

Regulatory Analysis Form		This space for use by IRRC RECEIVED
(1) Agency Department of Conservation & Natural Resources		2003 JUL -9 AM 10:11 REVIEW COMMISSION
(2) I.D. Number (Governor's Office Use) 7B-005		IRRC Number: 2284
(3) Short Title Snowmobile and All-Terrain Vehicle Registration and Operation		
(4) PA Code Cite 17 Pa. Code Chapter 51	(5) Agency Contact & Telephone Number Susan Wood, Assistant Counsel, Office of Chief Counsel 772-4171, swood@state.pa.us	
(6) Type of Rulemaking (Check One) <input type="checkbox"/> Proposed Rulemaking <input checked="" type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted	(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. This rulemaking implements recent amendments to Chapter 77 (Snowmobile and All-Terrain Vehicle Law) of the Vehicle Code and updates several provisions concerning the registration of snowmobiles and all-terrain vehicles to bring these provisions into conformity with current Department practice. In addition, unnecessary provisions are deleted.		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. The Department is authorized to promulgate these regulations by Section 7704 (relating to rules and regulations) of the Vehicle Code, 75 Pa.C.S. § 7704.		

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(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.

This rulemaking is not mandated by federal law or regulation, state law, or court order. However, for certain amendments to Chapter 77 of the Vehicle Code to be enforced or implemented, revisions in Chapter 51 of 17 Pa. Code are necessary. These revisions prescribe the manner of display of registration decals and plates and establish standards and procedures for suspending and revoking dealer registrations.

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

See #10 above. The rulemaking is needed to implement or enforce specific provisions of Chapter 77 of the Vehicle Code.

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

See # 11 above.

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

By prescribing the manner of display of registration decals and plates, this rulemaking will improve enforcement of Chapter 77 of the Vehicle Code, and therefore will benefit the public that is affected by the operation of snowmobiles and ATVs. By establishing standards and procedures for the suspension and revocation of registrations of dealers who do not comply with the law, this rulemaking will benefit purchasers of snowmobiles and ATVs.

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

This rulemaking establishes standards and procedures for suspending and revoking registrations of dealers who fail to comply with certain requirements in Chapter 77 of the Vehicle Code. To the extent that a dealer may be subject to suspension or revocation of registration under Chapter 77, the dealer would be adversely affected. Currently, about 460 dealers are registered to sell snowmobiles and about 890 dealers are registered to sell ATVs in Pennsylvania.

(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.)

Snowmobile and ATV owners, operators, and dealers are required to comply with the regulation. Currently, there are over 45,000 snowmobile registrants and nearly 170,000 ATV registrants in Pennsylvania. There are about 460 snowmobile dealers and about 890 ATV dealers.

(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 Department's Conservation and Natural Resources Advisory Council and Snowmobile and ATV Advisory Committee reviewed this final form rulemaking and had an opportunity to offer comments.

(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.

There is no estimate of costs to the regulated community. Costs for dealers would be incurred only if a dealer fails to comply with paperwork requirements (which are established by law) and is subject to a suspension or revocation of the dealer registration. There are no savings to the regulated community.

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(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.

Not applicable.

(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.

Any costs to state government will be negligible and will be absorbed within the current budget. There are no anticipated savings.

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

Not applicable.

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

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

Not applicable.

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

Not applicable.

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.

Not applicable.

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

Nonregulatory alternatives would not be appropriate. See answer to # 10.

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

Not applicable.

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(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.

There are no federal standards.

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

Not applicable—the regulation implements Chapter 77 of the Vehicle Code and does not add new requirements.

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

No.

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

No public hearings or informational meetings will be scheduled.

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(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.

Not applicable.

(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 effective date and the date by which compliance will be required will be the date of publication of final rulemaking in the *Pennsylvania Bulletin*.

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

The effectiveness of Chapter 51 will be monitored on an ongoing basis.

FACE SHEET
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WITH THE LEGISLATIVE REFERENCE BUREAU
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REVIEW COMMISSION

2284

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ent Agencies

Department of Conservation and
Natural Resources

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7B-005

DATE OF ADOPTION:

Michael DiBerardinis

TITLE: Michael DiBerardinis, Secretary
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

(DEPUTY ATTORNEY GENERAL)

DATE OF APPROVAL

6/27/03
DATE OF APPROVAL

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

Check if applicable
Copy not approved. Objections
checked.

Check if applicable. No Attorney Gen-
eral approval or objection within 30
days after submission.

FINAL RULEMAKING
17 PA CODE CHAPTER 51

SNOWMOBILE AND ALL-TERRAIN VEHICLE
REGISTRATION AND OPERATION

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[17 PA. CODE CH. 51]

Snowmobile and All-Terrain Vehicle Registration and Operation

The Department of Conservation and Natural Resources (Department), Bureau of Forestry and Bureau of Administrative Services, adopts amendments to Chapter 51 (relating to snowmobile and all-terrain vehicle registration and operation).

A. *Effective date*

The final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

B. *Contact person*

For further information, contact William Slippey, Chief, Recreation Section, Operations and Recreation Division, Bureau of Forestry, DCNR, by mail at P. O. Box 8552, Harrisburg, PA 17105-8552; by fax at 717-783-5109; or by e-mail at forestrecreation@state.pa.us. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This rulemaking is available electronically through the Department's website (www.dcnr.state.pa.us).

C. *Statutory Authority*

This final-form rulemaking is made under the authority in 75 Pa.C.S. § 7704 (relating to rules and regulations).

D. *Background and Purpose*

This final-form rulemaking implements recent amendments to 75 Pa.C.S. Chapter 77 (relating to snowmobile and all-terrain vehicles) and updates several provisions concerning the registration of snowmobiles and all-terrain vehicles (ATVs) to bring these provisions into conformity with current Department practice. In addition, provisions are deleted that merely repeat provisions of 75 Pa.C.S. Chapter 77 and are not needed as regulations.

E. Summary of Comments and Responses and Changes Made in the Final-Form Rulemaking

This final-form rulemaking was published as proposed on September 7, 2002 (32 Pa.B. 4364), with a 60-day public comment period. As a result of the comments received from the public and from the Independent Regulatory Review Commission (IRRC), the Department made several changes to the proposed rulemaking. The comments and changes are discussed below.

Comment

Sections 51.12 and 51.15 use the phrase “form furnished by the Department.” The form names or numbers should be included in the final-form regulation.

Response

The final-form regulation addresses the concern raised in this comment. The form referred to in § 51.12 is entitled “Application Form.” The final-form regulation makes reference to an “application form” furnished by the Department. The form referred to in § 51.15 is entitled “Request for Changes/Replacements Application Form.” The final-form regulation makes reference to a “request for changes/replacements application form” furnished by the Department.

