

Regulatory Analysis Form		This space for use by IRRC OCT -2 AM 11:23 REGULATORY REVIEW COMMISSION	
		IRRC Number: <u>2065</u>	
(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Vehicle Manufacturers, Dealers and Salespersons			
(2) I.D. Number (Governor's Office Use) 16A-600			
(3) Short Title Application Fees			
(4) PA Code Cite 49 Pa. Code §19.4	(5) Agency Contacts & Telephone Numbers Primary Contact: Teresa Lazo-Miller, Counsel State Board of Vehicle Manufacturers, Dealers and Salespersons (717)783-7200 Secondary Contact: Joyce McKeever, Deputy Chief Counsel (717)783-7200		
(6) Type of Rulemaking (check one) <input type="checkbox"/> Proposed Rulemaking <input checked="" type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final, Proposed Omitted		(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No Yes: By the Attorney General Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. <p>The regulation amends the fee schedule for the State Board of Vehicle Manufacturers, Dealers and Salespersons to revise fees for license application as vehicle salesperson or representative; license application as vehicle manufacturer, distributor or manufacturer's branch; license application as vehicle dealer, broker, used or branch lot; change of employment status - vehicle salesperson or representative, business change with no inspection; business change with inspection; and verification of license. New fees are proposed for reinspection after failure and certification of license history. Because current fees established in 1989 no longer reflect the cost of providing the enumerated services, the amended and new fees are needed to cover the cost of providing those services.</p>			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. <p>The regulatory amendments are adopted under Section 30(b) of the Board of Vehicles Act (Act), Act of December 22, 1983 (P.L. 306, No. 84) <u>as amended</u>, 63 P.S. §818.30(b).</p>			

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes. The Board is required by statute to adopt regulations setting fees adequate to meet the minimum enforcement efforts required by statute and regulation. See Item No. 9 for the specific section related to adequacy of fees.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Section 30(b) of the Board of Vehicles Act requires that the Board set fees by regulation so that revenues meet or exceed expenditures over a biennial period. The operating expenses of the Board are generally borne by the licensee population through biennial renewal revenue. Expenses related to services which are provided directly to individual licensees or applicants are excluded from general operating revenues so that only those licensees who use a particular service pays for the service being provided. By this regulation, the cost of providing the services will be apportioned to users rather than burdening the entire licensee population.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation could adversely impact the fiscal integrity of the Board. If left unregulated, the costs of providing these services would be borne by the general licensing population, some of whom did not or would not receive a benefit from the services.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The licensing population generally will benefit by having costs of services which are utilized by only a portion of the licensees or applicants paid by those actually using the service. Approximately 12,845 persons will avail themselves of one or more of the enumerated services within a biennial period. This will represent a savings of approximately \$137,000 to the general licensing population.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

The Board has identified no group of individuals or entities who will be adversely affected by the regulation. Applicants for services or licenses will be required to bear the up-to-date costs of providing the services involved. The amended fees will increase expenditures for the 12,845 individuals and entities using the enumerated services by \$137,000 over a biennial period.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Applicants for licensure, transfer and change, verifications of licensure, certification of license history and reinspection will be required after failure to pay the applicable fees. The Board estimates that approximately 12,845 persons will avail themselves of one or more of the enumerated services in a two-year period.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The public received notice of the proposed fees at public hearings of the Board where the fiscal analysis of the current fees and amendments were discussed. Because these regulations do not place requirements on licensees concerning their conduct or compliance with state law regarding the performance of a licensing duty under licensing statutes, but only adjust fees for services to reflect the cost of providing the services, the Board did not seek predraft input from the regulated community.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

The Board estimates that 12,845 persons will avail themselves of one or more of the enumerated services within a biennial period. Total aggregate additional cost for the regulated community for a biennial period would be approximately \$137,000. However, only those requesting the services will be affected. No legal, accounting or consulting procedures will be implicated in complying with the regulatory amendments.

