

Requirements on Becoming a Dealer



REQUIREMENTS TO BECOME A DEALER

1. Follow instructions on Form MV-349, "Application for Vehicle Dealer Registration Plates for Dealers Licensed by Department of State."
2. If you desire to issue Temporary Registration Plates, follow requirements for PUB 457, "Agent Service Handbook."
3. Complete Form MV-375 for bond for each place of business of Manufacturer/Dealer (ORIGINAL FORM MUST BE SUBMITTED).
4. Vehicle dealership lot license issued by Department of State.
5. Obtain an original criminal history record on Form SP 4-164 from the State Policy (NOT A COPY), for each owner, partner or corporate officer.
6. Read and become familiar with Chapter 13 of the Pennsylvania Vehicle Code, Title 75.
7. Read and become familiar with the Title 67 relating to the "Issuance and Use of Dealer and Miscellaneous Dealer Motor Vehicle Business Plates," Chapter 53.

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

Contract requirements can be mailed to:

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

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

AGENT SERVICES CHECKLIST

Business Name: _____

Federal ID# (FEIN): _____

DIN# (if already assigned): _____

*****Please note, items that are bold, italicized and underlined
are new requirements for the new 5-year contract.*****

Check (✓) if YES:

- Do you have two copies of the requirements attached?
- Is your business name and address listed on the requirements?
- If you are an existing agent, is the agent number listed on the requirements?
- Do you have a list of all owners/corporate officers attached?
- Do you have a list of all employees and job titles attached?
- Do you have job descriptions attached for each owner/employee?**
- Is the home address listed for each owner/employee?**
- Do you have your phone number listed?
- Do you have your fax number listed?
- Do you have your email address listed? (Please check if email still valid)**
- Do you have a notary seal and or stamp, signed/dated, on the application for each person issuing tags?
- Do you have a copy the Notary Commission certificate(s) attached?
- Do you have a statement of no prior violations for all owners/corporate officers and employees issuing tags attached?
- Do you have a criminal record check for all owners/corporate officers and employees issuing tags attached?
- Do you have a security plan written/typed and attached?
- Do you have your \$30,000 bond in place and original attached?
- Do you have \$60.00 recovery fund fee attached? (Waived for new agents and dealers)**
- Do you have a notarized statement of no monies owed to the Commonwealth for each owner and corporate officer attached?
- Do you have a credit reference from the bank attached?
- Do you have THREE letters of character reference for each owner/corporate officer attached?

DID YOU PROVIDE (2) PHOTOGRAPHS OF THE FOLLOWING?

Check (✓) if YES:

- Main Entrance
- Posted Business Hours
- Completed schedule of fees/charges relating to the issuance of temporary cards and plates
- Phone and Desk Area including shredder
- Secure area for storage of temporary cards and plates
- Full Picture of Solid door constructions (with secure hinges), ceiling, walls and dead bolt lock**
- Exterior Signs
- Fraud Hotline notice

****Please allow a minimum of 30 days to fully execute the contract,
once all requirements are provided****

SAMPLE DOCUMENT

Cover page of Requirement Packet

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

P A G E B R E A K

Requirements

Experience

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

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

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

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

P A G E B R E A K

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

P A G E B R E A K

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

P A G E B R E A K

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

P A G E B R E A K

Facilities

Attach photographs of the interior and exterior of the place of business. The photographs of the exterior must show the entranceway and signs and business hours. The interior photographs must show the desk, phone, secure area (reference Facility Requirement 2.3) for storage of products and forms, and a complete schedule of fees and charges for Motor Vehicles/Driver Licensing and the contractor fees.

Notary Requirements

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

Criminal Background Check

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

Security Plan

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

Bond

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

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

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

EXTERIOR

- | | | | |
|-----|--|-----|----|
| 1. | Does your place of business provide parking spaces for the general public?
If no, skip to Question 4. | YES | NO |
| 2. | Are there designated persons with disability parking spaces?
If no, skip to Question 4. | YES | NO |
| 3. | Are there signs designating person with disability parking space(s)? | YES | NO |
| 4. | Is there a clear unobstructed path of travel at least 36 inches from where your customers park to your door? | YES | NO |
| 5. | Are curb cuts necessary for access?
If no, skip to Question 9. | YES | NO |
| 6. | Have the curb cuts been installed?
If no, skip to Question 9. | YES | NO |
| 7. | Is the length of the curb cut at least one foot for every inch of curb height? | YES | NO |
| 8. | Is the width of the curb cut at least 36 inches? | YES | NO |
| 9. | Are ramps necessary for access?
If no, skip to Question 14. | YES | NO |
| 10. | Have the ramps been installed? | YES | NO |
| 11. | Is the height of the ramp such to reach the level of the entrance? | YES | NO |
| 12. | Is the length of the ramp at least one foot long for every inch of height? | YES | NO |
| 13. | Is the width of the ramp at least 36 inches? | YES | NO |

ENTRY:

- | | | | |
|-----|--|-----|----|
| 14. | Does your entrance door provide a minimum of 32 inches of clearance? | YES | NO |
| 15. | Is your entrance door's threshold less than one-half inch high?
NOTE: Thresholds at doorways should not exceed $\frac{3}{4}$ inch in height for exterior sliding doors of $\frac{1}{2}$ inch for other types of doors. | YES | NO |
| 16. | Is your entrance door's threshold beveled or slanted on both ends? | YES | NO |
| 17. | Is your door handle 48 inches high or less? | YES | NO |
| 18. | Can the door be easily opened using a close fist? | YES | NO |
| 19. | Is there an interior door?
If no, skip to Question 21. | YES | NO |
| 20. | Does the interior door meet the same specifications of the entry door as described above? | YES | NO |

INTERIOR:

- | | | | |
|-----|---|-----|----|
| 21. | Is the route to where PennDOT customer services are provided 36 inches wide? | YES | NO |
| 22. | Are the counters where PennDOT customer services are provided no more than 36 inches high and at least 36 inches? | YES | NO |

ATTACHED IS A SAMPLE CONTRACT

THE CONTRACT HAS NO VAILIDTY UNTIL:

ALL REQUIREMENTS ARE MET

AND

ALL SIGNATURES ARE OBTAINED

AND

A COMPLETELY EXECUTED CONTRACT IS RETURNED TO YOU

This sample is being provided for your review.

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

THANK YOU.

Effective Date: _____
(The Department will Enter)

Contract #: _____
Federal ID #: _____

AGENT SERVICES AGREEMENT

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

a n d

John Doe Tag Agency (**Provider**),

1101 South Front Street
Harrisburg, PA 17104

E-mail: _____

The Department and Provider are collectively referred to in this Agreement as the “parties.”

W I T N E S S E T H:

WHEREAS, Act 152 of 2002 requires the Department to enter into contracts with individuals and business entities intending to provide agent services for the issuance and processing of vehicle registration documents and fees (the “Agreement”); and,

WHEREAS, “agent services” and the responsibilities of an “agent” as that term is used herein are further defined by the Vehicle Code, including particularly its Chapter 75, 75 Pa.C.S. § 7501 *et seq.*; the Department’s regulations; the Department’s policies; and this Agreement; and,

WHEREAS, Provider desires to enter into this Agreement to provide agent services to vehicle owners and operators in the Commonwealth and to that end, submitted an application, which is attached hereto as Exhibit “A” and incorporated as a material part of this Agreement; and,

WHEREAS, upon full execution of this Agreement, Provider shall receive a certificate of authorization to provide agent services, which will be issued, subject to full compliance with the terms and conditions of this Agreement; and,

WHEREAS, the Department has determined that Provider is not an official or employee of the Commonwealth and is otherwise qualified and eligible to provide the agent services and is entering into this Agreement for the purpose of establishing and defining the parties' duties, responsibilities and obligations; and to set forth the terms and conditions applicable to the certificate of authority.

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

1. The above recitals are incorporated herein by reference as though set forth at length.
2. The following terms as used in the Agreement shall have the following meaning:

Agent and Agent Services—the responsibilities of an “agent” to provide “agent services” are further defined by the Vehicle Code, particularly Chapter 75, 75 Pa.C.S. § 7501 *et seq.*; this Agreement and its attachments; the Department’s regulations; and the Department’s training manuals or publications containing official Department policies.

Established Place of Business—the premises, notary, staff, hours of operation, and training requirements of an Agent Service as prescribed by the Vehicle Code, Department Regulations, this agreement and any addendum or attachment to this agreement, including Department Bulletins, training materials and online resources.

Products— Temporary or permanent registration cards, plates, permits, or other official Department documentation, so designated by the Department, that can be issued by a Provider under this Agreement.

Proof of Identification— a current, government-issued identification document, as approved by the Department.

Program Requirements—Exhibit “B” to this Agreement, which may be amended from time to time, as more fully explained below; and the Department’s Driver and Vehicle Services Update Bulletins, Agent Services Basic Title and Registration Course; Advanced Refresher Training Manual; and such other official updates, publications or policy documents developed by the Department.

Provider—A holder of a certificate of authorization; or the owner, officer, director, employee or affiliate of any natural person or entity providing agent services in the Commonwealth of Pennsylvania under a certificate of authorization.

Registration Card—a registration card, including both temporary and permanent, issued by a Provider under this Agreement.

Registration Plate —a registration plate, including both temporary or permanent, issued by a Provider under this Agreement.

Responsible (and Responsibly)—Possession and demonstration of the capability, skill and/or competence to fully perform this Agreement and its Program Requirements in all respects, and the integrity and reliability to assure good faith performance of this Agreement and its Program Requirements.

Revocation—A sanction which permanently withdraws Provider's certificate of authorization.

Suspension—A sanction which temporarily withdraws Provider's certificate of authorization to provide agent services.

3. Upon submission and full execution of this Agreement, the Department will issue Provider with a certificate of authorization; and Products designated by the Department as necessary to allow Provider to **responsibly** offer agent services to consumers in the Commonwealth, in a customer friendly manner, and in strict compliance with the terms and conditions of this Agreement and the Program Requirements.

4. The Department will recognize Products designated by the Department, including but not limited to temporary or permanent registration cards, plates and permits, valid upon issuance, in accordance with this Agreement.

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

6. Provider acknowledges that the agent services it will provide consumers under this Agreement shall include but not be limited to processing vehicle transfers, assisting customers to complete title applications and registration applications, issuing registration plates, processing registration plate transfers, collecting sales taxes and fees and forwarding vehicle transfer, title and registration applications and all sales taxes and fees collected to the Department in a timely manner.

7. Provider shall provide agent services in accordance with this Agreement and the Program Requirements, as may be amended from time to time. The current version of Exhibit "B" is incorporated herein by reference as though set forth at length. The Department reserves the right to amend the Program Requirements as set forth below. Provider's authority to provide agent services is conditioned upon its strict compliance with the Program Requirements.

8. Provider shall responsibly perform agent services in accordance with 75 Pa.C.S. Chapters 11 (relating to certificate of title and security interests); 13 (relating to registration of vehicles); and 75 (relating to authorization of agent and messenger services). Furthermore, Provider shall comply with 75 Pa.C.S. § 6114 (relating to limitation on sale, publication and disclosure of records) and shall make all statutorily required payments that are prerequisite to performance of the agent services to be provided under this Agreement, including but not limited to payments to the Motor Vehicle Transaction Recovery Fund. See, e.g. 75 Pa.C.S. § 2302. Provider shall also comply with 67 Pa. Code Chapter 43 (including but not limited to those portions pertaining to cards and plates). Where this Agreement or other written policies of the Department provide a more stringent standard of Provider performance and conduct than existing statutes or regulations, this Agreement and its Program Requirements shall apply.

9. Provider shall require that each applicant for title or registration provide, at the time of making application, proof of identification that complies with the Department's proof of identification policies, and shall verify the authenticity of each applicant's proof of identification document in the manner prescribed by the Program Requirements and Exhibit "B."

10. The Department reserves the right to revise the Program Requirements as circumstances, in its sole judgment, may warrant. Provider agrees that the Department may deliver notice of the revisions electronically to the e-mail address set forth in Provider's application (Exhibit A). The Department's notice shall be effective upon issuance, and Provider agrees that it will be deemed to have accepted the revisions and that it will comply

with such revisions unless it exercises its option to terminate the Agreement by giving the Department 30 days' notice as provided below.

11. Provider shall at all times maintain the highest degree of security over and confidentiality of information furnished by the Department and its customers and shall take all necessary steps to prevent the divulgence or use of such information in any form or manner not expressly permitted by this Agreement.

12. Provider agrees that the Department may impose the following sanctions for Provider's failure to comply with this Agreement and the Program Requirements, the Vehicle Code, and the Departments regulations:

- a. Suspend Provider's certificate of authority for the acts and omissions listed and for the periods specified in Paragraph 17;
- b. Suspend Provider's certificate of authority indefinitely as provided in Paragraph 18, or for failure to comply with this Agreement and the Program Requirements, the Vehicle Code, and the Departments regulations, until Provider is in compliance; or
- c. Revoke Provider's certificate of authority for the acts and omissions listed in Paragraph 19.

13. The Department may also terminate this Agreement for good cause shown, including, but not be limited to--

- a. Revocation of Provider's certificate of authority;
- b. Failure to comply after an indefinite suspension has lasted for more than 60 days;
- c. Culpable conduct in the performance of this Agreement or conviction of a crime of such a nature that continuation of the contractual relationship is inimical to the interests of the Department; or
- d. Misrepresentation or fraud on the part of Provider in entering into or administering the terms of this Agreement.

14. Provider agrees that its remedies for suspension, revocation, or termination are limited to an appeal under 2 Pa.C.S. §§ 501—508 (relating to general rules of administrative practice and procedure of administrative agencies); 1 Pa. Code Part II (relating to general

rules of administrative practice and procedure); and 67 Pa. Code Chapter 491 (relating to administrative practice and procedure), which shall be initiated by filing a written request for a hearing within 30 days of the date of the notice provided by the Department.

15. Provider agrees that the Department reserves the right to suspend Provider’s operations under this Agreement on an interim basis prior to a hearing, where it determines that Provider’s conduct presents an immediate and substantial threat of serious harm to the public or the Department’s interests. Any such interim suspension shall be subject to review as provided in 67 Pa. Code Chapter 491 (relating to administrative practice and procedure).

16. In the case of multiple instances of prohibited acts or omissions arising out of the same facts and circumstances, the Department may impose separate sanctions for each prohibited act or omission under the schedule set forth below. The Department may also direct that suspensions be served concurrently or consecutively and the Department reserves the right to impose sanctions of lesser duration than those set forth above, as it may deem appropriate. Acts or omissions of the same nature as prior acts and omissions may warrant imposition of a sanction in excess of those set forth below, as deemed necessary and appropriate by the Department.

17. Provider agrees that the following acts or omissions are prohibited and if Provider engages in any of the following acts or omissions, any such act or omission, alone, or combined with other similar acts or omissions, shall be considered sufficient grounds for suspension of Provider’s certificate of authorization in accordance with the following schedule:

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(1) The Provider has failed to allow inspection of documents or plates in the possession of the agent service by authorized Commonwealth employees or law enforcement — first violation.	Certificate of Authorization suspended until the documents, plates, or both, are made available, plus one (1) month.
(2) The Provider has given, loaned or sold a plate or product including forms MV-1, MV-4ST and MV-120 to an issuing Provider, notary or other person — first violation.	Certificate of Authorization suspended for three (3) months.
(3) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 30 days of issuance. — first violation.	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus one (1) month. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(4) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 30 days of issuance. — second violation.	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus three (3) months. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
(5) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 60 days of issuance. — first violation.	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus three (3) months. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
(6) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 60 days of issuance. — second violation.	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus six (6) months. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
(7) The Provider 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 Provider— first violation.	Written warning and Certificate of Authorization suspended until the uncollectible checks, protest fees and collection charges are paid.
(8) The Provider 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 Provider — second violation.	Certificate of Authorization suspended until uncollectible checks, protest fees and collection charges are paid, plus one (1) month.
(9) The Provider has failed to comply with an order from the Department to submit certified checks, postal or other money orders with a document to the Department for processing — first violation.	Certificate of Authorization suspended for one (1) month.
(10) The Provider has failed to provide the Department with an inventory report within 30 days, as required by Department regulations — first violation.	Certificate of Authorization suspended until report is provided.
(11) The Provider has charged a fee in excess of the fee allowed for providing an applicant with a temporary plate under Department regulations — first violation.	Certificate of Authorization suspended for three (3) months.

