

RULES AND REGULATIONS

Title 17—CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[17 PA. CODE CH. 51]

Snowmobile and All-Terrain Vehicle Registration and Operation

The Department of Conservation and Natural Resources (Department), Bureau of Forestry (Bureau) and Bureau of Administrative Services, adopts amendments to Chapter 51 (relating to snowmobile and all-terrain vehicle registration and operation).

A. *Effective Date*

The final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information, contact William Slippey, Chief, Recreation Section, Operations and Recreation Division, Bureau of Forestry, DCNR, P. O. Box 8552, Harrisburg, PA 17105-8552, fax (717) 783-5109, forestrecreation@state.pa.us. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department's website (www.dcnr.state.pa.us).

C. *Statutory Authority*

This final-form rulemaking is made under the authority in 75 Pa.C.S. § 7704 (relating to rules and regulations).

D. *Background and Purpose*

This final-form rulemaking implements recent amendments to 75 Pa.C.S. Chapter 77 (relating to snowmobile and all-terrain vehicles) and updates several provisions concerning the registration of snowmobiles and all-terrain vehicles (ATVs) to bring these provisions into conformity with current Department practice. In addition, provisions are deleted that merely repeat provisions of the act and are not needed as regulations.

E. *Summary of Comments and Responses and Changes Made in the Final-Form Rulemaking*

This final-form rulemaking was published as proposed at 32 Pa.B. 4364 (September 7, 2002), with a 60-day public comment period. As a result of the comments received from the public and from the Independent Regulatory Review Commission (IRRC), the Department made several changes to the proposed rulemaking. The comments and changes are discussed in this preamble.

Comment

Sections 51.12 and 51.15 (relating to applications for title and registration; and replacement of registration certificates, limited registration certificates, registration decals, registration plates and expiration stickers) use the phrase "form furnished by the Department." The form names or numbers should be included in the final-form rulemaking.

Response

The final-form rulemaking addresses the concern raised in this comment. The form referred in § 51.12 is entitled

"Application Form." The final-form rulemaking makes reference to an "application form" furnished by the Department. The form referred in § 51.15 is entitled "Request for Changes/Replacements Application Form." The final-form rulemaking makes reference to a "request for changes/replacements application form" furnished by the Department.

Comment

Section 51.12(a) lists the information that must be included on an application for a certificate of title and registration. Paragraph (9) states that a temporary registration number must be included on the form submitted to the Department. For clarity, the phrase "A temporary registration number" should be replaced with "The temporary registration number issued by the dealer."

Response

The final-form rulemaking adopts this suggestion. In addition, it has been corrected—by the deletion of the word "temporary"—to reflect that dealers now issue permanent registration numbers rather than temporary registration numbers. A similar correction has also been made in § 51.13(a) (relating to display of registration decals, registration plates and expiration stickers).

Comment

Section 51.12(b) lists items that must be included with the application. Paragraph (1) requires an applicant to provide proof of ownership. The final-form rulemaking should include examples of documentation that qualifies as acceptable proof of ownership.

Response

The final-form rulemaking corrects this provision to require proof acceptable to the Department of the vehicle identification number and to specify acceptable forms of proof.

Comment

Section 51.35(b) (relating to sanctions for violations by dealers) addresses second and subsequent "violations." IRRC noted that subsection (a) addresses first and subsequent "offenses." IRRC requested the Department explain the difference between a "violation" and an "offense." The heading of § 51.35 refers to "violations." If there is no difference between "offense" and "violation," the term "violation" should be used consistently throughout § 51.35.

Response

The final-form rulemaking uses the term "violation" consistently throughout § 51.35.

Comment

Under § 51.35(c), the Department may determine that suspensions imposed for multiple violations be served concurrently or consecutively. The final-form rulemaking should include the criteria the Department will use to determine whether suspensions will be served concurrently or consecutively.

Response

In exercising its administrative discretion to determine whether a suspension will be concurrent or consecutive, the Department will consider the circumstances of the particular case. Specifying in these regulations the circumstances under which it will impose concurrent sus-

pensions and those under which it will impose consecutive suspensions will unduly restrict the Department's ability to tailor the penalty to the violation. Therefore, the final-form rulemaking has not been changed in response to the comment.

Comment

Section 51.35(f)(1) provides a 3-day time frame after the effective date of a suspension or revocation for a dealer to return the registration certificate, registration plates and registration cards. Is this sufficient time to return the required material?

Response

The Department believes that sufficient time to return the material is provided under this provision. The dealer will be given written notice of the effective date of a suspension or revocation prior to the effective date of the action. Therefore, the dealer will have advance notice of the requirement to return the materials. The 3-day period does not begin to run until after the effective date of the action.

Comment

Section 51.35(f)(2) allows for "an acceleration of the application of sanctions" if a dealer fails to return the items listed in subsection (f)(1). The phrase "acceleration of the application of sanctions" is vague. IRRC requested the Department clarify the meaning of this phrase.

Response

This provision is clarified in the final-form rulemaking by specifying that a dealer who fails to return the items listed in subsection (f)(1) is subject to an addition of 3 months to the suspension imposed under subsection (a) or the revocation imposed under subsection (d).

Comment

Section 51.45 (relating to fees for additional dealer plates) increases the fees for additional snowmobile and ATV dealer plates. IRRC requested the Department explain the basis for these fee increases.

Response

Until this final-form rulemaking, there has been no increase in the fees for additional dealer plates since the establishment of the original fees. The fees were originally established in 1973 for snowmobile plates and in 1986 for ATV plates. The substantial increase in the cost of labor, materials and mailing in the 30 and 17 years, respectively, since the establishment of these fees justifies the increases now being made.

Comment

Section 51.51(1) (relating to safety training) requires snowmobile and ATV safety training to be conducted by instructors or organizations approved by the Department. The final-form rulemaking should clarify how a person would know if an instructor or organization was approved by the Department. Does the Department publish a list of approved instructors and organizations? What is the process for an instructor or organization to become approved by the Department?

