

# Regulatory Analysis Form

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REVIEW COMMISSION

(1) Agency

Department of State, Bureau of Professional and  
Occupational Affairs  
State Board of Auctioneer Examiners

(2) I.D. Number (Governor's Office Use)

16A-644

IRRC Number: 2109

(3) Short Title

Application Fees

(4) PA Code Cite

49 Pa. Code §§1.41

(5) Agency Contacts & Telephone Numbers

Primary Contact: Bernadette Paul, Counsel  
State Board of Auctioneer Examiners (717)783-7200

Secondary Contact: Joyce McKeever  
Deputy Chief Counsel (717) 783-7200

(6) Type of Rulemaking (check one)

- Proposed Rulemaking  
 Final Order Adopting Regulation  
 Final Order, Proposed Rulemaking  
Omitted

(7) Is a 120-Day Emergency Certification  
Attached?

- No  
 Yes: By the Attorney General  
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation amends the fee schedule for the State Board of Auctioneer Examiners by imposing fees for the application to approve course, application to change sponsor, application to change auction house or auction company license, nonresident exam eligibility review, certification of scores, permit or registration, and verification of license, registration, permit or approval.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Section 6(a) of the Auctioneer and Auction Licensing Act, Act of December 22, 1983, P.L. 327, as amended, 63 P.S. §734.6(a).

## 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. See Item No. 9 for the specific law.**

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

**The enabling statute requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. The general operating expenses of the Board are borne by the licensee population through revenue generated by the biennial renewal of licenses. Expenses related to specific services which are provided directly to individual licensees or applicants are excluded from general operating revenues so that only the licensee who uses a particular service pays for a service being provided to him or her. By this regulation, the cost of providing the service will be accurately apportioned to users of the services.**

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

**At the present time the Board collects no fees to match the actual costs of reviewing the subject applications and providing the subject services. Therefore, the costs of these specific services fall on the shoulders of the general licensing population.**

(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 persons actually using the service.**

## 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 is not aware of any persons or groups who would be adversely affected by the regulation. Applicants for service or licensees will be required to bear the up-to-date costs of providing the services involved.**

(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 course approval, for change of sponsor, change of auction house or auction company license, non-resident exam eligibility review, certification of scores, permit or registration and verification of license, registration, permit or approval will be required to comply with the regulation by paying the applicable fees.**

(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.

**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. The regulation embodies fees which capture the cost of providing the service an applicant or licensee requests. Therefore, the information requested in this item is not applicable.**

(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 51 persons will avail themselves of one or more of the enumerated services within a biennial period. Total costs to the regulated community for a biennial period would be \$945. However, only those requesting the services will be affected. There are no legal, accounting or consulting procedures required.**

**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 this 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 Department and the Board will incur no costs to implement this regulation.**

## 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	FY +1	FY +2	FY +3	FY +4	FY +5
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>						
Regulated	\$472.50	\$472.50	\$472.50	\$472.50	\$472.50	\$472.50
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>						
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 savings or additional cost to the applicant for the service:

a) Application to approve course	\$45	x	.5	=	\$ 22.50
b) Application to change sponsor	\$15	x	10	=	\$150.00
c) Application to change auction house or company	\$15	x	2.5	=	\$ 37.50
d) Non-Resident eligibility determination	\$25	x	2.5	=	\$ 62.50
e) Certification of scores, etc.	\$25	x	5	=	\$125.00
f) Verification of Licenses	\$15	x	5	=	\$ 75.00

**Regulatory Analysis Form**

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

	FY94-95	FY95-96	FY96-97	FY97-98
Program	FY -3	FY -2	FY -1	Current FY

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

**The amendments will assure that the costs of providing the specified services to certain applicants and licensees will be borne by the individuals who receive the services.**

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

**Non-regulatory alternatives were not considered because the Board's enabling statute requires the Board to promulgate regulations to establish fees or changes to the fees.**

(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 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?

