

# Regulatory Analysis Form

(Completed by Promulgating Agency)

**INDEPENDENT REGULATORY  
REVIEW COMMISSION**

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

2016 JUL 13 PM 3: 27

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IRRC

(1) Agency: Transportation

(2) Agency Number:

Identification Number: 18-460

IRRC Number: 3065

(3) PA Code Cite: 67 Pa. Code, Chapter 105

(4) Short Title: Mechanical, Electrical and Electronic Speed-Timing Devices

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

Primary Contact: Kay Kishbaugh  
717-783-4597  
kkishbaugh@pa.gov

Secondary Contact: Michael Smith  
717-783-7016  
michaels@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The purpose of these proposed amendments is to delete outdated speed-timing testing devices and procedures, update language to account for new technologies in speed-timing devices and to include provisions that will allow for future changes approved by the Department.

(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. §§ 3368 and 6103).

(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.

Testing of speedometers is governed by provisions of the Vehicle Code, specifically 75 Pa. C.S. § 3368. Per the statute, the Department may, but is not required to, prescribe regulations regarding testing speedometers.

(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.

Speedometers provide an essential tool to law enforcement agencies throughout the Commonwealth that rely on speedometer readings for enforcement activities. These proposed regulatory amendments will update speedometer testing devices and procedures to ensure that speedometers are accurate. Accurate speedometers assist in the enforcement of laws aimed at helping to reduce deaths and serious injuries from traffic crashes, many of which directly result from excessive speed. Updates to testing devices and procedures will ensure that all speed-timing devices are calibrated in the most accurate and up-to-date manner possible.

(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.

(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 are consistent with other states' laws and 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.

No. 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.)

The Department of Transportation, Vehicle Inspection Division drafted these proposed revisions to Chapter 105 with participation from Pennsylvania State Police personnel. Industry stakeholders, including speedometer testing stations that are often small businesses, noted the limitations of the current regulations on business operations and support these regulations to expand business opportunities, including the creation of mobile testing units.

(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?

There are 11 certified speedometer testing stations in the Commonwealth of Pennsylvania. These stations, many of which are small businesses, will not be affected beyond minimal additional requirements relative to certification and expanded business opportunities.

(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 amendment will only impact Department-appointed speedometer testing stations and future applicants. It is estimated that all current (11) speedometer testing stations will be impacted.

(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.

The financial and economic impact to speedometer testing stations, many of which are small businesses, will be positive. Allowing for Certificates of Accuracy to be completed and signed electronically will significantly reduce mailing costs, saving these businesses approximately \$200 per week. The current regulations restrict the use of certain law enforcement vehicles for pursuits and other applications requiring the use of speedometers. The new regulations will expand the number of tests to be provided by testing stations. While it is difficult to precisely quantify the impacts to speedometer testing stations, short term compliance costs will be minimal but additional testing opportunities that generate approximately \$ 50 per test will translate into the economic growth of these entities. Law enforcement agencies will be able to use more vehicles because of this regulation, should receive expanded testing services with mobile testing units and expanded competition may drive down costs for law enforcement entities.

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

As previously noted, the positive economic impacts of expanded testing opportunities will outweigh the minimal costs of additional compliance with Department programs.

(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.

Each station (including mobile testing units) will need to apply for and become certified. It is estimated that this application process will require approximately two hours to complete. A cost estimate of \$50.00 per hour totals an approximate cost of \$100.00 per application.

(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.

The average cost per test is \$ 50. These are costs presently incurred by local governments for speed-timing devices, resulting in cost neutral impact. Expanded competition between speedometer testing stations may drive down costs and increase savings over time.

(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.

As noted above for local governments, state law enforcement entities presently incur an average per test cost of \$ 50. These are costs presently incurred by state law enforcement entities for speed-timing devices. Expanded competition between speedometer testing stations may drive down costs and increase savings over time. The Department will incur additional administrative costs with an increase in

applications as more fully detailed below.

(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.

The Department does not anticipate any substantive changes in legal, accounting or consulting procedures associated with this regulation. Reporting, recordkeeping and paperwork will not undergo significant changes in that forms after this regulation are similar to existing forms that the Department have implemented in preparation for this regulation. Samples of modified forms are attached to this document pursuant to the requirements of Section 5(a)(5) of the Regulatory Review Act, 71 P.S. § 745.5(a)(5).

(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.

