

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PSYCHOLOGY  
[49 PA. CODE CH. 41]

### Corrective Amendment to 49 Pa. Code § 41.31(b)(1)

The State Board of Psychology has discovered a discrepancy between the agency text of 49 Pa. Code § 41.31(b)(1) (relating to qualifications for taking licensing examination), as deposited with the Legislative Reference Bureau, and the official text published at 36 Pa.B. 2680, 2684 (June 3, 2006) and scheduled to be codified in the August 2006 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 381). The text of subsection (b)(1) omitted a reference to the APA.

Therefore, under 45 Pa.C.S. § 901: The State Board of Psychology has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 41.31(b)(1). The corrective amendment to 49 Pa. Code § 41.31(b)(1) is effective as of June 3, 2006, the date the defective text was printed in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 41.31(b)(1) appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARD

#### PART I. DEPARTMENT OF STATE

#### CHAPTER 41. STATE BOARD OF PSYCHOLOGY

#### GENERAL

#### § 41.31. Qualifications for taking licensing examination.

\* \* \* \* \*

(b) *Education.* Before an applicant seeking licensure under section 6 of the act (63 P.S. § 1206) shall be permitted to take the licensing examination, the Board must be satisfied that the applicant has complied with the requirements for a doctoral degree in psychology or a field related to psychology as defined in § 41.1 (relating to definitions). The following documentation evidences compliance:

(1) For degree holders from a program in the United States, Canada or United States territories, a Verification of Doctoral Program Approval Status completed by the program's director reflecting accreditation by the APA or CPA or designation by the ASPPB/National Register

Designation Project within 1 year from the award of the doctoral degree, and an official transcript from the registrar.

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[Pa.B. Doc. No. 06-1269. Filed for public inspection July 21, 2006, 9:00 a.m.]

## Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 143]

### Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 6, 2006, meeting, adopted the following rulemaking:

Add Chapter 143, Subchapter M (relating to mentored youth hunting program license exemption) to create, define and implement the Mentored Youth Hunting Program within this Commonwealth.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 2727 (June 3, 2006).

#### 1. Purpose and Authority

Due to today's complex society and all of the competing interests youths have to choose from, it is difficult for our sporting men and women to expose youngsters to the joys of hunting. On December 22, 2005, Governor Rendell signed into law House Bill 1690 to provide a way for parents to better combat these challenges. In effect, this statutory amendment authorized the Commission to create, define and implement a concept aptly named the Mentored Youth Hunting Program (MYHP).

The mission of the MYHP is simple and clear . . . create expanded youth opportunities while maintaining safety afield. The MYHP provides youngsters a chance to develop the love of hunting early and allow that passion to grow as they do. The MYHP promotes the culture and development of the type of one-on-one training, and hands on experience that will help protect our hunting future as well as increase hunting safety through the intimate counseling provided by dedicated mentors. Youths who might otherwise never experience hunting will now have the chance to taste the thrills of past generations as they carry this Commonwealth's hunting heritage into our future. The MYHP may not benefit all youths, however, it does provide a vehicle into the hunting fraternity for many youngsters whose parents feel are mentally, emotionally and physically ready for the rigors of hunting.

It was only with the dedicated assistance of various sportsmen's organizations that the MYHP was even possible. Indeed, the MYHP concept was initially developed and promoted by the determination of organizations such as the National Wild Turkey Federation, Pennsylvania Federation of Sportsmen's Clubs, United Bowhunters of Pennsylvania, Central Counties Concerned Sportsmen, National Rifle Association, Quality Deer Management Association, Rocky Mountain Elk Foundation, Big Bothers/Big Sisters Pass It On Program and U.S. Sportsmen's Alliance.

In a world in which everyone seems to have less and less time, and we never seem to place the proper value on the truly important things, there can be no greater way to instill values, provide the ideal time and place to teach conservation, respect, ethics and responsibilities that we all have as caretakers of our streams and forests, than by adopting the MYHP in this Commonwealth. Therefore, after consideration of the relevant issues, the Commission added Subchapter M to Chapter 143 to create, define and implement the Mentored Youth Hunting Program within this Commonwealth.

