

Regulatory Analysis Form		This space for use by IRRC RECEIVED 2004 SEP -8 PM 2:35 REVIEW COMMISSION	
(1) Agency Transportation		IRRC Number: 2433	
(2) I.D. Number (Governor's Office Use) # 18-397			
(3) Short Title Occupational Limited License			
(4) PA Code Cite 67 Pa. Code, Chapter 86		(5) Agency Contacts & Telephone Numbers Primary Contact: Rebecca L. Bickley (717) 787-4701 Secondary Contact: Anne P. Titler (717) 783-4737	
(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 rulemaking is to delineate when the Department will require additional information or additional evidence to verify the information contained in a petition for an occupational limited license (OLL). This chapter also provides that the Department may conduct an investigation to verify the information contained in the petition and itemizes the information that is required to be on the Occupational Limited License Affidavit.			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. The statutory authority for these regulations is in Sections 1553 and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, as amended (75 Pa C.S. §§ 1553 and 6103).			
(10) Is the regulation mandated by any federal or state law or court order, or federal regulations? If yes, cite the specific law, case or regulation, and any deadlines for action.			

The rulemaking is mandated by Section 20 of the Act of September 30, 2003, P.L. _____, No. 24.

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

This rulemaking balances the interest of the public in the enforcement of the laws governing the suspension of the operating privilege with the interest of individuals suspended who are without other means to earn a livelihood or travel to necessary medical appointments or educational classes. The rulemaking also clarifies what additional information may be needed to verify the need for the issuance of the OLL and clarifies the information to be included in the OLL Affidavit.

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

Non regulation leaves ambiguity in the application and enforcement of the provisions of the Vehicle Code relating to the issuance of an occupational limited license.

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

Persons eligible for an OLL will benefit from the clarification in the rulemaking of policy. The precise number of individuals who will benefit cannot be determined.

(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.)

There should be no adverse impact on any individuals from this rulemaking.

(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.)

It is not known precisely how many individuals will apply for an OLL and will be expected to comply with this rulemaking. The number should increase since a change in the law now allows more people to obtain an OLL than previously.

(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.

This rulemaking is required by law and reflects the direction of the General Assembly provided in

that law.

(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 costs and/or savings to the regulated community resulting from this rulemaking are marginal and cannot be calculated with any precision.

(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 should be no costs and/or savings to local governments resulting from this rulemaking.

(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 should be no costs and/or savings to state government resulting from this rulemaking.

(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 + 1 Year	FY + 3 Year	FY + 4 Year	FY + 5 Year
SAVINGS:	\$ N/A	\$	\$	\$	\$	\$
Regulated Community:	N/A					
Local Government:	N/A					
State Government:	N/A					
Total Savings	N/A					
COSTS:	N/A					
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Costs	N/A					

REVENUE LOSSES:	N/A					
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Revenue Losses	N/A					

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

(20b) Provide the 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	\$118,299,000	130,529,000

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

N/A

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

There were no nonregulatory alternatives considered. The rulemaking is required by the terms of statutory enactment.

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

No alternative regulatory schemes were considered. Pursuant to the terms of the enabling legislation, this rulemaking was preceded with a statement of policy initially establishing the

provisions now promulgated as regulations.

(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 governing Occupational Limited Licenses.

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

This rulemaking will not put Pennsylvania at a competitive disadvantage vis a 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 rulemaking will not affect other Department regulations or the regulations of any other Commonwealth agency.

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

No public hearings on this rulemaking are scheduled at this time. Should public comment on the proposed regulation warrant, public hearings may be held.

(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 rulemaking 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.

This rulemaking contains no special provisions.

(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 rulemaking will become effective upon approval in final form by the Independent Regulatory Review Commission, the House and Senate Transportation Committees, and the Office of Attorney General and publication in the *Pennsylvania Bulletin*.

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

The Department will review the effectiveness of this rulemaking periodically as data on the OLL program is collected.

<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</p> <p>REVIEW COMMISSION</p> <p><i>*2433</i></p> <p>DO NOT WRITE IN THIS SPACE</p>
<p>Copy below is hereby approved as to form and legality. <i>[Signature]</i> Attorney General</p> <p>By: _____ (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;">Department of Transportation</p> <p>DOCUMENT/FISCAL NOTE NO.18397</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>BY <i>[Signature]</i></p> <p>Date of Approval <u>B.4.04</u> EXECUTIVE (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 IV. Licensing
Chapter 86. Occupational Limited License
Proposed Rulemaking

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 86 — OCCUPATIONAL LIMITED LICENSE

Notice of Proposed Rulemaking

Preamble

The Department of Transportation, pursuant to the authority contained in Sections 1553 and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa. C.S. §§ 1553 and 6103), proposes to amend Title 67 of the Department of Transportation regulations by establishing Chapter 86, Occupational Limited License, as set forth in Annex A to this Notice.

