

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1272 Session of
1989

INTRODUCED BY SHUMAKER, HELFRICK, WENGER, CORMAN, LYNCH,
AFFLERBACH, MADIGAN, PUNT, SHAFFER, REIBMAN, PORTERFIELD,
DAWIDA, STAPLETON, HESS, ANDREZESKI, BELAN, STOUT, LEMMOND,
PETERSON, WILT, HOLL, BRIGHTBILL, BODACK, LINCOLN, BAKER,
SALVATORE, MELLOW, ARMSTRONG, HOPPER, ROSS AND WILLIAMS,
OCTOBER 3, 1989

REFERRED TO TRANSPORTATION, OCTOBER 3, 1989

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, creating the offense of trespass by motor vehicles;
3 and further providing for fines, penalties and suspension of
4 driver's license for unauthorized operation of motor vehicles
5 on private real property.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 75 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 3716. Trespass by motor vehicle.

11 (a) General rule.--It is unlawful for a person to knowingly
12 operate a motor vehicle on private real property other than a
13 private road or driveway without consent of the owner or lessor
14 of the real property.

15 (b) Operation of motor vehicle on private road or driveway
16 prohibited.--It is unlawful, without the consent of the owner or
17 lessor, for a person to knowingly operate a motor vehicle on a

1 private road or driveway. There shall be a rebuttable
2 presumption that a person has knowingly violated this subsection
3 if the owner or lessor of the road or driveway has placed, at or
4 near the points of entry from public or private vehicular
5 access, a gate, fence or similar obstruction or a readily
6 visible sign that would reasonably convey that the unauthorized
7 operation of motor vehicles on the road or driveway is
8 prohibited.

9 (c) Damage to real property by operation of motor vehicle
10 prohibited.--It is unlawful for a person to knowingly or
11 recklessly cause damage to any real or personal property by
12 means of the operation of a motor vehicle on private real
13 property. There shall be a rebuttable presumption that a person
14 has knowingly or recklessly caused damage under this subsection
15 where digging, ground breakage or other damage to land, sod or
16 soil or damage to trees, growing crops, ornamental flowers or
17 shrubs or other similar flora affixed to the land or to
18 structures, fixtures or personal property affixed to or located
19 on the private real property has resulted from the operation of
20 a motor vehicle on the private real property.

21 (d) Travel on cultivated land prohibited.--It is unlawful
22 for a person to knowingly operate a motor vehicle on cultivated
23 agricultural land of another without the consent of the owner or
24 lessor. For purposes of this subsection, the term "cultivated
25 agricultural land" includes land which is or has been recently
26 groomed or prepared for the purpose of present or future
27 commercial or private agricultural, silvicultural, horticultural
28 or floricultural production, whether or not the land is
29 currently in seed or sustaining growing crops. There shall be a
30 rebuttable presumption that a person has knowingly operated a

motor vehicle on cultivated agricultural land either if there are agricultural crops or residue from the crops visible on the land or if the owner or lessor of the land has placed near the roadside boundaries of the property visible signs which would easily convey to the operator of a motor vehicle that the land is cultivated agricultural land and that operation of a motor vehicle on it is prohibited.

(e) Offense defined.--The following penalties shall apply:

(1) A person who violates subsection (b) commits a summary offense and shall, upon conviction, be subject to a fine of \$100.

(2) A person who violates subsection (c) or (d) commits a summary offense and shall, upon conviction, be subject to the following penalties:

(i) A fine of \$500 for a first conviction of the offense.

(ii) A fine of \$1,000 plus suspension of operating privileges for a period of six months for a second or subsequent conviction of the offense. If a person is under 16 years of age at the time of the second or subsequent conviction of an offense, the period of suspension shall commence upon the person's 16th birthday.

(3) In addition, restitution shall be made for the value of damage to real or personal property which results from the violation of this section.

(f) Assessment of points.--A person whose operating privilege has been suspended pursuant to subsection (e) shall not be subject to assessment of points otherwise applicable under section 1545 (relating to restoration of operating

1 privilege) upon restoration of privileges.

2 (g) Additional penalties.--This section is not intended nor
3 shall this section be construed to preclude prosecution,
4 conviction or imposition of penalties pursuant to other
5 provisions of this title that may be applicable.

6 Section 2. Section 6322(a) of Title 75 is amended to read:
7 § 6322. Reports by issuing authorities.

8 (a) General rule.--Subject to any inconsistent procedures
9 and standards relating to reports and transmission of funds
10 prescribed pursuant to Title 42 (relating to judiciary and
11 judicial procedure):

12 (1) Following the fifteenth and last days of each month,
13 every issuing authority shall prepare a statement, upon forms
14 prescribed and furnished by the department, of all fines
15 collected, bail forfeited, sentence imposed and final
16 disposition for all cases on violations of or adjudications
17 of delinquency under any provisions of this title decided by
18 the issuing authority in the semimonthly reporting period
19 just concluded. The statement shall be certified by the
20 issuing authority to be true and correct and shall be
21 forwarded to the department within the following week, with a
22 copy sent to the police department which filed the charge.
23 Any fines and bail forfeited payable to the Commonwealth
24 under Subchapter E of Chapter 35 of Title 42 (relating to
25 fines, etc.) shall accompany the report to the department.

26 (2) The report shall include the identifying number of
27 the citation, the name and residence address of the party
28 charged, the driver's license number, the registration number
29 of the vehicle involved, a description of the offense, the
30 section and subsection of the statute or ordinance violated,

1 the date of hearing, the plea, the judgment or whether bail
2 was forfeited, clear and concise reasons supporting the
3 adjudication, the sentence or amount of forfeiture and such
4 other information as the department may require.

5 * * *

6 Section 3. Section 7724(a) of Title 75 is amended to read:

7 § 7724. Operation on private or State property.

8 (a) Private real property.--

9 (1) No person shall operate a snowmobile or an ATV on
10 any private real property without the consent of the owner
11 [of] or lessor thereof. Any person operating a snowmobile or
12 an ATV upon lands of another shall stop and identify himself
13 upon the request of the landowner or his duly authorized
14 representatives and, if requested to do so by the landowner,
15 shall promptly remove the snowmobile or ATV from the
16 premises.

17 (2) When a person operates a snowmobile or an ATV in a
18 manner as to violate section 3716 (relating to trespass by
19 motor vehicle), the applicable fines, penalties and
20 suspensions provided in this title for violation of section
21 3716 shall apply to this subsection.

22 * * *

23 Section 4. This act shall take effect in 60 days.