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(4) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 30 days of issuance. — second violation.	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus three (3) months. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
(5) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 60 days of issuance. — first violation.	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus three (3) months. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
(6) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 60 days of issuance. — second violation.	Certificate of Authorization suspended until the documents, fees or taxes are delivered plus six (6) months. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
(7) The Provider 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 Provider— first violation.	Written warning and Certificate of Authorization suspended until the uncollectible checks, protest fees and collection charges are paid.
(8) The Provider 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 Provider — second violation.	Certificate of Authorization suspended until uncollectible checks, protest fees and collection charges are paid, plus one (1) month.
(9) The Provider has failed to comply with an order from the Department to submit certified checks, postal or other money orders with a document to the Department for processing — first violation.	Certificate of Authorization suspended for one (1) month.
(10) The Provider has failed to provide the Department with an inventory report within 30 days, as required by Department regulations — first violation.	Certificate of Authorization suspended until report is provided.
(11) The Provider has charged a fee in excess of the fee allowed for providing an applicant with a temporary plate under Department regulations — first violation.	Certificate of Authorization suspended for three (3) months.

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(12) The Provider has issued products at a location not approved by the Department — first violation.	Certificate of Authorization suspended for three (3) months and operation suspended at unapproved location until approved by Department or closed by the Provider.
(13) The Provider has not listed or obtained proper insurance information as required by 75 Pa.C.S § 1318(b) — first violation.	Certificate of Authorization suspended for three (3) months.
(14) The Provider has reissued a temporary registration card without written authorization from the Department — first violation.	Certificate of Authorization suspended for three (3) months.).
(15) The Provider has reissued a temporary registration card without written authorization from the Department — second violation.	Certificate of Authorization suspended for six (6) months.
(16) The Provider has charged a fee for issuance of a temporary registration card in violation of 75 Pa.C.S. § 1310(c) — first violation.	Written warning.
(17) The Provider has charged a fee for issuance of a temporary registration card in violation of 75 Pa.C.S. § 1310(c) — second violation.	Certificate of Authorization suspended for three (3) months.
(18) The Provider has failed to maintain the established place of business in accordance with contract requirements — first violation.	Certificate of Authorization suspended until the established place of business is brought into compliance with contract requirements.
(19) The Provider has not issued registration plates in consecutive order, beginning with the lowest number in each series — first violation.	Written warning.
(20) The Provider has not issued registration plates in consecutive order, beginning with the lowest number in each series — second violation.	Certificate of Authorization suspended for three (3) months.
(21) The Provider has not listed the date of the issuance of the registration cards, plates, permits or other products designated by the Department — first violation.	Certificate of Authorization suspended for one (1) month.
(22) The Provider has not listed the date of the issuance of the registration cards, plates, permits or other products designated by the Department — second violation.	Certificate of Authorization suspended for three (3) months.

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(23) The Provider has failed to notify the Department of a change in ownership, location, e-mail address, staff engaged in the provision of agent services, or duly authorized and currently licensed notary on staff, before or within 10 days after the change — first violation.	Certificate of Authorization suspended until an application related to the change in location has been submitted and approved
(24) The Provider has failed to keep the registration card or documents related to an application for title or registration in strict confidence — first violation.	Certificate of Authorization suspended for three (3) months.
(25) The Provider has failed to keep the registration card or documents related to an application for title or registration in strict confidence — second violation.	Certificate of Authorization suspended for six (6) months.
(26) The Provider has issued plates for a vehicle for which a title has already been issued, unless permitted under Department regulations — first violation.	Written warning.
(27) The Provider has issued plates for a vehicle for which a title has already been issued, unless permitted under Department regulations — second violation.	Certificate of Authorization suspended for three (3) months
(28) The Provider has issued a metal plate for transporting a vehicle out of State — first violation.	Certificate of Authorization suspended for one (1) month.
(29) The Provider has issued a metal plate for transporting a vehicle out of State — second violation.	Certificate of Authorization suspended for three (3) months.
(30) The Provider has not listed its name and identification number on two or more applications and checks submitted to the Department — first violation.	Certificate of Authorization suspended for one (1) month.
(31) The Provider has not listed its name and identification number on two or more applications and checks submitted to the Department — second violation.	Certificate of Authorization suspended for three (3) months.
(32) The Provider has issued a metal plate for a vehicle for which a certificate of salvage has been issued — first violation.	Certificate of Authorization suspended for one (1) month.
(33) The Provider has issued a metal plate for a vehicle for which a certificate of salvage has been issued — second violation.	Certificate of Authorization suspended for three (3) months.

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(34) The Provider has issued the incorrect type of plate for a particular vehicle — first violation.	Written warning.
(35) The Provider has issued the incorrect type of plate for a particular vehicle — second violation.	Certificate of Authorization suspended for three (3) months.
(36) The Provider has failed to post fees, hours of operation, or certificate of authorization as required by this Agreement — first violation.	Written warning.
(37) The Provider has failed to post fees, hours of operation, or certificate of authorization as required by this Agreement — second violation.	Certificate of Authorization suspended for one (1) month.
(38) The Provider has failed, on more than two occasions, to be open during posted business hours — first violation.	Written warning
(39) The Provider has failed, on more than two occasions, to be open during posted business hours — second violation.	Certificate of Authorization suspended for three (3) months.
(40) The Provider has refused to accept or service a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth — first violation.	Written warning.
(41) The Provider has refused to accept or service a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth — second violation.	Certificate of Authorization suspended for three (3) months.
(42) The Provider has failed to provide proper security for registration cards and plates — first violation.	Certificate of Authorization suspended for one (1) month.
(43) The Provider has failed to provide proper security for registration cards and plates — second violation.	Certificate of Authorization suspended for three (3) months.
(44) The Provider has refused to issue, upon request, a registration card to an owner or lessee of a vehicle who has proper documentation — first violation.	Written warning.
(45) The Provider has refused to issue, upon request, a registration card to an owner or lessee of a vehicle who has proper documentation — second violation.	Certificate of Authorization suspended for three (3) months.
(46) The Provider has failed to maintain a schedule of business hours which conforms to the requirements of this Agreement — first violation.	Written warning.

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(47) The Provider has failed to maintain a schedule of business hours which conforms to the requirements of this Agreement — second violation.	Certificate of Authorization suspended for three (3) months.
(48) The Provider has issued an in-transit tag without verification that the vehicle will be transported to another state for registration — first violation.	Certificate of Authorization suspended for one (1) month.
(49) The Provider has issued an in-transit tag without verification that the vehicle will be transported to another state for registration — second violation.	Certificate of Authorization suspended for three (3) months.
(50) The Provider has failed to furnish receipts as required or failed to retain duplicate copies of receipts for three (3) years — first violation.	Written warning.
(51) The Provider has failed to furnish receipts as required or failed to retain duplicate copies of receipts for three (3) years — second violation.	Certificate of Authorization suspended for three (3) months.
(52) The Provider has issued a registration card or plate to an applicant without receiving proper proof of ownership documentation — first violation.	Certificate of Authorization suspended for one (1) month.
(53) The Provider has issued a registration card or plate to an applicant without receiving proper proof of ownership documentation — second violation.	Certificate of Authorization suspended for three (3) months.
(54) The Provider has failed to file and retain required records under this Agreement — first violation.	Written warning.
(55) The Provider has failed to file and retain required records under this Agreement — second violation.	Certificate of Authorization suspended for three (3) months.
(56) The Provider has on more than one occasion failed to comply with any provision of the Vehicle Code or Department regulations not specifically noted elsewhere in this Agreement — first violation.	Certificate of Authorization suspended for one (1) month.
(57) The Provider has on more than one occasion failed to comply with any provision of the Vehicle Code or Department regulations not specifically noted elsewhere in this Agreement — second violation.	Certificate of Authorization suspended for three (3) months.

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(58) An owner, officer or employee of Provider has been convicted of a summary offense related to the titling, registration or payment of sales tax for a vehicle, which was committed in connection with the Provider and its business— first violation.	Certificate of Authorization suspended for three (3) months.
(59) The Provider has failed to meet the training requirements pursuant to this Agreement – first violation.	Certificate of Authorization suspended until Provider and/or employees attend the required training courses.
(60) The Provider has failed to meet the training requirements pursuant to this Agreement – second or subsequent violation.	Certificate of Authorization suspended until Provider and/or employees attend the required training courses, plus one (1) month.
(61) The Provider has processed an application containing an address/addresses which do not correspond to the address/addresses displayed on the approved Pennsylvania proof of identification submitted with that application. – first violation.	Certificate of Authorization suspended for one (1) month.
(62) The Provider has processed an application containing an address/addresses which do not correspond to the address/addresses displayed on the approved Pennsylvania proof of identification submitted with that application. – second violation.	Certificate of Authorization suspended for three (3) months.
(63) The Provider has failed to request and retain State Police criminal background checks as required by this Agreement – first violation.	Certificate of Authorization suspended until Provider comes into compliance with applicable sections of this Agreement.
(64) The Provider has failed to enter required information into the in-transit plate online tracking system at the time of issuance of an in-transit plate – first violation.	Certificate of Authorization suspended for one (1) month.
(65) The Provider has failed to enter required information into the in-transit plate online tracking system at the time of issuance of an in-transit plate – second violation.	Certificate of Authorization suspended for three (3) months.
(66) The Provider has issued an in-transit plate for a vehicle that has been issued a certificate of salvage or non-repairable certificate – first violation.	Certificate of Authorization suspended for one (1) month.
(67) The Provider has issued an in-transit plate for a vehicle that has been issued a certificate of salvage or non-repairable certificate – second violation.	Certificate of Authorization suspended for three (3) months.

Prohibited Act or Omission	Period of Suspension of Certificate of Authorization
(68) The Provider, its owner, or employee has processed an application for title or registration but failed to verify the public Vehicle Identification Number of the vehicle as required by this Agreement applicable laws and regulations – first violation.	Certificate of Authorization suspended for one (1) month.
(69) The Provider, its owner, or employee has processed an application for title or registration but failed to verify the public Vehicle Identification Number of the vehicle as required by this Agreement applicable laws and regulations – second violation.	Certificate of Authorization suspended for three (3) months.
(70) An unauthorized employee or individual has issued a registration card or plate assigned to the Provider – first violation.	Certificate of Authorization suspended for one (1) month.
(71) An unauthorized employee or individual has issued a registration card or plate assigned to the Provider – second violation.	Certificate of Authorization suspended for three (3) months.
(72) Provider has issued registration cards or plates but has delivered documents that are incomplete, invalid or otherwise defective. – first violation.	Certificate of Authorization suspended for one (1) month.
(73) Provider has issued registration cards or plates but has delivered documents that are incomplete, invalid or otherwise defective. – second violation.	Certificate of Authorization suspended for three (3) months.
(74) Provider has failed to comply with any Department policy or procedure not otherwise mentioned above – first violation.	Certificate of Authorization suspended for three (3) months.
(75) Provider has failed to comply with any Department policy or procedure not otherwise mentioned above – second violation.	Certificate of Authorization suspended for six (6) months.

18. Notwithstanding any suspension period stated above, if Provider has not remedied the act or omission resulting in suspension at the end of any suspension period, the suspension shall continue beyond the suspension period stated above (or in the Department’s written notice) until the act or omission is fully remedied to the satisfaction of the Department.

19. Provider agrees that the following acts or omissions are prohibited and if Provider engages in any of the following acts or omissions, any such act or omission, alone, or combined with other similar acts or omissions, shall be considered sufficient grounds for revocation of Provider's certificate of authorization in accordance with the following schedule:

- (1) The Provider has issued a registration card or plate containing a misstatement of fact or other false information which the Provider knew or should have known to be false – **first violation**.
- (2) The Provider has accepted proof of identification documents which fail to conform to Department guidelines in connection with issuance of the registration cards or plates – **first violation**.
- (3) The Provider has re-issued a temporary registration card without written authorization from the Department – **third violation**.
- (4) The Provider has processed applications or issued registration cards or plates without proper documentation as required by the Department – **first violation**.
- (5) The Provider has failed to allow inspection of documents or plates in the possession of the Provider by authorized Commonwealth employees or law enforcement – **second violation**.
- (6) The Provider has consigned or transferred plates to other issuing Providers, notaries or persons – **second violation**.
- (7) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 30 days of issuance – **third violation**. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
- (8) Provider has issued products but failed to deliver proper documents, fees or taxes to the Department within 60 days of issuance – **third violation**. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).

- (9) The Provider has issued registration cards or plates but has failed to deliver proper documents, fees or taxes to the Department within 90 days of issuance – **first violation**. The Department may also impose liquidated damages in an amount consistent with applicable law (including but not limited to 75 Pa.C.S. § 1374 or such other law enacted or promulgated following execution of this Agreement).
- (10) The Provider has been convicted of a felony or misdemeanor relating to the titling, registration or collection of sales tax and fees for a vehicle or an owner, officer or employee has been convicted of any felony relating to motor vehicles within the last 10 years – **first violation**.
- (11) The Provider 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 Provider – **third violation**.
- (12) The Provider has failed to comply with an order from the Department to submit certified checks, postal or other money orders with a document to the Department for processing – **second violation**.
- (13) The Provider has failed to provide the Department with an inventory report within 30 days, as required by Department regulations – **second violation**.
- (14) The Provider has charged a fee in excess of the fee allowed for providing an applicant with a temporary plate under Department regulations – **second violation**.
- (15) The Provider has offered or delivered money, gifts or other items of substantial value to a Commonwealth employee – **first violation**.
- (16) The Provider has operated an additional location without notifying the Department – **second violation**.
- (17) The Provider has failed to disclose material information or has made a materially false statement on the application for certificate of authorization, and which would have been a basis for denial of the certificate of authorization – **first violation**.
- (18) The Provider has not listed or obtained proper insurance information as required by 75 Pa.C.S. § 1318(b) – **second violation**.