Comment

Section 51.12(a) lists the information that must be included on an application for a certificate of title and registration. Paragraph (9) states that a temporary registration number must be included on the form submitted to the Department. For clarity, the phrase “A temporary registration number” should be replaced with “The temporary registration number issued by the dealer.”

Response

The final-form regulation adopts this suggestion. In addition it has been corrected—by the deletion of the word “temporary”—to reflect that dealers now issue permanent registration numbers rather than temporary registration numbers. A similar correction has also been made in § 51.13(a) (relating to display of registration decals, registration plates and expiration stickers).

Comment

Section 51.12(b) lists items that must be included with the application. Paragraph (1) requires an applicant to provide proof of ownership. The final-form regulation should include examples of documentation that qualifies as acceptable proof of ownership.

Response

The final-form regulation corrects this provision to require proof acceptable to the Department of the vehicle identification number (VIN) and to specify acceptable forms of proof.

Comment

Section 51.35(b) addresses second and subsequent "violations." We note that Subsection (a) addresses first and subsequent "offenses." We request the Department explain the difference between a "violation" and an "offense." The title of § 51.35 refers to "violations." If there is no difference between "offense" and "violation," the term "violation" should be used consistently throughout § 51.35.

Response

The final-form regulation uses the term "violation" consistently throughout § 51.35.

Comment

Under § 51.35(c), the Department may determine that suspensions imposed for multiple violations be served concurrently or consecutively. The final-form regulation should include the criteria the Department will use to determine whether suspensions will be served concurrently or consecutively.

Response

In exercising its administrative discretion to determine whether a suspension will be concurrent or consecutive, the Department will consider the circumstances of the particular case. Specifying in these regulations the circumstances under which it will impose concurrent suspensions and those under which it will impose consecutive suspensions will unduly restrict the Department's ability to tailor the penalty to the violation. Therefore, the final-form regulation has not been changed in response to the comment.

Comment

Section 51.35(f)(1) provides a three-day time frame after the effective date of a suspension or revocation for a dealer to return the registration certificate, registration plates and registration cards. Is this sufficient time to return the required material?

Response

The Department believes that sufficient time to return the material is provided under this provision. The dealer will be given written notice of the effective date of a suspension or revocation prior to the effective date of the action. Therefore, the dealer will have advance notice of the requirement to return the materials. The three-day period does not begin to run until after the effective date of the action.

Comment

Section 51.35(f)(2) allows for “an acceleration of the application of sanctions” if a dealer fails to return the items listed in Subsection (f)(1). The phrase “acceleration of the application of sanctions” is vague. We request the Department clarify the meaning of this phrase.

Response

This provision is clarified in the final-form regulation by specifying that a dealer who fails to return the items listed in (f)(1) is subject to an addition of three months to the suspension imposed under subsection (a) or the revocation imposed under subsection (d).

Comment

Section 51.45 increases the fees for additional snowmobile and ATV dealer plates. We request the Department explain the basis for these fee increases.

Response

Until this rulemaking, there has been no increase in the fees for additional dealer plates since the establishment of the original fees. The fees were originally established in 1973 for snowmobile plates and in 1986 for ATV plates. The substantial increase in the cost of labor, materials, and mailing in the 30 and 17 years, respectively, since the establishment of these fees justifies the increases now being made.

Comment

Section 51.51 paragraph (1) requires snowmobile and ATV safety training to be conducted by instructors or organizations approved by the Department. The final-form regulation should clarify how a person would know if an instructor or organization was approved by the Department. Does the Department publish a list of approved instructors and organizations? What is the process for an instructor or organization to become approved by the Department?

Response

The final-form regulation states that an application for approval as a safety training instructor and a list of approved instructors and organizations may be obtained from the Bureau of Forestry. The Department does not publish this list. Persons or organizations that wish to be approved by the Department to conduct training submit a completed application form to the Bureau of Forestry. The Bureau determines what additional training, if any, the applicant needs for approval as a safety trainer. Organizations that are approved to provide training will be required to enter into an agreement with the Department. The agreement will address course content requirements, instructor responsibilities, and record keeping and reporting requirements.

Comment

Section 51.54(c) states that safety certificates from other states or provinces of Canada will be accepted if the Department deems the safety training programs of the other jurisdictions to be comparable to the Department's safety training program. How will the Department determine if an outside safety training program is comparable to its own safety training program? How would a person know if a safety certificate from another state or province of Canada is acceptable to the Department?

Response

For snowmobiles, the Department honors safety certificates issued by states that have received approval of their training programs by the International Association of Snowmobile Administrators (IASA). For ATVs, the Department honors safety certificates issued by the ATV Safety Institute (ASI) or by training programs that use the curriculum published by Outdoor Empire Publishing, Inc. If the training was neither an ASI nor an Outdoor Empire training, the Department will review the course materials to determine if the training was comparable to the Department's training program. The regulation does not refer to these specific organizations (IASA, ASI, Outdoor Empire) by name because the Department does not wish the effectiveness or validity of the regulation to be dependent on the permanence of these organizations. A person would know if a safety certificate from another state or province is acceptable to the Department by contacting the Bureau of Forestry.

Comment

Section 51.72 prohibits carrying a passenger on an ATV that was not originally designed to carry a passenger. Similar language was deleted from HB 154, which became Act 68 amending the Snowmobile and ATV Law. Because this language was deleted from the legislation, the Department does not have the authority to add this language to these regulations.

Carrying a passenger on an ATV that is designed for only one person is not necessarily a dangerous practice, but in those situations where an ATV is being operated dangerously, enforcement of § 7726 (relating to operation in a safe manner) of the Vehicle Code will sufficiently address the matter.

Response

The Department has deleted § 51.72 in the final-form rulemaking. Because of its concern with visitor safety on its lands, the Department is considering other approaches to discourage unsafe riding practices, particularly double riding on ATVs. Posting on ATV trails may be one approach. Another may be to enforce § 7726 of the Vehicle Code, which prohibits operating a snowmobile or ATV in “any careless way so as to endanger the person or property of another.” Whatever approach the Department ultimately adopts, it intends to take into account factors such as vehicle speed, terrain, surface conditions, and emergency situations (for example, rescues).

Comment

Under § 51.91(c), the phrase “alternate proof, acceptable to the Department” is vague. The final-form regulation should specify the forms of “alternate proof” which are acceptable.

Response

The final-form regulation addresses this concern by specifying that acceptable proof includes certification by the SSCC or by a competent independent testing laboratory.

Comment

We support language in the proposed rulemaking that would prohibit ATVs and snowmobiles from being operated on railroad property, unless otherwise designated approved.

Response

The regulation does not address this matter. However, it is addressed by § 7724(a) of the Vehicle Code (relating to operation on private or State Property), which prohibits operating snowmobiles and ATVs on private property without the consent of the owner.