Response

The final-form rulemaking states that an application for approval as a safety training instructor and a list of approved instructors and organizations may be obtained from the Bureau. The Department does not publish this list. Persons or organizations that wish to be approved by the Department to conduct training submit a completed

application form to the Bureau. The Bureau determines what additional training, if any, the applicant needs for approval as a safety trainer. Organizations that are approved to provide training will be required to enter into an agreement with the Department. The agreement will address course content requirements, instructor responsibilities and recordkeeping and reporting requirements.

Comment

Section 51.54(c) (relating to safety certificates) states that safety certificates from other states or provinces of Canada will be accepted if the Department deems the safety training programs of the other jurisdictions to be comparable to the Department's safety training program. How will the Department determine if an outside safety training program is comparable to its own safety training program? How would a person know if a safety certificate from another state or province of Canada is acceptable to the Department?

Response

For snowmobiles, the Department honors safety certificates issued by states that have received approval of their training programs by the International Association of Snowmobile Administrators (IASA). For ATVs, the Department honors safety certificates issued by the ATV Safety Institute (ASI) or by training programs that use the curriculum published by Outdoor Empire Publishing, Inc. If the training was neither an ASI nor an Outdoor Empire training, the Department will review the course materials to determine if the training was comparable to the Department's training program. The final-form rulemaking does not refer to these specific organizations (IASA, ASI and Outdoor Empire) by name because the Department does not wish the effectiveness or validity of the regulation to be dependent on the permanence of these organizations. A person would know if a safety certificate from another state or province is acceptable to the Department by contacting the Bureau.

Comment

Section 51.72 prohibited carrying a passenger on an ATV that was not originally designed to carry a passenger. Similar language was deleted from HB 154, which became Act 68 amending the act. Because this language was deleted from the legislation, the Department does not have the authority to add this language to this final-form rulemaking.

Carrying a passenger on an ATV that is designed for only one person is not necessarily a dangerous practice, but in those situations where an ATV is being operated dangerously, enforcement of section 7726 of the act (relating to operation in safe manner) will sufficiently address the matter.

Response

The Department has deleted § 51.72 in the final-form rulemaking. Because of its concern with visitor safety on its lands, the Department is considering other approaches to discourage unsafe riding practices, particularly double riding on ATVs. Posting on ATV trails may be one approach. Another may be to enforce section 7726 of the act, which prohibits operating a snowmobile or ATV in "any careless way so as to endanger the person or property of another." Whatever approach the Department ultimately adopts, it intends to take into account factors such as vehicle speed, terrain, surface conditions and emergency situations (for example, rescues).

Comment

Under § 51.91(c) (relating to snowmobile sound level requirements), the phrase "alternate proof, acceptable to

the Department” is vague. The final-form rulemaking should specify the forms of “alternate proof” which are acceptable.

Response

The final-form rulemaking addresses this concern by specifying that acceptable proof includes certification by the Snowmobile Safety Certification Committee or by a competent independent testing laboratory.

Comment

The Commissioners of Mifflin County supported language in the proposed rulemaking that would prohibit ATVs and snowmobiles from being operated on railroad property, unless otherwise designated approved.

Response

The regulation does not address this matter. However, it is addressed in section 7724(a) of the act (relating to operation on private or State property), which prohibits operating snowmobiles and ATVs on private property without the consent of the owner.

In addition to the changes made in this final-form rulemaking in response to comments it received on the proposed rulemaking, the Department also made a change as a result of its own review of the proposed rulemaking. Section 51.63 (relating to accident reports) lists information to be included in accident reports that are required by section 7728 of the act (relating to accidents and accident reports) to be filed with the Department. The proposed rulemaking did not make any changes to this list. The final-form rulemaking reorganizes the list and makes minor changes so that it reflects the accident report form actually being used by the Department. The following items are added to the list: make, model and year of the vehicles involved; identification of witnesses; and the ages of persons injured or killed in the accident. Information about pedestrians is eliminated because it is covered by other items in the list.

F. Benefits, Costs and Compliance

Benefits

The benefits of this final-form rulemaking are that this chapter is simplified by eliminating unnecessary provisions, clarified by revising some of the language and updated to reflect current Department practice and to implement recent amendments to Chapter 77 of the act.

Compliance Costs and Paperwork Requirements

The only costs to the general public resulting from this final-form rulemaking will be the minimal cost, if any, to ATV registrants of attaching a registration plate to their machine. The costs to the private sector will be the costs dealers would incur from a suspension or revocation of dealer registration due to failure to submit forms and fees to the Department as required by the act. The costs to the Commonwealth will be negligible. There will be no costs to local governments.

This final-form rulemaking does not impose additional paperwork requirements.

G. Sunset Review

Chapter 51 will be monitored by the Department to determine whether the regulations effectively accomplish their intended goals.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 26, 2002, the Department submitted a copy of proposed rulemaking, published at 32

Pa.B. 4364, to IRRC and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(g.2) of the Regulatory Review Act (71 P. S. § 745.5a(g.2)), this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 14, 2003, and approved the final-form rulemaking.

Order

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

(a) The regulations of the Department, 17 Pa. Code Chapter 51, are amended by amending §§ 51.1, 51.2, 51.12, 51.13, 51.15, 51.19, 51.32, 51.45, 51.51, 51.54, 51.63, 51.82, 51.83, 51.91; deleting §§ 51.11, 51.14, 51.16, 51.17, 51.21, 51.22, 51.31, 51.33, 51.34, 51.41—51.44, 51.46, 51.52, 51.53, 51.61, 51.62, 51.71—51.76, 51.81 and 51.94—51.96; and adding § 51.35 to read as set forth in Annex A.

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

(c) The Department shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

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

MICHAEL F. DIBERARDINIS,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 4372 (August 30, 2003).)

