

# Comments of the Independent Regulatory Review Commission



## Department of Transportation Regulation #18-419 (IRRC #2969)

### Authorization to Verify Identification Number

October 31, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the September 1, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

#### 1. Section 17.2. Applicability. – Need; Clarity.

##### *Signed and dated*

The proposed amendments add the phrase “signed and dated” to Section 17.2 so that the provision will read “. . . when it is impossible to obtain a **signed and dated** legible tracing or photograph . . .” (Emphasis added.) We have two concerns with the addition of the phrase “signed and dated.” First, Sections 17.4 and 17.5 address the verification and validation processes, including the signature of the authorized person. Therefore, it is not clear why the phrase “signed and dated” is needed in Section 17.2. Second, as a commentator pointed out, Section 17.2 does not specify who is qualified to provide the signature. For these reasons, we recommend either removing the phrase “signed and dated” from Section 17.2, or rewriting this provision to more clearly specify the requirements for signatures and dates.

##### *Deletion of Paragraph (3)*

Paragraph (3) currently requires verification “when the application for initial certificate of title is for a truck, truck-tractor, or motor home, regardless of source of ownership.” In the Preamble, the Department states it is deleting Paragraph (3) “upon the recommendation of the Pennsylvania Association of Notaries and others affected by this chapter.” On the other hand, a commentator questions why the verification required by Paragraph (3) would no longer be needed. In the final-form regulation submittal, we ask the Department to provide further explanation and justification for the deletion of Paragraph (3).

#### 2. Miscellaneous clarity.

Throughout the regulation, the terms “public” or “nonpublic” vehicle identification number are used. It is not clear in the regulation what distinction is intended between “public” and “nonpublic” vehicle identification numbers. For clarity, we recommend either adding definitions to Chapter 17 or adding an explanation of these terms to Section 17.1.