- (19) The Provider has charged a fee for the issuance of a temporary registration card in violation of 75 Pa.C.S. § 1310(c) – **third violation.**
- (20) The Provider has failed to maintain the established place of business in accordance with contract requirements – **second violation.**
- (21) The Provider has not issued registration plates in consecutive order, beginning with the lowest number in each series – **third violation.**
- (22) The Provider has not listed the date of the issuance of the registration cards, plates, permits or other products designated by the Department – **third violation.**
- (23) The Provider has failed to notify the Department of a change in ownership, location, e-mail address, staff engaged in the provision of agent services, or duly authorized and currently licensed notary on staff, before or within 10 days after the change – **second violation.**
- (24) The Provider has failed to keep the registration card and documents related to the application for title or registration, or both, in strict confidence – **third violation.**
- (25) The Provider has issued registration plates for a vehicle for which a title has already been issued, unless permitted under Department regulations – **third violation.**
- (26) The Provider has issued a metal plate for transporting a vehicle out-of-State – **third violation.**
- (27) The Provider has not listed its name and identification number, as required, on two or more applications and checks submitted to the Department– **third violation.**
- (28) The Provider has issued a metal plate for a vehicle for which a certificate of salvage has been issued– **third violation.**
- (29) The Provider has issued the incorrect type of plate for a particular vehicle – **third violation.**
- (30) The Provider has failed to post fees, hours of operation, or certificate of authorization as required by this Agreement– **third violation.**
- (31) The Provider has failed on two or more occasions to open during posted business hours – **third violation.**

- (32) The Provider has refused to accept a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth – **third violation.**
- (33) The Provider has failed to provide proper security for registration cards and plates – **third violation.**
- (34) The Provider has refused to issue, upon request, a registration card to an owner or lessee of a vehicle who possesses proper documentation – **third violation.**
- (35) The Provider has failed to maintain an adequate schedule of business hours – **third violation.**
- (36) The Provider has issued an in-transit plate without verification that the vehicle will be transported to another state for registration – **third violation.**
- (37) The Provider has failed to furnish receipts as required or failed to retain duplicate copies of receipts for three (3) years – **third violation.**
- (38) The Provider has issued a registration card or plate to an applicant without proper proof of ownership documentation – **third violation.**
- (39) The Provider has failed to file and retain required records under this agreement – **third violation.**
- (40) The Provider has on more than one occasion failed to comply with any provision of the Vehicle Code or Department regulations not specifically noted elsewhere in this Agreement – **third violation.**
- (41) The Provider has been convicted of a summary offense, relating to the titling, registration or payment of sales tax for a vehicle, which was committed in connection with the agent services provided under this Agreement – **second violation.**
- (42) The Provider has processed an application containing an address/addresses which do not correspond to the address/addresses displayed on the approved Pennsylvania proof of identification submitted with that application – **third violation.**
- (43) The Provider has failed to enter required information into the in-transit plate online tracking system at the time of issuance of an in-transit plate – **third violation.**

- (44) The Provider has issued an in-transit plate for a vehicle that has been issued a certificate of salvage or non-repairable certificate – **third violation.**
- (45) The Provider has processed an application for title or registration but failed to verify the public Vehicle Identification Number of the vehicle as required by this agreement applicable laws and regulations – **third violation.**
- (46) An unauthorized employee or individual has issued a registration card or plate assigned to the Provider – **third violation.**
- (47) Provider has issued registration plates but has delivered documents that are incomplete, invalid or otherwise defective – **third violation.**
- (48) Provider has failed to comply with any Department policy or procedure not otherwise mentioned above – **third violation.**

20. Provider agrees that it shall immediately surrender its certificate of authorization and Department Products, including but not limited to registration cards and plates, title and registration materials, for the duration of any such period of suspension or revocation, or upon termination of this Agreement.

21. Termination of the Agreement (or an expression of an intent not to renew the Agreement) by either party does not relieve Provider of its obligation to comply with this Agreement, its attachments and the Program Requirements, all of which shall survive termination or nonrenewal and remain in full force and effect during any suspension or revocation of a certificate of authorization. Provider may terminate this Agreement or not renew it upon 30 days' written notice to the Department, and upon providing such notice of termination or nonrenewal, shall upon the effective date of such termination or nonrenewal, *immediately*, return all unissued Products and related materials to the Department. Following termination or nonrenewal, any Provider intending to enter into a new agreement with the Department to provide agent services shall resubmit a full application to the Department, unless otherwise agreed between the parties.

22. Provider shall file and maintain with the Department a bond in the amount of \$30,000.00 for each of Provider's approved business locations, so as to secure the faithful performance of this Agreement and its Program Requirements. The bonds shall be executed by a surety company authorized by law to transact business in this Commonwealth and shall be for the use and benefit of the Commonwealth and persons who have sustained a

monetary loss attributable to the intentional or negligent conduct of the Provider or Provider's employees, including but not limited to losses incurred in negotiating checks or other instruments drawn by the Provider, in accordance with 67 Pa. Code §43.9(d). If the amount available under the bond is decreased, or if there is a final judgment outstanding on the bond, the Department reserves the right to suspend or revoke Provider's certificate of authorization until steps are taken, satisfactory to the Department, to restore the original amount of the bond, provide an additional bond or satisfy the outstanding judgment. If the bond is terminated or becomes unsatisfactory for any reason, the Provider's certificate of authorization shall be suspended until the Provider furnishes the Commonwealth with a satisfactory substitute bond in the amount required by the Department. The Department reserves the right to increase the amount of financial security to be furnished under this section and the Department reserves the right to accept other forms of financial security (other than bonds), if approved in writing by the Department.

23. The Provider agrees to be bound by the current versions of the Commonwealth's Provisions Concerning the Americans With Disabilities Act, Nondiscrimination/Sexual Harassment Clause, the Contractor Integrity Provisions, Contractor Responsibility Provisions and the Right-to-Know Law Provisions, which are attached hereto as Exhibits "C," "D," "E," "F" and "G," respectively and incorporated herein by reference as though set forth at length. The term "contractor" as used in these provisions shall mean "Provider."

24. The Provider shall comply with all applicable federal laws, state laws, applicable regulations and local ordinances in carrying out its obligations under this Agreement, which now exist or may be enacted, promulgated or implemented in the future.

25. The Provider agrees to save harmless, indemnify and, if requested, defend the Commonwealth of Pennsylvania, the Department, their officers, employees or agents from and against all claims, suits or actions for damages, costs or expenses arising, or alleged to have arisen, from death or injury to person or property, or other damage as a result of any act or omission of the Provider in performing this Agreement and agent services.

26. The laws of the Commonwealth of Pennsylvania shall apply to this Agreement and be used in the interpretation of this Agreement.

27. This Agreement, Program Requirements and the attachments hereto constitute the entire agreement between the parties.

28. This Agreement shall be for an initial term of five years commencing on the effective date. After the initial term, the Agreement shall renew automatically for five additional periods of one year each, except upon 30 days' written notice of either party's intent not to renew the Agreement.

29. Except as specifically addressed above (i.e., amendments to the Program Requirements by way of e-mail notice), this Agreement may be amended at any time by the exchange of a letter, mutually executed by both parties' authorized signatories, and the Department's Office of Chief Counsel.

30. This Agreement will not be effective until fully executed by all required Commonwealth signatories, and the effective date to be entered at the top of page one will be the date upon which the last required Commonwealth signatory executes this Agreement.

SAMPLE

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

ATTEST

PROVIDER

BY _____
Title: _____ DATE _____

BY _____
Title: _____ DATE _____

If a Corporation, only the Chairman, President, Vice-President, Senior Vice-President, Executive Vice-President, Assistant Vice-President, Chief Executive Officer or Chief Operating Officer must sign; if a sole proprietorship, only the owner must sign; if a partnership, only one partner need sign; if a limited partnership; only the general partner may sign; if a limited liability company, only a member or managing member may sign. If another type of entity, please attach a resolution.

DO NOT WRITE BELOW THIS LINE – FOR COMMONWEALTH USE ONLY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY _____
Deputy Secretary, DATE
Driver & Vehicle Services or Designee

APPROVED AS TO LEGALITY
AND FORM

BY _____
for Chief Counsel Date

Preapproved Form:
OGC No. 18-FA-67.0
Approved OAG 3/5/2014

EXHIBIT "B"

PROGRAM REQUIREMENTS

0.0 APPLICATION REQUIREMENTS

- 0.1 An Applicant to be a Provider, certifies that it or any of its owners, managers or employees, is not under sanction or investigation by the Department or that it or any of its owners, managers or employee, has not previously been sanctioned by the Department for violations of the Vehicle Code (75 Pa.C.S. 101 et seq.), Department Regulations, or any existing agreement with the Department of Transportation. Sanctions may not necessarily bar an agent from becoming a Provider, as the Department will consider each case on its own merits; however, such information could certainly preclude one from being a Provider, when in the best interests of the Department.
- 0.2 Applicants shall provide the business name, address, phone number, fax number, email address, Federal ID number and all other information requested by the Department.
- 0.3 An Applicant shall provide the name and home address of all employees who will be involved in ownership, management and conducting the agent services and indicate the responsibilities each will have within the service.
- 0.4 An Applicant shall provide a letter or letters of reference from a bank or other financial institution(s) indicating that accounts of the applicant are handled in a satisfactory manner that is consistent with standard banking practices.
- 0.5 Applicant shall provide three letters of reference from business concerns, on business stationery, attesting to the character of the Applicant.
- 0.6 Applicant shall provide a notarized statement that no monies are due and owing the Commonwealth of Pennsylvania by the Applicant, the Applicant's business entity or by the owners and officers of the business.

1.0 GENERAL REQUIREMENTS

- 1.1 Provider shall be a, or employ at least one, notary public, licensed by the Department of State, Bureau of Commissions, Elections and Legislation, to be present at the premises during all hours of operation, unless Provider is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons.
- 1.2 Provider shall provide the name, address, signature and the notary stamp of a notary public who will be engaged in or employed during the hours of operation of the notary service. A copy of the Notary Commission must also be provided. If verification in lieu of notarization is used, then a notary is not required for agents with an 85, 86 or 87 Dealer ID Number. If verification in lieu of notarization is used, Provider must submit a written statement that this process will be used and provide the stamp indicating the dealer name and dealer ID number.
- 1.3 Provider must pay an assessment of \$60.00 to the Motor Vehicle Transaction Recovery Fund, in addition to any other license fees which may be required by the Department or law.

- 1.4 Provider shall be responsible for all costs and fees associated with the operation of its business, including costs and fees associated with maintaining a bond in favor of the Department or otherwise complying with requirements imposed by the Department from time to time by way of amendments to these Program Requirements.
- 1.5 No official or employee of the Commonwealth shall be eligible to enter into a contract with the Department to own or operate an agent or messenger service nor shall an agent or messenger employ an official or employee of the Commonwealth.
- 1.6 Provider shall enter all vehicle owner, vehicle, insurance, and driver information into the Department's online in-transit plate tracking system at the same time an in-transit plate is issued, so long as the Provider has taken the steps necessary to issue in-transit plates. In order to be authorized to issue temporary in-transit plates (as currently described in 67 PA. CODE § 43.5(d)(2)(c), or such other applicable regulation), Provider shall: 1) apply and be approved, via contract, as an Online Messenger; or 2) be a participant in the Online Registration Program by entering into a contract with an approved integrator under the Online Registration Program; however, if Provider's certificate of authorization is suspended or revoked in accordance with the Agent Services Agreement of which these Program Requirements are a part (hereinafter "Agreement"), or the Agreement is terminated, the Provider agrees that it will be ineligible to participate in the Online Registration Program or as an Online Messenger for the duration of any such suspension, revocation or termination.
- 1.7 Provider shall require that each applicant for title and registration provide, at the time of making application, valid proof of identification to verify the identity of a person when completing/processing the application for title and registration. The acceptable copies are:
 - 1.7.1 A valid Pennsylvania Photo Driver's License;
 - 1.7.2 A valid Pennsylvania Photo Identification Card;
 - 1.7.3 A valid Pennsylvania Photo Exempt Driver's License;
 - 1.7.4 A valid Pennsylvania Photo Exempt Identification Card;
 - 1.7.5 A valid Pennsylvania 15-day temporary internet driver's license or identification card renewal credential and expired DL/ID;
 - 1.7.6 A valid Pennsylvania Camera Card and Expired Pennsylvania Identification Credential; or
 - 1.7.7 A valid U.S. Armed Forces Common Access Card – Dependents of Armed Forces personnel must provide a valid United States Uniformed Service Identification and Privilege Card (DD Form 1173);

Each of the above documents must be in the same name as the name listed on the motor vehicle application. In addition, the address must be listed on the application as it appears on the above proof of ownership document.

- 1.8 Provider shall provide agent services in accordance with the Department's policies and procedures as specified by the Department's web site, Driver and Vehicle Services Update Bulletins, Agent Services Basic Title and Registration Course and Advanced Refresher Training Manual, which are hereby incorporated by reference as though attached as a material part of the Agreement and these Program Requirements, and Provider, including its owners, operators and employees, acknowledges receiving, reviewing and understanding these documents, which may be amended from time to time.

- 1.9 Provider, if participating in the Online Registration Program, shall also engage in the provision of such services and processing of motor vehicle title and registration applications in accordance with the Department's policies and procedures as specified by the Department's web site, Driver and Vehicle Services Update Bulletins, Agent Services Basic Title and Registration Course and Advanced Refresher Training Manual, and Program Requirements.

2.0 FACILITY REQUIREMENTS

- 2.1 Provider shall at all times maintain a facility which is acceptable in appearance to the Department and is in compliance with all applicable federal, state and local laws, including local zoning ordinances and building codes, as well as all provisions of the Agreement and these Program Requirements. The Provider must ensure that each location meets all such requirements and must request the Department's approval prior to opening any additional location that Provider seeks to operate the Agent Service pursuant to this Agreement.
- 2.2 Each Agent Service facility shall have adequate parking to accommodate the anticipated volume of business and shall provide specified parking for persons with disabilities, in accordance with applicable standards promulgated by the Department of Labor and Industry, including but not limited to those standards set forth at 34 Pa. Code, Chapter 47.
- 2.3 Each of Provider's facilities shall include secure storage for temporary registration cards, license plates, permits and other products (collectively "product stock") designated by the Department and shall be approved by the Department. Each of Provider's facilities shall provide a storage facility with solid door construction, secured hinges, secured ceiling and walls, deadbolt lock and interior construction adequate to store all documents to be submitted to the Department and all product stock. Adjustments may be made in storage requirements if deemed desirable by the Department and justified by the applicant by way of amending these Program Requirements.
- 2.4 Each Agent Service facility shall have active telephone service, a working fax machine, a working copy machine, an office shredder and an active electronic mail (email) account which the Provider shall check on a regular basis. The Department, at its discretion, may require the Provider to also have on-site a connection through a personal computer to the Internet, or may require other technology the Department may deem appropriate for the provision of agent services by way of the mechanism set forth in the Agreement in which notice of such changes shall be sent by e-mail. If the Provider issues temporary in-transit plates, then the Provider shall maintain necessary connections consistent with the Online Messenger Agreement or Online Registration Program requirements. Official communications from the Bureau of Motor Vehicles to Providers may come via the Provider's registered e-mail address, as it appears on Page 1 of the Agent Service Agreement. Changes to Provider's e-mail address must be submitted in writing to the Department of Transportation, care of the Regulated Client Services Section, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104.
- 2.5 Provider must submit photographs of the interior and exterior of the proposed place of business. The photographs must show the entrance way, exterior signs, phone and desk area, secure area for storage and display of fees and charges relating to the issuance of temporary cards and plates.

- 2.6 The Agreement executed by Provider shall apply to all approved agent services locations operated by Provider; however, prior to a change in the location of or establishment of any agent services business location, Provider agrees to submit to the Department all facility-related information required as though the Provider were making an initial application to provide agent services. The Department reserves the right to approve or deny any relocation in its discretion.
- 2.7 The Provider shall submit notice to the Department of any change in ownership, location, e-mail, staff engaged in the provision of services under the Agreement, or duly authorized and currently licensed notary on staff, before or within 10 days of such change. Changes must be submitted in writing to the Department of Transportation, care of the Regulated Client Services Section, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104.
- 2.8 Consistent with 67 Pa. Code § 43.6(b) or such other applicable regulation, the Department may provide temporary written authorization for a Provider to issue temporary registration plates at a location other than the approved locations of the Provider for a period not to exceed one (1) year by way of issuing a certificate of authorization. The privilege to issue temporary registration plates from a location other than the Provider's approved locations is revocable if the Department finds that the dealer, manufacturer or Provider has violated applicable provisions of the law, regulations or this Agreement, which provides such written authorization.

3.0 HOURS OF OPERATION

Each Agent Service facility shall be open to the public for business a minimum of 20 hours per week between the hours of 7:00 AM and 9:00 PM, or open to the public 10 hours per week with an additional 10 hours per week between the hours of 7:00 AM and 9:00 PM during which consumers may schedule an appointment. The facility may be closed for reasonable periods of time due to vacation or illness, subject to the signage requirements set forth below.

