Place. The inspection will be conducted at the issuing agent's established place of business.
 - (2) Time. The inspection will be conducted during regular and usual business hours.
 - (3) Scope. The inspection will be limited to examination of the records and plate inventory which are subject to the recordkeeping requirements of this chapter and which are on the premises.

§ 43.8. Return or surrender of temporary registration cards and plates.

(a) Discontinued business. An issuing agent, other than a card agent, who discontinues his business shall, within 5 days, return to the Department the certificate of authorization and the temporary registration cards and plates in the agent's possession. The Bureau will make appropriate refunds under subsection (c).

(b) Suspension. An issuing agent, other than a card agent, whose right to issue temporary registration cards and plates has been suspended shall surrender the certificate of authorization and the registration cards and plates in the agent's possession at the agent's established place of business to an authorized representative of the Department.

(c) Refunds. A refund of the fee paid by an agent for a temporary registration plate may be obtained upon the return of the plate by the agent, accompanied by the appropriate form provided by the Department, except when the plate is being returned by a dealer, manufacturer or full agent whose authorization has been suspended or revoked. The Bureau will deduct \$25 from the refund amount due to cover processing of the request for refund.

§ 43.9. Bond.

(a) Authorized dealers, manufacturers and full agents to be bonded. Every authorized dealer, manufacturer and full agent shall file and maintain with the Bureau a bond executed by a surety company authorized to transact business in this Commonwealth. The bond shall be for the use and benefit of the Commonwealth and a person who has sustained a monetary loss within the limitations of the bond as specified in subsection (d).

(b) Amount of bond. Issuing agents, other than card agents, shall be bonded in the amount of \$20,000, except full agents who purchase fewer than 200 temporary plates in any 12-month period shall be bonded in the amount of \$10,000. The amount of the bond shall be raised to \$20,000 before a full agent may purchase 200 or more temporary plates in any 12-month period.

(c) Decrease in amount of bond. If the amount of the bond is decreased, or if there is a final judgment outstanding against the bond, the right of the authorized dealer, manufacturer or full agent to issue temporary registration cards and plates will be suspended until steps are taken, satisfactory to the Bureau, to restore the original amount of the bond, provide additional bond or satisfy the judgment.

(d) Limitations of bond. The bond required under this section shall cover transactions in which the Commonwealth or a person specified in subsection (a), has sustained a monetary loss due to the agent, dealer or manufacturer submitting a dishonored or uncollectible check to the Commonwealth (including protest and uncollectible check fees), or failing to remit to the Commonwealth a fee or tax when the monetary loss is incurred in connection with the business of the dealer or manufacturer. A check which is dishonored upon presentment, or an application for title or registration which is received without a required fee or tax, shall constitute a monetary loss. Failure to pay a monetary penalty within 45 days of assessment shall also constitute a monetary loss. The bond required under this section may not cover a loss for a transaction which is not mentioned in this subsection relating to the issuance of temporary registration cards or plates in connection with the business of the dealer, manufacturer or full agent. If the dealer, manufacturer or full agent has one or more branch offices, the amount of the bond shall be increased by the amount specified in subsection (b) for each branch office, except that the total amount of the bond will not be required to exceed \$200,000.

(e) Bond already on file. An authorized dealer, manufacturer or full agent who has filed a bond with the Commonwealth will not be required to file a separate bond under this section, if the bond already on file with the Commonwealth is in the name of the Commonwealth and at least equal to the amount and coverage of the bond required under this section.

(f) Acceptance. The surety and terms of bonds or riders shall be subject to review and acceptance by the Bureau.

(g) Change of address. When a change of address occurs, a stipulation or rider to the original bond shall be submitted for the new address.

(h) Authorized claims. The Bureau has the right to make and settle claims upon the bond with the surety company on behalf of the Commonwealth and a person who has incurred a monetary loss as specified in subsection (a). The Bureau will, upon written request, assign this right to a person for that person's claim; however, in this event, the Commonwealth is released from any duty to the person towards obtaining satisfaction of that person's claim. The Commonwealth will have priority, to the exclusion of all others, in receiving payment from the surety. If the aggregate amount of valid claims exceeds the amount of the bond, priority for the payment of claims shall be as follows:

- (1) Claims made by the Commonwealth.
- (2) Claims made by the Commonwealth for persons.
- (3) Claims made by persons who obtained assignment from the Bureau.

