

Regulatory Analysis Form		This space for use by IRRC
(1) Agency Transportation		RECEIVED 2004 SEP -8 PM 2:36
(2) I.D. Number (Governor's Office Use) # 18-396		REVIEW COMMISSION IRRC Number: 2432
(3) Short Title Proportional Registration of Fleet Vehicles		
(4) PA Code Cite 67 Pa. Code, Chapter 63	(5) Agency Contacts & Telephone Numbers Primary Contact: Joseph Centurione — (717) 787-2304 Secondary Contact: Craig Johnson — (717) 787-3977	
(6) Type of Rulemaking (Check One) <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted		(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor
(8) Briefly explain the regulation in clear and nontechnical language. The purpose of this chapter is to establish rules and procedures to implement bilateral agreements and the International Registration Plan entered into with other jurisdictions for the registration of fleets of vehicles on an apportioned basis as authorized by 75 Pa. C.S. §§ 6142 and 6145 (relating to reciprocity agreements, arrangements and declarations authorized; and proportional registration of fleet vehicles). The purpose of this rulemaking is to extend the terms of the temporary permits issued under this chapter and to update the chapter with the current fees for registration and titling listed in Chapter 19 of the Vehicle Code, 75 Pa. C.S. § 1900 <i>et seq.</i>		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. The statutory authority for this regulation is contained in Sections 7501, 7502, 7503, 7504, 7505, 7506, and 6103 of the Vehicle Code, 75 Pa. C.S. §§ 7501, 7502, 7503, 7504, 7505, 7506, and 6103).		

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.

The amendments to this regulation are not mandated by 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 amendments to the regulation are needed to improve customer service in the titling and registration of fleet vehicles. The 30 day term of temporary registration has proved to be too short, requiring subsequent application for extension of the term and unnecessary return of fleet vehicles to the Commonwealth to obtain additional temporary registration. Extension of the term to 60 days is also consistent with the International Registration Plan.

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

There are no significant public health, safety or environmental risks associated with non-regulation, except the risk to the general welfare from vehicles potentially operating with expired temporary registrations.

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

Fleet vehicle owners subject to this chapter will benefit by no longer incurring additional fees for additional extension of temporary registrations. Fleet owners and the Department will benefit from reduced employee hours processing additional extensions.

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

There should be no quantifiable adverse effect from this regulation on any individuals or groups.

(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.)

Fleet vehicle owners and the 188 agents/contractor locations throughout the Commonwealth authorized to issue temporary registrations will be required to comply with this regulation.

Regulatory Analysis Form

(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 Department meets bi-annually with the regulated temporary authorization agent community and solicits concerns about many issues including the temporary registration process. The Department also surveys registrants throughout the year to identify concerns. In 2003, a Department consultant conducted an analysis of the apportioned registration system and processes which included surveys and interviews of both agents and customers.

(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.

The aggregate costs and savings to the regulated community cannot be estimated with any precision. The fee remitted to the Department for an extension of a temporary authorization is \$2.00, but temporary authorization agents may add processing fees of \$30.00 or more. Individual fleet owners may thus save significant amounts in no longer having to obtain time extensions. Conversely, this revenue source for the temporary authorizations agents will diminish.

(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 quantifiable costs or savings to local governments associated with compliance with the amendments to this regulation.

(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 quantifiable costs or savings to state government associated with the implementation of the amendments to this regulation. Some employee-hour and paperwork savings are anticipated in the reduction of the number of extension of temporary registrations requested and processed, but this savings cannot be precisely calculated.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and cost 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
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	None	None	None	None	None	None
Local Government	None	None	None	None	None	None
State Government	None	None	None	None	None	None
Total Savings	None	None	None	None	None	None
COSTS:						
Regulated Community	None	None	None	None	None	None
Local Government	None	None	None	None	None	None
State Government	None	None	None	None	None	None
Total Costs	None	None	None	None	None	None
REVENUE LOSSES:						
Regulated Community	None	None	None	None	None	None
Local Government	None	None	None	None	None	None
State Government	None	None	None	None	None	None
Total Revenue Losses	None	None	None	None	None	None

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

N/A

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

Program	FY-3	FY-2	FY-1	Current FY
Appropriation 183	\$ 106,182,000	\$ 119,141,000	\$ 118,000,000	\$130,529,000

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 federal standards relative to the issuance of temporary vehicle registrations.

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

The process and term of temporary registration varies among the states. The extension of the temporary registration term from 30 to 60 days does not put Pennsylvania at a competitive disadvantage vis-à-vis other states.

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

This regulation will not affect other existing or proposed regulations of the Department or any other Commonwealth agency.

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

No public hearings or information meetings are scheduled at this time. The proposed rulemaking will be published in the *Pennsylvania Bulletin* and public comment will be invited. In addition, through the final rulemaking process, the rulemaking will be subject to consideration at public meeting by the Independent Regulatory Review Commission.

(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.

These amendments to the 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.

No special provisions to meet the particular needs of affected groups have been identified and, therefore, none have been developed.