4.0 PROVIDER/STAFFING REQUIREMENTS

- 4.1 Provider shall ensure that all employees involved in providing agent services be familiar with all information and policies pertaining to the provision of agent services available in the Department's Driver and Vehicle Services Update bulletins, as well as any and all information and policies published on the Departments' web site; contained in the Department's Agent Services Basic Title and Registration Course and Advanced Refresher Training Manual. The foregoing documents are hereby incorporated by reference as part of this Exhibit. Each individual engaged in the provision of service pursuant to the Agreement and Program Requirements shall do so in the manner prescribed in each of these documents.
- 4.2 Provider shall complete, and shall ensure that each employee involved in providing agent services completes, the Agent Services Basic Title and Registration training course prior to the Provider's or its employee's involvement in provision of services under the Agreement and Program Requirements. Provider shall keep on file all certificates of completion of the required training courses for the duration of the Agreement.

- 4.3 Provider shall complete, and shall ensure that each employee involved in providing agent services completes, the Agent Services Advanced Refresher training course at least once every two years following completion of the Agent Services Basic Title and Registration training course. Provider shall keep on file all certificates of completion of the required training courses for the duration of the Agreement.
- 4.4 Provider shall, at the time of application, and annually thereafter, obtain a criminal record check from the Pennsylvania State Police for all owners and operators, and at the time of hiring, and annually thereafter, for each of Provider's employees, who are involved in providing agent services. If an individual owner, officer or employee is a resident of a state other than Pennsylvania, then a criminal background check from their state of residence shall also be provided. All backgrounds checks shall be kept on file and Provider shall make such criminal record checks available to the Department upon request. The Provider shall submit the criminal record check(s) for each prospective employee to the Department prior to the employee engaging in provision of services pursuant to this Agreement. If a prior criminal conviction of any type or grade exists, the agent service must furnish the facts of the offense, and secure Department approval before hiring or utilizing the person involved. The criminal record check must be no less than one year old at the time an application is submitted. Provider shall also comply with any additional background checks as specified herein, or as may be required.
- 4.5 No official or employee of the Commonwealth shall be eligible to enter into a contract with the Department to own or operate an agent service nor shall an agent service employ an official or employee of the Commonwealth.
- 4.6 The Department may deem any individual who has engaged in conduct harmful to the Department, as described herein or in the Agent Services Agreement, ineligible to participate in the provision of services under any agreement with the Department.
- 4.7 Provider shall, at the time of application, and annually thereafter, secure an affidavit from each person involved in providing the agent service that the person has read and understood: the Agent Services Agreement and its attachments (including but not limited to its Exhibit B, Program Requirements, that may be amended from time to time); the provisions of 75 Pa.C.S. Chapters 11 (relating to certificate of title and security interests), 13 (relating to registration of vehicles), 23 (relating to motor vehicle transaction recovery fund), and 75 (relating to authorization of agent and messenger services); 75 Pa.C.S. § 6114 (relating to limitation on sale, publication and disclosure of records); and 67 Pa. Code Chapter 43 (relating to temporary cards and plates). Provider shall retain the affidavit(s) on file, at all times, for inspection upon request by the Department.
- 4.8 Individuals who have engaged in the following activities shall not be eligible to serve as an owner, manager, officer or employee providing agent services:
 - 4.8.1 Misrepresentation, misstatement or fraud in the Provider's application to provide agent services;
 - 4.8.2 Conviction of a felony involving dishonesty or breach of trust;

- 4.8.3 Having had an agent, card agent, messenger service, or on-line messenger agreement terminated or revoked by the Department in the past;
- 4.8.4 Conduct harmful to the Department, as described herein or in the Agent Services Agreement;
- 4.8.5 Conviction of a felony or misdemeanor relating to the titling, registration or collection of sales tax and fees for a vehicle, or conviction any other felony relating to motor vehicles;
- 4.8.6 Having been found to have engaged in odometer or Vehicle Identification Number (VIN) tampering; or
- 4.8.7 Conviction of a crime under Title 18 of the Pennsylvania Consolidated Statutes, Annotated, or the criminal laws of the United States, where the crime violates any term or condition of the Agreement or is of a nature that adversely impacts the Provider's ability to fully perform the Agreement or provide agent services in a secure manner.

5.0 SIGNAGE AND MATERIALS

- 5.1 Provider shall at all times prominently display the hours of operation during which the Provider's service is provided. If the facility is closed due to vacation or illness, the closure will be prominently posted at the entrance to the facility.
- 5.2 Provider will conspicuously post a schedule of Department motor vehicle fees and fees charged by Provider for the five (5) most common transactions for which services are provided on a sign at least 3 square feet in size (approximately 22" x 20") with lettering at least ¼ inch high.
- 5.3 Provider will prominently post the certificate of authorization for the agent service at the place of business.
- 5.4 The Department reserves the right, in its discretion, to request the removal of any agent advertising or website information that is inaccurate, offensive or deceptive.
- 5.5 Provider will prominently post the Fraud Tip Hotline information notice at the Provider's place of business in clear view for the customers. The notice must contain the following wording: PennDOT WANTS TO HEAR FROM YOU! Agents are private businesses under contract with PennDOT. If you witness, suspect or know of improper or suspicious activity or have concerns regarding motor vehicle or driver licensing paperwork, please contact PennDOT at PennDOTTip@state.pa.us. All reports will be kept confidential. When you contact us, please provide as much detail as possible. Please include your contact information as PennDOT may need to contact you for additional information.

6.0 RECORD RETENTION

Provider must maintain the agent's copy of the temporary registration card or applicant summary sheet, copies of related documents including but not limited to bills of sale when the agent is also the dealer and a copy of the proof of identification (front and back) that complies with the Department's proof of identification policies set forth in the

Agreement, a copy of the proof of ownership document (front and back) and a copy of the document(s) used to verify financial responsibility, which complies with Chapter 1318 of the Pennsylvania Vehicle Code. These records must be retained for three (3) years at the authorized place of business and be made available for inspection by law enforcement or an authorized representative of the Department. If Provider elects to retain required records in an electronic format, Provider must comply with the "Document Imaging System Requirements" attached hereto. At the end of the three (3) years' period, the Provider shall shred all personal customer information prior to disposal in a garbage receptacle, including but not limited to any document containing customer addresses, vehicle and driver information, employee notes that contain personal customer information and all copies of completed forms and documents that are being discarded. Alternatives to on-site shredding of documents can be discussed and approved only by the Department, in its discretion, but in no event shall personal customer information be discarded without appropriate security measures.

7.0 SUBMISSION OF APPLICATIONS

- 7.1 The Department, in its sole discretion, may require Provider to participate in the Online Registration Program (OLRP) or to process and submit any transaction to the Department electronically.
- 7.2 Completed applications and fees for vehicle registration shall be submitted by Provider to the Department as soon as practicable, but must be submitted within 20 calendar days of issuance of the temporary registration card, plate or other product designated by the Department, either by authorized messenger service or by mail. If the Provider has also contracted with the Department as a Messenger Service, in lieu of the foregoing 20 calendar days' requirement, Provider must submit completed applications and fees within five (5) calendar days in accordance with the requirements of the Messenger Service Agreement. Participants in the Online Registration Program must process and input all transactions associated with vehicle titling transactions to the Department using the applicable online Interface no later than the close of business 15 days following the date of the transaction.
- 7.3 The Department, in its sole discretion, may require Provider to submit source documents and fees to the Department utilizing digital imaging technology or electronically in a manner prescribed by the Department.

8.0 SECURITY

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

- 8.3 If temporary cards, registration plates, permits or other products designated by the Department are lost or stolen, the Provider must notify the Department of the loss or theft immediately after discovery of the loss. This notice shall be in the form of an affidavit and shall give complete details of the loss or theft of the materials. In the event of theft, the theft shall be reported to appropriate police officials immediately upon discovery of the theft and a police report shall be submitted to the Department within 10 days of the theft. Failure to comply with the loss or theft of materials reporting requirement of this paragraph shall be a ground for suspension of the Provider's certificate of authorization for a period of four (4) months.

9.0 AUDITS

- 9.1 The Department reserves the right to make unannounced visits to audit, observe and inspect Provider's agent service operations. Temporary registration plates and related documents shall be available for inspection, with or without notice, by authorized Commonwealth employees or designees, including law enforcement officers or officials.
- 9.2 Records required by the Department to be maintained by the Provider in carrying out the duties, responsibilities and obligations under this Agreement shall be subject to periodic inspection by authorized representatives of the Commonwealth or designated personnel under the following conditions:
- (1) Place – The inspection may be conducted at the Provider's place of business.
 - (2) Time – The inspection may be conducted during regular business hours.
 - (3) Scope – The inspection may include but not be limited to examination of the records (including all applications for titles and registrations and required supporting documents), plates, permit or other Products designated by the Department; or any inventory which is subject to the record keeping requirements of this Agreement and Department regulations. Based on initial findings, the inspection may be expanded to include investigation of other violations of the Agreement or any other Department agreement, laws, regulations or policies.

Program Requirements for Out of State Agents

10.0 APPLICATION REQUIREMENTS

- 10.1 To be a Provider an Applicant must self-certify that neither it nor any of its owners, managers or employees, is under sanction or investigation by the Pennsylvania Department of Transportation (Department) and that neither it nor any of its owners, managers or employees, has previously been sanctioned by the Department for violations of the Vehicle Code (75 Pa.C. S. 101 et seq.), Department Regulations, or any existing agreement with the Department of Transportation. In addition, an Applicant must self-certify that neither it nor any of its owners, managers and employees are under sanction or investigation, and that neither it nor any of its owners, managers or employees has been previously sanctioned or investigated, by the Jurisdiction in which the business is located. If any of its owners, managers or employees have been sanctioned or investigated, or is currently subject to sanctions or investigations, describe the

circumstances giving rise to the sanction or investigation and the nature of any sanction imposed. Sanctions may not necessarily bar an applicant from becoming a Provider, as the Department will consider each case on its own merits; however, such information could certainly preclude an Applicant from being a Provider, when in the best interests of the Department.

- 10.2 Applicants shall provide the business name, address, phone number, fax number, email address, Federal ID number and all other information requested by the Department.
- 10.3 An Applicant shall provide the name and home address of all employees who will be involved in ownership, management and conducting the agent services and indicate the responsibilities each will have within the service.
- 10.4 An Applicant shall provide a letter or letters of reference from a bank or other financial institution(s) indicating that accounts of the applicant are handled in a satisfactory manner that is consistent with standard banking practices.
- 10.5 Applicant shall provide three letters of reference from business(s) with which it has conducted business, on business stationery, attesting to the character of the Applicant.
- 10.6 Applicant shall provide a notarized statement that no monies are due and owing the Commonwealth of Pennsylvania by the Applicant, the Applicant's business entity or by the owners and officers of the business.

11.0 GENERAL REQUIREMENTS

- 11.1 Provider shall be a, or employ at least one, notary public, licensed within its Jurisdiction, to be present at the premises during all hours of operation. Provider shall provide the name, address, signature and the notary stamp of a notary public who will be engaged in or employed during the hours of operation of the notary service. A copy of the Notary Commission must also be provided.
- 11.2 Provider must pay an assessment of \$60.00 to the Motor Vehicle Transaction Recovery Fund, in addition to any other license fees which may be required by the Department or law.
- 11.3 Provider shall be responsible for all costs and fees associated with the operation of its business, including costs and fees associated with maintaining a bond in favor of the Department or otherwise complying with requirements imposed by the Department from time to time by way of amendments to these Program Requirements.
- 11.4 No official or employee of the Jurisdiction shall be eligible to enter into a contract with the Department to own or operate an agent or messenger service nor shall an agent or messenger employ an official or employee of the Jurisdiction or officials and employees of the Provider's home Jurisdiction as well.
- 11.5 Provider shall require that each applicant for title and registration provide, at the time of making application, valid proof of identification to verify the identity of a person when completing/processing the application for title and registration. The following are acceptable as valid proof of identification:
 - 11.5.1.1 A valid Pennsylvania Photo Driver's License;
 - 11.5.1.2 A valid Pennsylvania Photo Identification Card;

- 11.5.1.3 A valid Pennsylvania Photo Exempt Driver's License;
- 11.5.1.4 A valid Pennsylvania Photo Exempt Identification Card; or
- 11.5.1.5 A valid Pennsylvania 15-day temporary internet driver's license or identification card renewal credential and expired DL/ID;
- 11.5.1.6 A valid Pennsylvania Camera Card and Expired Pennsylvania Identification Credential; or
- 11.5.1.7 A valid U.S. Armed Forces Common Access Card – Dependents of Armed Forces personnel must provide a Valid United States Uniformed Service Identification and Privilege Card (DD Form 1173);

Each of the above documents must be in the same name as the name listed on the motor vehicle application. In addition, the address must be listed on the application as it appears on the above proof of ownership document.

12.0 FACILITY REQUIREMENTS

- 12.1 Provider shall at all times maintain a facility which is acceptable in appearance to the Department and is in compliance with all applicable federal, state and local laws, including local zoning ordinances and building codes, as well as all provisions of the Agreement and these Program Requirements. The Provider must ensure that each location meets all such requirements and must request the Department's approval prior to opening any additional location that Provider seeks to operate the Agent Service pursuant to this Agreement.
- 12.2 Each of Provider's facilities shall include secure storage for temporary registration cards, license plates, permits and other products (collectively "product stock") designated by the Department and shall be approved by the Department. Each of Provider's facilities shall provide a storage facility with solid door construction, secured hinges, secured ceiling and walls, deadbolt lock and interior construction adequate to store all documents to be submitted to the Department and all product stock. Adjustments may be made in storage requirements if deemed desirable by the Department and justified by the applicant by way of amending these Program Requirements.
- 12.3 Each of Provider's facilities shall have active telephone service, a working fax machine, a working copy machine, an office shredder and an active electronic mail (email) account which the Provider shall check on a regular basis. The Provider must have on-site a connection through a personal computer to the Internet, or may require other technology the Department may deem appropriate for the provision of agent services by way of the mechanism set forth in the Agreement in which notice of such changes shall be sent by e-mail. Official communications from the Bureau of Motor Vehicles to Providers may come via the Provider's registered e-mail address, as it appears on Page 1 of the Agent Service Agreement. Changes to Provider's e-mail address must be submitted in writing to the Department of Transportation, care of the Regulated Client Services Section, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104.
- 12.4 Provider must submit photographs of the interior and exterior of the proposed place of business. The photographs must show the entrance way, exterior signs, phone and desk area, secure area for storage and display of fees and charges relating to the issuance of temporary cards and plates.
- 12.5 The Agreement executed by Provider shall apply to all approved agent services locations operated by Provider; however, prior to a change in the location of or

establishment of any agent services business location, Provider agrees to submit to the Department all facility-related information required as though the Provider were making an initial application to provide agent services. The Department reserves the right to approve or deny any relocation in its discretion.

- 12.6 The Provider shall submit notice to the Department of any change in ownership, location, e-mail, staff engaged in the provision of services under the Agreement, or duly authorized and currently licensed notary on staff, before or within 10 days of such change. Changes must be submitted in writing to the Department of Transportation, care of the Regulated Client Services Section, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104.

13.0 PROVIDER/ STAFFING REQUIREMENTS

- 13.1 Provider shall ensure that all employees involved in providing agent services be familiar with all information and policies pertaining to the provision of agent services available in the Department's Driver and Vehicle Services Update bulletins, as well as any and all information and policies published on the Departments' website; contained in the Department's Agent Services Basic Title and Registration Course and Advanced Refresher Training Manual. The foregoing documents are hereby incorporated by reference as part of this Exhibit. Each individual engaged in the provision of service pursuant to the Agreement and Program Requirements shall do so in the manner prescribed in each of these documents.
- 13.2 Provider shall complete, and shall ensure that each employee involved in providing agent services completes, the Agent Services Basic Title and Registration training course prior to the Provider's or its employee's involvement in provision of services under the Agreement and Program Requirements. Provider shall keep on file all certificates of completion of the required training courses for the duration of the Agreement.
- 13.3 Provider shall complete, and shall ensure that each employee involved in providing agent services completes the Agent Services Advanced Refresher training course at least once every two years following completion of the Agent Services Basic Title and Registration training course. Provider shall keep on file all certificates of completion of the required training courses for the duration of the Agreement.
- 13.4 Provider shall, at the time of application, and annually thereafter, obtain a criminal background check from the Pennsylvania State Police and a criminal background check from the state in which the business is located for all owners and operators, and at the time of hiring, and annually thereafter, for each of Provider's employees, who are involved in providing agent services. If an individual owner, officer or employee is a resident of a Jurisdiction other than Pennsylvania or the Jurisdiction where the business is located, then a criminal background check from their state of residence shall also be provided. All background checks shall be kept on file and Provider shall make such criminal record checks available to the Department upon request. The Provider shall submit the criminal record check(s) for each prospective employee to the Department prior to the employee engaging in provision of services pursuant to this Agreement. If a prior criminal conviction of any type or grade exists, the agent service must furnish the facts of the offense, and secure Department approval before hiring or utilizing the person involved. The criminal record check

must be no less than one year old at the time an application is submitted. Provider shall also comply with any additional background checks as specified herein, or as may be required.