Fiscal Note: Fiscal Note 7B-5 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 17. CONSERVATION AND NATURAL RESOURCES

PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Subpart E. OUTDOOR RECREATION

CHAPTER 51. SNOWMOBILE AND ALL-TERRAIN VEHICLE REGISTRATION AND OPERATION

GENERAL PROVISIONS

§ 51.1. Definitions.

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

ATV—An all-terrain vehicle as defined in section 7702 of the Vehicle Code (relating to definitions).

Dealer—A dealer as defined in section 7702 of the Vehicle Code.

Person—A natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary or other representative and a department, agency or instrumentality of the Commonwealth, or a governmental subdivision of the Commonwealth.

Snowmobile—A snowmobile as defined in section 7702 of the Vehicle Code.

Vehicle Code—Title 75 of the *Pennsylvania Consolidated Statutes* (relating to vehicles).

§ 51.2. Authority.

This chapter is adopted by the Department under section 7704 of the Vehicle Code (relating to rules and regulations) and applies to persons subject to Chapter 77 of the Vehicle Code (relating to snowmobiles and all-terrain vehicles).

REGISTRATION AND TITLING

§ 51.11. (Reserved).

§ 51.12. Applications for title and registration.

(a) *Contents of application.* An application for a certificate of title and registration shall include the following on an application form furnished by the Department:

- (1) The name, address and county of the residence of owner.
- (2) The make, model, year, serial number of the vehicle.
- (3) The date of purchase and the purchase price.
- (4) A security interest, if applicable.
- (5) A designation of whether the vehicle is a snowmobile, Class I ATV or Class II ATV under section 7702 of the Vehicle Code (relating to definitions).
- (6) A designation of type of registration under section 7711.1 or section 7711.2 of the Vehicle Code (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV).
- (7) The amount of Sales Tax due, if any.
- (8) The amount of applicable fees under section 7715.2 of the Vehicle Code (relating to fees).
- (9) The registration number issued by the dealer, the date issued and the dealer registration number.

(b) *Proof of vehicle identification number (VIN); fees.* The following shall be included with the completed application submitted to the Department:

- (1) Proof acceptable to the Department of the VIN. Acceptable proof includes any of the following:
 - (i) Manufacturer's statement of origin.
 - (ii) Sales receipt.
 - (iii) A tracing, rubbing or mechanic's certification of the VIN.
- (2) Payment of applicable Sales Tax.
- (3) Payment of applicable fees under section 7715.2 of the Vehicle Code.

§ 51.13. Display of registration decals, registration plates and expiration stickers.

- (a) *Snowmobiles.*

- (1) *Registration decals.* Two valid registration decals shall be affixed to the snowmobile forward of the handle bars, one on each side of the cowling, or one on the outside of each trailing edge of the windshield.

- (2) *Expiration stickers.* Two valid expiration stickers shall be affixed to the snowmobile, each sticker to the immediate right of a registration decal. This requirement does not apply to snowmobiles with limited registration.

- (b) *ATVs.*

- (1) *Registration plate.* A valid registration plate shall be displayed on the upper half of the rear of the ATV in the following manner:

- (i) Securely attached. It is not a violation of this section to attach the plate in such a manner that it can swing.
- (ii) So that no part of the plate is in line with a tire.
- (iii) So that the information on the plate, including any required stickers, is clearly visible from behind the ATV.

- (2) *Temporary registration sticker.* For ATVs with temporary registration, a valid temporary registration sticker shall be affixed to a lower corner of the registration plate.

- (3) *Expiration sticker.* A valid expiration sticker shall be affixed to a lower corner of the registration plate. This requirement does not apply to ATVs with a valid temporary registration sticker or with limited registration.

§ 51.14. (Reserved).

§ 51.15. Replacement of registration certificates, limited registration certificates, registration decals, registration plates and expiration stickers.

A replacement of a registration certificate, limited registration certificate, registration decal, registration plate or expiration sticker will be issued upon application by the owner on a request for changes/replacements application form furnished by the Department and payment of the fee required under section 7715.2 of the Vehicle Code (relating to fees).

§ 51.16. (Reserved).

§ 51.17. (Reserved).

§ 51.19. Snowmobile or ATV owned by United States, another state or political subdivision.

If a snowmobile or ATV is exempt from registration under section 7711.1(f)(2) of the Vehicle Code (relating to registration of snowmobile or ATV) because it is owned and used by the United States or another state or political subdivision, the name of the owner shall be displayed on the cowling or windshield of the snowmobile and in a conspicuous location on the ATV.

§ 51.21. (Reserved).

§ 51.22. (Reserved).

DEALERS

§ 51.31. (Reserved).

§ 51.32. Display of registration plates.

Dealer registration plates required under section 7711 of the Vehicle Code (relating to registration of dealers) shall be displayed as follows:

- (1) *Snowmobile.* Two plates shall be displayed on the snowmobile, one on the inside of each trailing edge of the windshield.

- (2) *ATV.* The plate shall be displayed on the upper half of the rear of the ATV in the following manner:

(i) The plate shall be securely attached. It is not a violation of this section to attach the plate so that it can swing.

(ii) So that no part of the plate is in line with a tire.

(iii) So that the information on the plate is clearly visible from behind the ATV.

§ 51.33. (Reserved).

§ 51.34. (Reserved).

§ 51.35. Sanctions for violations by dealers.

(a) *Sanctions.* A dealer who has failed to forward documents required by section 7712.2(c) or section 7715.1(a) of the Vehicle Code (relating to transfer to or from dealer; and snowmobile or ATV purchased from dealer) to the Department within 15 days or who has submitted to the Department documents accompanied by uncollectable checks drawn on the account of the dealer, is subject to the following sanctions after receiving written notice and an opportunity for a hearing:

(1) *First violation.* Suspension of dealer registration until the documents are submitted or checks are paid.

(2) *Second violation.* Suspension of dealer registration until the documents are submitted or checks are paid, plus 3 months suspension.

(3) *Third violation.* Suspension of dealer registration until the documents are submitted or checks are paid, plus 6 months suspension.