	<b>Current FY Year</b>	<b>FY +1 Year</b>	<b>FY +2 Year</b>	<b>FY +3 Year</b>	<b>FY +4 Year</b>	<b>FY +5 Year</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	Expanded Use of Vehicles (Not Quantifiabl e)	Expanded Use of Vehicles (Not Quantifi- able)	Expanded Use of Vehicles (Not Quantifi- able)	Expanded Use of Vehicles (Not Quantifi- able)	Expanded Use of Vehicles (Not Quantifi- able)	Expanded Use of Vehicles (Not Quantifi- able)
<b>State Government</b>	Expanded Use of Vehicles (Not Quantifiabl e)	Expanded Use of Vehicles (Not Quantifi- able)	Expanded Use of Vehicles (Not Quantifi- able)	Expanded Use of Vehicles (Not Quantifi- able)	Expanded Use of Vehicles (Not Quantifi- able)	Expanded Use of Vehicles (Not Quantifi- able)
<b>Total Savings</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>COSTS:</b>						
<b>Regulated Community</b>	~\$100 per Application (Appl)	~\$100 per Appl.	~\$100 per Appl.	~\$100 per Appl.	~\$100 per Appl.	~\$100 per Appl.
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	~\$1800	~\$1800	~\$1800	~\$1800	~\$1800	~\$1800
<b>Total Costs</b>	~\$1800	~\$1800	~\$1800	~\$1800	~\$1800	~\$1800
<b>REVENUE LOSSES:</b>						

<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Revenue Losses</b>	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.

<b>Program</b>	<b>FY -3</b>	<b>FY -2</b>	<b>FY -1</b>	<b>Current FY</b>
Program comprised of one (1) full-time employee (FTE AO1) in Vehicle Inspection Division Program. <sup>1</sup>	1 FTE AO1 (work absorbed in program duties)	1 FTE AO1 (work absorbed in program duties)	1 FTE AO1 (work absorbed in program duties)	1 FTE AO1 (work absorbed in program duties)

(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.

**ECONOMIC IMPACT STATEMENT:**

- (a) Approximately eleven small businesses are subject to this regulation.
- (b) Small businesses must complete applications at the above-cited estimate of \$100.00 per application for each required application. Small business will need to retain records for a period of three years, which will require storage costs but no additional professional skills.
- (c) The probable effect is minimal additional costs with expanded business opportunities that will be derived by regulations that reflect modern technologies in speedometer calibration.
- (d) There are no less intrusive or less costly alternative methods of achieving the purpose of this proposed regulation.

<sup>1</sup> One full-time employee spends no more than 1 hour weekly on administering the program so the administrative costs are negligible, approximately \$35 per week. Costs are absorbed in the motor vehicle division budget and are part of the inspection program. Department Quality Assurance Officers do perform an annual cursory audit as part of their routine audits of stations and that cost is absorbed into the budget as well.

(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.

Mobile testing units and clarity and flexibility with respect to emerging technologies are provided for in this regulation, which will likely result in reduced overhead costs to businesses, including small businesses.

(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.

The Department believes that no other regulatory scheme can better accomplish the calibration, testing and utilization of speed timing devices within the meaning of 67 Pa Code and the Vehicle Code in light of advances in technology.

(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.

Compliance and reporting requirements have been streamlined and thus there are no less stringent compliance or reporting requirements for small businesses. Because the compliance and reporting requirements for small businesses are minimal, there is no need to further explore the minimization of adverse impacts 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.

N/A

(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>08/18/16</u> |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>09/23/16</u> |
| D. The expected effective date of the final-form regulation:                                | <u>10/08/16</u> |
| E. The date by which compliance with the final-form regulation will be required:            | <u>10/08/16</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 proposed regulations will be continuously reviewed for clarity, effectiveness, and whether they are serving the best interests of the citizens of the Commonwealth.





