

Regulatory Analysis Form

(Completed by Promulgating Agency)

**INDEPENDENT REGULATORY
REVIEW COMMISSION**

(All Comments submitted on this regulation will appear on IRRC's website)

2014 SEP 19 PM 2:40

IRRC RECEIVED

(1) Agency: Transportation

(2) Agency Number:

Identification Number: 18-450

IRRC Number: 3055

(3) PA Code Cite: 67 Pa. Code, Chapter 47

(4) Short Title: Display of Registration Plates

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

Primary Contact: Anita Wasko – (717) 787-2171 awasko@pa.gov

Secondary Contact: Kristen Singer – (717) 787-2171 krsinger@pa.gov

(6) 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

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

The purpose of these amendments is to provide that persons with disability, disabled veterans and severely disabled veterans registration plates who mount a carrier on the rear of their vehicle to transport a wheelchair or other personal assistive device may place a second registration plate on the carrier, if a second plate is issued.

Further, this amendment addresses changes to the Vehicle Code which will eliminate the requirement for registration validating stickers.

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

Authority for this regulation is contained in the Vehicle Code, Act of June 17, 1976, P.L. 162, as amended (75 Pa. C.S. § 1332).

(9) 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, the Department is not required by federal or state law or court order or federal regulations to amend the regulations as proposed; however, amendments to §47.4 are proposed to bring the chapter in compliance with amendments to the Vehicle Code. There are no known relevant state or federal court decisions related to the proposed amendment.

(10) 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 regulation is needed to ensure visibility of the vehicle registration when the plate affixed to the rear of the vehicle is obstructed or obscured by a wheelchair or similar personal assistive mobility equipment mounted on a carrier attached to the rear of the vehicle. Those who will benefit from the proposed regulation are vehicle owners with a person with disability, disabled veteran or severely disabled veteran registration plate. However, it is not known how many vehicles owners with such plates use a carrier on the rear of their vehicle, nor how many of those vehicles owners will request the additional registration plate. State and local law enforcement agencies will also benefit from improved visibility of these registration plates.

The regulation is further needed to address inconsistencies created by recent Vehicle Code amendments which eliminate the issuance of the registration validating stickers.

(11) 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.

No. Display of registration plates is not addressed by federal standards.

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

These amendments to the regulation will not put Pennsylvania at a competitive disadvantage with reference to other states.

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

These amendments to the regulation will not affect other Department regulations or the regulations of any other Commonwealth agency.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

These amendments to the regulation at §47.2 are a result of inquiries from the public and legislative members regarding the need to address the visibility of registration plates on vehicles that are equipped with a carrier on the rear of the vehicle for the purpose of transporting a wheelchair or similar personal assistive mobility equipment.

The amendments at §47.4 are a result of changes to the Vehicle Code.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Vehicle owners with a person with a disability, disabled veteran or severely disabled veteran registration plate will be affected by the proposed regulation in §47.2 if they choose to request a second registration plate. However, it is not known how many vehicle owners with such person with disability, disabled veteran or severely disabled veteran registration plates use a carrier on the rear of their vehicle, nor how many of those vehicle owners will request the additional registration plate. State and local law enforcement agencies should be positively impacted insofar as officers patrolling the highway will be better able to see the subject registration plates.

The elimination of the validating stickers in §47.4 will affect vehicle owners in that they will no longer be required to display these stickers on their vehicle registration plates.

Insofar as the amendment relates only to individuals' registration plates, there is no impact on small businesses.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

The proposed regulation in §47.2 makes a second registration plate available for vehicle owners with a person with disability, disabled veteran or severely disabled veteran registration plate. These vehicle owners are not required to request or display a second registration plate. Therefore, there is no group or entity that is required to comply with the proposed amendment. Only individuals who request a second registration plate will be affected by these amendments.