(4) *Fourth and subsequent violation.* Revocation of dealer registration.

(b) *Second and subsequent violations.* Second violations are determined on the basis of a previous violation under this section committed within a 3-year period. Third or subsequent violations are determined on the basis of two or more previous violations committed within a 3-year period.

(c) *Multiple violations.* In the case of multiple violations considered at one time, the Department may impose separate sanctions for each violation under the schedule in subsection (a). The Department may direct that a suspension imposed be applied concurrently or consecutively.

(d) *Revocation.* Upon revocation of a dealer's registration, the dealer will be debarred from applying for a new registration for 1 year.

(e) *Effective date of suspension or revocation.* A suspension or revocation of dealer registration shall take effect on the date ordered by the Department.

(f) *Return of dealer certificate, plates and cards.*

(1) Within 3 days of the effective date of a suspension or revocation of dealer registration, a dealer shall return to the Department the registration certificate, the registration plates and the registration cards that had been issued to the dealer by the Department.

(2) A dealer who fails to comply with paragraph (1) is subject to an addition of 3 months to the suspension imposed under subsection (a) or the revocation imposed under subsection (d).

(g) *Hearings.* The provisions in 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) apply to hearings under this section.

FEES

§ 51.41. (Reserved).

§ 51.42. (Reserved).

§ 51.43. (Reserved).

§ 51.44. (Reserved).

§ 51.45. Fees for additional dealer plates.

The fee for each set of two additional snowmobile dealer plates is \$5. The fee for each additional ATV dealer plate is \$10.

§ 51.46. (Reserved).

SAFETY TRAINING

§ 51.51. Safety training.

Safety training required by section 7725 of the Vehicle Code (relating to operation by persons under age sixteen) shall meet the following requirements:

(1) Training shall be conducted by instructors or organizations that have been approved by the Department. An application for approval and a list of approved instructors and organizations may be obtained from the Department's Bureau of Forestry.

(2) Training shall be based on a curriculum and manual approved by the Department, which include the following: machine nomenclature, control familiarization, machine safety features, operating procedures, snowmobile or ATV laws and regulations, proper clothing, safety equipment, emergency situations, first aid and written tests.

§ 51.52. (Reserved).

§ 51.53. (Reserved).

§ 51.54. Safety certificates.

(a) The instructor or organization that conducted the training in accordance with § 51.51 (relating to safety training) shall submit to the Department the name, address and date of birth of each student who successfully completed the training.

(b) The Department will issue a snowmobile or ATV safety certificate to the students whose names were submitted in accordance with subsection (a). Persons under 10 years of age or over 15 years of age are not eligible for a safety certificate.

(c) The Department will honor, in lieu of a safety certificate issued under subsection (b), a safety certificate issued to a child who is a resident of another state or a province of Canada if the certificate was issued or is recognized by the state or province under a program deemed by the Department to be comparable to the Department's safety training program. The certificate will satisfy the requirements of section 7725 of the Vehicle Code (relating to operation by persons under age sixteen).

ACCIDENT REPORTS

§ 51.61. (Reserved).

§ 51.62. (Reserved).

§ 51.63. Accident reports.

A written report of an accident required by section 7728 of the Vehicle Code (relating to accidents and accident reports) shall contain the following information:

(1) The registration number, make, model and year of each vehicle involved.

(2) The date, time and location of the accident.

(3) The name, address and age of each vehicle operator, passenger and witness.

(4) The training and number of years of driving experience of the snowmobile or ATV operator.

(5) The name and address of the owner of the property where the accident occurred.

(6) A description of the accident.

(7) The weather and ground conditions at the time of the accident.

(8) The name, address and age of any person injured or killed in the accident.

(9) The nature and extent of any injuries.

(10) A description and estimate of damage to property, including vehicles.

§ 51.71. (Reserved).

§ 51.72. (Reserved).

§ 51.73. (Reserved).

§ 51.74. (Reserved).

§ 51.75. (Reserved).

§ 51.76. (Reserved).

DESIGNATING SNOWMOBILE OR ATV ROADS

§ 51.81. (Reserved).

§ 51.82. **Barricades for snowmobile or ATV roads.**

Streets and highways posted as exclusive snowmobile or ATV roads under section 7722 of the Vehicle Code (relating to designation of snowmobile and ATV roads) shall be barricaded in the following manner:

(1) At the beginning of the section of the street or highway so posted and at each intersecting street and highway.

(2) With Type III barricades which shall conform to the standards of PennDOT Publication 90, Handbook for Work Area Traffic Control, except as follows:

(i) The barricade rails shall be alternate red and white stripes.

(ii) The entire area of red and white shall be reflectorized with Class I reflective sheeting approved for use in this Commonwealth by the Department of Transportation.

(3) A Department of Transportation approved Type B flasher shall be attached to the top rail of each barricade or a "ROAD CLOSED AHEAD," sign shall be placed in advance of the barricade.

(4) Each barricade will be posted with an official "SNOWMOBILE ROAD CLOSED TO ALL OTHER VEHICLES" or "ALL-TERRAIN VEHICLE ROAD CLOSED TO ALL OTHER VEHICLES" sign.

(5) Signs shall conform to the requirements of 67 Pa. Code Chapter 211 (relating to official traffic control devices).

§ 51.83. **Posting signs for snowmobile or ATV roads.**

(a) A street or highway which has been posted as a snowmobile or ATV road allowing both snowmobiles or ATVs and other vehicular traffic under section 7722 of the Vehicle Code (relating to designation of snowmobile and ATV roads) shall be posted in the following manner:

(1) An official "SNOWMOBILE ROAD" or "ATV ROAD" sign shall be used and shall conform to 67 Pa. Code Chapter 211 (relating to official traffic control devices).

(2) The "SNOWMOBILE ROAD" or "ATV ROAD" sign shall be installed on the right side of the street or highway at the beginning of the posted snowmobile or ATV road and on the right side of the snowmobile or ATV road within 100 feet beyond each intersecting street or highway and at locations thereafter which will afford notice to all users of the road that it is a snowmobile or ATV road.

