

**CHAPTER 65. PERMIT AGENTS**

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**Authority**

The provisions of this Chapter 65 issued under the Vehicle Code, 75 Pa.C.S. §§ 6142, 6145, and 6103(a).

**Source**

The provisions of this Chapter 65 adopted April 29, 1983, effective April 30, 1983, 13 Pa.B. 1440, unless otherwise noted.

**Cross References**

This chapter cited in 67 Pa. Code § 63.53 (relating to trip permits); 67 Pa. Code § 63.54 (relating to hunter permits); and 67 Pa. Code § 63.93 (relating to cancellation).

**§ 65.1. Purpose.**

The purpose of this chapter is to establish rules governing the qualifications and duties of designated agents for the issuance of trip permits, hunter permits and telegrams of authority under Chapter 63 (relating to proportional registration of fleet vehicles).

**Source**

The provisions of this § 65.1 adopted April 29, 1983, effective April 30, 1983, 13 Pa.B. 1440; readopted May 6, 1988, effective immediately and applies retroactively to April 30, 1988, 18 Pa.B. 2131. Immediately preceding text appears at serial page (87699).

**§ 65.2. Definitions.**

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

*Agent*—A person authorized by the Department to issue trip permits, hunter permits and telegrams of authority under this chapter.

*Applicant*—A person who wants to purchase trip permits, hunter permits or telegrams of authority.

*Apportionable vehicle*—Any vehicle except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles, used or

intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and is used for the transportation of persons for hire or designed, used or maintained primarily for the transportation of property:

- (i) Having a gross vehicle weight in excess of 26,000 pounds.
- (ii) Having three or more axles, regardless of weight.
- (iii) If used in combination, with a gross weight of such combination exceeding 26,000 pounds.

*Base jurisdiction*—For purposes of fleet registration, the jurisdiction where the registrant has an established place of business, where mileage is accrued by the fleet and where operational records of such fleets are maintained or can be made available.

*Base plate*—The registration plate issued by the base jurisdiction, identified by having the word “APPORTIONED” and the base jurisdiction’s name on the plate.

*Bilateral agreement*—A registration reciprocity agreement between the Commonwealth and another jurisdiction providing the payment of registration fees on the basis of fleet miles operated in each jurisdiction.

*Bureau*—The Bureau of Motor Vehicles of the Department.

*Cab card*—A registration card issued by the base jurisdiction for a vehicle of an apportioned fleet containing the make and VIN of the vehicle, the base plate number, the jurisdictions in which the vehicle is registered, registered gross weight for each jurisdiction and any other information deemed necessary.

*Certificate of authorization*—A certificate issued by the Bureau authorizing an agent to distribute trip permits, hunter permits or temporary registration authorization.

*Department*—The Department of Transportation of the Commonwealth.

*Division*—The Commercial Registration Division of the Bureau.

*Established place of business*—A physical structure owned or leased by a fleet registrant designated by a street and number or road location, which is open during normal business hours and in which are located:

- (i) A telephone publicly listed in the name of the fleet registrant.
- (ii) A person conducting the fleet registrant’s business.
- (iii) The operational records of the fleet unless the records can be made available.

*Hunter permit*—A temporary vehicle registration permit to an owner-operator, not operating as a lessor, for the registered gross weight not exceeding the empty weight of the vehicle.

*Jurisdiction*—A state of the United States, the District of Columbia or a province of Canada.

*Lease*—A written document vesting exclusive possession and control of a vehicle owned by another under the terms of a lease agreement.

*Lessee*—A person who has the legal possession and control of a vehicle owned by another under the terms of a lease agreement.

*Lessor*—A person who, under the terms of a lease, grants the legal right of possession, control of, and responsibility for the operation of a vehicle to another person, firm or corporation.

*Motor carrier*—A person engaged in the business of transporting goods or persons and having a fleet apportionately registered with the Commonwealth as the base jurisdiction.

*Person*—A natural person, firm, partnership, association or corporation.

*Reciprocity*—Exemption from further registration by any member jurisdiction of an apportionable vehicle properly registered under an agreement.

*Telegram of authority*—A temporary registration authorizing the operation of a Commonwealth based vehicle for 30 days while application for a change in fleet registration is being processed by the Bureau.

*Trip permit*—A temporary permit issued by a jurisdiction in lieu of regular apportioned registration.

#### Source

The provisions of this § 65.2 adopted April 29, 1983, effective April 30, 1983, 13 Pa.B. 1440; readopted May 6, 1988, effective immediately and applies retroactively to April 30, 1988, 18 Pa.B. 2131. Immediately preceding text appears at serial pages (87699) to (87701).

