

<b>Regulatory Analysis Form</b>		<p style="text-align: right;">RECEIVED</p> <p style="text-align: center;">7:00 FEB 10 PM 2:37</p> <p style="text-align: center;">INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p>IRRC Number: <b>2745</b></p>
(1) Agency  Transportation		
(2) I.D. Number (Governor's Office Use)  No. 18-414		

(3) Short Title  
  
**Intrastate Motor Carrier Safety Requirements**

(4) PA Code Cite  67 Pa. Code, Chapter 231	(5) Agency Contacts & Telephone Numbers  Primary Contact: Scott K. Young (717) 787-6899 Secondary Contact: (717) -
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(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
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(8) Briefly explain the regulation in clear and nontechnical language.

The Federal Motor Carrier Safety Assistance Program (MCSAP), administered by the Federal Motor Carrier Safety Administration (FMCSA), provides financial assistance to states to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles. As a condition of participating in MCSAP, each state must ensure that its laws and regulations are identical to or have the safe effect as the Federal Motor Carrier Safety Regulations (FMCSR) and the Hazardous Materials Regulations (HMR). During a MCSAP National Management and Performance Review in 2007, the FMCSA determined Pennsylvania's regulations do not meet these requirements. Unless these regulations are amended, Pennsylvania will lose federal MCSAP funds as well as 10% of Pennsylvania's overall federal highway funds. Consequently, the proposed regulations adopt the North American Standard Out-Of-Service Criteria and the applicable federal motor carrier regulations.

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

Authority for these amendments is found in sections is found in Sections 4704 and 6103 of the Vehicle Code, 67 Pa.Code §§4704 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.

These regulations are mandated by 49 CFR Part 350 generally, and 49 CFR 350.201 specifically. Failure to adopt these regulations prior to March 1, 2010 may result in a loss of MCSAP funding

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

The commercial motor vehicle safety program is designed to reduce commercial motor vehicle involved accidents, fatalities and injuries through consistent, uniform, and effective commercial motor vehicle safety programs.

Implementation of these regulations enhances the safety and operation of commercial motor vehicles and drivers on Commonwealth highways.

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

Failure to enact these regulations would result in the loss of federal funds to implement and enforce the commercial motor vehicle safety program. Without a commercial motor vehicle safety program there would be an increase in property damage, injuries and death resulting from commercial motor vehicle crashes.

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

Adoption of these regulations will benefit all users of Commonwealth highways through reduced risk of commercial vehicle crashes. In addition, motor carriers will benefit through uniform and consistent application of these safety regulations throughout the U.S.

(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 to any person or entities through the enactment of these regulations. Interstate motor carriers and drivers are already subject to these regulations as adopted

by other state jurisdictions.

(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.)

These regulations will affect all motor carriers and drivers who operate in interstate commerce. The department is unable to determine the number of persons or entities that will be required to comply.

(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.

These regulations were developed in accordance and compliance with a MCSAP National Management and Performance Review conducted by the FMCSA. The following persons and/or groups have been involved in the drafting and/or review of the regulation:

Pennsylvania State Police, Pennsylvania Public Utility Commission, Pennsylvania Motor Truck Association, Pennsylvania Farm Bureau and Penn Ag.

(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 these amendments are minimal 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 the amendments to the regulations. Local governments are not subject to the regulations.

(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 these amendments to the regulation.

(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
<b>SAVINGS:</b>	N/A			\$	\$	\$
Regulated Community:	N/A					
Local Government:	N/A					
State Government:	N/A					
Total Savings	N/A					
<b>COSTS:</b>	N/A					
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Costs	N/A					
<b>REVENUE LOSSES:</b>	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
Approp. 187	\$ 666,000,000	\$ 651,000,000	\$ 694,000,000	\$ 694,000,000

(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 are no nonregulatory alternatives that would satisfy the requirements of the FMCSA mandate.

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

No alternative regulatory schemes were considered due to FMCSA mandates.

(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.

Individual states, not the federal government, regulate the transportation of school children. A school bus operating in interstate commerce is exempted from the motor carrier regulations by 49 CFR 390.3(f)(1). The proposed regulation would remove the exemption thereby requiring compliance with motor carrier safety standards for drivers and school buses which are operated in intrastate commerce. This is part of a comprehensive regulatory scheme designed to promote the safe transportation of school children. Evidence of the heightened interest in school bus safety is demonstrated by Section 4702(b)(1)(relating to the requirement for biannual inspections by school buses) and Section 4705(a) (relating to inspection by the State Police before transporting students) of the Vehicle Code. The proposed amendment does not change the current regulatory framework.

