

# Regulatory Analysis Form

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IRREGULATORY  
REVIEW COMMISSION

(1) Agency

Department of State, Bureau of Professional and  
Occupational Affairs, State Board of Vehicle Manufacturers,  
Dealers and Salespersons

(2) I.D. Number (Governor's Office Use)

16A-606

IRRC Number: 2360

(3) Short Title

Emergency Vehicles

(4) PA Code Cite

49 Pa. Code, § 19.18

(5) Agency Contacts & Telephone Numbers

Primary Contact: Thomas A. Blackburn, Counsel

State Board of Vehicle Manufacturers, Dealers and  
Salespersons (717) 783-7200

Secondary Contact: Joyce McKeever, Deputy Chief  
Counsel, Department of State (717) 783-7200

(6) Type of Rulemaking (check one)

☒ Proposed Rulemaking  
☐ Final Order Adopting Regulation  
☐ Policy Statement

(7) Is a 120-Day Emergency Certification  
Attached?

☒ No  
Yes: By the Attorney General  
Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The proposed regulation would exempt licensed vehicle dealers who sell only new firefighting or emergency service vehicles from the requirement that the dealership display area be large enough to display at least five vehicles of the type that are bought, sold or exchanged by the dealership.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The regulation is authorized by section 4(a)(9) of the Board of Vehicles Act, Act of December 22, 1983 (P.L. 306), as amended, 63 P.S. § 818.4(a)(9).

### Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

**No, the regulation is not mandated by any federal or state law, court order or federal regulation.**

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

**The proposed amendment relieves vehicle dealers who sell only new firefighting or emergency service vehicles from having a large, unused display area.**

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

**There are no public health, safety, environmental or general welfare risks associated with nonregulation.**

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

**Vehicle dealers who sell only new firefighting or emergency service vehicles will benefit. The general public will benefit because large display areas can be used for other purposes to serve the motoring public.**

### Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

**The Board anticipates that nobody will be adversely affected by the regulation.**

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

**The proposed amendment does not mandate additional requirements on licensed vehicle dealers. Dealers selling only new firefighting or emergency services vehicles may choose to reduce the size of their display area as a result of this amendment.**

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

**The Board sent the draft regulation to vehicle dealer organizations. The Pennsylvania Automotive Association stated that it did not oppose the proposed regulation.**

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

**Vehicle dealers who sell only new firefighting or emergency services vehicles may realize substantial savings, depending on their geographic location, by being allowed to maintain a smaller display area.**

### Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

**There are no costs or savings anticipated to local governments.**

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

**There are no costs or savings anticipated to the state government.**

### Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community	unknown	unknown	unknown	unknown	unknown	unknown
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	unknown	unknown	unknown	unknown	unknown	unknown
<b>COSTS:</b>						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Costs	0	0	0	0	0	0
<b>REVENUE LOSSES:</b>						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

(20a) Explain how the cost estimates listed above were derived.

**There are no costs associated with this proposed rulemaking.**

### Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Board expenditures	\$1,069,418.64	\$1,191,000.00	(projected) \$1,272,000.00	(projected) \$1,379,000.00

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

**There are no costs associated with the regulation. However, there are benefits to dealers and the general public.**

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

**Because the minimum size requirement for a display lot is already part of the Board's regulations, no non-regulatory alternatives were considered.**

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

**No alternative regulatory schemes were considered.**

### Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

**There are no applicable federal standards.**

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

**None of the surrounding states have regulations specifically exempting dealers who sell only new firefighting or emergency service vehicles from a minimum display area requirement. The regulation will not put Pennsylvania dealers at a competitive disadvantage.**

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

**The proposed regulation does not affect any existing or proposed regulations of the Board or other state agencies.**

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

**The Board meets monthly. The meeting dates for 2003 are January 16-17, February 13-14, March 13-14, April 10-11, May 15-16, June 12-13, July 10-11, August 7-8, September 11-12, October 9-10, November 13-14, and December 11-12. Although no formal informational meetings or public hearings are scheduled, the Board will entertain public comments by appointment at its Board meetings.**

### Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

**The proposed regulation will not change existing reporting, record keeping or other paperwork requirements.**

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

**The Board has identified no affected groups with particular needs.**

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

**The regulation will be come effective upon final publication in the Pennsylvania Bulletin.**

(31) Provide the schedule for continual review of the regulation.

