

RULES AND REGULATIONS

Title 10—BANKING

DEPARTMENT OF BANKING

[10 PA. CODE CH. 7]

[CORRECTION]

Corrective Amendment to 10 Pa. Code § 7.2

An error occurred in a corrective amendment to 10 Pa. Code § 7.2 which appeared at 28 Pa. B. 5094 (October 10, 1998).

The correct version of 10 Pa. Code § 7.2 appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 10. BANKING

PART I. GENERAL PROVISIONS

CHAPTER 7. RESIDENTIAL REAL ESTATE TRANSACTIONS

§ 7.2. Definitions and rules of construction.

Unless the context indicates otherwise, the following definitions and rules of construction apply:

* * * * *

Performance—The term, for purposes of sections 403 and 404 of the act (41 P. S. §§ 403 and 404), includes, but is not limited to, a conspicuous designation as to where cure shall be tendered, provided that the designated location is one of the following:

(i) A regular place of business of the residential mortgage lender in the county where the real property is located or in a county contiguous thereto which is open during normal business hours.

(ii) For a period of time that the required notice provides the residential mortgage debtor with knowledge of a specific sum of money, payment of which during the period will constitute satisfactory tender of cure, an address at which tender of cure may be made by mail.

(iii) If the residential mortgage lender has no place of business as set forth in subparagraph (i), any designated location in the county where the real property is located, or in a county contiguous thereto, which is open during normal business hours. The designated location may be the office of an attorney. The residential mortgage lender may require that on the day of a scheduled sheriff's sale, tender of cure be limited to the place of the sale, provided that the residential mortgage debtor is given the name of the agent of the lender authorized to accept tender of cure and the agent is present at the place of sale at least 1 1/2 hours prior to commencement of the sale.

* * * * *

[Pa.B. Doc. No. 98-1646. Filed for public inspection October 10, 1998, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF LANDSCAPE ARCHITECTS

[49 PA. CODE CH. 15]

Fees

The State Board of Landscape Architects (Board) amends § 15.12 (relating to fees) pertaining to increased fees for December 1998 and subsequent examinations for licensure, to read as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a), and section 4(2) and (3) of the Landscape Architects Registration Law (act) (63 P. S. § 904(2) and (3)), examinations for licensure must be prepared and administered by a professional testing organization under contract to the appropriate board. This amendment will change fees for examinations to candidates for licensure. Contract costs for examination services will increase beginning December 1998, under the new contract to be executed with the Council of Landscape Architectural Registration Boards. The amendment also deletes fees for the 1995 and 1996 complete licensing examination that is no longer utilized.

Public notice of intention to amend § 15.12 under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (CDL) (45 P. S. §§ 1201 and 1202) has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. Persons affected by this amendment, however, have been given actual notice of the Board's intention to amend § 15.12 in advance of final rulemaking under section 204(2) of the CDL.

Statutory Authority

This amendment is adopted under section 812.1 of The Administrative Code of 1929 and section 4(2) and (3) of the act.

Fiscal Impact and Paperwork Requirements

The amendment will have no fiscal impact on the Commonwealth or its political subdivisions. Candidates for licensure by examination will be required to pay an increased fee to cover contract costs for the examination.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on June 16, 1998, a copy of the final-omitted regulation was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional

Licensure and the Senate Committee on Consumer Protection and Professional Licensure. A copy of the final-omitted regulation was submitted on the same date to the Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, the final-omitted regulation was deemed approved by the House and Senate Committees on July 6, 1998. Under section 5.1(e) of the Regulatory Review Act, on July 9, 1998, IRRC met and approved the final-omitted regulation.

Additional Information

Individuals who desire information are invited to submit inquiries to Shirley S. Klinger, Board Administrator, State Board of Landscape Architects, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3397.

Findings

The Board finds that:

(1) Public notice of intention to amend its regulation as adopted by this order under the procedures specified in sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedures specified in sections 201 and 202 of the CDL are, in this circumstance, unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination.

(2) The amendment of the regulation of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 15, are amended by amending § 15.12, to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.

(c) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

DAVID M. DUTOT, L.A.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3558 (July 25, 1998).)

Fiscal Note: 16A-613. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 15. STATE BOARD OF LANDSCAPE ARCHITECTS

APPLICATION PROCEDURES

§ 15.12. Fees.

Following is the schedule of fees charged by the Board:

- (1) Application for examination..... \$40
- (2) Certification of licensure or scores..... \$15
- (3) Partial licensing examination for:
 - (i) June 1998:
 - (A) Section 1 \$39
 - (B) Section 2 \$69
 - (C) Section 3 \$108
 - (D) Section 4 \$108
 - (E) Section 5 \$108
 - (F) Section 6 \$108
 - (ii) December 1998:
 - (A) Section 1 Not available
 - (B) Section 2 Not available
 - (C) Section 3 \$108
 - (D) Section 4 \$108
 - (E) Section 5 \$108
 - (F) Section 6 \$108
 - (iii) June 1999:
 - (A) Section 1 \$39
 - (B) Section 2 \$69
 - (C) Section 3 \$108
 - (D) Section 4 \$108
 - (E) Section 5 \$108
 - (F) Section 6 \$108
 - (iv) December 1999:
 - (A) Section 1 Not available
 - (B) Section 2 Not available
 - (C) Section 3 \$115
 - (D) Section 4 \$115
 - (E) Section 5 \$115
 - (F) Section 6 \$115

- (v) June 2000:
- (A) Section 1 \$40
- (B) Section 2 \$70
- (C) Section 3 \$115
- (D) Section 4 \$115
- (E) Section 5 \$115
- (F) Section 6 \$115
- (4) Administration of examination for one section or more \$45
- (5) Landscape Architect Exam Review (optional)... \$75
- (6) Application for licensure without examination:
 - (i) With proof of licensure \$45
 - (ii) Without proof of licensure \$255
- (7) Duplicate certificate fee..... \$5
- (8) Biennial registration fee \$125

[Pa.B. Doc. No. 98-1747. Filed for public inspection October 23, 1998, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CHS. 858 AND 865]

Termination of Instant Lottery Games

The following instant games were terminated by public announcement by the Executive Director of the Lottery and are being deleted from the *Pennsylvania Code*:

Sections 858.1—858.19, Pennsylvania Bingo ('93) Instant Lottery (see § 858.19 (relating to termination of chapter)). July 10, 1995.

Sections 865.1—865.19, Pennsylvania Joker Poker Instant Lottery (see § 865.19 (relating to termination of chapter)). February 20, 1995.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-1748. Filed for public inspection October 23, 1998, 9:00 a.m.]