

RULES AND REGULATIONS

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 55]

Registration Class Stickers

The Department of Transportation (Department), under the authority of 75 Pa.C.S. § 6103 (relating to promulgation of rules and regulations by department) and more generally 75 Pa.C.S. §§ 1301 and 1304(b) (relating to registration and certificate of title required; and registration criteria), deletes Chapter 55 (relating to registration class stickers) to read as set forth in Annex A.

Purpose of Chapter

This chapter implements 75 Pa.C.S. § 1304(b) regarding the classification of vehicles. Section 1304(b) of 75 Pa.C.S. authorizes the Department to “identify vehicles by type as to weight, design, loading, use, ownership or other significant characteristics for purposes of registration.” The Department adopted Chapter 55 in 1979 to implement the portion of section 1304(b) that concerns identifying vehicle according to weight for purposes of registration. Chapter 55 requires the affixation of a registration class sticker (Registration Class Sticker) to a windshield, which indicates the registered gross weight class of a truck, truck-tractor or combination registered in this Commonwealth in the registered gross weight classes 2 through 25.

Purpose of this Final-Form Rulemaking

In addition to the Registration Class Sticker, a vehicle’s weight classification is printed on the vehicle’s registration card. The Registration Class Sticker is not exclusively utilized by third parties, including law enforcement, when verifying the authorized operating weight of a vehicle. Instead, law enforcement, based on the understanding of Department personnel, should rely on the registration card to confirm the authorized operating weight of a vehicle. Therefore, the need for a Registration Class Sticker no longer exists, and its elimination will result in administrative and cost savings to the Department and the regulated community.

Significant Provisions of this Final-Form Rulemaking

This final-form rulemaking deletes Chapter 55 in its entirety.

Summary of Comments and Changes

The Department received 75 public comments related to this final-form rulemaking, 74 of which expressed support. That support came from members of the Pennsylvania Motor Truck Association (PMTA). PMTA and its members have consistently expressed support for eliminating Registration Class Stickers due to their obsolescence and the administrative burden of affixing and changing Registration Class Stickers. In sum, comments in support of this final-form rulemaking noted that Pennsylvania is the only state that requires a Registration Class Sticker to be affixed to a windshield and many comments noted the impact to fleet vehicles when a windshield requires replacement and a vehicle, under the present regulation, can be out of service for several weeks until a replacement Registration Class Sticker is obtained and affixed.

The only comment received from the public in opposition to this final-form rulemaking came from one local

law enforcement officer with the Exeter Township Police Department. The officer noted negative consequences would occur from an enforcement perspective because elimination of the Registration Class Sticker would remove a visual tool that the officer and other local law enforcement rely upon for enforcement activities. While the Department values this input and took it into consideration after conducting research, the Department finds the use of a Registration Class Sticker for law enforcement activities to be inherently unreliable.

First, the officer notes that Registration Class Stickers are important to enforcement activities related to gross vehicle weight (GVW), including instances where a vehicle is “under registered” at a lower GVW. The officer later contends that “under registration” of a vehicle will reduce registration revenues to the Department and may be used to circumvent highway and bridge weight restrictions, which adversely impact the lifespan of transportation infrastructure.

It is important to note that a vehicle’s weight classification is printed on the vehicle’s registration card carried within a vehicle and produced during a vehicle stop. As the Department understands law enforcement practices through consultation with the Pennsylvania State Police, its Motor Carrier Enforcement Division and those that train state and local law enforcement personnel, law enforcement personnel never rely on a Registration Class Sticker alone but always confirm the information set forth on the current registration card carried in the vehicle or by accessing the vehicle record from Department records available to law enforcement. From these sources, the registered GVW can be assessed to determine the acceptable weight limits of an empty and loaded vehicle.

A registrant can register their vehicle at its maximum weight rating, then later, reduce the registered weight. When the registered weight is reduced by the registrant, a new registration card is issued along with a new Registration Class Sticker. It is then up to the registrant to remove the old Registration Class Sticker and replace it with the new one. If they do not, the Registration Class Sticker affixed to the windshield will appear as though the vehicle is registered at a higher weight than contained on the vehicle registration card. The reliable way to determine the vehicle’s registered weight is for the law enforcement officer to review the current registration card. There is nothing that precludes under registration of a vehicle under Commonwealth law but that official registration GVW information will limit the total weight of what can be loaded in a vehicle. The actual weight of the vehicle can only be determined by means of weighing the vehicle with a scale.