Section 2701(a) of the code (relating to license requirements) states that "Except in defense of person or property or pursuant to exemptions authorized by the commission for implementing a mentored youth hunting program, every person, prior to engaging in any of the privileges granted by this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by this title." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The addition of Subchapter M to Chapter 143 was adopted pursuant to this authority.

## 2. Regulatory Requirements

This final-form rulemaking adds Subchapter M (relating to mentored youth hunting program license exemption) to create, define and implement the MYHP within this Commonwealth.

## 3. Persons Affected

Persons wishing to engage in mentored youth hunting opportunities or those in the vicinity of persons engaging in mentored youth hunting activities will be affected by the final-form rulemaking.

## 4. Comment and Response Summary

The Commission received two official comments regarding this final-form rulemaking; both in support of expanding the number of species that mentored youth are eligible to hunt under the MYHP.

## 5. Cost and Paperwork Requirements

The final-form rulemaking should not result in any additional cost or paperwork.

## 6. Effective Date

The final rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

## 7. Contact Person

For further information regarding the final rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

## 8. Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative regulations 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of these regulations of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

## 9. Order

The Commission, acting under authorizing statute orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by adding §§ 143.241, 143.243 and 143.245—143.247 to read as set forth at 36 Pa.B. 2727 and by adding §§ 143.242 and 143.244 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 36 Pa.B. 2727 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-230 remains valid for the final adoption of the subject regulations.

## Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 143. HUNTING AND FURTAKER LICENSES

#### Subchapter M. MENTORED YOUTH HUNTING PROGRAM LICENSE EXEMPTION

#### § 143.242. Definitions.

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

*Lawful hunting device*—Any firearm or implement that is lawful to be possessed during the current season and used to harvest the particular species hunted.

*Mentor*—A licensed person, 21 years of age or older who is serving as a guide to a mentored youth while engaged in hunting or related activities.

*Mentored youth*—An unlicensed person, under 12 years of age who is accompanied by a mentor while engaged in hunting or related activities.

*Stationary*—The state or condition where a person is still, fixed in place or static, indicated by a cessation of all forward, backward or lateral movement, whether in the standing, kneeling, sitting or prone position.

**§ 143.244. Safety.**

While engaged in mentored youth hunting activities:

(1) A mentored youth shall be stationary, within arms reach and subject to the immediate control of the mentor at all times while in possession of any lawful hunting device.

(2) A mentor may not accompany more than one youth, including junior hunters, at any given time.

(3) A mentor and mentored youth may not collectively possess more than one lawful hunting device at any given time.

(4) A mentor and mentored youth shall both comply with section 2524 of the act (relating to protective material required) and with regulations promulgated by the Commission relating to protective material. See § 141.20 (relating to protective material required).

[Pa.B. Doc. No. 06-1270. Filed for public inspection July 21, 2006, 9:00 a.m.]

# Title 67—TRANSPORTATION

## DEPARTMENT OF TRANSPORTATION

### [67 PA. CODE CH. 177]

#### Corrective Amendment to 67 Pa. Code § 177.602(a)

The Department of Transportation has discovered a discrepancy between the agency text of 67 Pa. Code § 177.602(a) (relating to schedule of penalties for emis-

sion inspection stations) as deposited with the Legislative Reference Bureau and published at 33 Pa.B. 5706, 5731 and 5732 (November 22, 2003), and the official text published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 351) and as currently appearing in the *Pennsylvania Code*. Amendments to the table in this section were codified incorrectly.