### § 65.3. Certificate of authorization.

(a) *Application procedure.* A person other than a motor carrier or State agency wishing to be authorized to sell trip permits, hunter permits or telegrams of authority shall make application for a certificate of authorization to the Bureau on a form provided by the Bureau.

(1) The application shall include:

- (i) A letter of reference from a bank.
- (ii) Three letters of reference from reputable business concerns.
- (iii) A set of fingerprints of the applicant or of the principals of a partnership or corporation.
- (iv) The prescribed annual fee for the principal place of business of the applicant and branch offices, if any.
- (v) A listing of outstanding liabilities due and owing to the Commonwealth, if any.
- (vi) The names and social security numbers of owners or officers of the permit service.
- (vii) An indication of the type of permits or authorizations for which the agency application is being made.

(2) The Department may waive any of the requirements of paragraph (1) if the applicant has shown proven experience in this type of operation.

(b) *Review of application.* The Department will examine and determine the genuineness, regularity, and legality of every application for a certificate of

authorization as a permit agent. The Department may cause an investigation of an applicant to be made with regard to any of the following:

- (1) Condition of the applicant's proposed business premises.
- (2) Department of State records pertaining to the business.
- (3) The criminal record of any owner, officer or agent.
- (4) An unsatisfied judgement against the business, owner or officer.
- (5) A credit rating of the business and its owner and officers.
- (6) The status of the business with the Department of Revenue.
- (7) Assets and liabilities of the business.

(c) *Denial of application.* The Department may deny an application for a certificate of authorization on the basis of information revealed in the investigation, or if the applicant fails to disclose material information required or has made a materially false statement on the application.

(d) *Opportunity for review.* If the Department denies an application for a certificate of authorization, the Department will provide the applicant with an opportunity to show cause why the application should not be denied.

(e) *Temporary certificate of authorization.* The Bureau may issue a temporary certificate of authorization for no more than 60 days, during which period the Bureau may investigate the operations of the agent. When the temporary certificate of authorization expires, the Bureau may issue a regular certificate of authorization.

(f) *Issuance of certificate of authorization.* The Bureau will issue a certificate of authorization to an approved permit agent on a calendar year basis. In no case will a certificate of authorization be issued for more than 12 months. Certificates of authorization will expire on December 31 of each calendar year. Each certificate of authorization will indicate the type of permit or telegram of authority which the agent may issue.

(g) *Renewal of certificate of authorization.* A certificate of authorization will be renewable annually on a form provided by the Bureau.

(h) *Transfer of certificate of authorization.* A certificate of authorization may not be transferred and will be valid only for the owner in whose name it is issued.

- (1) In the case of any change of ownership, the certificate of authorization shall be returned to the Bureau.
- (2) The following are regarded as changes of ownership:
  - (i) Whenever the owner takes a new partner.
  - (ii) Whenever the owner sells the business.
  - (iii) Incorporation of the business.
  - (iv) Sale of controlling interest in a corporation.

#### Source

The provisions of this § 65.3 adopted April 29, 1983, effective April 30, 1983, 13 Pa.B. 1440; readopted May 6, 1988, effective immediately and applies retroactively to April 30, 1988, 18 Pa.B. 2131. Immediately preceding text appears at serial pages (87701) to (87702).

**§ 65.4. Motor carrier as a hunter permit agent.**

A motor carrier wishing to be authorized to sell hunter permits shall make application to the Bureau on forms furnished by the Bureau. The application shall include the account number assigned by the Bureau to the applicant for apportioned registration of its fleet. The applicant must own a fleet of 5 or more vehicles to qualify.

**Source**

The provisions of this § 65.4 adopted April 29, 1983, effective April 30, 1983, 13 Pa.B. 1440; corrected February 24, 1984, effective November 26, 1983, 14 Pa.B. 661; readopted May 6, 1988, effective immediately and applies retroactively to April 30, 1988, 18 Pa.B. 2131. Immediately preceding text appears at serial pages (87702) to (87703).

**§ 65.5. State agency as trip permit agent.**

A State agency of another jurisdiction wishing to sell Pennsylvania trip permits shall make application to the Bureau on forms furnished by the Bureau.

**Source**

The provisions of this § 65.5 adopted April 29, 1983, effective April 30, 1983, 13 Pa.B. 1440; corrected February 24, 1984, effective November 26, 1983, 14 Pa.B. 661; readopted May 6, 1988, effective immediately and applies retroactively to April 30, 1988, 18 Pa.B. 2131. Immediately preceding text appears at serial page (87703).

**§ 65.6. Distribution of permits and telegrams of authority.**

(a) *Issuance by agents.* Permits and telegrams of authority shall be issued only by agents authorized by the Bureau.

