

# PROPOSED RULEMAKING

## DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 101]

### Private Driver Training Schools

The Department of Education (Department) proposes to amend Chapter 101 (relating to private driver training schools) which relates to the licensure and registration of schools which train individuals to drive a motor vehicle, to read as set forth at Annex A. The proposed amendments are made under the authority of the act of January 18, 1952 (1951) (P. L. 2128, No. 605) (24 P. S. §§ 2831—2931) (act).

#### *Purpose*

The proposed amendments will provide an updated set of regulations for private driver training schools. The existing regulations in Chapter 101 were adopted at 1 Pa.B. 21 (June 1, 1970) and have never been revised. Because the proposed updating and reorganization of this chapter is substantial, the existing text is totally repealed and replaced with new provisions.

These amendments will assure the public that licensed driving schools meet specific standards in regards to employ qualifications, facilities and vehicles used in the training process. Parents and guardians will be assured that new teachers and agents have Criminal History Background Checks and Child Abuse History Clearances. These amendments will help assure the safety of children while receiving driver education instruction from a private driver training school.

#### *Requirements of the Proposal*

School plant, facility and equipment requirements are defined. An application process to be licensed to operate a driving school or to be an agent for a driving school is provided. A yearly renewal process is also provided.

The proposed amendments will create a time limit of 10 years for driving schools to maintain the cumulative record for students. Existing regulations place no limit on the time for student records to be kept by the driving school.

Driving schools are given direction concerning advertising and special inducements. These proposed amendments permit driving schools to advertise that they are licensed by the Department for the classroom or for behind-the-wheel instruction.

The application process also provides a method for professional staff to become employed by driving schools. These proposed amendments will require new professional staff to acquire a criminal history background check and a Pennsylvania Child Abuse Clearance prior to being employed by a driving school. These proposed amendments will provide for a waiver of the written and practical examination of teacher applicants who are Pennsylvania certified teachers in driver and safety education. The proposed amendments will enable driving school teachers to be employed by more than one driving school at the same time.

Higher standards are required to open a driving school. A minimum of 2 years of successful driver education teaching experience is required of the owner or director of

a new driving school. Previously, an individual could open a driving school without any prior teaching experience in driver education by the owner or any staff member.

Vehicles are required to be no more than 5 years of age unless they have less than 50,000 original miles. In addition, certificates of insurance must be filed with the Department for each vehicle that is used in practical driver training, showing the minimum insurance coverage of \$50,000/100,000, public liability; \$5,000 property damage; and \$5,000 for medical payments.

The proposed amendments will require that instructional outlines, for theoretical and practical instruction, be submitted to the Department. The outlines must meet, at a minimum, the requirements as listed in the act.

#### *Affected Parties*

The proposed changes will affect licensed private driver training schools, students at those schools, driving school teachers, agents, directors, owners, the Department and the Department of Transportation.

#### *Cost and Paperwork Estimates*

It is estimated that the cost for background checks and clearances for 150 licensed driving schools will total \$3,000 per year. There will be no new legal, accounting or consulting procedures for local governments; therefore, there are no additional costs for local governments.

The Department and the Department of Transportation will actually see a savings in the amount of time administering the teacher examinations since teachers who are certified in driver and safety education will be exempted from taking the examinations. However, the additional time involved in processing background checks and clearances will offset the time saved in testing. As a result, there will be no additional costs or savings associated with the implementation of these proposed amendments.

#### *Effective Date*

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

#### *Sunset Date*

These proposed amendments will be reviewed every 3 years from the final publication date.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 26, 1997, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees, with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If the Committees have objections to any portion of the proposed amendments, they will notify the Department within 20 days of the close of the public comment period. If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Depart-

ment, the Governor and the General Assembly to review these objections before final publication of the amendments.

*Public Comments and Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Robert E. Roush, Jr., School Safety Education Advisor, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333 within 30 days following publication in the *Pennsylvania Bulletin*, (717) 783-6595.

EUGENE W. HICKOK,  
*Secretary*

**Fiscal Note:** 6-257. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* As part of this regulatory proposal, the Department is proposing to delete the existing text of §§ 101.1—101.3, 101.11—101.18, 101.21—101.25, 101.31—101.36, 101.41—101.46, 101.51—101.55, 101.61—101.64, 101.71—101.76, 101.81 and 101.91—101.93, which appears at 22 Pa. Code pages 293—307, serial pages (3217)—(3231).