(3) The "END" plaque shall be used in conjunction with the "SNOWMOBILE ROAD" or "ATV ROAD" sign to indicate the end of a posted snowmobile or ATV road.

(b) On each street and highway intersecting the posted snowmobile or ATV road, an official "SNOWMOBILE CROSSING" or "ATV CROSSING" sign may be installed on each approach of the intersecting street or highway. Signs shall conform to the requirements of 67 Pa. Code Chapter 211.

EQUIPMENT

§ 51.91. **Snowmobile sound level requirements.**

(a) It is unlawful to operate a snowmobile that produces a sound intensity exceeding 78 decibels at 50 feet on the A scale as measured in accordance with SAE Recommended Practice J-192a.

(b) Except as provided in subsection (c), it is unlawful to operate a snowmobile unless its exhaust system displays an authentic "SSCC" (Snowmobile Safety Certification Committee) stamp.

(c) If the exhaust system of a snowmobile lacks an authentic "SSCC" stamp, the operator, upon the request of a person having authority to enforce the provisions of this chapter, shall produce alternate proof, acceptable to the Department, that the sound intensity, when measured according to the standards in subsection (a), does not exceed the level in subsection (a). Proof acceptable to the Department includes certification by the SSCC or by a competent independent testing laboratory.

§ 51.94. (Reserved).

§ 51.95. (Reserved).

§ 51.96. (Reserved).

[Pa.B. Doc. No. 03-1836. Filed for public inspection September 19, 2003, 9:00 a.m.]

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 101]

Appeals from Determinations of Department

The Department of Labor and Industry (Department), Unemployment Compensation Board of Review (Board), adopts amendments to Chapter 101 (relating to general requirements) to read as set forth in Annex A.

In response to comments received, the Department made changes to the proposed rulemaking published at 32 Pa.B. 4720 (September 28, 2002).

Statutory Authority

The final-form rulemaking was adopted under the authority in section 3(d) of the Unemployment Compensation Law (act) (43 P. S. § 763(d)), which provides that the

Board has the duty to adopt, amend or rescind rules of procedure. The Department has the power to make rules and regulations for carrying into effect the laws regulating the labor of persons within this Commonwealth under section 2205 of The Administrative Code of 1929 (code) (71 P. S. § 565). Additionally, section 1(a) of the act (43 P. S. § 761(a)) gives the Department authority to adopt, amend and rescind rules and regulations that it deems necessary or suitable.

Background

The Board is an administrative board that exercises its appellate duties independently of the Department. See section 3(d) of the act and sections 202 and 503 of the code (71 P. S. §§ 62 and 183). A party in an unemployment compensation proceeding may appeal a determination of the Department to a referee or a referee decision to the Board within 15 days. See sections 501(e) and 502 of the act (43 P. S. §§ 821(e) and 822). A party may file an appeal on a prescribed appeal form or through a written communication and notice advising the Department that the aggrieved party requests review of the decision. Existing § 101.82(c) (relating to time for filing appeal from determination of Department) recognizes only actual delivery to the Department, the Board or an official United States postmark as the filing date. The Department has accepted appeals or notice of appeals through various other methods, including fax transmission and common carrier. The Department frequently receives appeals bearing a private postage meter mark.

Commonwealth Court recognized that the Board may interpret its regulations to allow delivery of appeals or notices of appeal by fax transmission under § 101.82. However, the date of filing is the date that the faxed document is actually received by the Department or the Board. *George v. Unemployment Compensation Board of Review*, 767 A.2d 1124 (Pa. Cmwlth. 2001). This judicial interpretation could result in the rejection of an appeal that was faxed within the prescribed 15-day period but that was, nonetheless, received after 15 days elapsed. Commonwealth Court has urged the Board to reconsider the effect of its regulations on parties who use common carriers and parties who do not place an official United States postmark on the envelope accompanying the appeal. *Copyright, Inc. v. Unemployment Compensation Board of Review*, 739 A.2d 219 (Pa. Cmwlth. 1999); *UGI Utilities, Inc. v. Unemployment Compensation Board of Review*, 776 A.2d 344 (Pa. Cmwlth. 2001).

Stakeholders' Comments

The Board solicited input from a cross-section of stakeholder organizations during the drafting process. It contacted the following individuals and groups for their suggestions: Community Legal Services, Inc. (CLS), John Stember, Esq., Widener University School of Law, Pennsylvania Chamber of Business and Industry, Pennsylvania Bar Association, Pennsylvania AFL-CIO, Employer's Unity, Inc., The Frick Company, University of Pennsylvania and Duquesne University.

The Board received stakeholder comments to the proposed rulemaking from Employer's Unity, Inc., the CLS, Pennsylvania AFL-CIO and the Duquesne University Unemployment Compensation Clinic (UCC).

The CLS requested that the Board consider specifying that a United States Postal Service certified mail receipt could be used as another means of establishing timely mailing of an appeal. The final-form rulemaking will contain a provision that a United States Postal Service Form 3817 (Certificate of Mailing) or a United States

Postal Service certified mail receipt can be used to establish timely mailing of an appeal.

The CLS and the UCC expressed concern about the use of postage meter marks for determining timeliness, where there is no official United States Postal Service postmark. The Board considered the stakeholders' concerns regarding the potential for fraud. However, the interest in providing parties with additional methods for filing appeals outweighs the potential for fraud. Expedient resolution of unemployment compensation claims and development of an appeal system that assists claimants and businesses that often are not represented is important. Additionally, there are laws and rules of professional conduct that would deter and punish fraudulent conduct.

The UCC also stated that the regulations do not address cases where a party alleges that an appeal was filed and the Department has no record of receiving the appeal. The regulations are designed to determine the timeliness of appeals that the Department actually receives. This factual situation is more appropriately considered on a case-by-case basis through the hearing process and the appellate cases concerning *nunc pro tunc* appeals to administrative agencies.