§ 43.10. Prohibited acts.

(a) False information not knowingly to be given. An issuing agent may not knowingly issue a temporary registration card or plate containing misstatement of facts or other false information.

(b) Alteration. A temporary registration card or plate may not be altered. An alteration on a temporary registration card or plate, including copies submitted to the Bureau, renders it invalid.

(c) Renewal or reissuance. An issuing agent may not renew or reissue a temporary registration card or plate which has expired, except upon written authorization of the Department or except as provided for in §43.6(a)(3) (relating to issuance of temporary registration plates).

(d) Refusal to issue. An authorized dealer, manufacturer or full agent may not refuse, upon request, to issue a temporary registration plate to the owner or lessee of a vehicle who possesses proper documentation under this chapter.

(e) Issuance at location not approved by the Department. Temporary registration plates may not be issued by an authorized dealer, manufacturer or full agent at a location other than the approved places of business of the authorized dealer, manufacturer or full agent, except under §43.6(b).

(f) Refusal to accept separate check or money order. An issuing agent may not refuse to accept a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth in association with a title application.

(g) Consignment. An authorized dealer, manufacturer or full agent may not consign or transfer to other issuing agents or persons, any of the inventory of temporary registration plates issued by the Department to the authorized dealer, manufacturer or full agent.

(h) Issuance of temporary registration without proper documentation. An authorized dealer, manufacturer or full agent may not issue a temporary registration card or plate if proper documentation is not complete and if information is not verified if required. This includes proof of ownership, insurance coverage, odometer statements, proof of identity and other documentation that may be required.

(i) Gifts. An issuing agent may not offer or deliver money, gifts or other items of substantial value nor offer and deliver money, gifts or other items to a Commonwealth employee.

(j) Reportable transactions. An issuing agent may not fail to report a transaction involving the sale or transfer of a vehicle consistent with Internal Revenue Service statutes, regulations and rules.

§ 43.11. Sanctions for violations by issuing agents.

(a) Schedule. After providing an opportunity for a hearing, the Department may impose suspensions or sanctions on an issuing agent according to the following schedule of violations by the agent, when the Department finds upon sufficient evidence that:

Reason for Sanction of Agent	1st Offense	2nd Offense	Third Offense	4th and Subsequent Offense
<i>Category I</i>				
(1) The agent has committed a fraudulent act including the fraudulent keeping of records, or the fraudulent completion of an application submitted to the Department or the failure to submit to the Department, completed applications and fees and taxes due the Commonwealth in connection with the issuance of the temporary cards or plates.	6 months suspension	1 year suspension	Revocation	
(2) The agent has failed to allow inspection of documents or plates in the possession of the issuing agent by authorized Commonwealth employees.	Suspension until the documents, plates, or both, are made available, plus 1 month	Suspension until the documents, plates, or both, are made available, plus 3 month	Suspension until the documents, plates, or both, are made available, plus 6 month	Revocation
(3) The agent has consigned or transferred plates to other issuing agents, notaries or persons.	1 month suspension	3 months suspension	6 months suspension	Revocation

Reason for Sanction of Agent	1st Offense	2nd Offense	Third Offense	4th and Subsequent Offense
Category I				
(4) The agent has issued temporary plates but has failed to deliver proper documents, fees or taxes to the Department.	Suspension until the documents, fees or taxes are delivered plus a written warning	Suspension until the documents, fees or taxes are delivered plus 1 month	Suspension until the documents, fees or taxes are delivered plus 6 months	Revocation
(5) The agent has issued a temporary registration card or plate containing a misstatement of fact or other false information, which the agent knew or should have known to be incorrect or false.	1 month suspension	3 months suspension	6 months suspension	Revocation
(6) The agent has been convicted of a felony or misdemeanor relating to the titling, registration or collection of sales tax and fees for a vehicle or the agent has been convicted of another felony relating to motor vehicles within the last 10 years.	Revocation			
(7) The manufacturer, dealer or full agent has failed to maintain in the amount required by 75 Pa.C.S. § 1335(a) and § 43.9 (relating to registration plates for manufacturers and dealers; and bond).	Suspension until the satisfactory bond is furnished to the Department	Suspension until the satisfactory bond is furnished to the Department, plus 1 month	Revocation	
(8) The agent has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the agent.	Suspension until the uncollectible checks, protest fees and collection charges under the act are paid, plus a written warning	Suspension until the uncollectible checks, protest fees and collection charges under the act are paid, plus 1 month	Suspension until the uncollectible checks, protest fees and collection charges under the act are paid, plus 6 months	Revocation