The elimination of the validating stickers in §47.4 will affect vehicle owners in that they will no longer be required to display these stickers on their vehicle registration plates.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

There should be no additional financial, economic, and social impacts of these amendments to the regulation on vehicle owners or law enforcement agencies. The benefits of the proposed regulations are improved visibility of disability, disabled veteran or severely disabled veteran registration plates on vehicles that are equipped with a carrier on the rear of their vehicle for the purpose of transporting a wheelchair or similar personal assistive mobility equipment.

By eliminating validating stickers, the Department will annually save approximately \$1 million. Customers will no longer need to apply for replacement validating stickers at a cost of \$7.50 per replacement sticker.

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

The benefits of ensuring improved visibility of disability, disabled veteran or severely disabled veteran registration plates on vehicles that are equipped with a carrier on the rear of their vehicle for the purpose of transporting a wheelchair or similar personal assistive mobility equipment, outweigh the administrative costs which may be associated with issuing the duplicate registration plates.

The benefits of eliminating the validating sticker outweigh any adverse effects. The Department commissioned a study of the effects of eliminating the validating sticker, which found no adverse effects of this measure. Additionally, elimination of the registration sticker is mandated by the recent amendments to the Vehicle Code

(19) 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.

These amendments to the regulation should have no additional costs and/or savings to the regulated community since vehicle owners are not required to obtain an additional registration plate. Only those individuals who request a second registration plate will bear the cost of obtaining that second plate. By eliminating validating stickers, the Department will annually save approximately \$1 million. Customers will no longer need to apply for replacement validating stickers at a cost of \$7.50 per replacement sticker.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

These amendments to the regulation should have no additional costs and/or savings to the local governments.

(21) Provide a specific estimate of the costs and/or savings to the **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.

These amendments to the regulation should result in only minimal additional costs to the state government for the record-keeping associated with the issuance of second registration plate.

(22) For each of the groups and entities identified in items (19)-(21) above, 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 should be no additional legal, accounting or consulting procedures or additional reporting, recordkeeping or other paperwork associated with the implementation of these amendments.

(23) 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						
Local Government						
State Government	\$0	\$0	\$0	\$500,000	\$1,000,000	\$1,000,000
Total Savings	N/A	N/A	N/A	\$500,000	\$1,000,000	\$1,000,000
COSTS:						
Regulated Community						
Local Government						
State Government	\$37,500	minimal	minimal	minimal	minimal	minimal
Total Costs	\$37,500	minimal	minimal	minimal	minimal	minimal
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Validating Stickers	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The amendments do not impose any additional reporting, recordkeeping or other administrative costs or requirements on businesses large or small; they do not have any adverse impact on small businesses.

There is no less intrusive or less costly way to achieve the purpose of these proposed amendments.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The proposed amendments in §47.2 are designed to accommodate vehicle owners with a person with disability, disabled veteran or severely disabled veteran registration plate and who use a carrier on the rear of their vehicle to transport a wheelchair or similar personal assistive mobility equipment mounted on a carrier on the rear of the vehicle. The addition of a second registration plate on the carrier will ensure visibility of the registration plate.

There are no special provisions related to the proposed amendment in §47.4.

(26) 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.

There were no alternative regulatory provisions considered. These amendments to the regulation accommodate a need expressed by vehicles owners with a person with disability, disabled veteran or severely disabled veteran registration plate and address inconsistencies in the regulation as a result of amendments to the Vehicle Code.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

These amendments to the regulation do not impose any additional reporting, recordkeeping or other administrative costs or requirements on businesses large or small; they do not have any adverse impact on small businesses.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data was not the basis for these amendments to the regulation.

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

- | | |
|---|-----------------|
| A. The date by which the agency must receive public comments: | <u>N/A</u> |
| B. The date or dates on which public meetings or hearings will be held: | <u>09/01/14</u> |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>10/15/14</u> |
| D. The expected effective date of the final-form regulation: | <u>10/15/14</u> |
| E. The date by which compliance with the final-form regulation will be required: | <u>10/15/14</u> |
| F. The date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The effectiveness of the regulation will be evaluated on an ongoing basis as the program is administered.