Purpose

The final-form rulemaking pertains to the administration of unemployment compensation appeals, revises the manner in which parties may file appeals and determines the timeliness of these appeals. The final-form rulemaking reflects court decisions allowing various means of filing appeals and urges the Board to update its regulations for determining timeliness to reflect advances in technology. The final-form rulemaking codifies the Board's existing and judicially accepted practice of allowing the filing of appeals by fax. It will provide additional means for parties to file appeals, including common carrier services and electronic transmission. The final-form rulemaking will also set a uniform standard for determining the date of filing and timeliness of appeals or notices of appeal. This will result in a reduction in the number of hearings that the Board is required to conduct relating to timeliness of appeals and will assist the Board in meeting Federal guidelines for timely issuance of unemployment compensation decisions.

Affected Persons

The final-form rulemaking affects appealing parties and their representatives in unemployment compensation matters. The final-form rulemaking provides these parties with increased flexibility in filing or delivering appeals and with an easily verifiable manner of determining whether an appeal was timely filed or delivered.

Fiscal Impact

There is minimal fiscal impact associated with the final-form rulemaking. Parties will experience some potential savings, as the final-form rulemaking will clarify the manner in which timeliness will be determined and therefore reduce the need for hearings and litigation regarding the timeliness of appeals.

Responses to Comments

The following addresses the common areas of concerns found in the comments received from the public and the Independent Regulatory Review Commission (IRRC).

IRRC objected to the term "Department office responsible for unemployment compensation" as it appears in § 101.81(a) and (c) (relating to filing of appeal from determination of Department). In response, the Depart-

ment changed this term to "Department appeal office" and defined the term in § 101.2 (relating to definitions). Instructions accompanying each determination will provide the address of the Department appeal office, among other things. In response to IRRC's comment, the term "Department-provided" was also deleted from § 101.81(a).

In response to a comment from IRRC, the Department made arrangements for the appeal form to be available on the Department's website, where the form can be downloaded and printed. This is now in § 101.81(a).

The CLS urged that the regulation require that the Department mail an appeal form to any aggrieved party with the adverse determination. However, § 101.81(b) will memorialize the Department's current practice of mailing instructions to the parties with each determination. The Department's current practice is to mail appeal forms to all parties with each determination, with appropriate instructions.

IRRC asked if appeal information in § 101.81(b) is available from sources other than a Department office responsible for unemployment compensation or a Board office as stated in the proposed rulemaking. These offices represent the minimum number of locations where information can be obtained. The Department may provide this information at other locations that will be provided a Department appeal office. The Department also amended the subsection to reflect that appeal information is available on the Department's website. In addition, this subsection has been amended to provide that the Department will provide appeal instructions with each determination that is issued, including the address and fax number of the Department appeal office, Board office or workforce investment office where an appeal can be filed. This information on filing locations is more extensive than the information concerning filing contained in widely-used 1 Pa. Code §§ 31.5, 31.11 and 33.31 (relating to communications and filings generally; timely filing required; and service by the agency).

The CLS objected to the removal of the appeal "assistance" requirements from § 101.81(b) and IRRC requested an explanation for this amendment. Parties in unemployment compensation proceedings are instructed to contact Unemployment Compensation Service Centers by telephone for assistance related to their claim or assistance related to filing an appeal. IRRC also asked whether an individual may obtain information about filing an appeal from a workforce investment office. Subsection (b) reflects that workforce investment offices are responsible for job training and placement, among other programs, and not matters related to unemployment compensation. Workforce investment offices are not able to reliably provide assistance in unemployment compensation matters, because these offices do not have the expertise, funding or staff to provide assistance with unemployment compensation appeals. A workforce investment office may only accept appeal forms. A party seeking information from a workforce investment office will be referred to a Unemployment Compensation Service Center for additional information by workforce investment office staff.

IRRC questioned the removal of § 101.81(b)(7), requiring a local employment office representative sign the appeal. However, "local employment offices" no longer accept and process unemployment compensation appeals. Further, this requirement does not assist with the docketing and processing of appeals and would only delay processing of unemployment compensation appeals.

The CLS commented that the requirements for an appeal in § 101.81(c) should be discretionary rather than

mandatory. However, the Department requires the inclusion of certain information in an appeal to allow proper docketing and identification of the parties and the determination being appealed. Without this minimum information, the Department may not be able to identify or properly process numerous appeals.

The CLS also requested that § 101.81(d) be amended to set forth language concerning the specifics of a docketing system. The subsection, as drafted, provides reasonable docketing requirements and procedures to adjudicate timeliness issues consistent with appellate court decisions. See *Anderson v. Unemployment Compensation Bd. of Review*, 423 A.2d 1138 (Pa. Cmwlth. 1981). The system reasonably assures that parties can appropriately appeal adverse determinations by providing instructions and a clear system for filing appeals. This subsection will provide parties the opportunity to present evidence regarding timely filing.

The CLS requested the revision of § 101.81(e) for clarity. However, the Board finds that this subsection is sufficiently clear. Under this subsection, the Board may accept appeals that are not on the Department-provided appeal form, if a party provides other written communication indicating that it disagrees with the determination.

IRRC suggested that the Department provide a definition of the term "personal delivery" as it appeared in § 101.82(b)(1), which has been moved to § 101.82(b)(5). For clarification, this definition now appears in § 101.2 and clarifies that personal delivery is any type of onsite delivery to the Department not covered by other subsections in § 101.82(b). This definition will also satisfy IRRC's recommendation that a "private courier" may deliver appeals. The date of filing of an appeal filed in this manner is the date the Department received the appeal.

The CLS requested that the final-form rulemaking enumerate the specifics of docketing appeals at workforce investment offices in § 101.82(b)(1). However, as stated, the final-form rulemaking contains reasonable requirements pertaining to the docketing of appeals and the resolution of timeliness issues consistent with appellate cases.