Reason for Sanction of Agent	1st Offense	2nd Offense	Third Offense	4th and Subsequent Offense
Category I				
(9) The manufacturer dealer or full agent has failed to provide the Bureau with an inventory report within 30 days, as required by § 43.7(a) (relating to inventory of temporary registration cards and plates).	Suspension until the report is provided	Suspension until the report is provided, plus 1 month	Suspension until the report is provided, plus 3 months	Revocation
(10) The agent has charged a fee in excess of the fee allowed for providing an applicant with a temporary plate under § 43.6(g) (relating to issuance of temporary registration plates).	1 month suspension	3 month suspension	6 month suspension	Revocation
(11) The agent has offered or delivered money, gifts or other items of substantial value to a Commonwealth employee or has offered and delivered money, gifts or other items to a Commonwealth employee.	Revocation			
(12) The agent has issued temporary registration plates at a location not approved by the Department.	Written warning	1 month suspension	3 month suspension	6 month suspension
(13) The agent has operated a branch office without notifying the Department.	Suspension until the branch office is approved by the Department or closed by the agent.			
(14) The agent does not comply with the notary requirement of § 43.4(a)(9) (relating to authorization to issue temporary registration plates).	Suspension until the notary is employed	Suspension until the notary is employed, plus 1 month	Suspension until the notary is employed, plus 3 months	Revocation

Reason for Sanction of Agent	1st Offense	2nd Offense	Third Offense	4th and Subsequent Offense
Category I				
(15) The agent has failed to disclose material information or has made a materially false statement on the application for certificate of authorization, which was discovered after issuance of the certificate and which would have caused the Department to deny the certificate of authorization.	Revocation			
(16) The agent has not listed or obtained proper insurance information as required by 75 Pa.C.S. § 1318(b) and § 43.5(d)(2)(i) (relating to duties of agents; and issuance of temporary registration cards).	Written warning	3 months suspension	6 months suspension	Revocation
(17) The agent has reissued a temporary registration card without written authorization from the Department.	Written warning	1 month suspension	3 month suspension	Revocation
(18) The agent has charged a fee for the issuance of a temporary registration card in violation of 75 Pa.C.S. § 1310(c) and § 43.5(g)	1 month suspension	3 month suspension	6 month suspension	Revocation
(19) The agent has failed to maintain an established place of business.	Suspension until an established place of business is approved by the Department.			
(20) The agent has failed to report a transaction involving the sale or transfer of a vehicle as required by statute, regulation or rule administered or enforced by the Internal Revenue Service.	3 months suspension	6 months suspension	1 year suspension	Revocation

Reason for Sanction of Agent	1st Offense	2nd Offense	Third Offense	4th and Subsequent Offense
Category II				
1) The agent has not issued temporary registration plates in consecutive order, beginning with the lowest number in each series.	Written warning	1 month suspension	3 month suspension	6 months suspension
(2) The agent has not listed the date of the issuance of the temporary cards or plates.	Written warning	1 month suspension	3 months suspension	6months suspension
(3) The manufacturer, dealer or full agent has failed to notify the Department of a change in office location before or within 10 days of the change.	Suspension until an application elated to the change has been approved.	Suspension until an application elated to the change has been approved, plus 1 month	Suspension until an application elated to the change has been approved, plus 3 months	Suspension until an application related to the change has been approved, plus 6 months
(4) The agent has failed to keep the temporary registration card and documents related to the application for title or registration, or both, in strict confidentiality, as required by § 43.5.	Written warning	1 month suspension	3 months suspension	6 months suspension
(5) The agent has issued temporary plates but has not timely delivered proper documents, fees or taxes to the Department within the time as prescribed by § 43.5(f)(1).	Written warning	Monetary penalty of \$50 to \$100 per violation; and suspension for failure to pay the penalty or deliver the documents, fees or taxes within 45 days after the date that the notice was sent, or a greater time period as specified by the Department, until the penalty is paid or documents, fees or taxes are delivered to the Department	Monetary penalty of \$100 to \$200 per violation; and suspension for failure to pay the penalty or deliver the documents, fees or taxes within 45 days after the date that the notice was sent, or a greater time period as specified by the Department, until the penalty is paid or documents, fees or taxes are delivered to the Department	3 Month suspension to revocation
(6) The agent has issued temporary plates for a vehicle for which a title has already been issued, unless permitted under § 43.6(a)(3).	Written warning	1 month suspension	3 months suspension	6months suspension