(b) *Trip and hunter permits.* Every agent authorized to issue trip permits or hunter permits shall, upon request, issue a trip permit or hunter permit to the owner or lessee of a vehicle who has made proper application for the permit and has paid the required fees.

(1) The agent shall complete the permit in ink or with typewriter in triplicate, including all required information.

(2) The original copy of the permit shall be forwarded to the Bureau within 10 days.

(3) The applicant's copy of the trip permit shall be given, wired or telecopied, to the applicant for possession by the driver of the vehicle whenever the vehicle is being driven on the highways of this Commonwealth.

(4) The triplicate or agent's copy of the trip permits and copies of any related documents shall be retained at the agent's place of business for at least 3 years for inspection by police or duly authorized representatives of the Department. Microfilming of records is acceptable.

(c) *Telegrams of authority.* Every agent authorized to issue telegrams of authority shall issue a telegram of authority in the format specified by the Bureau after receiving approval of the Division. Approval can be obtained by telephone or Telex.

(1) A copy of the telegram shall be forwarded to the Bureau within 10 days.

(2) A copy of the telegram shall be given to the applicant for possession by the driver of the vehicle whenever the vehicle is being operated.

(3) The agent's copy of the telegrams of authority and copies of any related documents shall be retained at the agent's place of business for at least 3 years for inspection by police and duly authorized representatives of the Department.

#### Source

The provisions of this § 65.6 adopted April 29, 1983, effective April 30, 1983, 13 Pa.B. 1440; readopted May 6, 1988, effective immediately and applies retroactively to April 30, 1988, 18 Pa.B. 2131. Immediately preceding text appears at serial pages (87703) to (87704).

### § 65.7. Duties of agents.

(a) *Records.* Every agent shall maintain a record of every trip permit, hunter permit and telegram of authority issued by the agent, which shall include the date and to whom issued, and the information pertinent to each permit.

(b) *Communications equipment.* Every agent wishing to issue telegrams of authority or trip permits by wire shall provide the Division with the necessary communications equipment, acceptable to the Division.

(c) *Security of permits.* Trip permits and hunter permits shall be kept in a secure place, such as locked cabinets which meet the approval of the Bureau. Agents are responsible for security of permits obtained by them until they are issued to applicants. The loss or theft of a permit shall be reported to the Division immediately upon discovery of the loss or theft.

(d) *Return or surrender of permits.* An agent who discontinues business or whose certificate of authorization to issue trip permits or hunter permits has been suspended by the Bureau shall immediately return trip permits and hunter permits to the Division.

#### Source

The provisions of this § 65.7 adopted April 29, 1983, effective April 30, 1983, 13 Pa.B. 1440; readopted May 6, 1988, effective immediately and applies retroactively to April 30, 1988, 18 Pa.B. 2131. Immediately preceding text appears at serial page (87704).

### § 65.8. Fees.

(a) *General.* The following applies to the payment of fees:

(1) The initial fee for processing a certificate of authorization to issue trip permits, hunter permits or telegrams of authority is \$25.

(2) The annual fee for a certificate of authorization to issue trip permits, hunter permits or telegrams of authority is \$50.

(3) The fee to an authorized permit agent for a trip permit is \$15. Trip permits may be obtained by agents only in multiples of 25. Governmental agencies may obtain trip permits without prepayment of fees, in which case they shall remit the fee to the Bureau for each permit immediately upon issuance.

(4) The fee to an authorized permit agent for a hunter permit shall be \$10. Hunter permits may be obtained by agents only in multiples of 10.

(5) The fee payable to the Department by a motor carrier to obtain a telegram of authority shall be \$2. Agents shall remit the fees to the Bureau weekly, on the last day of each week.

(b) *Form of remittance.* The Department may require certified checks or money orders from an agent.

(c) *Service charges by agents.* No service charge imposed by an authorized agent for issuing trip permits, hunter permits or telegrams of authority may exceed \$10.

(d) *Refunds.* A refund of the fee paid for unused prepaid trip permits and hunter permits may be made by the Department when an agent discontinues business or does not renew the certificate of authorization or when the certificate of authorization is indefinitely suspended, upon payment of a \$10 processing fee.

#### Source

The provisions of this § 65.8 adopted April 29, 1983, effective April 30, 1983, 13 Pa.B. 1440; readopted May 6, 1988, effective immediately and applies retroactively to April 30, 1988, 18 Pa.B. 2131. Immediately preceding text appears at serial pages (87704) to (87705).

### § 65.9. Audits.

Every agent shall make available to designated audit representatives of the Bureau, records of issuance of trip permits, hunter permits and telegrams of authority upon request. If these records are not maintained in the Commonwealth, the agent will be charged for expenses incurred by the auditor.

