

CARD AGENT PACKET

**BUREAU OF MOTOR VEHICLES
REGULATED CLIENT SERVICES SECTION
ISSUING AGENT REGISTRATION UNIT
1ST FLOOR
1101 SOUTH FRONT STREET
HARRISBURG, PA 17104**

PHONE: (717) 787-6048



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES
HARRISBURG, PENNSYLVANIA
17104-2516
www.dmv.state.pa.us

IN REPLY REFER TO

Dear Card Agent:

ACT 152 of 2002 was signed into law on December 9, 2002. This law mandates that all agents, card agents and messenger services enter into contract with the Department. This law took effect on June 9, 2003, for anyone applying to be an agent, card agent, or messenger service.

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

Contract requirements can be mailed to the Bureau of Motor Vehicles, Regulated Client Services Section, Issuing Agent Registration Unit, 1101 S. Front Street, Harrisburg, PA 17104. Requirements may also be submitted through the Messenger Service Center. A sort bin has been established for contract requirements.

Should you have any questions regarding this process, please call the Regulated Client Service Section at (717) 787-6048 or write to the address listed above.

Sincerely,

Anita M. Wasko, Director
Bureau of Motor Vehicles

CARD AGENT APPLICATION REQUIREMENTS

I. General Requirements

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

II. Experience

- ❖ Currently authorized card agent services should include agent number, phone number, fax number, email address and address on the cover of the application.
- ❖ Applicant must list name exactly as it appears on your notary appointment.
- ❖ Applicant shall not be under sanction or investigation by the Department for violations of 75 PA C.S. or Departmental regulations.
- ❖ Prior violations of 75 PA C.S. or Departmental regulations may disqualify an applicant, as such violations, depending on the circumstances, may be taken into account in the evaluation of the application.
- ❖ Applicants must place their notary stamp and/or seal on the application, and must sign and date the application.

III. Contract Required

- ❖ Card Agents will be required to enter into a contract with the Department for the authorization to issue temporary cards. Interested contractors should review the sample contract included in this publication.

IV. Notary Required

- ❖ A card agent must be a notary.

V. Criminal Background Check

- ❖ A criminal record check must be obtained from the State Police for each owner of the card agent service to determine if they have been convicted of a criminal offense.

VI. Security Plan

- ❖ The Card Agent Service must submit its proposal for the method of security, which it intends to use for safeguarding all supplies including applications and temporary cards.

VII. Bond

- ❖ The card agent service shall file and maintain with the Department a bond in the amount of \$3,000 for each approved card agent service. The bonds shall be executed by a surety company authorized by law to transact business in this Commonwealth and shall state that it is for the use and benefit of the Commonwealth and person who have sustained a monetary loss within the limitations of this bond attributable to the intentional or negligent conduct of the agent service or employees, including, losses incurred in negotiating checks or other instruments drawn by the agent service.

VIII. Recovery Fund

- ❖ Every applicant for authority to act as an agent for the Department with respect to titling and registration shall pay \$60.00 in addition to any other license fees and bonds.

This fund is used to cover the amount of any fees and taxes pertaining to an application for titling and registration of a vehicle due to bankruptcy of the dealer or agent and therefore has failed to forward to the Department.

IX. Denial of Application

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

Department of Transportation
Bureau of Motor Vehicles
Dealer Registration Section
P.O. Box 68283
Harrisburg, PA 17106-8283

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

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

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

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

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

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

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

Signed and sealed on _____.

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

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

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

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

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

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

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

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

Payment Procedure

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

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

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

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

CERTIFICATION BY PRINCIPAL

BOND NUMBER _____

WITNESS OR ATTEST:

NAME OF PRINCIPAL

BY _____

TITLE _____

CERTIFICATION BY SURETY

NAME OF SURETY COMPANY

WITNESS OR ATTEST:

BY _____
AGENT'S NAME

TITLE _____

ADDRESS OF AGENT

SURETY
COMPANY
SEAL

TELEPHONE () _____

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

Street

City

County

Street

City

County

Street

City

County

Street

City

County

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

INSTRUCTIONS FOR BOND AMOUNT

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

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

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

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

Card Agent: \$3,000

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

PENNSYLVANIA STATE POLICE
REQUEST FOR CRIMINAL RECORD CHECK

FOR CENTRAL REPOSITORY USE ONLY
 (LEAVE BLANK)

PART I: TO BE COMPLETED BY REQUESTER <i>(INFORMATION WILL BE MAILED TO REQUESTER ONLY)</i>	DATE OF REQUEST
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***** TYPE OR PRINT LEGIBLY WITH INK *****

NOTE: IF THIS FORM IS NOT LEGIBLE OR NOT PROPERLY COMPLETED, IT WILL BE RETURNED UNPROCESSED TO THE REQUESTER. A RESPONSE MAY TAKE THREE WEEKS OR LONGER TO PROCESS.

WARNING: A PERSON COMMITS A MISDEMEANOR OF THE THIRD DEGREE IF HE/SHE MAKES A WRITTEN FALSE STATEMENT, WHICH HE/SHE DOES NOT BELIEVE TO BE TRUE.

REQUESTER NAME			
ADDRESS			
CITY	STATE	ZIP	

CONTACT TELEPHONE NUMBER (INCLUDING AREA CODE)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

REQUESTER IDENTIFICATION (ONLY CHECK ONE BLOCK)

INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY - ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF \$10.00 PAYABLE TO: "COMMONWEALTH OF PENNSYLVANIA" THE FEE IS NONREFUNDABLE.