Reason for Sanction of Agent	1st Offense	2nd Offense	Third Offense	4th and Subsequent Offense
Category II				
(7) The agent has issued a metal plate for transporting a vehicle out-of-State.	Written warning	1 month suspension	3 month suspension	6 month suspension
(8) The manufacturer, dealer or full agent has repeatedly not listed its name and identification number, as required, on applications and checks submitted to the Department.	Written warning	1 month suspension	3 months suspension	6months suspension
(9) The agent has issued the incorrect type of plate for a particular vehicle.	Written warning	1 month suspension	3 months suspension	6 months suspension
(10) The manufacturer, dealer or full agent has failed to post in a conspicuous manner at place of business:				
(i) Schedule of motor vehicles fees	Written warning	1 month suspension	3 month suspension	6 month suspension
(ii) Schedule of the manufacturer's, dealer's or full agent's fees.	Written warning	1 month suspension	3 months suspension	6months suspension
(iii) Hours of operation.	Written warning	1 month suspension	3 months suspension	6 month suspension
(iv) Certificate of authorization.	Written warning	1 month suspension	3 months suspension	6 months suspension
(11) The manufacturer, dealer or full agent has failed on two or more occasions to open during posted business hours.	Written warning	1 month suspension	3 months suspension	6 months suspension
(12) The agent has refused to accept a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth.	Written warning	1 month suspension	3 months suspension	6 months suspension

Reason for Sanction of Agent	1st Offense	2nd Offense	Third Offense	4th and Subsequent Offense
Category II				
(13) The agent has failed to provide proper security for temporary registration cards and plates.	Written warning	1 month suspension	3 month suspension	6 month suspension
(14) The agent has refused to issue, upon request, a temporary registration card to an owner or lessee of a vehicle who possesses proper documentation.	Written warning	1 month suspension	3 months suspension	6months suspension
(15) The agent has failed to maintain an adequate schedule of business hours.	Written warning	1 month suspension	3 months suspension	6 months suspension
(16) The agent has issued a cardboard temporary tag without verification that the vehicle will be transported to another state for registration as required by § 43.5(d)(2)(i)(C).	Written warning	1 month suspension	3 months suspension	6 months suspension
(17) The agent has:				
(i) Failed to furnish receipts as required.	Written warning	1 month suspension	3 months suspension	6months suspension
(ii) Failed to retain duplicate copies of receipts for 3 years.	Written warning	1 month suspension	3 months suspension	6 month suspension
(18) The agent has issued a temporary registration to an applicant without proper documentation.	Written warning	1 month suspension	3 month suspension	6 month suspension
(19) The manufacturer, dealer or full agent has failed to notify the Department of a change in ownership or other changes affecting the business of the issuing agent before or within 10 days of the change.	Suspension until an application related to the change has been submitted to the Department.			
(20) The agent has failed to retain proper records under § 43.5(f).	Written warning	1 month suspension	6 months suspension	Revocation

Reason for Sanction of Agent	1st Offense	2nd Offense	Third Offense	4th and Subsequent Offense
Category II				
(21) The agent has on two or more occasions violated, or failed to comply with, a provision of 75 Pa.C.S. Chapter 11, 13, 21, 23 or 71, or Departmental regulations promulgated under these chapters, except for untimely submissions as provided in paragraph (5).	1 month suspension	3 month suspension	6 month suspension	Revocation
(22) The agent has been convicted of a summary offense, relating to the titling, registration or payment of sales tax for a vehicle which was committed in connection with the business of the agent, except for untimely submissions as provided at paragraph (5).	Written warning	1 month suspension	3 months suspension	Revocation

(b) Second and subsequent violations. Second and subsequent violations will be determined on the basis of previous violations of the same nature committed within a 3 year period. If a third or subsequent violation occurs within 3 years of the last previous violation, it will be deemed a third or subsequent violation regardless of when other previous violations occurred.

