

CHAPTER 255. MESSENGER SERVICES

Sec.	
255.1.	Purpose.
255.2.	Definitions.
255.3.	Certificate of authorization.
255.4.	Bond.
255.5.	Duties of messenger service.
255.5a.	Decentralized service program.
255.6.	Certified checks may be required.
255.7.	(Reserved).
255.8.	Restoration.

Authority

The provisions of this Chapter 255 issued under the Vehicle Code, 75 Pa.C.S. § 7501, unless otherwise noted.

Source

The provisions of this Chapter 255 adopted September 9, 1977, effective September 10, 1977, 7 Pa.B. 2608; readopted May 26, 1989, effective immediately and applies retroactively to May 5, 1989, 19 Pa.B. 2253, unless otherwise noted.

Cross References

This chapter cited in 67 Pa. Code § 43.6 (relating to issuance of temporary registration plates); and 67 Pa. Code § 69.2 (relating to definitions).

§ 255.1. Purpose.

This chapter establishes rules governing the qualifications and duties of messenger services as provided in 75 Pa.C.S. § 7501 (relating to authorization of messenger service).

Source

The provisions of this § 255.1 adopted September 9, 1977, effective September 10, 1977, 7 Pa.B. 2608; readopted May 26, 1989, effective immediately and applies retroactively to May 5, 1989, 19 Pa.B. 2253. Immediately preceding text appears at serial page (127691).

§ 255.2. Definitions.

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

Bureau—The Bureau of Motor Vehicles of the Department of Transportation.

Decentralized service agent—A messenger service which is also authorized to issue on behalf of the Department to qualified applicants temporary learner's permits, vehicle registration renewals, driver's license renewals, and the like.

Documents—Certificates of title, motor vehicle registrations or renewals, learners' permits, drivers' licenses or renewals, vehicle sales and use tax returns, duplicates of certificates of title, motor vehicle registrations or drivers'

licenses, inspection stickers, changes of address and applications and supporting documents, such as birth and death certificates, court orders, and the like.

Messenger service—A person who, for a fee, advertises, offers or provides to the public the service of delivering and obtaining documents to and from the Department. A dealer or employe who delivers and obtains documents only for purchasers of vehicles from the dealer is not a messenger service. This exclusion does not apply to a person who handles documents for more than one dealer.

Person—Includes a corporation, partnership and association, as well as a natural person.

Place of business—The place occupied either continuously or at regular periods by a messenger service where the books and records are kept and where a messenger service which offers personal counter service to customers transacts a large share of its business.

Authority

The provisions of this § 255.2 amended under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 7501(a).

Source

The provisions of this § 255.2 adopted September 9, 1977, effective September 10, 1977, 7 Pa.B. 2608; readopted May 26, 1989, effective immediately and applies retroactively to May 5, 1989, 19 Pa.B. 2253; amended May 4, 1984, effective May 21, 1984, 14 Pa.B. 1561. Immediately preceding text appears at serial pages (127691) to (127692).

§ 255.3. Certificate of authorization.

(a) *Application procedure.* A person wishing to be authorized to operate a messenger service shall make application to the Bureau on forms furnished by the Bureau. The application shall include all of the following:

- (1) Photographs, interior and exterior, of the proposed place of business of the applicant, including branch offices, if any.
- (2) A letter of reference from a bank.
- (3) Three letters of reference from reputable business concerns.
- (4) A set of fingerprints of the applicant, or principals of a partnership or corporation.
- (5) The prescribed annual fee for the principal place of business of the applicant and branch offices, if any. The fee will be returned if the application is denied.

(6) The prescribed bond, on the form of the Department or a surety's binding commitment to issue the bond upon approval of the application.

(7) A listing of outstanding liabilities due and owing to the Commonwealth, if any.

(8) The names and social security numbers of owners, officers and employees of the messenger service.

(b) *Review of application.* The Department will examine and determine the genuineness, regularity and legality of every application for a certificate of authorization as a messenger service. The Department may cause an investigation of the applicant to be made with regard to any of the following:

(1) Condition of the applicant's proposed business premises.

(2) Department and other Commonwealth records pertaining to the business or an owner, officer or agent.

(3) The personal history of an owner, officer or agent.