BUREAU OF MOTOR VEHICLES
APPLICATION FOR DESIGNATION AS
OFFICIAL SPEED TIMING DEVICE TESTING
STATION

▲ For Department Use Only ▲

- 1. INDICATE DESIGNATION DESIRED: 1. [ ] Electronic (Radar)
2. [ ] Speedometer
3. [ ] Electronic (Non Radar) Which measures elapsed time between two sensors.
4. [ ] Stopwatch
5. [ ] Electronic (Non-Radar) Which calculates average speed between two points.
2. The following information is necessary to expedite your application. Place a check mark in the squares that apply to your requirements and this application.
(a) [ ] NEW STATION (d) [ ] ADDITIONAL STATION (g) [ ] CHANGE OF LOCATION
(b) [ ] CHANGE OF NAME (e) [ ] CHANGE OF POST OFFICE ADDRESS ONLY
(c) [ ] CHANGE OF OWNERSHIP (f) [ ] CHANGE OF AUTHORITY WITHIN A CORPORATION ONLY
3. TRADE NAME: \_\_\_\_\_ (NAME IN WHICH CERTIFICATE OF APPOINTMENT IS TO BE ISSUED)
4. ADDRESS OF STATION: \_\_\_\_\_
5. MAILING ADDRESS: \_\_\_\_\_ (IF DIFFERENT FROM #4)
6. BUSINESS TELEPHONE: \_\_\_\_\_
7. As an Official Speed Timing Device Testing Station the applicant states that he/she can qualify on the basis of a satisfactory showing of the following requirements:
8. Do you regularly have in your employ on a full-time basis the following personnel:
[ ] electrical engineer [ ] metrologist [ ] Speedometer Insp. Mechanic
[ ] associate engineer [ ] associate metrologist [ ] other (explain) \_\_\_\_\_
9. Do you have the required equipment as provided in Chapter 105 or an equivalent substitute to perform the calibration and testing of the speed timing devices falling within the category for which you are making application?
[ ] Yes [ ] No
10. Are you willing to assign the appropriate person who was present at the time of a specific test as an expert witness for court cases as required?
[ ] Yes [ ] No
11. Will you complete and furnish to the police department submitting their speed-timing device for calibration and testing the standard calibration and technical data sheets in form and manner prescribed by the Commonwealth?
[ ] Yes [ ] No
12. Do you own a Dynamometer, for testing speedometers? [ ] Yes [ ] No If yes, what type of device do you own? \_\_\_\_\_
13. Do you own a Watch Master Testing Device? [ ] Yes [ ] No
14. Do you have stop watch repair service available? [ ] Yes [ ] No

15. The following information must be completed before this application can be approved. List below the name or names and home address of the owners, or if the applicant is an Association, the names, titles and home addresses of the persons constituting the Association, and if a Corporation, the names and titles and home address of the Principal Officers. Please include the name, title and home address of the person signing this application. Attach separate sheet if more space is necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. Has the appointment of any Official Inspection Station, with which you have been connected in any way, been suspended?

Yes  No If yes, send full explanation. \_\_\_\_\_

IF KNOWN GIVE FORMER STATION NUMBER, NAME AND ADDRESS OF FORMER INSPECTION STATION ON LINE ABOVE. IF ADDED SPACE IS NEEDED, ATTACH SEPARATE SHEET.

I hereby certify under penalty of law that the answers given here are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
APPLICANT'S SIGNATURE IN INK

DATE OF APPLICATION: \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME AS IT APPEARS ABOVE

SIGNATURE: The application shall be signed by the owner, if a natural person, and in the case where the owner is a corporation, co-partnership, or association, by an executive officer thereof or some personal specifically authorized by said corporation to sign application, to which shall be attached written evidence of his authority.

The above named applicant states that he/she can qualify as an Official Electronic Device (Radar) Testing Station based on satisfactorily meeting the requirements of Title 67, Chapter 105 (Mechanical, Electrical and Electronic Speed Timing Devices) as published in the Pennsylvania Bulletin and the applicant:

- A. Has satisfactorily demonstrated the ability to perform calibration and testing procedure as outlined in Chapter 105.
- B. States that all instruments used in the calibration and testing procedure as outlined in Chapter 105 shall have their accuracy certified at acceptable intervals and shall be referenced directly or traceable to the National Bureau of Standards.

**STATE POLICE**

Approved:  Disapproved:  Date \_\_\_\_\_, 20\_\_ Signed: \_\_\_\_\_  
Inspection Station Supervisor

Approved:  Disapproved:  Date \_\_\_\_\_, 20\_\_ Signed: \_\_\_\_\_  
Communications Division  
Bureau of Technical Services  
(If application for Electronic Device Radar Testing Station)

**DEPARTMENTAL DECISION**

Approved:  Disapproved:  Date \_\_\_\_\_, 20\_\_ Signed: \_\_\_\_\_  
Manager, Vehicle Control Division



**Bureau of Motor Vehicles  
Vehicle Inspection Division  
P.O. Box 68697  
Harrisburg, PA 17106-8697**

**Application for  
Certification as  
Official Speedometer  
Testing & Calibration  
or Official Speed  
Timing Device Mechanic**

For Department Use Only

**INSTRUCTIONS TO APPLICANTS**

1. ORIGINAL APPLICATION: You must be 18 years of age. You must have successfully completed a course in Speedometer testing and calibration and/or speed testing equipment with at least six months on-the-job training prior to making application.
2. Failure to supply complete information will cause this application to be rejected. Print legibly in ink or type all answers.
3. You must supply all information on any conviction for a felony, misdemeanor, or violation of the periodic motor vehicle inspection. A conviction record will not cause your application to be immediately rejected. We will judge each case on its own merits.
4. Be sure to sign your name in full as it appears on your Pennsylvania driver's license.
5. As soon as we receive your application, we will review it and notify you of additional steps you will be required to take in order to complete the application process.

