

**CHAPTER 43. TEMPORARY REGISTRATION CARDS  
AND PLATES**

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**Authority**

The provisions of this Chapter 43 issued under the Vehicle Code, 75 Pa.C.S. §§ 1310, 1331 and 6103, unless otherwise noted.

**Source**

The provisions of this Chapter 43 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561, unless otherwise noted.

**Cross References**

This chapter cited in 67 Pa. Code § 60.6 (relating to temporary registration).

**§ 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).

**Source**

The provisions of this § 43.1 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended March 24, 1978, effective March 25, 1978, 8 Pa.B. 790; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347. Immediately preceding text appears at serial page (144703).

**§ 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.

#### Source

The provisions of this § 43.2 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended May 18, 1979, effective May 19, 1979, 9 Pa.B. 1630; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347. Immediately preceding text appears at serial pages (144703) to (144705).

### § 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.

#### Source

The provisions of this § 43.3 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended May 18, 1979, effective May 19, 1979, 9 Pa.B. 1630; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21. Immediately preceding text appears at serial page (95315).

**§ 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 employe 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.

#### Source

The provisions of this § 43.4 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended September 26, 1980, effective September 27, 1980, 10 Pa.B. 3797; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5872. Immediately preceding text appears at serial pages (232786) to (232788).

### § 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.

**Source**

The provisions of this § 43.5 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended May 18, 1979, effective May 19, 1979, 9 Pa.B. 1630; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, except subsection (f)(3) is effective September 9, 1993, 23 Pa.B. 3347; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5872. Immediately preceding text appears at serial pages (232788) to (232791).

**Notes of Decisions***Burden of Proof*

The Department met its burden of proving a motor vehicle dealership's failure to timely file permanent documents for certificates of title by the uncontroverted testimony of a State trooper that the documents were not filed. *Department of Transportation v. Notary Shoppe*, 544 A.2d 98 (Pa. Cmwlth. 1988).

*Duty Owed by Issuers*

The duty owed by issuer of a temporary registration to person who has been injured by issuer's neglect is limited to the extent that injured party is unable to recover first party benefits under 75 Pa.C.S. Chapter 17 (relating to Motor Vehicle Financial Responsibility Law). *Capuzzi v. Heller*, 614 A.2d 775 (Pa. Super. 1992).

Tag service which failed to require proof of insurance when issuing temporary tag was not liable to victim of uninsured motorist since the victim would have access to basic loss benefits through the Assigned Claims Plan, established by the Legislature to protect uninsured victims of uninsured motorists, and the victim therefore was not injured by the tag services allegedly negligent act. *Lieberman v. Abat's Auto Tag Services, Inc.*, 496 A.2d 831 (Pa. Super. 1985).

An automobile dealer who fails to ascertain the existence of no-fault insurance coverage prior to issuance of a temporary registration card and plate is answerable in trespass to one injured by the dealer's neglect. *Lynarkos v. Department of Transportation*, 426 A.2d 1195 (Pa. Cmwlth. 1981).

**Cross References**

This section cited in 67 Pa. Code § 43.6 (relating to issuance of temporary registration plates); 67 Pa. Code § 43.11 (relating to sanctions for violations by issuing agents); and 67 Pa. Code § 97.3 (relating to vehicle registration).

**§ 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 ser-

vices), 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.

#### Source

The provisions of this § 43.6 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended May 18, 1979, effective May 19, 1979, 9 Pa.B. 1630; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5872. Immediately preceding text appears at serial pages (232791) to (232793).

#### Cross References

This section cited in 67 Pa. Code § 43.10 (relating to prohibited acts); 67 Pa. Code § 43.11 (relating to sanctions for violations by issuing agents); and 67 Pa. Code § 97.3 (relating to vehicle registration).

### § 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.

#### Source

The provisions of this § 43.7 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended March 24, 1978, effective March 25, 1978, 8 Pa.B. 790; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5872. Immediately preceding text appears at serial pages (232793) to (232794).