FEE EXEMPT NONCRIMINAL JUSTICE AGENCY

***** DO NOT SEND CASH OR PERSONAL CHECK *****

NAME/SUBJECT OF RECORD CHECK (LAST)		(FIRST)	(MIDDLE)	
MAIDEN NAME AND/OR ALIASES	SOCIAL SECURITY NUMBER (SOC)	DATE OF BIRTH (DOB)	SEX	RACE

REASON FOR REQUEST (CHECK ONE BLOCK)

EMPLOYMENT (IF APPLICABLE, CHECK ONE OF THE FOLLOWING) ELDER CARE CHILD CARE SCHOOL DISTRICT

ADOPTION/FOSTER CARE

OTHER (SPECIFY) _____

ONLY CHECK THIS BLOCK IF YOU WANT TO REVIEW YOUR ENTIRE CRIMINAL HISTORY

INDIVIDUAL ACCESS AND REVIEW OR FIREARMS CHALLENGE-ENTIRE CRIMINAL HISTORY (AVAILABLE ONLY TO SUBJECT OF RECORD CHECK OR LEGAL REPRESENTATIVE WITH LEGAL AFFIDAVIT OF LEGAL REPRESENTATIVE ATTACHED)

<p>REQUESTER CHECKLIST</p> <p>DID YOU ENTER THE FULL NAME, DOB, AND SOC?</p> <p>DID YOU ENCLOSE THE \$10.00 FEE (CERTIFIED CHECK/MONEY ORDER)?</p> <p style="text-align: center;">*** DO NOT SEND CASH OR PERSONAL CHECK ***</p> <p>DID YOU ENTER YOUR COMPLETE ADDRESS INCLUDING ZIP CODE AND TELEPHONE NUMBER IN THE BLOCKS PROVIDED?</p>	<p>AFTER COMPLETION MAIL TO</p> <p style="text-align: center;">PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY - 164 1800 ELMERTON AVENUE HARRISBURG, PA 17110-9758 717-783-9973 BUSINESS HOURS 8:15 am - 4:15 pm (Monday - Friday)</p>
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PART II: CENTRAL REPOSITORY RESPONSE ONLY *****DO NOT WRITE BELOW THIS LINE*****

<p>INFORMATION DISSEMINATED</p> <p><input type="checkbox"/> NO RECORD <input type="checkbox"/> CRIMINAL RECORD ATTACHED</p> <p>THE INFORMATION DISSEMINATED BY THE CENTRAL REPOSITORY IS BASED ON THE FOLLOWING IDENTIFIERS THAT MATCH THOSE FURNISHED BY THE REQUESTER.</p> <p><input type="checkbox"/> NAME <input type="checkbox"/> SOCIAL SECURITY NUMBER</p> <p><input type="checkbox"/> DATE OF BIRTH <input type="checkbox"/> RACE</p> <p><input type="checkbox"/> SEX <input type="checkbox"/> MAIDEN/ALIAS NAME</p>	<p>INQUIRY DISSEMINATED BY</p> <p>SID NUMBER</p> <p>CERTIFIED BY</p> <p style="text-align: right;">(DIRECTOR, CENTRAL REPOSITORY)</p>
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This response is based on a comparison of data provided by the requester in Part I against the information contained in the files of the Pennsylvania State Police Central Repository only, and does not preclude the existence of criminal records which might be contained in the repositories of other local, state, or federal criminal justice agencies.

Contract #:
Federal ID #:

CARD AGENT SERVICES AGREEMENT

This Agreement, made and entered into this _____ day of _____, 2003, by and between the Commonwealth of Pennsylvania, acting through the Department of Transportation (Department),

a n d

John Doe (Contractor)
1101 South Front Street
Harrisburg, PA 17104

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

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

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

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

AUTHORITY TO PROVIDE CARD AGENT SERVICES

1. The Department will provide Contractor with temporary registration cards or other products designated by the Department, as necessary to allow Contractor to offer card agent services to consumers in the Commonwealth.
2. The Department will recognize as valid temporary registration cards issued by Contractor.
3. Contractor may charge a notary fee and reasonable clerical fees, in addition to Department fees, for the processing and issuance of temporary registration cards. It is understood that the Department will make no payment to the Contractor; payment for any notary or clerical services rendered shall be billed by the Contractor to the public users of its services.

FACILITIES

4. The facility shall include secure storage for temporary registration cards as described in the Contractor's Application and approved by the Department. The Department expressly reserves the right to amend this Agreement to provide for the implementation of additional security measures as shall be determined to be required by the Department in its discretion.
5. The facility shall have active telephone service, a fax machine and a copy machine; the Department, at its discretion, may require the Contractor to also have a connection through a personal computer to the Internet, and an active e-mail account accessible via the Internet; the Department, at its discretion, may require the Contractor to also have on-site a connection through a personal computer to the Internet, and an active e-mail account accessible via the Internet, or may require other technology the Department may deem appropriate for the provision of card agent services.

STAFFING

6. Contractor must be a notary public commissioned by the Department of State, Bureau of Commissions, Elections and Legislation.
7. Contractor will, at the time of appointment or hiring and annually thereafter, obtain a criminal record check of each employee from the Pennsylvania State Police and will make such criminal record checks available to the Department upon request.
8. Contractor will, at the time of hiring and annually thereafter, provide an affidavit that the card agent has read and understood the provisions of 75 Pa. C.S. Chapters 11 (relating to certificate of title and security interests), 13 (relating to registration of vehicles), 23 (relating to motor vehicle transaction recovery fund), 75 Pa. C.S. § 6114 (relating to limitation on sale, publication and disclosure of records), and 75 (relating to authorization of agent and messenger services) and 67 Pa. Code, Chapter 43 (relating to temporary cards and plates) and will retain the statement(s) on file for inspection upon request by the Department.

