

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

General Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 63 (relating to general fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking deletes the regulation governing the use of eel chutes in the waters of this Commonwealth.

A. Effective Date

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

B. Contact Person

For further information on the final-form rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's website at www.fish.state.pa.us.

C. Statutory Authority

The deletion of § 63.11 is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The final-form rulemaking is designed to eliminate a Commission permitting program that is not being utilized. The specific purpose is described in more detail under the summary of changes.

E. Summary of Changes

Under section 2901 of the code (relating to eel chute licenses), a person may apply to the Commission for a special license to catch eels by the use and operation of eel chutes and the payment of a \$25 fee. The special eel chute license gives the licenseholder the right to use and operate an eel chute: (1) in the Susquehanna River below the boundary line of the city of Pittston and Duryea Borough line on the north branch and below the bridge at the Northumberland-Lycoming County line on the west branch; (2) below Mount Union in the Juniata River; and (3) in the Delaware River. Section 63.11 contained provisions regarding the operation of eel chutes.

According to the Commission's records, the Commission has not issued an eel chute license in the last 13 years. The Commission therefore deleted § 63.11 as set forth in the notice of proposed rulemaking.

F. Paperwork

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

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

H. Public Involvement

A notice of proposed rulemaking was published at 35 Pa.B. 5127 (September 17, 2005). The Commission did not receive any public comments regarding the proposed rulemaking.

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 63, are amended by deleting § 63.11 to read as set forth at 35 Pa.B. 5127.

(b) The Executive Director will submit this order and 35 Pa.B. 5127 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 35 Pa.B. 5127 and deposit them with the Legislative Reference Bureau as required by law.

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

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: Fiscal Note 48A-177 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 06-388. Filed for public inspection March 10, 2006, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

General Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 63 (relating to general fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking amends the regulation concerning the use of long bows, crossbows, spears and gigs. In addition, the final-form rulemaking updates the regulation regarding field dressing of fish and provides more detailed regulation of officially-recognized fish cleaning stations.

A. Effective Date

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

B. Contact Person

For further information on the final-form rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's website at www.fish.state.pa.us.

C. Statutory Authority

The amendment to § 63.8 (relating to long bows, crossbows, spears and gigs) and the addition of § 63.15a (relating to officially-recognized fish cleaning stations) are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The amendment to § 63.15 (relating to field dressing and disposal of fish) is published under the statutory authority of section 2102 of the code and section 2907.3 of the code (relating to fishing guide and charter boat permits).

D. Purpose and Background

The final-form rulemaking is designed to update, modify and improve the Commission's regulations relating to the use of long bows, crossbows, spears and gigs and fish cleaning and disposal of fish. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes.

E. Summary of Changes

(1) *Section 63.8.* Currently, this section allows carp, gar, suckers and eels to be taken with long bows, crossbows, spears or gigs. However, spotted gar is listed as an endangered species and longnose gar is listed as a candidate species in this Commonwealth. In addition, the American eel is currently under review by the United States Fish and Wildlife Service for possible listing as a Federally endangered or threatened species. The Commission believes that to allow continued harvest of "gar" and "eels" by these gears is inconsistent with the protection of species of special concern, and the species should be eliminated from § 63.8(a). Accordingly, the Commission amended § 63.8 as set forth in the notice of proposed rulemaking.

(2) *Sections 63.15 and 63.15a.* During the early part of 2005, the Commission, with the assistance of a workgroup comprised of charter boat captains and fishing guides, developed regulations pertaining to charter boat/fishing guide operations. A concern was raised during the workgroup meetings regarding the current field dressing of fish regulations in § 63.15. The workgroup, especially the charter captains, requested a change in the regulations to allow them to fully process fish caught by their customers.

Also, the Commission is aware of the development of several noncommercial official fish cleaning stations on the Lake Erie shoreline and at other locations throughout this Commonwealth. These facilities are generally open to the public for their use at no cost to process their catch. The current regulations prohibit anglers using these facilities to fully process their catch.