The CLS endorsed permitting parties to file appeals by common carrier in § 101.82(b)(3) and also suggested that the Department list acceptable common carriers. The Department declines to do this, as common carriers frequently change names or cease operations, which would quickly render the final-form rulemaking inaccurate and outdated. Creating a complete and current list will continuously cause substantial logistical difficulties.

IRRC also questioned how an appealing party would know that a common carrier is subject to the authority of the Pennsylvania Public Utility Commission (PUC). The PUC does not register or certify common carriers. However, the PUC exercises authority over common carriers under 66 Pa.C.S. § 510(a) (relating to assessment for regulatory expenses upon public utilities). Parties seeking to file appeals by use of a common carrier may need to inquire and insure that the common carrier is subject to the PUC's authority and regulation. If an appeal is filed by a carrier that is not a common carrier, the appeal will be considered as properly filed by personal delivery under § 101.82(b)(5).

IRRC also expressed concerns with this section regarding the differences in documents used by common carriers to memorialize mailing dates. However, the final-form rulemaking states that the Board will consider a docu-

ment regularly maintained in the course of business by the common carrier memorializing mailing or shipping dates. This provides parties with greater opportunity to submit reliable evidence concerning timeliness issues.

In response to another comment from IRRC, the Department amended § 101.82(b)(2) to provide that if the date of delivery to the common carrier cannot be determined by the documents in the record, the date of filing will be the date the Department received the appeal.

IRRC questioned the establishment of a filing date by the date of delivery to a third party in § 101.82(b)(3). However, the Board has long utilized this date by recognizing a United States Postal Service postmark as the date of filing. Further, the Board's approach is consistent with the Commonwealth Court's direction that the Board updates its regulations to recognize common carriers as a reliable method of filing appeals. *Copyright, Inc. v. Unemployment Compensation Board of Review*, 739 A.2d 219 (Pa. Cmwlth. 1999). This approach also presents greater ease for parties.

IRRC questioned how a discrepancy between a Department fax banner and a sender's fax banner would be resolved in § 101.82(b)(4). However, the final-form rulemaking contains clear direction that a Department fax banner controls the determination of the time of filing. The sender's fax banner will be considered only when the Department banner is illegible or unavailable. IRRC also questioned whether faxes received after the close of business would be considered timely. Accordingly, this section was amended to reflect that the Department will accept faxes received until 12 a.m. on the last day of the appeal period if the Department fax banner demonstrates that the appeal was received before the end of the day on the last day of the appeal period. If the Department's banner is unavailable, the sender's fax banner will demonstrate this information. CLS agreed that faxes should be accepted through 11:59 p.m. on the last day to appeal.

In response to another comment from IRRC, the Department added language to § 101.82(b)(4) that places the appealing party on notice that by using fax transmission as a method of filing, that party is assuming the risk that the appeal may not be properly or timely filed.

The CLS requested that the Department maintain fax activity sheets and make those sheets available to parties without issuance of a subpoena. The Department declines to adopt this approach because the amendments contain reasonable requirements for docketing appeals and resolving timeliness disputes. Parties may keep fax logs or other business records. Parties may introduce these records into evidence before a referee in a hearing concerning the timeliness of an appeal.

The Pennsylvania Chamber of Business and Industry requested that the Department consider a fax confirmation sheet as proof of timely filing, even if the Department has no record of receiving the fax. The Department declines to adopt this approach because the final-form rulemaking is designed to determine the timeliness of appeals that the Department actually receives. A fax confirmation sheet alone may not be adequate proof of timely filing. The factual situation raised by the commentator is more appropriately considered on a case-by-case basis, through the hearing process and based upon appellate cases concerning nunc pro tunc appeals to administrative agencies.

IRRC commented that the term "information processing system" in § 101.82(b)(5) of the proposed rulemaking was vague and could be construed to include voice mail. To

address this concern, the Department added the term "written" to § 101.82(b) to clarify that an appeal must be in writing. Further, § 101.82(b)(5) was amended to change the term "information processing system" to "electronic transmission system" to clarify that this subsection deals with electronic filing.

IRRC commented that the Department should also amend § 101.102 (relating to form and filing of application for further appeal from decision of referee), as it references the titles of the sections amended by the final-form rulemaking. The final-form rulemaking includes the necessary amendments to § 101.102 reflecting IRRC's comments.

The workforce investment office was deleted from § 101.82(b)(4) as a potential repository for appeals filed by electronic transmission other than fax transmission because these offices do not have this capability.

Reporting, Recordkeeping and Paperwork Requirements

The final-form rulemaking will not increase paperwork for parties in unemployment compensation matters or the Department except that it may eliminate many hearings over the issue of timeliness. The final-form rulemaking will provide recognition for the technological improvements in submission of documents and provide easier methods for transmitting appeals. The final-form rulemaking acknowledges the acceptable means for filing appeals and clarifies the date of filing for each of these methods. Parties who file an appeal without using the Department form will no longer be required to complete that form to perfect an appeal. The Department will still use its current forms, with updated instructions, and it will continue to ensure that an appeal is routed to the Board. Specifically, the Department will provide instructions on fax transmission and the appropriate format for electronic filing. The Department's website will be expanded and updated. There are no significant costs associated with the proposed rulemaking for the Commonwealth or to parties in unemployment compensation cases.

Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

There is no sunset date for the final-form rulemaking. The Department will continuously monitor the filing of appeals or notices of appeals and the amendments' effectiveness. The Department will also monitor the filing of appeals to ensure that appeals are filed timely under the amendments and that the date of filing is accurately recorded.

Contact Person

The contact person is Kelly K. Smith, Assistant Counsel, Office of Chief Counsel, Department of Labor and Industry, 10th Floor, Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA, 17121, (717) 787-4186, kellsmith@state.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 12, 2002, the Department submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 4720, to IRRC and the Chairpersons of the Senate Labor and Industry Committee and the House Labor Relations Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2), on August 13, 2003, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 14, 2003, and approved the final-form rulemaking.

Findings

The Department finds that:

(1) Public notice of intention to promulgate administrative regulations 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 rulemaking promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

Order

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

(a) The regulations of the Department, 34 Pa. Code Chapter 101, are amended by amending §§ 101.2, 101.81, 101.82 and 101.102 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 Attorney General and the Office of General Counsel for approval 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 immediately upon publication.

STEPHEN M. SCHMERIN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 4372 (August 30, 2003).)

Fiscal Note: Fiscal Note 12-59 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 34. DEPARTMENT OF LABOR AND INDUSTRY

PART VI. UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

CHAPTER 101. GENERAL REQUIREMENTS

Subchapter A. GENERAL PROVISIONS

§ 101.2. Definitions.

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

Board—The Unemployment Compensation Board of Review.

Day—A calendar day.

Department—The Department of Labor and Industry of the Commonwealth.

Department appeal office—A Department office responsible for unemployment compensation where an appeal may be filed and accepted, according to the Department-provided instructions accompanying a determination.

Employment office—A public employment office or branch thereof, operated by the Department or by another state or by the Federal Government under agreement with the Department.

Party—The Department, the claimant, the last employer of the claimant and another employer affected by the appeal proceedings.

Personal delivery—Delivery by or on behalf of a party that is not enumerated in § 101.82(b)(1)—(4) (relating to time for filing appeal from determination of Department) where a person personally files the appeal at a Board office or workforce investment office.

Referee—A referee of the Board.

Tribunal—The Board or one of its referees.

Workforce investment office—An office where the Department provides employment services under the Wagner-Peyser Act (29 U.S.C.A. §§ 49—49m). A workforce investment office may be identified as a Team Pennsylvania CareerLink.

Subchapter C. APPEALS FROM DETERMINATIONS OF DEPARTMENT

§ 101.81. Filing of appeal from determination of Department.

(a) Appeal forms may be obtained from a Department appeal office, a workforce investment office or the Board's appeals system administrator in Harrisburg and from the Department website (www.dli.state.pa.us).

(b) Information about filing an appeal may be obtained from a Department appeal office, Board office and the Department's website. The Department will provide appeal instructions with each determination, including the address and fax number of a Board office, workforce investment office or a Department appeal office where appeals may be filed.

(c) An appeal from a determination of the Department shall be filed with a Department appeal office, a workforce investment office or a Board office and shall contain the following information:

(1) The name and address of the claimant.

(2) The Social Security number of the claimant, if known.

(3) The date of the determination which is being appealed.

(4) The reasons for appeal.

(5) The name and address of the appellant.

(d) Upon receipt of an appeal, the Department or the Board will docket and process the appeal form.

(e) The Board will consider a written objection to the Department's determination as an appeal and process it under subsection (c) if the appellant does not complete the Department-provided appeal form.

§ 101.82. Time for filing appeal from determination of Department.

(a) A party seeking to appeal a Department determination shall file an appeal in the form and manner specified

in § 101.81 (relating to filing of appeal from determination of Department) and this section on or before the 15th day after the date on which notification of the decision of the Department was delivered personally to the appellant or mailed to him at his last known post office address.

(b) A party may file a written appeal by any of the following methods:

(1) *United States mail.* The filing date will be determined as follows:

(i) The date of the official United States Postal Service postmark on the envelope containing the appeal, a United States Postal Service Form 3817 (Certificate of Mailing) or a United States Postal Service certified mail receipt.

(ii) If there is no official United States Postal Service postmark, United States Postal Service Form 3817 or United States Postal Service certified mail receipt, the date of a postage meter mark on the envelope containing the appeal.

(iii) If the filing date cannot be determined by any of the methods in subparagraph (i) or (ii), the filing date will be the date recorded by the Department, the workforce investment office or the Board when it receives the appeal.

(2) *Common carrier.* An appeal may be delivered by a common carrier of property which is subject to the authority of the Pennsylvania Public Utility Commission or the United States National Surface Transportation Board. The date of filing is the date the document was delivered to the common carrier, as established by a document or other record prepared by the common carrier in the normal course of business. If the date of delivery to the common carrier cannot be determined by the documents in the record, the date of filing will be the date the workforce investment office, Board or Department appeal office received the appeal.

(3) *Fax transmission.*

(i) The filing date will be determined as follows:

(A) The date of receipt imprinted by the Department, the workforce investment office or the Board's fax machine.

(B) If the Department, the workforce investment office or the Board's fax machine does not imprint a legible date, the date of transmission imprinted on the faxed appeal by the sender's fax machine.

(C) If the faxed appeal is received without a legible date of transmission, the filing date will be the date recorded by the Department appeal office, the workforce investment office or the Board when it receives the appeal.

(ii) A party filing an appeal by fax transmission is responsible for delay, disruption, interruption of electronic signals and readability of the document and accepts the risk that the appeal may not be properly or timely filed.

(iii) A fax transmission is timely filed if it is received by the Department appeal office, workforce investment office or Board before midnight on the last day of the appeal period in accordance with this subsection.

(4) *Electronic transmission other than fax transmission.* The date of filing is the receipt date recorded by the Department appeal office or the Board's electronic transmission system, if the electronic record is in a form capable of being processed by that system. A party filing by electronic transmission shall comply with Department instructions concerning format. A party filing an appeal by electronic transmission is responsible for using the proper format and for delay, disruption, interruption of electronic signals and readability of the document and accepts the risk that the appeal may not be properly or timely filed.

(5) *Personal delivery to a workforce investment office or the Board.* The filing date will be the date the appeal was personally delivered to the workforce investment office or the Board during its normal business hours.

§ 101.102. Form and filing of application for further appeal from decision of referee.

A party shall file an appeal from a referee's decision in accordance with §§ 101.81 and 101.82 (relating to filing of appeal from determination of Department; and time for filing appeal from determination of Department).

[Pa.B. Doc. No. 03-1837. Filed for public inspection September 19, 2003, 9:00 a.m.]