REGULATORY ANALYSIS FORM

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Local governments would not be affected by the regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The Board will not incur an increase in administrative costs by implementing the regulation. Indeed, the regulatory amendments will permit the Board to recoup the costs of providing the enumerated services.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated	\$67,500	\$67,500	\$67,500	\$67,500	\$67,500	\$67,500
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

The cost estimates are based upon the following number of persons which the Board estimates will avail themselves of the specified service over a fiscal year (one-half biennium) period multiplied by the additional cost to the applicant for the service:

a) License application as vehicle salesperson or representative	\$10 X 5000	=	\$50,000
b) License application as vehicle manufacturer, distributor or branch	\$10 X 37.5	=	\$375
c) License application as vehicle dealer, broker, used or branch lot	\$10 X 600	=	\$6,000
d) Reinspection after failure	\$145 X 5	=	\$225
e) Change of employment status - vehicle salesperson or representative	\$10 X 500	=	\$5,000
f) Business change with no inspection	\$15 X 125	=	\$1,875
g) Business change with inspection	\$40 X 100	=	\$4,000
h) Certification of license history	\$25 X 37.5	=	\$937.50
i) Verification of license	\$5 X 17.5	=	\$87.50

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Board expenditures	1,174,883.89	1,069,418.64	1,295,447.34	1,272,000.00 Budgeted amount
Board revenues	1,869,190.79	444,252.98	1,978,228.43	445,000.00 Budgeted amount

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The amendments to the existing regulations will assure that the costs of providing the specified services to applicants and licensees will be borne by those individuals who request and receive the services.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

No nonregulatory alternatives were considered because the Board's enabling statute requires the Board to promulgate regulations to establish fees or changes thereto.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

See No. 22 above.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No federal licensure standards apply.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

It is difficult to compare the fees charged for these services in Pennsylvania with the fees charged in surrounding states because most surrounding states capture the costs of providing requested services through substantially higher application fees and/or biennial renewal fees. This places the burden on the entire licensed population, rather than on the individual applicant or licensee that requests the service. The following chart compares the fees for some of the enumerated services in Pennsylvania and surrounding states and also compares the biennial renewal fee in Pennsylvania to that charged in surrounding states.

<u>Enumerated Fees</u>	<u>PA</u>	<u>DE</u>	<u>MD</u>	<u>NJ</u>	<u>NY</u>	<u>OH</u>	<u>WV</u>
Dealer application	65	NL	500	100	25	25+	250
Sales application	25	NL	0	NL	NL	5+	NL
Manufacturer appl.	30	NL	0	NL	NL	NL	NL
Branch license	65	NL	0	100	NL	2	1
Used lot appl.	65	NL	500	0	NL	NL	NL
Verification	15	NL	10	0	0	0	0
Certification	25	NL	10	0	0	0	0
<u>Biennial Fees</u>	<u>PA</u>	<u>DE</u>	<u>MD</u>	<u>NJ</u>	<u>NY</u>	<u>OH</u>	<u>WV</u>
Dealer	70	NL	500	200	300	25	200
Salesperson	35	NL	100	NL	NL	5	NL
Manufacturer	100	NL	*	NL	NL	NL	NL

* Maryland determines manufacturers' biennial renewal fee based on number of vehicles distributed:
 1-50 vehicles.....\$200, 51-500 vehicles.....\$600, 501-10,000 vehicles\$1,000
 over 10,000 vehicles.....\$2,000

NL means the state does not license this activity.

+ An additional fee is charged to perform a criminal record check.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This regulation will have no effect on other regulations of the Board or other state agencies.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board reviews regulatory proposals at regularly scheduled public meetings each month.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No changes to reporting, recordkeeping or other paperwork is required by this regulation.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has perceived no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication in the Pennsylvania Bulletin.

(31) Provide the schedule for continual review of the regulation.

The Board reviews its revenues and costs of its programs on a fiscal year and biennial basis.

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

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INDEPENDENT LEGISLATIVE
REVIEW COMMISSION

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Copy below is hereby approved as to
form and legality. Attorney General

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated by:

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to form and legality.
Executive or Independent
Agencies.

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Vehicle Manufacturers,
Dealers and Salespersons
(AGENCY)

BY: _____

DOCUMENT/FISCAL NOTE NO. 16A-600

DATE OF ADOPTION: _____

BY: Robert G. Pickerill
Robert G. Pickerill

6/7/00

DATE OF APPROVAL

DATE OF APPROVAL

(Deputy General Counsel
(~~Chief~~ Counsel,
~~Independent Agency~~
(Strike inapplicable
title)

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if
applicable. No Attorney
General approval or
objection within 30 day
after submission.

FINAL RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS
49 Pa. Code, Chapter 19
Application Fees

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) adopts an amendment to its regulation at 49 Pa. Code §19.4, Fees (relating to fees for services charged by the Board), as set forth in Annex A.

