

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]

#### Emergency Vehicles

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) amends § 19.18 (relating to established place of business for dealers).

#### *Description and Need for Final-Form Rulemaking*

Section 19.18(3)(i) requires licensed dealers to maintain a display area large enough to display five vehicles of the type normally sold at that dealership. This final-form rulemaking exempts licensed vehicle dealers who sell only new firefighting or other emergency services vehicles from the minimum display area requirement of § 19.18(3)(i).

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Board published notice of proposed rulemaking at 33 Pa.B. 4687 (September 20, 2003) with a 30-day public comment period. The Board did not receive any comments from the public. The Board did not receive comments from the Independent Regulatory Review Commission (IRRC), the House Professional Licensure Committee or the Senate Consumer Protection and Professional Licensure Committee as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12).

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions and will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### *Effective Date*

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

#### *Statutory Authority*

The rulemaking is promulgated under section 4(a)(9) of the Board of Vehicles Act (63 P. S. § 818.4(a)(9)).

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 9, 2003, the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 4687, to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure 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 the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 11, 2004, the final-form rulemaking was approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the amendment was deemed approved by IRRC, effective May 26, 2004.

#### *Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Teresa Woodall, Board Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1697, ra-st-vehicle@state.pa.us.

#### *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was 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) A public comment period was provided as required by law.

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

#### *Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 19, are amended by amending § 19.18 to read as set forth at 33 Pa.B. 4687.

(b) The Board shall submit this order and 33 Pa.B. 4687 to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall certify this order and 33 Pa.B. 4687 and deposit them with the Legislative Reference Bureau as required by law.

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

EDWIN K. GALBREATH, Jr.,

*Chairperson*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 3078 (June 12, 2004).)

**Fiscal Note:** Fiscal Note 16A-606 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 04-1194. Filed for public inspection July 2, 2004, 9:00 a.m.]