The following text is new. It has been printed in regular type to enhance readability.)

**Annex A**

**TITLE 22. EDUCATION**

**PART VI. BUREAU OF PRIVATE SCHOOLS AND VETERANS EDUCATION**

**CHAPTER 101. PRIVATE DRIVER TRAINING SCHOOLS**

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**PRELIMINARY PROVISIONS**

**§ 101.101. Definitions.**

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

*Act*—The act of January 18, 1952 (1951) (P. L. 2128, No. 605) (24 P. S. §§ 2831—2931), known as the Private Driver Education or Training School Act.

*Agent*—A person, whether employed by a private driver education or training school or operating in his own behalf, or whether acting in behalf of a school located within or outside of this Commonwealth, who personally solicits an individual within this Commonwealth to enroll in a school.

*Department*—The Department of Education of the Commonwealth.

*Director*—The supervisor or director of a private driver education or training school.

*Identification card*—A card issued by the Department to a private driver education or training school for a teacher employed by the school.

*Location*—Either the business address for a specific licensed private driver education or training school or the address of the site of the school's theoretical or classroom driver training area.

*Owner*—A person or business entity which owns a private driver education or training school but does not necessarily oversee the daily operation thereof.

*Professional staff member*—An agent, teacher or director of a private driver education or training school.

*School*—A private driver education or training school.

*Teacher*—A person who provides classroom instruction or practical behind-the-wheel instruction.

*Vehicle*—A car or truck weighing up to 11,000 pounds.

**§ 101.102. Laws applicable to private driver training schools.**

In addition to the act, the following apply to private driver training schools:

(1) *Fictitious Names Act.* Title 54 of the *Pennsylvania Consolidated Statutes* §§ 301—322 states that an entity which either alone or in combination with another entity conducts business in this Commonwealth under or through a fictitious name shall register the fictitious name by filing an application for the registration of a fictitious name with the Department of State.

(2) *Untrue, false and misleading advertising.* Title 18 of the *Pennsylvania Consolidated Statutes* § 4107 provides that it is unlawful for a person to make, in the course of business, a false statement in an advertisement for the purpose of promoting the purchase or sale of property or services.

(3) *Restraint of unlicensed activities.* The act of April 18, 1949 (P. L. 492, No. 106) (71 P. S. § 1036.1) authorizes the Department to prohibit and restrain an unlicensed person, association, copartnership or corporation from engaging in any activity for which a license is required or issued.

(4) *Cancellation of licenses.* Section 811 of The Administrative Code of 1929 (71 P. S. § 279.2) authorizes the cancellation of a certificate, license, permit or registration obtained through fraud or misrepresentation.

(5) *Fire and panic regulations.* The fire and panic regulations are drafted in accordance with duties imposed on the Department of Labor and Industry by the act of April 27, 1927 (P. L. 465) (35 P. S. §§ 1221—1235.1) and pertain to Class I buildings, as well as private schools located in places other than Philadelphia, Pittsburgh and Scranton.

#### § 101.103. Correspondence.

(a) Inquiries and correspondence shall be directed to Private Driver Training Schools, Department of Education, 333 Market Street, Harrisburg, Pennsylvania 17126-0333.

(b) The Department will assist persons in meeting the requirements which underlie school and agent licensure and relicensure.

#### § 101.104. Records.

Every school shall maintain adequate records of students, and shall maintain a permanent cumulative record for 10 years after the student completes driver training. The cumulative record shall include the number of clock hours of instruction received by each student, and shall contain information on attendance, test scores, personal characteristics, health and other information deemed pertinent by the school. The records shall be current and available for inspection by representatives of the Department during regular school hours.

#### § 101.105. Advertising.

Licensed schools may advertise as "licensed for classroom by the Pennsylvania Department of Education" or "licensed for behind-the-wheel instruction by the Pennsylvania Department of Education."

### APPLICATIONS FOR SCHOOL LICENSING

#### § 101.111. Application forms.

(a) Applications for licenses to conduct schools shall be made on forms furnished by the Department.

(b) Applicants for school licenses shall certify through completion of the self-authenticating document provided by the Department their compliance with the provisions of the act.

(c) Applications shall be accompanied by a sworn affidavit certifying the truth of the statements made in the application. Applications may not be submitted to the Department by facsimile because of the required notary public certification.

(d) The Department will provide its approval of applications by either mail or facsimile.