- 13.5 The Department may deem any individual who has engaged in conduct harmful to the Department, as described herein or in the Agent Services Agreement, ineligible to participate in the provision of services under any agreement with the Department.
- 13.6 Provider shall, at the time of application, and annually thereafter, secure an affidavit from each person involved in providing the agent service that the person has read and understood: the Agent Services Agreement and its attachments (including but not limited to its Exhibit B, Program Requirements, that may be amended from time to time); the provisions of 75 Pa. C.S. Chapters 11 (relating to certificate of title and security interests), 13 (relating to registration of vehicles), 23 (relating to motor vehicle transaction recovery fund), and 75 (relating to authorization of agent and messenger services); 75 Pa.C.S. § 6114 (relating to limitation on sale, publication and disclosure of records); and 67 Pa. Code Chapter 43 (relating to temporary cards and plates). Provider shall retain the affidavit(s) on file, at all times, for inspection upon request by the Department.
- 13.7 The Provider shall, at the time of application, and annually thereafter, secure a signed On-Line Program PennDOT Inquiry Information Confidentiality Policy for each person involved in providing On-Line agent services. Provider shall retain the affidavit(s) on file, at all times, for inspection upon request by the Department.
- 13.8 Individuals who have engaged in the following activities shall not be eligible to serve as an owner, manager, officer or employee providing agent services:
 - 13.8.1.1 Misrepresentation, misstatement or fraud in the Provider's application to provide agent services;
 - 13.8.1.2 Conviction of a felony involving dishonesty or breach of trust;
 - 13.8.1.3 Having had an agent, card agent, messenger service, or on-line messenger agreement terminated or revoked by the Department in the past;
 - 13.8.1.4 Conduct harmful to the Department, as described herein or in the Agent Services Agreement;
 - 13.8.1.5 Conviction of a felony or misdemeanor relating to the titling, registration or collection of sales tax and fees for a vehicle, or conviction any other felony relating to motor vehicles;
 - 13.8.1.6 Having been found to have engaged in odometer or Vehicle Identification Number (VIN) tampering; or
 - 13.8.1.7 Conviction of a crime under Title 18 of the Pennsylvania Consolidated Statutes, Annotated, or the criminal laws of the United States, where the crime violates any term or condition of the Agreement or is of a nature that adversely impacts the Provider's ability to fully perform the Agreement or provide agent services in a secure manner.

14.0 SIGNAGE AND MATERIALS

- 14.1 Provider shall at all times prominently display the hours of operation during which the Provider's service is provided. If the facility is closed due to vacation or illness, the closure will be prominently posted at the entrance to the facility.
- 14.2 Provider will conspicuously post a schedule of Department motor vehicle fees and fees charged by Provider for the five (5) most common transactions for which services are provided on a sign at least 3 square feet in size (approximately 22" x 20") with lettering at least ¼ inch high.
- 14.3 Provider will prominently post the certificate of authorization for the agent service at the place of business.
- 14.4 The Department reserves the right, in its discretion, to request the removal of any agent advertising or website information that is inaccurate, offensive or deceptive.
- 14.5 Provider will prominently post the Fraud Tip information notice at the Provider's place of business in clear view for the customers. The notice must contain the following wording: The Pennsylvania Department of Transportation (PennDOT) WANTS TO HEAR FROM YOU! This is a private business under contract with PennDOT to complete Pennsylvania motor vehicle transactions. If you witness, suspect or know of improper or suspicious activity or have concerns regarding motor vehicle paperwork, please contact PennDOT at PennDOTTip@state.pa.us. All reports will be kept confidential. When you contact us, please provide as much detail as possible. Please include your contact information as PennDOT may need to contact you for additional information.

15.0 RECORD RETENTION

Provider must maintain the Provider's copy of the applicant summary statement, copies of related documents including but not limited to bills of sale when the Provider is also the dealer and a copy of the proof of identification (front and back) that complies with the Department's proof of identification policies set forth in the Agreement, a copy of the proof of ownership document (front and back) and a copy of the document(s) used to verify financial responsibility, which complies with Chapter 1318 of the Pennsylvania Vehicle Code. These records must be retained for three (3) years at the authorized place of business and be made available for inspection by law enforcement or an authorized representative of the Department. If Provider elects to retain required records in an electronic format, Provider must comply with the "Document Imaging System Requirements" attached hereto. At the end of the three (3) years' period, the Provider shall shred all personal customer information prior to disposal in a garbage receptacle, including but not limited to any document containing customer addresses, vehicle and driver information, employee notes that contain personal customer information and all copies of completed forms and documents that are being discarded. Alternatives to on-site shredding of documents can be discussed and approved only by the Department, in its discretion, but in no event shall personal customer information be discarded without appropriate security measures.

16.0 SUBMISSION OF TRANSACTIONS

- 16.1 The Department requires Provider to participate in Pennsylvania's On-Line Registration Program to process and submit any transaction to the Department electronically.
- (a) Provider must process and input all transactions online associated with vehicle titling transactions to the Department using the applicable online Interface no later than the close of business 15 days following the date of the transaction.
 - (b) Provider must submit all images and other paperwork associated with vehicle titling transactions no later than the close of business 20 days following the date of the transaction.
 - (c) All documents associated with all other transactions not included in subparagraphs "a" and "b" above must be submitted within five (5) days following the date which the transactions are processed.
- 16.2 Provider's submission of fees and paperwork are based on the contractual guidelines of the Contract.
- 16.3 The Department, in its sole discretion, may require Provider to submit source documents and fees to the Department utilizing digital imaging technology or electronically in a manner prescribed by the Department.
- 16.4 Providers are required to submit source documents and fees to the Integrator.

17.0 SECURITY

- 17.1 At the close of the hours of operation of the Provider service, Provider shall place all temporary cards, plates, permits or other products designated by the Department in the place of secured storage approved by the Department.
- 17.2 Supplies of temporary cards, plates, permits or other products designated by the Department shall not be held or placed at any time on any workstation area within the grasp of the public. Individual temporary cards, plates, permits or other products designated by the Department shall at no time be left unattended on any workstation area within the grasp of the public.
- 17.3 If temporary cards, registration plates, permits or other products designated by the Department are lost or stolen, the Provider must notify the Department of the loss or theft immediately after discovery of the loss. This notice shall be in the form of an affidavit and shall give complete details of the loss or theft of the materials. In the event of theft, the theft shall be reported to appropriate police officials immediately upon discovery of the theft and a police report shall be submitted to the Department within 10 days of the theft. Failure to comply with the loss or theft of materials reporting requirement of this paragraph shall be a ground for suspension of the Provider's certificate of authorization for a period of four (4) months.

18.0 AUDITS

- 18.1 The Department reserves the right to make unannounced visits to audit, observe and inspect Provider's agent service operations. Temporary registration plates and related documents shall be available for inspection, with or without notice,

by authorized Jurisdiction employees or designees, including law enforcement officers or officials.

18.2 Records required by the Department to be maintained by the Provider in carrying out the duties, responsibilities and obligations under this Agreement shall be subject to periodic inspection by authorized representatives of the Commonwealth or designated personnel under the following conditions:

- (1) Place – The inspection may be conducted at the Provider’s place of business.
- (2) Time – The inspection may be conducted during regular business hours.
- (3) Scope – The inspection may include but not be limited to examination of the records (including all applications for titles and registrations and required supporting documents), plates, permit(s) or other products designated by the Department; or any inventory which is subject to the record keeping requirements of this Agreement and Department regulations. Based on initial findings, the inspection may be expanded to include investigation of other violations of the Agreement or any other Department agreement, laws, regulations or policies.

Commonwealth of Pennsylvania

Department of Transportation

Document Imaging System Requirements



EXHIBIT B

Revision History

DATE	VERSION	REVISIONS	AUTHOR
4/15/2013	0.3	Changed document into a requirements document format, with grouping, naming and numbering of individual requirements.	Don Kirschman
7/29/2013	0.4	Change document to reflect changes agreed on in 07/18/13 meeting.	Rosemary Verbos
8/14/2013	0.5	Added INF003 requirement for backup/ restore. Combined data security related requirements into a single section.	Don Kirschman

Electronic Document Management Requirements and Standards

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1. General Information

1.1 Background

The need for electronic document management technology stems from the need to reduce the volume of paper exchanged, improve business efficiency and to comply with State and Federal laws for document retention, discovery. This document outlines standards and best practices for electronic document management systems recommended by PennDOT.

1.2 Purpose of This Document

This document is intended to communicate the standards and requirements established by PennDOT for an electronic document management system and the associated business processes. The intent is to implement systems that ensure the confidentiality of our customers and the integrity of our business transactions. PennDOT may update these requirements periodically in the future.

1.3 Intended Audience

This document is primarily a technical document, and it is intended for an IT audience, including IT managers, application and infrastructure architects, developers, server engineers, etc. The audience includes anyone involved in the requirements, design, development, implementation and support of an electronic document management system that will support PennDOT business processes, transactions, documents and data.

2. Document Imaging System Requirements

2.1 Imaging Requirements

- **IMG001:** The system shall capture documents images in industry standard image and document formats, including TIFF, JPEG, BMP, Adobe PDF, etc.
- **IMG002:** The system shall capture and store document images at a minimum resolution of 300 dpi.
- **IMG003:** The system shall store imaged documents in a central repository.
- **IMG004:** The system shall support indexing and taxonomy of imaged documents.
- **IMG005:** The system shall support searching of the central repository using imaged document index and taxonomy values.
- **IMG006:** The system shall support retrieval of imaged documents from the repository.
- **IMG007:** The system shall support reproduction (e.g. printing) of imaged documents.
- **IMG008:** The system shall have the capability to render imaged documents immutable.
- **IMG009:** The system shall support the redacting of sensitive information on imaged documents.

2.2 System Security Requirements

These Security Requirements are applicable to both original and backup versions of information/data/systems.

- **SEC001:** All users that have access to the system, including access to PennDOT data or imaged documents, shall use a user id and password that is unique to the individual. Credentials used by more than one individual and/or generic user id's and passwords are not permitted.
- **SEC002:** The password must be a minimum of 8 characters.
- **SEC003:** The password must be composed of at least three of the following types of characters:
 - o Uppercase letters (A, B, C,...)
 - o Lowercase letters (a, b, c, ...)
 - o Numbers (0, 1, 2, 3, ...,9)
 - o Special characters (#, other punctuation marks)
- **SEC004:** The password cannot contain:
 - o User ID

- o Any Part of the user's full name
- **SEC005:** The password cannot repeat any of the six previously used passwords
- **SEC006:** The password shall expire after 60 days, requiring creation of a new password
- **SEC007:** The system shall employ role-based access control (RBAC) in which specific entitlements and/or privileges within the system are managed under roles. These roles are then assigned to system users based on the requirements of the jobs that they perform. This RBAC is required to ensure that users only have access to the functionality that is necessary to perform their required tasks.
- **SEC008:** The ability to perform security administration functions shall be restricted to a set of specially-privileged users (administrators). Security administration functions include the following:
 - o Creating, updating or deactivating user accounts
 - o Disabling user accounts
 - o Unlocking user accounts
 - o Resetting user passwords
 - o Creating, updating or deactivating roles
 - o Creating, updating or deactivating access privileges
 - o Assigning or revoking roles to and from users
 - o Assigning or revoking access privileges to and from roles
- **SEC009:** The system may provide users with self-service functionality to complete some routine user administration tasks. The following tasks are permissible for self-service administration:
 - o Initiating a new account creation (role assignment and other access control administration must be performed or approved by an administrator)
 - o Updating basic user Information (e.g. name, location, etc.)
 - o Resetting their passwords (a security question and/or e-mail verification process must be in place to complete the transaction)
- **SEC010:** The system shall log all security events and shall maintain these logs for a period of at least one year. The log shall contain the type of event, date, time, user, system, screen or module and other pertinent information regarding the event. The following security events shall be logged:
 - o User authentication (both successful and unsuccessful)
 - o User authorizations (both successful and unsuccessful)
 - o All security administration transactions
 - o All self-service administration transactions

- **SEC011:** User accounts shall be locked after five (5) consecutive failed log-in attempts. Once an account is locked, only an administrator can unlock it.
- **SEC012:** The system shall lock the user out after fifteen (15) minutes of user session inactivity. This lock-out shall require the user to re-enter the password to regain access.
- **SEC013:** If a user separates or no longer requires access to the system for any reason, the user account shall be deactivated immediately, removing all access privileges to the system from the individual.
- **SEC014:** A User Access Review shall take place every six months to ensure that user, role and privilege information is current. The User Access Review shall verify:
 - o Users who have separated no longer have active accounts
 - o User accounts that show no activity are deactivated
 - o Active users have access to only those roles or privileges that are necessary for their specific work-related duties.

2.3 Data Security Requirements

- **DAT001:** The minimum standard for encryption is 256 bit.
- **DAT002:** PennDOT reserves the right, as circumstances may change, to require a higher level of encryption in the future.
- **DAT003:** The system shall comply with the Commonwealth ITB-SEC020: Encryption Standards for Data at Rest and ITB-SEC031: Encryption Standards for Data in Transit.
- **DAT004:** As soon as PennDOT's documents and/or data are captured in a digital format, the resulting data (the data) shall be encrypted.
- **DAT005:** The data shall remain encrypted at all times throughout the entire process.
- **DAT006:** The data shall be encrypted In-transit between computers or electronic devices, including client to server, server to server and client to client, etc.
- **DAT007:** The data shall be encrypted at rest on any computers or electronic devices.
- **DAT008:** The data shall be encrypted at rest regardless of the storage repository, including external file folders or volumes, relational database management system tables or data files or electronic document repositories.
- **DAT009:** Citizen and agency data are to be securely erased. Purging or cleansing information is a media sanitization process that protects the confidentiality of information. Please refer to the NIST Guidelines for Media Sanitization SP 800-88 (including updates as of 09-11-2006) for acceptable methods of purging.
- **DAT010:** In the event a computer device that contained PennDOT data is

decommissioned or the data device replaced, the data device shall either be physically destroyed or completely erased per the Commonwealth's ITB-SEC015 - Commonwealth of Pennsylvania Data Cleansing Policy.

2.4 Infrastructure Requirements

- **INF001:** All computing operating systems (client and server) shall be at a level that is fully supported by their manufacturer. All relevant patches shall be applied within 7 days of release.
- **INF002:** Internal networks shall be protected by a firewall. The firewall shall be capable of protecting the internal network and its clients from unauthorized intrusion and service interruptions.
- **INF003:** Data on all servers, central storage devices and workstations shall be protected by system and data backup and restore facilities that provide full, differential and single-file backups and restore capabilities.

