

Regulatory Analysis Form

(Completed by Promulgating Agency)



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SECTION I: PROFILE

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(1) Agency:

Department of Transportation

(2) Agency Number:

#18 - 422

IRRC Number: #

2906

(3) Short Title:

Odometer Reading Disclosure Statements

(4) PA Code Cite:

67 Pa. Code, Chapter 21

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact:

Penni Bernard

Customer Services Division

Bureau of Motor Vehicles

Pennsylvania Department of Transportation

1101 South Front Street

Harrisburg, PA 17104

(717) 772-3337

pbernard@state.pa.us

Secondary Contact:

Craig Comp

Customer Services Division

Bureau of Motor Vehicles

Pennsylvania Department of Transportation

1101 South Front Street

Harrisburg, PA 17104

(717) 783-6523

CCOMP@state.pa.us

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(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5:

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation
- Emergency Certification Regulation;
 - Certification by the Governor
 - Certification by the Attorney General

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The purpose of this chapter was to establish the form and manner in which odometer disclosure statements were to be made as prescribed in Section 1112 of the Vehicle Code, 75 Pa. C.S. § 1112 (relating to disclosure of odometer reading and tampering with odometer). The purpose of these amendments is to repeal Chapter 21 in its entirety. Section 1112 of the Vehicle Code, 75 Pa. C.S. § 1112, was repealed by the Act of June 14, 1983, P.L. No.8. The requirements for providing an odometer disclosure statement have been included in Subchapter D of Chapter 71 of the Vehicle Code, 75 Pa. C.S. §§7131 through 7139.

(9) Include a schedule for review of the regulation including:

- A. The date by which the agency must receive public comments: N/A
- B. The date or dates on which public meetings or hearings will be held: N/A
- C. The expected date of promulgation of the proposed regulation as a final-form regulation: August, 2011
- D. The expected effective date of the final-form regulation: August, 2011
- E. The date by which compliance with the final-form regulation will be required: N/A
- F. The date by which required permits, licenses or other approvals must be obtained: N/A

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

The Department is not establishing a sunset date for this repeal as the requirements in this repealed regulation are now included as statutory provisions in the Vehicle Code.

SECTION II: STATEMENT OF NEED

(11) State the statutory authority for the regulation. Include specific statutory citation.

Authority for this regulation is found in Section 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa. C.S. § 6103)

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The repeal is necessary to remove regulatory provisions now included as statutory language in the Vehicle Code.

(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

No scientific data, studies, or references are being used to justify this repeal.

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

These regulations will not adversely affect any individuals or specific groups.

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(16) 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.

N/A

SECTION III: COST AND IMPACT ANALYSIS

(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. Explain how the dollar estimates were derived.

There are no cost associated with this repeal.

(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. Explain how the dollar estimates were derived.

See response to Item 17.

(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. Explain how the dollar estimates were derived.

See response to Item 17.

(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 +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	None					
Local Government	None					
State Government	None					
Total Savings	None					
COSTS:						
Regulated Community	Marginal					
Local Government	Marginal					

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State Government	Marginal					
Total Costs	Marginal					
REVENUE LOSSES:						
Regulated Community	None					
Local Government	None					
State Government	None					
Total Revenue Losses	None					

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

Program	FY -3	FY -2	FY -1	Current FY
Safety Administration	\$ 132,828,000	\$ 117,842,000	\$ 112,747,000	\$ 124, 420,000

(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

See responses to Items 13 and 17.

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

N/A

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions were developed and considered.

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(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 regulations.

There are no applicable federal standards.

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

The repeal has no effect on Pennsylvania's competitiveness.

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

The repeal will not affect other regulations of the Department or any other agency.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There will be no additional procedures or paperwork as a result of this repeal.

(28) 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.

N/A

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**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.

By: _____
(Deputy Attorney General)

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:

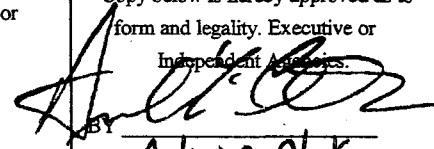
Department
of
Transportation
(Agency)

DOCUMENT/FISCAL NOTE NO. 18-422

DATE OF ADOPTION _____

BY Benny J. Schul
Secretary of Transportation

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



Andrew C. Clark
AUG 23 2011

(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.

FINAL REGULATION WITH NOTICE OF PROPOSED RULEMAKING OMITTED

DEPARTMENT OF TRANSPORTATION

Title 67 Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article II. Title

Chapter 21

Odometer Reading Disclosure Statements

Bureau of Motor Vehicles

**DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES**

**Title 67 Transportation
Part I. Department of Transportation
Subpart A. Vehicle Code Provisions
Article II. Title
Chapter 21
Odometer Reading Disclosure Statements
Bureau of Motor Vehicles**

Final Regulation with Notice of Proposed Rulemaking Omitted

Preamble and Order

Notice is hereby given that the Department of Transportation, pursuant to the authority contained in Section 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa. C.S. § 6103), proposes to repeal Chapter 21 of the Department of Transportation Regulations, 67 Pa. Code, §§ 21.1 through 21.4 as set forth in Annex A to this Notice. This regulation is being submitted as a final regulation with proposed rulemaking omitted under Section 1204 of the Commonwealth Documents law, 45 P.S. § 1204. Insofar as this Chapter has been superseded by amendments to the Vehicle Code, 75 Pa. C.S. § 101 *et seq.*, public notice of the rulemaking is unnecessary, impractical and contrary to the public interest. 45 P.S. §1204(c)(3).

