

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing

The Fish and Boat Commission (Commission) by this order amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this amendment under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment relates to fishing.

A. *Effective Date*

This amendment will go into effect on January 1, 1999.

B. *Contact Person*

For further information on the amendment, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site at <http://www.fish.state.pa.us>.

C. *Statutory Authority*

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

D. *Purpose and Background*

The amendment is designed to update, modify and improve Commission regulations pertaining to fishing. The specific purpose of the various amendments is described in more detail under the summary of changes.

E. *Summary of Changes*

Section 65.24 (relating to miscellaneous special regulations). A few years ago when regulations were amended for the lower 13.5 miles of the Little Juniata River, a 2.1 mile stretch was left with an older set of regulations that are not appropriate at this time. Inventory information has confirmed that the 2.1 mile section from the mouth of Bald Eagle Creek downstream to the railroad bridge at the east (downstream) border of Ironville supports only a sparse trout population as coldwater habitat in this portion of the stream is marginal for the year round survival of trout. Therefore, the Commission believes that this 2.1 mile section does not warrant management under miscellaneous special regulations and has removed this section from the list of waters subject to special regulations. This section now will be managed under Statewide regulations that are already in place on the upstream portion of the Little Juniata River from the headwaters downstream to the confluence of Bald Eagle Creek.

F. *Paperwork*

The amendment will not increase paperwork or create new paperwork requirements.

G. *Fiscal Impact*

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

H. *Public Involvement*

A notice of proposed rulemaking containing the proposed amendment was published at 28 Pa.B. 3058 (July

4, 1998). The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 28 Pa.B. 3058.

(b) The Executive Director will submit this order and 28 Pa.B. 3058 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 28 Pa.B. 3058 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-83 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 98-2026. Filed for public inspection December 11, 1998, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 93]

Boating

The Fish and Boat Commission (Commission) by this order amends Chapter 93 (relating to boat registration and numbering). The Commission is publishing this amendment under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment deals with boating.

A. *Effective Date*

This amendment will go into effect upon publication of this order in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the amendment, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site at <http://www.fish.state.pa.us>.

C. Statutory Authority

This amendment is published under the statutory authority of section 5123 of the code (relating to general boating regulations).

D. Purpose and Background

The amendment is designed to update, modify and improve Commission regulations pertaining to boating. The specific purpose of the amendment is described in more detail under the summary of changes. Prior to consideration by the Commission on final rulemaking, the Commission's Boating Advisory Board considered this change and recommended adoption by the Commission.

E. Summary of Changes

Section 93.5 (relating to display of registration number and validation decal). The Commonwealth has adopted the use of color coded validation decals to identify boats that possess current registrations. The use of validation decals is authorized by the Federal regulations that outline the content and form of state registration systems. At the inception of the Commonwealth's validation decal, the Commission's regulations required that the decal be displayed 3 inches behind the registration number. Several years ago an amendment was approved to allow this decal to be 3 to 6 inches from the number.

33 CFR 174.15 states:

(a) If a state issues validation stickers, its numbering system must contain the requirements that stickers must be displayed within six inches of the number and the stickers must meet the requirements in paragraph (b) and (c) of this section.

(b) Validation stickers must be approximately 3 inches square.

(c) The year in which each validation sticker expires must be indicated by the colors blue, international orange, green and red in rotation beginning with blue for stickers that expire in 1973.

The Commission's regulation currently conforms with these standards but is more strict than required for the display of validation decals. Because the important feature of this regulation is that the decal be displayed and not the exact location of the decal, the Commission has broadened the language of this regulation to allow display anywhere within 6 inches of the number.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Involvement

A notice of proposed rulemaking containing the proposed amendment was published at 28 Pa.B. 3057 (July 4, 1998). The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45

P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 93, are amended by amending § 93.5 to read as set forth at 28 Pa.B. 3057.

(b) The Executive Director will submit this order and 28 Pa.B. 3057 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 28 Pa.B. 3057 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-81 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 98-2027. Filed for public inspection December 11, 1998, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 43]

[CORRECTION]

Temporary Registration Cards and Plates

Errors occurred in a Department of Transportation rulemaking which appeared at 28 Pa.B. 5872, 5877 and 5882 (November 28, 1998). The correct versions of §§ 43.9 and 43.12 appear in Annex A, with ellipses referring to the existing texts of the regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE III. REGISTRATION

CHAPTER 43. TEMPORARY REGISTRATION CARDS AND PLATES

§ 43.9. Bond.

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(d) *Limitations of bond.* The bond required under this section shall cover transactions in which the Commonwealth or a person specified in subsection (a), has sustained a monetary loss due to the agent, dealer or manufacturer submitting a dishonored or uncollectible check to the Commonwealth (including protest and uncollectible check fees), or failing to remit to the Common-

wealth a fee or tax when the monetary loss is incurred in connection with the business of the dealer or manufacturer. A check which is dishonored upon presentment, or an application for title or registration which is received without a required fee or tax, shall constitute a monetary loss. Failure to pay a monetary penalty within 45 days of assessment shall also constitute a monetary loss. The bond required under this section may not cover a loss for a transaction which is not mentioned in this subsection relating to the issuance of temporary registration cards or plates in connection with the business of the dealer, manufacturer or full agent. If the dealer, manufacturer or full agent has one or more branch offices, the amount of the bond shall be increased by the amount specified in subsection (b) for each branch office, except that the total amount of the bond will not be required to exceed \$200,000.

(e) *Bond already on file.* An authorized dealer, manufacturer or full agent who has filed a bond with the Commonwealth will not be required to file a separate bond under this section, if the bond already on file with the Commonwealth is in the name of the Commonwealth and at least equal to the amount and coverage of the bond required under this section.

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§ 43.12. Use of temporary registration plate.

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(c) *Expiration of temporary registration plates.* Temporary registration plates shall expire as follows:

(1) *Rules pertaining to cardboard plates.*

(i) A cardboard temporary registration plate shall expire and become void upon the occurrence of one of the following:

- (A) Issuance of registration from another state.
- (B) Rescission of a contract to purchase a vehicle.
- (C) Expiration of 30 days from the date of issuance.

(ii) Upon expiration of a cardboard temporary registration plate, the person to whom it was issued shall destroy it.

(2) *Rules pertaining to metal plates.* A metal temporary registration plate may not be used after the expiration of 60 days from the date of issuance of the temporary card and plate until the registrant receives a regular registration card from the Bureau.

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[Pa.B. Doc. No. 98-1944. Filed for public inspection November 28, 1998, 9:00 a.m.]
