

MERLE H. PHILLIPS
MAJORITY CAUCUS ADMINISTRATOR



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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Original: 2284

November 26, 2002

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

Re: Regulation #7B-5 (IRRC #2284)
Department of Conservation and Natural Resources
Snowmobile and All-Terrain Vehicle Registration and Operation

Dear Mr. Nyce:

We are writing to you as the sponsors of HB 154 (Act 68 of 2001) and the respective committee Chairmen with oversight of snowmobile and ATV operations in this Commonwealth. We have reviewed the proposed regulation as published on September 7, 2002 in the *Pennsylvania Bulletin*. We are concerned that DCNR is exceeding legislative intent with regard to the proposed amendment to Section 51.72 (17 Pa. Code).

The proposed language inserts language that is strikingly similar to language that the General Assembly deleted via amendment from the bill in the Senate following meetings with House and Senate staff and various interest groups. It is important to note that DCNR staff was also present at these meetings.

The meetings involved all aspects of the bill; however, the section in question was discussed at length and general consensus was reached among all parties that DCNR enforcement personnel and other law enforcement personnel had the power to prosecute persons under the statute as written in Section 7726 (a)(2), Pa. C.S. for unsafe riding.

The Senate Transportation Committee agreed to the amendment and the full Senate agreed to the amended bill 49-0. The House concurred by a 185-7 vote. The section that was removed in the Senate Transportation Committee on April 24, 2001 read:

(d) Unsafe carrying of passengers. --No person shall operate an ATV with a passenger unless the ATV is designed to carry a passenger. A person violating this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

We respectfully ask that your Commission reject the rulemaking as written and return it to DCNR with the recommendation that they comply with the intent of the House and Senate.

Thank you for your kind consideration in this matter.

Sincerely,



Hon. Merle H. Phillips
Sponsor of HB 154



Hon. Richard A. Geist, Majority Chair
House Transportation Committee



Hon. Art Hershey, Majority Chair
Environmental Resources & Energy



Hon. Keith McCall, Minority Chair
House Transportation Committee



Hon. Robert Godshall, Majority Chair
Tourism Recreational Development

MHP/mw

cc: Cosponsors of House Bill 154
Joe Graci