Also, Section 231.8(2) removes an exemption from all of the requirements in Chapter 231 for transportation by a state and local government or state or local agency. A limited exemption in Section 231.8(6) was added to exempt state and local governments and state and local agencies from the requirements of 391. State and local governments and agencies would still be required to comply with the hours of service restrictions and maintenance and repair requirements. This is consistent with the current restrictions. The regulations are consistent with basic safe practices which government and agency employees should be complying with anyway.

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

The regulations are substantially similar to those enacted by all other states. Any differences would be de minimis.

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

These amendments 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 these amendments are scheduled at this time.

(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 regulations 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 federal compliance guidelines restrict the availability of accommodations. However, an exemption from the medical requirement was included in Section 231.8(5) for mechanics performing a road test as part of a safety inspection. Section 231.8(14) provides farmers with an exemption from the requirements in 49 CFR Part 385 (relating to safety fitness procedures).

(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?

These amendments will become effective upon publication in final form in the *Pennsylvania Bulletin*.

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

These regulations will be reviewed periodically as appropriate to ensure continued compliance with FMCSA requirements.

RECEIVED

CDL-1

2009 FEB 10 PM 2:37

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE  
LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

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

*Amy M. Elliott*

By: \_\_\_\_\_  
(Deputy Attorney General)

**JAN 29 2009**

\_\_\_\_\_  
Date of Approval

Check if applicable  
Copy not approved. Objections attached.

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

Department  
of  
Transportation  
(Agency)

DOCUMENT/FISCAL NOTE NO. 18-414

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

BY *Alan D. Beeher*  
Secretary of Transportation

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

*Andrew C. Clark*

BY \_\_\_\_\_  
Andrew C. Clark

**JAN 7 2009**

\_\_\_\_\_  
(Date of Approval)

(Deputy General Counsel)  
(Chief Counsel, Independent Agency)  
(Strike Inapplicable Title)

Check if applicable. No attorney  
General Approval or Objection within  
30 days after submission.

**NOTICE OF PROPOSED RULEMAKING**

**DEPARTMENT OF TRANSPORTATION**

**Title 67. Transportation**

**Part I. Department of Transportation**

**Subpart A. Vehicle Code Provisions**

**Article VIII. Administration and Enforcement**

**Chapter 231. Intrastate Motor Carrier Safety Requirements**

**Title 67. Transportation**  
**Part I. Department of Transportation**  
**Subpart A. Vehicle Code Provisions**  
**Article VIII. Administration and Enforcement**  
**Chapter 231. Intrastate Motor Carrier Safety Requirements**

**Notice of Proposed Rulemaking**

**Preamble**

Notice is hereby given that the Department of Transportation, pursuant to the authority contained in Sections 4704 and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa.C.S. §§ 4704 and 6103), proposes to amend Chapter 231 of the Department of Transportation Regulations, Title 67, as set forth in Annex A to this Notice.

***Purpose of Chapter***

The purpose of Chapter 231 is to prescribe the minimum requirements and qualifications for drivers, vehicles, and other matters relating to the intrastate operation of commercial vehicles.

***Purpose of the Proposed Amendments***

The purpose of these amendments to Chapter 231 is to ensure that Pennsylvania's regulations are identical to, or have the same effect as, the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations as required to participate in the Motor Carrier Safety Assistance Program, a federal funding source administered by the Federal Motor Carrier Safety Administration Program.

### ***Summary of Significant Amendments***

These amendments will incorporate by reference into 67 PA Code, Chapter 231 the following provisions of 49 CFR. Part 382 Controlled Substances and Alcohol Use and Testing, Part 385 Safety Fitness Procedures, Part 390 Federal Motor Carrier Safety Regulations General, Part 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors, Part 392 Driving of Commercial Motor Vehicles, Part 393 Parts and Accessories Necessary for Safe Operation, Part 395 Hours of Service of Drivers and Part 396 Inspection Repair and Maintenance.

### ***Persons and Entities Affected***

These regulations will affect all motor carriers and drivers who operate in intrastate commerce.

### ***Fiscal Impact***

Implementation of these regulations will not require the expenditure of any additional funds by the Commonwealth or local municipalities. These regulations will not impose any additional costs on the regulated community.

### ***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 February 10, 2009 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 Provisions***

The Department of Transportation will make these regulations effective upon publication in final form following appropriate evaluation of any comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these regulations, since these regulations are required to participate in the federal Motor Carrier Safety Assistance Program. The Department, 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 amendments to the regulations to Scott K. Young within 30 days of the publication of this notice in the *Pennsylvania Bulletin*.