#### § 101.112. Additional application materials.

At the time of application, the following materials shall also be submitted:

(1) For each individual proprietor of a school, each member of a partnership, association or company that owns a school, and each officer and director of a corpora-

tion that owns a school, who is directly connected with the conduct and operation of the education program:

(i) A statement certifying that the applicant is of good moral character and at least 18 years of age.

(ii) A list of names, addresses and telephone numbers of three persons serving as character references and three persons serving as credit references, none of whom are related to the applicant or are in any way connected with the school.

(2) A statement certifying that persons employed by or directly connected with the conduct and operation of schools are not addicted to the use of alcoholic liquors, morphine, cocaine or other drugs having a similar effect.

#### § 101.113. Certification under the Fictitious Names Act.

(a) Applicants for licenses who are incorporated or subject to 54 Pa.C.S. Chapter 3 (relating to Fictitious Names Act) shall attach to the application a statement or certification from the Department of State verifying that the applicant has complied with the applicable statute.

(b) The application shall be filed under the fictitious name of the school with the individual, partnership or corporate name added thereto.

#### § 101.114. Fees.

(a) *Amount of license fees.* The amount of license fees and renewal license fees is established by section 606-A of The Administrative Code of 1929 (71 P. S. § 240.6A).

(b) *Method of payment.* The license fees and renewal fees shall be paid by money order or by check, payable to the Pennsylvania Department of Revenue and shall be attached to the application for a license or renewal license.

#### § 101.115. Changes in applications or school information.

(a) If changes occur in the facts set forth in an original application for licensure, an application for relicensure or subsequent or supplemental information shall be filed with the Department, and shall be approved prior to the date the changes go into effect.

(b) The Department will accept changes in applications in person, by mail or by facsimile.

(c) A school wishing to change its location or the location of a practice driver training area shall notify the Department in writing or by facsimile prior to the actual change.

(d) A change in a school's location or a change of address of the residence of an owner, director, teacher or agent shall be filed with the Department by mail or by facsimile prior to the actual change.

#### § 101.116. Lost or destroyed licenses.

If a license is lost, mutilated or destroyed, the Department will replace the license without charge. To obtain a replacement, the school shall surrender a mutilated license or attest by affidavit that the license was lost or destroyed.

#### § 101.117. School license renewal applications.

(a) License renewal shall be made on applications furnished by the Department.

(b) Applications for license renewal shall be filed with the Department on or before April 30 of each year. Applications filed after this date may result in issuance of licenses or teacher identification cards after June 30.

(c) Incomplete applications for license renewal may be returned to the school. License renewal may be delayed or denied when the full information requested is not supplied.

### SCHOOL PLANT

#### § 101.131. School licenses.

Applicants for school licenses shall certify through completion of the self-authenticating document issued by the Department compliance with section 4(1)(a)(i) and (ii) of the act (24 P. S. § 2834(1)(a)(i) and (ii)).

#### § 101.132. Prohibited locations.

(a) Only one school may be licensed for a particular location.

(b) Public school buildings will not be approved as the primary licensed classroom site for private driver training schools.

#### § 101.133. Fire regulations.

(a) Indoor instruction areas shall be approved by the Department of Labor and Industry in accordance with the fire and panic regulations cited in § 101.102(5) (relating to laws applicable to private driver training schools). Each applicant for a school license and each applicant for a change of location of the indoor instructional area shall submit a statement or certificate from the proper authority certifying that the indoor instructional area has been approved.

(b) The indoor instructional areas of schools located in Philadelphia, Pittsburgh and Scranton, if occupied by five or more students at the same time, shall be approved from the standpoint of public safety by the respective fire marshal or other officers having jurisdiction.

#### § 101.134. Space allotment of indoor instruction areas.

The indoor area used for the theoretical instruction of a group of five or more students shall provide a minimum of 15 square feet of floor area per student and 120 cubic feet of air space per pupil.

#### § 101.135. Classroom equipment.

Applicants or licensees offering indoor group theoretical instruction to five or more students shall provide in each classroom the following items:

(1) A desk or an equivalent work station and a chair for each student in attendance.

(2) A writing board containing an area of at least 24 square feet.

#### § 101.136. Lighting and seating arrangements.

Schools or licensees may not use a seating plan or arrangement in the indoor instructional areas which faces the students toward the source of natural or artificial illumination.

#### § 101.137. Lavatory facilities.

Schools offering theoretical instruction to a group of five or more students shall provide lavatory and toilet facilities which meet State or local requirements.