2.5 IT Facility Requirements

- **FAC001:** IT facilities shall be appropriately secured to ensure the security of PennDOT customer data and the integrity and continuity of business operations.
- **FAC002:** IT facilities shall include data centers, computer equipment rooms, telephone closets, network router and hub rooms, and similar areas containing IT assets and resources, wherever imaging and storage of PennDOT documents and data occurs.
- **FAC003:** IT facilities shall be separated, locked and designated as limited access areas.
- **FAC004:** IT facilities shall be environmentally controlled to ensure operating conditions are within specifications for equipment located within the confines of the area.
- **FAC005:** IT facilities shall be equipped with environmental and safety monitoring devices to ensure compliance with regulated or statutory requirements.
- **FAC006:** IT facilities shall be inspected on a regular basis to ensure compliance with health, safety and fire, security and maintenance requirements.
- **FAC007:** IT facilities shall have solid core door construction, secured hinges, secured ceiling, dead bolt lock and interior construction adequate to store all PennDOT related documents.

2.6 IT Facility Access Requirements

- **ACC001:** Access to restricted IT facilities is limited only to authorized persons.
- **ACC002:** The process for granting door keys or access cards for these facilities is to include the approval of the person responsible for the facility or room.
- **ACC003:** Access cards and/or keys Issued for access to restricted IT facilities may not be shared or loaned to others.
- **ACC004:** Individuals without the proper access credentials may be granted temporary access via verbal or signed orders when conditions require their immediate access, or visitor access is approved. These individuals:
 - Are to be recorded In the facility sign-in/sign-out log. This log will have appropriate language prominently displayed, indicating the minimal visitor responsibilities associated with accessing the facility.
 - Are to be issued a temporary identification badge and required to wear it openly at all times.
 - Are to be supervised at all times while in restricted areas by a party with authorized access to the IT facilities.
- **ACC005:** Access records and sign-in logs are to be maintained and archived for routine review for a period of not less than one year.
- **ACC006:** No one is to be permitted to enter a controlled-access facility, area, or room without being authenticated and having their privileges verified.
- **ACC007:** Please refer to the Commonwealth's ITB-SEC029 - Minimum Standards for Improving Physical Security Access.

2.7 Quality Assurance Requirements

- **QA001:** All imaging and document processing activities shall be in compliance with the requirements and standards outlined in latest version of this document: Document Imaging System Requirements
- **QA002:** Imaged documents must be accurately indexed and placed into taxonomy so that they may be searched and retrieved using identified business requirements.

3. Supplemental Business Requirements

In addition to meeting the technical requirements contained in this document, an imaging solution must also meet necessary business requirements. These business requirements are listed in Appendix A, "Document Imaging Supplemental Business Requirements."

Appendix A

Commonwealth of Pennsylvania

Department of Transportation

**Document Imaging
Supplemental Business Requirements**



EXHIBIT B

Document Imaging, Scanning and Security Requirements for PennDOT Authorized Agents and their Imaging Providers

Use of PennDOT Customer Documents and Information

No party shall make any use whatsoever of PennDOT customer documents or the information therein, nor shall they provide in any way the customer documents or information (or any portion thereof) to any entity other than an authorized representative of the Department, except as authorized by the Department.

No party may use in any way, or sell, license, or otherwise transfer or impart to any person, firm, corporation or other entity, any information obtained from the documents, including listings of individuals, for any reason. Information obtained through such access is subject to the restrictions upon use and dissemination imposed by the federal Driver Privacy Protection Act (DPPA) and any other Pennsylvania or Federal statute, laws, rules or regulations relating to the privacy of Personally Identifiable Information (PII).

Security

Protecting the data of our customers is of the utmost importance to PennDOT. All personnel having access to PennDOT customer documents and/or information must comply with contractual requirements. PennDOT customer documents, images, records or information shall not be held or placed at any time in any area accessible to unauthorized personnel.

PennDOT Authorized Agents must report any suspected or actual breach, leakage, or unauthorized access of PennDOT data to PennDOT immediately upon discovery. The full details of the incident shall be communicated to the PennDOT Program Manager.

Incident Reporting:

Upon the PennDOT Authorized Agent's receipt of a report or information of any kind which indicates real or suspected data compromise, data loss, theft, or fraudulent or improper use of equipment, materials or information in the possession or control of the Authorized Agent or their imaging Provider, the PennDOT Authorized Agent shall immediately notify the PennDOT Program Manager by telephone. Additional reporting and notifications shall comply with the PennDOT Agent Service contract as well as Commonwealth [ITB-SEC024 - IT Security Incident Reporting Policy](#).

Personally Identifiable Information (PII) related to personnel suspected of fraudulent or improper use of equipment, materials or information shall be forwarded to PennDOT and be secured as required by law and shall include, but not be limited to:

- o Name(s)
- o Address(es)
- o A list of all times at which the personnel had been or will be scheduled to perform their job duties
- o Names, addresses, and telephone numbers of their direct supervisor
- o A description of the nature of the suspected fraudulent or Improper activity
- o A statement of the manner in which the PennDOT Authorized Agent gained knowledge of the alleged fraudulent or improper activity
- o The names, addresses, and telephone numbers of all informants and other persons having knowledge of the alleged fraudulent or improper activity

- o Copies of all the reports, logs or other information which could document, clarify or in any manner assist in the investigation

Physical Intrusion:

In the event of any Incident of a break-in, theft, fire or vandalism, the PennDOT Authorized Agent shall immediately notify the appropriate law enforcement officials and provide a copy of the applicable police report to the Department within 10 days. The PennDOT Program Manager shall also be notified immediately in the event of any incident of a break-In, theft, fire or vandalism by telephone and in writing, within 24 hours, a detailed account of the incident and shall comply with the Agent Service Contract as well as the Commonwealth ITB-SEC024 - IT Security Incident Reporting Policy.

Records Retention and Quality Control

The Authorized Agent must maintain paper copies (agent's yellow copy or applicant summary sheet) for 6 (six) months after completion/issuance of the application for title and/or registration and all supporting documents.

The Authorized Agent shall check all imaged documents to confirm images are clear, legible and free of distortion (image quality).

PennDOT will continue to conduct administrative audits of Authorized Agent transactions and supporting documentation. The Authorized Agent will provide access to electronic images to a PennDOT representative to be reviewed during the audit process to ensure the agent is in compliance with all applicable polices, processes, requirements and law. Imaged copies must:

- Be easily accessible electronically and available at the location where the transaction was completed
- All records must be accessible during regular business hours
- Copies must be clear and must be a minimum of actual size
- Authorized Agents must follow regulations as to issuance/filing of documents
- Authorized Agents must have all supporting documents with MV-1/MV-4ST/ applicant summary sheet:
 - o Yellow copy of MV-1/MV-4ST/applicant summary sheet
 - o Copy of front and back of completed proof of ownership document
 - o Copy of the front and back of the valid PA Driver's License/Identification Card
 - o Copy of proof of financial responsibility
 - o Copies of all supporting forms completed to accompany the title application.
 - o Must have the capability to print or scan copies of applications upon request by PennDOT
 - o Must be available for 3 years

Copies of imaged documents must be available to be retrieved (indexed) under the following categories:

- Plate number
- Date order
- Customer's name
- Vin#
- Title#
- WID (if applicable)

EXHIBIT "C"

PROVISIONS CONCERNING THE *AMERICANS WITH DISABILITIES ACT*

For the purpose of these provisions, the term contractor is defined as any person, including, but not limited to, a bidder, offeror, supplier, or grantee, who will furnish or perform or seeks to furnish or perform, goods, supplies, services, construction or other activity, under a purchase order, contract, or grant with the Commonwealth of Pennsylvania (Commonwealth).

During the term of this agreement, the contractor agrees as follows:

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

EXHIBIT "D"

NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE [Contracts]

The Contractor agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the contract or any subcontract, the Contractor, each subcontractor, or any person acting on behalf of the Contractor or subcontractor shall not discriminate in violation of the Pennsylvania Human Relations Act (PHRA) and applicable federal laws against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.
2. Neither the Contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate in violation of the PHRA and applicable federal laws against or intimidate any employee involved in the manufacture of supplies, the performance of work, or any other activity required under the contract.
3. The Contractor and each subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the contract services are performed shall satisfy this requirement.
4. The Contractor and each subcontractor shall not discriminate in violation of PHRA and applicable federal laws against any subcontractor or supplier who is qualified to perform the work to which the contract relates.
5. The Contractor and each subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Contractor and each subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers subject to Title VII of the Civil Rights Act of 1964, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Contractor and each subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the contracting agency and the Bureau of Small Business Opportunities (BSBO), for purpose of ascertaining compliance with provisions of this Nondiscrimination/Sexual Harassment Clause.
6. The Contractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subcontract so that those provisions applicable to subcontractors will be binding upon each subcontractor.
7. The Contractor's and each subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor and each subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the contract, it becomes aware of any actions or occurrences that would result in violation of these provisions.
8. The Commonwealth may cancel or terminate the contract and all money due or to become due under the contract may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the agency may proceed with debarment or suspension and may place the Contractor in the Contractor Responsibility File.

EXHIBIT "E"

CONTRACT PROVISIONS – RIGHT TO KNOW LAW

- a. The Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL") applies to this Contract. For the purpose of these provisions, the term "the Commonwealth" shall refer to the contracting Commonwealth agency.
- b. If the Commonwealth needs the Contractor's assistance in any matter arising out of the RTKL related to this Contract, it shall notify the Contractor using the legal contact information provided in this Contract. The Contractor, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.
- c. Upon written notification from the Commonwealth that it requires the Contractor's assistance in responding to a request under the RTKL for information related to this Contract that may be in the Contractor's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), the Contractor shall:
 1. Provide the Commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in the Contractor's possession arising out of this Contract that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and
 2. Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Contract.
- d. If the Contractor considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that the Contractor considers exempt from production under the RTKL, the Contractor must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of the Contractor explaining why the requested material is exempt from public disclosure under the RTKL.
- e. The Commonwealth will rely upon the written statement from the Contractor in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the Commonwealth determine that the Requested Information is clearly not exempt from disclosure, the Contractor shall provide the Requested Information within five (5) business days of receipt of written notification of the Commonwealth's determination.
- f. If the Contractor fails to provide the Requested Information within the time period required by these provisions, the Contractor shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of the Contractor's failure, including any statutory damages assessed against the Commonwealth.
- g. The Commonwealth will reimburse the Contractor for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.
- h. The Contractor may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, the Contractor shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of the Contractor's failure, including any statutory damages assessed against the

Commonwealth, regardless of the outcome of such legal challenge. As between the parties, the Contractor agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.

- i. The Contractor's duties relating to the RTKL are continuing duties that survive the expiration of this Contract and shall continue as long as the Contractor has Requested Information in its possession.

EXHIBIT "F"

CONTRACTOR RESPONSIBILITY PROVISIONS

For the purpose of these provisions, the term contractor is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, grantee or lessor, who has furnished or performed or seeks to furnish or perform, goods, supplies, services, leased space, construction or other activity, under a contract, grant, lease, purchase order or reimbursement agreement with the Commonwealth of Pennsylvania (Commonwealth). The term contractor includes a permittee, licensee, or any agency, political subdivision, instrumentality, public authority, or other public entity in the Commonwealth.

1. The Contractor certifies, in writing, for itself and its subcontractors required to be disclosed or approved by the Commonwealth, that as of the date of its execution of this Bid/Contract, that neither the Contractor, nor any such subcontractors, are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with its Bid/Contract, a written explanation of why such certification cannot be made.
2. The Contractor also certifies, in writing, that as of the date of its execution of this Bid/Contract it has no tax liabilities or other Commonwealth obligations, or has filed a timely administrative or judicial appeal if such liabilities or obligations exist, or is subject to a duly approved deferred payment plan if such liabilities exist.
3. The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Contract, it becomes delinquent in the payment of taxes, or other Commonwealth obligations, or if it or, to the best knowledge of the Contractor, any of its subcontractors are suspended or debarred by the Commonwealth, the federal government, or any other state or governmental entity. Such notification shall be made within 15 days of the date of suspension or debarment.
4. The failure of the Contractor to notify the Commonwealth of its suspension or debarment by the Commonwealth, any other state, or the federal government shall constitute an event of default of the Contract with the Commonwealth.
5. The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

6. The Contractor may obtain a current list of suspended and debarred Commonwealth contractors by either searching the Internet at <http://www.dgs.state.pa.us/> or contacting the:

Department of General Services
Office of Chief Counsel
603 North Office Building
Harrisburg, PA 17125
Telephone No: (717) 783-6472
FAX No: (717) 787-9138

EXHIBIT “G”

CONTRACT PROVISIONS – RIGHT TO KNOW LAW

- a. The Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, (“RTKL”) applies to this Contract. For the purpose of these provisions, the term “the Commonwealth” shall refer to the contracting Commonwealth agency.
- b. If the Commonwealth needs the Contractor’s assistance in any matter arising out of the RTKL related to this Contract, it shall notify the Contractor using the legal contact information provided in this Contract. The Contractor, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.
- c. Upon written notification from the Commonwealth that it requires the Contractor’s assistance in responding to a request under the RTKL for information related to this Contract that may be in the Contractor’s possession, constituting, or alleged to constitute, a public record in accordance with the RTKL (“Requested Information”), the Contractor shall:
 - (1.) Provide the Commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in the Contractor’s possession arising out of this Contract that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and
 - (2.) Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Contract.
- d. If the Contractor considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that the Contractor considers exempt from production under the RTKL, the Contractor must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of the Contractor explaining why the requested material is exempt from public disclosure under the RTKL.
- e. The Commonwealth will rely upon the written statement from the Contractor in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the Commonwealth determine that the Requested Information is clearly not exempt from disclosure, the Contractor shall provide the Requested Information within five (5) business days of receipt of written notification of the Commonwealth’s determination.
- f. If the Contractor fails to provide the Requested Information within the time period required by these provisions, the Contractor shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of the Contractor’s failure, including any statutory damages assessed against the Commonwealth.
- g. The Commonwealth will reimburse the Contractor for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

- h. The Contractor may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, the Contractor shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of the Contractor's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, the Contractor agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.
- i. The Contractor's duties relating to the RTKL are continuing duties that survive the expiration of this Contract and shall continue as long as the Contractor has Requested Information in its possession.

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

All applicants for card agent authorization, agent services, motor vehicle messenger service certification, dealer and miscellaneous motor vehicle business registration are required to complete Form SP 4-164, "Request for Criminal Record Check" and include the results received from the Pennsylvania State Police with their completed applications as part of the documentation required for review. Forms may be obtained from your local Pennsylvania State Police Barracks or:

Director, Record and Identification Division
Pennsylvania State Police
1800 Elmerton Avenue
Harrisburg, PA 17110

Under "Reason for Request," check the box that most applies to the type of authorization being applied for.

Forward the completed form and the required fee to the appropriate address listed on the Form SP 4-164.

**PENNSYLVANIA STATE POLICE
REQUEST FOR CRIMINAL RECORD CHECK
1-888-QUERYPA (1-888-783-7972)**

This form is to be completed in ink by the requester – (information will be mailed to the requester only). If this form is not legible or not properly completed, it will be returned unprocessed to the requester. A response may take four weeks or longer.

