



**PET INDUSTRY JOINT
ADVISORY COUNCIL**
1220 19th Street, N.W., Suite 400
Washington, DC 20036

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Tel (202) 452-1525
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FAX TRANSMITAL

NAME/COMPANY: Mr. Jewett

FAX NUMBER: 212-283-2664

FROM: Mike Maddox

DATE: 1-4-2000

PAGES: (INCLUDES COVER SHEET) 2

MESSAGE: Thank you for your kind phone call this morning in follow-up to the final puppy warranty rulemaking by the AG. After speaking with Rocco, we determined it best that I submit my written comments to you directly, which I did under separate cover to assure your receipt by 10:30 a.m. Assuming these comments are duly considered in your report to the Chair, we see no need to also appear at Thursday's public hearing. As requested, I am also attaching a copy of the letter from the AG in response to our initial comments. Again, thanks for your assistance!

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 The direct line to our fax machine is 202-293-4377

EMBARGOED MATERIAL**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL****RECEIVED**
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INDEPENDENT REGULATORY
REVIEW COMMISSION**MIKE FISHER
ATTORNEY GENERAL**

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WyatteBureau of Consumer Protection
14th Floor, Strawberry Square
Harrisburg, PA 17120
(717)787-9707

December 1, 1998

Michael P. Maddox
Pet Industry Joint Advisory Council
1220 19th Street, N.W.
Suite 400
Washington, D.C. 20036

Dear Mr. Maddox:

Thank you for your recent correspondence regarding regulations relative to the Dog Purchaser Protection Act.

Pursuant to the provisions of the Regulatory Review Act, copies of your comments have been provided to the Independent Regulatory Review Commission and the Chairman of the House and Senate Judiciary Committees.

Your comments will be carefully considered as the Office of Attorney General develops the final form of these regulations.

If you would like to receive information on the final form of these regulations when it becomes available, please contact the Bureau of Consumer Protection at the address or phone number above.

Very truly yours,

A handwritten signature in black ink, appearing to read 'DPY'.

Douglas P. Yauger
Chief Deputy Attorney General

DPY/dr

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January 4, 2000

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ADVISORY COUNCIL**1220 19th Street, N.W., Suite 400
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Independent Regulatory Review Commission

Dear Mr. Jewett:

This responds to proposed regulations by the office of the Attorney General governing notice requirements for sellers of dogs pursuant to 37 PA Code CH. 309. PIJAC endorses amendments made to the initial proposed rulemaking in response to comments submitted by PIJAC. However, PIJAC would object to new language relative to the requirement to notify the seller in writing within two days of a vet's certification, set forth under paragraph number 5 of the notice.

Adoption of the "mail box rule" for delivery of such notice would effectively defeat the very purpose of the statutory notice requirement. As you know, the statutory requirement does not mandate written notice, but only specifies that notice be provided. PIJAC submits that oral notice may easily be delivered by all buyers within the two-day required period and that written notice could generally be effectively delivered in most cases. Our concern about the new language within the regulation is that notice deposited in a mailbox may not be received by the seller until several days after the buyer has received veterinarian certification of disease or illness in their pet. Because the intent behind the statutory notice requirement was to assure prompt notice, the provision would be rendered meaningless under the proposed language.

PIJAC would note further that this language was not included in the proposed rule initially. Thus, the AG has made a substantive change in the regulation, that is inconsistent with the underlying statutory law, and provided limited opportunity for public input. We would respectfully suggest that the language within this rule allowing for effective notice upon "depositing the same in the United States mail" be deleted from the final rule. Instead, the rule should simply retain the language providing that buyers may use "service which provides the seller the required information" within two business days.

Thank you for consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Maddox".
Michael P. Maddox, Esq.RECEIVED
2000 JAN -4 AM 10:32
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