Notice of proposed rulemaking was published at 29 Pa. B. 5105 (October 2, 1999). Publication was followed by a 30 day public comment period. The Board received no comments. Following the close of the public comment period, the Board received comments and suggestions from the House Professional Licensure Committee (HPLC) on November 16, 1999 and the Independent Regulatory Review Commission (IRRC) on December 2, 1999. The Senate Consumer Protection and Professional Licensure Committee did not comment.

Effective Date

The amendments will be effective upon publication in the Pennsylvania Bulletin.

Statutory Authority

The amendments are authorized under Section 30(b) of the Board of Vehicles Act (Act), Act of December 22, 1983 (P.L. 306, No. 84) as amended, 63 P.S. §818.30(b).

Response to HPLC and IRRC Comment

The HPLC inquired as to (1) why the proposed fees were rounded up rather than being calculated on the actual costs of services as estimated by the Board, and (2) requested an explanation of administrative overhead costs contained in the fee package. The HPLC also asked the Board to revise the Regulatory Analysis Form to include the Board's expenditure and income history.

The IRRC requested additional information on (3) the use of a constant overhead cost allocation, (4) inquired as to the difference in administrative overhead costs for certification and verification of licenses versus other license services, and (5) requested a more detailed explanation of the fee increases for business name or post office address change and business physical location change.

Calculation of Administrative Overhead

A. Use of Constant Overhead Cost Allocation and "Rounding Up"

In computing overhead charges, the Boards and the Bureau include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific Board. Once the Bureau's expenses are determined, the Bureau's expenses are apportioned to each board based upon that Board's share of the total active licensee population. The board's share of the expenses is divided by the number of active licensees under that board to calculate a "per application" charge which is added to the direct personnel cost to establish the cost of processing (the administrative overhead charge). The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

This method of calculating administrative overhead to be apportioned to fees for services was first included in the biennial reconciliation of fees and expenses conducted in 1988-89. In accordance with the regulatory review, the method was approved by the Senate and House Standing Committees and IRRC as reasonable and consistent with the legislative intent of statutory provisions which require the Board to establish fees which meet or exceed expenses.

IRRC suggested that within each Board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring one-half hour of processing time would pay one-half as much overhead charge as an application requiring one hour of processing time. The Bureau concurs with IRRC that by adopting this methodology the Bureau and the Boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead charges obtained by applying IRRC suggested time factor versus the current method.

This review of a Boards' operation showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratio-based time factor. However, when the time factor is combined with the licensing population for each Board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, pursuant the Bureau's method, the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

With regard to IRRC's suggestions concerning projected versus actual expenses, the Boards note that the computation of projected expenditures based on amounts actually expended has been the basis for biennial reconciliations for the past ten years. During these five biennial cycles, the experience of both the Boards and the Bureau has been that established and verifiable data which can be substantiated by collective bargaining agreements, pay scales and cost benefit factors. This method has provided a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the Board over an extended period. Similarly, accounting, record keeping and swift processing of applications, renewals and other fees were the primary basis for "rounding up" the actual costs to establish a fee. This rounding up process has in effect resulted in the necessary but minimal cushion or surplus to accommodate unexpected needs and expenditures.

For these reasons, the Board has not made changes in the method by which it allocates administrative expenditures and the resulting fees will remain as proposed.

B. Variation in Administrative Charge of Verification/Certification Versus Administrative Charge for Other Services

The IRRC questioned why the administrative charge included for verification or certification of licensure versus the administrative charge included for other services was different. The administrative charge of \$9.76 represents the cost of processing a verification or certification application for any licensee in the Bureau irrespective of what Board issues the license. The administrative charge of \$11.53 represents the cost of processing other types of licensure applications for only licensees under the Board of Vehicle Dealers, Salespersons and Manufacturers. In other words, whereas the administrative charge for verification or certification of licensure is constant across all licensees under the Bureau, the license services performed that are specific to the type of license held are calculated based only on the number of licensees served by the Board. Thus, each board has two administrative charges applied to the provision of licensure services: \$9.76 is applied to all Boards for verification or certification services and an individual fee is applied on a per board Basis.

Fees for Business Changes

The IRRC requested a more detailed explanation of the fee increases for change of business name or post office and change in business physical location.