**TRY OUR WEBSITE FOR A QUICKER RESPONSE
<https://epatch.state.pa.us>**

REQUESTER NAME	
ADDRESS	
CITY/STATE/ ZIP CODE	
TELEPHONE NO. (AREA CODE)	

FOR CENTRAL REPOSITORY USE ONLY CONTROL NUMBER
AFTER COMPLETION MAIL TO: PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY – 164 1800 ELMERTON AVENUE HARRISBURG, PA 17110-9758
DO NOT SEND CASH OR PERSONAL CHECK
<p align="center">CHECK ONE BLOCK</p> <p><input type="checkbox"/> INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY – ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF \$22.00, PAYABLE TO: <u>“COMMONWEALTH OF PENNSYLVANIA”</u> THE FEE IS NONREFUNDABLE</p> <p><input type="checkbox"/> NOTARIZED INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY – ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF \$27.00, PAYABLE TO: <u>“COMMONWEALTH OF PENNSYLVANIA”</u> THE FEE IS NONREFUNDABLE</p> <p><input type="checkbox"/> FEE EXEMPT-NONCRIMINAL JUSTICE AGENCY – NO FEE</p>

SUBJECT OF RECORD CHECK				
(FIRST)	(MIDDLE)	(LAST)		
MAIDEN NAME AND/OR ALIASES	SOCIAL SECURITY NUMBER	DATE OF BIRTH (MM/DD/YYYY)	SEX	RACE
<p>The Pennsylvania State Police response will be based on the comparison of the data provided by the requester against the information <u>contained in the files of the Pennsylvania State Police Central Repository only.</u></p>				
<p>FEES FOR REQUESTS - \$22.00. NOTARIZED FEE REQUESTS - \$27.00. ***MAKE ALL MONEY ORDERS PAYABLE TO: <u>COMMONWEALTH OF PENNSYLVANIA</u> ***</p>				
REASON FOR REQUEST				
◀◀◀◀◀CHECK THE BOX THAT MOST APPLIES TO THE PURPOSE OF THIS REQUEST▶▶▶▶▶				
<input type="checkbox"/> INTERNATIONAL ADOPTION - INTERNATIONAL ADOPTION MUST BE NOTARIZED AND MAILED IN. (\$27.00 FOR REQUEST)				
<input type="checkbox"/> ADOPTION (DOMESTIC)	<input type="checkbox"/> EMPLOYMENT	<input type="checkbox"/> VISA	<input type="checkbox"/> OTHER	

WARNING: 18 Pa.C.S. 4904(b) UNDER PENALTY OF LAW - MISIDENTIFICATION OR FALSE STATEMENTS OF IDENTITY TO OBTAIN CRIMINAL HISTORY INFORMATION OF ANOTHER IS PUNISHABLE AS AUTHORIZED BY LAW.

Homeland Security is Everyone’s Responsibility - Pennsylvania Terrorism Tip Line 1-888-292-1919

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

§1335. Registration plates for manufacturers and dealers.

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

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

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

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

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

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

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

§ 1336. Use of dealer registration plates.

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

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

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

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

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

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

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

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

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

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

§ 1336.1. Use of multipurpose dealer registration plates.

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

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

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

§ 1336.2. Farm equipment dealer registration plates.

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

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

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

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

- (i) upon vehicles being used to pick up vehicles that are being repossessed; and
 - (ii) upon vehicles being repossessed.
- (5) For a watercraft trailer business:
- (i) upon trailers used for the delivery of a new boat to its purchaser;
 - (ii) upon trailers used for the transport of a used boat which is to be resold by the dealer; and
 - (iii) upon trailers used for the transport of boats by a dealer to or from another boat dealer, warehouse, storage facility, boat show or repair facility or to and from a location where a boat is to be demonstrated, tested or inspected.
- (6) For all classes of miscellaneous motor vehicle businesses upon vehicles used for the personal pleasure or use of the owner of the miscellaneous motor vehicle business or members of the owner's immediate family, or when the business is a corporation, upon vehicles used for the pleasure or use of not more than three officers or members of the officer's immediate family or for the personal use of the regular employees of the business when operated by the employee.

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

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

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

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

§ 1337.1. Fleet owner transporter registration plate.

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

(b) **Limitations on use of plates.** --

- (1) A registration plate issued under this section may be displayed only on an unladen vehicle.
- (2) A registration plate issued under this section may be displayed only on a vehicle type for which it was purchased, except that a plate issued for a truck or truck tractor may be displayed on an unladen passenger car or an unladen trailer. The weight limits for trucks, truck tractors and trailers must conform to the weight limit for which the registration plate was purchased.
- (3) A vehicle bearing a registration plate issued under this section may be used for any of the following:
 - (i) For transit of the vehicle to or from the place where the vehicle is offered for sale.
 - (ii) For transit from the place where the vehicle was purchased.
 - (iii) For transit to and from a location where the vehicle is modified, completed or enhanced for a period of not more than 30 days after the date of purchase.
 - (iv) For testing of the vehicle for a period of not more than 30 days after the date of purchase.
 - (v) For repair, servicing or inspection of a vehicle which is not normally operated on a highway.

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

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

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

§ 53.1. Purpose and scope.

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

§ 53.2. Definitions.

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

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

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

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

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

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

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

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

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

Miscellaneous motor vehicle business plate—A registration plate issued to a miscellaneous motor vehicle business which may be displayed on vehicles owned or in possession of the business in lieu of registering each vehicle individually.

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

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

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

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

§ 53.3. Issuance of plates.

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

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

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

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

- (v) Credit rating of the business and its owners and officers.
 - (vi) Assets and liabilities of the applicant.
- (3) For dealers and manufacturers licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, a separate Department investigation will not be required.
- (4) The Department may deny an application for registration plates on the basis of information revealed in the investigation or if the applicant fails to disclose material information required or has made a materially false statement on the application. If the Department denies an application, the Department will provide the applicant with an opportunity to show cause why the application should not be denied.
- (5) In the case of dealers who are not required to be licensed by the Department of State, the Department may approve an application for dealer registration on a temporary basis for a period of 1 year. At the end of this period, the condition of the business will be evaluated by the Department and a determination will be made as to whether permanent approval will be given to the application for dealer registration. Factors which will be considered in making this determination shall include, but not be limited to, the physical condition of the business and the number of vehicles sold by the business.
- (c) Registration renewals. Dealer plates and miscellaneous motor vehicle business plates shall be renewed annually.

§ 53.4. Use of plates.

(a) Dealer plates.

- (1) Dealer plates may be used on vehicles owned or in possession of a dealer or manufacturer and operated by the dealer or manufacturer or its employees only when the vehicle is used for one of the following purposes:
- (i) In the business of the registrant as a dealer or manufacturer. If a dealer or manufacturer is engaged in a business other than the business of motor vehicle dealer or manufacturer, dealer plates may not be used on vehicles used in the other business, nor on vehicles used in both businesses.
 - (ii) For the personal pleasure or use of the dealer or members of the dealer's immediate family, or when the dealer is a corporation, for the personal pleasure or use of the officers or members of their immediate families, or for the personal use of the regular employees of the dealer.
 - (iii) For teaching students enrolled in an approved driver education course how to operate a vehicle and for taking an examination for a driver's license by the new driver.
 - (iv) For testing vehicles in the possession of the dealer or manufacturer.
 - (v) For demonstrating vehicles in the possession of the dealer or manufacturer.
 - (vi) For loaning to customers whose vehicles are being repaired.
 - (vii) For loaning to prospective purchasers for a period not exceeding 5 days for the purpose of demonstrating vehicles.
- (2) Limited use of certain types of dealer plate shall be as follows:
- (i) A motor driven cycle or motorized pedalcycle dealer plate shall be used only on motor driven cycles and motorized pedalcycles.

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

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

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

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

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

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

(b) Miscellaneous motor vehicle business plates.

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

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

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

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

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

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

- (b) **Types of cards.** Registrants will be furnished two types of registration cards:
- (1) A separate, original card for each registration plate, containing the name and address of the registrant, the identification number assigned to the registrant, the expiration date of the registration and the number of the plate.
 - (2) A summary card in the form of a computer printout, containing the name and address of the registrant, the identification number assigned to the registrant, the registration plate number for each plate assigned to the registrant, and the expiration date of the registration. The registrant may make photocopies of this type of card which shall have the same force as the original card and may be exhibited, when required, in lieu of the original card.
- (c) **Signature.** Upon receiving the registration card or a duplicate thereof, the registrant shall sign his name in ink in the space provided.
- (d) **Exhibition of card.** One of the two types of registration cards for the registration plate being displayed on a vehicle shall be, at all times while the vehicle is being operated upon the highway, in the possession of the person driving or in control of the vehicle or carried in the vehicle and exhibited upon demand of a police officer.

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

- (a) **Change of ownership.** The registrant shall notify the Department on the prescribed form within 5 days of any change of ownership. The following are regarded as changes of ownership:
- (1) Whenever the owner takes a new partner.
 - (2) Whenever the owner sells the business.
 - (3) Incorporation of a business.
 - (4) Sale of controlling interest in a corporation.
- (b) **Change of address.** The registrant shall notify the Department before changing its place of business or before opening any branch office, and shall notify the Department immediately of any change in its post office address.
- (c) **Lost or stolen plate.** The registrant shall notify the Department within 2 days of discovering the loss or theft when any registration plate is lost or stolen. The requirement of this section is in addition to the requirement to notify police of loss or theft of a registration plate under 75 Pa.C.S. §1333(a) (relating to lost, stolen, damaged or illegible registration plates).

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

- (a) **Registration plates shall be returned to the Department immediately, if one of the following occur:**
- (1) The registration has been revoked or suspended by the Department.
 - (2) The State Board of Vehicle Manufacturers, Dealers and Salespersons has suspended, revoked or not renewed the license of the registered manufacturer or dealer.

(b) **Registration plates shall be returned to the Department within 5 days if one of the following occur:**

- (1) A change in the nature of the registrant’s business so that the registrant is no longer a dealer, manufacturer or miscellaneous motor vehicle business.
- (2) The discontinuation of business as a dealer, manufacturer or miscellaneous motor vehicle business by the registrant.

§ 53.8. Certified checks.

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

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

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

	1st Offense	2nd Offense	3rd Offense	4th and Subsequent Offense
(1) The registrant has failed to report a change of business address before the change.	Written Warning	3 months	6 months	Revocation
(2) The registrant has operated a branch office without notifying the Department.	Written Warning	3 months	6 months	
(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	
(5) The registrant has failed to notify the Department of a change of ownership.	Written Warning	3 months	6 months	Revocation

	1st Offense	2nd Offense	3rd Offense	4th and Subsequent Offense
(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

	1st Offense	2nd Offense	3rd Offense	4th and Subsequent Offense
(13) The registrant has repeatedly violated the Vehicle Code (75 Pa.C.S. § § 101—9909) or this chapter.	1 month	6 months	Revocation	
(14) The registrant has failed to provide information regarding the location and use of all registration plates issued to the registrant to an authorized Commonwealth employee.	1 month	6 months	Revocation	

- (b) Warning. The Department may, in its discretion, permit the registrant to consent to the acceptance of a warning in lieu of the first violation suspension outlined in subsection (a)(3), if no owner or officer had knowledge of the violation. The consent warning shall only be issued to registrants which have had no suspendible violations for 3 years prior to the date of the violation which is being considered. The registrant bears the burden of proving that they provided proper supervision of the employee who committed the violation but that the supervision could not have prevented the violation. Consent warnings replace the first violation suspension, and a second violation will be considered a second violation.
- (c) Second and subsequent violations. Second and subsequent violations will be determined on the basis of previous violations of the same nature committed within a 3 year period. If a third or subsequent violation occurs within 3 years of the last previous violation, it will be deemed a third or subsequent violation regardless of when other previous violations occurred.
- (d) Multiple violations. In the case of multiple violations considered at one time, the Department will impose separate penalties for each violation as required by the schedule. The Department may, in its discretion, direct that a suspension imposed be served concurrently or consecutively.
- (e) Suspension authority reserved. The descriptions of reasons for suspension in subsection (a) are of a general nature, and should not be deemed to limit the suspension authority of the Department granted by 75 Pa.C.S. § 1374 (relating to suspension of vehicle business registration plates).
- (f) Revocation. Upon revocation of registration, the dealer, manufacturer or miscellaneous motor vehicle business shall be barred from reapplying for a new registration for 1 year. The dealer, manufacturer or miscellaneous motor vehicle business shall immediately return all the registration cards and plates in its possession to the Department.

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

§ 43.1. Purpose.

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

§ 43.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise: Act—75 Pa.C.S. §§ 101—9821 (relating to the Vehicle Code).

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

Bureau—The Bureau of Motor Vehicles of the Department.

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

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

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

Department—The Department of Transportation of the Commonwealth.

Established place of business—The place occupied either continuously or at regular periods by a dealer, manufacturer or full agent, where the books and records are kept, where a large share of the business is transacted and which meets local zoning rules, ordinances and building codes.

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

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

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

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

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

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

- (i) Metal temporary plates are issued to an applicant for use during the period of time in which the application for regular registration is being submitted to and processed by the Department.
- (ii) A cardboard registration plate may also be issued under special conditions, as authorized by the Department.

§ 43.3. Card agents.

- (a) Card agent shall be a notary public. In order to be approved as a card agent by the Department, a person shall be commissioned as a notary public by the Department of State, Bureau of Legislation, Commissions and Elections, or by a similar agency in another state.
- (b) Application for forms. When a card agent applies to the Department for an official form, he shall affix his notarial seal and signature to the application to the Department for forms to be issued by the card agent.
- (c) Revocation of commission as a notary public. A card agent shall comply with rules and regulations under The Notary Public Law (57 P. S. § § 147—169). In the event that the commission of a notary public is revoked, his status as a card agent will also be revoked until the commission as a notary public has been reinstated.
- (d) Other requirements. A card agent is subject to other provisions of this chapter concerning the issuance of temporary registration cards.

§ 43.4. Authorization to issue temporary registration plates.

- (a) Application procedure. A person wishing to be authorized to issue temporary registration plates shall apply to the Department on forms furnished by the Department. For a person to be authorized, the person shall be a resident of this Commonwealth. The application shall include:
 - (1) Photographs, interior and exterior, of the proposed place of business, including branch offices. The photographs of the exterior shall show the entrance way and signs, required under subsection (b)(2). Photographs of the interior of the proposed agent's office shall show the desk, phone, secure area for storage of temporary cards and plates, and the complete schedule of fees and charges relating to the issuance of temporary cards and plates, posted in accordance with subsection (b)(1).

- (2) A letter of reference from a bank or other financial institution which indicates that accounts of the applicant are handled in a satisfactory manner that is consistent with standard banking practices.
 - (3) Three letters of reference from business concerns, on their business stationery, attesting to the character of the applicant.
 - (4) The bond prescribed by § 43.9 (relating to bond), on the form of the Department, or a surety's binding commitment to issue the bond upon approval of the application.
 - (5) A notarized statement listing outstanding liabilities of the business or of the owners and officers of the business that are due and owing to the Commonwealth or, if none, a notarized statement to that effect.
 - (6) The names, addresses and social security numbers of owners or corporate officers, and employees authorized to issue temporary registration cards and plates, of the manufacturer's, dealer's or full agent's business.
 - (7) A criminal history record, obtained from the State Police, of each owner or corporate officer.
 - (8) A notarized statement attesting that the applicant has read and understands this chapter.
 - (9) The name, address and notary seals of a notary who is an employee during all of the hours of operation. The owner may be the notary.
 - (10) A schedule of business hours. This schedule shall contain a minimum of 20 business hours per week, or a minimum of 10 business hours per week plus an additional 10 business hours when a person may make an appointment. Business hours of operation shall be convenient to the public and be indicated on the sign required under subsection (b)(2).
 - (11) A statement that the business location meets local zoning ordinances and building codes.
- (b) Established place of business. Authorized dealers and full agents shall maintain an established place of business. A copy of business records shall be maintained at the established place of business for 3 years. The following shall be posted in a conspicuous place in view of the public:
- (1) A complete schedule of fees and charges pertaining to the issuance of temporary registration cards and plates.
 - (i) The schedule shall indicate amounts payable to the Department and amounts charged by the issuing agent.
 - (ii) The schedule shall be at least 3 square feet in size with lettering at least 1/2-inch high.
 - (2) The hours during which the place of business is open to the public.
 - (3) The certificate of authorization to issue temporary registration plates.
- (c) Review of application. The Department will examine and determine the genuineness, regularity and legality of every application for a certificate of authorization. The Department may investigate the applicant with regard to one or more of the following:
- (1) The condition of the applicant's proposed business premises.
 - (2) Departmental and other Commonwealth records pertaining to the business of an owner or officer.
 - (3) The personal history of an owner, officer or employee related to a conviction for a crime, under 18 Pa.C.S. (relating to the Crimes Code) or under the penal law of the United States, which involves moral turpitude or which reflects adversely on the owner's or officer's business integrity or responsibility.