**The majority of Pennsylvania's neighboring states do not license auctioneers. The Board compared fees in the neighboring states which do issue statewide auctioneer licenses, Ohio and West Virginia, and in other eastern states with licensure schemes similar to Pennsylvania, such as Massachusetts and North Carolina. Most of the states surveyed do not charge all of the fees proposed here, but do charge some of them. Overall, Pennsylvania's fees compare favorably to those of other states which do charge these task specific fees. Any disparity in fees is not likely to put Pennsylvania at a competitive disadvantage as these services are rather infrequently requested. (See Paragraph 20a.)**

**Pennsylvania's proposed fee for continuing education course approval is \$45.00, as compared to North Carolina's fee of \$100.00. (None of the other states surveyed require continuing education; some require only minimal education for initial licensure.) Pennsylvania proposes a fee of \$15.00 for application to change sponsor, the other surveyed states which have sponsorship programs charge no fee. Pennsylvania proposes a fee of \$15.00 for change in auction house or company license. Massachusetts, North Carolina, and Ohio have mechanisms to bond auction houses or companies; Massachusetts and North Carolina charge no fee for a change in the license, while Ohio charges \$10.00. Pennsylvania's proposed fee for non-resident exam eligibility review is \$25.00. Ohio charges either \$15.00 or \$25.00, depending on the license applied for, to review eligibility for any applicant. North Carolina breaks down its \$250.00 license fee to include a \$50.00 fee for eligibility review for applicants. Pennsylvania proposes a fee of \$25.00 to certify scores or registration, and a fee of \$15.00 to verify licensure. None of the surveyed states charges a fee for certification or verifications services.**

(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 its regulatory proposals at regularly scheduled public meetings held every other month, generally on the second Monday of the 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.**

(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 does not perceive any subset of its applicants or licensees who have any particular needs which need to be addressed in these regulations.**

(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 on final publication in the Pennsylvania Bulletin.**

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

**The regulations will be subject to ongoing review during the course of the Board's enforcement of the auctioneer laws and regulations.**

## FEE REPORT FORM

**Agency:** State - BPOA

**Date** 02/08/99

**Contact:** C. Michael Weaver

**Phone No.** 783-7194

### **Fee Title, Rate and Estimated Collections:**

**Application to Approve Course:** \$45.00

**Estimated Biennial Revenue:** \$45.00 (1 application x \$45.00)

### **Fee Description:**

The fee will be charged to every applicant who requests credit for a course not pre-approved by the State Board of Auctioneer Examiners.

### **Fee Objective:**

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

### **Fee-Related Activities and Costs:**

Staff time- process request	(1.50 hr)	40.35
Administrative Overhead:		<u>5.26</u>
	<b>Total Estimated Cost:</b>	<b>\$ 45.61</b>
	<b>Proposed Fee:</b>	<b>\$ 45.00</b>

### **Analysis, Comment, and Recommendation:**

It is recommended that a fee of \$45.00 be established to review and process a request for course approval.

Board Staff: Reviews request for approval, reviews document(s) for completeness, contacts requester to obtain any missing information, forwards to Board Administrator who evaluates course outlines and instructor qualifications. If equivalency with board-approved courses is established, a letter granting approval is sent; if not a letter is issued notifying the applicant of the reason(s) for disapproval.

## FEE REPORT FORM

Agency: State - BPOA

Date 02/08/99

Contact: C. Michael Weaver

Phone No. 783-7194

### Fee Title, Rate and Estimated Collections:

Application to Change Sponsor: \$15.00

Estimated Biennial Revenue: \$300.00 (20 applications x \$15.00)

### Fee Description:

The fee will be charged to every apprentice application to change of sponsor.

### Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Auctioneer Examiners to review and process a request to change sponsor and (2) defray a portion of the Board's administrative overhead.

### Fee-Related Activities and Costs:

Staff time- process request	(.50 hr)	10.15
Administrative Overhead:		<u>5.26</u>
	Total Estimated Cost:	\$ 15.41
	Proposed Fee:	\$ 15.00

### Analysis, Comment, and Recommendation:

It is recommended that a fee of \$15.00 be established to process an application for change of sponsor.

Board Staff: Reviews request for approval, reviews document(s) for completeness, contacts requester to obtain any missing information, verifies status of sponsor license, update computer and issues license or issues letter citing discrepancy.