9. Contractor will complete a Department authorized and approved training course at the earliest time available, but not more than one year after providing service to customers.
10. Contractor will complete a Department authorized and approved refresher training course at least every two years.

SECURITY

11. At the close of the hours of operation of the card agent service, Contractor shall place all temporary cards in the place of secured storage approved by the Department.

PROVISION OF TIMELY SERVICE

12. Completed applications for vehicle registration should be submitted to the Department as soon as practicable, but must be submitted within 20 days of issuance of the temporary registration card or plate, either by authorized messenger service or by mail.
13. The Department, at its sole discretion, may require Contractor to submit source documents to the Department utilizing digital imaging technology or electronically in a manner prescribed by the Department.

BOND

14. Contractor shall file and maintain with the Department a bond in the amount of \$3,000 for each card agent. The bonds shall be executed by a surety company authorized by law to transact business in this Commonwealth and shall be for the use and benefit of the Commonwealth and persons who have sustained a monetary loss attributable to the intentional or negligent conduct of the Contractor, including losses incurred in negotiating checks or other instruments drawn by the Contractor, in accordance with the limitations in 67 Pa. Code §43.9(d).
15. If the amount available under the bond is decreased, or if there is a final judgment outstanding on the bond, the rights of the Contractor to issue temporary registration cards and plates may be suspended or terminated until steps are taken, satisfactory to the Department, to restore the original amount of the bond, provide an additional bond or satisfy the outstanding judgment.
16. If the bond is terminated or becomes unsatisfactory for any reason, the Contractor's authorization to operate the agent service will be suspended until the Contractor furnishes the Commonwealth with a satisfactory substitute bond in the amount required by the Department.

AUDITS AND INSPECTION

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

RENEWAL

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

SUSPENSION AND TERMINATION

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

Prohibited Activity	Period of Suspension of Operation
(1) The card agent has failed to allow inspection of documents in the possession of the card agent by authorized Commonwealth employees - first offense.	Operation suspended until 30 days after the documents and/or plates are made available for inspection.
(2) The card agent has issued temporary cards but failed to deliver proper documents, fees or taxes to the Department - first offense.	Operation suspended until 30 days after the documents, fees or taxes are delivered.
(3) The card agent has issued a temporary registration card containing a misstatement of fact or other false information which the card agent knew or should have known to be incorrect or false - first offense.	Operation suspended for three (3) months.
(4) The card agent has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the card agent - first offense.	Written warning and operation suspended until the uncollectible checks, protest fees and collection charges are paid.
(5) The card agent has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the card agent - second offense.	Operation suspended until 30 days after the uncollectible checks, protest fees and collection charges are paid.
(6) The card agent has failed to comply with an order from the Department to submit certified checks, postal or other money orders with a document to the Department for processing - first offense.	Operation suspended for one (1) month.
(7) The card agent has not listed proper insurance information as required by 75 Pa. C. S § 1318(b) - first offense.	Operation suspended for three (3) months.
(8) The card agent has charged a fee for issuance of a temporary registration card in violation of 75 Pa. C.S. § 1310(c) - first offense.	Written warning.

<p>(9) The card agent has charged a fee for issuance of a temporary registration card in violation of 75 Pa. C.S. § 1310(c) - second offense.</p>	<p>Operation suspended for three (3) months.</p>
<p>(10) The card agent has failed to report a transaction involving the sale or transfer of a vehicle as required by statute, regulation or rule administered or enforced by the Internal Revenue Service - first offense.</p>	<p>Operation suspended for three (3) months.</p>
<p>(11) The card agent has not listed the date of the issuance of the temporary cards. - first offense.</p>	<p>Written warning.</p>
<p>(12) The card agent has not listed the date of the issuance of the temporary cards- second offense.</p>	<p>Operation suspended for three (3) months.</p>
<p>(13) The card agent has failed to keep the temporary registration card or documents related to an application for title or registration in strict confidence - first offense.</p>	<p>Written warning.</p>
<p>(14) The card agent has failed to keep the temporary registration card or documents related to an application for title or registration in strict confidence - second offense.</p>	<p>Operation suspended for six (6) months.</p>
<p>(15) The card agent has on more than one occasion not listed its name and identification number on applications and checks submitted to the Department - first offense.</p>	<p>Written warning.</p>
<p>(16) The card agent has on more than one occasion not listed its name and identification number on applications and checks submitted to the Department - second offense.</p>	<p>Operation suspended for three (3) months.</p>
<p>(17) The card agent has refused to accept or service a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth - first offense.</p>	<p>Written warning.</p>
<p>(18) The card agent has refused to accept or service a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth - second offense.</p>	<p>Operation suspended for three (3) months.</p>

(19) The card agent has failed to provide proper security for temporary registration cards - first offense.	Written warning.
(20) The card agent has failed to provide proper security for temporary registration cards - second offense.	Operation suspended for three (3) months.
(21) The card agent has refused to issue, upon request, a temporary registration card to an owner or lessee of a vehicle who has proper documentation - first offense.	Written warning.
(22) The card agent has refused to issue, upon request, a temporary registration card to an owner or lessee of a vehicle who has proper documentation - second offense.	Operation suspended for three (3) months.
(23) The card agent has failed to furnish receipts as required or failed to retain duplicate copies of receipts for three (3) years - first offense.	Written warning.
(24) The card agent has failed to furnish receipts as required or failed to retain duplicate copies of receipts for three (3) years - second offense.	Operation suspended for three (3) months.
(25) The card agent has issued a temporary registration to an applicant without proper documentation - first offense.	Written warning.
(26) The card agent has issued a temporary registration to an applicant without proper documentation - second offense.	Operation suspended for three (3) months.
(27) The card agent has failed to retain proper records under this Agreement - first offense.	Written warning.
(28) The card agent has failed to retain proper records under this Agreement - second offense.	Operation suspended for three (3) months.
(29) The card agent has on more than one occasion failed to comply with any provision of the Vehicle Code of Department regulations not specifically noted elsewhere in this table, the listing in 21 or 22 - first offense.	Operation suspended for one (1) month.