Accordingly, the Commission proposed to amend its regulations to address the concerns raised by the charter captains and to provide anglers with the ability to fully process their catch at an officially recognized noncommercial fish cleaning station. The proposed amendments also addressed the disposal of fish carcasses and parts thereof in Commonwealth waters and adjacent lands. The proposed amendments provided for a greater degree of uniformity in the processing of fish and carcass disposal with the current regulations in New York and Ohio.

In addition, the Commission proposed to add § 63.15a. This new section allows for two types of officially recognized fishing cleaning stations—commercial and noncommercial. Operators of commercial stations are required to give the person who receives a filleted fish a signed, dated receipt indicating the species and the number of fish dressed. Operators of noncommercial stations are not. The proposed amendments also clarified that the operator of an officially-recognized fish cleaning station will allow officers authorized to enforce the code access to the station to inspect angler catches to determine compliance with seasons, sizes and creel limits.

On final-form rulemaking, the Commission adopted the proposed amendment to § 63.15 with one change. Specifically, the Commission made it unlawful to discard any fish carcass or parts into the waters of this Commonwealth regardless of the distance from shore. The Commission adopted § 63.15a as set forth in the notice of proposed rulemaking.

F. Paperwork

The final-form rulemaking will create no new paperwork requirements because the Commission's current regulations allow for operators of fish cleaning stations to apply for official recognition. Paperwork may increase slightly because the Commission anticipates that more operators of noncommercial stations will apply for official recognition status.

G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public. There is no fee to apply for recognition as an officially recognized fish cleaning station.

H. Public Involvement

A notice of proposed rulemaking was published at 35 Pa.B. 6539 (December 3, 2005). The Commission received two comments from one individual expressing concerns about the proposed amendment to § 63.8 and received one public comment from an individual supporting the proposed amendment. The Commission also received a total of ten comments pertaining to the proposed amendment to § 63.15 and proposed § 63.15a. The Commission received two letters from the Department of Conservation and Natural Resources, Presque Isle State Park and the Erie County Department of Health earlier this year when Commission staff solicited input from those agencies. Both agencies raised concerns over the disposal of fish carcasses in the lake and cited issues concerning human health. The Erie County Department of Health also mentioned concerns regarding avian botulism.

Prior to the formal public comment period, the Commission received four public comments. One supports fish cleaning along streams; one believes that the Commission should consider an exception for discarding entrails in Commonwealth waters within 100 feet of shore for less than three fish; one specifically supports the restrictions in subsection (g) making it unlawful to discard any fish carcass or parts within 100 feet of shore; and one supports the entire proposed rulemaking. During the formal public comment period, the Commission received five public comments. Three oppose the discarding of fish carcasses in any waters of this Commonwealth regardless of how far from the shore. A comment from the Erie County Department of Health raises environmental and health concerns pertaining to disposal of carcasses and parts in Lake Erie waters. Another expresses concerns

over allowing the disposal to occur within 100 feet of shore. One of the five comments also objects to the amount of paperwork that will be required for a fish cleaning station. Copies of the public comments were provided to the Commissioners.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments 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 the comments that were received were considered.

(3) The adoption of the amendments 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 63, are amended by amending §§ 63.8 and 63.15a to read as set forth at 35 Pa.B. 6539 and by amending § 63.15 to read as set forth in Annex A.

(b) The Executive Director will submit this order, 35 Pa.B. 6539 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 35 Pa.B. 6539 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*.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: Fiscal Note 48A-178 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.15. Field dressing and disposal of fish.

(a) Except as otherwise provided in this section, it is unlawful to possess a fish in any form or condition other than in the whole or having the entrails removed while on shore, along the waters of this Commonwealth, onboard a boat or on a dock, pier, launch area or a parking lot adjacent thereto.

(b) Fish may be processed fully if they are being prepared for immediate consumption.

(c) This section does not apply to fish processed at a fish cleaning station officially recognized under § 63.15a (relating to officially-recognized fish cleaning stations).

(d) Provided that the requirements of this subsection are met, this section does not apply to fish processed by a permitted charter boat/fishing guide operation. The charter boat operator or fishing guide may fully process the fish at any time provided the charter boat operator or fishing guide retains the carcass until possession of the

fish is transferred to the customer on shore. The charter boat operator or fishing guide shall give the customer who receives the processed fish a signed, dated receipt on the form prescribed by the Commission.