## FEE REPORT FORM

**Agency:** State - BPOA

**Date** 02/08/99

**Contact:** C. Michael Weaver

**Phone No.** 783-7194

### **Fee Title, Rate and Estimated Collections:**

**Application to Change Auction House or Company License: \$15.00**

**Estimated Biennial Revenue: \$75.00 (5 applications x \$15.00)**

### **Fee Description:**

The fee will be charged to every applicant to change ownership of an existing auction house or company.

### **Fee Objective:**

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

### **Fee-Related Activities and Costs:**

Staff time- process request	(.50 hr)	10.15
Administrative Overhead:		<u>5.26</u>
	<b>Total Estimated Cost:</b>	<b>\$ 15.41</b>
	<b>Proposed Fee:</b>	<b>\$ 15.00</b>

### **Analysis, Comment, and Recommendation:**

It is recommended that a fee of \$15.00 be established to process an application for change of an existing Auction House or Auction Company license.

**Page 2 Application to Change Auction House or Company License:**

**Date: February 8, 1999**

Board Staff: Reviews request for update of existing license such as a change of ownership, reviews document(s) for completeness, contacts requester to obtain any missing information, verifies status of new owner, verifies compliance with licensure requirements, updates computer and issues license or issues letter citing discrepancy.

# FEE REPORT FORM

**Agency:** State - BPOA

**Date** 02/08/99

**Contact:** C. Michael Weaver

**Phone No.** 783-7194

## Fee Title, Rate and Estimated Collections:

Non-Resident Exam Eligibility Review: **\$25.00**

Estimated Biennial Revenue: \$125.00 (5 applications x \$25.00)

## Fee Description:

The fee will be charged to every out of state applicant who applies for the licensing examination.

## Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Auctioneers to review and process a request for Non-Resident Exam Eligibility Review and (2) defray a portion of the Board's administrative overhead.

## Fee-Related Activities and Costs:

Staff time- process request	(1.00 hr)	20.30
Administrative Overhead:		<u>5.26</u>
	Total Estimated Cost:	\$ 25.56
	Proposed Fee:	\$25.00

## Analysis, Comment, and Recommendation:

It is recommended that a fee of \$25.00 be established to review and process a request for Non-Resident Exam Eligibility Review.



Board Staff: Reviews request for approval, reviews document(s) for completeness, contacts requester to obtain any missing information, reviews educational background. If equivalency is established, a letter is sent authorizing applicant to contact our professional testing contractor to schedule examination. If unmet, a letter is issued notifying the applicant of the reason(s) for disapproval.

## FEE REPORT FORM

Agency: State - BPOA

Date: 02/08/99

Contact: C. Michael Weaver

Phone No. 783-7194

### Fee Title, Rate and Estimated Collections:

Certification of Scores, Permit or Registration:		\$25.00
Estimated Biennial Revenue:	\$250.00	(10 certifications x \$25.00)

### Fee Description:

The fee will be charged to every applicant who requests certification of scores, permit or registration.

### Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Auctioneer Examiners 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:	<u>\$24.99</u>
Proposed Fee:	\$25.00

### Analysis, Comment, and Recommendation:

It is recommended that a fee of \$25.00 be established for certification of scores, permit or registration.

**Page 2      Certification of Scores, Permit or Registration      Date: 02/08/99**

**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 02/08/99

Contact: C. Michael Weaver

Phone No. 783-7194

### Fee Title, Rate and Estimated Collections:

Verification of License, Registration, Permit or Approval: \$15.00

Estimated Biennial Revenue: \$150.00 (10 verifications x \$15.00)

### Fee Description:

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

### Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Auctioneer Examiners 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:		<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, registration, permit or approval.

**Page 2 Verification of License, Registration, Permit or Approval Date: February 8, 1999**

**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.

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

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

2109  
Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies

BY: Crestina J. Cooper  
(DEPUTY ATTORNEY GENERAL)

State Board of Auctioneer Examiners  
(AGENCY)

BY: [Signature]

MAR 29 2000

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-644

DATE OF ADOPTION:

BY: Ralph M. Stewart  
Ralph M. Stewart, Chairman

3/20/00  
DATE OF APPROVAL

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

TITLE: CHAIRMAN  
(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.