Therefore, under 45 Pa.C.S. § 901: The Department of Transportation has deposited with the Legislative Reference Bureau a corrective amendment to 67 Pa. Code § 177.602(a). The corrective amendment to 67 Pa. Code § 177.602(a) is effective as of February 7, 2004, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 67 Pa. Code § 177.602(a) appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

#### TITLE 67. TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

#### Subpart A. VEHICLE CODE PROVISIONS

#### ARTICLE VII. VEHICLE CHARACTERISTICS

#### CHAPTER 177. EMISSION INSPECTION PROGRAM

#### Subchapter F. SCHEDULE OF PENALTIES AND HEARING PROCEDURE

#### SCHEDULE OF PENALTIES AND SUSPENSIONS

#### § 177.602. Schedule of penalties for emission inspection stations.

(a) *Schedule of penalties.* The complete operation of an official emission inspection station shall be the responsibility of the owner. Failure to comply with the appropriate provisions of the Vehicle Code or this chapter will be considered sufficient cause for suspension of emission inspection privileges. In addition, violators are also subject to criminal prosecution. Every general, fleet or Commonwealth emission inspection station shall be subject to the following schedule of penalties and suspension:

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offenses
<i>Category 1 (Fraudulent Activities)</i>			
(i) Issuance or possession of altered, forged, stolen or counterfeit certificate of emission inspection	1 year and \$2,500 fine	Permanent and \$5,000 fine	
(ii) Furnish, lend, give, sell or receive a certificate of emission inspection without inspection	1 year and \$2,500 fine	Permanent and \$5,000 fine	
(iii) Fraudulent recordkeeping	1 year and \$2,500 fine	Permanent and \$5,000 fine	
<i>Category 2 (Improper Activities)</i>			
(iv) Faulty inspection	3 months and \$1,000 fine	1 year and \$2,500 fine	3 years and \$5,000 fine
(v) Inspecting more subject vehicles per hour per emission inspection inspector than permitted by § 177.408(g)	3 months	6 months	1 year

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offenses
(vi) Failure to produce records upon demand by Department quality assurance officer or other authorized Commonwealth representative or agent	3 months or until produced, whichever is greater	6 months or until produced, whichever is greater	1 year or until produced, whichever is greater
(vii) Inspection by uncertified inspector	3 months	6 months and \$1,000 fine	1 year and \$2,500 fine
(viii) Improper recordkeeping	2 months	6 months	1 year
(ix) Improper inspection	Warning	2 months and \$250 fine	6 months and \$500 fine
(x) Requiring or indicating unnecessary repairs for purpose of inspection	3 months	6 months	1 year
(xi) Misstatement of fact	1 month	3 months	1 year
(xii) Improper assigning of certificate of inspection	1 month	3 months	1 year
(xiii) Failure to verify registration or emission inspecting a vehicle with an expired registration	2 months	4 months	6 months
(xiv) Failure to affix certificate of inspection immediately upon successful completion of the inspection	2 months	4 months	6 months
<i>Category 3 (Careless Activities)</i>			
(xv) Inspection by emission inspector with suspended, revoked, cancelled, expired or recalled vehicle operating privilege	2 months	4 months	6 months
(xvi) Inspection by emission inspector with expired inspector certification	Warning	4 months	6 months
(xvii) Improper use of emission inspector certification	Warning	2 months and \$250 fine	6 months and \$500 fine
(xviii) Improper security of certificate of inspection	Warning	3 months	1 year
(xix) Unclean inspection area	Warning	Warning	3 months
(xx) Careless recordkeeping	Warning	Warning	3 months
(xxi) Missing or broken tools	Warning, if repaired or replaced; if not, suspension until tools are repaired or replaced	1 month or until tools are repaired or replaced, whichever is greater	6 months or until tools are repaired or replaced, whichever is greater
(xxii) Bad Check	Warning, if amount due is paid within 10 days from date notified. If not, suspension until amount is paid	3 months or until amount due is paid, whichever is greater	6 months or until amount due is paid, whichever is greater
<i>Category 4 (Negligent)</i>			
(xxiii) Failure to report discontinuance of business	1 year	2 years	Permanent
(xxiv) Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station	3 months	6 months	1 year
(xxv) Failure to make emission inspection test printout available to customer	Warning	Warning and \$100 fine	1 month

(b) *Assignment of points.* If the station owner, manager, supervisor or other management level employee was without knowledge of the violation, the Department may permit the station owner to consent to the acceptance of a point assessment for the station in lieu of suspension.

