

OUTLINE

HB 645(724)- AUTO REPAIR

1. PURPOSE
2. LICENSING
3. ITEMIZED BILL
4. LOSS OF LICENSE
5. POWERS OF SEC. OF PENNDOT



HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA

MEMO

March 4, 1975

**SUBJECT:** PROPOSED - AUTO BUSINESS REPAIR REGULATION

**TO:** Honorable Rose Toll

**FROM:** Jacob Myers, Legal Counsel

Regarding the introduction of a bill to license all persons engaged in repairing motor vehicles and to exclude from the business all persons who engage in dishonest and fraudulent practices.

The general provisions of the bill:

- (1) After the effective date of the act, no repair garage could operate without first securing a license. The applicant for a license would be required to submit a \$15 application fee and an additional \$25 per place of business.
- (2) Once a person, corporation or place of business is properly licensed, no repairs could be undertaken in excess of \$100 without written authorization of the owner or authorized agent. Such authorization would, by law, not be binding for any work that is not necessary under prevailing standards of the profession.
- (3) An itemized bill containing at least the description of work performed, description of parts plus cost, the number of hours of labor, cost per hour and total cost of labor would be required.
- (4) A licensee could lose his license if it is determined that among other things --
  - (a) He has made a material false statement or concealed a material fact in connection with his application.
  - (b) He was the former holder of a license issued hereunder which was revoked or suspended.
  - (c) He or any officer, director, partner or stockholder holding more than 10% of the stock has been convicted of a felony, or of any crime involving dishonesty, decent or moral turpitude without a subsequent pardon or certificate of good conduct for the Pennsylvania Board of Probation and Parole.

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- (d) Has been guilty of fraud or fraudulent practices or has practiced misleading or dishonest advertising.
  - (e) He has been grossly negligent in the performance of any repair or adjustment covered under the act.
  - (f) Has grossly overcharged any person for repairs to a motor vehicle.
  - (g) Has misrepresented necessary repairs to a customer, or having defrauded any customer by performing unnecessary repairs.
  - (h) Has refused to give a customer a copy of any document requiring his signature as soon as the customer signs such document.
  - (i) Has knowingly made a false promise of a character likely to influence, persuade or induce a consumer to authorize the repair and maintenance of a motor vehicle.
  - (j) Has attempted to enter into or entered into any contract for repair or maintenance of a motor vehicle whereby the consumer:
    - 1. Waives any right of action against the dealer or other person acting in the dealer's behalf for any unlawful act committed by the dealer or his agents or--
    - 2. Relieves the dealer from any liability for any legal remedies which the consumer may have against the dealer.
  - (k) Has failed to comply with the rules, regulations promulgated by the Secretary or provisions of this act.
- (5) The Secretary of Transportation would be empowered to revoke or suspend the license of a licensee, or/and impose a penalty in a sum not to exceed \$100 for each violation of the act, and a penalty not exceeding \$500 in the aggregate for all violations.
- Any licensee adjudicated guilty and who refuses to turn the license in to the Secretary could be guilty of a misdemeanor and subject to a \$500 fine and/or six months imprisonment.
- (6) The Secretary of Transportation would be empowered to promulgate regulations to administer the act and to mane as many inspectors as necessary to enforce its provisions.
- (7) \$50,000 would be appropriated to the Department of Transportation to carry outs its provisions.

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