

SIGNIFICANT CHANGES TO AUCTIONEER LICENSING AND TRADING ASSISTANT REGISTRATION ACT

On July 20, 2016, Governor Tom Wolf signed into law amendments to the Auctioneer Licensing and Trading Assistant Registration Act (Auctioneer Act). The new law, effective September 19, 2016, may be accessed on the Board's website at www.dos.pa.gov/auct.

One significant change includes the elimination of the Auction House license and all nonresident licenses. Although the Board will no longer be issuing these licenses, the current license will remain valid until February 28, 2017, which is the next renewal period. An auctioneer with a current nonresident auctioneer license may consider filing an application for either a reciprocal license or licensure by examination, whichever is appropriate. A licensee with a current Auction House license may consider filing an application for an Auction Company license. An application for a reciprocal license or an auction company license may be accessed on the Board's website at www.dos.pa.gov/auct. An application to register and apply for the auctioneer examination/license must be accessed on the new online system at www.pals.pa.gov.

Another significant change is the addition of definitions of "live", "online", "on-site" and "real-time" auctions in Section 2 (definitions). This section also removes "online internet bidding platform" and adds a definition for "online trading assistant consignment transaction".

Section 3 of the amendment adds an explanation to state that a license is required regardless of whether the computer system or server used in connection with an online auction is physically located in Pennsylvania if: (A) the seller is located in Pennsylvania when the offer is made, the agreement is made, or the online auction is held; (B) the online auction involves the sale of real property located in Pennsylvania; OR (C) the online auction involves the sale of personal property located in Pennsylvania at the time the offer is made, the agreement is made or the online auction is held.

The educational and experiential qualifications for an auctioneer license have changed. In addition to serving an apprenticeship for two years or completing a course of study of at least 20 credit hours, a hybrid qualification has been established. Now, an applicant may complete a course of study at an approved school with less than 20 credit hours combined with one year as a licensed apprentice auctioneer.

Section 3(e.1)(2) lays out the requirements and responsibilities for the auctioneer-of-record that every auction company needs to designate.

Finally, after the revocation of any license or registration, no new license or registration may be requested by, or issued to, the licensee or registrant within a period of at least five years. The previous provision was for only one year.

The amendments are too numerous to be included fully in a newsletter article, so as always, please feel free to speak to your attorney and/or professional association for answers to questions regarding your particular situation.