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[Pa.B. Doc. No. 06-1271. Filed for public inspection July 21, 2006, 9:00 a.m.]

**DEPARTMENT OF TRANSPORTATION**  
**[67 PA. CODE CH. 177]**  
**Emissions Inspection Program**

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), by this order adopts amendments to 67 Pa. Code Chapter 177 (relating to enhanced emission inspection program). These amendments also modify the emissions inspection station required signage to include the posting of the fee for exemptions and emissions inspection fees for vehicle owners 65 years old or older. A sample sign to be used by the inspection stations is also provided.

The I/M program, implemented under 75 P. S. §§ 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104, is required by the Federal Clean Air Act (Clean Air Act), as amended by Pub. L. No. 101-52, 104 Stat. 2399-2712 (42 U.S.C. §§ 7401—26718) and Pub. L. No. 104-59, 109 Stat. 568 (1995) (known as the National Highway System Designation Act of 1995 (NHS Act)). Implementation of emission testing using vehicle OBD systems is required by the Clean Air Act and recent amendments to the Federal Vehicle Inspection/Maintenance Program Requirements, 40 CFR Parts 51 and Control of Air Pollution from Mobile Sources, Part 85.

Proposed rulemaking is omitted under 75 Pa.C.S. § 4706 (relating to prohibition on expenditures for emission inspection program), which exempts these regulations from the proposed rulemaking provisions of section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law and the Regulatory Review Act (71 P. S. §§ 745.1—745.15), and 75 Pa.C.S. § 4710 (relating to Vehicle Emission System Inspection Program Advisory Committee), which provides for initial submission of final regulations relating to the vehicle emission inspection/maintenance program to the Office of Attorney General for review as to form and legality and thereafter to the Independent Regulatory Review Commission (IRRC) and the designated Committees of the Pennsylvania House of Representatives and the Senate, in accordance with the Regulatory Review Act.

*Purpose of this Chapter*

The purpose of this chapter is to implement an emission I/M program as required by the Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and the regulations promulgated thereunder, 40 CFR Parts 51 and 85 (relating to regulations for preparation, adoption and submittal of implementation plans; and control of air pollution from mobile sources).

*Purpose of these Amendments*

The purpose of these amendments is to modify the emissions inspection station required signage to include the posting for exemptions and emissions inspection fees for vehicle owners 65 years old or older. A sample sign to be used by the inspection stations is also provided for inclusion in the appendices to the chapter.

*Persons and Entities Affected*

The amendment will affect individuals in the business of vehicle inspection and vehicle repair in the affected counties.

*Fiscal Impact*

These amendments to the I/M regulations will provide motorists with a clearer notice of emissions inspection test, exemption and waiver fees. By requiring inspection stations to post inspection fees, including reduced fees for senior citizens, senior citizens will be able to choose an inspection station providing lower inspection fees and therefore save money. The amendments will have no fiscal impact on the Department or the Commonwealth.

*Regulatory Review*

Under 75 Pa.C.S. § 4710(e), the Department submitted a copy of this rulemaking to the Office of Attorney General on April 26, 2006. The rulemaking was approved as to form and legality by the Office of Attorney General on May 12, 2006. The Department submitted a copy of this final-omitted rulemaking on May 23, 2006, to IRRC and to the Chairpersons of the House and Senate Transportation Committees for review consistent with section 5 of the Regulatory Review Act (71 P. S. § 745.5). In accordance with section 5(c) of the Regulatory Review Act, this amendment was deemed approved by the Committees on July 5, 2006 and was approved by IRRC on July 6, 2006.

In addition to the final rulemaking, the Committees were provided with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

*Sunset Provisions*

The Department is not establishing a sunset date for this regulation since the regulation is necessary to comply with requirements of Federal laws relating to control of vehicle emissions.