When a business requests a name or address change, the Board staff reviews the application for completeness and contacts the applicant for any missing information. The staff verifies that the

name of the dealership has not changed as a result of an ownership change and determines whether the address change is due to an actual physical location change or to a postal address reassignment. The staff then processes the new information through the computer and issues an updated license.

If there has been a physical location change, in addition to the above procedures, the Board staff prepares an inspection report form and forwards the form to the Bureau of Enforcement and Investigation (BEI). BEI conducts an on-site inspection, determines whether statutory and regulatory standards for the facility are met and sends the inspection results to the Board office. Board staff then updates the computer information and issues a license with the new address or, if BEI has found that the new location does not comply with applicable facility standards, issues a discrepancy notice. Inspection by BEI represents a change from the former procedure, where inspections were performed by the Pennsylvania State Police at no charge to the Board. The State Police no longer perform this service.

Reinspection After Failure

When applicable facility standards are not met at initial inspection for new or relocated businesses, BEI advises Board staff of the reasons for failure at the on-site inspection. The staff sends a discrepancy letter to applicant informing applicant of the deficiencies. Applicant notifies the Board office when the deficiencies have been corrected. The Board office then prepares a re-inspection report form and forwards the form to BEI for follow-up inspection. After the follow-up inspection is completed, the results are sent to the Board staff. Board staff then either sends another discrepancy letter or issues the license.

Although the existing application fees capture the cost of the initial inspection by BEI prior to issuance of a license, the fees do not cover the cost of reinspection by BEI when the applicable facility standards were not met at the initial inspection. This new fee will cover the additional cost of re-inspection and require that only those using the service must pay for the service. The board estimates that approximately 10 requests for re-inspection are made in a biennial period.

Compliance with Executive Order 1996-1

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1. The final regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Pursuant to Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), as amended, 71 P.S. §745.5(a), the Board submitted a copy of the Notice of Proposed Rulemaking, published at 29 Pa. B. 5105 (October 2, 1999), on September 17, 1999, to the Independent Regulatory Review Commission and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In addition to submitting the regulation, the Board has provided the Commission and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." In preparing this final form regulation the agency has considered all comments received from the committees and IRRC.

This final form regulation was (deemed) approved by the HPLC on _____ and (deemed) approved by the SCP/PLC on _____. The IRRC met on _____, and (deemed) approved the regulation in accordance with Section 5(e) of the Act.

Further Information

Individuals who need information about the regulation may contact the Board Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P.O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7155.

Findings

The State Board of Vehicle Manufacturers, Dealers and Salespersons finds:

- A. Public notice of proposed rulemaking was given under Sections 201 and 202 of the Commonwealth Documents Law, 45 P.S. §§1201 and 1202, and the regulations promulgated under those sections at 1 Pa. Code §§7.1 and 7.2.
- B. A public comment period was provided as required by law and all comments were considered.
- C. This amendment does not enlarge the purpose of proposed rulemaking published at 29 Pa. B. 5105 (October 2, 1999).
- D. This amendment is necessary and appropriate for administration and enforcement of the Board's authorizing statute.

The Board therefore **ORDERS**:

- (1) The regulations of the State Board of Vehicle Manufacturers, Dealers and Salespersons, 49 Pa. Code Chapter 19, are amended to read as set forth in the attached Annex.
- (2) The Board shall submit a copy of the Annex to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (3) The Board shall certify this Order and Annex and shall deposit them with the Legislative Reference Bureau as required by law.
- (4) The regulations shall take effect immediately upon publication in the Pennsylvania Bulletin.

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS PART I. DEPARTMENT OF STATE SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

FEES

§19.4. Fees.

Vehicle salesperson license application.....	\$(15.00)	<u>\$25.00</u>
Vehicle representative license application.....	[15.00]	<u>25.00</u>
Vehicle manufacturer license application.....	[20.00]	<u>30.00</u>
Manufacturer branch license application.....	[20.00]	<u>30.00</u>
Distributor license application.....	[20.00]	<u>30.00</u>
Vehicle dealer license application.....	[55.00]	<u>65.00</u>
Vehicle broker license application.....	[55.00]	<u>65.00</u>
Dealer or broker branch license application.....	[55.00]	<u>65.00</u>
Used vehicle lot license application.....	[55.00]	<u>65.00</u>
Vehicle salesperson change of employer transfer application.....	[15.00]	<u>25.00</u>
Business name or post office address change.....	[15.00]	<u>30.00</u>
Business physical location change.....	[20.00]	<u>60.00</u>
Verification of licensure.....	[10.00]	<u>15.00</u>
<u>Reinspection after Failure.....</u>		<u>45.00</u>
<u>Certification of License History.....</u>		<u>25.00</u>
Biennial Renewal - vehicle salesperson license.....		35.00
Biennial Renewal - vehicle representative license.....		35.00
Biennial Renewal - vehicle manufacturer license.....		100.00
Biennial Renewal - manufacturer branch license.....		70.00
Biennial Renewal - wholesale distributor license.....		70.00
Biennial Renewal - vehicle dealer license.....		70.00
Biennial Renewal - vehicle broker license.....		70.00
Biennial Renewal - dealer or broker branch license.....		70.00
Biennial Renewal - used vehicle lot license.....		70.00