### § 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.

#### Source

The provisions of this § 43.8 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended May 18, 1979, effective May 19, 1979, 9 Pa.B. 1630; readopted January 5, 1990, effective immediately and apply retroactively to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347. Immediately preceding text appears at serial pages (144712) to (144713).

### § 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 Common-

wealth 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.

#### Source

The provisions of this § 43.9 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended April 11, 1979, effective April 14, 1979, 9 Pa.B. 1309; readopted January 5, 1990, effective immediately to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5872; corrected December 11, 1998, effective November 28, 1998, 28 Pa.B. 6082. Immediately preceding text appears at serial pages (232794) to (232796).

#### Cross References

This section cited in 67 Pa. Code § 43.4 (relating to authorization to issue temporary registration plates); and 67 Pa. Code § 43.11 (relating to sanctions for violations by issuing agents).

### § 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 employe.

(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.

**Source**

The provisions of this § 43.10 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended June 2, 1978, effective June 3, 1978, 8 Pa.B. 1533; readopted January 5, 1990, effective immediately to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347. Immediately preceding text appears at serial pages (144714) to (144715).

**§ 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:

<i>Reason for Sanction of Agent</i>	<i>Type of Sanction</i>			
	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
<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 months	Suspension until the documents, plates or both are made available, plus 6 months	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
(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

<i>Reason for Sanction of Agent</i>	<i>Type of Sanction</i>			
	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
(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
(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-months suspension	6-months suspension	Revocation

<i>Reason for Sanction of Agent</i>	<i>Type of Sanction</i>			
	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
(11) The agent has offered or delivered money, gifts or other items of substantial value to a Commonwealth employe or has offered and delivered money, gifts or other items to a Commonwealth employe.	Revocation			
(12) The agent has issued temporary registration plates at a location not approved by the Department.	Written warning	1-month suspension	3-months suspension	6-months 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
(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-months suspension	Revocation

<i>Reason for Sanction of Agent</i>	<i>Type of Sanction</i>			
	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
(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-months suspension	6-months 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
<i>Category II</i>				
(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-months 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	6-months 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 the application related to the change has been approved	Suspension until the application related to the change has been approved, plus 1 month	Suspension until the application related to the change has been approved, plus 3 months	Suspension until the application related to the change has been approved, plus 6 months

<i>Reason for Sanction of Agent</i>	<i>Type of Sanction</i>			
	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
(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	6-months suspension

<i>Reason for Sanction of Agent</i>	<i>Type of Sanction</i>			
	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
(7) The agent has issued a metal plate for transporting a vehicle out-of-State.	Written warning	1-month suspension	3-months suspension	6-months 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	6-months 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-months suspension	6-months suspension
(ii) Schedule of the manufacturer's, dealer's or full agent's fees.	Written warning	1-month suspension	3-months suspension	6-months suspension
(iii) Hours of operation.	Written warning	1-month suspension	3-months suspension	6-months 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
(13) The agent has failed to provide proper security for temporary registration cards and plates.	Written warning	1-month suspension	3-months suspension	6-months 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	6-months suspension

<i>Reason for Sanction of Agent</i>	<i>Type of Sanction</i>			
	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
(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	6-months suspension
(ii) Failed to retain duplicate copies of receipts for 3 years.	Written warning	1-month suspension	3-months suspension	6-months suspension
(18) The agent has issued a temporary registration to an applicant without proper documentation.	Written warning	1-month suspension	3-months suspension	6-months 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
(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-months suspension	6-months suspension	Revocation

<i>Reason for Sanction of Agent</i>	<i>Type of Sanction</i>			
	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
(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 employe 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 employe 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).

#### Source

The provisions of this § 43.11 adopted September 2, 1977, effective September 3, 1977, 7 Pa.B. 2561; amended June 2, 1978, effective June 3, 1978, 8 Pa.B. 1533; readopted January 5, 1990, effective immediately to November 17, 1989, 20 Pa.B. 21; amended July 9, 1993, effective July 10, 1993, 23 Pa.B. 3347; corrected October 21, 1994, effective January 1, 1994, 24 Pa.B. 5314; amended November 27, 1998, effective November 28, 1998, 28 Pa.B. 5872. Immediately preceding text appears at serial pages (232797) to (232802) and (240813) to (240815).