Turning to revenue, the revenue generated by the Department is tied to the application fee based upon the registered weight of a vehicle and what is set forth on an application. Eliminating Registration Class Stickers will have no bearing on revenue as application fees will be collected in accordance with established fee schedules. An application for registration under 75 Pa.C.S. (relating to the Vehicle Code) is signed by the applicant under penalty of law and any violation of the registration requirements will occur, with or without Registration Class Stickers. Registration Class Stickers do not prevent an applicant from submitting false information or exceeding the maximum GVW when operating the vehicle.

Looking strictly at revenue, eliminating the Registration Class Sticker increases available revenue to the Department because the Department will not incur printing and other administrative costs associated with the issuance of Registration Class Stickers.

As to weight restricted roadway enforcement, these enforcement activities are strictly based on the actual weight of a vehicle, which is not tied to a Registration Class Sticker. Registered weight has no bearing on this type of enforcement. For example, a truck tractor can be registered to carry up to 40 tons. However, when the truck is empty it weighs far less than 20 tons. Therefore, there is no reason the vehicle would be restricted from using a bridge restricted to 25 tons when it is empty. Compliance with infrastructure weight restrictions can be ensured using a scale.

Second, the officer contends that Registration Class Stickers assist in providing a visual clue that a vehicle may not have a combination registration, which relates to a class of vehicle registration that accounts for the combined weight of a truck tractor and trailer.

Registration Class Stickers do not have any discernable information that can be determined from a distance. It is not until one is close to the sticker that the weight class number is legible. This requires the vehicle to be stopped so that the Registration Class Sticker can be read. As stated previously, once the vehicle is stopped, reviewing the registration card carried in the vehicle or the Department's vehicle records is a more reliable means of confirming the registered GVW.

Third, the officer notes that a Registration Class Sticker of seven or greater provides a visual confirmation that Federal Motor Carrier Safety requirements apply to the vehicle, which alters the enforcement activities undertaken by local law enforcement. Again, the reading of the Registration Class Sticker is difficult at highway speeds. Once the vehicle is pulled over, the visual confirmation is not necessary as the registration weights are readily available on the registration card carried in the vehicle or the Department's vehicle records. It is important to note, Federal Motor Carrier Safety requirements are applied based on the GVW rating, not the registered weight. Reliance solely on the Registration Class Sticker may result in Federal Motor Carrier Safety requirements not being applied (in the case of a vehicle registered in a lower weight category) when they should be.

Lastly, the officer concludes that the safety of the motoring public will be impacted by hampered law enforcement activities to prevent overweight vehicles from using Pennsylvania highways. Safety is the paramount objective of the Department. A vehicle over its registered weight, but not its maximum weight rating as set by the manufacturer, is presumed safe. The only way to know if a vehicle is over either its registered weight or maximum weight rating is to weigh it with a scale; at which time law enforcement can review the registration card. The Department does not believe that this final-form rulemaking will hamper law enforcement activities or impact safety. While certain law enforcement practices may change slightly with this final-form rulemaking, the costs savings to the Department and removing administrative burdens to the regulated community outweigh impacts to law enforcement activities.

The Independent Regulatory Review Commission (IRRC) submitted comments to the Department on July 29, 2020. IRRC reiterated several of the officer's concerns, noting that the Department, in the proposed rulemaking,

stated that law enforcement agencies do not use Registration Class Stickers for enforcement purposes, yet the officer's comments indicate otherwise. IRRC questioned the reasonableness of the regulation on this ground and asked the Department to reach out to other law enforcement agencies or Statewide associations to ensure that the deletion of Chapter 55 will not be problematic for the performance of local law enforcement duties.

