

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 121]

Corrective Amendment to 25 Pa. Code § 121.1

The Department of Environmental Protection (Department) has discovered a discrepancy between the agency text of 25 Pa. Code § 121.1 (relating to definitions) as deposited with the Legislative Reference Bureau and as published at 29 Pa.B. 1879, 1883 (April 10, 1999) and as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 295) and is currently appearing in the *Pennsylvania Code*. Several definitions were inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The Department has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 121.1. The corrective amendment to 25 Pa. Code § 121.1 is effective as of April 10, 1999, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 121.1 appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

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Blender—A person who owns, leases, operates, controls or supervises an oxygenate blending facility.

Bonding maskant—A temporary coating used to protect selected areas of aerospace parts from strong acid or alkaline solutions during processing for bonding.

Bottom filling—The filling of a tank truck or stationary storage tank through an opening which is flush with or directly adjacent to the tank bottom.

Bulk gasoline plant—A gasoline storage and distribution facility with a daily throughput of less than 20,000 gallons (76,000 liters).

Bulk gasoline terminal—A gasoline storage and distribution facility which has a daily throughput of 20,000 gallons (76,000 liters) or more of gasoline.

Bus pool—An employer-administered bus transportation service having advance ticket purchase, guaranteed seats and limited pickup at defined locations.

CARB—California Air Resources Board—The board established and empowered to regulate sources of air pollution in California, including motor vehicles, under California Health & Safety Code Section 39003.

CARB Executive Order—A document issued by CARB certifying that a specified engine family or model year vehicle has met applicable Title 13 CCR requirements for certification and sale in California.

CARC—chemical agent resistant coating—An exterior topcoat applied to aerospace vehicles or components designed to withstand exposure to chemical warfare agents or the decontaminants used on these agents.

CCR—California Code of Regulations.

CMSA—Consolidated Metropolitan Statistical Area.

CPDS—Certified Product Data Sheet—For purposes of wood furniture manufacturing operations under §§ 129.101—129.107 (relating to wood furniture manufacturing operations), documentation furnished by a coating supplier or an outside laboratory for a coating, strippable spray booth coating or solvent that provides the VOC content as pounds of VOC per pound of coating solids calculated from data measured using the EPA Reference Method 24 or an equivalent or alternative method. Batch formulation data may be used if it is demonstrated to the satisfaction of the Administrator of the EPA that the coating does not release additional VOC as reaction byproducts during the cure. The VOC content stated should represent the maximum VOC emission potential of the coating, strippable spray booth coating or solvent.

Can coating—Exterior coating and interior spray coating in two-piece can lines; interior and exterior coating in sheet coating lines for three-piece cans; side-seam spray coating and interior spray coating in can-fabricating lines for three-piece cans; and sealing compound application and sheet coating in end coating lines.

Car pool—Two or more persons commuting to a worksite on a regular basis in a vehicle with a capacity of less than seven seating positions.

Carrier—A distributor who does not take title to or otherwise have ownership of the gasoline, and does not alter either the quality or quantity of the gasoline.

Charging—The operation by which coal is introduced into a coke oven.

Charging port—An opening on the oven through which coal is or may be introduced into a coke oven whether or not the opening is regularly used for that purpose, including a jumper pipe port.

Chemical milling maskant—A coating that is applied directly to aluminum aerospace vehicles or components to protect surface areas when chemically milling the component with a Type II etchant. The term does not include maskants used with Type I etchants, bonding maskants, line sealers and critical use and seal coat maskants. Additionally, maskants that must be used on an individual part or subassembly with a combination of Type II etchants and any of these types of maskants—for example, Type I compatible, bonding, line sealers and critical use and seal coat.

Classic motor vehicle—A motor vehicle, but not a reproduction thereof, manufactured at least 15 years prior to the current year which has been maintained in or

restored to a condition which is substantially in conformity with manufacturer specifications and appearance.

Clean Air Act—The Clean Air Act (42 U.S.C.A. §§ 7401—7642), and the rules and regulations promulgated thereunder.