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]

Application Fees

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) proposes to amend § 19.4 (relating to fees) by revising certain application fees to read as set forth in Annex A.

A. Effective Date

The proposed amendment will be effective upon publication of the final-form regulation in the *Pennsylvania Bulletin*.

B. Statutory Authority

The proposed amendment is authorized under section 30(b) of the Board of Vehicles Act (act) (63 P.S. § 818.30(b)).

C. Background and Purpose

The act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

In a recent systems audit of the operations of the Board within the Bureau of Professional and Occupational Affairs, the fees for services to licensees and applicants were analyzed to determine if the fees reflected the actual cost of providing the services. Actual cost calculations are based upon the following formula:

$$\frac{\text{number of minutes to perform the function}}{\text{pay rate for the classification of personnel performing the function}} + \text{a proportionate share of administrative overhead.}$$

The analysis determined that the fees for nine services do not accurately reflect the actual cost of providing those services: license application as vehicle salesperson or representative; license application as vehicle manufacturer, distributor or manufacturer's branch; license application as vehicle dealer, broker, used or branch lot; reinspection after failure; change of employment status-vehicle salesperson or representative; business change with no inspection; business change with inspection; certification of license history; and verification of license.

The current fees have not been revised since 1989. In addition, no fee is currently in place for reinspection after failure or certification of license history.

In this proposal, fees for the services identified previously would be adjusted to allocate costs to those who use the service or make an application. The Board would continue to apportion enforcement and operating costs to

the general licensing population by means of its license renewal fees through the biennial reconciliation of revenue and expenditures.

D. Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed amendments the Board considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

E. Fiscal Impact and Paperwork Requirements

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The proposed amendment will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

F. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 17, 1999, the Board submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposal, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days after the expiration of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the proposed amendment, by the Board, the General Assembly and the Governor, of objections raised.

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendment to Teresa Woodall, Administrative Officer, State Board of Vehicle Manufacturers, Dealers and Salespersons, P.O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-600 (Application Fees), when submitting comments.

ROBERT G. PICKERILL,
Chairperson

Fiscal Note: 16A-600. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL
STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL
AFFAIRSCHAPTER 19. STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND
SALESPERSONS

GENERAL PROVISIONS

§ 19.4. Fees.

Vehicle salesperson license application	\$ [15]	25
Vehicle representative license application.....	[15]	25
Vehicle manufacturer license application	[20]	30
Manufacturer branch license application	[20]	30
Wholesale distributor license application	[20]	30
Vehicle dealer license application	[55]	65
Vehicle broker license application	[55]	65
Dealer or broker branch license application....	[55]	65
Used vehicle lot license application	[55]	65
Vehicle salesperson change of employer trans- fer application	[15]	25
Business name or post office address change ..	[15]	30
Business physical location change.....	[20]	60
Verification of licensure	[10]	15
Reinspection after failure		45
Certification of license history		25
Biennial renewal—vehicle salesperson license.....		35

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[Pa.B. Doc. No. 99-1669. Filed for public inspection October 1, 1999, 9:00 a.m.]

FEE REPORT FORM

Agency: State - BPOA **Date:** 05/03/00
Contact: David Williams
Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Business Change - Inspection Required: \$60.00

Estimated Biennial Revenue: \$12,000.00 (200 applications x \$60.00)

Fee Description:

The fee will be charged to each applicant who requests a change to an existing license due to relocation, remodeling or some other change to the **physical** location.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Vehicle Manufacturer's, Dealers and Salespersons to review and process a change application and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Board Staff - prepare and process application:	(.75 hr)	15.23
BEI - inspect facilities	(1.30 hr)	30.15
Administrative Overhead:		<u>11.53</u>

Total Estimated Cost: 56.91

Proposed Fee: \$60.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$60.00 be established to process a business change application when an inspection is required.