(30) The card agent has on more than one occasion failed to comply with any provision of the Vehicle Code of Department regulations not specifically noted elsewhere in this table, the listing in 21 or 22 - second offense.	Operation suspended for three (3) months.
(31) An owner, officer or employee of the card agent 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 card agent - first offense.	Operation suspended for three (3) months.

In the case of multiple instances of prohibited activity at one time, the Department may impose separate sanctions for each instance under the schedule in the table above. The Department may also direct that suspensions be served concurrently or consecutively.

21. Contractor agrees that if it is determined by the Department that Contractor has engaged in any of the activity described in the following listing, such activity shall be considered breach of this Agreement and operation of the agent service under this Agreement may be terminated:
- (1) The card agent's notary commission has expired or been revoked.
 - (2) The card agent has committed a fraudulent act including the fraudulent keeping of records, or the fraudulent completion of an application submitted to the Department, or has failed to submit to the Department completed applications and fees and taxes due the Commonwealth in connection with the issuance of the temporary cards.
 - (3) The card agent has failed to allow inspection of documents in the possession of the card agent by authorized Commonwealth employees - second offense.
 - (4) The card agent has issued temporary cards but has failed to deliver proper documents, fees or taxes to the Department - second offense.
 - (5) The card agent has issued a temporary registration card containing a misstatement of fact or other false information, which the card agent knew or should have known to be incorrect or false - second offense.
 - (6) The card agent has been convicted of a felony or misdemeanor relating to the titling, registration or collection of sales tax and fees for a vehicle or the agent has been convicted of another felony relating to motor vehicles within the last 10 years.
 - (7) The card agent has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the card agent - third offense.
 - (8) The card agent has failed to comply with an order from the Department to submit certified checks, postal or other money orders with a document to the Department for processing - second offense.

- (9) The card agent has offered or delivered money, gifts or other items of substantial value to a Commonwealth employee.
- (10) The card agent has failed to disclose material information or has made a materially false statement on the application for certificate of authorization, which was discovered after issuance of the certificate and which would have caused the Department to deny the certificate of authorization.
- (11) The card agent has not listed proper insurance information as required by 75 Pa.C.S. § 1318(b) - second offense.
- (12) The card agent has charged a fee for the issuance of a temporary registration card in violation of 75 Pa.C.S. § 1310(c) - third offense.
- (13) The card agent has failed to report a transaction involving the sale or transfer of a vehicle as required by statute, regulation or rule administered or enforced by the Internal Revenue Service - second offense.
- (14) The card agent has not listed the date of the issuance of the temporary cards - third offense.
- (15) The card agent has failed to keep the temporary registration card and documents related to the application for title or registration, or both, in strict confidence - third offense.
- (16) The card agent has on more than one occasion not listed its name and identification number, as required, on applications and checks submitted to the Department - third offense.
- (17) The card agent has refused to accept a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth - third offense.
- (18) The card agent has failed to provide proper security for temporary registration cards - third offense
- (19) The card agent has refused to issue, upon request, a temporary registration card to an owner or lessee of a vehicle who possesses proper documentation - third offense.
- (20) The card agent has failed to furnish receipts as required or failed to retain duplicate copies of receipts for three (3) years - third offense.
- (21) The card agent has issued a temporary registration to an applicant without proper documentation - third offense.
- (22) The card agent has failed to retain proper records under this agreement - third offense.
- (23) The card agent has on two or more occasions failed to comply with any provision of the Vehicle Code or Department regulations not specifically noted elsewhere in this listing or the table in 20 - third offense.
- (24) The card agent has been convicted of a summary offense, relating to the titling, registration or payment of sales tax for a vehicle which was committed in connection with the card agent - second offense.

22. Contractor agrees that if it is determined by the Department that the agent service has issued temporary plates but has not timely delivered proper documents, fees or taxes to the Department within the time specified under this Agreement, the Department may issue a warning letter for the first offense, impose liquidated damages in an amount consistent with the parameters in 75 Pa. C.S. § 1374 for the second and third offenses, and may impose a suspension of operation of the card agent service or terminate the contract for fourth and subsequent offenses.
23. In determining whether to suspend service under this Agreement or terminate the Agreement pursuant to paragraphs 20, 21 or 22, or termination under paragraph 24, the Department will consider any mitigating circumstances or factors presented by the Contractor and may take such lesser action under the terms of paragraphs 20, 21, or 22 as it may deem appropriate. Within 5 business days after the Department has suspended service or terminated this Agreement pursuant to paragraphs 20, 21 and 22, or terminated the Agreement under paragraph 24, Contractor may request a meeting with the Department to present mitigating circumstances or factors; such meeting shall be held within 30 days of the request.
24. The Department may also terminate this Agreement at any time for good cause shown, including, but not limited to, misrepresentation or fraud in the Contractor's application which formed the basis for this contract, or if the agent service is operated, managed, controlled or affiliated with a person who has been convicted of a felony involving dishonesty or breach of trust or who would be ineligible to be authorized to engage in providing card agent services.

CONTRACTOR INTEGRITY

25. The Contractor agrees to be bound by the Provisions Concerning the Americans With Disabilities Act, attached hereto as Exhibit "A."
26. The Contractor shall comply with the Commonwealth Contractor Integrity Provisions attached hereto as Exhibit "B."