(4) An unsatisfied judgment against the business, owner or officer in the county where the business is doing business, or where the owner and officers reside.

(5) The driving record of an owner, officer or agent, who will be transporting documents.

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

(7) Assets and liabilities of the business.

(c) The Department may deny an application for a certificate of authorization upon determining that the applicant is not capable of performing the duties of a messenger service in a manner consistent with the public interest due to any of the following:

(1) Information revealed in the investigation.

(2) The applicant's failure to disclose required material information.

(3) The applicant's making of a materially false statement on the application.

(d) *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.

(e) *Temporary certificate of authorization.* After reviewing an application, the Bureau may issue a temporary certificate of authorization. The temporary certificate of authorization will be issued for 60 days, during which period the Bureau may cause an investigation to be made of the operations of the messenger service. When the temporary certificate of authorization expires, the Bureau may either deny or issue a regular certificate of authorization.

(f) *Issuance of certificate of authorization.* If the Bureau determines that the applicant is capable of performing the duties of a messenger service in a manner consistent with the public interest and the applicable fees are paid, a certificate of authorization will be issued to the applicant. The certificate of authorization will

be issued on a fiscal year basis. In no case will a certificate of authorization be issued for more than 12 months. Certificates of authorization will expire on June 30 of each calendar year.

(g) *Renewal of certificate of authorization.* A certificate of authorization shall be renewed annually on a form provided by the Bureau.

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

(1) In the case of a change of ownership, the messenger service shall notify the Bureau within 5 days.

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

- (i) Whenever the owner takes a new partner.
- (ii) Whenever the owner sells the business.
- (iii) Incorporation of a business.
- (iv) Sale of controlling interest in a corporation.

Authority

The provisions of this § 255.3 amended under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 7501(a).

Source

The provisions of this § 255.3 adopted September 9, 1977, effective September 10, 1977, 7 Pa.B. 2608; amended May 4, 1984, effective May 21, 1984, 14 Pa.B. 1561; readopted May 26, 1989, effective immediately and applies retroactively to May 5, 1989, 19 Pa.B. 2253. Immediately preceding text appears at serial pages (127692) and (90320) to (90321).

§ 255.4. Bond.

(a) *General.* Messengers shall file and maintain with the Department bonds in the amount as set forth in the Messenger Services Agreement, executed by a surety company authorized by law to transact business within this Commonwealth.

(1) The bond shall be for the use of the Commonwealth and persons who have sustained a monetary loss attributable to the intentional or negligent conduct of the messenger service or its agents or employees, including, but not limited to, losses incurred in negotiating checks or other instruments drawn by the messenger service.

(2) If the amount of the bond is decreased, or if there is a final judgment outstanding on the bond, the messenger service's certificate of authorization shall be suspended until steps are taken, satisfactory to the Department, to do one of the following:

- (i) Restore the original amount of the bond.
- (ii) Satisfy the judgment.

(b) *Substitute.* If the bond is terminated or becomes unsatisfactory for any reason, the authorization to operate a messenger service will be suspended or ter-

minated until the messenger service furnishes the Commonwealth with a satisfactory substitute bond in the amount required by the Messenger Services Agreement.

Authority

The provisions of this § 255.4 amended under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 7501(a).

Source

The provisions of this § 255.4 adopted September 9, 1977, effective September 10, 1977, 7 Pa.B. 2608; amended May 4, 1984, effective May 21, 1984, 14 Pa.B. 1561; readopted May 26, 1989, effective immediately and applies retroactively to May 5, 1989, 19 Pa.B. 2253; amended October 5, 2012, effective October 6, 2012, 42 Pa.B. 6291. Immediately preceding text appears at serial pages (227746) to (227747).

§ 255.5. Duties of messenger service.

(a) *Posting.* Messenger services shall post in a conspicuous manner at their place of business, including branch offices:

- (1) Their certificates of authorization.
- (2) The schedule of motor vehicle fees provided by the Bureau.
- (3) The schedule of fees of the messenger service.

(b) *Schedule.* Messenger services which offer personal counter services to customers shall maintain a place of business, open to the public during regularly scheduled hours. The schedule shall be posted so as to be visible from the exterior of the place of business.

(c) *Security.* Messenger services shall maintain at each place of business facilities, such as locking cabinets or other similar equipment, for assuring the security of documents. The documents shall be secured in these facilities during nonbusiness hours.

