



JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN
ALVIN C. BUSH, VICE CHAIRMAN
DANIEL F. CLARK, ESQ.
ARTHUR COCCODRILLI
MURRAY UFBERG, ESQ.
ROBERT E. NYCE, EXECUTIVE DIRECTOR
MARY S. WYATTE, CHIEF COUNSEL

**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
333 MARKET STREET
14TH FLOOR
HARRISBURG, PA 17101**

irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>
(717) 783-5417
Fax (717) 783-2664

May 13, 2004

Honorable Allen D. Biehler, P.E., Secretary
Department of Transportation
Keystone Building, 8th Floor
400 North Street
Harrisburg, PA 17120

Re: Regulation #18-374 (IRRC #2346)
Department of Transportation
Physical and Mental Criteria, Including Vision Standards Relating to the Licensing
of Drivers

Dear Secretary Biehler:

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

wbg

Enclosure

cc: Honorable Roger A. Madigan, Chairman, Senate Transportation Committee
Honorable J. Barry Stout, Minority Chairman, Senate Transportation Committee
Honorable Richard A. Geist, Majority Chairman, House Transportation Committee
Honorable Keith R. McCall, Democratic Chairman, House Transportation Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held May 13, 2004

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

Regulation No. 18-374
Department of Transportation
Physical and Mental Criteria, Including
Vision Standards Relating to the Licensing
of Drivers

On August 11, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 83. The proposed regulation was published in the August 23, 2003 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 7, 2004. On April 16, 2004, the Department simultaneously tolled and resubmitted the final-form regulation to correct a drafting error.

The regulation amends the criteria used by providers when conducting physical examinations of applicants for learners' permits and drivers' licenses. The amended criteria will also be used by providers to determine whether a person should be reported to the Department as having a disorder affecting the ability of the person to drive safely. The amended criteria reflect advances in the practice of medicine and medical research related to the ability of individuals with seizure disorders to drive safely and advances in ophthalmological research.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa. C.S.A. §§ 1512, 1517, 1518 and 6103) 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