

Regulatory Analysis Form		This space for use by IRRC
(1) Agency Transportation		RECEIVED 2004 NOV 15 PM 3:22
(2) I.D. Number (Governor's Office Use) # 18-399		IRRC Number: _____
(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 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 non-technical language. 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.		
(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 6142, 6145, and 6103 of the Vehicle Code, 75 Pa. C.S. §§ 6142, 6145, and 6103).		

(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.

(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.

(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 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.

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.

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<p>FACE SHEET FOR FILING DOCUMENTS WITH THE LEGISLATIVE REFERENCE BUREAU</p> <p>(Pursuant to Commonwealth Documents Law)</p>	<p>2004 NOV 15 PM 3:22</p> <p>DEPARTMENT REGULATORY REVIEW COMMISSION</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: <u><i>Jerry M. Ellrott</i></u> (Deputy Attorney General)</p> <p>Date of Approval <u>NOV 10 2004</u></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</u> <u>of</u> <u>Transportation</u></p> <p>DOCUMENT/FISCAL NOTE NO.18399</p> <p>DATE OF ADOPTION _____</p> <p>BY: <u><i>Allen D. Bickler</i></u> Secretary of Transportation</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>By: <u><i>[Signature]</i></u></p> <p>Date of Approval <u>10.28.04</u></p> <p><u>EXEC</u> (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

Proposed Rulemaking

TITLE 67 TRANSPORTATION

Part I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE II. REGISTRATION

CHAPTER 65 — PERMIT AGENTS

Notice of Proposed 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), proposes to amend 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, 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 November 15, 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) 787-2780.

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

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P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212
(717) 787-6485

November 15, 2004

Robert E. Nyce
Executive Director
14th Floor Harristown 2
333 Market Street
Harrisburg, PA 17101

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

Dear Mr. Nyce:

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 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 "Stephen F. J. Martin", is written over a horizontal line. The signature is fluid and cursive in style.

Stephen F. J. Martin
Regulatory Counsel

**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

- 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

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 INDEPENDENT REGULATORY
 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
11/15/04	<u>Victor J. Swartz</u> for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION
11/15/04	<u>Charles J. Latta</u> for Minority Chair	
11/15/04	<u>Linda Fiorillo</u> for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION
11/15/04	<u>Mary E. Maherty</u> for Minority Chair	
11/15/04	<u>Ellen A. Pagan</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
11/15/04	<u>C. Lee Brown</u>	LEGISLATIVE REFERENCE BUREAU

Date: November 15, 2004