*Contact Person*

The contact person for this regulation is Peter Gertz, Vehicle Inspection Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, or to [pgertz@state.pa.us](mailto:pgertz@state.pa.us).

*Authority*

These amendments are adopted under the authority contained in 75 P. S. §§ 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104.

*Order*

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

(a) The regulations of the Department, 67 Pa. Code Chapter 177, are amended by amending § 177.404 and Appendix A to read as set forth in Annex A.

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

(c) 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 36 Pa.B. (July 22, 2006).)*

**Fiscal Note:** 18-406 (final omitted). No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**Subpart A. VEHICLE CODE CHARACTERISTICS**

**ARTICLE VII. VEHICLE CHARACTERISTICS**

**CHAPTER 177. EMISSION INSPECTION PROGRAM**

**Subchapter A. General Provisions**

**§ 177.404. Required certificates and station signs.**

After appointment the owner of an emission inspection station shall prominently display the following:

(1) A certificate of appointment for each type of emission inspection approved for the location.

(2) A sign clearly stating the Program Management Fee (PMF), the fees for exemptions (including labor) and for an inspection, that the inspection fee is the same whether the vehicle passes or fails, that the fee for inspection includes the cost of labor for the inspection,

but not the cost of parts, repairs and adjustments, and that no additional charge shall be made by the inspecting station for one necessary reinspection within 30 days of the original inspection.

(i) The sign must list the fees in the order provided in the sample found in Appendix A as Exhibit B (relating to sample emissions test and exemption fees) and consist of letters and numbers at least 1 inch in height.

(ii) The sign must also indicate whether the emissions inspection station is able to deliver waivers and provide the telephone number of the Customer Hotline.

(iii) If lesser fees are charged to vehicle owner who is 65 years old or older, there shall be a corresponding posting of those fees as illustrated in Appendix A, Exhibit B.

(iv) Fleet and Commonwealth stations are exempt from this paragraph.

(3) The current list of certified emission inspectors.

(4) An approved official emission inspection sign outside of the garage that is clearly visible to the public. This sign must have a keystone design which is at least 24 inches high and 21 inches wide. The background must be navy blue with gold lettering. The station number plate must be at least 3 inches high and at least 13 inches wide. The background must be green with white station numbers. If a keystone designated sign is already present, the station number shall be placed below present plates. If hung from a bracket, the sign must be double faced. Fleet and Commonwealth emission inspection stations are exempt from this paragraph.

**Appendix A**

**Exhibit B  
SAMPLE**

**Emissions Test and Exemption Fees**

<b>All test fees include the cost of labor for the inspection, but not the cost of parts, repairs and adjustments. No additional charge shall be made for one re-inspection, if necessary, within 30 days of the original inspection at this station.</b>	
<b>All prices include a Program Management Fee (PMF) of \$ _____</b>	
<b>EMISSIONS INSPECTION PASS OR FAIL</b>	<b>EMISSIONS INSPECTION FEES FOR VEHICLE OWNERS 65 YEARS OLD OR OLDER PASS OR FAIL</b>
<b>Tailpipe Test _____</b>	<b>Tailpipe Test _____</b>
<b>Tailpipe with Dynamometer _____</b>	<b>Tailpipe with Dynamometer _____</b>
<b>On-Board-Diagnostic (OBD) Test _____</b>	<b>On-Board-Diagnostic (OBD) Test _____</b>
<b>Visual Inspection _____</b>	<b>Visual Inspection _____</b>
<b>New Car Exemption _____</b>	<b>New Car Exemption _____</b>

<b>5,000 Mile Exemption _____</b>	<b>5,000 Mile Exemption _____</b>
<b>This station has personnel authorized to deliver waivers.</b>	
<b>Customer Hotline Telephone Number—1-800-265-0921</b>	

[Pa.B. Doc. No. 06-1272. Filed for public inspection July 21, 2006, 9:00 a.m.]

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