INDEMNIFICATION

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

CONFLICT OF LAWS

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

AMENDMENT

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

EXHIBIT A

PROVISIONS CONCERNING THE AMERICANS WITH DISABILITIES ACT

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

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

EXHIBIT B

CONTRACTORS INTEGRITY PROVISIONS

1. Definitions
 - a. Confidential Information means information that is not public knowledge, or available to the public on request, disclosure of which would give an unfair, unethical, or illegal advantage to another desiring to contract with the Commonwealth.
 - b. Consent means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by prequalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of execution of this Agreement.
 - c. Contractor means the individual or entity that has entered into this Agreement with the Commonwealth, including directors, officers, partners, managers, key employees, and owners of more than five percent interest.
 - d. Financial Interest means:
 - (1) Ownership of more than five percent interest in any business; or
 - (2) Holding a position as an officer, director, trustee, partner, employee, or the like, or holding any position of management.
 - e. Gratuity means any payment of more than nominal monetary value in the form of cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind.
2. The Contractor shall maintain the highest standards of integrity in the performance of this Agreement and shall take no action in violation of state or federal laws, regulations, or other requirements that govern contracting with the Commonwealth.
3. The Contractor shall not disclose to others any confidential information gained by virtue of this Agreement.
4. The Contractor shall not, in connection with this or any other Agreement with the Commonwealth, directly or indirectly, offer, confer, or agree to confer any pecuniary benefit on anyone as consideration for discretion, or violation of a known legal duty by any officer or employee of the Commonwealth.
5. The contractor shall not, in connection with this, or any other Agreement with the Commonwealth, directly or indirectly, offer, give, or agree or promise to give to anyone any gratuity for the benefit of or at the direction or request of any officer or employee of the Commonwealth.

6. Except with the consent of the Commonwealth, neither the Contractor nor anyone in privity with him or her shall accept or agree to accept from, or give or agree to give, to any person any gratuity from any person in connection with the performance of work under this Agreement except as provided therein.
7. Except with the consent of the Commonwealth, the Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material on this project.
8. The Contractor, upon being informed that any violation of these provisions has occurred or may occur, shall immediately notify the Commonwealth in writing.
9. The Contractor, by execution of this Agreement and by the submission of any bills or invoices for payment pursuant thereto, certifies and represents that he or she has not violated any of these provisions.
10. The Contractor, upon the inquiry or request of the Inspector General of the Commonwealth or any of that official's agents or representatives, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Inspector General to the Contractor's integrity or responsibility, as those terms are defined by the Commonwealth's statutes, regulations, or management directives. Such information may include, but shall not be limited to, the Contractor's business or financial records, documents or files of any type or form, which refer to or concern this Agreement. The Contractor shall retain such information for a period of three years beyond the termination of the contract unless otherwise provided by law.
11. For violation of any of the above provisions, the Commonwealth may terminate this and any other Agreement with the Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these provisions, claim damages for all expenses incurred in obtaining another contractor to complete performance hereunder, and debar and suspend the contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or nonuse of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

Enclosure 1 to Management Directive 215.8 Amended

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

Chapter 43 - Temporary Registration Cards and Plates

Section 43.1. Purpose.

This chapter establishes 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; and issuance of registration plates).

Section 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 - 9910 (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.

Section 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.

Section 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 number 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. There 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 ½ 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) 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) Credit rating of the business and its owners and officers.
 - (6) Assets and liabilities of the business.
- (d) Denial of application. The Department may deny an application for 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 of 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.

Section 43.5. Issuance of temporary registration cards.

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

- (b) Obtaining temporary registration cards. Issuing agents may obtain temporary registration cards at offices of the Bureau or upon written request to the Bureau.
- (c) Issuance of temporary registration cards in connection with transfer of registration. Every issuing agent shall, upon request, issue a temporary registration card to the owner or lessee of a vehicle who has made proper application for transfer of registration on an application for certificate of title or other appropriate Departmental form. The agent information on the Departmental forms shall be completed in full by the agent.
- (d) Duty to examine documents. The duty to examine documents includes the following:
 - (1) Before issuing a temporary registration card, the issuing agent shall examine the documents necessary to the transaction.
 - (2) A temporary registration card may not be issued unless the following items are found to be in order:
 - (i) Insurance information.
 - (A) Except as provided in clause (B), check to determine 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, 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.

Section 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.
 - (ii) 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 plate. 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.

Section 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.

Section 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.

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

- (c) Decrease in amount of bond. If the amount of the bond is decreased, or if there is a final judgment outstanding against the bond, the right of the authorized dealer, manufacturer or full agent to issue temporary registration cards and plates will be suspended until steps are taken, satisfactory to the Bureau, to restore the original amount of the bond, provide additional bond or satisfy the judgment.
- (d) Limitations of bond. The bond required under this section shall cover transactions in which the Commonwealth or a person specified in subsection (a) has sustained a monetary loss due to the agent, dealer or manufacturer submitting a dishonored or uncollectible check to the Commonwealth (including protest and uncollectible check fees), or failing to remit to the Commonwealth a fee or tax when the monetary loss is incurred in connection with the business of the dealer or manufacturer. A check which is dishonored upon presentment, or an application for title or registration which is received without a required fee or tax, shall constitute a monetary loss. Failure to pay a monetary penalty within 45 days of assessment shall also constitute a monetary loss. The bond required under this section may not cover a loss for a transaction which is not mentioned in this subsection relating to the issuance of temporary registration cards or plates in connection with the business of the dealer, manufacturer or full agent. If the dealer, manufacturer or full agent has one or more branch offices, the amount of the bond shall be increased by the amount specified in subsection (b) for each branch office, except that the total amount of the bond will not be required to exceed \$200,000.
- (e) Bond already on file. An authorized dealer, manufacturer or full agent who has filed a bond with the Commonwealth will not be required to file a separate bond under this section, if the bond already on file with the Commonwealth is in the name of the Commonwealth and at least equal to the amount and coverage of the bond required under this section.
- (f) Acceptance. The surety and terms of bonds or riders shall be subject to review and acceptance by the Bureau.
- (g) Change of address. When a change of address occurs, a stipulation or rider to the original bond shall be submitted for the new address.
- (h) Authorized claims. The Bureau has the right to make and settle claims upon the bond with the surety company on behalf of the Commonwealth and a person who has incurred a monetary loss as specified in subsection (a). The Bureau will, upon written request, assign this right to a person for that person's claim; however, in this event, the Commonwealth is released from any duty to the person towards obtaining satisfaction of that person's claim. The Commonwealth will have priority, to the exclusion of all others, in receiving payment from the surety. If the aggregate amount of valid claims exceeds the amount of the bond, priority for the payment of claims shall be as follows:
 - (1) Claims made by the Commonwealth.
 - (2) Claims made by the Commonwealth for persons.
 - (3) Claims made by persons who obtained assignment from the Bureau.