**The Board continuously monitors its regulations. 2003 meeting dates are as follows: January 16-17, February 13-14, March 13-14, April 10-11, May 15-16, June 12-13, July 10-11, August 7-8, September 11-12, October 9-10, November 13-14, and December 11-12.**



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FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

#2360

DO NOT WRITE IN THIS SPACE

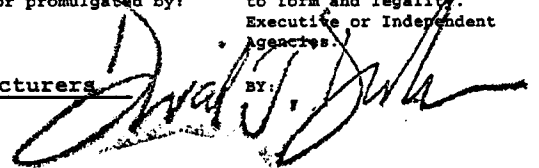
Copy below is hereby approved as to  
form and legality. Attorney General

Copy below is hereby certified to be a true and correct  
copy of a document issued, prescribed or promulgated by:

Copy below is approved as  
to form and legality.  
Executive or Independent  
Agency.

  
BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

State Board of Vehicle Manufacturers  
Dealers and Salespersons  
(AGENCY)

  
BY: \_\_\_\_\_

JUL 28 2003

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-606

DATE OF ADOPTION: \_\_\_\_\_

BY:   
Edward J. Cernic, Jr.

7/9/03

DATE OF APPROVAL

Executive  
(Deputy General Counsel  
(~~Chief Counsel~~  
~~Independent Agency~~  
(Strike inapplicable  
title)

TITLE: Chairperson  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[ ] Check if applicable  
Copy not approved.  
Objections attached.

[ ] Check if  
applicable. No Attorney  
General approval or  
objection within 30 day  
after submission.

PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS  
49 Pa. Code, Chapter 19  
EMERGENCY VEHICLES

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) proposes to amend its regulations at 49 Pa. Code § 19.18(3)(i), to create an exception to the size of the display area required of a vehicle dealer who sells only new firefighting equipment or other emergency service vehicles, as set forth in Annex A.

#### **Effective Date**

The amendments will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

#### **Statutory Authority**

The amendments are authorized under Section 4(a)(9) of the Board of Vehicles Act (Act), Act of December 22, 1983 (P.L. 306), as amended, 63 P.S. § 818.4(a)(9).

#### **Background and Need for the Amendment**

The Board's current regulations require all vehicle dealers to maintain a display lot large enough to display five vehicles of the type the dealer normally sells. Vehicle dealers who sell only new firefighting and emergency service vehicles contacted the Board to explain that these vehicles are sold only on special order, are built to specification by the manufacturer, and are delivered by the manufacturer directly to the customer. The Board concluded that the current display area size requirement in §19.18(3)(i) creates a hardship to these dealers because of the large square footage required to display five of these vehicles, which are not usually displayed at the dealerships. In addition, the regulation is not necessary to protect the public. Therefore, the Board proposes to exempt licensed vehicle dealers who sell only new firefighting or other emergency service vehicles from the minimum display area requirements in §19.18(3)(i).

#### **Description of Proposed Amendments**

The proposed amendment would exempt licensed vehicle dealers who sell only new firefighting or emergency service vehicles from the requirement that their established place of business include a display area large enough to display at least five of these types of vehicles.

#### **Compliance with Executive Order 1996-1**

The Board sent this proposed amendment to dealer organizations as required under the directives of Executive Order 1996-1. Only one organization submitted a comment to the draft regulation. The Pennsylvania Automotive Association, representing the state's new car and heavy-duty truck dealers, did not object to the proposed exemption for dealers who sell only firefighting or emergency service vehicles. In addition, the Board considered the impact the regulation would have on the regulated community and on public safety and welfare. The Board

finds that the proposed amendment is in the public interest and otherwise complies with Executive Order 1996-1.