(e) This section does not apply to fish caught or sold in compliance with Chapter 31 of the code (relating to regulated fishing lakes).

(f) This section does not apply to fish caught under a Lake Erie commercial license issued consistent with Chapter 29 of the code (relating to special licenses and permits) after the fish reach established retail or wholesale markets.

(g) It is unlawful to discard any fish carcass or parts thereof into the waters of this Commonwealth or upon any public or private lands contiguous to the waters unless one of the following conditions apply:

(1) On lands with the permission of the landowner.

(2) Where fish are properly disposed into suitable garbage or refuse collection systems or at officially recognized fish cleaning stations.

[Pa.B. Doc. No. 06-389. Filed for public inspection March 10, 2006, 9:00 a.m.]

FISH AND BOAT COMMISSION **[58 PA. CODE CHS. 63 AND 65]** **Fishing**

The Fish and Boat Commission (Commission) amends Chapters 63 and 65 (relating to general fishing regulations; and special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking pertains to permits for the use of cast nets and throw nets (10 feet in radius or 20 feet in diameter) for the taking of gizzard shad 8 inches or less in length and alewife in waters to be determined by the Executive Director. The final-form rulemaking also eliminates two miscellaneous special regulations pertaining to this subject.

A. Effective Date

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

B. Contact Person

For further information on the final-form rulemaking, contact Laurie E. Shepler, Chief Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's website at www.fish.state.pa.us.

C. Statutory Authority

The addition of § 63.48 (relating to permit for the use of cast nets or throw nets) is published under the statutory authority of section 2102 of the code (relating to rules and regulations). The amendments to § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

D. Purpose and Background

Currently, there are two miscellaneous special regulations that allow the issuance of permits for the use of cast nets or throw nets for taking live gizzard shad and alewife at Lake Arthur, Butler County, and Raystown

Lake, Huntingdon County. The regulations limit the size of cast nets and throw nets to 10 feet in radius (20 feet in diameter) with a mesh size of at least 3/8 inch. The Commission issues between approximately 700 and 800 permits each year at Raystown Lake. The Commission estimates that it will issue less than 100 permits each year on Lake Arthur.

The Commission's regulations pertaining to inland waters, such as Raystown Lake and Lake Arthur, permit an angler to take, catch, kill or possess 50 gizzard shad or alewife on a daily basis. The Commission was contacted by a fishing guide on Raystown Lake who has requested that he and other guides be allowed to possess a daily creel of 100 fish instead of 50 fish. Upon review of this matter, the Commission determined that it is appropriate to allow all holders of cast net permits on Raystown Lake, Lake Arthur and other waters to be determined by the Executive Director, to take, catch, kill or possess 100 gizzard shad and alewife (combined species) on a daily basis. This allowance will not adversely impact the resource.

E. Summary of Changes

Instead of amending the miscellaneous special regulations in § 65.24 for Raystown Lake and Lake Arthur to allow permitholders to take, catch, kill or possess 100 gizzard shad and alewife (combined species) on a daily basis, the Commission adopted a new regulation pertaining to cast nets and throw nets. The addition of § 63.48 will address the broader issue of the Commission's issuance of permits for these types of nets and will eliminate the need for the miscellaneous special regulations on Raystown Lake and Lake Arthur in § 65.24.

New § 63.48 provides that the Executive Director or designee may issue permits for the use of cast nets or throw nets for the taking of gizzard shad eight inches or less in length and alewife only. The new regulation further provides that the Executive Director will issue these permits in waters to be determined by the Executive Director. The Commission intends to issue a separate permit for each individual body of water to allow better management of the affected resources. Initially, the Commission intends to issue permits for the use of cast nets and throw nets at Lake Arthur, Raystown Lake and Shenango Lake in Mercer County. Additional waters could be added at a later date.