Regulatory Analysis Form

(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?

This regulation will become effective upon publication in final form in the *Pennsylvania Bulletin*.

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

The Department will continue to review this regulation and discuss its application with the regulated community in meetings held several times through the year.

<p>FACE SHEET FOR FILING DOCUMENTS WITH THE LEGISLATIVE REFERENCE BUREAU</p> <p>(Pursuant to Commonwealth Documents Law)</p>	<p>2004 SEP -8 PM 2:36 REVIEW COMMISSION</p> <p>A 2432</p> <p>DO NOT WRITE IN THIS SPACE</p>
---	---

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p><i>[Signature]</i></p> <p>By: _____</p> <p>(Deputy Attorney General)</p> <p>SEP 02 2004</p> <p>Date of Approval _____</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy of below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:</p> <p style="text-align: center;"><u>Department of Transportation</u></p> <p>DOCUMENT/FISCAL NOTE NO.18396</p> <p>DATE OF ADOPTION _____</p> <p>BY <i>[Signature]</i> Secretary of Transportation</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p><i>[Signature]</i></p> <p>Date of Approval <u>8.18.04</u></p> <p>(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike Inapplicable Title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General Approval or objection within 30 days after submission.</p>
---	---	---

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article III. Registration

Chapter 63. Proportional Registration of Fleet Vehicles

Proposed Rulemaking

67 TRANSPORTATION

Part I. DEPARTMENT OF TRANSPORTATION

Subpart A. Vehicle Code Provisions

Article III. Registration

Chapter 63

Proportional Registration of Fleet Vehicles

Bureau of Motor Vehicles

Notice of Proposed Rulemaking

Preamble

The Department of Transportation, Bureau of Motor Vehicles (Bureau), pursuant to the authority contained in Sections 7501, 7502, 7503, 7504, 7505, 7506, and 6103 of the Vehicle Code, Act of June 17, 1976, P.L.162, No. 81, *as amended* (75 Pa. C.S. §§ 7501, 7502, 7503, 7504, 7505, 7506, and 6103), proposes to amend title 67 of the Department of Transportation regulations by amending Chapter 63, Proportional Registration of Fleet Vehicles, as set forth in Annex A of this Notice.

Purpose of this Chapter

The purpose of this chapter is to establish rules and procedures to implement bilateral agreements and the International Registration Plan entered into with other jurisdictions for the registration of fleets of vehicles on an apportioned basis as authorized by sections 6142 and 6145 of the Vehicle Code, 75 Pa. C.S. §§ 6142 and 6145 (relating to reciprocity agreements, arrangements and declarations authorized; and proportional registration of fleet vehicles).

Purpose of This Regulation

The purpose of these proposed amendments is to extend the term of the temporary permit(s) under this chapter, and to update the chapter with the current fees for registration and titling listed in Chapter 19 of the Pennsylvania Vehicle Code.

Summary of Significant Provisions

In § 63.51(a) the general rule has been amended to increase the duration of temporary authorization certificates from 30 to 60 days for a Commonwealth-based vehicle while an application for a change in fleet registration is being processed by the Bureau. The change is also reflected in the definition in § 63.4. The 60-day temporary registration affords a more reasonable period to operate a proportioned vehicle without the inconvenience of applying for a second or third temporary authorization certificate.

In § 63.52(d), the effective time period for a telegram of authority has been amended to increase the duration of the temporary registration from 30 to 60 days for a Commonwealth-based vehicle while an application for a change in fleet registration is being processed by the Bureau. The change is also reflected in the definition in § 63.4. The 60-day temporary registration affords a more reasonable period to operate a proportioned vehicle without the inconvenience of applying for a second or third temporary authorization certificate.

In §§ 63.116, 63.117, 63.118 and 63.122 the fees have been reset to be consistent with fees set in Chapter 19 of the Vehicle Code.

Persons and Entities Affected

Extension of the temporary registration period from 30 to 60 days potentially may affect approximately 15,000 apportioned carriers. The additional time will have a positive effect in allowing the Bureau to complete the title and registration work in a more reasonable period. It eliminates the need for carriers to request additional temporary registration because the application has not been processed.

Fiscal Impact

These regulations will not require any additional expenditure by the Bureau or the temporary issuing agents. Apportioned carriers may realize a cost savings by not having to request additional temporary registration.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, the Act of June 25, 1982 (P.L. 633, No. 181), *as amended*, 71 P.S. § 745.5(a), the agency submitted a copy of these proposed regulations, on September 8, 2004 to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Transportation Committees. In addition to submitting the regulations, the agency has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the

regulatory review criteria that have not been met. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the Department, the General Assembly and the Governor of comments recommendation, or objections.

Sunset Date

The Department of Transportation is not establishing a sunset date for these regulations, as these regulations are needed to administer provisions of the Vehicle Code (75 Pa. C.S. § 101, *et seq.*). The Department of Transportation, however, will continue to closely monitor these regulations for their effectiveness.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Kurt Myers, Director, Bureau of Motor Vehicles, 1101 S. Front St., Harrisburg, PA 17104, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

Contact Person

The contact person for this proposed rulemaking is Joseph Centurione, Manager, Customer Service Division, Bureau of Motor Vehicles, 1101 S. Front Street, Harrisburg, PA 17104, telephone number: (717) 787-2304.