Purpose of this Chapter

The purpose of this chapter was to establish the form and manner in which odometer disclosure statements were to be made as prescribed in Section 1112 of the Vehicle Code, 75 Pa. C.S. § 1112 (relating to disclosure of odometer reading and tampering with odometer).

Purpose of these Amendments

The purpose of these amendments is to repeal Chapter 21 in its entirety. Section 1112 of the Vehicle Code, 75 Pa. C.S. § 1112, was repealed by the Act of June 14, 1983, P.L. No.8. The requirements for providing an odometer disclosure statement have been included in Subchapter D of Chapter 71 of the Vehicle Code, 75 Pa. C.S. §§7131 through 7139.

Persons and Entities Affected

This repeal will not affect any person or entity as the requirements repealed are now included in the Vehicle Code, 75 Pa. C.S. §§7131 through 7139.

Fiscal Impact

Implementation of this repeal will not result in the expenditure of any additional funds by the Commonwealth or local municipalities.

Regulatory Review

Under Section 5a of the Regulatory Review Act (71 P.S. 745.5a), on September 1, 2011, the Department submitted a copy of this rulemaking to the Office of Attorney General, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees for review. In addition to the final rulemaking the Committees were provided with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of the Regulatory Analysis Form is available to the public upon request.

Sunset Provisions

The Department is not establishing a sunset date to revisit this repeal.

Contact Person

The contact person for this regulation is Penni Bernard, Customer Service Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, or to pbernard@state.pa.us

Order

The Department of Transportation orders that:

- (A) The regulations of the Department of Transportation, 67 Pa. Code , Chapter 21 is repealed as set forth in Annex A.
- (B) The Secretary of the Department of Transportation shall submit this Order and Annex A hereto 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*.

Barry J. Schoch, P.E.

Secretary of Transportation

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE CHARACTERISTICS

ARTICLE II. TITLE

CHAPTER 21. ODOMETER READING DISCLOSURE STATEMENTS

§ 21.1. Purpose.

[The purpose of this chapter is to establish the form and manner in which odometer disclosure statements are to be made as prescribed in 75 Pa.C.S. § 1112 (relating to disclosure of odometer reading and tampering with odometer)] **(Reserved)**

§ 21.2. Definitions.

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

* * * *

Transferor—A person who transfers his ownership in a motor vehicle by sale, gift or means other than by creation of a security interest.] **(Reserved)**

§ 21.3. Disclosure of odometer information.

[(a) *General*. Prior to or simultaneously with the execution of an ownership transfer document, each transferor of a motor vehicle shall furnish to the transferee a written statement signed by the transferor, containing the following information:

* * * *

(c) *Separate statement.* If the ownership transfer document does not incorporate a disclosure statement containing the information provided under subsection (a), the transferor shall furnish the transferee a separate odometer disclosure statement which shall conform in content to the Federal odometer disclosure form specified in § 580.6 of 49 CFR Part 580, Odometer Disclosure Requirements. The separate disclosure statement shall be completed in duplicate. The duplicate copy shall be attached to the ownership transfer document and forwarded to the Department by the transferee with the application for a new certificate of title.] **(Reserved)**

§ 21.4. Exemptions.

[A transfer of any of the following types of motor vehicles shall be exempt from the requirements of § 21.3(a) (relating to disclosure of odometer information):

* * * *

(5) Special mobile equipment.] **(Reserved)**



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

September 1, 2011

Fiona E. Wilmarth, Acting Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

**Re: Final-Omitted Rulemaking
18-422 — 67 Pa. Code Chapter 21
Odometer Reading Disclosure Statements**

Dear Acting Executive Director Wilmarth:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form, for the rescission of Chapter 21 of Department regulations which the Department of Transportation hereby adopts in accordance with the provisions of Section 5 of the Regulatory Review Act, Act of June 25, 1982, P.L. 633, *as amended* 71 P.S. § 745.5a and 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 Office of Attorney General and to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees.

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

Very truly yours,

Stephen F. J. Martin
Regulatory Counsel



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

I.D. NUMBER: #18-422
 SUBJECT: Odometer Reading Disclosure Statement, 67 Pa. Code, Chapter 21
 AGENCY: Department of Transportation

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- X** 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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FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
<u>9-1-11</u>	<u>Kelly Shipman</u> for Majority Chair Hon. Richard A. Geist	HOUSE COMMITTEE ON TRANSPORTATION
<u>9-1-11</u>	<u>Samela Oddo</u> for Minority Chair Hon. Michael P. McGeehan	
<u>9-1-11</u>	<u>Cecilia Boyer</u> for Majority Chair Hon. John C. Rafferty, Jr.	SENATE COMMITTEE ON TRANSPORTATION
<u>9-1-11</u>	<u>Cheryl L. Hiles</u> for Minority Chair Hon. John N. Wozniak	
<u>9-1-11</u>	<u>M. Mummert</u>	OFFICE OF ATTORNEY GENERAL
<u>9/1/11</u>	<u>K Cooper</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
	<u>N/A</u>	LEGISLATIVE REFERENCE BUREAU

Date: September 1, 2011