PA DL/PHOTO ID#	NAME (Last)	(First)	(Middle Name)
STATION NUMBER	DATE OF BIRTH	TELEPHONE NUMBER ( )	
HOME ADDRESS	CITY	STATE	COUNTY ZIP CODE

Indicate the types of speedometer testing equipment you are trained to operate:

\_\_\_\_\_

Indicate if you have been trained to calibrate and test this equipment for accuracy .....  YES  NO

Indicate the types of speed timing devices you are trained to operate (Check (✓) all that apply):

- ELECTRICAL  ELECTRONIC (NON-RADAR)  ELECTRONIC (RADAR)  STOPWATCH  SPEEDOMETER

Where did you get your training as a speedometer/speed timing device mechanic and how long was this training?

\_\_\_\_\_

Show any arrests for felonies, misdemeanors, or inspection violations and/or convictions:

DATE OF VIOLATION	NATURE OF VIOLATION	DISPOSITION

Have you ever been previously approved as an Official Speedometer/Speed Timing Device Testing Mechanic? .....  YES  NO

Have you ever been suspended as an Official Speedometer/Speed Timing Device Testing Mechanic? .....  YES  NO

Do you read, write and understand the English language? .....  YES  NO

**WARNING:** Any false statement on this application could subject the applicant to prosecution under Section 4903 of the "Crimes Code," and punishment upon conviction of a fine not more than \$5,000 and/or imprisonment for not more than two years.

I hereby certify, under penalty of law, that the above information is correct to the best of my knowledge, and I meet all the requirements for certification, as established by the Department.

X

APPLICANT'S SIGNATURE IN INK EXACTLY AS IT APPEARS ON YOUR DRIVER'S LICENSE

APPLICANT PRINT NAME IN INK EXACTLY AS IT APPEARS ON YOUR DRIVER'S LICENSE



BUREAU OF MOTOR VEHICLES
CERTIFICATE
OF
SPEEDOMETER ACCURACY

This is to certify that \_\_\_\_\_
(NAME OF OFFICIAL SPEEDOMETER TESTING STATION)

has been designated as official Speedometer Testing Station No. \_\_\_\_\_ by the SECRETARY OF TRANSPORTATION.

On \_\_\_\_\_ the speedometer of \_\_\_\_\_
(DATE) (MAKE AND MODEL OF VEHICLE)

bearing Manufacturer's No. \_\_\_\_\_ and Registration No. \_\_\_\_\_ was

( ) tested for accuracy, ( ) adjusted for accuracy, and at time of testing the degree of accuracy was as follows:

Table with columns for MILES PER HOUR (10-100) and rows for TRUE SPEED and SPEED INDICATED BY SPEEDOMETER.

This Certificate is issued in accordance with the provisions in the Vehicle Code, Section 3368(b) Act of June 17, 1976, No. 81, as amended.

TEST EQUIPMENT

Make: \_\_\_\_\_

(INSPECTOR'S SIGNATURE)

Model: \_\_\_\_\_

(PRINT NAME AS IT APPEARS ABOVE)

Ser. No.: \_\_\_\_\_

POLICE EQUIPMENT

No.: \_\_\_\_\_

# Commonwealth of Pennsylvania

Department of Transportation - Bureau of Motor Vehicles

## CERTIFICATE OF APPOINTMENT AS OFFICIAL SPEED-TIMING STATION NO. R11

Acting in accordance with the provisions of 3368 of the Vehicle Code  
Act of June 17, 1976, No. 81 as amended;

This is to certify that: S & D Calibration Services  
29 Prosperity Street

Monongahela, Pennsylvania 15063

Kandis J. Carpenter/Bruce E. Carpenter— Owners

has complied with the requirements for an Official Speed-Timing Inspection Station for an  
Electronic Speed-Timing (RADAR) Inspection Station.

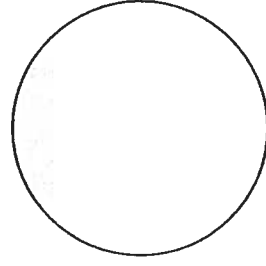
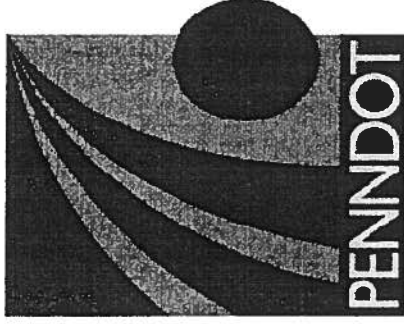
This Certificate may be suspended or cancelled at any time if the provisions of the  
Vehicle Code or inspection regulations are not being complied with or if the business is being  
improperly conducted.