(d) *Submission of documents.* Messenger services shall submit documents for processing by the Department through the Messenger Service Center. The Department may provide facilities for handling priority work to the extent that the facilities can be made available without burdening its general public service facilities.

(e) *Time limits.* Messenger services shall submit documents to the Department within 5 days after the messenger's receipt of all necessary and fully executed documents. Work processed by the Department shall be picked up by the messenger service within 48 hours after being placed in the box of the messenger service. At the time when a suspension notice is served on a messenger service, executed documents are to be provided to the authorized Commonwealth employees for processing by the Department. Work processed in this situation will be mailed by the Department to the customer of the messenger service.

(f) *Number and date of submission.* Messenger services shall place their messenger number and date of submission on documents, including checks, submitted to the Department.

(g) *Receipts.* Messenger services, when providing personal counter services to customers, shall complete an itemized receipt, in duplicate, which lists the fees payable to the Commonwealth, as well as the fees charged for the messenger's services. The original shall be given to the customer, and the duplicate shall be retained by the messenger service for a period of 2 years.

(h) *Records.* Messenger services shall maintain a record of documents submitted to the Department for a period of 2 years, the records to include the date of submission to the Department, the name, vehicle identification or operator number of the applicant, and any other information pertinent to the particular document.

(i) *Identification card.* The Bureau shall issue identification cards to messengers and employes who deliver documents to and obtain documents from the Department, which identification cards shall be displayed at all times these persons are in the Department on business related to the messenger service. If a duplicate card is required to replace one that was lost, stolen, destroyed or became illegible, a duplicate card will be issued upon the filing of an application and payment of a fee of \$2.

(j) *Inspections.* Documents in the possession of the messenger service and records of transactions conducted by the messenger service shall be open to inspection by an authorized Commonwealth employe during normal working hours.

(k) *Sign.* Authorized messenger services which offer personal counter services to customers shall display on the outside of each place of business an identifying sign of durable material which meets the following specifications:

(1) Shall contain the words "authorized messenger service" or "authorized motor vehicle messenger service."

(2) May not:

(i) Contain a Pennsylvania Department of Transportation emblem.

(ii) Contain the terms "Bureau of Motor Vehicles", "official" or another term which could be construed by the general public to imply the messenger service is an agency of the Commonwealth.

(l) *New employes.* Messenger services shall notify the Bureau of the names and social security numbers of new employes of the messenger service within no more than 30 days of the Bureau's request for the information.

(m) *Return of documents to the Department.* The messenger service is responsible for returning to the Department a registration card or plate, driver license, dealer title or similar document which the messenger service has held for 60 days and has been unable to deliver to the applicant.

Authority

The provisions of this § 255.5 amended under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 7501(a).

Source

The provisions of this § 255.5 adopted September 9, 1977, effective September 10, 1977, 7 Pa.B. 2608; amended May 4, 1984, effective May 21, 1984, 14 Pa.B. 1561; readopted May 26, 1989, effective immediately and applies retroactively to May 5, 1989, 19 Pa.B. 2253. Immediately preceding text appears at serial pages (90322) to (90324).

Notes of Decisions*Timely Delivery of Documents*

Delivery of automobile title application to licensed messenger service is not the equivalent of delivery of the document to the Department and does not act as timely delivery of the application. However, when a car dealer gave automobile title applications to a messenger service within 7 days of purchase, it reasonably assumed that the service would comply with subsection (e) and deliver the documents within the requisite 20-day period. Thus, the car dealer was under no continuing obligation to monitor the delivery of the title documents once they were in the possession of the service. *Gary Barbera Dodge, Inc. v. DOT, Bureau of Motor Vehicles*, 700 A.2d 922 (Pa. 1997).

§ 255.5a. Decentralized service program.

(a) *Decentralized service agent.* A messenger service may participate in the decentralized service program by obtaining authorization from the Bureau to issue on behalf of the Department to qualified applicants temporary learner's permits, vehicle registration renewals, driver license renewals and other specified items. To obtain authorization as a decentralized service agent, a messenger service agent shall agree to handle decentralized service program forms in the manner outlined in subsection (b).