Allen D. Biehler, P.E.

Secretary of Transportation

Annex A

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article III. Registration

Chapter 63. Proportional Registration of Fleet Vehicles

* * * * *

§ 63.4. Definitions.

The following words and terms, when used in this chapter have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Telegram of authority—a temporary registration transmitted by a wire service authorizing the operation of a Commonwealth-based vehicle for [30] 60 days while application for a change in fleet registration is being processed by the Bureau.

Temporary authorization certificate—a temporary registration authorizing the operation of a Commonwealth-based vehicle for [30] 60 days while application for a change in fleet registration is being processed by the Bureau.

* * * * *

§ 63.51. Pennsylvania temporary authorization certificates.

(a) *General rule.* Temporary authorization certificates may be obtained from the Commercial Registration Section in bulk, by registrants with five or more apportionable vehicles, for use on

an additional vehicle or when it is necessary to increase a vehicle's registered weight. The registrant's fees on its original apportioned registration application shall be paid prior to approval of the request for temporary authorization certificates. Temporary authorization certificates are not transferable and may not be used by another carrier. A temporary authorization certificate is valid for [30] 60 days for the date of its first use. A temporary authorization certificate may not be used in conjunction with 75 Pa. C.S. § 1311(c) (relating to registration card to be signed and exhibited on demand) to avoid prosecution under 75 Pa. C.S. § 1301 (relating to registration and certificate of title required).

* * * * *

§ 63.52. Telegrams of authority.

* * * * *

(d) *Effect of telegram.* A telegram of authority issued by the Department is valid for [30] 60 days. An extension of a telegram of authority may be granted if, in the judgment of the Department, the supplemental application for proportional registration was submitted and fees were paid on a timely basis but there was insufficient time to process the application and forward the credentials to the carrier.

* * * * *

§ 63.116. Cab cards.

The fee for a cab card issued in connection with the filing of an application requiring no Pennsylvania registration fees, is [~~\$3~~] \$4.50.

§ 63.117. Duplicate cab cards.

The fee for each duplicate cab card shall be [~~\$1~~] \$1.50 when ordered at the time of vehicle registration or transfer, or renewal of registration. The fee for each duplicate cab card ordered at any other time shall be [~~\$3~~] \$4.50.

§ 63.118. Transfer of registration.

The fee for transfer of registration from a vehicle within an apportioned fleet to another vehicle within the same fleet or another apportioned fleet of the same carrier is [~~\$4~~] \$6.00.

* * * * *

§ 63.122. Non-titled fleet registration.

The fee for establishing a registration record for an apportioned vehicle not titled in this Commonwealth is [~~\$15~~] \$22.50.

* * * * *

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

www.dot.state.pa.us
Office of Chief Counsel
P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212



(717) 787-6485

September 8, 2004

Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor Harrisstown 2
333 Market Street
Harrisburg, PA 17101

**Re: Proposed Rulemaking
Regulation # 18-396, 67 Pa. Code, Chapter 63 —Proportional
Registration of Fleet Vehicles**

Dear Mr. Nyce:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form for Amendments to 67 Pa. Code, Chapter 63, Proportional Registration of Fleet Vehicles, which the Department of Transportation intends to adopt in accordance with the provisions of the Commonwealth Documents Law, Act of July 31, 1968, P.L. 769, 45 P.S. § 1201 *et seq.*, and the Regulatory Review Act, 71 P.S § 745.1 *et seq.*

Copies of these materials were also delivered today to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees, as well as to the Legislative Reference Bureau for publication in the September 18, 2004 issue of the *Pennsylvania Bulletin*.

The Department of Transportation will provide you with any assistance you require to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen F. J. Martin". The signature is stylized and somewhat cursive.

Stephen F. J. Martin
Regulatory Counsel

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

I.D. NUMBER: #18-396

SUBJECT: 67 Pa. Code Chapter 63 — Proportional Registration
of Fleet Vehicles

AGENCY: Department of Transportation

RECEIVED
 2004 SEP -8 PM 2:36
 DEPARTMENT OF TRANSPORTATION

TYPE OF REGULATION

- X 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

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
<u>9/8</u>	<u><i>Victor Swartz</i></u> for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION
<u>9/8</u>	<u><i>Marilyn Suter</i></u> for Minority Chair	
<u>9/8</u>	<u><i>Patricia E. Colroy</i></u> for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION
<u>9/8</u>	<u><i>Mildred</i></u> for Minority Chair	
<u>9/8/04</u>	<u><i>J. Belmont</i></u>	INDEPENDENT REGULATORY REVIEW COMMISSION
<u>9/8</u>	<u><i>C. Lee Brown</i></u>	LEGISLATIVE REFERENCE BUREAU

Date: September 8, 2004