#### **Fiscal Impact and Paperwork Requirements**

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### **Sunset Date**

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### **Regulatory Review**

Pursuant to section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of this proposed regulation on September 9, 2003, to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC), and the House Professional Licensure Committee (HPLC). In addition to submitting the proposed rulemaking, the Board has provided IRRC, SCP/PLC, and HPLC with a copy of a detailed Regulatory Analysis Form prepared by the Board. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), if IRRC has comments, recommendations or objections to any portion of the proposed rulemaking, it will notify the Board within 30 days of the close of the comment period. The notification will specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of comments, recommendations and objections by the Board, the General Assembly, and the Governor prior to publication of the regulations.

#### **Public Comment**

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rulemaking to Teresa Woodall, Administrative Assistant, State Board of Vehicle Manufacturers, Dealers and Salespersons, P.O. Box 2649, Harrisburg, PA 17105-2649, [vehicle@pados.state.pa.us](mailto:vehicle@pados.state.pa.us), within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Edward J. Cernic, Jr., Chairperson  
State Board of Vehicle Manufacturers,  
Dealers and Salespersons

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. Professional and Occupational Affairs**

**CHAPTER 19. STATE BOARD OF VEHICLE**

**MANUFACTURERS, DEALERS AND SALESPERSONS**

\* \* \*

**DEALERSHIP LICENSE**

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**§ 19.18. Established place of business for dealers.**

A licensed dealer shall maintain an established place of business that meets the following criteria:

\* \* \*

(3) *Display area.* The dealership shall have a display area – whether indoors, outdoors or partly indoors and partly outdoors – where the public is permitted and invited in the regular course of business to inspect or test drive the vehicles that are being offered for sale, purchase or exchange by the dealership. The display area may not include areas of the dealership premises on which are placed vehicles that are wrecked or damaged, that are awaiting reconditioning or preparation for sale, purchase or exchange, that are being serviced or repaired, that are part of general inventory, or that are otherwise not being offered for sale, purchase or exchange to the public. The display area shall meet the following requirements:

(i) *Size.* The display area of a dealership that buys, sells or exchanges vehicles shall be large enough for the display of at least five vehicles – with the doors open – of the kind that are bought, sold or exchanged by the dealership. The display area of a dealership that buys, sells or exchanges recreational vehicles, manufactured housing and mobile homes shall have a display area of at least 5,000 square feet, unless exempted by section 5(e)(3) or (4) of the act. (63 P.S. § 815.5(e)(3) – (4)). The minimum size display area requirements of this paragraph shall not apply to a licensed vehicle dealer that sells only new firefighting or emergency service vehicles.

\* \* \*



**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS  
AND SALESPERSONS**

Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-1697

September 9, 2003

The Honorable John R. McGinley, Jr., Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation  
State Board of Vehicle Manufacturers, Dealers and Salespersons  
16A-606: Emergency Vehicles

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Vehicle Manufacturers, Dealers and Salespersons pertaining to emergency vehicles.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

Edward J. Cernic, Jr., Chairperson  
State Board of Vehicle Manufacturers, Dealers  
and Salespersons

EJC/TAB/kp

Enclosure

c: Andrew Sislo, Chief Counsel  
Department of State  
Scott J. Messing, Deputy Commissioner  
Bureau of Professional and Occupational Affairs  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia Montgomery, Regulatory Counsel  
Department of State  
Herbert Abramson, Senior Counsel in Charge  
Department of State  
Thomas A. Blackburn, Counsel  
State Board of Vehicle Manufacturers, Dealers and Salespersons  
State Board of Vehicle Manufacturers, Dealers and Salespersons

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-606  
SUBJECT: Emergency Vehicles  
AGENCY: DEPARTMENT OF STATE

**TYPE OF REGULATION**

☒ Proposed Regulation

Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions

b.

Without Revisions

INDEPENDENT REGULATORY  
REVIEW COMMISSION

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**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
9/9/03	<i>Sandra J. Harper</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
9-9-03	<i>[Signature]</i>	
		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
9-9-03	<i>Elena Page</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
9/9/03	<i>[Signature]</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)

July 29, 2003