Clean Vehicles Program—A low-emissions vehicle program established under section 177 of the Clean Air Act (42 U.S.C.A. § 7507) which implements the low emission standards for new motor vehicles and motor vehicle engines adopted by California under a waiver obtained from the Administrator of the EPA under section 209(b) of the Clean Air Act (42 U.S.C.A. § 7543(b)).

Cleaning operation—Spray-gun, hand-wipe and flush cleaning operations.

Cleaning solvent—A liquid material used for hand-wipe spray gun or flush cleaning. The term includes solutions that contain VOCs.

Clear coat—A coating which lacks opacity or which is transparent and uses the undercoat as a reflectant base or undertone color, except for extreme performance coatings.

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[Pa.B. Doc. No. 00-1800. Filed for public inspection October 20, 2000, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 47]

Display of Registration Plates

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority contained in 75 Pa.C.S. §§ 1331, 1332 and 6103 (relating to issuance of registration plates; display of registration plate; and promulgation of rules and regulations by department), amends Chapter 47 (relating to display of registration plates and stickers) to read as set forth in Annex A. This amendment is effective immediately.

Notice of proposed rulemaking has been omitted under the authority contained in section 204(3) of the act of July 31, 1968 (P. L. 69, No. 240) (45 P. S. § 1204(3)) (CDL). The Department, for good cause, finds that the procedures specified in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are in the circumstances impracticable, unnecessary and contrary to the public interest.

Specifically, the theft and illegal reuse of registration plate registration validation stickers, at this time primarily in the Philadelphia area, have become issues of critical dimension for Pennsylvania motorists, law enforcement and the Department. The prior regulation provided that the Department issue a registration validation sticker either at the time of registration renewal or when a new registration is completed. Subsections (a) and (b) required that the vehicle display this validation sticker attached to the vehicle's registration plate in the space provided. Former § 47.4(c) provided that a renewed or a completed new registration was not valid until the validation sticker was attached to the registration plate.

Because date of registration expiration is the only information on the license plate mounted validation sticker, the stickers are an attractive item for criminals

who either cut off the corner of the plate where the sticker is located or steal the entire plate and remove the sticker at a later time. The stolen stickers are then affixed in some fashion to the registration plate of a vehicle with an expired registration, greatly inhibiting the ability of law enforcement to readily ascertain that a vehicle is on the road without a currently valid registration.

While some level of registration sticker theft has always existed across the State, the high cost of automobile insurance in Philadelphia and its suburbs has resulted in an escalation of sticker theft in that area. The General Assembly recognized the seriousness of this problem with the passage of section 15 of the act of June 25, 1999 (P. L. 164, No. 23), which directed the State Police and the Department to "jointly study the issue of the problems involving registration validation stickers" and to report to the Senate and House of Representatives' Transportation Committees by September 1, 1999. In July of 1999, to meet this mandate, the Department and the State Police convened a task force consisting of representatives from the Department, law enforcement, consumer advocacy groups, the Legislature and the insurance industry. This task force met several times, considering approximately 2 dozen potential solutions to the problem. From that list, the task force selected four suggestions for further review. This additional review included surveys of both State and local police officers, parking lot surveys of registration plates and their actual condition, and a survey of other states to determine how they are approaching the problem.

The task force verified that a substantial number of registration plates per year are stolen or defaced. A significant percentage of these are in the five-county Philadelphia area. While there is no way to definitively ascertain how much of this activity involves validation sticker theft, the Philadelphia Police Department believes that it is a substantial portion and that it is frequently drug-related. The Philadelphia Police are also of the opinion that the problem could become more pronounced in other areas of this Commonwealth. Sticker theft provides a means for motorists to operate unregistered and uninsured vehicles on Pennsylvania's highways without concern that their illegal status will be readily detected by a police officer. Further, innocent motorists are being subjected to the expense of replacing stolen registration validation stickers and stolen or defaced registration plates at an aggregate cost of nearly \$1 million per year across the State, nearly \$110,000 of which is in Philadelphia County. Motorists also suffer higher costs for insurance premiums because of this activity.