As indicated previously, the Department reached out to the Pennsylvania State Police. Its Commercial Vehicle Safety Division provides all training to Pennsylvania State Police troopers and local law enforcement personnel in all aspects of motor carrier vehicle safety enforcement. These discussions resulted in the Department amending the statements set forth in the proposed rulemaking that indicate law enforcement never uses Registration Class Stickers. Throughout this final-form rulemaking, the Department clarifies the inherent unreliability of Registration Class Stickers as the sole means of ensuring that a vehicle is registered and operating in accordance with applicable laws. The training presented to State and local law enforcement encourage law enforcement to use the registration card carried in the vehicle and confirm any unclear information through law enforcement's established means of access to Department vehicle records.

IRRC asked the Department to consider the potential "under registration" of vehicles and its impact on the health, safety and welfare of the public if overweight trucks drive on weight restricted roads and the potential loss of revenue for the Commonwealth. The Department was further asked to explain what safeguards are in place to prevent this from happening.

As previously noted, nothing precludes under registration of a vehicle; however, the registration of a vehicle dictates the total weight a vehicle can lawfully carry. Registration Class Stickers do not prevent false information from being submitted to the Department and these stickers do not prevent an operator from overloading a truck. If a vehicle is under registered and is carrying more weight than its registration limit but less than the overall maximum GVW, a properly maintained vehicle can safely operate, but would subject an operator to citations and fines. Weight restrictions on highways and bridges are not directly tied to the maximum GVW capacity of a vehicle but is instead determined by the actual weight of the vehicle to determine if it exceeds weight restrictions. The problem of exceeding a registered or maximum vehicle weight is not prevented or remedied by the continued use of Registration Class Stickers. The Department reiterates that the benefits of this final-form rulemaking to the regulated community and the reduction of administrative costs to the Commonwealth and regulated community outweigh impacts to law enforcement activities.

Persons and Entities Affected

This final-form rulemaking will impact an estimated 1.6 million commercial and non-commercial vehicles currently required to display the Registration Class Sticker.

Fiscal Impact

Deleting Chapter 55 will save the Department the cost of maintaining an inventory of the required stickers (averaging \$25,000 annually). The fiscal impact to the regulated community is difficult to quantify because there is no direct savings to individuals or business as a result of this final-form rulemaking. No fee is charged to individuals or businesses to obtain or replace a Registration Class Sticker. Cost savings to the regulated commu-

nity are tied to administrative time savings to obtain or replace a damaged or destroyed sticker and the time to affix the sticker to a windshield.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 18, 2020, the Department submitted a copy of the notice of proposed rulemaking, published at 50 Pa.B. 2746 (May 30, 2020), to IRRC and to the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department is required to submit to IRRC and the House and Senate Committees copies of 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 and the public. No comments were received from the House and Senate Committees.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on December 8, 2021, 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 December 9, 2021 and approved this final-form rulemaking.

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 this regulation, as this final-form rulemaking deletes a chapter.

Contact Person

The contact person for technical questions about this final-form rulemaking is R. Scott Shenk, Manager, Vehicle Registration Division, Bureau of Motor Vehicles, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104 or rshenk@pa.gov.

Findings

The Department finds that:

(1) Public notice of the amendments to the regulations in 67 Pa. Code Chapter 55, was given at 50 Pa.B. 2746 under sections 201 and 202 of the Act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law and the regulations promulgated under those sections at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.

(3) These amendments to the regulations of the Department are necessary and appropriate for the continued implementation of 75 Pa.C.S. § 1304(b) in view of comments received and the public interest.

Order

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

(a) The regulations of the Department, 67 Pa. Code Chapter 55, are amended to delete §§ 55.1—55.6 to read as set forth in Annex A.

(b) The Department shall submit this final-form rulemaking to the Office of General Counsel and Office of Attorney General, as required by law, for approval as to form and legality.

(c) The Department shall submit this final-form rulemaking to the IRRC and the Senate and House Transportation Committees as required by law.

(d) The Department shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau, as required by law.

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

YASSMIN GRAMIAN,
Secretary

(*Editor's Note:* See 51 Pa.B. 8061 (December 25, 2021) for IRRC's approval order.)

Fiscal Note: Fiscal Note 18-477 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 III. REGISTRATION

CHAPTER 55. (Reserved)

§ 55.1. (Reserved).

§ 55.2. (Reserved).

§ 55.3. (Reserved).

§ 55.4. (Reserved).

§ 55.5. (Reserved).

§ 55.6. (Reserved).

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