(c) Multiple violations. In the case of multiple violations considered at one time, the Department may impose separate sanctions for each violation under the schedule in subsection (a). The Department may direct that a suspension or revocation imposed be served concurrently or consecutively.

(d) Suspension authority reserved. The description of grounds for suspension will not be deemed to limit the authority of the Department to control the issuance of temporary registration cards and plates as granted by 75 Pa.C.S. §§ 1310 and 1331 (relating to temporary registration cards; and issuance of registration plates). The Department may suspend an issuing agent for offenses not described in subsection (a), such as any use of temporary registration plates or official documents, or conduct on the part of the issuing agent, that does not conform to the law of the Commonwealth. Sanctions imposed under this subsection shall be consistent with the sanctions imposed under subsection (a) according to the seriousness of the violation as evidenced by factors such as the number of persons or documents involved, the amount of money involved, and the like.

(e) Effective date. Suspensions shall take effect on the date ordered by the Department, but no credit may be earned toward expiration of the suspension until temporary registration cards and plates in the possession of the issuing agent are surrendered to an authorized representative of the Department.

(f) Conviction. An issuing agent convicted of a crime under 18 Pa.C.S. or the penal law of the United States which involves moral turpitude or which reflects adversely on the issuing agent's business integrity or responsibility, shall be subject to revocation of issuing agent privileges.

(g) Revocation. Upon revocation of a manufacturer's, dealer's or full agent's certificate of authorization, the manufacturer, dealer or full agent shall be debarred from re-applying for a new certificate of authorization for 3 years. The manufacturer, dealer or full agent shall make arrangements with the Department to surrender the certificate of authorization and the registration cards and plates in his possession to an authorized representative of the Department.

(h) Relevant mitigating events. For a violation of subsection (a) Category II (5), second, third or subsequent offense, the Department will consider the following relevant mitigating events that serve to exonerate the agent of the offense or to reduce the monetary penalty that may be imposed. The agent has the burden of establishing the relevant mitigating event and that the relevant mitigating event was the cause of the violation.

(1) Exoneration. In determining whether the relevant mitigating events serve to exonerate the agent of the offense, the Department will consider evidence offered by the agent pertaining to the following:

(i) Whether the failure to timely submit, as prescribed by § 43.5(f)(1), the applications, taxes or fees was the result of an Act of God, such as fire, flood or other natural disaster.

(ii) Whether the failure to timely submit, as prescribed by § 43.5(f)(1), the applications, taxes or fees, was the result of criminal or fraudulent action by an employee or licensed messenger of which the agent was not aware and could not have prevented and that the agent had in place customary business practices to effectuate the timely submission of taxes, fees and title applications to the Department.

(iii) Whether the failure to timely submit, as prescribed by § 43.5(f)(1), the applications, taxes or fees, was the result of a lienholder's failure to immediately forward the titles to the owner, as prescribed by 75 Pa.C.S. § 1135(a)(1) (relating to satisfaction of security interest) and, in this case, whether the lienholder received prompt repayment of the debt from the vehicle owner or licensed dealer and immediately released its liens within 3-business days.

(iv) Whether the agent would have been exonerated of prior sanctions that were issued against the agent within the 3 years prior to November 28, 1998, had the Departmental regulations that were effective, November 28, 1998, been in effect.

(v) Whether the failure to timely submit the applications, as prescribed by § 43.5(f)(1), was the result of criminal, fraudulent or negligent action by an authorized messenger of the Department. This subparagraph does not apply when the same person controls the agent and the messenger. The agent has the burden of proving that it submitted the documents, taxes and fees to the authorized messenger within 15 days of the date of purchase of the vehicle, transfer of a registration or issuance of a temporary registration plate or card, whichever occurred first.