A holder of this permit will be allowed to use a cast net or throw net no greater than 10 feet in radius (20 feet in diameter) with a mesh size of at least 3/8 inch. As previously stated, a holder also will be entitled to take, catch, kill or possess a daily creel limit of 100 gizzard shad and alewife (combined species). It will be unlawful to use cast nets or throw nets or to take, catch, kill or possess more than the daily creel limit of gizzard shad and alewife as set forth in § 61.1 (relating to Commonwealth inland waters) without the required permit.

On final-form rulemaking, the Commission amended § 65.24 as set forth in the notice of proposed rulemaking. The Commission also adopted new § 63.48 as set forth in the notice of proposed rulemaking with two changes. The Commission added language to clarify that a separate permit will be required for each body of water determined by the Executive Director to be appropriate for the issuance of cast net or throw net permits. The Commission further included a requirement that gizzard shad and alewife taken under the permit can only be used as live bait in the waters from which they were taken. This requirement is aimed to prevent the introduction of

gizzard shad and alewife in waters where they currently are not present. The introduction of alosids can have serious negative impacts on fisheries, especially ones with excellent panfish populations.

F. Paperwork

The final-form rulemaking will create no new paperwork requirements because the new § 63.48 relates to permits that the Commission currently issues under § 65.24. Paperwork will increase as the Executive Director determines that additional waters are appropriate for the issuance of cast net or throw net permits.

G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public. Under section 2902 of the code (relating to net permits), the Commission has the authority to issue net permits for a fee of \$10.

H. Public Involvement

A notice of proposed rulemaking was published at 35 Pa.B. 5268 (September 24, 2005). The Commission received one public comment asking the Commission to consider issuing cast net and throw net permits on Shenango Lake. Copies of all public comments have been provided to the Commissioners.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments 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 the comments that were received were considered.

(3) The adoption of the amendments 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 Chapters 63 and 65, are amended by amending § 65.24 to read as set forth in 35 Pa.B. 5268 and by adding § 63.48 to read as set forth in Annex A.

(b) The Executive Director will submit this order, 35 Pa.B. 5268 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 35 Pa.B. 5268 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*.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: Fiscal Note 48A-176 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 58. RECREATION****PART II. FISH AND BOAT COMMISSION****Subpart B. FISHING****CHAPTER 63. GENERAL FISHING REGULATIONS****§ 63.48. Permit for the use of cast nets or throw nets.**

(a) The Executive Director or a designee may issue permits for the use of cast nets or throw nets for the taking of gizzard shad 8 inches or less in length and alewife only in waters to be determined by the Executive Director. A separate permit will be required for each body of water.

(b) In addition to other permit conditions that the Executive Director may require, the cast nets or throw nets may be no greater than 10 feet in radius (20 feet in diameter) with a mesh size of at least 3/8 inch.

(c) Notwithstanding the provisions of § 61.1 (relating to Commonwealth inland waters), holders of permits for the use of cast nets or throw nets may take, catch, kill or possess a daily creel limit of 100 gizzard shad and alewife (combined species).

(d) A person may apply for a permit for the use of cast nets or throw nets by completing the form prescribed by the Commission. The applicant shall submit the completed form to the Commission along with the fee specified in section 2902 of the code (relating to net permits).

(e) It is unlawful to use cast nets or throw nets for the taking of gizzard shad and alewife or to take, catch, kill or possess more than the daily creel limit of gizzard shad and alewife as set forth in § 61.1 without the required permit. A permit for the use of cast nets or throw nets shall be carried so that it can be presented to an officer authorized to enforce the code.

(f) It is unlawful to use gizzard shad or alewife taken under a permit for the use of cast nets or throw nets as live bait in any water other than the water from which it was taken.

[Pa.B. Doc. No. 06-390. Filed for public inspection March 10, 2006, 9:00 a.m.]

Title 67—TRANSPORTATION**DEPARTMENT OF TRANSPORTATION****[67 PA. CODE CH. 86]****Occupational Limited License**

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 1553 and 6103 (relating to occupational limited license; and promulgation of rules and regulations by department), amends Chapter 86 (relating to occupational limited license) to read as set forth in Annex A.