Change of location or ownership of a designated Official Speed-Timing Station  
automatically invalidates this certificate.

DATE: August 16, 2003



Kurt J. Myers, Director  
Bureau of Motor Vehicles



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2016 JUL 13 PM 3: 27

**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. 18-460

DATE OF ADOPTION 4/13/15

BY Louis Pilecki  
Secretary of Transportation

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

BY Maria J. Ziel

7/12/2016  
(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 FINAL RULEMAKING**

**DEPARTMENT OF TRANSPORTATION**

**TITLE 67, TRANSPORTATION**

**Part I – Department of Transportation**

**Subpart A. Vehicle Code Provisions**

**Article VI – Operation of Vehicles**

**Chapter 105 – Mechanical, Electrical and Electronic Speed-Timing Devices**

**Title 67. Transportation**

**Part I. Department of Transportation**

**Subpart A. Vehicle Code Provisions**

**Article VI. Operation of Vehicles**

**Chapter 105. Mechanical, Electrical and Electronic Speed-Timing Devices**

**Preamble**

Notice is hereby given that the Department of Transportation (Department) pursuant to the authority contained in 75 Pa. C.S. §§ 3368 and 6103 (the Vehicle Code), proposes to amend Title 67, Chapter 105, Subchapter C. Speedometers, of its Regulations (relating to speed-timing devices), to read as set forth in Annex A to this Notice. The statutory provisions direct the Department to promulgate standards for speed-timing devices and testing; and authorize the Department to promulgate regulations to implement the Vehicle Code.

***Purpose of Chapter***

The purpose of Chapter 105, Subchapter C is to govern the calibrating and testing of mechanical, electrical, and electronic speed-timing devices by stations appointed by the Department.

***Purpose of the Proposed Amendments***

The purpose of these proposed amendments to Chapter 105 is to delete outdated speed-timing testing devices and procedures, modernize the language, and to include provisions permitting the use of new technologies approved by the Department.

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

Section 105.31 (Appointment of speedometer testing station) has been amended to require speedometer testing stations to prominently display a valid certificate of appointment, provided by the Department. An identical requirement is being removed from Section 105.34 (Manner of testing speedometers).

Section 105.31 (Appointment of speedometer testing station) has also been amended to require that a separate application be filed for each mobile testing unit that a station intends to operate.

Section 105.32 (Operation of speedometer testing station) has been amended to remove a testing station's ability to delegate speedometer testing to another testing station. This change was made based upon recommendations from industry stakeholders.

Section 105.33 (Required equipment) has been updated to allow for the use of new devices and technologies in speedometer testing and calibration that have been approved by the Department and are necessitated by advances in technology. The regulatory language currently in place does not allow for the introduction and approval of new devices and technologies. Section 105.33 has been further updated to delete outdated testing devices and procedures.

Section 105.34 (Manner of testing speedometers) has been amended to allow for electronic generation and signature of Certificates of Accuracy and to permit their reproduction; require testing devices in accordance with the testing equipment manufacturer's specifications, if the manufacturer specifies a testing schedule; require a



station to document the testing and calibration of its testing equipment; and to require that this documentation is made available at the request of the Department.

Section 105.34 (Manner of testing speedometers) has also been amended to provide greater detail regarding the standard for accuracy and specifications for testing accuracy.

### ***Summary of Comments and Changes in the Final Adopted Regulation***

The amendments to the regulation were published as a proposed rulemaking in the July 19, 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. Three comments were received from the public, IRRC submitted several comments, and no Comments were received from the Committees.

Mr. Elam M. Herr from the Pennsylvania State Association of Township Supervisors (PSATS) commented that this regulation did not directly affect their organization. He stated that the provision for mobile testing units could have a positive impact on township police. No changes were made in response to this comment.