(2) Reduction in monetary penalty. In determining whether the events serve to reduce the monetary penalty that the Department may impose, but which will not exonerate the agent of the offense, the Department will consider evidence offered by the agent pertaining to the following:

(i) Whether subsequent to the applicable notice of hearing issued by the Department, the Department's records reflect that the agent has remedied the event which was the cause of the untimely submissions and that no additional late submissions have occurred.

(ii) Whether the applications, taxes or fees were submitted by more than 20 but less than 40 days after the date of purchase of the vehicle, if no consumer or vehicle purchaser was harmed by the agent's failure to timely submit, as prescribed by § 43.5(f)(1), the applications, taxes or fees and that the agent had in place customary business practices to effectuate the timely submission of taxes, fees and title applications to the Department. Failure of the consumer or vehicle purchaser to receive the annual registration documents prior to expiration of the temporary registration constitutes harm.

(3) Preclusion from mitigation. If the Department discovers that the agent, or an employee of the agent, altered the date of purchase of a vehicle upon an application, the Department will be precluded from exonerating the agent of the offense or reducing the monetary penalty and will impose the sanction prescribed by subsection (a).

(i) Dual violations. If an agent, which is also a dealer, has been sanctioned with a monetary penalty as a dealer under 75 Pa.C.S. § 1374(d) (relating to suspension or revocation of vehicle business registration plates) for a violation that involves the same violation for which a monetary penalty may be imposed under this chapter, only the monetary penalty prescribed in 75 Pa.C.S. § 1374(d) will be imposed upon the agent, which is also a dealer, for the violations that constitute offenses of both. The offenses will be noted upon the record for both this chapter and Chapter 53 (relating to manufacturers, dealers and miscellaneous motor vehicle businesses registration plates).

(j) Suspension without hearing. The Department will suspend an issuing agent without a hearing when the agent refuses to allow inspection of records in accordance with § 43.7(d).

§ 43.12. Use of temporary registration plate.

(a) Applicability. This section pertains to the use of a temporary registration plate by the person to whom it was issued.

(b) Temporary registration plate nontransferable. Temporary registration plates may not be transferred from one vehicle to another. If a person purchases another vehicle before receiving the regular registration card from the Bureau, the person shall wait until receipt of the regular registration card and then transfer the registration plate in the usual manner.

(c) Expiration of temporary registration plates. Temporary registration plates shall expire as follows:

(1) Rules pertaining to cardboard plates.

(i) A cardboard temporary registration plate shall expire and become void upon the occurrence of one of the following:

(A) Issuance of registration from another state.

(B) Rescission of a contract to purchase a vehicle.

(C) Expiration of 30 days from the date of issuance.

(ii) Upon expiration of a cardboard temporary registration plate, the person to whom it was issued shall destroy it.

(2) Rules pertaining to metal plates. A metal temporary registration plate may not be used after the expiration of 60 days from the date of issuance of the temporary card and plate until the registrant receives a regular registration card from the Bureau.

(d) Use of temporary registration plates on vehicles transporting a load. Vehicles transporting a load shall comply with the following:

(1) Temporary metal registration plates may be used on a vehicle transporting a load if the vehicle has a gross vehicle weight rating of 26,000 pounds or less and the vehicle and load have a gross weight of 26,000 pounds or less.

(2) Temporary metal registration plates may not be used on a vehicle transporting a load, if the vehicle has a gross vehicle weight rating in excess of 26,000 pounds or the vehicle and load have a gross weight in excess of 26,000 pounds, unless the vehicle is operating only within this Commonwealth or through jurisdictions which are not members of the International Registration Plan.

(3) Temporary cardboard registration plates may not be used on a commercial vehicle transporting a load.

(e) Prosecution. A person who violates subsection (c) shall be subject to prosecution under 75 Pa.C.S. § 1301 (relating to driving unregistered vehicle prohibited).

§ 43.13. Special temporary registration cards and plates.

The Secretary may authorize the issuance of special temporary registration cards and plates for special occasions which he deems to be in the best interests of the Commonwealth. Temporary registration cards and plates shall be valid for a period of time the Secretary will determine.