In addition to the changes made in this final-form regulation in response to comments it received on the proposed rulemaking, the Department also made a change as a result of its own review of the proposed rulemaking. Section 51.63 (relating to accident reports) lists information to be included in accident reports

that are required by § 7728 of the Vehicle Code (relating to accidents and accident reports) to be filed with the Department. The proposed rulemaking did not make any changes to this list. The final-form rulemaking reorganizes the list and makes minor changes so that it reflects the accident report form actually being used by the Department. The following items are added to the list: make, model and year of the vehicles involved; identification of witnesses; and the ages of persons injured or killed in the accident. Information about pedestrians is eliminated because it is covered by other items in the list.

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the final-form rulemaking.

Benefits

The benefits of this rulemaking are that this chapter is simplified by eliminating unnecessary provisions, clarified by revising some of the language, and updated to reflect current Department practice and to implement recent amendments to Chapter 77 of the Vehicle Code.

Compliance Costs and Paperwork Requirements

The only costs to the general public resulting from this final-form rulemaking will be the minimal cost, if any, to ATV registrants of attaching a registration plate to their machine. The costs to the private sector will be the costs dealers would incur from a suspension or revocation of dealer registration due to failure to submit forms and fees to the Department as required by law. The costs to the Commonwealth will be negligible. There will be no costs to local governments.

This final-form rulemaking does not impose additional paperwork requirements.

G. *Sunset Review*

Chapter 51 will be monitored by the Department to determine whether the regulations effectively accomplish their intended goals.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 26, 2002, the Department submitted a copy of proposed rulemaking published at 32 Pa.B. 4364, to IRRC and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)) IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(g) of the Regulatory Review Act (71 P.S. § 745.5a(g)), this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(g) of the Regulatory Review Act, IRRC met on _____ and approved the final-form rulemaking.

The Secretary, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 17 Pa. Code Chapter 51, are amended by amending §§ 51.1-51.2, 51.12-51.13, 51.15, 51.19, 51.32, 51.45, 51.51, 51.54, 51.63, 51.82-51.83, 51.91; deleting §§ 51.11, 51.14, 51.16-51.17, 51.21-51.22, 51.31, 51.33-51.34, 51.41-51.44, 51.46, 51.52-51.53, 51.61-51.62, 51.71-51.76, 51.81, 51.94-51.96; and adding § 51.35 to read as set forth in Annex A.

(b) The Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Department shall submit this order and Annex A to the Independent Regulatory Review Commission and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect upon final publication in the *Pennsylvania Bulletin*.

Secretary

Annex A

TITLE 17. CONSERVATION AND NATURAL RESOURCES

PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Subpart E. OUTDOOR RECREATION

CHAPTER 51. SNOWMOBILE AND ALL-TERRAIN VEHICLE REGISTRATION AND OPERATION

GENERAL PROVISIONS

§ 51.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

[Act--75 Pa.C.S. §§ 7701--7753 (relating to the Snowmobile and All-Terrain Vehicle Law).]

ATV--[All-terrain] An all-terrain vehicle as defined in section 7702 of the Vehicle Code (relating to definitions).

Dealer--[A person who sells snowmobiles or ATVs at wholesale or retail, including a manufacturer of snowmobiles or ATVs who sells at wholesale or retail.] A dealer as defined in section 7702 of the Vehicle Code.

* * * * *

Snowmobile--A snowmobile as defined in section 7702 of the Vehicle Code.

Vehicle Code--Title 75 of the Pennsylvania Consolidated Statutes (relating to vehicles).

§ 51.2. [Scope] Authority.

This chapter is adopted [in accordance with the duties placed on the Department by the act, and applies to a person who owns or operates a snowmobile or ATV or a dealer who sells snowmobiles or ATVs] by the Department under section 7704

of the Vehicle Code (relating to rules and regulations) and applies to persons subject to Chapter 77 of the Vehicle Code (relating to snowmobiles and all-terrain vehicles).

REGISTRATION AND [DISPLAY OF NUMBERS--INDIVIDUAL] TITLING

§ 51.11. [Certificate of registration] (Reserved).

[Application for snowmobile or ATV registration shall be made to the Department on prescribed forms. Upon payment of the fee required by law, a snowmobile or ATV registration certificate will be issued to the applicant. The snowmobile or ATV registration certificate shall be carried on the snowmobile or ATV at all times that the snowmobile or ATV is being operated. A decal showing the expiration date will be issued along with the registration certificate. The decal shall be affixed to the machine to the right of the permanent registration number. The registration periods for individual snowmobile or ATV registrations are as follows:

(1) For a snowmobile owner whose last name begins with the letters A through L, the registration period is from December 1 of each odd-numbered year to November 30 of the following odd-numbered year.

(2) For a snowmobile owner whose last name begins with the letters M through Z, the registration period is from December 1 of each even-numbered year to November 30 of the following even-numbered year.

(3) The initial registration period for ATV owners begins March 10, 1986. For those governed by paragraph (4), the registration period ends on May 31, 1987. For those governed by paragraph (5), the registration period ends on May 31, 1988.

(4) For an ATV owner whose last name begins with the letter A through L, the registration period is June 1 of each odd-numbered year to May 31 of the following odd-numbered year.

(5) For an ATV owner whose last name begins with the letter M through Z, the registration period is from June 1 of each even-numbered year to May 31 of the following even-numbered year.]

§ 51.12. Applications for title and registration.

[The application for a certificate of registration shall include the following:

(1) Name, address, county and zip code of owner.

(2) Statement as to use, such as pleasure, commercial, rescue, rental or government.

(3) Description of vehicle to include make, model, year and manufacturer's serial number.

(4) The purchase price, registration fee paid, and whether the State Sales Tax has been paid or is due.

(5) A certification of ownership.

(6) Date of application.

(7) Class of ATV, if applicable.]

(a) Contents of application. An application for a certificate of title and registration shall include the following on a AN APPLICATION form furnished by the Department:

(1) The name, address and county of the residence of owner.

(2) The make, model, year, serial number of the vehicle.

(3) The date of purchase and the purchase price.

(4) A security interest, if applicable.

(5) A designation of whether the vehicle is a snowmobile, Class I ATV or Class II ATV under section 7702 of the Vehicle Code (relating to definitions).

(6) A designation of type of registration under section 7711.1 or section 7711.2 of the Vehicle Code (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV).

(7) The amount of Sales Tax due, if any.

(8) The amount of applicable fees under section 7715.2 of the Vehicle Code (relating to fees).

(9) A THE temporary registration number ISSUED BY THE DEALER, the date issued and the dealer registration number.