Purpose of this Chapter

The purpose of this chapter is to provide guidance regarding when the Department will require additional information or additional evidence to verify the information contained in a petition for an occupational limited license. This chapter also provides that the Department may conduct an investigation to verify the information in

the petition and itemizes the information that is required to be on the Occupational Limited License Affidavit.

Publication for Public Comment

The proposed rulemaking was published at 34 Pa.B. 5160 (September 18, 2004) and the public was invited to submit comments. The rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees. No comments or objections to the rulemaking were received from the public, IRRC or the House and Senate Committees.

Persons and Entities Affected

This final-form rulemaking will affect drivers petitioning for the issuance of an occupational limited license under 75 Pa.C.S. § 1553.

Fiscal Impact

The final-form rulemaking will not require the expenditure of any significant additional funds by the Commonwealth. Marginal cost to the Commonwealth would result if the Department conducts further investigation regarding the information on an applicant's petition under § 86.102 (relating to investigation). Marginal cost to members of the regulated community may result if the Department requires an applicant to submit additional information to support the petition for an occupational limited license.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 8, 2004, the Department submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 5610, to IRRC and the Chairpersons of the House and Senate Transportation 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 the 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 May 29, 2005, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, this final-form rulemaking was deemed approved by IRRC effective June 8, 2005, confirmed at meeting of IRRC on June 9, 2005.

Effective Date

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

Sunset Date

The Department is not establishing a sunset date for these regulations, since the regulations are needed to administer provisions required by 75 Pa.C.S. (relating to Vehicle Code). The Department, however, will continue to closely monitor these regulations for their effectiveness.

Contact Person

The contact person for this final-form rulemaking is Anne P. Titler, Acting Manager, Driver Safety Division, Bureau of Driver Licensing, 4th Floor, Riverfront Office Center, 1101 S. Front Street, Harrisburg, PA 17104, (717) 783-4737.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 86, are amended by deleting §§ 86.1—86.3 and by adding §§ 86.101—86.103 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 General Counsel and the Office of Attorney General for approval as to legality and form, as required by law.

(c) The Secretary 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*.

ALLEN D. BIEHLER, P. E.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 3632 (June 25, 2005).)

Fiscal Note: Fiscal Note 18-397 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 86. OCCUPATIONAL LIMITED LICENSE

§§ 86.1—86.3. (Reserved).

§ 86.101. Additional information.

(a) The Department may require the submission of additional information or evidence if it is determined that the information provided in a petition for an occupational limited license submitted under 75 Pa.C.S. § 1553(b) (relating to occupational limited license) is ambiguous, incomplete or of questionable veracity.

(b) Additional information or evidence required includes:

(1) Written statements from appropriate individuals verifying employment, study, or medical appointments or treatment.

(2) Proof of vehicle ownership.

(3) Proof of insurance

(4) A schedule of driving time anticipated under the occupational limited license.

(5) A description or radius of the territory anticipated to be driven under the occupational limited license.

§ 86.102. Investigation.

The Department may conduct its own investigation to verify the information contained in the petition for an occupational limited license or additional information or evidence submitted in accordance with this chapter. Investigation may include contacting employers, school administrators, medical providers or other appropriate individuals.

§ 86.103. Occupational Limited License Affidavit.

The Occupational Limited License Affidavit required under 75 Pa.C.S. § 1553(f)(5) (relating to occupational limited license) to be carried by a driver who has been issued an occupational limited license must include:

(1) The name, address, date of birth and driver license number of the petitioner.

(2) The year, make, model, license plate number and state of registration of every vehicle that will be driven by the petitioner.

(3) The insurance company name, policy number, effective date and expiration date of each insurance policy on every vehicle listed as being driven by the petitioner.

(4) The place of employment, study or medical treatment or appointment for which the occupational limited license is needed.

(5) The hours of operation necessary for travel to the employment, study or medical treatment or appointment.

(6) The name, signature and position of the employer, school administrator or medical provider attesting that the information provided on the form is true and correct.

[Pa.B. Doc. No. 06-391. Filed for public inspection March 10, 2006, 9:00 a.m.]