In its report submitted to the General Assembly on September 1, 1999, the task force recommended a combination of measures which included educating motorists to remove old stickers before affixing the new one, changing the location where the validation sticker is positioned on the registration plate from the bottom to the top, enhancing the fine for operating a vehicle with a stolen sticker, working with manufacturers to improve the validation sticker, and free replacement of defaced or stolen registration plates.

The Department has followed through on these recommendations to the extent currently possible. Registration plates now issued under the Department's Statewide plate replacement program have been redesigned to allow for validation sticker placement in the upper, rather than lower, corner, and the Department is reissuing most types of plates. The plate replacement will not be complete,

however, until July of 2002. It will therefore be some time before the new registration plate design will have an impact on validation sticker theft. The Department is also advising registrants that removing their old validation stickers before affixing a new one can deter theft by making it more difficult to remove the sticker from the license plate without damage to the sticker. New validation sticker technology is being explored with manufacturers of stickers and license plates, but current information is that it will be at least 2 years before any technological fixes are perfected and available for use. Increasing the fine for operating a vehicle with a stolen registration validation sticker requires an amendment to the Vehicle Code. An amendment to the Vehicle Code would be necessary for the Department to be able to issue free replacements for defaced or stolen registration plates, a measure which will benefit the victims of validation sticker theft but which will do little to curtail the level of this activity.

The results of discussions with the Philadelphia Police Department and the United States Postal Service plus the most recent information available to the Department indicate that the problem remains serious. Specifically, 40,688 registration plates were reported as lost, stolen or defaced from August 1999 through July 2000. Of these, 15,541 (38%) were in the five-county Philadelphia region, including 8,365 (21%) in Philadelphia. In addition, 90,025 registration validation stickers were reported as lost or stolen Statewide in calendar year 1999. The Philadelphia region accounted for 20,716 (23%) of these, with 6,197 (7%) in Philadelphia.

Because the limitations on the Department's ability to fully implement the task force recommendations have prevented prompt resolution of the problem of registration validation sticker theft, and because there clearly remains an urgent need to stem the rate of criminal activity (such as the operation of unregistered and uninsured vehicles) both directly involved in and ancillary to registration validation sticker theft, the Department finds it impracticable to observe the procedures specified in sections 201 and 202 of the CDL.

These procedures are also unnecessary in view of the extensive interaction involving the Department, law enforcement, consumer advocates, the General Assembly and the insurance industry to both define the problem and evaluate proposed solutions. The amended regulation will not inconvenience the public nor subject the public to any additional regulatory burden; the only change affecting registrants' obligations will be the locations where persons in certain geographic areas will be required to affix their registration validation stickers.

Observation of the procedures prescribed in sections 201 and 202 of the CDL would be contrary to the public interest because it would delay implementation of the measures which the Department finds necessary to remediate the criminal activity involved in and resulting from registration validation sticker theft. There is a substantial public demand for a prompt solution to the sticker theft problem. The direct cost to the public of allowing the problem to continue unabated for any period is high, and the indirect cost to the public inherent in the operation of unregistered and uninsured vehicles as a result of registration sticker theft is incalculable. By immediately adopting the amendments to the regulation, the Department finds that it will substantially curtail sticker theft with minimal imposition on the public while also meeting the needs of law enforcement.

Purpose of this Chapter

The purpose of Chapter 47 is to designate the manner in which vehicle registration plates and registration validation stickers are to be displayed on vehicles.

Purpose of the Amendment

The purpose of this regulatory amendment is to revise the requirements for the issuance and display of vehicle registration validation stickers to minimize sticker theft potential. These revisions directly address the problem of registration plates being stolen or defaced to obtain the registration validation sticker for reuse on an unregistered and uninsured vehicle to avoid detection by law enforcement. The regulation permits the Secretary of Transportation to designate rear window display of registration validation stickers as an alternative to the registration plate display required by the current regulation. This alternative will be prescribed for defined geographic areas where it is found that the level of validation sticker theft and its consequences are a significant problem for the public and law enforcement. The regulation also permits the Secretary to invoke special alternative measures for specific types or classes of vehicles for which rear window display of a registration validation sticker is impractical or impossible.