Section 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 any transaction involving the sale or transfer of a vehicle consistent with Internal Revenue Service statutes, regulations and rules.

§ 43.11. Sanctions for violations by issuing agents.

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

Type of Sanction

Category I

Reason for Sanction of Agent	First Offense	Second Offense	Third Offense	Forth and Subsequent Offense
(1) The agent has committed a fraudulent act including the fraudulent keeping of records, or the fraudulent completion of an application submitted to the Department or the failure to submit to the Department, completed applications and fees and taxes due the Commonwealth in connection with the issuance of the temporary cards or plates.	6 Month Suspension	1 Year Suspension	Revocation	
(2) The agent has failed to allow inspection of documents or plates in the possession of the issuing agent by authorized Commonwealth employees.	Suspension until the documents, plates, or both, are made available, plus 1 month	Suspension until the documents, plates, or both, are made available, plus 3 months	Suspension until the documents, plates or both are made available, plus 6 months	Revocation
(3) The agent has consigned or transferred plates to other issuing agents, notaries or persons.	1 month suspension	3 months suspension	6 months suspension	Revocation
(4) The agent has issued temporary plates but has failed to deliver proper documents, fees or taxes to the Department.	Suspension until the documents, fees or taxes are delivered plus a written warning	Suspension until the documents, fees or taxes are delivered, plus 1 month	Suspension until the documents, fees or taxes are delivered, plus 6 months	Revocation
(5) The agent has issued a temporary registration card or plate containing a misstatement of fact or other false information, which the agent knew or should have known to be incorrect or false.	1-month suspension	3-months suspension	6-months suspension	Revocation
(6) The agent has been convicted of a felony or misdemeanor relating to the titling, registration or collection of sales tax and fees for a vehicle or the agent has been convicted of another felony relating to motor vehicles within the last 10 years.	Revocation			

Reason for Sanction of Agent	First Offense	Second Offense	Third Offense	Forth and Subsequent Offense
(7) The manufacturer, dealer or full agent has failed to maintain in the amount required by 75 Pa.C.S. § 1335(a) and § 43.9 (relating to registration plates for manufacturers and dealers; and bond).	Suspension until the satisfactory bond is furnished to the Department	Suspension until the satisfactory bond is furnished to the Department plus 1 month	Revocation	
(8) The agent has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the agent.	Suspension until the uncollectible checks, protest fees and collection charges under the act are paid, plus a written warning	Suspension until the uncollectible checks, protest fees and collection charges under the act are paid, plus 1 month	Suspension until the uncollectible checks, protest fees and collection charges under the act are paid, plus 6 months	Revocation
(9) The manufacturer dealer or full agent has failed to provide the Bureau with an inventory report within 30 days, as required by § 43.7(a) (relating to inventory of temporary registration cards and plates).	Suspension until the report is provided	Suspension until the report is provided, plus 1 month	Suspension until the report is provided, plus 3 months	Revocation
(10) The agent has charged a fee in excess of the fee allowed for providing an applicant with a temporary plate under § 43.6(g) (relating to issuance of temporary registration plates).	1-month suspension	3-months suspension	6-months suspension	Revocation
(11) The agent has offered or delivered money, gifts or other items of substantial value to a Commonwealth employee or has offered and delivered money, gifts or other items to a Commonwealth employee.	Revocation			
(12) The agent has issued temporary registration plates at a location not approved by the Department.	Written warning	1-month suspension	3-months suspension	6-months suspension
(13) The agent has operated a branch office without notifying the Department	Suspension until the branch office is approved by the Department or closed by the agent			
(14) The agent does not comply with the notary requirement of §43.4(a)(9) (relating to authorization to issue temporary registration plates).	Suspension until the notary is employed	Suspension until the notary is employed, plus 1 month	Suspension until the notary is employed, plus 3 months	Revocation

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

Category II

<i>Reason for Sanction of Agent</i>	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Forth and Subsequent Offense</i>
(1) The agent has not issued temporary registration plates in consecutive order, beginning with the lowest number in each series.	Written Warning	1 Month Suspension	3 Months Suspension	6 Months Suspension