### PROFESSIONAL STAFF

#### § 101.141. Professional staff applications.

(a) Professional staff members who are initially employed by a school, or who were employed by one school and obtain employment at another school after \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of

the adoption of this proposal.) shall submit applications for approval to the Department upon the forms provided by the Department.

(b) Applications of teachers and directors shall serve as application for the written theoretical and practical examinations.

(c) Persons who hold a valid Pennsylvania Teaching Certificate, with certification in Driver and Safety Education, will be exempted from the theoretical and practical examinations. Exempted persons shall apply for and obtain valid teacher identification cards from the Department prior to being employed by private driver training schools. Persons desiring to teach driver education for a fee shall apply for private driver training school licenses and teacher identification cards.

#### § 101.142. Additional staff application materials.

Professional staff members shall submit the following to the Department with the administrative and instructional staff application:

(1) A statement certifying that he is of good moral character, a citizen of the United States and at least 18 years of age.

(2) A list of the names, addresses and telephone numbers of three persons serving as character references, none of whom are related to the applicant or are in any way connected with the school in which the applicant is seeking employment.

(3) Criminal history background checks which comply with section 111 of the Public School Code of 1949 (24 P. S. § 1-111), known as Act 34 of 1985 and §§ 8.1—8.4 (relating to criminal history background checks).

(4) Official clearance statements which comply with 23 Pa.C.S. §§ 6354—6358) (relating to background checks for employment in schools).

#### § 101.143. Driving records.

The following information shall also be submitted at the time of the staff application:

(1) *Driving experience.* By one of the following methods, teachers and directors shall produce evidence that they have driven a minimum of 15,000 miles as licensed operators, under all kinds of weather conditions in both urban and rural areas:

(i) Submission of statements from previous or current employers, in affidavit form, that attest to the specified requirements.

(ii) Certification on their own behalf, if never employed to operate a motor vehicle, attesting to the specified requirements.

(iii) Combining statements from previous or current employers, in affidavit form, with a certification made in their own behalf, all of which together attest to the specified requirements.

(2) *Accidents.* Teachers and directors shall provide 3-year driving abstracts obtained from the Bureau of Driver Licensing, Department of Transportation. The abstracts shall establish that they have not had more than one reportable accident resulting in a suspension or revocation of their motor vehicle operator's license during the 3-year period preceding the date of their application for approval for instructional service. A "reportable accident" means an accident involving the injury or death of a person, or damage to a vehicle to the extent that it cannot be driven in a customary manner under its own power

without further damage or hazard to the vehicle, to other traffic elements, or to the roadway, and therefore requires towing.

**§ 101.144. Directors; experience.**

Private driver training school owners or directors shall submit documentary evidence of a minimum of 2 years of successful driver education teaching experience in a private driver training school, private high school or public high school. The documentary evidence shall set forth the names of the schools or classes and the place, dates and length of instructional service, including a statement from the official head of the school or class certifying that the teaching experience was successful and attesting to the place, dates and length of that service.

**§ 101.145. Foreign agents.**

Individuals who act as agents representing schools located outside this Commonwealth shall, in addition to the professional staff application, provide evidence clearly demonstrating that the owner of their school has fulfilled the statutory requirements of the Commonwealth relating to the registration of fictitious names, foreign corporations and business activities carried on in this Commonwealth by persons having commercial headquarters elsewhere.

**§ 101.146. Incomplete applications.**

Prior to the day on which applicants are scheduled for examination, they shall file with the Department completed school staff applications together with the required lists of three references and the 3-year driving abstracts. Failure to do so will preclude applicants from taking the examination.

**APPLICANT EXAMINATIONS**

**§ 101.151. Prerequisite evidence.**

To qualify as a teacher in a private driver training school, an applicant shall successfully complete written and practical examinations. Prior to testing, an applicant shall obtain a valid Pennsylvania class A, B or C driver's license, file a completed school staff application with the Department and submit written evidence that the applicant has done one of the following:

- (1) Secured employment in an established, licensed private driver training school.
- (2) Filed an application for a license to conduct a private driver training school.
- (3) Is a prospective employe of a school not yet licensed but whose application for an original license has been properly filed with the Department.

**§ 101.152. Opportunities to pass.**

For each original staff application filed with the Department, the applicant will be granted three opportunities to pass the written examination and three opportunities to pass the practical examination after passing the written examination.

**§ 101.153. Locations.**

Examinations shall be given at various stipulated locations throughout this Commonwealth. Times and places may be ascertained by contacting the Department.

