

## 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

AS AMENDED ON THIRD CONSIDERATION, DECEMBER 13, 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 EXCEPT WHEN NECESSARY AS A RESULT OF EMERGENCY <—  
17 OR WHEN NECESSARY TO PROVIDE THE OPERATOR A MEANS OF TURNING HIS

1 VEHICLE AROUND ON PORTIONS OF HIGHWAYS WHERE NO OTHER MEANS OF  
2 TURNING AROUND IS PROVIDED, IT is unlawful, without the consent  
3 of the owner or lessor, for a person to knowingly operate a  
4 motor vehicle on a private road or driveway. There shall be a  
5 rebuttable presumption that a person has knowingly violated this  
6 subsection if the owner or lessor of the road or driveway has  
7 placed, at or near the points of entry from public or private  
8 vehicular access, a gate, fence or similar obstruction or a  
9 readily visible sign that would reasonably convey that the  
10 unauthorized operation of motor vehicles on the road or driveway  
11 is prohibited.

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

24 (d) Travel on cultivated land prohibited.--It is unlawful  
25 for a person to knowingly operate a motor vehicle on cultivated  
26 agricultural land of another without the consent of the owner or  
27 lessor. For purposes of this subsection, the term "cultivated  
28 agricultural land" includes land which is or has been recently  
29 groomed or prepared for the purpose of present or future  
30 commercial or private agricultural, silvicultural, horticultural

1 or floricultural production, whether or not the land is  
2 currently in seed or sustaining growing crops. There shall be a  
3 rebuttable presumption that a person has knowingly operated a  
4 motor vehicle on cultivated agricultural land either if there  
5 are agricultural crops or residue from the crops visible on the  
6 land or if the owner or lessor of the land has placed near the  
7 roadside boundaries of the property visible signs which would  
8 easily convey to the operator of a motor vehicle that the land  
9 is cultivated agricultural land and that operation of a motor  
10 vehicle on it is prohibited.

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

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

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

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

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

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

30 (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  
privilege) upon restoration of privileges.

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

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

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

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

~~(2) The report shall include the identifying number of~~  
~~the citation, the name and residence address of the party~~

1 ~~charged, the driver's license number, the registration number~~  
2 ~~of the vehicle involved, a description of the offense, the~~  
3 ~~section and subsection of the statute or ordinance violated,~~  
4 ~~the date of hearing, the plea, the judgment or whether bail~~  
5 ~~was forfeited, clear and concise reasons supporting the~~  
6 ~~adjudication, the sentence or amount of forfeiture and such~~  
7 ~~other information as the department may require.~~

8 \* \* \*

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

10 SECTION 2. SECTIONS 6501(A) AND 7724(A) OF TITLE 75 ARE  
11 AMENDED TO READ:

12 § 6501. DEFINITION OF CONVICTION.

13 (A) GENERAL RULE.--FOR THE PURPOSES OF THIS TITLE A  
14 CONVICTION INCLUDES A PLEA OF GUILTY, A PLEA OF NOLO CONTENDERE,  
15 A FINDING OF GUILTY, A CONSENT DECREE OR AN ADJUDICATION OF  
16 DELINQUENCY BY A COURT OR AN UNVACATED FORFEITURE OF BAIL OR  
17 COLLATERAL DEPOSITED TO SECURE A DEFENDANT'S APPEARANCE IN  
18 COURT.

19 \* \* \*

20 § 7724. Operation on private or State property.

21 (a) Private real property.--

22 (1) No person shall operate a snowmobile or an ATV on  
23 any private real property without the consent of the owner  
24 [of] or lessor thereof. Any person operating a snowmobile or  
25 an ATV upon lands of another shall stop and identify himself  
26 upon the request of the landowner or his duly authorized  
27 representatives and, if requested to do so by the landowner,  
28 shall promptly remove the snowmobile or ATV from the  
29 premises.

30 (2) When a person operates a snowmobile or an ATV in a

1     manner as to violate section 3716 (relating to trespass by  
2     motor vehicle), the applicable fines, penalties and  
3     suspensions provided in this title for violation of section  
4     3716 shall apply to this subsection.

5     \* \* \*

6     Section 4 3. This act shall take effect in 60 days.

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