Reason for Sanction of Agent	First Offense	Second Offense	Third Offense	Forth and Subsequent Offense
(2) The agent has not listed the date of the issuance of the temporary card or plates	Written Warning	1 Month Suspension	3 Months Suspension	6 Months Suspension
(3) The manufacturer, dealer or full agent has failed to notify the Department of a change in office location before or within 10 days of the change.	Suspension until an application related to the change has been approved	Suspension until an application related to the change has been approved, plus 1 month	Suspension until an application related to the change has been approved, plus 3 months	Suspension until an application related to the change has been approved, plus 6 months.
(4) The agent has failed to keep the temporary registration card and documents related to the application for title or registration, or both, in strict confidentiality, as required by §43.5 of this chapter	Written Warning	1 Month Suspension	3 Months Suspension	6 Month Suspension
(5) The agent has issued temporary plates but not timely delivered proper documents, fees or taxes to the Department within the time as prescribed by §43.5 (F)(1) of this chapter	Written Warning	Monetary penalty of \$50 to \$100 per violation; and suspension for failure to pay the penalty or deliver the documents, fees or taxes within 45 days after the date that the notice was sent, or a greater time period as specified by the Department, until the penalty is paid or documents, fees or taxes are delivered to the Department.	Monetary penalty of \$100 to \$200 per violation; and suspension for failure to pay the penalty or deliver the documents, fee or taxes within 45 days after the date that the notice was sent, or a greater time period as specified by the Dept., until the penalty is paid or documents, fees or taxes are delivered to the Department	3 Month Suspension to Revocation
(6) The agent has issued temporary plates for a vehicle for which a title has already been issued, unless permitted under §43.6(a)(3) (relating to issuance of temporary registration plates).	Written Warning	1 Month Suspension	3 Months Suspension	6 Months Suspension

Reason for Sanction of Agent	First Offense	Second Offense	Third Offense	Forth and Subsequent Offense
(7) The agent has issued a metal plate for transporting a vehicle out-of-state	Written Warning	1 Month Suspension	3 Month Suspension	6 Month Suspension
(8) The manufacturer, dealer or full agent has repeatedly not listed its name and identification number, as required, on applications and checks submitted to the Department	Written Warning	1 Month Suspension	3 Month Suspension	6 Month Suspension
(9) The agent has issued the incorrect type of plate for a particular	Written Warning	1 Month Suspension	3 Month Suspension	6 Month Suspension
(10) The manufacturer, dealer or full agent has failed to post in a conspicuous manner at place of business:				
(i) Schedule of motor vehicle fees.	Written Warning	1 Month Suspension	3 Months Suspension	6 Months Suspension
(ii) Schedule of the manufacturer's, dealer's, or full agent's fees	Written Warning	1 Month Suspension	3 Months Suspension	6 Month Suspension
(iii) Hours of operation	Written Warning	1 Month Suspension	3 Months Suspension	6 Month Suspension
(iv) Certificate of Authorization	Written Warning	1 Month Suspension	3 Month Suspension	6 Month Suspension
(11) The manufacturer, dealer or full agent has failed on two or more occasions to open during posted business hours	Written Warning	1 Month Suspension	3 Month Suspension	6 Month Suspension
(12) The agent has refused to accept a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth	Written Warning	1 Month Suspension	3 Months Suspension	6 Month Suspension
(13) The agent has failed to provide proper security for temporary registration cards and plates	Written Warning	1 Month Suspension	3 Months Suspension	6 Month Suspension

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

Reason for Sanction of Agent	First Offense	Second Offense	Third Offense	Forth and Subsequent Offense
(21) The agent has on two or more occasions violated, or failed to comply with, a provision of 71 Pa. C.S. Chapter 11, 13, 21, 23 or 71 or Departmental regulations promulgated under these chapters, except for untimely submissions as approved at paragraph (5).	1 Month Suspension	3 Month Suspension	6 Month Suspension	Revocation
(22) The agent has been convicted of a summary offense, relating the titling, registration or payment of sales tax for a vehicle which was committed in connection with the business of the agent, except for untimely submissions as provided at paragraph (5).	Written Warning	1 Month Suspension	3 Month Suspension	Revocation

- (b) Second and subsequent violations. Second and subsequent violations will be determined on the basis of previous violations of the same nature committed within a 3 year period. If a third or subsequent violation occurs within 3 years of the last previous violation, it will be deemed a third or subsequent violation regardless of when other previous violations occurred.
- (c) Multiple violations. In the case of multiple violations considered at one time, the Department may impose separate sanctions for each violation under the schedule in subsection (a). The Department may direct that a suspension or revocation imposed be served concurrently or consecutively.
- (d) Suspension authority reserved. the description of grounds for suspension will not be deemed to limit authority of the Department to control the issuance of temporary registration cards and plates as granted by 75 Pa. C.S. §§1310 and 1331 (relating to temporary registration cards; and issuance of registration plates). the Department may suspend an issuing agent for offenses not described in subsection (a), such as any use of temporary registration plates or official documents, or conduct on the part of the issuing agent, that does not conform to the law of the Commonwealth. Sanctions imposed under this subsection shall be consistent with the sanctions imposed under subsection (a) according to the seriousness of the violation as evidenced by factors such as the number of person or documents involved, the amount of money involved, and the like.
- (e) Effective date. Suspensions shall take effect on the date ordered by the Department, but no credit may be earned toward expiration of the suspension until the temporary registration cards and plates in the possession of the issuing agent are surrendered to an authorized representative of the Department.
- (f) Conviction. An issuing agent convicted of a crime under 18 Pa. C.S. or the penal law of the Unites States which involves moral turpitude or which reflects adversely on the issuing agent's business integrity or responsibility, shall be subject to revocation of issuing agent privileges.
- (g) Revocation. Upon revocation of a manufacturer's, dealer's or full agent's certificate of authorization, the manufacturer, dealer or full agent shall be debarred from re-applying for a new certificate of authorization for 3 years. The manufacturer, dealer or full agent shall make arrangements with the Department to surrender his certificate of authorization and the registration cards and plates in his possession to an authorized representative of the Department.