ORIGINAL

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FACE SHEET
FOR FILING DOCUMENTS
WITH THE
LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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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:

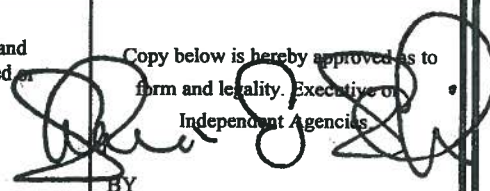
Department
of
Transportation
(Agency)

DOCUMENT/FISCAL NOTE NO. 18-450

DATE OF ADOPTION _____

BY Bruce J. Chir
Secretary of Transportation

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



BY _____

SEP 12 2014
(Date of Approval)

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

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

NOTICE OF FINAL RULEMAKING
TITLE 67. TRANSPORTATION
PART I. DEPARTMENT OF TRANSPORTATION
SUBPART A. VEHICLE CODE PROVISIONS
ARTICLE III. REGISTRATION
CHAPTER 47. DISPLAY OF REGISTRATION PLATES

Title 67. Transportation
Part I. Department of Transportation
Subpart A. Vehicle Code Provisions
Article III. Registration
Chapter 47. Display of Registration Plates
Notice of Final Rulemaking

Preamble

Notice is hereby given that the Department of Transportation (Department), pursuant to the authority contained in the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa. C.S. § 1332), proposes to amend Chapter 47 of the Department Regulations, Title 67, by amending § 47.2 and §47.4, as set forth in Annex A to this Notice.

Purpose of this Chapter

The purpose of Chapter 47 is to designate the manner in which registration plates are to be displayed on vehicles as prescribed by 75 Pa. C.S. § 1332 (relating to display of registration plate).

Purpose of these Amendments

The purpose of these amendments to Chapter 47 is to update the location and manner of attachment requirements with respect to persons with disability, disabled veterans and severely disabled veterans registration plates. The proposed amendments

Title 67 Transportation
Chapter 47
Display of Registration Plates
Preamble

establish the required location of a second registration plate, if one is issued. In addition, Act 89 of 2013 amends Section 1332 (d) of the Vehicle Code as follows: “Validating registration stickers shall not be issued or required to be displayed.” The amendment is to become effective December 31, 2016. Consequently, as of December 31, 2016, §47.4 of this chapter shall be rendered null and void. An editor’s note had been added to the regulation to that effect.

Summary of Comments and Changes in the Final Adopted Regulation

The amendments to the regulation were published as a proposed rulemaking in the May 3, 2014 issue of the *Pennsylvania Bulletin*. The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees of the Pennsylvania General Assembly.

No comments or objections were received from the public, the Committees or IRRC. Consequently, no substantive changes have been made in the Final Adopted Regulation. A change was made in §47.2 to add clarity following a publication error. Furthermore, a change was made to an Editor’s Note to clarify that the Department will promulgate a regulation in the future to formally reserve §47.4.

Persons and Entities Affected

These regulations affect vehicle owners who have a “person with disability,” “disabled veteran,” or “severely disabled veteran” registration plate that intend to mount

a second plate on a carrier attached to the rear of their vehicle for the purpose of transporting a wheelchair or similar personal assistive mobility equipment.

The elimination of the requirement for the Department to issue and the registrant to display a validating registration sticker will have a positive effect on all registrants due to the significant cost savings achieved by the elimination.

Fiscal Impact

The cost to the Commonwealth for the amendments to Section 47.2 (c) are estimated to be \$2.73 to mail each double plate configuration to vehicle owners who request them, as well as \$3.60 to produce each double plate configuration and approximately \$37,500 for system updates to record the issuance of these plates. Since it is not known how many vehicle owners will request the plates available under Section 47.2 (c), no total cost impact can be provided. The fiscal impact to vehicle owners is limited to those vehicle owners who choose to apply for the dual plate configuration. These vehicle owners will pay fees as established in the Vehicle Code.

