

Regulatory Analysis Form		This space for use by IRRC
(1) Agency Transportation		
(2) I.D. Number (Governor's Office Use) # 18-399		IRRC Number: 2448
(3) Short Title Permit Agents		
(4) PA Code Cite 67 Pa. Code, Chapter 65	(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 type="checkbox"/> Proposed Rulemaking <input checked="" 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 non-technical language. <p>The purpose of this chapter is to establish rules governing the qualifications and duties of designated agents for the issuance of trip permits, hunter permits and telegrams of authority under Chapter 63 (relating to proportional registration of fleet vehicles). The purpose of this rulemaking is to conform the definition of "telegram of authority" to the definition in the proposed amendment to Chapter 63.</p>		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. <p>The statutory authority for this regulation is contained in Sections 6142, 6145, and 6103 of the Vehicle Code, 75 Pa. C.S. §§ 6142, 6145, and 6103).</p>		

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(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 amendment to this regulation is 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 amendment to the regulation is needed to conform the definition of "telegram of authority" to the definition in the proposed amendment to Chapter 63.

(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.

(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 the consistency between the two (2) chapters of Department regulations.

(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 7 wire services throughout the country authorized to issue telegram of authority 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 sends newsletters annually with the authorized wire services 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 wire services 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 wire services cannot be estimated with any precision. The fee remitted to the Department for an extension of a telegram of authority is \$2.00, but authorized wire services may add processing fees of \$25.00 or more. Individual fleet owners may thus save significant amounts in no longer having to obtain additional extensions. Conversely, this revenue source for the wire services 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 amendment in 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 amendment 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	\$ 119,141,000	\$ 118,299,000	\$ 118,558,000	\$126,787,000

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 telegram of authority 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. This is only a change to the definition.

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

No public comments nor comments from IRRC or the Transportation Committees of the House and Senate were received. Consequently no public hearings or information meetings were 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 amendment 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) # 2448</p>	<p>DO NOT WRITE IN THIS SPACE</p>
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<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>By: _____ (Deputy Attorney General)</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 style="text-align: center;">DOCUMENT/FISCAL NOTE NO.18-399</p> <p>DATE OF ADOPTION _____</p> <p>BY <u>Ally D. Biebler</u> Secretary of Transportation</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY _____</p> <p>Date of Approval <u>3.11.05</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>
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TITLE 67 TRANSPORTATION

Part I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE II. REGISTRATION

CHAPTER 65 — PERMIT AGENTS

Final Rulemaking

TITLE 67 TRANSPORTATION

Part I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE II. REGISTRATION

CHAPTER 65 — PERMIT AGENTS

Notice of Final Rulemaking

Preamble

The Department of Transportation, pursuant to the authority contained in Sections 6142, 6145, and 6103 of the Vehicle Code, Act of June 17, 1976, P.L.162, No. 81, *as amended* (75 Pa. C.S. §§ 6142, 6145, and § 6103), hereby amends title 67 of the Department of Transportation regulations by amending chapter 65, Permit Agents, as set, forth in Annex A to this Notice.

Purpose of this Chapter

The purpose of Chapter 65 is to establish rules governing the qualifications and duties of designated agents for the issuance of trip permits, hunter permits and telegrams of authority under Chapter 63 (relating to proportional registration of fleet vehicles).

Purpose of this Rulemaking

The purpose of this rulemaking is to clarify the definition of “telegram of authority” and to extend the term of the telegram of authority. Currently, the regulation provides that a telegram of authority authorizes the use of a Commonwealth based fleet vehicle under temporary registration for a period of 30 days. Recent proposed changes to 67 Pa. Code Chapter 63 (relating to proportional registration of fleet vehicles) propose to extend the period of temporary registration under a telegram of authority to 60 days. The purpose of this

rulemaking is to conform the definition of "telegram of authority" to the definition in the proposed amendment to Chapter 63.

Persons and Entities Affected

This rulemaking will affect permit agents designated to issue trip permits, hunter permits and telegrams of authority under Chapter 63 (relating to proportional registration of fleet vehicles).

Fiscal Impact

These regulations will not require any additional expenditure by the Bureau or the permit agents.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. 745.5(a), on November 15, 2004, the Department submitted a copy of the notice of proposed rulemaking, published at 34 Pa. B 6339, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees for review and comment.

No comments were received from the public, IRRC or the Committees.

Under section 5.1(j.2) of the Regulatory Review Act, on _____, 2005, this final-form regulation was deemed approved by the House and Senate Transportation Committees.

Under section 5.1(e) of the Regulatory Review Act, this final-form regulation was deemed approved by IRRC effective _____, 2005, confirmed at meeting of IRRC on _____, 2005.

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.

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) 787-2780.

Order

The Department of Transportation orders that:

- (A) The regulations of the Department of Transportation, 67 Pa. Code, Chapter 65 are amended as set forth in Annex A.
- (B) The Secretary of the Department of Transportation shall submit this Order and Annex A hereto to the Office of General Counsel and the Office of Attorney General for approval as to legality and form, as required by law.
- (C) The Secretary shall certify this Order and Annex A and deposit the same with the Legislative Reference Bureau, as required by law.
- (D) This Order shall take effect upon publication in the *Pennsylvania Bulletin*.

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 65. PERMIT AGENTS

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§ 65.2. 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.

* * * * *



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

OFFICE OF CHIEF COUNSEL

GENERAL LAW DIVISION

POST OFFICE BOX 8212
HARRISBURG, PA 17105-8212
TELEPHONE: (717) 787-5299
FACSIMILE: (717) 772-2741



August 25, 2005

Kim Kaufman
Executive Director
14th Floor Harrisstown 2
333 Market Street
Harrisburg, PA 17101

**Re: Final Rulemaking
Regulation # 18-399, 67 Pa. Code Chapter 65 —
Permit Agents**

Dear Mr. Kaufman:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form for amendment to Chapter 65 of Department regulations which the Department of Transportation intends to adopt 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.

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".

Stephen F. J. Martin
Regulatory Counsel

cc: Lois Hein, Governor's Office of the Budget w/o enclosures
Judith Bailets, Staff Assistant, Governor's Policy Office w/o enclosures
Eric Madden, Director of Policy, Department of Transportation w/o enclosures

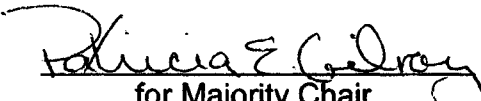
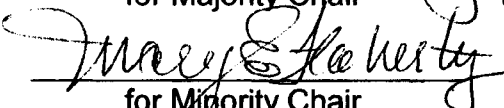
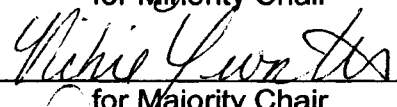
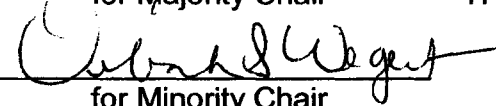
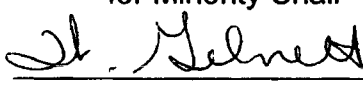
**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: #18-399
SUBJECT: Permit Agents, 67 Pa. Code, Chapter 65
AGENCY: Department of Transportation

TYPE OF REGULATION

- Proposed Regulation
- X 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

DATE	SIGNATURE	DESIGNATION
8/25/05	 for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION
8/25/05	 for Minority Chair	
8/25/05	 for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION
8/25/05	 for Minority Chair	
8/25/05		INDEPENDENT REGULATORY REVIEW COMMISSION
		LEGISLATIVE REFERENCE BUREAU

Date: August 25, 2005