**Notes of Decisions***Delivery of Documents*

Where an irreconcilable conflict existed between the prescribed number of days for delivery of documents under subsection (a)(4) and 75 Pa.C.S. § 1103.1(d), the conflict did not invalidate the suspension provisions of the statute. *Department of Transportation v. Colonial Nissan*, 691 A.2d 1005 (Pa. Cmwlth. 1997).

*Due Process*

It is not a violation of due process for the Department to issue a warning of a violation without the opportunity for notice or a hearing as long as a suspension or sanction is not imposed. *Ernest Sunday Chrysler Plymouth, Inc. v. Department of Transportation*, 558 A.2d 921 (Pa. Cmwlth. 1989).

*Hearings*

The Department may consider multiple violations of this section and may issue separate sanctions for each offense in one hearing. One is not entitled to a hearing for each offense. *Abats Auto Tags v. Department of Transportation*, 627 A.2d 265, 267 (Pa. Cmwlth. 1993); appeal denied 649 A.2d 676 (Pa. 1994).

*Rights at Hearings*

Sections 501—508 and 701—704 of 2 Pa.C.S. do not apply to Departmental hearings; therefore, petitioner was not entitled to be informed of his right to representation by counsel or to have a stenographic record kept or a record of the hearing with findings of fact. *Ernest Sunday Chrysler Plymouth, Inc. v. Department of Transportation*, 558 A.2d 921 (Pa. Cmwlth. 1989); appeal denied 575 A.2d 118 (Pa. 1990).

Amendments to § 43.11(a)(4), as published on January 1, 1994, were null and void, where Department of Transportation proceeded with adoption of those amendments under section 204 of the Commonwealth Documents Law, expressly stating that it was merely readopting §§ 43.1—43.13 “as they presently exist in the *Pennsylvania Code* pages 43-1 to 43-17,” and these actions “do not enlarge the scope of existing regulations” and where the January 1, 1994, version showed textual modifications from the earlier version, and subsequent corrective amendments made it obvious that adherence to the normal notice and comment procedures was far from “unnecessary.” *Department of Transportation v. Colonial Nissan*, 691 A.2d 1005 (Pa. Cmwlth. 1997).

*Suspensions*

Subsequent suspension of a license to issue temporary plates was properly invalidated in that no subsequent citation was issued against dealership. *Department of Transportation v. Magarity Chevrolet, Inc.*, 576 A.2d 1159 (Pa. Cmwlth. 1990).

*Waiver*

The Court’s final order reinstating a car dealer’s registration plates and authority to issue temporary registration plate suspended for bad check violations was determined to be a final nonappealable order. The failure by the car dealer to raise any issues before the Commonwealth Court will result in the waiver of such issues. *Department of Transportation v. Kosak*, 639 A.2d 1252 (Pa. Cmwlth. 1994).

**§ 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).

**Source**

The provisions of this § 43.12 adopted March 24, 1978, effective March 25, 1978, 8 Pa.B. 790; amended November 16, 1984, effective November 17, 1984, 14 Pa. B. 4169; readopted January 5, 1990, effective immediately to November 17, 1989, 20 Pa.B. 21; amended November 27, 1998,

effective November 28, 1998, 28 Pa.B. 5872; corrected December 11, 1998, effective November 28, 1998, 28 Pa.B. 6082. Immediately preceding text appears at serial pages (240815) to (240816).

**§ 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.

**Source**

The provisions of this § 43.13 adopted November 16, 1984, effective November 17, 1984, 14 Pa.B. 4169; readopted January 5, 1990, effective immediately to November 17, 1989, 20 Pa.B. 21. Immediately preceding text appears at serial page (140051).

[Next page is 45-1.]