Purpose of this Chapter

The purpose of this chapter is to provide guidance regarding when the Department will require additional information or additional evidence to verify the information contained in a petition for an occupational limited license (OLL). This chapter also provides that the Department may conduct an investigation to verify the information contained in the petition and itemizes the information that is required to be on the Occupational Limited License Affidavit.

Persons and Entities Affected

This rulemaking will affect drivers petitioning for the issuance of an occupational limited license under Section 1553 of the Vehicle Code, 75 Pa. C.S. § 1553.

Fiscal Impact

These regulations will not require the expenditure of any significant additional funds by the Commonwealth. Marginal cost to Commonwealth would result if the Department conducts further investigation regarding the information on an applicant's petition under § 86.102. Marginal cost to members of the regulated community may result if the Department requires an applicant to submit additional information to support the petition for an occupational limited license.

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, recommendations, or objections.

Sunset Date

The Department of Transportation is not establishing a sunset for these regulations, since the regulations are needed to administer provisions required by 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 Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Rebecca L. Bickley, Director, Bureau of Driver Licensing, 4th floor, Riverfront Office Center, 1101 S. Front Street, Harrisburg, Pennsylvania 17104, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

Contact Person

The contact person for this regulation is Anne P. Titler, Acting Manager, Driver Safety Division, Bureau of Driver Licensing, 4th Floor, Riverfront Office Center, 1101 S. Front Street, Harrisburg, Pennsylvania 17104, telephone number: (717) 783-4737.

Allen D. Biehler,
Secretary of Transportation

ANNEX A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 86. OCCUPATIONAL LIMITED LICENSE

Proposed Rulemaking

§ 86.1 [Additional Information.] (Reserved).

§ 86.2 [Investigation.] (Reserved).

§ 86.3 [Occupational Limited License Affidavit.] (Reserved).

§ 86.101 Additional Information.

(a) The Department may require the submission of additional information or evidence if it is determined that the information provided in a petition for an occupational limited license submitted under 75 Pa. C.S. § 1553(b) is ambiguous, incomplete, or of questionable veracity.

(b) Additional information or evidence required may include:

(1) Written statements from appropriate individuals verifying employment, study, or medical appointments or treatment.

(2) Proof of vehicle ownership.

(3) Proof of insurance

(4) A schedule of driving time anticipated under the occupational limited license.

(5) A description or radius of the territory anticipated to be driven under the occupational limited license.

§ 86.102 Investigation.

The Department may conduct its own investigation to verify the information contained in the petition for an occupational limited license or additional information or evidence submitted in accordance with this Chapter. Investigation may include contacting employers, school administrators, medical providers, or other appropriate individuals.

§ 86.103 Occupational Limited License Affidavit.

The Occupational Limited License Affidavit required, under 75 Pa. C.S. § 1553(f)(5), to be to be carried by a driver who has been issued an occupational limited license shall include:

- (1) The name, address, date of birth, and driver license number of the petitioner.
- (2) The year, make, model, license plate number, and state of registration of every vehicle that will be driven by the petitioner.
- (3) The insurance company name, policy number, effective date, and expiration date of each insurance policy on every vehicle listed as being driven by the petitioner.
- (4) The place of employment, study, or medical treatment or appointment for which the occupational limited licenses is needed.
- (5) The hours of operation necessary for travel to the employment, study, or medical treatment or appointment.

(6) The name, signature, and position of the employer, school administrator, or medical provider attesting that the information provided on the form is true and correct.

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
14th Floor Harrisstown 2
333 Market Street
Harrisburg, PA 17101

**Re: Proposed Rulemaking
Regulation # 18-397, 67 Pa. Code Chapter 86 —
Occupational Limited License**

Dear Mr. Nyce:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form for a new regulatory chapter which the Department of Transportation intends to adopt following proposed rulemaking in accordance with the provisions of Section 204 of the Commonwealth Documents Law, Act of July 31, 1968, P.L. 769, 45 P.S. § 1204.

Copies of these materials were also delivered today to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees and to the Legislative Reference Bureau for publication in 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 "S. F. J. Martin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephen F. J. Martin
Regulatory Counsel

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

RECEIVED

I.D. NUMBER: #18-397

2004 SEP -8 PM 2:37

SUBJECT: 67 Pa. Code Chapter 86 — Occupational Limited License Commission

AGENCY: Department of Transportation

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

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
<u>9/8</u>	<u><i>Victor Levantes</i></u> for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION
<u>9/8</u>	<u><i>Marcelo...</i></u> for Minority Chair	
<u>9/8</u>	<u><i>Patricia E. Gilroy</i></u> for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION
<u>9/8</u>	<u><i>Mina...</i></u> for Minority Chair	
<u>9/8/04</u>	<u><i>A. Helmer</i></u>	INDEPENDENT REGULATORY REVIEW COMMISSION
<u>9/8</u>	<u><i>C. Lee-Brown</i></u>	LEGISLATIVE REFERENCE BUREAU

Date: September 8, 2004