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**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
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April 16, 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 Commission does not object to tolling the time for review of the above regulation.

Pursuant to Sections 5.1(g)(3) and (j.2) of the Act (71 P.S. §§ 745.5a(g)(3) and (j.2)), the Committees will have until May 12, 2004, to complete their review. The Commission will act on this regulation at its public meeting on May 13, 2004.

If you have any questions, please contact me at 783-5506 or bnyce@irrc.state.pa.us.

Sincerely,

Robert E. Nyce
Executive Director
wbg

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
Robert A. Mulle, Esq., Office of Attorney General
David J. DeVries, Esq., Office of General Counsel
Stephen F. J. Martin, Esq., Department of Transportation
Rebecca L. Bickley, Director, Bureau of Driver Licensing



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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:

In our review of this regulation, we noted a provision that could be corrected through the tolling process. We discussed this item with your staff today. We recommend that you consider tolling the review period to change two references to "physician" in Section 83.4(c) to "provider."

Section 83.4(c) sets forth reporting requirements for physicians who treat a person who has experienced a single seizure. On page five of the Preamble, the Department states that it amended Subsection (c) by changing the word "physician" to "provider." However, this change does not appear in the Annex. To be consistent with the Preamble, the Department should amend Subsection (c) as follows, "*Reporting requirements for ~~physicians~~ PROVIDERS. Every ~~physieian~~ PROVIDER who treats a person.....*"

If you choose to toll the review period, your agency must deliver written notice to the Senate Transportation Committee, House Transportation Committee and the Independent Regulatory Review Commission on the same day. The written notice must be delivered before either Committee takes action on the regulation, or before the end of the Committees' review period on May 12, 2004, whichever occurs first.

As required by Section 307.5 of our regulations, written notice must include:

1. A citation to the section(s) the Department is considering revising,
2. A description of the revisions the agency is considering, and
3. An explanation of how the revisions will satisfy the concerns listed above.

Secretary Allen D. Biehler
April 15, 2004
Page 2

If your written notice includes revisions that are beyond the scope of our recommendations, the Commission may object to tolling the review period. We are required to notify you and the Committees within two business days after receipt of your tolling notice if we object. If the Commission objects to your tolling notice, the review period will not be tolled and your regulation will be considered by the Commission at our public meeting on May 13, 2004. If the Commission does not object, the review period is tolled for up to 30 days beginning with receipt of your letter and ending on the day you resubmit the regulation.

Please call me at 783-5506, if you have any questions.

Sincerely,



Robert E. Nyce
Executive Director
sfh

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
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