NOTICE OF PROPOSED RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF AUCTIONEER EXAMINERS  
49 Pa. Code, Chapter 1  
Application Fees

The State Board of Auctioneer Examiners (Board) proposes to amend 49 Pa. Code §1.41 (pertaining to fees) by revising those fees which are not related to license renewals but reflect the cost of processing applications and providing services. The proposed changes are set forth in Annex A.

A. Effective date.

The amendment will take effect when published as final rulemaking in the Pennsylvania Bulletin.

B. Statutory Authority.

Section 6(a) of the Auctioneer and Auction Licensing Act (Act), Act of December 22, 1983, P.L. 327, as amended, 63 P.S. §734.6(a), requires the Board to establish fees by regulation. The same provision requires the Board to increase fees to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to match expenditures.

C. Background and Purpose.

The Act requires the Board to set fees by regulation so that revenues meet or exceed expenditures. General operating expenses of the Board are funded through biennial license renewal fees which are paid by all licensees. Expenses of the Board which are related to processing individual applications or providing certain services directly to individual licensees or applicants are excluded from general operating revenues. These expenses are funded through fees which are based on the cost of providing the service. These application and service fees are the focus of this proposed rulemaking.

A recent systems audit of the operations of this and other boards within the Bureau of Professional and Occupational Affairs analyzed the fees for services to licensees and applicants to determine if the fees reflected the actual cost of providing the services. Actual cost calculations are based on the following formula:

$$\begin{array}{r} \text{number of minutes to perform the function} \\ \times \\ \text{pay rate of personnel performing the function} \\ + \\ 1 \end{array}$$

a proportionate share of administrative overhead.

The Board's fee schedule at §1.141 was last amended in 1998 when the Board adopted biennial renewal fee increases to balance a projected deficit in the Board's anticipated revenues and expenses. However, the fee structure of §1.141 incorporated that established by the 1978 BPOA Fee Act (63 P.S. §1401-203) which established fees only for examination, licenses and renewals. The present auctioneer law was enacted in 1983 and among other things gave the Board authority to regulate auction houses and companies and approved schools. As a result of the systems audit referred to above the Board identified activities resulting from regulatory requirements for these entities.

In this proposal, the Board would establish six new fees identified in the Bureau audit as attributable to requests by individual licensees for services or Board approval or action required by the act or regulation. By establishing these fees the Board proposes that these licensees will pay their proportionate share of the cost to provide the service and reserve renewal revenue for general operating and enforcement expenses.

The State Board of Auctioneer Examiners mandates prescribed programs of study in its regulations at 49 Pa. Code §1.11. The Board now proposes a fee to cover the costs of the approval process in reviewing a course for which an applicant wants to receive credit, where the course is outside the prescribed course of study.

The Board also proposes a fee for applications to change sponsor. Sponsors are licensed auctioneers who agree to supervise apprentice auctioneers under Section 5(b) of the Act (63 P.S. §734.5(b)), an apprentice auctioneer license is valid only when that apprentice has a sponsoring auctioneer; the apprentice must submit a transfer form and obtain a reissued license each time she secures a new sponsor.

The Act at Sections 9 and 10(d), (63 P.S. §734.9, 10(d)), require auction house and auction company licensees to notify the Board of change in ownership, name and location of the auction house or company. The Board now proposes a fee to process these applications for changes in auction house or company licenses.

The Act at Section 11 (63 P.S. §734.11), provides for licensure of nonresidents upon their compliance with the conditions for licensure required of Commonwealth residents. The Board currently does not charge a fee for the time involved in reviewing nonresident qualifications to determine eligibility to sit for the licensing exam. The Board now proposes a fee for this service.

Currently the Board charges no fees for the actual cost of processing the following: an



application to approve course; an application to change sponsor; an application to change auction house or auction company license; nonresident examination eligibility review; certification of scores, permit or registration; and verification of license registration, permit or approval.

