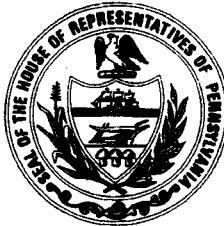


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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

July 16, 2001

COMMITTEES

PROFESSIONAL LICENSURE,
MAJORITY CHAIRMAN
LIQUOR CONTROL
FIREFIGHTERS' CAUCUS,
COCHAIRMAN EMERITUS

RECEIVED
HOUSE OF REPRESENTATIVES
JULY 16 2001

RECEIVED
REPRESENTATIVE
JULY 16 2001

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

Dear Chairman McGinley:

This is to advise you that the House Professional Licensure Committee was unable to convene a quorum in time to take formal action on Regulation 16A-602 and Regulation 16A-424. Committee members were forwarded a copy of the regulations and asked that they contact the Chairman with any comments or suggestions.

The Committee agreed to take no formal action on Regulation 16A-602 until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) The proposed draft for the renumbering of the subsections of Sec. 19.22 would appear to result in having two (1)'s for the first subsection.
- (2) The Committee questions why a subsection (a) is necessary for proposed Sec. 19.23 when there are no other proposed subsections.
- (3) The Committee recommends that sections that are to be wholly deleted be marked as "Reserved."
- (4) The Board intends to delete subsections 1 through 8 and 18 through 23 of Sec. 19.22 in that they are matters already addressed in the Act. The Committee recommends that the phrase "in addition to those acts enumerated in the Board of Vehicles Act" be included in Sec. 19.22, in order to put licensees on notice that there are prohibited acts enumerated in the Act in addition to those set forth in the regulation.

In addition, the Committee agreed to take no formal action on Regulation 16A-424 until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) The Committee recommends that the title of Sec. 3.86, "Maintenance and sterilization," be changed to "Maintenance and sanitation" to be consistent with the proposed title of Sec. 3.55 and to more accurately reflect the content of that section.
- (2) On page 3 of the Preamble, reference is made to Sec. 7.73, when the appropriate section is actually Sec. 3.73.

John R. McGinley, Jr., Chairman
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- (3) Throughout the Barber License Law, reference is made to the licensure categories of "manager-barber" and "barber-teacher." Sec. 3.12 of the proposed regulations, in part, refers to "teacher" rather than "barber-teacher." Sections 3.22, 3.41 and 3.71 use the terminology "barber-manager" rather than the statutory language of "manager-barber." The Committee recommends that the regulatory language be consistent with the statutory language.
- (4) Sec. 3.54(5) would be amended to require a sanitary headrest for "every two chairs." Sec. 3.54(18) would be amended to change the equipment requirement of at least six combs for each chair in operation to an unspecified number of combs. The Committee requests an explanation of the rationale for these changes and questions whether they would result in any reduction in sanitary standards.
- (5) Sec. 3.55(c)(2), pertaining to the requirement of disinfecting equipment with an EPA registered disinfectant, uses virtually the same language as provided in Sec. 3.1 for the definition of "disinfect." The Committee recommends that the definitions of "disinfect" and "EPA registered disinfectant" be consolidated in Sec. 3.1, and that Sec. 3.55(c)(2) reference the definition rather than redefining the term within that section.
- (6) The Committee requests an explanation as to why "Gray's Anatomy" would be deleted as a requirement for barber schools.

Please feel free to contact my office if any questions should arise.

Sincerely,



Mario J. Civera, Chairman
House Professional Licensure Committee

MJC/sms

Enclosures

cc: Robert G. Pickerill, Chairman
State Board of Vehicle Manufacturers,
Dealers and Salespersons
Richard Sciorillo, Chairperson
State Board of Barber Examiners
The Honorable Kim H. Pizzingrilli
Secretary of the Commonwealth

Regulation 16A-602

State Board of Vehicle Manufacturers, Dealers and Salespersons

PROPOSAL: Regulation 16A-602 amends 49 PA Code, Chapter 19, regulations of the State Board of Vehicle Manufacturers, Dealers and Salespersons. The amendment would make regulatory language consistent with amendments made in 1996 to the Board of Vehicles Act.

The proposed Rulemaking was published in the Pennsylvania Bulletin on May 26, 2001. The Professional Licensure Committee has until July 16, 2001 to submit comments on the regulation.

ANALYSIS: The Board of Vehicles Act, (P.L. 306, No. 84), was amended by Act 27 of 1996 to change terminology and licensure categories. The proposed regulatory amendments bring the regulations up to date and conform to the statutory amendments. The following definitions would be deleted from Sec. 19.2 in that they are defined in the Act: Board, Dealer, Distributor branch, Factory branch, Factory representative, Manufacturer, Retail sale or sale at retail, Motor vehicle and Vehicle salesperson. The definition for "Camping trailer" would be deleted because the term is not used in the Act or regulations. The definition for "Engaging in the occupation of vehicle salesperson" would be amended to clarify that the display, demonstration and offer for sale of vehicles is part of the business of a vehicle salesperson. A definition for "Interest in vehicles" would be added to reflect the Board's interpretation that the lease of a vehicle is not encompassed in the phrase "interest in vehicles" as used in the Act's definition of "dealer."

Sec. 19.4, pertaining to fees, would delete references to "wholesale" distributor license since there is no longer a reference to wholesalers in the act. The term "broker" would be deleted since dealers and auctions now perform broker activities. "Used vehicle lot license application" would be deleted since the Act no longer distinguishes between new and used vehicle dealers.

Sec. 19.15, pertaining to termination of employment would delete the requirement that a dealer surrender a salesperson's license to the Board within 10 days of termination since that provision is contained in the Act. Sec. 19.16, pertaining to penalties, would be deleted in its entirety since the penalties for unlicensed practice are set forth in Sec. 28 of the Act. Reference to brokers in Sec. 19.17 would be deleted since brokers are no longer a class of licensee under the Act. References to trailers, semi trailers, recreational vehicles, mobile homes, house trailers and office trailers in Sec. 19.18(a)(3) because the Act does not distinguish between types of trailers.

Sec. 19.22, pertaining to investigation, would be amended by deleting subsections 1 through 8 and 18 through 23, and renumbering the remaining sections. These sections would be deleted because they address matters addressed in the Act. Current Sec. 19.23 would be deleted because the provisions are addressed by Sec. 32 and 33 of the Act. Sec. 19.23 would be retitled "Vehicle shows, off-premises sales and exhibitions." This section would limit the amount of time an off-premises sale may run, in order to effectuate the intent of the Act that vehicles be sold from licensed premises.

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee take no formal action until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) The proposed draft for the renumbering of the subsections of Sec. 19.22 would appear to result in having two (1)'s for the first subsection.
- (2) The Committee questions why a subsection (a) is necessary for proposed Sec. 19.23 when there are no other proposed subsections.

- (3) The Committee recommends that sections that are to be wholly deleted be marked as "Reserved."
- (4) The Board intends to delete subsections 1 through 8 and 18 through 23 of Sec. 19.22 in that they are matters already addressed in the Act. The Committee recommends that the phrase "in addition to those acts enumerated in the Board of Vehicles Act" be included in Sec. 19.22, in order to put licensees on notice that there are prohibited acts enumerated in the Act in addition to those set forth in the regulation.

House of Representatives
Professional Licensure Committee
July 6, 2001