***Contact Person***

The contact person for technical questions about the proposed amendments to the regulations is Scott K. Young, Bureau of Maintenance and Operations, 400 North St., 6<sup>th</sup> Floor, Commonwealth Keystone Building, Harrisburg, Pennsylvania 17120, telephone number: 717-787-6899.

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Allen D. Biehler, P.E.

Secretary of Transportation

ANNEX A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 231. INTRASTATE MOTOR CARRIER SAFETY REQUIREMENTS

Subch.

- A. GENERAL ..... 231.1
- B. [QUALIFICATIONS OF DRIVERS... 231.21] Reserved.
- C. [DRIVING OF MOTOR VEHICLES... 231.101] Reserved.
- D. [PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION ... 231.191] Reserved.
- E. [HOURS OF SERVICE OF DRIVERS ..... 231.331] Reserved.
- F. [INSPECTION, REPAIR AND MAINTENANCE ..... 231.361] Reserved.
- G. [TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES ..... 231.381] Reserved.
- H. [STATEMENTS OF POLICY ... 231.411] Reserved.
- I. [DRIVER OUT-OF-SERVICE CRITERIA ... 231.431] Reserved.
- J. [VEHICLE OUT-OF-SERVICE CRITERIA ... 231.451] Reserved.

Subchapter A. GENERAL

Sec.

- 231.1. General information and requirements.
- 231.2. Scope.

231.3. Definitions.

231.4. [Other terms.] **Reserved.**

231.5. [Vehicles used for purposes other than as defined.] **Reserved.**

231.6. [Motor carrier to require observance of driver regulations.] **Reserved.**

**231.7. Adoption of portions of 49 CFR by reference.**

**231.8. Additions or modifications to 49 CFR.**

**231.9. Adoption of out-of-service criteria.**

**231.10. Adoption of interpretation of Federal Motor Carrier Regulations.**

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### **§ 231.1. General information and requirements.**

(a) *Purpose.* The purpose of this chapter is to prescribe the minimum requirements and qualifications for drivers, vehicles and other matters relating to the intrastate operation of commercial motor vehicles. Much of this chapter incorporates by reference 49 CFR [390—397] **Parts 382, 385 and 390—396 and the North American Standard Out-of-Service Criteria.**

Appropriate parts may be obtained from the following:

(1) United States Government Printing Office, Book Store, Room 118, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, (412) 644-2721.

(2) United States Government Printing Office, 100 North 17th Street, Robert Morris Building, Philadelphia, Pennsylvania 19103, (215) 597-0677.

(3) United States Superintendent of Documents, United States Government Printing Office, Washington, D. C. 20402, (202) 655-4000.

(4) **Commercial Vehicle Safety Alliance, 1101 17<sup>th</sup> Street NW, Suite 803, Washington, DC 20036.**

\* \* \* \* \*

(c) *Title and name changes.* To reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, except in 49 CFR Part 382, the following words and terms, unless the context clearly indicates otherwise, shall be substituted for the language of the Federal regulations as follows:

(1) Reference to the Department of Transportation means the Pennsylvania Department of Transportation.

(2) Reference to the [Director means the] Secretary means the Secretary of the Pennsylvania Department of Transportation.

(3) Reference to [the Regional Highway Administrator means the Secretary] special agent includes a police officer or a Qualified Commonwealth Employee.

(4) Reference to Department means the Pennsylvania Department of Transportation.

(5) Reference to school bus mean the term as defined in 75 Pa.C.S. §102(relating to definitions).

(6) Reference to Director, Office of Bus and Truck Standards and Operations (MC PSD) means Director of the Bureau of Driver Licensing of this Commonwealth.

(7) Reference to State Director or Division Administrator, FMCSA means the Director of the Bureau of Driver Licensing of this Commonwealth.

(8) Reference to Medical Program Specialist, FMCSA field service center means the Medical Unit of the Bureau of Driver Licensing of this Commonwealth.

\* \* \* \* \*

**§ 231.2. Scope.**

(a) Except as otherwise provided, this chapter applies to [vehicles, including buses, motor vehicles and combinations of vehicles; and to drivers of buses or motor vehicles engaged in intrastate commerce if the registered gross weight of the vehicle or combination of vehicles exceeds 17,000 pounds] commercial motor vehicles and school buses engaged in intrastate commerce.

(b) This chapter applies to motor carriers of property or passengers involved in intrastate commerce, whether common carriers, contract carriers or private carriers.