Verification of scores, permit or registration involves a brief and simple electronic search of the Board's computerized licensure records for the subject licensee. This process takes about five minutes. Certification of scores, permit or registration is a more labor intensive function which may require Board staff to search electronically and manually through extensive computer, microfilm and paper files to compile various pieces of information regarding the subject's education, examination and/or training. That information is then compiled into one document. The certification process takes about forty-five minutes.

The Bureau's costs calculations allowed the Board to establish fees for the services identified in this proposal, which fees would allocate costs to those who use the service or submit the application.

The Board proposes a new fee of \$45 to cover the cost of processing applications to approve a course; a \$15 fee to cover the cost of processing applications to change sponsors, and a \$15 fee to cover the cost of processing an application to change auction house or auction company license. In addition, the Board proposes a new fee of \$25 to cover the cost of performing nonresident examination eligibility review; a new fee of \$25 to cover the cost of processing certifications of scores, permits or registration; and a new fee of \$15 to cover the cost of processing verification of license, registration, permit or approval. The Board currently incurs staff costs in administrative overhead in providing these services without fee.

#### D. Description of Proposed Amendments

The following table outlines the new application fees:

<u>Application or Service</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Application to approve course	\$0	\$45
Application to change sponsor	\$0	\$15
Application to change auction house or auction company license	\$0	\$15
Non-resident exam eligibility review	\$0	\$25
Certification of scores, permit or registration	\$0	\$25
Verification of license, or approval	\$0	\$15

#### E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 1, 1996), in drafting and promulgating the regulation the Board considered the regulations as both required by law and the least restrictive means of covering the costs of services requested by licensees and applicants.

#### F. Fiscal Impact and Paperwork Requirements

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a very modest fiscal impact on those members of the private sector who apply for services from the Board. The amendments will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### G. Sunset Date

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

#### H. 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 this proposed regulation on April 20, 2000, 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 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." A copy of the material is available to the public upon request.

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

#### I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Linda Dinger, Administrative Assistant, State Board of Auctioneer Examiners, P. O. Box 2649, Harrisburg, Pennsylvania 17105-2649 within 30 days following publication of this proposed rulemaking in the Pennsylvania Bulletin. Please reference No. 16A-644 (Application Fees) when submitting comments.

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS  
PART I. DEPARTMENT OF STATE  
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
CHAPTER 1. STATE BOARD OF AUCTIONEER EXAMINERS

FEES

§1.41. Schedule of fees.

Applicants shall pay the following fees:

Examination fee for auctioneer license .....	\$87
Application fee for auctioneer license .....	\$50
Biennial renewal fee for auctioneer license .....	\$200
Application fee for apprentice auctioneer license .....	\$30
Biennial renewal fee for apprentice auctioneer .....	\$100
Application fee for auction house and auction company .....	\$200
Special license to conduct auction .....	\$200
<u>Application fee to approve course .....</u>	<u>\$45</u>
<u>Application fee to change sponsor .....</u>	<u>\$15</u>
<u>Application fee to change auction house or auction company license .....</u>	<u>\$15</u>
<u>Non-resident exam eligibility review .....</u>	<u>\$25</u>
<u>Certification of scores, permit, or registration .....</u>	<u>\$25</u>
<u>Verification of license, registration, permit or approval .....</u>	<u>\$15</u>



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF AUCTIONEER EXAMINERS

LEGAL OFFICE  
COUNSEL DIVISION  
(717) 783-7200  
Fax: (717) 787-0251

116 PINE STREET  
P.O. BOX 2649  
HARRISBURG, PA  
17105-2649

April 20, 2000

The Honorable John R. McGinley, Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14th Floor, Harristown 2  
333 Market Street  
Harrisburg, PA 17120

**RE: Proposed Regulations of the State Board of Auctioneer Examiners  
Pertaining to Auctioneer Examiners (16A-644)**

Dear Chairman McGinley:

Enclosed is a copy of a proposed regulation of the State Board of Auctioneer Examiners.

The State Board of Auctioneer Examiners, as always, will be pleased to provide your committee with any assistance it may require during the course of its review of this regulation.

Sincerely,

A handwritten signature in cursive script that reads "Ralph M. Stewart".

Ralph M. Stewart, Chairman  
State Board of Auctioneer Examiners

RMS:BP:eco

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  
Bernadette Paul, Counsel  
State Board of Auctioneer Examiners  
State Board of Auctioneer Examiners



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF AUCTIONEER EXAMINERS

LEGAL OFFICE  
COUNSEL DIVISION  
(717) 783-7200  
FAX: (717) 787-0251

116 PINE STREET  
P.O. BOX 2649  
HARRISBURG, PA  
17105-2649

April 20, 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: Proposed Regulations of the State Board of Auctioneer Examiners  
Pertaining to Application Fees (16A-644)**

Dear Senator Bell:

Enclosed please find five (5) copies of a proposed regulation of the State Board of Auctioneer Examiners.

The State Board of Auctioneer Examiners, as always, will be pleased to provide your committee with any assistance it may require during the course of its review of this regulation.

Sincerely,

*Ralph M Stewart*  
Ralph M. Stewart, Chairman  
State Board of Auctioneer Examiners

RMS:BP:eco

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  
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April 20, 2000

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

**RE: Proposed Regulations of the State Board of Auctioneer Examiners  
Pertaining to Application Fees (16A-644)**

Dear Senator Boscola:

Enclosed is a copy of a proposed regulation of the State Board of Auctioneer Examiners.

The State Board of Auctioneer Examiners, as always, will be pleased to provide your committee with any assistance it may require during the course of its review of this regulation.

Sincerely,

*Ralph M. Stewart*  
Ralph M. Stewart, Chairman  
State Board of Auctioneer Examiners

RMS:DBE:eco

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  
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17105-2649

April 20, 2000

The Honorable Mario J. Civera, Majority Chairman  
Professional Licensure Committee  
PENNSYLVANIA HOUSE OF REPRESENTATIVES  
315 D Main Capitol  
Harrisburg, PA 17120

**RE: Proposed Regulations of the State Board of Auctioneer Examiners  
Pertaining to Application Fees (16A-644)**

Dear Representative Civera:

Enclosed is a copy of a proposed regulation of the State Board of Auctioneer Examiners.

The State Board of Auctioneer Examiners, as always, will be pleased to provide your committee with any assistance it may require during the course of its review of this regulation.

Sincerely,

A handwritten signature in cursive script that reads "Ralph M. Stewart".

Ralph M. Stewart, Chairman  
State Board of Auctioneer Examiners

RMS:BP:eco

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  
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17105-2649

April 20, 2000

The Honorable William W. Rieger, Minority Chairman  
Professional Licensure Committee  
PENNSYLVANIA HOUSE OF REPRESENTATIVES  
327 Main Capitol  
Harrisburg, PA 17120

**RE: Proposed Regulations of the State Board of Auctioneer Examiners  
Pertaining to Application Fees (16A-644)**

Dear Representative Rieger:

Enclosed is a copy of a proposed regulation of the State Board of Auctioneer Examiners.

The State Board of Auctioneer Examiners, as always, will be pleased to provide your committee with any assistance it may require during the course of its review of this regulation.

Sincerely,

A handwritten signature in cursive script that reads "Ralph M. Stewart".

Ralph M. Stewart, Chairman  
State Board of Auctioneer Examiners

RMS:BP:eco

c: John T. Henderson, Jr., Chief Counsel  
Department of State  
Dorothy Childress, Commissioner  
Bureau of Professional and Occupational Affairs  
Joyce McKeever, Deputy Chief Counsel  
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Herbert Abramson, Senior Counsel in Charge  
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Bernadette Paul, Counsel  
State Board of Auctioneer Examiners  
State Board of Auctioneer Examiners



TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT

RECEIVED

2000 APR 20 AM 10:11

INDEPENDENT REGULATORY  
REVIEW COMMISSION



I.D. NUMBER: 16A-644  
SUBJECT: State Board of Auctioneer Examiners - Application Fees  
AGENCY: DEPARTMENT OF STATE

TYPE OF REGULATION

- X Proposed Regulation  
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

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
4-20-00		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
4-20-00	Tami Tarasi	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
4-20-00	Jessica Vaillancourt	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
	4-20-00	LEGISLATIVE REFERENCE BUREAU

March 29, 2000