**§ 101.154. Identification cards.**

(a) After applicants have passed the written and practical examinations, the Department will issue a valid identification card to the school for each teacher. An Instructor's Examination Permit bearing the stamp of the

Department of Transportation may serve as a temporary identification card for 45 days from the date that the driving examination was passed.

(b) A teacher shall hold a valid identification card made out in the name of the school employing the teacher and issued to that school by the Department.

(c) Teachers or directors who give practical driver training shall carry their identification cards on their persons.

(d) Upon terminating of a teacher's employment, the school shall file a termination of employment form and return the teacher identification card to the Department.

(e) To teach classroom or behind-the-wheel instruction for more than one private driver training school, teachers shall obtain separate identification cards from the Department by completing the proper applications.

**§ 101.155. Lost or destroyed identification cards.**

If an identification card is lost, mutilated or destroyed, the Department will replace the card without charge. To receive replacements for lost, stolen or destroyed identification cards, the teacher shall surrender the mutilated identification card or attest by affidavit that it was lost or destroyed.

**§ 101.156. Loss of operating privilege.**

Teachers who lose their privilege to operate motor vehicles in this Commonwealth shall immediately surrender their identification cards to the Department. The teachers shall also give written notification to their employers and to the Department of the violations and all pertinent facts, and the dates upon which behind-the-wheel instructional activities ceased.

**§ 101.157. Time limits.**

Applications for teacher identification cards and vehicle identification cards filed after April 30 will be valid until June 30 of the following year.

**REEMPLOYMENT**

**§ 101.161. Reemployment within 12 months.**

Teachers changing employment to another school within 12 months of employment shall complete instructional staff applications and submit criminal history background checks to secure valid identification cards.

**§ 101.162. Reemployment after 12 months.**

When a continuous period of 12 months or more has elapsed without employment as a driver training teacher, the applicant shall comply with §§ 101.141—101.143 (relating to professional staff applications; additional staff application materials; and driving records).

**§ 101.163. Notice of employment.**

Schools, upon the employment of new teachers or the reinstatement of former employes, shall immediately notify the Department of the dates that the employes were employed.

**§ 101.164. Termination of employment.**

Schools shall immediately notify the Department upon the termination of employment of teachers, stating the starting dates of employment and the termination dates. This information is to be supplied on the forms provided by the Department.

**VEHICLES AND INSURANCE**

**§ 101.171. Insurance coverage for vehicles.**

(a) Each school shall provide and maintain insurance on the vehicles used in practical driver training and file a current, valid certificate of insurance for each vehicle with the Department.

(b) The minimum required insurance coverage on each vehicle shall be: \$50,000—\$100,000, public liability; \$5,000, property damage; and \$5,000, medical payment.

(c) Certificates of insurance shall set forth the year, make, serial number of vehicle covered, the expiration date of the coverage and the amounts of medical payment, property damage and public liability coverage carried under that certificate.

(d) Licensees shall immediately notify the Department when any of the required insurance is cancelled.

**§ 101.172. Vehicle identification.**

Each vehicle used for practical driver training shall carry an identification card issued by the Department. It shall be affixed to the right sun visor or in a manner that makes the identification visible to the vehicle's occupants.

**§ 101.173. Age of vehicles.**

(a) Vehicles used for practical driver training may not be more than 5 years old or have more than 50,000 miles, whichever occurs later.

(b) The date appearing on the face of the original certificate of title shall be used as the date the vehicle was placed in service. Five years from that date will determine the permissible 5-year period.

(c) When an application for certificate of title for the vehicle is submitted to the Bureau of Motor Vehicles, Department of Transportation, the burden of proof regarding the age of the vehicle rests with the owner.

**§ 101.174. Changes or additions to the fleet.**

A school shall immediately report changes or additions to the teaching fleet to the Department prior to the vehicle being placed in service. Each vehicle added to the school fleet shall be registered with the Department by filing a current, valid insurance certificate containing the required information and an affidavit setting forth the year, make, serial number and registration plate of the new vehicle and the fact that the vehicle is equipped with:

- (1) An operable extra brake pedal and in the case of vehicles equipped with standard transmission, an operable extra clutch pedal.
- (2) Defroster and heater in working order.
- (3) A rear-view mirror placed on the inside of the car in the vicinity of the cowl.
- (4) Two outside rear-view mirrors, one on each side of the vehicle.
- (5) Cushions for the proper seating of the students.

**PROGRAM OF INSTRUCTION**

**§ 101.181. Outlines to Department.**

In addition to the requirements contained in §§ 101.111—101.115, applicants for an original license shall provide the Department with outlines for their theoretical and practical instruction in driver education.

The outlines shall, at a minimum, include the subject matter required by the act.

[Pa.B. Doc. No. 97-507. Filed for public inspection April 4, 1997, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

**[58 PA. CODE CH. 61]  
Fishing**

The Fish and Boat Commission (Commission) proposes to amend Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment relates to fishing.

*A. Effective Date*

The proposed amendment will, if approved on final rulemaking, go into effect upon publication of an order adopting the regulation.

*B. Contact Person*

For further information on the proposed change, contact Laurie E. Shepler, Assistant Counsel (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000.

*C. Statutory Authority*

This proposed amendment is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

*D. Purpose and Background*

The proposed amendment is designed to update, modify and improve Commission regulations relating to fishing. The specific purpose for the amendment is described in more detail under the summary of proposal.

*E. Summary of Proposal*

The Commission has designated the Susquehanna River from Holtwood Dam upstream to the Fibradam in Sunbury and the Juniata River from its Mouth upstream to Route 11/15 Bridge near Amity Hall as Big Bass Waters subject to § 65.9 (relating to big bass special regulations). This designation supersedes the general fishing regulations applicable to these waters found in § 61.7 (relating to Susquehanna River and tributaries). The Commission's Bureau of Law Enforcement has requested that the Commission amend § 61.7 to make it clear that the Big Bass regulations apply to the waters described in this section of the Preamble. This proposed change has no substantive impact; it merely ensures that the wording of the general regulation, § 61.7, is consistent with the special regulations already applicable to these waters. On March 11, 1997, the Commission, by notational vote, approved the publication of this notice of proposed rulemaking.

*F. Fiscal Impact*

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment will impose no new costs on the private sector or the general public.

G. *Paperwork*

The proposed amendment will not increase paperwork and will create no new paperwork requirements.

Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Fish and Boat

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-67. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.7. Susquehanna River and tributaries.

\* \* \* \* \*

(d) The following seasons, sizes and creel limits apply to the Susquehanna River and its tributaries, including the Juniata River, the West Branch, "North Branch" and other tributaries within the Susquehanna River Basin, except the Conowingo Reservoir—see § 61.4 (relating to Conowingo Reservoir) and except for waters subject to special regulations (see Chapter 65 (relating to special fishing regulations)):

<i>Species</i>	<i>Seasons</i>	<i>Minimum Size</i>	<i>Daily Limit</i>
AMERICAN SHAD	Closed year-round	Closed	
[ BASS Largemouth Smallmouth Spotted ]	[ January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31. ]	[ Upstream of Dock Street Dam ] [ 12 inches ]	[ Upstream of Dock Street Dam ] [ 6 (combined species) ]
		[ Dock Street Dam downstream to Holtwood Dam ] [ 15 inches ]	[ Dock Street Dam downstream to Holtwood Dam ] [ 4 (combined species) ]
BASS Largemouth Smallmouth Spotted	January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31	Susquehanna River—Holtwood Dam to Fibradam in Sunbury: Big Bass Regulations apply. See § 65.9	Big Bass Regulations apply. See § 65.9
BASS Largemouth Smallmouth Spotted	January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31	Susquehanna River—Upstream of Fibradam in Sunbury: 12 inches	6 (combined species)
BASS Largemouth Smallmouth Spotted	January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31	Juniata River—Mouth upstream to Route 11/15 bridge near Amity Hall; and 18.5 mile section from the S. R. 0075 bridge at Port Royal downstream to Newport S. R. 0034 Bridge: Big Bass Regulations apply. See § 65.9	Big Bass Regulations apply. See § 65.9

<i>Species</i>	<i>Seasons</i>	<i>Minimum Size</i>	<i>Daily Limit</i>
<b>BASS Largemouth Smallmouth Spotted</b>	<b>January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31</b>	<b>Juniata River—All areas except as described in this subsection: 12 inches</b>	<b>6 (combined species)</b>
OTHER SPECIES	Inland seasons, sizes and creel limits apply <b>except for waters under special regulations (See Chapter 65)</b> . See § 61.1 (relating to Commonwealth inland waters). For Conowingo Reservoir see § 61.4 (relating to Conowingo Reservoir).		

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