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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

July 15, 2004

Edwin K. Galbreath, Jr., Chairman
State Board of Vehicle Manufacturers, Dealers and Salespersons
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-607 (IRRC #2317)
State Board of Vehicle Manufacturers, Dealers and Salespersons
Consignment Sales

Dear Chairman Galbreath:

The Independent Regulatory Review Commission approved the subject regulation today. Our Order is enclosed and will be available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

Alvin C. Bush
Vice Chairman

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Enclosure

cc: 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 Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee
Honorable Pedro A. Cortes, Secretary, Department of State

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held July 15, 2004

John R. McGinley, Jr., Esq., Chairman, by Phone
Alvin C. Bush, Vice Chairman
Daniel F. Clark, Esq.
Arthur Coccodrilli
Murray Ufberg, Esq.

Regulation No. 16A-607
State Board of Vehicle Manufacturers,
Dealers and Salespersons
Consignment Sales

On November 14, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board). This rulemaking adds 49 Pa. Code § 19.18a. The proposed regulation was published in the December 14, 2002 Pennsylvania Bulletin with a 30-day public comment period. The Board resubmitted the proposed regulation on February 4, 2003, pursuant to Section 5(e) of the Regulatory Review Act, which was in effect at the time the regulation was proposed. The final-form regulation was submitted to the Commission on June 8, 2004.


This regulation implements Section 5(f)(3) of the Board of Vehicles Act (63 P.S. § 818.5(f)(3)) which allows licensed dealers to sell vehicles on consignment without possessing a vehicle auction license. The regulation also includes safeguards for buyers, sellers and dealers involved in a consignment sale.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. § 818.4(a)(9)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





Alvin C. Bush, Vice Chairman