

RULES AND REGULATIONS

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 84]

Dual Control Learner's Permit

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 1504(c), 1505—1507, 1514(b), 1514(c) and 6103, amends Chapter 84 (relating to dual control learner's permit).

Purpose of Chapter

The purpose of Chapter 84 is to establish a procedure for issuance of a dual control learner's permit to a driver or applicant.

Purpose of the Final-Form Rulemaking

The purpose of this final-form rulemaking is to update the process and expand the eligibility for obtaining a dual control learner's permit. A dual control learner's permit authorizes the permit holder to drive a motor vehicle equipped with a second operable brake pedal accessible to a trained instructor in the front passenger seat. This chapter has not been revised since 1982.

This final-form rulemaking expands the criteria used to determine eligibility. The former regulation only authorized the issuance of the dual control learner's permit only to a driver or applicant who fails a driving exam. There have been a number of instances when an applicant with a medical condition has turned 16 years of age and he does not qualify because a driving exam has never been failed. In addition, requests are received for dual control permits from drivers that have had a stroke or another medical condition that requires rehabilitation. The driver's physician may recommend driver training and testing to determine competency. In these situations, the drivers would benefit from one-on-one training and instruction.

Summary of Comments and Changes in the Final-Form Rulemaking

The proposed rulemaking was published at 42 Pa.B. 3746 (June 30, 2012). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees.

Comments or objections were not received from the public, the House and Senate Committees or IRRC. Consequently, this final-form rulemaking is adopted as proposed.

Persons and Entities Affected

This final-form rulemaking affects persons who, because of their medical condition or otherwise, are required to obtain one-on-one instruction with a certified driver training in a dual control vehicle to become licensed.

Fiscal Impact

Implementation of this final-form rulemaking will not require the expenditure of significant additional funds by the Commonwealth or local municipalities. This final-form rulemaking will not impose additional costs on the medical community.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 20, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 3746, 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 House and Senate 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 November 14, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective November 14, 2012.

Sunset Provisions

This final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*. The Department is not establishing a sunset date for these regulations as these regulations are needed to administer provisions required under 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 technical questions about this final-form rulemaking is Scott Shenk, Manager, Driver Safety Division, Bureau of Driver Licensing, P. O. Box 68676, Harrisburg, PA 17106-8676, (717) 787-2977.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 84, are amended by amending §§ 84.1, 84.2 and 84.3 to read as set forth at 42 Pa.B. 3746.

(b) The Secretary of the Department shall submit this order and 42 Pa.B. 3746 to the Office of General Counsel and the Office of Attorney General for approval as to legality and from, as required by law.

(c) The Secretary shall certify this order and 42 Pa.B. 3746 with the Legislative Reference Bureau as required by law.

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

BARRY J. SCHOCH, P.E.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 7364 (December 1, 2012).)

Fiscal Note: Fiscal Note 18-424 remains valid for the final adoption of the subject regulations.

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