(b) Proof of ownership VEHICLE IDENTIFICATION NUMBER; fees. The following shall be included with a THE completed application form submitted to the Department:

(1) Proof of ownership of vehicle. PROOF ACCEPTABLE TO THE DEPARTMENT OF THE VEHICLE IDENTIFICATION NUMBER (VIN). ACCEPTABLE PROOF INCLUDES ANY OF THE FOLLOWING:

- (I) MANUFACTURER'S STATEMENT OF ORIGIN
- (II) SALES RECEIPT
- (III) A TRACING, RUBBING OR MECHANIC'S CERTIFICATION OF THE VIN

(2) Payment of applicable Sales Tax.

(3) Payment of applicable fees under section 7715.2 of the Vehicle Code.

§ 51.13. [Affixation of registration decals and numbers] Display of registration decals, registration plates and expiration stickers.

[The permanent registration number of the machine, shown on the registration certificate, shall be affixed as follows:

(1) *Snowmobiles.* The registration number shall be affixed forward of the handle bars on each side of the cowling, a minimum of 12 inches from the ground when the machine is resting on a smooth surface. The numbers shall be in block characters of good proportion, not less than 3 inches in height, and of a color which contrasts with the background, reflective and so maintained as to be clearly visible and legible.

(2) *Class I ATVs.* The permanent registration number and validation decal shall be affixed to the high point of the machine's left rear fender in a manner prescribed by the Department.

(3) *Class II ATVs.* The permanent registration number and validation decal shall be affixed to the left side of the machine at the midpoint, a minimum of 18 inches from the ground.]

(a) Snowmobiles.

(1) Registration decals. Two valid registration decals ~~or valid temporary registration decals~~ shall be affixed to the snowmobile forward of the handle bars, one on each side of the cowling, or one on the outside of each trailing edge of the windshield.

(2) Expiration stickers. Two valid expiration stickers shall be affixed to the snowmobile, each sticker to the immediate right of a registration decal. This

requirement does not apply to snowmobiles with valid temporary registration decals or with limited registration.

(b) ATVs.

(1) Registration plate. A valid registration plate shall be displayed on the upper half of the rear of the ATV in the following manner:

(i) Securely attached. It is not a violation of this provision to attach the plate in such a manner that it can swing.

(ii) So that no part of the plate is in line with a tire.

(iii) So that the information on the plate, including any required stickers, is clearly visible from behind the ATV.

(2) Temporary registration sticker. For ATVs with temporary registration, a valid temporary registration sticker shall be affixed to a lower corner of the registration plate.

(3) Expiration sticker. A valid expiration sticker shall be affixed to a lower corner of the registration plate. This requirement does not apply to ATVs with a valid temporary registration sticker or with limited registration.

§ 51.14. [Registration numbers destroyed or lost] (Reserved).

[When snowmobile registration numbers are destroyed or lost, the snowmobile registration numbers assigned shall be promptly replaced and affixed as described in § 51.13 (relating to affixation of registration decals and numbers).]

§ 51.15. Replacement [registration certificate, decal or number] of registration certificates, limited registration certificates, registration decals, registration plates and expiration stickers.

A replacement of a registration certificate, limited registration certificate, registration decal, registration plate or [ATV registration number] expiration sticker will be issued upon application by the owner on [the prescribed] a REQUEST FOR CHANGES/REPLACEMENTS APPLICATION form furnished by the Department and payment of the [amount] fee required [by statute] under section 7715.2 of the Vehicle Code (relating to fees).

§ 51.16. [Notification of sale or trade] (Reserved).

[The owner of a snowmobile or ATV shall notify the Department within 15 days if the machine is sold or traded.]

§ 51.17. [Abandoned, stolen or destroyed snowmobiles or ATVs] (Reserved).

[Abandoned, stolen or destroyed snowmobiles or ATVs shall be reported to the Department within 15 days. No fee is charged for this reporting.]

* * * * *

§ 51.19. Snowmobile or ATV owned by United States, another state or political subdivision.

[No certificate of registration or decal is required for a snowmobile or ATV owned and used by the United States or another state, or a political subdivision thereof. The snowmobile shall display the name of the owner on the cowling. A Class I ATV shall display the name of the owner on the high point of the left rear fender. A Class II ATV shall display the name of the owner on the left side of the machine at the midpoint, a minimum of 18 inches from the ground.] If a snowmobile or ATV is exempt from registration under section 7711.1(f)(2) of the Vehicle Code (relating to registration of snowmobile or ATV) because it is owned and used by the United States or another state or political subdivision, the name of the owner shall be displayed on the cowling or windshield of the snowmobile and in a conspicuous location on the ATV.

[TEMPORARY REGISTRATION]

§ 51.21. [Display of temporary registration decals] (Reserved).

[A snowmobile or ATV may be operated without display of registration numbers for a period of 45 days after the date the application for individual registration and the required fee are mailed to the Department, if the temporary registration certificate is carried on the machine and the temporary registration decals are displayed as follows:

- (1) *Snowmobiles*. The temporary registration decals are displayed forward of the handlebars on each side of the cowling.
- (2) *Class I ATVs*. The temporary registration decal is displayed on the high point of the machine's left rear fender.
- (3) *Class II ATVs*. The temporary registration decal is displayed on the left side of the machine at the midpoint, a minimum of 18 inches from the ground.]

§ 51.22. [Temporary registration certificates] (Reserved).

[Temporary registration certificates will be issued by registered snowmobile or ATV dealers who will forward one copy of the temporary registration application to the Department along with the prescribed forms and the appropriate fee within 5 working days. If a dealer fails to comply with this rule the Department may revoke the dealer's registration certificate.]

[REGISTRATION--DEALER] DEALERS

§ 51.31. [Dealer applications] (Reserved).

[Application for registration as a dealer shall be made to the Department on prescribed dealer forms. Upon payment of the fee required by law, three sets of registration plates will be issued, together with a registration certificate which shall be conspicuously displayed by the dealer in his place of business. These plates may be used by the dealer only for demonstration or testing purposes.]

§ 51.32. Display of registration plates.

(a) No snowmobile dealer or manufacturer may operate or permit to be operated within this Commonwealth a snowmobile owned by or under the control of the dealer or manufacturer unless two valid registration plates furnished by the Department are displayed on the inside of each trailing edge of the snowmobile windshield and a dealer plate registration is carried by the operator.

(b) No ATV dealer or manufacturer may operate or permit to be operated within this Commonwealth an ATV owned by or under the control of the dealer or manufacturer unless a registration plate with a valid decal furnished by the Department is displayed on the rear of the machine and a dealer plate registration is carried by the operator.]

Dealer registration plates required under section 7711 of the Vehicle Code (relating to registration of dealers) shall be displayed as follows:

(1) Snowmobile. Two plates shall be displayed on the snowmobile, one on the inside of each trailing edge of the windshield.