- (h) Relevant mitigating events. For a violation of subsection (a) category II (5), second, third or subsequent offense, the Department will consider the following relevant mitigating events that serve to exonerate the agent of the offense or to reduce the monetary penalty that may be imposed.
- (1) Exoneration. In determining whether the relevant mitigating events serve to exonerate the agent of the offense, the Department will consider evidence offered by the agent pertaining to the following:
- (i) Whether the failure to timely submit, as prescribed by §43.5(f)(1) of this chapter, the applications, taxes or fees was the result of an Act of God, such as fire, flood or other natural disaster.
 - (ii) Whether the failure to timely submit, as prescribed by §43.5(f)(1) of this chapter the applications, taxes or fees, was the result of criminal or fraudulent action by an employee or licensed messenger of which the agent was not aware and could not have prevented and that the agent had in place customary business practices to effectuate the timely submission of taxes, fees and title applications to the Department.
 - (iii) Whether the failure to timely submit, as prescribed by §43.5(f)(1) of this chapter, the applications, taxes or fees, was the result of a lienholder's failure to immediately forward the titles to the owner, as prescribed by §1135(a)(1) of the Vehicle Code (relating to satisfaction of security interest) and, in this case, whether the lienholder received prompt repayment of the debt from the vehicle owner or licensed dealer and immediately released its liens within three business days.
 - (iv) Whether the agent would have been exonerated of prior sanctions that were issued against the agent within the 3 years prior to November 28, 1998, had the Departmental regulations that were effective November 28, 1998 been in effect.
 - (v) Whether the failure to timely submit, the applications, as prescribed by §43.5(f)(1) of this chapter, was the result of criminal, fraudulent or negligent action by an authorized messenger of the Department. This subparagraph does not apply when the same person controls the agent and the messenger. The agent has the burden of proving that it submitted the documents, taxes and fees to the authorized messenger within 15 days of the date of purchase of the vehicle, transfer of a registration or issuance of a temporary registration plate or card, whichever occurred first.
- (2) Reduction in monetary penalty. In determining whether the events serve to reduce the monetary penalty that the Department may impose, but which will not exonerate the agent of the offense, the Department will consider evidence offered by the agent pertaining to the following:
- (i) Whether subsequent to the applicable notice of hearing issued by the Department, the Department's records reflect that the agent has remedied the event which was the cause of the untimely submissions and that no additional late submissions have occurred.
 - (ii) Whether the applications, taxes or fees were submitted by more than 20 but less than 40 days after the date of purchase of the vehicle, if no consumer or vehicle purchaser was harmed by the agent's failure to timely submit, as prescribed by § 43.5(f)(1), the applications, taxes or fees and that the agent had in place customary business practices to effectuate the timely submission of taxes, fees and title applications to the Department. Failure of the consumer or vehicle purchaser to receive the annual registration documents prior to expiration of the temporary registration constitutes harm.
- (3) Preclusion from mitigation. If the Department discovers that the agent, or an employee of the agent, altered the date of purchase of a vehicle upon an application, the Department will be precluded from exonerating the agent of the offense or reducing the monetary penalty and will impose the sanction prescribed by subsection (a).
- (i) Dual violations. If an agent, which is also a dealer, has been sanctioned with a monetary penalty as a dealer under 75 Pa.C.S. § 1374(d) (relating to suspension or revocation of vehicle business registration plates) for a violation that involves the same violation for which a monetary penalty may be imposed under this chapter, only the monetary penalty prescribed in 75 Pa.C.S. § 1374(d) will be imposed upon the agent, which is also a dealer, for the violations that constitute offenses of both. The offenses will be noted upon the record for both this chapter and Chapter 53 (relating to manufacturers, dealers and miscellaneous motor vehicle businesses registration plates).

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

§ 43.12. Use of temporary registration plate.

- (a) Applicability. This section pertains to the use of a temporary registration plate by the person to whom it was issued.
- (b) Temporary registration plate nontransferable. Temporary registration plates may not be transferred from one vehicle to another. If a person purchases another vehicle before receiving the regular registration card from the Bureau, the person shall wait until receipt of the regular registration card and then transfer the registration plate in the usual manner.
- (c) Expiration of temporary registration plates. Temporary registration plates shall expire as follows:
 - (1) Rules pertaining to cardboard plates.
 - (i) A cardboard temporary registration plate shall expire and become void upon the occurrence of one of the following:
 - (A) Issuance of registration from another state.
 - (B) Rescission of a contract to purchase a vehicle.
 - (C) Expiration of 30 days from the date of issuance.
 - (ii) Upon expiration of a cardboard temporary registration plate, the person to whom it was issued shall destroy it.
 - (2) Rules pertaining to metal plates. A metal temporary registration plate may not be used after the expiration of 60 days from the date of issuance of the temporary card and plate until the registrant receives a regular registration card from the Bureau.
- (d) Use of temporary registration plates on vehicles transporting a load. Vehicles transporting a load shall comply with the following:
 - (1) Temporary metal registration plates may be used on a vehicle transporting a load if the vehicle has a gross vehicle weight rating of 26,000 pounds or less and the vehicle and load have a gross weight of 26,000 pounds or less.
 - (2) Temporary metal registration plates may not be used on a vehicle transporting a load, if the vehicle has a gross vehicle weight rating in excess of 26,000 pounds or the vehicle and load have a gross weight in excess of 26,000 pounds, unless the vehicle is operating only within this Commonwealth or through jurisdictions which are not members of the International Registration Plan.
 - (3) Temporary cardboard registration plates may not be used on a commercial vehicle transporting a load.
- (e) Prosecution. A person who violates subsection (c) shall be subject to prosecution under 75 Pa.C.S. § 1301 (relating to driving unregistered vehicle prohibited).

§ 43.13. Special temporary registration cards and plates.

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