Mr. Jim Cowden from YIS/Cowden Group, Inc., an approved speed timing station, submitted three substantive comments. IRRC incorporated Mr. Cowden's comments into its own, and suggested that the Department either modify the regulation in response or explain its reasons for not doing so. Regarding § 105.34(a), Mr. Cowden questioned the Department's addition of a required accuracy window of +/- 2 miles per hour to speedometer calibration. He points out that even new vehicles may not comply with this requirement, and this could potentially result in certain vehicles being unable to be

certified. In response, the Department has withdrawn this proposed change and § 105.34(a) and will retain its current language. Regarding § 105.34(b), Mr. Cowden requested clarity regarding the language “duplicate copy, executed and signed in the same manner as the original.” In response the Department rephrased this section and deleted the phrase “duplicate copy,” allowing instead for additional certificates to be completed in the same manner as the original. Finally, Mr. Cowden questioned if Certificates of Accuracy could be completed, signed, and distributed electronically, which would lead to significant savings on mailing costs. The Department has responded by amending the language to allow electronic generation and signature of Certificates of Accuracy.

Lt. Robert J. Krol, Jr. submitted a comment on behalf of the Pennsylvania State Police (PSP), and IRRC also incorporated this comment into its suggested changes. Lt. Krol points out that PSP no longer maintains a position called “Inspection Station Supervisor.” In response, the Department has deleted the reference to this position from § 105.34(b).

Finally, IRRC provided a number of comments suggesting minor wording changes or requesting additional clarity in several places throughout the proposed rulemaking package. The Department has addressed all of these changes.

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

These regulations affect all speedometer testing station owners and personnel, as well as future applicants who intend to have their station appointed by the Department as a speedometer testing station.

### ***Fiscal Impact***

Implementation of these regulations will not require the expenditure of any additional funds by the Commonwealth or local municipalities. Speedometer testing stations may incur additional short term compliance costs in the application process and implementation of mobile testing units; however, any short term costs will be outweighed by more opportunities to calibrate a broader range of vehicles.

### ***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), the agency submitted a copy of this proposed regulation on July 8, 2014 to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Transportation Committees. In addition to submitting these 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. In preparing this final-form regulation, the Department considered and addressed all comments received from IRRC and from the public. No comments were received from the Committees.

### ***Sunset Provisions***

The Department of Transportation will make these regulations effective upon publication in final form. The Department is not establishing a sunset date for these regulations, since 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.

**Contact Person**

The contact person for technical questions about the proposed amendments to the regulations is Kay Kishbaugh, Manager, Vehicle Inspection Division, 1101 South Front Street, 4<sup>th</sup> Floor, Harrisburg, Pennsylvania 17104, telephone number 717-783-4597.

**Order**

The Department of Transportation orders that:

- (A) The regulations of the Department of Transportation, 67 PA. Code, Chapter 105 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 form, as required by law.
- (C) The Secretary shall certify this Order and Annex A and deposit the same with IRRC for consideration at the next public meeting, as required by law.
- (D) This Order shall take effect upon publication in the *Pennsylvania Bulletin*.

Leslie S. Richards  
Secretary of Transportation

**Title 67. Transportation**

**Part I. Department of Transportation**

**Subpart A. Vehicle Code Provisions**

**Article VI. Operation of Vehicles**

**Chapter 105. Mechanical, Electrical and Electronic Speed-Timing Devices**

**Proposed Rulemaking**

**Annex A**

**§ 105.31. Appointment of speedometer testing station.**

(a) *Application.* Application for appointment as a speedometer testing station or mobile testing unit to be operated by a speedometer testing station shall be made on a form provided by the Department and submitted for each speedometer testing station and each mobile testing unit to be operated by a speedometer testing station.

(b) *Applicant.* [Every applicant] Each applicant intending to be appointed as a speedometer testing station OR MOBILE TESTING UNIT TO BE OPERATED BY A SPEEDOMETER TESTING STATION that is not a business entity, including a sole proprietor or partner in a general or limited partnership, shall be at least 18 years of age.

(c) *Place of business.* [Every] An applicant shall have an established place of business properly equipped to conduct speedometer tests and repairs or to operate AS an approved mobile testing unit.

(d) *Certificate of appointment.* A speedometer testing station and each mobile testing unit operated by a speedometer testing station shall prominently display a valid Certificate of Appointment provided by the Department.

**§ 105.32. Operation of speedometer testing station.**

\*\*\*\*\*

(b) *Hours.* Speedometer testing stations shall be [operated during a regular work week] open for business, at a minimum, Monday through Friday during the hours of 8 a.m. to 5 p.m., except for LEGAL holidays or alternative business hours approved in writing by the Department.

(c) *Personnel.* A speedometer testing station shall employ at least one [speedometer inspection mechanic] technician certified as follows:

(1) [Application] An application of a technician for certification shall be made on a form provided by the Department.