(2) ATV. The plate shall be displayed on the upper half of the rear of the ATV in the following manner:

(i) The plate shall be securely attached. It is not a violation of this provision to attach the plate so that it can swing.

(ii) So that no part of the plate is in line with a tire.

(iii) So that the information on the plate is clearly visible from behind the ATV.

§ 51.33. [Transferability] (Reserved).

[Dealer registrations are not transferable.]

§ 51.34. [Expiration] (Reserved).

[Dealer registrations expire on May 31 of each year.]

§ 51.35. Sanctions for violations by dealers.

(a) Sanctions. A dealer who has failed to forward documents required by section 7712.2(c) or section 7715.1(a) of the Vehicle Code (relating to transfer to or from dealer; and snowmobile or ATV purchased from dealer) to the Department within 15 days or who has submitted to the Department documents accompanied by uncollectable checks drawn on the account of the dealer, is subject to the following sanctions after receiving written notice and an opportunity for a hearing:

(1) First offense VIOLATION. Suspension of dealer registration until the documents are submitted or checks are paid.

(2) Second offense VIOLATION. Suspension of dealer registration until the documents are submitted or checks are paid, plus 3 months suspension.

(3) Third offense VIOLATION. Suspension of dealer registration until the documents are submitted or checks are paid, plus 6 months suspension.

(4) Fourth and subsequent offense VIOLATION. Revocation of dealer registration.

(b) Second and subsequent violations. Second violations are determined on the basis of a previous violation under this section committed within a 3-year period. Third or subsequent violations are determined on the basis of two or more previous violations committed within a 3-year period.

(c) Multiple violations. In the case of multiple violations considered at one time, the Department may impose separate sanctions for each violation under the schedule in subsection (a). The Department may direct that a suspension imposed be served APPLIED concurrently or consecutively.

(d) Revocation. Upon revocation of a dealer's registration, the dealer will be debarred from applying for a new registration for 1 year.

(e) Effective date of suspension or revocation. A suspension or revocation of dealer registration shall take effect on the date ordered by the Department.

(f) Return of dealer certificate, plates and cards.

(1) Within 3 days of the effective date of a suspension or revocation of dealer registration, a dealer shall return to the Department the registration certificate, the registration plates and the registration cards that had been issued to the dealer by the Department.

(2) A dealer who fails to comply with paragraph (1) is subject to an acceleration of the application of sanctions listed in subsection (a) AN ADDITION OF 3 MONTHS TO THE SUSPENSION IMPOSED UNDER SUBSECTION (A) OR THE REVOCATION IMPOSED UNDER SUBSECTION (D).

(g) Hearings. The provisions in 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) apply to hearings under this section.

FEES

§ 51.41. [Individual cost for 2 years] (Reserved).

[The fee for each individual resident and nonresident snowmobile registration is \$10 for 2 years. The fee for each individual resident and nonresident ATV registration is \$20 for 2 years.]

§ 51.42. [Individual cost reduced] (Reserved).

[The fee is \$5.00 for a resident or nonresident individual snowmobile registration issued for the final year of a 2-year registration period. The fee is \$10 for a resident or nonresident individual ATV registration issued for the final year of a 2-year registration period.]

§ 51.43. [Dealer cost] (Reserved).

[The fee for each dealer registration shall be \$25 annually.]

§ 51.44. [Replacement cost for lost, mutilated or destroyed certificates] (Reserved).

[A fee of \$1.00 will be charged for the replacement of each lost, mutilated or destroyed certificate, decal or ATV registration number.]

§ 51.45. [Cost of] Fees for additional dealer plates.

The fee for each set of two additional snowmobile dealer plates is [~~\$3.00~~] \$5.
The fee for each additional ATV dealer plate is [~~\$6.00~~] \$10.

§ 51.46. [Transfer of registration] (Reserved).

[When the owner of a currently registered snowmobile or ATV disposes of the machine, a transfer fee of \$3.00 is required for the transfer of the registration to another snowmobile or ATV.]

[SNOWMOBILE AND ATV] SAFETY TRAINING

§ 51.51. Safety training.

[(a) No person under 16 years of age may operate a snowmobile or ATV in this Commonwealth, unless the person satisfies one of the following conditions:

- (1) Is upon the lands owned or leased by his parent or guardian.
 - (2) Is under the direct supervision of a certified snowmobile or ATV safety instructor during a safety training program.
 - (3) Has received safety training as prescribed by the Department and has received the appropriate snowmobile or ATV safety certificate.
- (b) Snowmobile and ATV education and safety training programs will be conducted by instructors who have been certified by the Department.]

Safety training required by section 7725 of the Vehicle Code (relating to operation by persons under age sixteen) shall meet the following requirements:

(1) Training shall be conducted by instructors or organizations that have been approved by the Department. AN APPLICATION FOR APPROVAL AND A LIST OF APPROVED INSTRUCTORS AND ORGANIZATIONS MAY BE OBTAINED FROM THE DEPARTMENT'S BUREAU OF FORESTRY.

(2) Training shall be based on a curriculum and manual approved by the Department, which include the following: machine nomenclature, control familiarization, machine safety features, operating procedures, snowmobile or ATV laws and regulations, proper clothing, safety equipment, emergency situations, first aid and written tests.

§ 51.52. [Age requirements for safety training] (Reserved).

[Training programs will be conducted for the purpose of qualifying persons 10 years of age or older, but less than 16, for a snowmobile or ATV safety certificate.]

No person under 10 years of age is eligible to enroll or participate in the safety training program prescribed by the Department.]

§ 51.53. [Safety course content] (Reserved).

[The course content will include the following: Machine nomenclature, control familiarization, machine safety features, operating procedures, snowmobile or ATV laws and regulations, proper clothing, safety equipment, emergency situations, first aid and written tests.]

§ 51.54. [Issuance of snowmobile or ATV safety] Safety certificates.

[Upon successful completion of the training program, a snowmobile or ATV safety certificate will be issued to the student, on behalf of the Secretary. The instructor will submit the name, address and date of birth of the students who have successfully completed the training program to the Department. A duplicate certificate will be issued by the Department if the original is lost or destroyed, upon application and payment of \$1.00.]

(a) The instructor or organization that conducted the training in accordance with § 51.51 (relating to safety training) shall submit to the Department the name, address and date of birth of each student who successfully completed the training.

(b) The Department will issue a snowmobile or ATV safety certificate to the students whose names were submitted in accordance with subsection (a). Persons under the age of 10 years of age or over THE age of 15 years of age are not eligible for a safety certificate.

