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**INDEPENDENT REGULATORY REVIEW COMMISSION  
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March 6, 2003

Edward J. Cernic, Jr., Chairperson  
State Board of Vehicle Manufacturers, Dealers and Salespersons  
116 Pine Street  
Harrisburg, PA 17105

Re: Regulation #16A-604 (IRRC #2311)  
State Board of Vehicle Manufacturers, Dealers and Salespersons  
Established Place of Business for Dealers

Dear Chairperson Cernic:

Enclosed are the Commission's Comments that include objections and recommendations for consideration when you prepare the final version of this regulation. These Comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The Comments will soon be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce  
Executive Director

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Enclosure

cc: Honorable Mario J. Civera, Jr., Majority Chairman, House Professional Licensure Committee  
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee  
Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Benjamin Ramos, Acting Secretary, Department of State

**Comments of the Independent Regulatory Review Commission**

**on**

**State Board of Vehicle Manufacturers, Dealers and Salespersons  
Regulation No. 16A-604**

**Established Place of Business for Dealers**

**March 6, 2003**

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The State Board of Vehicle Manufactures, Dealers and Salespersons (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**Section 19.18. Established place of business for dealers. – Protection of public safety; Clarity.**

Paragraph (3)(ii) states that a dealership may display up to five vehicles without regard for grading or surfacing requirements, “so long as customers are not permitted to be present in the nonconforming area.” The House Professional Licensure Committee questioned how the public will be kept out of the nonconforming display area when dealership personnel are not present or during non-business hours. We agree and question how public safety will be protected. In addition, will dealerships be held responsible for keeping the public out of “nonconforming areas”? The Board should add requirements to make areas inaccessible to the public or provide additional justification for this amendment when it submits the final-form regulation.