

**CHAPTER 53. MANUFACTURERS, DEALERS AND
MISCELLANEOUS MOTOR VEHICLE BUSINESSES
REGISTRATION PLATES**

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Authority

The provisions of this Chapter 53 issued under the Vehicle Code, 75 Pa.C.S. §§ 1335, 1336, 1337 and 6103, unless otherwise noted.

Source

The provisions of this Chapter 53 adopted March 17, 1978, effective March 18, 1978, 8 Pa.B. 757; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252, unless otherwise noted.

Cross References

This chapter cited in 67 Pa. Code § 253.7 (relating to sanctions for violations by salvors).

§ 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.

Source

The provisions of this § 53.1 adopted March 17, 1978, effective March 18, 1978, 8 Pa.B. 757; amended May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial page (90226).

§ 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.

Source

The provisions of this § 53.2 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial pages (90226) to (90227) and (95333).

§ 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.

Source

The provisions of this § 53.3 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial pages (95333) to (95334).

Cross References

This section cited in 67 Pa. Code § 43.2 (relating to definitions); and 67 Pa. Code § 53.2 (relating to definitions).

§ 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 employes of the business when operated by the employe.

(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.

Source

The provisions of this § 53.4 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial pages (95334) and (90230) to (90231).

Cross References

This section cited in 67 Pa. Code § 53.9 (relating to sanctions for violations by dealer, manufacturer or miscellaneous motor vehicle business registrants).

§ 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.

Source

The provisions of this § 53.5 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial pages (90231) to (90232).

§ 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).

Source

The provisions of this § 53.6 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial page (90232).

§ 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.

Source

The provisions of this § 53.7 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial pages (90232) to (90233).

§ 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.

Source

The provisions of this § 53.8 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252. Immediately preceding text appears at serial page (90233).

§ 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:

	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>	<i>4th and Subsequent Offense</i>
(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	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 otherwise committed a fraud in an application submitted to the Department.	1 month	3 months	Revocation	

	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>	<i>4th and Subsequent Offense</i>
(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		
(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

	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>	<i>4th and Subsequent Offense</i>
(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 employe.	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 suspendable 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 employe 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.

Source

The provisions of this § 53.9 adopted May 25, 1984, effective June 12, 1984, 14 Pa.B. 1809; readopted May 26, 1989, effective May 27, 1989, 19 Pa.B. 2252; corrected October 21, 1994, effective January 1, 1994, 24 Pa.B. 5314. Immediately preceding text appears at serial pages (182545) to (182547).

Notes of Decisions

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).

The Department did not abuse its discretion in suspending an auto dealer's registration plates and authorization to issue temporary registration plates for submitting an uncollectable check to the Department. *Saia's Used Cars v. Commonwealth*, 596 A.2d 1212 (Pa. Cmwlth. 1991).

Department was not required to hold a hearing prior to issuance of a warning to dealership for violation of 75 Pa.C.S. § 1103(d) (relating to application for certificate of title). 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).

It is not a violation of due process for the Department of Transportation 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); appeal denied 575 A.2d 118 (Pa. 1990).

The Department need not prove fraud nor financial loss to the agency to impose a suspension for dealer who inadvertently submitted uncollectible checks twice within a 3 year period. *Department of Transportation v. Foxwood R. V. Center and Campground*, 547 A.2d 504 (Pa. Cmwlth. 1988).

The decision by the Department to suspend a registered automobile dealer's authorization to issue temporary registration plates was proper as a violation of this section because of the dealer's two instances of submitting uncollectible checks to the agency. *Department of Transportation v. Foxwood R. V. Center and Campground*, 547 A.2d 504 (Pa. Cmwlth. 1988).

Where trial court agreed with Department of Transportation's finding that car dealer violated this section, it was manifest abuse of discretion to substitute its determination of appropriate penalty for that imposed by Department, absent new findings of fact and conclusions of law. *Department of Transportation v. Ede Motor Co.*, 527 A.2d 632 (Pa. Cmwlth. 1987).

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