#### Source

The provisions of this § 65.9 adopted April 29, 1983, effective April 30, 1983, 13 Pa.B. 1440; readopted May 6, 1988, effective immediately and applies retroactively to April 30, 1988, 18 Pa.B. 2131. Immediately preceding text appears at serial page (87705).

### § 65.10. Sanctions for violations by permit agents.

(a) *Schedule.* After providing an opportunity for a hearing, the Department may impose sanctions on an agent according to the following schedule of violations by the agent when the Department finds upon sufficient evidence that the following have occurred.

|   | <i>1st Offense</i>   | <i>2nd Offense</i>  | <i>3rd Offense</i>   | <i>4th and<br/>Subsequent<br/>Offense</i> |
|---|--|---|--|---|
| (1) The authorized agent has failed to report change of business address before or within 15 days after such change.                      | Written warning  | 1 month suspension  | 3 months suspension  | Revocation                                |
| (2) The agent has failed to maintain proper records.  | Written warning  | 1 month suspension  | 3 months suspension  | 6 months suspension                       |
| (3) The agent has failed to allow inspection of all documents in the possession of the permit agent by authorized Commonwealth employees. | 1 month suspension   | 3 months suspension   | 6 months suspension  | Revocation                                |
| (4) The agent has refused to make available records to authorized Commonwealth employees, within 15 days of written notice.               | Until records are made available, plus 6 months suspension.  | Revocation  |  |   |
| (5) The agent has failed to notify the Bureau of a change of ownership and to apply for a new certificate of authorization.               | Suspension until application for new certificate of authorization has been made and has been approved by the Department. | Suspension until application for new certificate of authorization has been made and has been approved by the Department, plus 1 month suspension. | Suspension until application for new certificate of authorization has been made and has been approved by the Department, plus 3 months suspension. | Revocation                                |
| (6) An owner or officer of the agent business is a Commonwealth employee or the agent is employing a Commonwealth employee.               | 1 month suspension   | 6 months suspension   | Revocation   |   |
| (7) The agent has offered or paid money, gifts, or other rewards to Commonwealth employees.   | 6 months suspension  | Revocation  |  |   |
| (8) The agent has failed to maintain security of documents.   | Written warning  | 1 month suspension  | 3 months suspension  | 6 months suspension                       |
| (9) The agent has failed to submit documents and fees in accordance with this chapter.  | Written warning  | 1 month suspension  | 3 months suspension  | 6 months suspension                       |

|  | <i>1st Offense</i>  | <i>2nd Offense</i>   | <i>3rd Offense</i>  | <i>4th and Subsequent Offense</i> |
|--|---|--|---|-----------------------------------|
| (10) The agent has submitted documents to the Department for processing which have been accompanied by uncollectable checks drawn on the account of the agent. | Suspension upon written notice of the Department until all uncollectable checks, protest fees, and collection charges are paid. | Suspension upon written notice of the Department until all uncollectable checks, protest fees, and collection charges are paid, plus 1 month suspension. | Suspension upon written notice of the Department until all uncollectable checks, protest fees, and collection charges are paid, plus 3 months suspension. | Revocation                        |
| (11) The agent has issued permits or telegrams of authority not in accordance with this chapter.   | Written warning   | 1 month suspension   | 3 months suspension   | 6 months suspension               |

(b) *Second and subsequent violations.* Second violations are determined on the basis of a previous violation of the same nature committed within a 3-year period. Third or subsequent violations are determined on the basis of two or more previous violations of the same nature committed within a 3-year period.

(c) *Multiple violations.* In the case of multiple violations considered at one time, the Department may impose separate sanctions for each violation under the schedule in subsection (a). The Department may direct that a suspension imposed be served concurrently or consecutively.

(d) *Responsibility for acts of employes.* In determining whether an agent is responsible for a violation of subsection (a)(6) or (7), the Department hearing examiner will consider whether one or more employes of the agent may have committed the violation without the knowledge or approval of the agent. If the hearing examiner determined that the violation occurred without the knowledge or approval of the agent, the Director of the Bureau may impose a lesser sanction than set forth in subsection (a).

(e) *Mitigation.* If, upon evidence submitted at the hearing, it is found that a violation occurred under mitigating circumstances, the Director of the Bureau may impose a lesser sanction than that set forth in subsection (a).

(f) *Revocation.* Upon revocation of an agent's certification of authorization, the agent will be debarred from applying for a new certificate of authorization for 1 year.

**Source**

The provisions of this § 65.10 adopted April 29, 1983, effective April 30, 1983, 13 Pa.B. 1440; corrected February 24, 1984, effective November 26, 1983, 14 Pa.B. 661; readopted May 6, 1988, effective immediately and applies retroactively to April 30, 1988, 18 Pa.B. 2131. Immediately preceding text appears at serial pages (87705) to (87706) and (95335).

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