(b) *Decentralized service forms.* A messenger service which participates in the decentralized service program is responsible for obtaining and handling decentralized service forms as follows:

(1) *Department to provide.* Decentralized service forms will be provided by the Bureau through its Messenger Service Center to decentralized service agents.

(2) *Request for Departmental forms.* A decentralized service agent shall request decentralized service forms in a manner specified by the Department. Authorization shall be given in writing by the owner of the messenger service for an employee to receive completed orders of the forms. The completed order shall be signed for by the owner of the messenger service or the authorized employe of the messenger service, who shall present proper identification as issued by the Department.

(3) *Lost or stolen Departmental forms.* In the event that decentralized service forms are lost or stolen, the decentralized service agent shall report the occurrence to the Department within 48 hours after the agent's discovery of the loss or theft of the forms.

(4) *Mutilated Departmental forms.* In the event that a decentralized service form is mutilated by the decentralized service agent, the agent shall apply for replacement of the document on forms provided by the Department. Copies of the form shall be returned to the Department in order for the agent to receive a replacement.

(5) *Invalid Departmental forms.* In the event that a decentralized service form is deemed invalid due to defect or an error on the part of the Department, the decentralized service agent shall apply for a replacement of the document on forms provided by the Department. Copies of the defective form shall be returned to the Department with the application for replacement.

(6) *Issuance of forms.* Decentralized service forms shall be issued in numerical sequence by control number. The agent shall obtain permission for the Bureau in the manner prescribed, to issue the forms, in those cases where prior permission is required by the Department.

(7) *Submission of applications.* Decentralized service agents shall submit the appropriate copy of a form used for decentralized services to the Messenger Service Center of the Bureau within 5 days of the date of issuance to an applicant.

(8) *Identification and other documentation.* Decentralized service agents shall require that an applicant present proper identification and other documentation as required by the Department's operating procedures for decentralized services, before issuing a decentralized service form.

(9) *Maintenance of copies of forms.* Decentralized service agents shall maintain copies of all decentralized service forms issued to customers and of all related documents submitted to the Department for at least 2 years from the date of issuance. These records are to be maintained in numerical sequence by form control number at the office where the form was issued.

Authority

The provisions of this § 255.5a issued under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 7501(a).

Source

The provisions of this § 255.5a adopted May 4, 1984, effective May 21, 1984, 14 Pa.B. 1561; readopted May 26, 1989, effective immediately and applies retroactively to May 5, 1989, 19 Pa.B. 2253. Immediately preceding text appears at serial pages (90324) to (90325).

§ 255.6. Certified checks may be required.

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

Authority

The provisions of this § 255.6 issued under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 7501(a).

Source

The provisions of this § 255.6 adopted September 9, 1977, effective September 10, 1977, 7 Pa.B. 2608; amended May 4, 1984, effective May 21, 1984, 14 Pa.B. 1561; readopted May 26, 1989, effective immediately and applies retroactively to May 5, 1989, 19 Pa.B. 2253. Immediately preceding text appears at serial page (90326).

§ 255.7. (Reserved).**Authority**

The provisions of this § 255.7 issued under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 7501(a); rescinded under The Vehicle Code § 6103.

Source

The provisions of this § 255.7 adopted September 9, 1977, effective September 10, 1977, 7 Pa.B. 2608; amended May 4, 1984, effective May 21, 1984, 14 Pa.B. 1561; readopted May 26, 1989, effective immediately and applies retroactively to May 5, 1989, 19 Pa.B. 2253; reserved October 5, 2012, effective October 6, 2012, 42 Pa.B. 6291. Immediately preceding text appears at serial pages (245571), (227751) to (227754) and (240943) to (240944).

§ 255.8. Restoration.

The Department will charge a fee of \$25 to restore a messenger service certificate of authorization following a suspension.

Authority

The provisions of this § 255.8 issued under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 7501(a).

Source

The provisions of this § 255.8 adopted May 4, 1984, effective May 21, 1984, 14 Pa.B. 1561; readopted May 26, 1989, effective immediately and applies retroactively to May 5, 1989, 19 Pa.B. 2253. Immediately preceding text appears at serial page (90331).

[Next page is 257-1.]

255-10

(363792) No. 457 Dec. 12

Copyright © 2012 Commonwealth of Pennsylvania