[(c) This chapter does not apply to the following classes of vehicles and their drivers:

\* \* \* \* \*

(e) This chapter does not apply to maintenance mechanics driving vehicles as part of their duties related to routine road tests or other maintenance tests provided the mechanic operates the vehicle within 25 air miles of the maintenance facility to which he is assigned.]

**§ 231.3. Definitions.**

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

[*Bus*—The term as defined in 75 Pa.C.S. § 102 (relating to definitions).

\* \* \* \* \*

*Pole trailer*—49 CFR 390.8 (relating to pole trailer) incorporated by reference.]

*Qualified Commonwealth employee*—[A Commonwealth employe designated by the Department who is authorized to inspect vehicles, drivers, documents, equipment and loads, or cargo as provided in 75 Pa.C.S. § § 4704 and 8302 (relating to inspection by police or

Commonwealth personnel; and powers and duties of department).] **The term as it is defined in 75 Pa.C.S. § 4102.**

[*Radar detector*—49 CFR 390.5 (relating to definitions) incorporated by reference.

*Residence district*—49 CFR 390.13 (relating to residence district) incorporated by reference.]

**School bus** – The term as it is defined in 75 Pa.C.S. § 102.

[*Secretary*—The Secretary of the Department.

\* \* \* \* \*

*Vehicle*—The term as defined in 75 Pa.C.S. § 102.]

§ 231.4. [Other terms.

49 CFR 390.28 (relating to other terms) incorporated by reference.] **Reserved.**

§ 231.5. [Vehicles used for purposes other than as defined.

49 CFR 390.31 (relating to vehicles used for purposes other than as defined) incorporated by reference.] **Reserved.**

§ 231.6. [Motor carrier to require observance of driver regulations.

49 CFR 390.32 (relating to motor carrier to require observance of driver regulations) incorporated by reference. ] **Reserved.**

**§ 231.7 Adoption of portions of 49 CFR by reference.**

**The Department incorporates by reference the following portions of 49 CFR (relating to transportation), subject to § 231.3 (relating to definitions) and § 231.8 (relating to additions or modifications to 49 CFR).**

**(1) Part 382 (relating to driver drug and alcohol testing).**

- (2) Part 385 (relating to safety fitness procedures).**
- (3) Part 390 (relating to Federal motor carrier safety regulations; general).**
- (4) Part 391 (relating to qualifications of drivers).**
- (5) Part 392 (relating to driving of motor vehicles).**
- (6) Part 393 (relating to parts and accessories necessary for safe operation).**
- (7) Part 395 (relating to hours of service for drivers).**
- (8) Part 396 (relating to inspection, repair and maintenance).**

#### **§ 231.8 Additions or modifications to 49 CFR.**

**As stated in §231.7 (relating to adoption of portions of 49 CFR by reference), this chapter generally incorporates 49 CFR Parts 382, 385, 390, 391, 392, 393, 395 and 396. The following modification, additions and deletions to those parts apply:**

- (1) The definition of “commercial motor vehicle” in 49 CFR 390.5 is modified to read as follows:**

**Commercial motor vehicle — means any motor vehicle or combination used on a highway in intrastate commerce to transport passengers or property when the vehicle —**

**(i) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 17,001 pounds or more, whichever is greater;**

**(ii) Is designed or used to transport more than 8 passengers (including the driver) for compensation;**

(iii) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation;

(iv) Is a school bus; or

(v) Is transporting hazardous materials which is required to be placarded in accordance with Department regulations.

(2) 49 CFR 390.3 (relating to general applicability) is modified by deleting subsections (f)(1) and (f)(2).

(3) 49 CFR 390.19 is deleted in its entirety.

(4) 49 CFR 390.21 is deleted in its entirety.

(5) 49 CFR 391.2 is modified to add an exemption for an inspection mechanic who is performing a road test as required by 67 Pa. Code Chapter 175 from the requirements of 49 CFR Part 391.

(6) 49 CFR 391.2 is modified to add an exemption from the requirements of 49 CFR Part 391 for regularly employed drivers of state and local governments and agencies of state and local government.

(7) 49 CFR 391.11(b)(4) is modified to exempt school bus drivers who are required to comply with the medical regulations in 67 Pa. Code Chapter 71 (relating to school bus drivers).

(8) 49 CFR Part 391 is modified by adding the following exemption regarding drivers regularly employed as of September 23, 1995 and the parameters for the exemption:

(i) A regularly employed driver as of September 23, 1995, who cannot meet the physical qualifications requirements of 49 CFR Part 391 (relating to physical

qualifications of drivers), will be considered to be qualified to operate in intrastate commerce if certified by the medical examiner and motor carrier in accordance with this section. The driver shall be considered qualified only until the existing unqualifying medical or physical condition significantly worsens or a new unqualifying medical or physical condition develops subsequent to September 23, 1995.

(ii) The motor carrier's certification shall be based on a review of the driver's past driving safety record and accident history. The motor carrier's certification shall be on a form prescribed by the Department and shall be valid for a period commensurate with the period of the medical examiner's certificate issued in accordance with this chapter.

(iii) A copy of the medical examiner's initial certificate establishing a driver's qualification under this section and annotated in accordance with subsection (iv), the most current biannual medical examiner's certificate and the most current certification by the employing motor carrier that the driver is qualified to operate in intrastate commerce shall be maintained in the driver's qualification file for the entire period of the driver's term of employment and for an additional 2 years after termination of employment.

(iv) If the medical examiner determines that the driver is only qualified to drive in intrastate commerce in accordance with the above, the medical examiner's certificate required by 49 CFR 391.43 shall display the statement "Medically qualified to operate in intrastate commerce only."

**(9) 49 CFR 391.67 is modified to reference "16 years of age or older" rather than "18 years of age or older."**

**(10) 49 CFR 391.11(b)(1) is deleted.**

**(11) 49 CFR 391.47(e) is modified to reference 67 Pa. Code Chapter 491 (relating to administrative practice and procedure) instead of §386.13(a).**

**(12) 49 CFR 391.47(f) is modified to read as follows:**

**(f) Status of driver. Once a petition for review of a decision of the Director of the Bureau of Driver Licensing is submitted, the driver shall be deemed disqualified until such time as the Pennsylvania Secretary of Transportation makes a determination or orders otherwise.**

**(13) 49 CFR 390.27 is amended to read as follows:**

**390.27 Address of the Medical Unit of the Bureau of Driver Licensing**

**The mailing address for the Medical Unit is PENNDOT, Bureau of Driver Licensing, Medical Unit, 1101 South Front Street, 3<sup>rd</sup> Floor, Harrisburg, PA 17104-2516.**

**(14) 49 CFR 385.1 (relating to purpose and scope) is modified to add an exemption for farmers from the requirements of Part 385.**

### **§ 231.9 Adoption of Out-of-Service Criteria.**

**The out-of-service criteria contained in the North American Standard Out-Of-Service Criteria is incorporated by reference.**

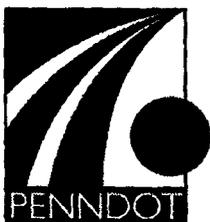
### **§ 231.10 Adoption of Interpretation of Federal Motor Carrier Safety Regulations.**

**The Department hereby adopts, as statements of policy, interpretations of the Federal Motor Carrier Safety Regulations as published by the Federal Motor Carrier Safety Administration for those Parts enumerated in § 231.7 (relating to adoption of portions of 49 CFR by reference).**

## **EDITOR'S NOTE**

Subchapters B through J, §§ 231.21 through 231.453, are deleted in their entirety.

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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



February 10, 2009

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

**Re: Proposed Rulemaking(s)  
Regulation # 18-413, # 18-414, 67 Pa. Code Chapters 229 and 231 —  
Interstate and Intrastate Motor Carrier Safety Requirements**

Dear Mr. Kaufman:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form for amendment to Chapters 229 and 231 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: Danielle J. Guyer, Governor's Office of the Budget w/o attachments  
Judith Bailets, Staff Assistant, Governor's Policy Office w/o attachments  
Danielle K. Spila, Director, Department of Transportation Policy Office w/o  
attachments

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT

RECEIVED

I.D. NUMBER: #18-414

2009 FEB 10 PM 2:37

SUBJECT: Intrastate Motor Carrier Safety Requirements, 67 Pa. Code,  
Chapter 231

INDEPENDENT REGULATORY  
REVIEW COMMISSION

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

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
<u>2/10</u>	<u>Scott J. Schorsch</u> for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION
<u>2/10</u>	<u>Mary E. Flaherty</u> for Minority Chair	
<u>2.10.09</u>	<u>Amanda E. Wolfe</u> for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION
<u>2/10</u>	<u>Vicki Swartz</u> for Minority Chair	
<u>2/10/09</u>	<u>J. Belmont</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
<u>2/10</u>	<u>Nicole L. Lamm</u>	LEGISLATIVE REFERENCE BUREAU

Date: February 10, 2009