Staff receives application, reviews for completeness, contacts applicant to request any missing information, prepares inspection report form and passes to BEI to confirm compliance. BEI verifies that regulations are met, sends inspection results to board office, staff updates computer information and issues license with new address or issues discrepancy notice.

FEE REPORT FORM

Agency: State - BPOA
Contact: David Williams
Phone No. 783-7194

Date: 05/03/00

Fee Title, Rate and Estimated Collections:

Change of Employment Status -Vehicle Salesperson or Representative: \$25.00

Estimated Biennial Revenue: \$ 25,000(1,000 applications x \$25.00)

Fee Description:

The fee will be charged to each applicant who requests change of employment status (change of employer and/or reactivation following period of escrow). This fee is charged in addition to the appropriate biennial renewal fee if the license is not currently registered.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Vehicle Manufacturers, Dealers and Salespersons to process a change of employment status application for a Motor Vehicle Salesperson or Vehicle Representative and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Board Staff- prepare and process application:	(0.50/hr)	10.15
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Administrative Overhead:		<u>11.53</u>
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Total Estimated Cost:	21.68
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Proposed Fee:	\$25.00
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Analysis, Comment, and Recommendation:

It is recommended that a fee of \$25.00 be established to process a change of employment status application for a Vehicle Representative or Salesperson.

Page 2 Change of Employment Status Fee-Vehicle Representative or Salesperson

Staff receives application, reviews for completeness, contacts applicant to request any missing information. Verifies that employing dealer license is current and in good standing, issues license through computer or sends letter of denial if discrepancies exist.

FEE REPORT FORM

Agency: State - BPOA

Date: 05/03/00

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Re-inspection Fee: \$45.00

Estimated Biennial Revenue: \$ 450.00(10 applications x \$45.00)

Fee Description:

The fee will be charged for each inspection required to determine compliance for new or relocated businesses after 1st failure.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Vehicle Manufacturers, Dealers and Salespersons to perform a re-inspection of a Vehicle Dealer or Broker or Used or Branch Lot and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

BEI-Inspection	inspect facilities	(1.30/hr)	30.15
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Administrative Overhead:			<u>11.53</u>
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Total Estimated Cost:	41.68
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Proposed Fee:	\$45.00
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Analysis, Comment, and Recommendation:

It is recommended that a fee of \$45.00 be established to re-inspect facilities for new or relocated Vehicle Dealers or Brokers, Used or Branch Lots.

Page 2 Re-inspection Fee-Vehicle Dealer or Broker, Used or Branch Lot

In circumstances where facility requirements are not met at initial inspection for new or relocated businesses as noted above, Bur. of Enforcement & Investigation advises board staff of reason(s) for failure at on-site inspection. Staff sends discrepancy letter to applicant informing them of deficiencies to be corrected. Applicant notifies board office when deficiencies have been corrected; board office prepares re-inspection report form and passes on to BEI for follow up inspection. After inspection is completed the results are sent to board office who issues license through computer if in compliance. If requirements are not met another discrepancy notice is mailed to applicant and the process begins again.

FEE REPORT FORM

Agency: State - BPOA

Date: 05/03/00

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Certification of License History: \$ 25.00

Estimated Biennial Revenue: \$1,875.00 (75 certifications x \$25.00)

Fee Description:

The fee will be charged to every applicant who requests certification of license history.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Vehicle Manufacturers, Dealers and Salespersons to review and process a request for certification and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process request for certification (.75 hr) 15.23

Bureau Average Administrative Overhead: 9.76

Total Estimated Cost: \$24.99

Proposed Fee: \$25.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$25.00 be established for certification of license history.

Board Staff: Reviews request for certification; researches computer and microfilm files to retrieve pertinent information, transfers that information onto document submitted by requester, affixes Bureau seal onto documents, forwards as instructed by applicant.

FEE REPORT FORM

Agency: State - BPOA

Date: 05/03/00

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Verification of License: \$15.00

Estimated Biennial Revenue: \$525.00 (35 verifications x \$15.00)

Fee Description:

The fee will be charged to every applicant who requests verification of license.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Vehicle Manufacturers, Dealers and Salespersons to process a request for verification and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process request for verification	(.08 hr)	1.62
Bureau Average Administrative Overhead:		<u>9.76</u>
	Total Estimated Cost:	\$11.38
	Proposed Fee:	\$15.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$15.00 be established for verification of license.