\*\*\*\*\*

(d) *Location.* Speedometer testing and repair shall take place at an approved speedometer testing station, except that[:], upon application to and approval by the Department, a speedometer testing station may operate one or more mobile testing units of a type approved by the Department.

[(1) When absolutely necessary, it is permissible to delegate the functions to another approved speedometer testing station. The delegation, including the name and address of the other station, shall be kept on file for 1 year.

(2) Upon approval of the Department, a speedometer testing station may operate one or more mobile test units of a type approved by the Department.]

### § 105.33. Required equipment.

(a) *Items.* [The following items of equipment are required for the operation of a speedometer testing station] A speedometer testing station or mobile testing unit shall have sufficient tools to make repairs or adjustments and one or more of the following required equipment:

[(1) Sufficient hand tools to make needed repairs or adjustments.

(2)](1) A dynamometer of a type approved by the Department.

[(3)](2) A Speed-Master Quartz Speedometer Tester.

[(4)](3) A 650-H-1 Stewart-Warner Speedometer Calibrator with adaptive equipment needed to operate this ~~device~~-DEVICE or any ~~device~~DEVICE.

[(i) One flexible shaft 108 inches in length to reach from the calibrator to the vehicle transmission or speedometer head.

(ii) Two 12-inch flexible shafts to fit Chrysler speedometer.

(iii) One 12-inch flexible shaft to fit Ford speedometer.

(iv) One 12-inch flexible shaft to fit older speedometers with 5/8-18 male thread.

(v) One 757-AD Stewart-Warner strobetachometer, to be used with a fluorescent light using 60 cycle alternating current voltage.

(vi) One 312-12175y S. S. White-Mile-O-Meter revolution counter.]

(4) Any equipment or alternative technique approved by the Department and published in the *Pennsylvania Bulletin*.

(b) *Periodic testing of speedometer testing equipment.* [Periodic testing of equipment shall be conducted as follows:

**(1) Interval.** ]Speedometer testing equipment shall be **repaired**, tested and adjusted for accuracy in accordance with the testing equipment manufacturer's specifications. **If the testing equipment manufacturer does not specify a testing schedule, the speedometer testing equipment shall be tested and adjusted for accuracy at least once every 60 days.**

**[(2) Forms.** A form provided by the Department shall be completed by a certified speedometer inspection mechanic after each periodic test. The form shall be released to the State Police Inspection Station Supervisor or Department representatives, if verification of the test is necessary. A duplicate copy, executed and signed in the same manner as the original, has the same force and effect as the original.]

**§ 105.34. Manner of testing speedometers.**

**(a) Accuracy.** A [test] speedometer shall be tested for accuracy and, if necessary, repaired and adjusted to obtain the greatest possible degree of accuracy, ~~plus or minus 2 miles per hour (mph) up to 100 mph~~. Testing shall include one of] be conducted in accordance with the following:

**[(1) A dynamometer test.**

**(2) A Speed-Master Quartz Speedometer Tester.**

**(3) A Stewart-Warner Speedometer Calibrator and required components.**

**(i) It will be necessary to have a measured or surveyed mile laid out and properly marked. If less than a mile, use Table 1:**

**Table 1**

**1 mile or 5,280 feet = 1000 cable revolutions**

**1/2 mile or 2,640 feet = 500 cable revolutions**

**1/10 mile or 528 feet = 100 cable revolutions**

**(ii) Check the tires on the test vehicle for proper inflation.**

**(iii) Disconnect the speedometer cable from the back of the speedometer in the vehicle.**

**(A) Connect the speedometer cable to the counter. (S. S. White Mile-O-Meter).**

**(B) Place the vehicle rear wheel centered on line at the beginning of the measured course.**

**(C) Set the counter of the Mile-O-Meter to zero.**

**(D) Drive the vehicle over the measured course.**

**(E) Read the counter and compare it with Table 1.**

**(F) Establish degree or percent of error. In a given measured mile, there should be 1000 cable revolutions. The input speed is slow if less than 1,000. The input speed is fast if more than 1,000.**

**(iv) Disconnect the counter from the speedometer cable on the vehicle.**

**(A) Use the long flexible shaft from the calibrator with the proper 12-inch shaft that permits adopting to fit speedometer head in the vehicle.**

**(B) Proceed to check the speedometer in the vehicle against the master head on the calibrator at 10 mph increments, beginning at 10 to 100 mph, and record the proper information.**

**(v) Disconnect the calibrator flexible shaft from the rear of the speed head in the vehicle and connect the shaft in the vehicle to the speedometer head in same. The speedometer head in the vehicle being tested can also be tested by disconnecting the flexible shaft at the transmission and connecting it to the long flexible shaft from the calibrator. Then proceed as in subparagraph (iv)(B).**