By eliminating validation stickers, the Department will annually save approximately \$1 million. Customers will no longer need to apply for replacement validation stickers at a cost of \$7.50 per replacement sticker.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, Act of June 25, 1982 (P.L. 633, No. 181), *as amended*, 71 P.S. 745.5(a), on April 22, 2014, the Department submitted a

copy of this proposed regulation to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Transportation Committees. No comments were received from the public, IRRC or the Committees.

Sunset Provisions

The Department is not establishing a sunset date for the amendment to 47.2 (c), because these regulations are needed to administer provisions required pursuant to the Vehicle Code (75 Pa. C.S. 101, *et seq.*). The Department, however, will continue to closely monitor these regulations for their effectiveness. However, by operation of the amendment to the Vehicle Code, Section 47.4 will sunset as of December 31, 2016.

Contact Person

The contact person for this regulation is Kristen Singer, Manager, Customer Service Division, Department of Transportation, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, Pennsylvania 17104, telephone number: (717) 787-2171.

Order

The Department of Transportation orders that:

- (A) The regulations of the Department of Transportation, 67 PA. Code, Chapter 47 are to read 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 from, 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

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article III. Registration

Chapter 47. Display of Registration Plates

Notice of Final Rulemaking

Annex A

§ 47.2. Location.

* * * * *

(c) Two plates and an attached carrier. If two registration plates for a person with disability, a disabled veteran or a severely disabled veteran registration plates are issued for a vehicle which has a carrier attached to the rear for the purposes of transporting a wheelchair or similar personal assistive device, one plate shall be affixed to the rear of the vehicle as prescribed by subsection (a) and the other shall be affixed to the rear of the carrier instead of affixing the plate to the front of the vehicle.

* * * * *

§ 47.4. Validating stickers

(Editor's Note. The act of November 25, 2013 (P.L. 974, No. 89) amended 75 Pa. C.S. § 1332 (relating to display of registration plate) as follows: "Validating registration stickers shall not be issued or required to be displayed." The amendment is effective December 31, 2016. As of December 31, 2016, this section is rendered null and void AND THE DEPARTMENT WILL PROMULGATE A REGULATION TO FORMALLY RESERVE §47.4).

* * * * *



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

September 19, 2014

David Sumner, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Re: Resubmission: Final Rulemaking
18-450 — 67 Pa. Code, Chapter 47
Display of Registration Plates

Dear Mr. Sumner:

Attached please find a resubmission of the above-referenced final rulemaking package, consisting of a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form. The Department intends to adopt this regulation in accordance with the provisions of the Regulatory Review Act, Act of June 25, 1982, P.L. 633, *as amended*.

Copies of these materials were also delivered today to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees.

The Department will provide the Independent Regulatory Review Commission with any assistance required to facilitate a thorough review and approval of this regulation. Thank you for your attention.

Very truly yours,


Jeffrey M. Spotts,
Regulatory Counsel





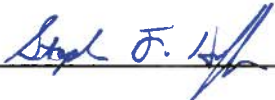
**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: #18-450
 SUBJECT: Display of Registration Plates
 67 Pa. Code, Chapter 47
 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

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
<u>9-19-14</u>	<u></u> for Majority Chair Hon. Nicholas A. Micozzie	HOUSE COMMITTEE ON TRANSPORTATION
<u>9-19-14</u>	<u></u> for Minority Chair Hon. Michael P. McGeehan	
<u>9-19</u>	<u></u> for Majority Chair Hon. John C. Rafferty, Jr.	SENATE COMMITTEE ON TRANSPORTATION
<u>9-19</u>	<u></u> for Minority Chair Hon. John N. Wozniak	
<u> </u>	<u>N/A</u>	OFFICE OF ATTORNEY GENERAL
<u>9/19/14</u>	<u></u>	INDEPENDENT REGULATORY REVIEW COMMISSION

Date: September 19, 2014