(c) The Department will honor, in lieu of a safety certificate issued under subsection (b), a safety certificate issued to a child who is a resident of another state or a province of Canada if the certificate was issued or is recognized by the state or province under a program deemed by the Department to be comparable to the Department's safety training program. The certificate will satisfy the requirements of section 7725 of the Vehicle Code (relating to operation by persons under age sixteen).

ACCIDENT [REPORTING] REPORTS

§ 51.61. [Duty of those involved in an accident] (Reserved).

[It is the duty of each operator of a snowmobile or ATV involved in an accident to exhibit the certificate of registration for the snowmobile or ATV being operated, and to give his name and address and the identification of the snowmobile or ATV to persons injured and to the owner of property damaged in the accident.]

§ 51.62. [Accident report forms] (Reserved).

[The operator of a snowmobile or ATV involved in an accident resulting in injuries to or death of a person or property damage in the estimated amount of \$100 or more shall report the accident within 7 days to the Department upon prescribed accident report forms.]

§ 51.63. [Information required] Accident reports.

[Every] A written report of an accident required by section 7728 of the Vehicle Code (relating to accidents and accident reports) shall contain the following information:

- ~~(1) The vehicle registration number of all vehicles involved.~~
- ~~—(2) The date and time of the accident.~~
- ~~—(3) The weather and ground conditions at the time of the accident.~~
- ~~—(4) The locality in which the accident occurred.~~
- ~~—(5) The name, address, age and snowmobile or ATV experience of the operator of each snowmobile or ATV involved.~~
- ~~—(6) The names and addresses of all persons killed or injured in the accident.~~
- ~~—(7) The nature and extent of injury to any person so injured.~~
- ~~—(8) The name, address, and age of each passenger or pedestrian involved in an accident.~~
- ~~—(9) A description of damage to property, including snowmobile or ATV, and estimated cost of repairs thereto.~~
- ~~—(10) A description of the accident, including opinions as to the causes.~~
- ~~—(11) The vehicle registration number, make, and year of the snowmobiles or ATVs involved.~~
- ~~—(12) Name and address of the owner of the property on which the accident occurred.~~

(1) THE REGISTRATION NUMBER, MAKE, MODEL AND YEAR OF EACH VEHICLE INVOLVED.

(2) THE DATE, TIME AND LOCATION OF THE ACCIDENT.

- (3) THE NAME, ADDRESS AND AGE OF EACH VEHICLE OPERATOR, PASSENGER AND WITNESS.
- (4) THE TRAINING AND NUMBER OF YEARS OF DRIVING EXPERIENCE OF THE SNOWMOBILE OR ATV OPERATOR.
- (5) THE NAME AND ADDRESS OF THE OWNER OF THE PROPERTY WHERE THE ACCIDENT OCCURRED.
- (6) A DESCRIPTION OF THE ACCIDENT.
- (7) THE WEATHER AND GROUND CONDITIONS AT THE TIME OF THE ACCIDENT.
- (8) THE NAME, ADDRESS AND AGE OF ANY PERSON INJURED OR KILLED IN THE ACCIDENT.
- (9) THE NATURE AND EXTENT OF ANY INJURIES.
- (10) A DESCRIPTION AND ESTIMATE OF DAMAGE TO PROPERTY, INCLUDING VEHICLES.

~~OPERATION [OF SNOWMOBILES AND ATVS ON DESIGNATED
AREAS ON STATE OWNED LANDS]~~

§ 51.71. [Limitations on usage] (Reserved).

[Snowmobiles or ATVs may be operated on public lands under the jurisdiction of the Department only on roads, trails or areas specifically designated for snowmobile or ATV operation.]

§ 51.72. ~~Operation~~ [in a safe manner] ~~of ATV with a passenger~~ (RESERVED).

[No person may operate a snowmobile or ATV in a manner inconsistent with the rules for operation in a safe manner as prescribed by 75 Pa.C.S. § 7726 (relating to operation in safe manner).] ~~Operating an ATV with a passenger, unless the ATV was originally designed by the manufacturer to carry a passenger, is a violation of section 7726 (a)(2) of the Vehicle Code (relating to operation in safe manner—general rule) and is prohibited.~~

§ 51.73. [Criteria for designation by Department] (Reserved).

[Prior to designation of a snowmobile or ATV road, trail or area on public lands under the jurisdiction of the Department, the Department will consider the effect of the designation, as it pertains to:

- (1) Soil and other surface features.
- (2) Water quantity, water quality or other water conditions.
- (3) Danger or threat to plant or animal species.
- (4) Uses deemed to be conflicting.
- (5) Other factors considered by the Department to protect public health, welfare and safety.]

§ 51.74. [Operation on non-Department State-owned lands] (Reserved).

[Snowmobiles or ATVs may not be operated on lands under the jurisdiction of another Commonwealth agency except on roads, trails or areas clearly marked and previously designated by that agency.]

§ 51.75. [Spark arrestors] (Reserved).

[(a) ATVs operating on Commonwealth land shall have an approved, properly installed spark arrestor which shall meet and be qualified to either of the following:

(1) The United States Department of Agriculture, Forest Service Standard 5100-1a, published by the United States Forest Service as found in the United States Forest Service publication, Spark Arrestor Guide.

(2) The 80% efficiency level when determined in accordance with the appropriate Society for Automotive Engineers recommended practices J335 or J350 noise level restrictions.

(b) The United States Forest Service publication, *Spark Arrestor Guide*, will be used as the reference source in determining whether or not a spark arrestor is approved.

(c) Operation of an ATV on Commonwealth land without an approved spark arrestor is prohibited.]

§ 51.76. [Operation during forest fire danger] (Reserved).

[In the event the Department declares the forest fire danger to be very high or extreme, operation of ATVs will be forbidden on lands under the jurisdiction of the Department to which the declaration of forest fire danger applies.]

DESIGNATING SNOWMOBILE OR [ALL-TERRAIN VEHICLE]
ATV ROADS

§ 51.81. [Operation on designated roads] (Reserved).

[Except as otherwise provided in sections 7722 and 7724 of the act (relating to designation of snowmobile and ATV roads and operation on private or State property), no person may operate a snowmobile or ATV on a street or highway unless the street or highway has been closed to vehicular traffic and designated as a snowmobile or ATV road by the governmental agency having jurisdiction.]

§ 51.82. Barricades for snowmobile or ATV roads.

Streets and highways posted as exclusive snowmobile or ATV roads under section 7722 of the Vehicle Code (relating to designation of snowmobile and ATV roads) shall be barricaded in the following manner:

* * * * *

§ 51.83. Posting signs for snowmobile or ATV roads.

(a) A street or highway which has been posted as a snowmobile or ATV road allowing both snowmobiles or ATVs and other vehicular traffic under section 7722 [of the act] of the Vehicle Code (relating to designation of snowmobile and ATV roads) shall be posted in the following manner:

* * * * *

[SNOWMOBILE AND ALL-TERRAIN VEHICLE] EQUIPMENT
[REQUIREMENTS]

§ 51.91. Snowmobile [noise] sound level requirements.