The amendments to this regulation include the following:

1. The caption for Chapter 47 has been amended to reflect that the chapter applies to the display of validation stickers as well as registration plates.
2. Section 47.4(a), regarding issuance of registration validation stickers, has been amended to delete the requirement that the stickers be attached to a registration plate and also to specify that the stickers are issued in all circumstances and not just as an alternative to a new registration plate.
3. Former § 47.4(b), regarding display of registration validation stickers, has been redesignated as § 47.4(c), and a new § 47.4(b) has been adopted to provide for the issuance and display of window stickers as an alternative to the registration plate mounted sticker in geographic areas designated by the Secretary of Transportation by means of notice in the *Pennsylvania Bulletin*.
4. Former § 47.4(c), regarding validity of registrations, has been redesignated as § 47.4(d). This subsection now governs the display of stickers formerly controlled by § 47.4(b), amending the language to provide for display of rear window mounted validation stickers when they are designated by the Secretary as an alternative to registration plate mounted stickers.
5. Section 47.4(d), regarding the validity of a vehicle registration, amends the text of former § 47.4(c) to delete the requirement that a registration validation sticker be affixed to the vehicle's registration plate for a renewed or temporary registration to be valid, in recognition of the alternative display now authorized by § 47.4(c).
6. Section 47.4(e), regarding exceptions, is a new section adopted in recognition that rear window display of a validation sticker is impractical or impossible for certain types of vehicles which, if registered in a geographic area where validation sticker theft has been found to be a problem, will need to be specially designated for alternative display by the Secretary by means of a notice in the *Pennsylvania Bulletin*.

Persons or Entities Affected

This amendment affects vehicle owners, the insurance industry, law enforcement agencies and the Department.

Fiscal Impact

This amendment does not impose additional costs on local governments, industry or vehicle owners. It should substantially reduce vehicle owners' out-of-pocket costs of nearly \$1 million Statewide, and nearly \$100,000 in Philadelphia, now attributable to the replacement of stolen or defaced registration plates and stickers. There should be an indirect fiscal benefit to the public and the insurance industry through a decrease in the number of uninsured vehicles now on the road. The Department will expend approximately \$615,000 in the first year to make window mounted validation stickers available in Philadelphia, compared with a projected cost of approximately \$25,000 for an equivalent quantity of registration plate mounted stickers. The additional cost is largely attributable to the increased size of the window stickers necessary to accommodate the additional security features and information to be displayed, such as the subject vehicle's registration plate number. The figure also includes costs for the Department's public information campaign to familiarize law enforcement agencies and the public with the new sticker. The amended regulation will not require the completion of any additional forms, reports or other paperwork.

Regulatory Review

Under section 5.1 (c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), the Department submitted a copy of this amendment with notice of proposed rulemaking omitted on September 14, 2000, to the Independent Regulatory Review Commission (IRRC) and to the majority and minority chairpersons of the House and Senate Transportation Committees. On that same date, this amendment was submitted to the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506), and the Attorney General approved the amendment on September 19, 2000.

In accordance with section 5.1(d) of the Regulatory Review Act, the amendment was deemed approved by the standing committees on October 5, 2000. IRRC considered the amendment at its October 5, 2000, meeting, with a resulting two-to-two tie vote. The regulation was therefore deemed approved by IRRC on Tuesday October 17, 2000. The Department provided IRRC and the Committees with a detailed Regulatory Analysis Form, prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

Sunset Provisions

The Department is not establishing a sunset date for this regulatory amendment since the regulation is required by 75 Pa.C.S. §§ 1331 and 1332. The Department, however, will continue to monitor the amended regulation closely for effectiveness.

Contact Person

The Department contact person regarding the amendment is Randy Swartz, Bureau of Motor Vehicles, 4th Floor-Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 787-2895

Authority

The authority for the amendment is 75 Pa.C.S. §§ 1331, 1332 and 6103.

Findings

The Department finds that:

(1) Public notice of intention to amend the administrative regulation amended by this order has been omitted under section 204(3) of the CDL and the regulations thereunder, 1 Pa. Code § 7.4.

(2) The procedures specified in sections 201 and 202 of the CDL are in the circumstances impracticable because there is an urgent need to stem the rate of criminal activity both directly involved and ancillary to vehicle registration validation sticker theft, such as the operation of unregistered and uninsured vehicles, and the measures identified to address the problem under the current regulations cannot be fully implemented and gauged for effectiveness for a minimum of 2 years. The procedures specified in sections 201 and 202 of the CDL are in the circumstances unnecessary, because the Department has consulted extensively with law enforcement, the insurance industry and the General Assembly on the need for, and extent of, the measures being imposed. Further, the public will not be inconvenienced by the measures adopted nor subjected to any additional regulatory burden, and the Department has not identified any opposition to the provisions of the regulation itself. The procedures specified in sections 201 and 202 of the CDL are in the circumstances contrary to the public interest, because they would delay implementation of the measures which the Department finds necessary to remediate the problem of the criminal activity embodied by registration validation sticker theft. There is a substantial public demand for the Department to institute a prompt solution to the sticker theft problem. The direct cost to the public of letting the problem continue unabated is high and the indirect cost to the public inherent in the operation of unregistered and uninsured vehicles made possible as a result of registration validation sticker theft is incalculable. The adoption of this amendment will substantially curtail sticker theft with minimal imposition on the public while still meeting the needs of law enforcement.

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

Order

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

(a) The regulations of the Department, 67 Pa. Code Chapter 47, are amended by amending § 47.4 to read as set forth in Annex A.

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

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

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

BRADLEY L. MOWERY,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 5499 (October 21, 2000).)

Fiscal Note: 18-359.(1) Motor License Fund;

	<i>Revenue Loss</i>	<i>Increased Costs</i>
(2) Implementing Year 2000-01 is	(\$109,000)	\$615,000
1st Succeeding Year 2001-02 is	(\$120,000)	\$561,000
2nd Succeeding Year 2002-03 is	(\$132,000)	\$600,000
3rd Succeeding Year 2003-04 is	(\$145,000)	\$660,000
4th Succeeding Year 2004-05 is	(\$160,000)	\$726,000
5th Succeeding Year 2005-06 is	(\$176,000)	\$759,000

(3) Fiscal Year 1999-00 \$99,945,000; (4) Fiscal Year 1998-99 \$93,528,000; Fiscal Year 1997-98 \$88,334,000; (7) Safety Administration and Licensing; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE III. REGISTRATION

**CHAPTER 47. DISPLAY OF REGISTRATION
PLATES AND STICKERS**

§ 47.4. Validating stickers.

(a) *Issuance.* The Department of Transportation will issue validating stickers upon renewal of a vehicle registration or, if the vehicle registered had a temporary registration, to indicate that registration has been completed and the temporary registration status terminated.

(b) *Validating window sticker.* For specific geographic areas, the Secretary of the Department (Secretary) may require or permit the display of a Department-issued validating window sticker as an alternative to the standard validating sticker. The Secretary will publish in the

Pennsylvania Bulletin notice of the geographic areas where a validating window sticker is required or permitted.

(c) *Display.* Validating stickers shall be displayed as follows:

(1) *Location of validating stickers.* Unless otherwise allowed by this chapter, a validating sticker shall be affixed to the registration plate of the vehicle for which it was issued in the space or indentation provided on the registration plate.

(2) *Validating window sticker.* Where a validating window sticker is permitted or required by the Secretary, the sticker shall be affixed to the inside of the driver's side bottom corner of the rear window. The printing on a validating window sticker shall be clearly visible from the outside of the vehicle.

(d) *Validity.* A renewed registration may not be considered validated for the new registration period until the appropriate sticker is attached as provided by subsection (c). A temporary registration may not be considered validated for a succeeding registration period until the appropriate validating sticker has been attached as provided in subsection (c).

(e) *Exceptions.* In geographic areas where a validating window sticker is permitted or required, the Secretary, by notice in the *Pennsylvania Bulletin*, may provide an alternate location for display of a validating sticker on specific types or classes of vehicles for which rear window display is impractical or impossible.

[Pa.B. Doc. No. 00-1801. Filed for public inspection October 20, 2000, 9:00 a.m.]