Board Staff: Reviews request for verification, researches computer, microfilm or other files to retrieve pertinent information, transfers that information onto document submitted by requester, affixes Bureau seal onto documents, forwards as instructed by applicant.

FEE REPORT FORM

Agency: State - BPOA

Date: 05/03/00

Contact: C. Michael Weaver

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Verification of Licensure or Temporary Permit: \$15.00

Estimated Biennial Revenue: \$1,125.00 (75 verifications x \$15.00)

Fee Description:

The fee will be charged to every applicant who requests verification of licensure.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Physical Therapy to review and process a request for verification and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process request for verification	(.08 hr)	1.62
Bureau Average Administrative Overhead:		9.76
	Total Estimated Cost:	\$11.38
	Proposed Fee:	\$15.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$15.00 be established for verification of licensure or temporary permit.

Board Staff: Reviews request for verification, researches computer, microfilm or other files to retrieve pertinent information, transfers that information onto document submitted by requester, affixes Bureau seal onto documents, forwards as instructed by applicant.

FEE REPORT FORM

Agency: State - BPOA
Contact: David Williams
Phone No. 783-7194

Date: 05/03/00

Fee Title, Rate and Estimated Collections:

License App. Fee -Vehicle Dealer, Auction, Used or Branch Lot: \$65.00

Estimated Biennial Revenue: \$ 78,000(1,200 applications x \$65.00)

Fee Description:

The fee will be charged to each applicant for licensure as a Vehicle Dealer or Auction, Used or Branch Lot.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Vehicle Manufacturers, Dealers and Salespersons to review and process an application for licensure as a Vehicle Dealer or Auction or Used or Branch Lot and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Board Staff- prepare and process application:	(1.00/hr)	20.30
Board Administrator - (avg. time) review application	(0.02/hr)	.60
Board Member: (avg. time) evaluate application	(0.02/hr)	2.92
BEI-Inspection inspect facilities	(1.30/hr)	30.15
Administrative Overhead:		<u>11.53</u>

Total Estimated Cost: 65.50

Proposed Fee: \$65.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$65.00 be established to review an application for licensure as a Vehicle Dealer or Auction, Used or Branch Lot.

Page 2 License Application Fee-Vehicle Dealer or Auction, Used or Branch Lot

Staff receives application, reviews for completeness, contacts applicant to request any missing information, evaluates for compliance with regulations, forwards to Bur. of Enforcement & Investigation for on-site inspection of facilities. BEI staff send copy of inspection result to board office. If all requirements are met, license is issued through computer. If requirements are not met a discrepancy notice is mailed to applicant. It is estimated that one out of every ten applications also require review by board administrator and board member(s). The time required for the additional review has been averaged over the total number of applications anticipated in a biennial cycle, resulting in an average cost being factored into each application.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS
AND SALESPERSONS

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-1697

October 2, 2000

The Honorable John R. McGinley, Jr., Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Vehicle Manufacturers, Dealers and Salespersons
Application Fees: 16A-600

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Board of Vehicle Manufacturers, Dealers and Salespersons pertaining to application fees.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

Robert G. Pickerill, Chairman

State Board of Vehicle Manufacturers, Dealers
and Salespersons

RGP/TLM:kp

Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Teresa Lazo-Miller, Counsel
State Board of Vehicle Manufacturers, Dealers and Salespersons
Lee Ann Murray, Regulatory Counsel
State Board of Vehicle Manufacturers, Dealers and Salespersons



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS
AND SALESPERSONS

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-1697

October 2, 2000

The Honorable Clarence D. Bell, Majority Chairman
Consumer Protection and Professional Licensure Committee
SENATE OF PENNSYLVANIA
20 Main Capitol, East Wing
Harrisburg, Pennsylvania 17120

Re: Final Regulation
State Board of Vehicle Manufacturers, Dealers and Salespersons
Application Fees: 16A-600

Dear Senator Bell:

Enclosed are twenty copies of a final rulemaking package of the State Board of Vehicle Manufacturers, Dealers and Salespersons pertaining to application fees.

The Board will be pleased to provide whatever information the Committee may require during the course of its review of this regulation.

Sincerely,

Robert G. Pickerill, Chairman
State Board of Vehicle Manufacturers, Dealers
and Salespersons

RGP/TLM:kp

Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Teresa Lazo-Miller, Counsel
State Board of Vehicle Manufacturers, Dealers and Salespersons
Lee Ann Murray, Regulatory Counsel
State Board of Vehicle Manufacturers, Dealers and Salespersons



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS
AND SALESPERSONS

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-1697

October 2, 2000

The Honorable Mario J. Civera, Jr., Chairperson
Professional Licensure Committee
PENNSYLVANIA HOUSE OF REPRESENTATIVES
315-D Main Capitol
Harrisburg, Pennsylvania 17120

Re: Final Regulation
State Board of Vehicle Manufacturers, Dealers and Salespersons
Application Fees: 16A-600

Dear Representative Civera:

Enclosed is a copy of a final rulemaking package of the State Board of Vehicle Manufacturers, Dealers and Salespersons pertaining to application fees.

The Board will be pleased to provide whatever information the Committee may require during the course of its review of the rulemaking.

Sincerely,

Robert G. Pickerill, Chairman
State Board of Vehicle Manufacturers, Dealers
and Salespersons

RGP/TLM:kp
Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Teresa Lazo-Miller, Counsel
State Board of Vehicle Manufacturers, Dealers and Salespersons
Lee Ann Murray, Regulatory Counsel
State Board of Vehicle Manufacturers, Dealers and Salespersons



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS
AND SALESPERSONS

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-1697

October 2, 2000

The Honorable Lisa M. Boscola, Minority Chairman
Consumer Protection and Professional Licensure Committee
SENATE OF PENNSYLVANIA
633 Main Capitol
Harrisburg, Pennsylvania 17120

Re: Final Regulation
State Board of Vehicle Manufacturers, Dealers and Salespersons
Application Fees: 16A-600

Dear Senator Boscola:

Enclosed is a copy of a final rulemaking package of the State Board of Vehicle Manufacturers, Dealers and Salespersons pertaining to application fees.

The Board will be pleased to provide whatever information the Committee may require during the course of its review of the rulemaking.

Sincerely,

Robert G. Pickerill, Chairman
State Board of Vehicle Manufacturers, Dealers
and Salespersons

RGP/TLM:kp

Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Teresa Lazo-Miller, Counsel
State Board of Vehicle Manufacturers, Dealers and Salespersons
Lee Ann Murray, Regulatory Counsel
State Board of Vehicle Manufacturers, Dealers and Salespersons



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS
AND SALESPERSONS

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-1697

October 2, 2000

The Honorable William W. Rieger, Democratic Chairman
Professional Licensure Committee
PENNSYLVANIA HOUSE OF REPRESENTATIVES
327-C Main Capitol
Harrisburg, Pennsylvania 17120

Re: Final Regulation
State Board of Vehicle Manufacturers, Dealers and Salespersons
Application Fees: 16A-600

Dear Representative Rieger:

Enclosed is a copy of a final rulemaking package of the State Board of Vehicle Manufacturers, Dealers and Salespersons pertaining to application fees.

The Board will be pleased to provide whatever information the Committee may require during the course of its review of the rulemaking.

Sincerely,

Robert G. Pickerill, Chairman
State Board of Vehicle Manufacturers, Dealers
and Salespersons

RGP/TLM:kp

Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Teresa Lazo-Miller, Counsel
State Board of Vehicle Manufacturers, Dealers and Salespersons
Lee Ann Murray, Regulatory Counsel
State Board of Vehicle Manufacturers, Dealers and Salespersons

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-600

SUBJECT: State Board of Vehicle Manufacturers, Dealers and Salespersons - Application Fees

AGENCY: DEPARTMENT OF STATE

TYPE OF REGULATION

Proposed Regulation

X Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

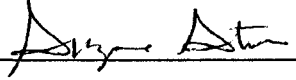
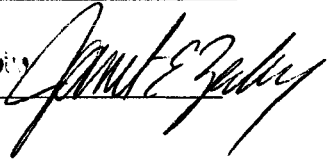
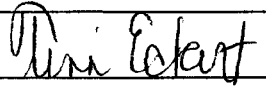
120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions b. Without Revisions

RECEIVED
2000 OCT -2 AM 11:23
INDEPENDENT REGULATORY
REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
10-2-00		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
OCT 02 2000		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
10/2/00		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

June 7, 2000