[Snowmobiles manufactured after January 1, 1976, may not be sold or offered for sale by a manufacturer, distributor or dealer in this Commonwealth unless they are constructed so as to limit total vehicle sound to not more than 78 decibels of sound intensity at 50 feet on the A scale as measured in accordance with SAE Recommended Practice J-192a. Proof of compliance with the foregoing requirement shall be in either of the following forms:

(1) An "SSCC" label conspicuously attached showing certification by the Snowmobile Safety Certification Committee, Inc. that the snowmobile meets the sound standards of the Commonwealth.

(2) By a letter with test results submitted to the Secretary showing an evaluation of the noise levels by a competent independent testing laboratory and showing or certifying that the snowmobile meets the sound standards of the Commonwealth.]

(a) It is unlawful to operate a snowmobile that produces a sound intensity exceeding 78 decibels at 50 feet on the A scale as measured in accordance with SAE Recommended Practice J-192a.

(b) Except as provided in subsection (c), it is unlawful to operate a snowmobile unless its exhaust system displays an authentic "SSCC" (Snowmobile Safety Certification Committee) stamp.

(c) If the exhaust system of a snowmobile lacks an authentic "SSCC" stamp, the operator, upon the request of a person having authority to enforce the provisions of this chapter, shall produce alternate proof, acceptable to the Department, of ~~SSCC certification~~ THAT THE SOUND INTENSITY, WHEN MEASURED ACCORDING TO THE STANDARDS IN SUBSECTION (A), DOES NOT EXCEED THE LEVEL IN SUBSECTION (A). PROOF ACCEPTABLE TO THE DEPARTMENT INCLUDES CERTIFICATION BY THE SSCC OR BY A COMPETENT INDEPENDENT TESTING LABORATORY.

* * * * *

§ 51.94. [Head lamp and tail lamp requirements] (Reserved).

[(a) *Visibility*. Every snowmobile or ATV operated during hours of darkness shall display a lighted head lamp and tail lamp. The lights shall be in operation during the period of from 1/2 hour after sunset to 1/2 hour before sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet.

(b) *Head lamp*. The head lamp shall display white light of sufficient illuminating power to reveal a person, vehicle or substantial object at a distance of 100 feet.

(1) If the snowmobile or ATV is equipped with a multiple beam head lamp, the upper beam shall meet the minimum requirements set forth in this section and the lower-most beam shall be so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 50 feet ahead.

(2) If the snowmobile or ATV is equipped with a single head lamp, the lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 75 feet ahead, projects higher than the level of the center of the lamp from which it comes.

(c) *Tail lamp.* The tail lamp shall display a red light plainly visible during darkness from a distance of 500 feet.]

§ 51.95. [Brake requirements] (Reserved).

(a) *Snowmobiles.* It is unlawful to operate a snowmobile which is not equipped with at least one brake of a design approved by the Department operated either by hand or foot, capable of bringing the snowmobile to a stop, under normal conditions, within 40 feet when traveling at a speed of 20 miles per hour with a 150 pound driver and on hard packed snow, or locking its traction belts. The design shall permit simple and easy adjustment to compensate for wear.

(b) *ATVs.* It is unlawful to operate an ATV which is not equipped with a braking system which may be operated by hand or foot, capable of producing deceleration of 14 feet per second on level ground at a speed of 20 miles per hour, and the design shall permit simple and easy adjustment to compensate for wear.]

§ 51.96. [Muffler requirements] (Reserved).

[It is unlawful to operate a snowmobile or an ATV which is not equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile or ATV noise and is in constant operation to prevent excessive or unusual noise.]

**DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES
17 Pa. Code Chapter 51 (Snowmobile and All-Terrain Vehicle
Registration and Operation)
Final Rulemaking—7B-005**

Comment and Response Document

List of Commenters

ID	Name/Address	Zip	Submitted 1- Page Summary	Provided Testimony	Requested Final Rulemaking
01	Jack Clark PA OHV Assoc. 24 East Market St. Bethlehem PA	18018- 5926			
02	Commissioners of Mifflin County 20 North Wayne St. Lewistown PA	17044- 1797			
03	IRRC 333 Market St. 14th Floor Harrisburg PA	17101			

Comments and Responses

1. **Comment:** §§ 51.12 and 51.15 use the phrase “form furnished by the Department.” The form names or numbers should be included in the final-form regulation. (3)

Response: The final-form regulation addresses the concern raised in this comment. The form referred to in § 51.12 is entitled “Application Form.” The final-form regulation makes reference to an “application form” furnished by the Department. The form referred to in § 51.15 is entitled “Request for Changes/Replacements Application Form.” The final-form regulation makes reference to a “request for changes/replacements application form” furnished by the Department.

2. **Comment:** § 51.12(a) lists the information that must be included on an application for a certificate of title and registration. Paragraph (9) states that a temporary registration number

must be included on the form submitted to the Department. For clarity, the phrase "A temporary registration number" should be replaced with "The temporary registration number issued by the dealer." (3)

Response: The final-form regulation adopts this suggestion. In addition it has been corrected—by the deletion of the word "temporary"—to reflect that dealers now issue permanent registration numbers rather than temporary registration numbers. A similar correction has also been made in § 51.13(a) (relating to display of registration decals, registration plates and expiration stickers).

3. **Comment:** § 51.12(b) lists items that must be included with the application. Paragraph (1) requires an applicant to provide proof of ownership. The final-form regulation should include examples of documentation that qualifies as acceptable proof of ownership. (3)

Response: The final-form regulation corrects this provision to require proof acceptable to the Department of the vehicle identification number (VIN) and to specify acceptable forms of proof.

4. **Comment:** § 51.35(b) addresses second and subsequent "violations." We note that Subsection (a) addresses first and subsequent "offenses." We request the Department explain the difference between a "violation" and an "offense." The title of § 51.35 refers to "violations." If there is no difference between "offense" and "violation," the term "violation" should be used consistently throughout § 51.35. (3)

Response: The final-form regulation uses the term "violation" consistently throughout § 51.35.

5. **Comment:** Under § 51.35(c), the Department may determine that suspensions imposed for multiple violations be served concurrently or consecutively. The final-form regulation should include the criteria the Department will use to determine whether suspensions will be served concurrently or consecutively. (3)

Response: In exercising its administrative discretion to determine whether a suspension will be concurrent or consecutive, the Department will consider the circumstances of the particular case. Specifying in these regulations the circumstances under which it will impose concurrent suspensions and those under which it will impose consecutive suspensions will unduly restrict the Department's ability to tailor the penalty to the violation. Therefore, the final-form regulation has not been changed in response to the comment.