**(vi) Information indicated above is based on United States standard of 1,000 cable revolutions per minute = 60 mph or 96 kilometers per hour.**

**(4) An examination of the speedometer cables to insure that they work freely and without defect or restriction.]**

**(1) Testing equipment and alternative techniques set forth in or approved in accordance with § 105.33 (relating to required equipment) shall be used.**

**(2) Testing shall occur using manufacturer's specifications and procedures.**

**(3) It is necessary to have a measured or surveyed calibration course laid out and properly marked when using a technique that requires a calibration course for testing.**

**(b) Forms. [The following forms are required:] A Certificate of Accuracy, on a form provided by the Department, shall be completed after a speedometer test or repair and signed by the certified technician that performed the speedometer test. THE CERTIFICATE OF ACCURACY MAY BE COMPLETED ON AN ELECTRONIC FILLABLE FORM PROVIDED BY THE DEPARTMENT AND SIGNED ELECTRONICALLY BY THE CERTIFIED TECHNICIAN. A copy of the certificate shall be kept on file at the speedometer testing station for at least 3 years, and be made available to the State Police Inspection Station Supervisor or Department representatives, as necessary. ADDITIONAL Certificates of Accuracy may be reproduced and a duplicate copy COMPLETED, executed and signed in the same manner as the original, ~~has~~ WILL HAVE the same force and effect as the original.**

**[(1) A speedometer testing station shall permanently display a valid Certificate of Appointment, provided by the Department.**



**(2) A Certificate of Speedometer Accuracy, a form provided by the Department, shall be completed after a speedometer test or repair and signed by the Department speedometer inspection mechanic. A copy of the certificate shall be kept on file at the speedometer testing station for at least 2 years. A duplicate copy, executed and signed in the same manner as the original, has the same force and effect as the original.]**

**\*\*\*\*\***

**Title 67. Transportation**  
**Part I. Department of Transportation**  
**Subpart A. Vehicle Code Provisions**  
**Article VI. Operation of Vehicles**  
**Chapter 105. Mechanical, Electrical and Electronic Speed-Timing Devices**  
**Final Rulemaking**

The following Commentators have requested additional information regarding the promulgation of this final-form Regulation:

**Elam M. Herr**  
**Asst. Executive Director**  
**PSATS**  
**4855 Woodland Drive**  
**Enola, PA 17025-1291**  
**717-763-0930**  
**[eherr@psats.org](mailto:eherr@psats.org)**

**Jim Cowden**  
**YIS/Cowden Group, Inc**  
**[jimcowden@yisinc.com](mailto:jimcowden@yisinc.com)**  
**[www.yisinc.com](http://www.yisinc.com)**

The following Commentator did not request additional information regarding the promulgation of this final-form regulation:

**Lt. Robert J. Krol, Jr.**  
**Legislative Affairs Office**  
**Pennsylvania State Police**  
**717-705-1749**  
**[rkrol@pa.gov](mailto:rkrol@pa.gov)**



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

July 13, 2016

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

Re: Final Rulemaking  
# 18-460 — 67 Pa. Code, Chapter 105  
Mechanical, Electrical and Electronic Speed Timing Devices

Dear Mr. Sumner:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form, for amendments to Chapter 105 of the Department of Transportation's (Department) regulations which the Department intends to adopt 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 of this regulation. Thank you for your attention.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeffrey M. Spotts".

Jeffrey M. Spotts,  
Regulatory Counsel

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

I.D. NUMBER: #18-460  
 SUBJECT: Mechanical, Electrical and Electronic Speed Timing Devices  
 67 Pa. Code, Chapter 105  
 AGENCY: Department of Transportation

2016 JUL 13 PM 3: 2

RECEIVED  
IRRC

**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**

DATE	SIGNATURE	DESIGNATION
7/13/16	<u>Nancy S. Cole</u> for Majority Chair Hon. <b>John Taylor</b>	HOUSE COMMITTEE ON TRANSPORTATION
7/13	<u>W. F. Keller</u> for Minority Chair Hon. <b>William F. Keller</b>	
7/13	<u>C. Boyer</u> for Majority Chair Hon. <b>John C. Rafferty, Jr.</b>	SENATE COMMITTEE ON TRANSPORTATION
7/13	<u>J. N. Wozniak</u> for Minority Chair Hon. <b>John N. Wozniak</b>	
	N/A	OFFICE OF ATTORNEY GENERAL
7/13/16	<u>Cheryl York</u>	INDEPENDENT REGULATORY REVIEW COMMISSION

Date: July 13, 2016