- (4) Unsatisfied judgments against the business, owner or officer.
 - (5) The credit rating of the business and its owners and officers.
 - (6) The assets and liabilities of the business.
- (d) Denial of application. The Department may deny an application for a certificate of authorization on the basis of information revealed in an investigation, or if the applicant fails to disclose material information required or if the applicant has made a materially false statement on the application, or if the applicant's business is operated, managed or otherwise controlled or affiliated with a person who is ineligible for authorization, including a relative, family member, corporate officer or shareholder.
 - (e) Opportunity for review. If the Department denies an application for a certificate of authorization, the Department will provide the applicant with an opportunity to show cause why the application should not be denied.
 - (f) Temporary certificate of authorization. After reviewing an application, the Department may issue a temporary certificate of authorization. The temporary certificate of authorization will be issued for 60 days, during which period the Bureau may investigate the operations of the dealer, manufacturer or full agent. When the temporary certificate of authorization expires, the Bureau may issue a regular certificate of authorization.
 - (g) Issuance of a certificate of authorization. The Department will issue a certificate of authorization to an approved applicant.
 - (h) Transfer of certificate of authorization. A certificate of authorization may not be transferred and shall be valid only for the owner in whose name it is issued.
 - (1) In the case of a change of ownership, the dealer, manufacturer or full agent shall notify the Bureau within 10 days. It is the responsibility of a new owner to comply with this section.
 - (2) The following are regarded as changes of ownership:
 - (i) The owner takes on a new partner.
 - (ii) The owner sells the business.
 - (iii) The business is incorporated.
 - (iv) A controlling interest in a corporation is sold.
 - (v) The owner retires or dies.
 - (i) Change in location of place of business. If a manufacturer, dealer or full agent changes the location of the office, he shall notify the Department within 10 days. Other provisions of this chapter concerning the place of business shall apply to a change in location of the office. The issuance or transfer of temporary registration plates may not be conducted at the new location until the location has been approved by the Department.

§ 43.5. Issuance of temporary registration cards.

- (a) General rule. Cards will be issued in the following manner:
 - (1) Temporary registration cards will be issued only by the Bureau, by dealers, manufacturers, card agents and full agents authorized by the Bureau and by government agencies authorized by the Bureau. When required by law, dealers and manufacturers shall be licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons as a prerequisite to authorization by the Bureau.
 - (2) Temporary registration cards will be issued only in conjunction with issuance of a temporary registration plate by the Bureau, an authorized dealer, manufacturer, full agent or authorized

- (b) Obtaining temporary registration cards. Issuing agents may obtain temporary registration cards at offices of the Bureau or upon written request to the Bureau.
- (c) Issuance of temporary registration cards in connection with transfer of registration. Every issuing agent shall, upon request, issue a temporary registration card to the owner or lessee of a vehicle who has made proper application for transfer of registration on an application for Certificate of Title or other appropriate Departmental form. The agent information on the Departmental forms shall be completed in full by the agent.
- (d) Duty to examine documents. The duty to examine documents includes the following:
 - (1) Before issuing a temporary registration card, the issuing agent shall examine the documents necessary to the transaction.
 - (2) A temporary registration card may not be issued unless the following items are found to be in order:
 - (i) Insurance information.
 - (A) Except as provided in clause (B), determination shall be made that the vehicle is insured by examining one of the following documents covering the subject vehicle, the vehicle traded for the subject vehicle or another vehicle owned by the applicant:
 - (I) An identification card as required in 31 Pa. Code Chapter 67, Subchapter B (relating to evidence of financial responsibility).
 - (II) The declaration page of an insurance policy.
 - (III) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.
 - (IV) A copy of an application to the Pennsylvania Automobile Insurance Plan.
 - (V) A certificate of self-insurance issued by the Department.
 - (B) The requirement to check one of the documents listed in clause (A) does not require the agent to verify the information submitted unless the agent has reason to believe the documents are fraudulent.
 - (C) If the vehicle was acquired in this Commonwealth for transportation under its own power to another state for registration there, the issuing agent shall examine the driver's license or other appropriate identification of the applicant to ascertain that:
 - (I) The applicant is an out-of-State resident.
 - (II) The vehicle was purchased within the previous 60 days.
 - (III) The applicant possesses one of the proof of insurance items identified in clause (A) issued by a company authorized to transact business in this Commonwealth or in the state to which the vehicle is being transported for title and registration therein.
 - (ii) Application. The application shall be properly and completely executed and notarized, as required, accompanied by the correct fees, taxes and other required forms or documents.
- (e) Preparation of application. The issuing agent shall complete in ink, or by typewriter, or by data processing equipment the application for temporary registration. The issuing agent identification number shall be on all documents, including checks submitted by the issuing agent, submitted to the Bureau for processing.

- (f) Copies of temporary registration card. Copies of the temporary registration card shall be handled as follows:
- (1) The original copy of the temporary registration card, including the copy completed for the cardboard temporary, the regular registration card, and documents and fees necessary to the transaction shall be forwarded by the issuing agent to the Bureau within 20 days of issuance of the temporary registration card. These materials shall be forwarded either by an authorized messenger service, by mail or by delivery to an area designated by the Bureau.
 - (2) The applicant's copy of the temporary registration card shall be given to the applicant, for possession by the driver of the vehicle whenever the vehicle is being driven on the highway.
 - (3) The agent's copy of the temporary registration card, copies of related documents including bills of sale when the agent is also the dealer and a copy of the document used for identification and copies of the documents used for insurance verification shall be retained at the place of business of the issuing agent for at least 3 years and shall be made available for inspection only by police and authorized representatives of the Department. Cards issued in conjunction with the transfer of registration plates shall be kept separate from cards issued in conjunction with temporary registration plates. Cards shall be kept in chronological order according to the date of issuance.
- (g) Fee not to be charged. An issuing agent may not charge a fee for issuing a temporary registration card in connection with transfer of registration except fees for notarization and messenger service, if requested by the applicant.
- (h) Expiration or voidance of temporary registration cards. Temporary registration cards shall expire and become void upon the occurrence of one of the following:
- (1) The receipt of the regular registration card from the Bureau.
 - (2) The rescission of a contract to purchase a vehicle.
 - (3) The expiration of 60 days from the date of issuance, or, in the case of a vehicle which was acquired in this Commonwealth for transportation to another state for registration or other use there, the expiration of 30 days from the date of issuance.
 - (4) The temporary registration plate is lost, stolen or defaced.
- (i) Confidentiality. The agent's copy of the temporary registration card and documents related to the application for title or registration shall be kept in strict confidentiality by the issuing agent, unless otherwise required by law or legal purpose.
- (j) Receipts. An agent shall complete an itemized receipt, in duplicate, which lists the total fees payable to the Commonwealth on one line, and each fee charged for the agent's services on a separate line. A copy shall be given to the customer and the other copy shall be retained by the agent for 3 years and shall be made available for inspection.

§ 43.6. Issuance of temporary registration plates.

- (a) Limits on issuance. Temporary registration plates will be issued in the following manner:
- (1) Temporary registration plates other than those specified in paragraph (4) will be issued only by the Bureau, approved governmental agencies, dealers, manufacturers and full agents authorized by the Bureau.
 - (2) Temporary registration plates shall be issued only in conjunction with an application for title and registration of a vehicle within this Commonwealth or for the purpose of driving or otherwise moving a vehicle purchased in this Commonwealth to another state or country for titling, registration, use or resale there.

- (3) Notwithstanding paragraphs (1) and (2), a full agent who is also an authorized messenger service under Chapter 255 (relating to messenger services), may issue a temporary registration plate in one of the following circumstances after receiving authorization from the Department indicating the vehicle record is clear of a suspension or other impediment to issuance of the registration plate:
 - (i) For a vehicle for which the applicant already has a Pennsylvania Certificate of Title.
 - (ii) To a person who is applying for replacement of a lost, stolen or defaced registration plate.
 - (iii) For a vehicle for which the applicant has an Out-of-State title and registration, but is also required to be registered, but not titled, in this Commonwealth.
 - (4) Temporary registration plates for reconstructed and specially constructed vehicles will be issued only by the Bureau.
- (b) Issuance at other locations. The Department may provide written authorization for individual dealers, manufacturers or full agents to issue temporary registration plates at a location other than the places of business of the dealer, manufacturer or full agent for a period not to exceed 1 year. The privilege to issue temporary registration plates from a location other than the designated dealer, manufacturer or full agent's place of business is revocable if the Department finds that the dealer, manufacturer or full agent has violated this chapter or the terms of the written authorization.
 - (c) Obtaining temporary registration plates. Temporary registration plates shall be obtained by submitting the appropriate form and paying the applicable fee to the Bureau.
 - (d) Issuance of temporary registration card in conjunction with issuance of temporary registration plates. Upon the issuance of a temporary registration plate, the authorized dealer, full agent or manufacturer shall issue a temporary registration card, in the manner prescribed on forms provided by the Department and in § 43.5 (relating to issuance of temporary registration cards).
 - (1) The number of the temporary registration plate shall be indicated on the temporary registration card.
 - (2) If the vehicle is not to be titled in this Commonwealth, it shall be noted on the temporary registration card.
 - (e) Issuance of temporary registration plates. Temporary registration plates shall be issued in consecutive order, beginning with the lowest number in each series.
 - (f) Issuance of cardboard temporary registration plates. Upon issuance of a cardboard temporary registration plate, the authorized dealer, manufacturer or full agent shall punch out the month, day and year of expiration at the space provided and shall record the following information clearly and indelibly on the face of the temporary plate:
 - (1) The date of issuance.
 - (2) The year, make and model of vehicle.
 - (3) The vehicle identification number.
 - (4) The identification number of the authorized dealer, manufacturer or full agent.
 - (g) Fee charged. The fee charged for providing an applicant with a temporary plate may not exceed:
 - (1) Ten dollars if the plate was obtained from the Department for a fee of \$5.
 - (2) Five dollars if the plate was obtained from the Department for a fee of \$1.

§ 43.7. Inventory of temporary registration cards and plates.

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

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

- (a) Discontinued business. An issuing agent, other than a card agent, who discontinues his business shall, within 5 days, return to the Department the certificate of authorization and the temporary registration cards and plates in the agent's possession. The Bureau will make appropriate refunds under subsection (c).
- (b) Suspension. An issuing agent, other than a card agent, whose right to issue temporary registration cards and plates has been suspended shall surrender the certificate of authorization and the registration cards and plates in the agent's possession at the agent's established place of business to an authorized representative of the Department.
- (c) Refunds. A refund of the fee paid by an agent for a temporary registration plate may be obtained upon the return of the plate by the agent, accompanied by the appropriate form provided by the Department, except when the plate is being returned by a dealer, manufacturer or full agent whose authorization has been suspended or revoked. The Bureau will deduct \$25 from the refund amount due to cover processing of the request for refund.

§ 43.9. Bond.

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

- (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 as specified in the Agent Services Agreement.
- (e) Bond already on file. An authorized dealer, manufacturer or full agent who has filed a bond with the Commonwealth will not be required to file a separate bond under this section, if the bond already on file with the Commonwealth is in the name of the Commonwealth and at least equal to the amount and coverage of the bond required under this section.
- (f) Acceptance. The surety and terms of bonds or riders shall be subject to review and acceptance by the Bureau.
- (g) Change of address. When a change of address occurs, a stipulation or rider to the original bond shall be submitted for the new address.
- (h) Authorized claims. The Bureau has the right to make and settle claims upon the bond with the surety company on behalf of the Commonwealth and a person who has incurred a monetary loss as specified in subsection (a). The Bureau will, upon written request, assign this right to a person for that person's claim; however, in this event, the Commonwealth is released from any duty to the person towards obtaining satisfaction of that person's claim. The Commonwealth will have priority, to the exclusion of all others, in receiving payment from the surety. If the aggregate amount of valid claims exceeds the amount of the bond, priority for the payment of claims shall be as follows:
 - (1) Claims made by the Commonwealth.
 - (2) Claims made by the Commonwealth for persons.
 - (3) Claims made by persons who obtained assignment from the Bureau.

§ 43.10. Prohibited acts.

- (a) False information not knowingly to be given. An issuing agent may not knowingly issue a temporary registration card or plate containing misstatement of facts or other false information.
- (b) Alteration. A temporary registration card or plate may not be altered. An alteration on a temporary registration card or plate, including copies submitted to the Bureau, renders it invalid.
- (c) Renewal or reissuance. An issuing agent may not renew or reissue a temporary registration card or plate which has expired, except upon written authorization of the Department or except as provided for in §43.6(a)(3) (relating to issuance of temporary registration plates).
- (d) Refusal to issue. An authorized dealer, manufacturer or full agent may not refuse, upon request, to issue a temporary registration plate to the owner or lessee of a vehicle who possesses proper documentation under this chapter.

- (e) Issuance at location not approved by the Department. Temporary registration plates may not be issued by an authorized dealer, manufacturer or full agent at a location other than the approved places of business of the authorized dealer, manufacturer or full agent, except under §43.6(b).
- (f) Refusal to accept separate check or money order. An issuing agent may not refuse to accept a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth in association with a title application.
- (g) Consignment. An authorized dealer, manufacturer or full agent may not consign or transfer to other issuing agents or persons, any of the inventory of temporary registration plates issued by the Department to the authorized dealer, manufacturer or full agent.
- (h) Issuance of temporary registration without proper documentation. An authorized dealer, manufacturer or full agent may not issue a temporary registration card or plate if proper documentation is not complete and if information is not verified if required. This includes proof of ownership, insurance coverage, odometer statements, proof of identity and other documentation that may be required.
- (i) Gifts. An issuing agent may not offer or deliver money, gifts or other items of substantial value nor offer and deliver money, gifts or other items to a Commonwealth employee.
- (j) Reportable transactions. An issuing agent may not fail to report a transaction involving the sale or transfer of a vehicle consistent with Internal Revenue Service statutes, regulations and rules.

§ 43.11. (Reserved).

§ 43.12. Use of temporary registration plate.

- (a) Applicability. This section pertains to the use of a temporary registration plate by the person to whom it was issued.
- (b) Temporary registration plate nontransferable. Temporary registration plates may not be transferred from one vehicle to another. If a person purchases another vehicle before receiving the regular registration card from the Bureau, the person shall wait until receipt of the regular registration card and then transfer the registration plate in the usual manner.
- (c) Expiration of temporary registration plates. Temporary registration plates shall expire as follows:
 - (1) Rules pertaining to cardboard plates.
 - (i) A cardboard temporary registration plate shall expire and become void upon the occurrence of one of the following:
 - (A) Issuance of registration from another state.
 - (B) Rescission of a contract to purchase a vehicle.
 - (C) Expiration of 30 days from the date of issuance.
 - (ii) Upon expiration of a cardboard temporary registration plate, the person to whom it was issued shall destroy it.
 - (2) Rules pertaining to metal plates. A metal temporary registration plate may not be used after the expiration of 60 days from the date of issuance of the temporary card and plate until the registrant receives a regular registration card from the Bureau.
- (d) Use of temporary registration plates on vehicles transporting a load. Vehicles transporting a load shall comply with the following:

- (1) Temporary metal registration plates may be used on a vehicle transporting a load if the vehicle has a gross vehicle weight rating of 26,000 pounds or less and the vehicle and load have a gross weight of 26,000 pounds or less.
 - (2) Temporary metal registration plates may not be used on a vehicle transporting a load, if the vehicle has a gross vehicle weight rating in excess of 26,000 pounds or the vehicle and load have a gross weight in excess of 26,000 pounds, unless the vehicle is operating only within this Commonwealth or through jurisdictions which are not members of the International Registration Plan.
 - (3) Temporary cardboard registration plates may not be used on a commercial vehicle transporting a load.
- (e) Prosecution. A person who violates subsection (c) shall be subject to prosecution under 75 Pa.C.S. § 1301 (relating to driving unregistered vehicle prohibited).

§ 43.13. Special temporary registration cards and plates.

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