6. **Comment:** § 51.35(f)(1) provides a three-day time frame after the effective date of a suspension or revocation for a dealer to return the registration certificate, registration plates and registration cards. Is this sufficient time to return the required material? (3)

Response: The Department believes that sufficient time to return the material is provided under this provision. The dealer will be given written notice of the effective date of a suspension or revocation prior to the effective date of the action. Therefore, the dealer will have

advance notice of the requirement to return the materials. The three-day period does not begin to run until after the effective date of the action.

7. **Comment:** § 51.35(f)(2) allows for “an acceleration of the application of sanctions” if a dealer fails to return the items listed in Subsection (f)(1). The phrase “acceleration of the application of sanctions” is vague. We request the Department clarify the meaning of this phrase. (3)

Response: This provision is clarified in the final-form regulation by specifying that a dealer who fails to return the items listed in (f)(1) is subject to an addition of three months to the suspension imposed under subsection (a) or the revocation imposed under subsection (d).

8. **Comment:** § 51.45 increases the fees for additional snowmobile and ATV dealer plates. We request the Department explain the basis for these fee increases. (3)

Response: Until this rulemaking, there has been no increase in the fees for additional dealer plates since the establishment of the original fees. The fees were originally established in 1973 for snowmobile plates and in 1986 for ATV plates. The substantial increase in the cost of labor, materials, and mailing in the 30 and 17 years, respectively, since the establishment of these fees justifies the increases now being made.

9. **Comment:** § 51.51 paragraph (1) requires snowmobile and ATV safety training to be conducted by instructors or organizations approved by the Department. The final-form regulation should clarify how a person would know if an instructor or organization was approved by the Department. Does the Department publish a list of approved instructors and organizations? What is the process for an instructor or organization to become approved by the Department? (3)

Response: The final-form regulation states that an application for approval as a safety training instructor and a list of approved instructors and organizations may be obtained from the Bureau of Forestry. The Department does not publish this list. Persons or organizations that wish to be approved by the Department to conduct training submit a completed application form to the Bureau of Forestry. The Bureau determines what additional training, if any, the applicant needs for approval as a safety trainer. Organizations that are approved to provide training will be required to enter into an agreement with the Department. The agreement will address course content requirements, instructor responsibilities, and record keeping and reporting requirements.

10. **Comment:** § 51.54(c) states that safety certificates from other states or provinces of Canada will be accepted if the Department deems the safety training programs of the other jurisdictions to be comparable to the Department's safety training program. How will the Department determine if an outside safety training program is comparable to its own safety training program? How would a person know if a safety certificate from another state or province of Canada is acceptable to the Department? (3)

Response: For snowmobiles, the Department honors safety certificates issued by states that have received approval of their training programs by the International Association of

Snowmobile Administrators (IASA). For ATVs, the Department honors safety certificates issued by the ATV Safety Institute (ASI) or by training programs that use the curriculum published by Outdoor Empire Publishing, Inc. If the training was neither an ASI nor an Outdoor Empire training, the Department will review the course materials to determine if the training was comparable to the Department's training program. The regulation does not refer to these specific organizations (IASA, ASI, Outdoor Empire) by name because the Department does not wish the effectiveness or validity of the regulation to be dependent on the permanence of these organizations. A person would know if a safety certificate from another state or province is acceptable to the Department by contacting the Bureau of Forestry.

11. **Comment:** § 51.72 prohibits carrying a passenger on an ATV that was not originally designed to carry a passenger. Similar language was deleted from HB 154, which became Act 68 amending the Snowmobile and ATV Law. Because this language was deleted from the legislation, the Department does not have the authority to add this language to these regulations. (3)

Carrying a passenger on an ATV that is designed for only one person is not necessarily a dangerous practice, but in those situations where an ATV is being operated dangerously, enforcement of § 7726 (relating to operation in a safe manner) of the Vehicle Code will sufficiently address the matter. (1)

Response: The Department has deleted § 51.72 in the final-form rulemaking. Because of its concern with visitor safety on its lands, the Department is considering other approaches to discourage unsafe riding practices, particularly double riding on ATVs. Posting on ATV trails may be one approach. Another may be to enforce § 7726 of the Vehicle Code, which prohibits operating a snowmobile or ATV in "any careless way so as to endanger the person or property of another." Whatever approach the Department ultimately adopts, it intends to take into account factors such as vehicle speed, terrain, surface conditions, and emergency situations (for example, rescues).

12. **Comment:** Under § 51.91(c), the phrase "alternate proof, acceptable to the Department" is vague. The final-form regulation should specify the forms of "alternate proof" which are acceptable. (3)

Response: The final-form regulation addresses this concern by specifying that acceptable proof includes certification by the SSCC or by a competent independent testing laboratory.

13. **Comment:** We support language in the proposed rulemaking that would prohibit ATVs and snowmobiles from being operated on railroad property, unless otherwise designated approved. (2)

Response: The regulation does not address this matter. However, it is addressed by § 7724(a) of the Vehicle Code (relating to operation on private or State Property), which prohibits operating snowmobiles and ATVs on private property without the consent of the owner.



Pennsylvania Department of Conservation and Natural Resources

Rachel Carson State Office Building, P.O. Box 8767, Harrisburg, PA 17105-8767
Office of the Secretary

July 9, 2003

Mr. Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

RE: 17 Pa. Code Chapter 51 (Snowmobile and ATV Registration and Operation)
Final Rulemaking – 7B-005

Dear Mr. Nyce:

Enclosed is a copy of the above final-form regulation (face sheet, preamble, Annex A showing changes from proposed regulation, comment/response document, regulatory analysis form) for review by the Commission pursuant to the Regulatory Review Act.

The Department will provide the Commission with any assistance it may require to facilitate the review of this final regulation. If you have any questions regarding this rulemaking, please contact Susan Wood, Assistant Counsel, Office of Chief Counsel, at 772-4171.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael DiBerardinis', is written over a light blue horizontal line.

Michael DiBerardinis
Secretary

Enclosure

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

I.D. NUMBER: 7B-005
 SUBJECT: Snowmobile & All-Terrain Vehicle Registration & Operation
 AGENCY: DEPARTMENT OF CONSERVATION & NATURAL RESOURCES

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
 2003 JUL -9 AM 10:12
 DEPARTMENT OF CONSERVATION
 REGULATORY REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
7/9	<i>Vicki Hoffman</i>	HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY <i>Admitted</i>
7/9	<i>Debra Hawk</i>	
7-9	<i>Bridget A. Castelli</i>	SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY <i>White</i>
7-9	<i>A. Rybczyk</i>	
7-9-03	<i>Debra Page</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU